

THE REVISED ORDINANCES OF HONOLULU 2021

**Comprising the Ordinances of the
CITY AND COUNTY OF HONOLULU
Ordinance No. 17-53 through Ordinance No. 20-35
October 7, 2020**

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Honolulu - Traffic and Vehicles

ARTICLE 1: TRAFFIC REGULATION

Section

15-1.1 Purpose of ordinance

§ 15-1.1 Purpose of ordinance.

The provisions hereinafter set forth are to provide for the regulation of traffic upon the public streets of the city; and such private streets, highways, or thoroughfares that for six months or more have been continuously used by the general public or that are intended for dedication to the public use as provided in HRS § 264-1 and are open for public travel but have not yet been accepted by the city, except private roads used primarily for agricultural purposes; and for bicycle paths constructed on easements granted to the city, and this chapter may be cited as the traffic code of the city.

(Sec. 15-1.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 1, § 15-1.1)

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§ 15-2.1 Definition of words and phrases.

The following words and phrases when used in this traffic code shall, for the purposes thereof, have the meanings respectively ascribed to them in this article, unless it is apparent from the context that a different meaning is intended. Words not specifically defined herein shall have the meaning ascribed to them under HRS Chapter 291C.

(Sec. 15-2.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.1)

§ 15-2.2 Abandoned vehicle.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Abandoned Vehicle. Any vehicle, including a moped, left unattended for more than 24 hours on a public highway.
(Sec. 15-2.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.2) (Am. Ord. 18-13)

§ 15-2.3 Anti-speed bump.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Anti-Speed Bump. A convex mound, approximately 3 feet wide at the base and approximately 4 inches high in height at the apex, placed across the width of a public street for the purpose of controlling the speed of vehicular traffic.
(Sec. 15-2.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.3)

§ 15-2.4 Authorized vehicle.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Authorized Emergency Vehicle. Any vehicle of the police and fire departments of the city, or of a federal agency having similar functions of law enforcement and fire protection as the police and fire departments of the city; any vehicle privately owned by police officers designated and approved by the chief of police to be used by them in the performance of their duties and any federal, State, and city and county ambulance; and any vehicle used by the department of the medical examiner in the performance of the department's official duties. It also means any other vehicle, including vehicles under private ownership, as may be designated after inspection by and approval of the director of budget and fiscal services with the exception of privately owned ambulances, which shall be inspected and approved by the emergency medical services systems branch of the State department of health.

Authorized Maintenance Vehicle. Any vehicle of the city, the State, and the federal government that is used in street lighting, traffic signal, highway construction, and highway repair and maintenance work. Also included in this definition are all vehicles used in public utility construction, repair and maintenance work by public utility corporations that are designated as authorized maintenance vehicles by ordinance passed by the council and that are registered as such with the police department. Authorized maintenance vehicle also means a vehicle of the Fort Street Mall business improvement district association or its contractor when operated for the purpose of cleaning or maintaining Fort Street Mall.

Authorized Tow Vehicle. Any vehicle specially constructed for towing vehicles, other than trucks and farm or road tractors, which is designated as an authorized tow vehicle by the director of budget and fiscal services.
(Sec. 15-2.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.4) (Am. Ords. 02-50, 05-031)

§ 15-2.5 Bikeway.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Bicycle Lane. That portion of a roadway set aside for the use of either one-way or two-way bicycle traffic.

Bicycle Path. A pathway for bicycles and pedestrians, physically separated from motor traffic.

Bikeway. A general term including bicycle lanes or bicycle paths.
(Sec. 15-2.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.5)

§ 15-2.6 Curb loading zone—Tow-away zone.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Curb Loading Zone. A space, adjacent to a curb, reserved for the exclusive use of vehicles during the loading or unloading of passengers, materials, or freight.

Freight Curb Loading Zone. A space, adjacent to the curb, for the exclusive use of vehicles during the loading or unloading of freight.

Passenger Curb Loading Zone. A place, adjacent to a curb, reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Tow Zone* or *Tow-Away Zone. Any street or highway, or portion thereof, designated by the council by ordinance as a tow or tow-away zone, whereon the parking, stopping, or standing of vehicles is prohibited entirely or during specific hours.
(Sec. 15-2.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.6)

§ 15-2.7 Explosives—Flammable substances.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Explosive. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb; provided that the term explosives as defined herein shall not include the following items:

- (1) Fireworks, as defined in § 20-6.1, as amended, including those articles excluded from the definition and set forth in that section; and
- (2) Fixed ammunition for small arms.

Flammable Liquid. Any liquid that has a flashpoint of 70°F or less, as determined by a Tagliabue or equivalent test device.
(Sec. 15-2.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.7)

§ 15-2.8 Gross weight.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Gross Weight. The combined weight of a vehicle and the weight of any load thereon.
(Sec. 15-2.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.8)

§ 15-2.9 Mail box.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Mail Box. Any box, receptacle, or container placed along the public streets or highways, owned, maintained, or used by the United States Postal Service for the deposit, storage, or collection of mail.
(Sec. 15-2.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.9)

§ 15-2.10 Merging traffic.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Merging Traffic. A maneuver executed by the driver of a vehicle where separate roadways or streams of traffic moving in the same general direction converge to form a single stream of traffic and wherein the driver of each vehicle involved is required to adjust such person's vehicular speed and lateral position so as to avoid a collision with any other vehicle.
(Sec. 15-2.10, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.10)

§ 15-2.11 Mobility-handicapped passenger—Special transit service vehicle.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Mobility-Handicapped Passenger. A passenger who is:

- (1) Certified as paratransit eligible under § 15B-4.2; or
- (2) A person with a disability as defined under § 15-29.1, whether or not holding an identification card for a person with a disability issued under § 15B-2.2.

Special Transit Service Vehicle. A vehicle:

(1) Of the special transit service operated by the transit management services contractor under the authority of Chapter 15B, Article 4. Such a vehicle shall not be required to have the permit or decal issuable under § 15-24.21; or

(2) On which is placed a valid decal issued under § 15-24.21.

(1990 Code, Ch. 15, Art. 2, § 15-2.11) (Added by Ord. 89-58; Am. Ord. 96-30)

§ 15-2.12 Muffler.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Muffler. A device consisting of a series of baffle plates, or chambers, or perforated tube or tubes with spun glass, spun steel, or other type of sandwich packing, or of other mechanical design or construction, for the purpose of receiving exhaust gas and effectively reducing exhaust noise from the motor of a motor vehicle.

(Sec. 15-2.11, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.12)

§ 15-2.13 Noise, excessive or unusual.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Excessive or Unusual Noise. Noise in excess of the usual noise that would necessarily result from the operation of a motor when reduced to the minimum by a muffler such as is defined in this article.

(Sec. 15-2.12, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.13)

§ 15-2.14 Official time standard.

Whenever certain hours are named in this code, they mean standard time or daylight saving time as may be in current use in the city.

(Sec. 15-2.13, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.14)

§ 15-2.15 Parade.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Parade. Any march, procession, or assembly consisting of persons, animals, bicycles, or vehicles, or combination thereof, upon any public street, sidewalk, or alley, which does not comply with normal and usual traffic regulations or controls.

(Sec. 15-2.14, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.15)

§ 15-2.16 Parking meter.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Parking Meter. A device located in the vicinity of a parking space for the purposes of extending parking privileges to persons for a certain number of minutes or hours upon the payment of the required charge by a method allowed by the parking meter. The device shall record a certain number of minutes or hours determining the period of time for which parking privileges have been extended. The term parking meter includes a multi-space parking meter device located in the vicinity of the parking spaces it regulates.

Parking Meter Space. Any space that is:

- (1) Within a parking meter zone;
- (2) Regulated by a parking meter; and
- (3) Duly designated by lines painted or otherwise durably marked on the curb or on the surface of the street or public parking area.

Parking Meter Zone. A street, portion of a street, or other public parking area established by ordinance as a zone in which the parking of vehicles or other uses authorized by law upon such street or other public parking area is regulated by parking meters.

(Sec. 15-2.15, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.16) (Am. Ords. 04-32, 16-2)

§ 15-2.17 Peak traffic hours.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Afternoon Peak Traffic Hours and ***Afternoon Peak Period.*** The hours of 3:30 p.m. to 5:30 p.m., Monday through Friday, except holidays. Whenever the terms “3:00 p.m. to 6:30 p.m.” or “3:00 p.m. to 6:00 p.m.” appear in this code, the same shall be amended to read “3:30 p.m. to 5:30 p.m.”

Morning Peak Traffic Hours and ***Morning Peak Period.*** The hours of 6:30 a.m. to 8:30 a.m., Monday through Friday, except holidays. Whenever the term “6:00 a.m. to 9:00 a.m.” appears in this code, the same shall be amended to read “6:30 a.m. to 8:30 a.m.”

Peak Traffic Hours. The prescribed time limits during the morning and afternoon hours, designated by official signs, during which the stopping, standing, or parking of vehicles, even momentarily, would create a hazardous condition, or would cause unusual delay to traffic or otherwise impede the flow of traffic. Any regulation regarding the stopping, standing, or parking of vehicles upon any specific street, streets, or highways during such periods shall become effective on the date of erection of appropriate signs indicating such regulation.

(Sec. 15-2.16, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.17)

§ 15-2.18 Curb ramp.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Curb Ramp. A ramp designed for use by persons with disabilities that cuts through or is built up to the curb. (1990 Code, Ch. 15, Art. 2, § 15-2.18) (Added by Ord. 17-51)

§ 15-2.19 Public holiday.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Public Holiday. All legal holidays now existing, or such as may be subsequently specifically proclaimed by the governor of the State, and Sundays. (Sec. 15-2.18, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.19)

§ 15-2.20 Safety glass.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Safety Glass. Any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other similar product as may be approved by the chief of police. (Sec. 15-2.19, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.20)

§ 15-2.21 School—School zone.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

School. Any public or private organization giving regular instruction and having an average daily attendance of 50 students or more.

School Crossing Zone. That portion of any street or public property or way within or without any school zone that the director of transportation services may designate for the crossing of those attending a school.

School Zone. Each and every street and all public property or ways within 1,000 feet of the boundaries of any school. (Sec. 15-2.20, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.21)

§ 15-2.22 Stop line.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Stop Line. A clearly visible solid white line or lines extending across a roadway or any portion thereof to indicate the point at which all vehicles of whatever class are required to stop in compliance with the requirements of this code.

(Sec. 15-2.21, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.22)

§ 15-2.23 Streets and related terms.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Acceleration Lane. A short supplementary traffic lane, immediately adjacent to an intersection, by use of which vehicles may enter the intersecting roadway and accelerate to the general speed of passing traffic thereon before emerging onto the continuous lanes of such roadway.

Center of Intersection. The point of intersection of the centerlines of the roadways of intersecting highways.

Center or Centerline. A continuous or broken line marked upon the surface of a roadway by paint or by other traffic control devices to indicate each portion of the roadway allocated to traffic proceeding in the two opposite directions; and if the line is not so painted or otherwise marked or indicated, it is an imaginary line in the roadway equally distant from the edges or curbs of the roadway.

Channelized Intersection. The intersection of two or more streets whereat traffic is directed by means of raised curbings or painted pavement markings along a special lane or channel for right turns, left turns, or straight through movements.

City Transit Bus Lane. A lane of a laned roadway, designated by the director of transportation services as being restricted exclusively for city transit buses, official city vehicles on authorized missions on or adjacent to the city transit bus lane, authorized tow vehicles, and bicycles.

Deceleration Lane. A short supplementary traffic lane immediately adjacent to an intersection by use of which vehicles may leave the continuous lanes of a roadway and decelerate for a stop or a turn without retarding the flow of traffic on the continuous lanes of the roadway.

Divided Highway. A highway divided into two or more separate roadways by medial strips.

Express Bus Lane or Express Bus and Car Pool Lane. A designated lane of a laned roadway, the use of such designated lane being restricted exclusively for express city transit buses, official government vehicles on authorized missions on or adjacent to such lane, authorized tow vehicles, and such other vehicles, appropriately marked and operated to transport passengers, and authorized by the director of transportation services of the city to use such lane; provided that in the case of an express bus and car pool lane, in addition to the foregoing vehicles, any vehicle carrying at least three persons shall be permitted to use such lane designated as an express bus and car pool lane.

Limited-Access Highway. Has the same meaning as “controlled-access highway” as defined in HRS Chapter 291C.

Medial Strip. A strip or area, lying along the middle and between the paved portions of a highway, which is designed to divide vehicular traffic on such highway into two opposite directions. The term does not include traffic lines painted on a highway, nor the portion of such highway enclosed by traffic lines.

Multiple-Lane Highway. Any public highway the roadway of which is of sufficient width to reasonably accommodate four or more separate lanes of vehicular traffic, two or more lanes in each direction, each lane of which shall be not less than 8 feet in width and whether such lanes are marked and whether the lanes of opposite bound traffic are separated by a neutral zone or other centerline marking.

One-Way Street. A public highway that is designated under Article 10 as a street or highway on which vehicular traffic moves only in one direction.

Reversible Lane. A lane of a two or more laned roadway upon which traffic may be directed to move in a direction opposite from its normal direction of movement by means of lane-control signals or other devices, in conjunction with official signs.

Signalized Intersection. An intersection where traffic is controlled by official traffic-control signals.

Street or Highway. The entire width between the property lines of every way publicly owned and maintained when any part thereof is open to the use of the public for purposes of vehicular travel, or any private street, highway, or thoroughfare that for six months or more has been continuously used by the general public or that is intended for dedication to the public use as provided in HRS § 264-1 and is open for public travel, but has not yet been accepted by the city, except private roads used primarily for agricultural purposes.

Street Block. One side of any street, the length of such side extending between two consecutive intersections; or, in the case of a dead-end street, one side of such dead-end street, the length of such side extending between the dead-end and the nearest intersection.

Through Street. Has the same meaning as “through highway” as defined in HRS Chapter 291C.

Traffic Island. A defined area between traffic lanes, or a median or outer separation within an intersection.

Two-Way Left Turn Lane. A traffic lane at or near the center of the highway with a pair of yellow lines, one solid and one dashed, on each side, set aside for use by vehicles making left turns in both directions from or into the highway.

(Sec. 15-2.22, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.23) (Am. Ord. 91-27, 94-78)

§ 15-2.24 Tire.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Metal Tire. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

Pneumatic Tire. Every tire in which compressed air is designed to support the load.

Solid Tire. Every tire of rubber or other resilient material that does not depend upon compressed air for the support of the load.
(Sec. 15-2.23, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.24)

§ 15-2.25 Tractor.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Farm Tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Road Tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Truck Tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
(Sec. 15-2.24, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.25)

§ 15-2.26 Traffic control device.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Barricade. Every barrier, obstruction, or block placed upon or across any road, street, highway, or sidewalk for the purpose of preventing or limiting the passage of motor vehicles or pedestrians over such street, road, highway, or sidewalk during a period of construction or repair to the street, road, highway, or sidewalk.

Traffic Control Device. Has the same meaning as “official traffic-control device” as defined in HRS Chapter 291C.

Warning Sign. Every sign, signal, marking, barricade, or device erected or placed upon any street, road, highway, or sidewalk that is under construction or being repaired, for the purpose of regulating, warning, or guiding motor vehicular or pedestrian traffic, or otherwise stating the conditions under which traffic by motor vehicles or pedestrians may be had upon such street, road, highway or sidewalk. A warning sign shall include but shall not be limited to a flagger placed upon any street, road, or highway for the purpose of directing traffic around or upon such street, road, or highway.
(Sec. 15-2.25, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.26)

§ 15-2.27 Traffic violations bureau.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Traffic Violations Bureau. The traffic violations bureau of the respective district courts of the City and County of Honolulu.
(Sec. 15-2.26, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.27)

§ 15-2.28 Trailer.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Pole Trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as pipes, poles, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Semi-Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight including that of its load rests upon or is carried by another vehicle.

Trailer. Every vehicle with or without motive power, other than a pole trailer, drawn by a motor vehicle and designed to carry persons or property, and so constructed that no appreciable part of its weight rests upon the towing vehicle.
(Sec. 15-2.27, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.28)

§ 15-2.29 Vehicles and related terms.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

City Transit Bus. Has the same meaning as defined in § 15B-1.1; provided that if a bus is owned by a contractor with the city and used in the city bus system, the bus is a city transit bus only during use its in the city bus system.

Combination of Vehicles. Includes any combination of two or more vehicles or any combination of a truck tractor with semi-trailer drawing one trailer, coupled together.

Implement of Husbandry. Every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm tractors, farm wagons, wagon trailers, or other vehicles used in connection therewith, or for lifting or carrying an implement of husbandry.

Mechanical Street Sweeper. Any motor-driven device or equipment mounted on wheels and used to sweep, clean, or flush streets.

Moped. Has the same meaning as defined in HRS § 291C-1. A moped is a vehicle for the purposes of this chapter.

Motorcycle. Has the same meaning as defined in HRS § 291C-1. A motorcycle is a motor vehicle for the purposes of this chapter.

Motor Vehicle. Has the same meaning as defined in HRS § 291C-1.

Pickup Truck. Every truck with a gross vehicle weight rating of 10,000 pounds or less.

Truck. Every motor vehicle designed, used, or maintained primarily for the transportation of property.

Vehicle. Has the same meaning as defined in HRS § 291C-1.

(Sec. 15-2.28, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.29) (Am. Ords. 89-130, 91-27, 95-69, 18-13, 19-31)

§ 15-2.30 Yield right-of-way.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Yield Right-of-Way. When required by an official sign, the act of granting preference to another vehicle or pedestrian within the intersection, and to such vehicles or pedestrians approaching from the right or left, to proceed in a lawful manner, and proceeding into the intersection only when the roadway is clear.

(Sec. 15-2.29, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 2, § 15-2.30)

§ 15-2.31 Bicycle corral.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Bicycle Corral. An on-street bicycle parking facility consisting of multiple bicycle racks that form a cohesive bicycle parking area.

(1990 Code, Ch. 15, Art. 2, § 15-2.31) (Added by Ord. 16-2)

§ 15-2.32 Parklet.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Parklet. A sidewalk extension over parking lanes or stalls that provides more public space and amenities for people using the street.

(1990 Code, Ch. 15, Art. 2, § 15-2.32) (Added by Ord. 16-2)

ARTICLE 3: TRAFFIC ADMINISTRATION

Sections

- 15-3.1 Delegation
- 15-3.2 Additional duties and responsibilities of the director
- 15-3.3 Designation of authorized tow vehicles

§ 15-3.1 Delegation.

(a) *Council's delegation.*

- (1) *In general.* The council delegates to the director of transportation services, hereinafter referred to as “director,” the authority to locate, select, install, and maintain traffic control devices, including temporary traffic control devices, as defined in this chapter.

(2) *Temporary traffic control devices.*

- (A) Whenever the director finds (i) that there is an emergency requiring traffic control devices or (ii) occasions requiring traffic control devices due to circumstances or activities that are the exception rather than the rule that affects the use of streets and highways (special occasions), the director may locate, select, install, and maintain temporary traffic control devices.

In addition, where there is a traffic problem which may be alleviated by an appropriate traffic control device, the director may conduct studies and design, fabricate and determine temporary traffic control devices that, in the director’s opinion, may alleviate, relieve, or eliminate the traffic problems; provided that whenever such traffic control device is to be located, selected, installed, or maintained, the director shall observe the procedures prescribed in subsection (c); and provided further, that the schedule shall be entitled “Temporary Traffic Control Device,” and made a part of Article 6 of this chapter.

- (B) Any temporary traffic control device shall not be in use for more than 30 calendar days; provided that if any extension is necessary, the same procedures prescribed in subsection (c) shall be observed with the publication thereof, containing a statement that this is an extension of the temporary traffic control device that was in effect on a specific date, including the cutoff date; provided that at no time shall a temporary traffic control device be in effect in excess of 365 days.
- (C) Whenever such traffic control device is to be made permanent, the director shall repeat the procedure prescribed in subsection (c) by indicating in the schedule that the schedule entitled “Temporary Traffic Control Device” is superseded and that the new schedule is to be attached to and made a part of Article 6.

(b) *Standards to be observed by the director.*

- (1) As far as practicable, the director shall locate, select, install, and maintain all traffic control devices pursuant to or in conformance with the standards established or prescribed in the Manual on Uniform Traffic Control Devices compiled by the Federal Highway Administration, Revised Edition, 1978; provided, that the director shall comply with HRS § 264-25, relating to federal-aid highways, wherever applicable.
- (2) Whenever it is not practicable to follow the standards prescribed in subdivision (1), the director may use, design, or fabricate traffic control devices that would promote the safety of pedestrians or motorists using city streets or highways or alleviate, relieve, or eliminate the traffic problem; provided that such traffic control devices shall be uniform whenever the traffic problem, conditions, terrain, or locale requiring such traffic control devices is substantially similar.
- (3) (A) This subdivision applies to a multiple-lane highway or one-way street, the design of which commences after December 31, 1994 by:
 - (i) The city; or
 - (ii) A federal or State agency or private person, with the intent of dedication or surrender to the city.
 (B) Except as otherwise provided under paragraph (C):
 - (i) For a multiple-lane highway, the traffic lane markings shall be placed so that each of the outside lanes is at least 14 feet wide. An “outside lane” shall be the lane nearest an outside edge of the highway; and
 - (ii) For a one-way street with at least two lanes, the traffic lane markings shall be placed so that the extreme right lane is at least 14 feet wide. The “extreme right lane” shall be the lane nearest the right edge of the street, as determined when facing in the direction of vehicular traffic flow.

Each of the other lanes on a multiple-lane highway or one-way street shall be at least 10 feet wide.

- (C) The traffic lane marking requirements of paragraph (B) shall not apply to the portion of a multiple-lane highway or one-way street on which a bicycle lane is designated in Schedule XXXIV and appropriately delineated.
- (D) The city shall not design, construct, take over, receive by dedication, or otherwise accept a multiple-lane highway or one-way street that does not comply with this subdivision.
- (E) A multiple-lane highway or one-way street, to which this subdivision is not applicable, may be reconstructed or restriped to accommodate the traffic lane markings of paragraph (B) if sufficient appropriations are available and public safety will not be compromised.

(c) *Procedure for implementing.*

- (1) The director shall amend existing schedules that are attached to and made a part of Article 6 by deleting therefrom or adding thereto traffic control devices that are included in a schedule or adopt additional

schedules that shall be attached to and made a part of Article 6 whenever the director determines that an amendment of an existing schedule is not the proper vehicle for the location, selection, installation, and maintenance of the traffic control devices including schedules that would make temporary traffic control devices permanent.

- (2) The director shall file with the clerk an original or adopting schedule and three copies of each type so they may be examined by the public.
- (3) The department of transportation services shall publish such schedules once in a daily newspaper of general circulation. In addition, such schedule shall also be published once in a newspaper for a particular locale within the city, e.g., the Press publication, whenever such publication is available.
- (4) Any permanent traffic control device shall be shrouded before its effective date, except those which are painted, laid, or marked on the pavement or are temporary traffic control devices that have been located and installed.

(d) *Effective date of traffic control devices located, selected, installed, or maintained under this section.*

- (1) Any permanent or temporary traffic control device located, selected, installed, or maintained as authorized by this article shall take effect 10 working days after the publication of the appropriate schedule in a daily newspaper of general circulation or in a newspaper for a general locale, whichever publication is later, except that:
 - (A) A permanent traffic control device that is to be painted, laid, or marked on the pavement shall take effect when so painted, laid, or marked. In no event shall the permanent traffic control device be painted, laid, or marked within 10 working days of the publication of the appropriate schedule; and
 - (B) A temporary traffic control device shall take effect on the day it is located, selected, installed, or maintained.
- (2) Any permanent or temporary traffic control device located, selected, installed, or maintained by the director pursuant to this article shall have the full force and effect as if it were located, selected, installed, or maintained by ordinance. Any person violating such traffic control device shall be subject to the penalties provided in this article or HRS Chapter 291C.

(Sec. 15-3.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 3, § 15-3.1) (Am. Ords. 91-27, 94-78)

§ 15-3.2 Additional duties and responsibilities of the director.

The director shall cooperate with officers of the federal, State, and neighbor island county governments whenever, in the director's opinion, such cooperation will promote, enhance, and protect pedestrians and motorists using city streets and highways or promote, enhance, and protect property connected with or related to the use of or adjacent to city streets and highways.

(Sec. 15-3.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 3, § 15-3.2)

§ 15-3.3 Designation of authorized tow vehicles.

- (a) The director of budget and fiscal services is authorized to designate any vehicle specially constructed for towing vehicles, other than trucks and farm or road tractors, as an authorized tow vehicle, subject, however, to the following conditions:
 - (1) A statement executed by the applicant shall accompany any application, stating that the proposed authorized tow vehicle has been thoroughly inspected and is safe to operate on the public streets. The date of such inspection shall be included in the statement.
 - (2) Each proposed tow vehicle shall have the necessary accessory equipment for tow vehicles, including but not limited to the following requirements and equipment: truck chassis, boom, lights, winch, and cables, on the day it is inspected by the director of budget and fiscal services.
 - (3) Any other reasonable conditions that may be deemed necessary by the director of budget and fiscal services for the safety and welfare of the pedestrians and motorists using the public streets while the authorized tow vehicle carries out its assigned tasks on the public streets, pursuant to rules adopted by the director of budget and fiscal services as prescribed in HRS Chapter 91.
 - (4) The tow vehicle shall be operated in conjunction with a vehicle storage area of such size that is satisfactory to the director of budget and fiscal services and located in an area properly zoned for such activity.
- (b) *Procedure.*
 - (1) *Application.* Any person desiring a vehicle to be designated as a tow vehicle by the director of budget and fiscal services shall file an application therefor on a form issued by the director of budget and fiscal services, which shall contain a request for information so as to meet the conditions contained in this section.
 - (2) *Inspection.* Before designation of a vehicle as a tow vehicle, the director of budget and fiscal services shall inspect such vehicle to determine whether it meets the conditions contained in this section.
 - (3) If the director of budget and fiscal services is satisfied that the vehicle can be designated as a tow vehicle, the director shall issue a certificate therefor which shall be renewed annually on a common date regardless of the date of initial approval; such date to be determined by the director of budget and fiscal services for efficient administration of this section.
- (c) *Denial of application or renewal thereof; suspension or revocation of certificate.*
 - (1) *Denial or suspension or revocation of certificate.*
 - (A) The director of budget and fiscal services is authorized to deny an application or renewal thereof to the owner or the owner's authorized representative or to suspend or revoke a certificate after a hearing.
 - (B) The director of budget and fiscal services shall notify the applicant or owner or such person's authorized agent in writing of the director's proposed adverse decision together with reasons

therefor. Such notice shall contain a statement that the applicant or the owner or such person's agent may appeal the decision of the director of budget and fiscal services within 10 working days from the date noted on the notice therein to indicate that the applicant or owner or agent desires a hearing.

(2) *Notice of hearing.*

- (A) Whenever the applicant or owner or such person's agent requests a hearing, the director of budget and fiscal services shall notify the mayor to appoint a hearings officer and establish a date for such hearing with the hearings officer.
- (B) The director of budget and fiscal services shall issue a written notice of the date of hearing to the applicant or owner or such person's agent and such written notice may be personally served or sent by certified mail, return receipt requested.

(3) *Hearings officer.*

- (A) A hearings officer appointed by the mayor is authorized to conduct a hearing pursuant to HRS Chapter 91, and after such hearing, affirm or dismiss the proposed action of the director of budget and fiscal services.
- (B) If any decision is adverse to an applicant or owner or such person's agent, the hearings officer shall issue a written findings of fact, conclusions of law, decision, and order.
- (C) Whenever the hearings officer's decision is adverse to the applicant or owner or such person's agent, the hearings officer may authorize the director of budget and fiscal services to suspend or revoke a certificate if the director of budget and fiscal services submits a written report that operation of a tow vehicle is inimical to public safety; otherwise, denial of an application or renewal or suspension or revocation of a certificate shall take effect upon the service of the findings of facts, conclusions of law, decision, and order to the appropriate individuals.
- (D) The hearings officer shall adopt rules for the conduct of any hearing as prescribed in HRS Chapter 91.

(d) *Judicial review.* Any decision and order of the hearings officer may be appealed to a court of competent jurisdiction as prescribed in HRS Chapter 91.

(Sec. 15-3.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 3, § 15-3.3)

Honolulu - Traffic and Vehicles

ARTICLE 4: ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Sections

- 15-4.1 Authority of police and fire department officials
- 15-4.2 Obedience to police officers
- 15-4.3 Public officers and employees to obey traffic regulations
- 15-4.4 Exemptions to authorized emergency vehicles
- 15-4.5 Persons propelling push-carts or riding animals to obey traffic regulations
- 15-4.6 Use of bicycles, skateboards, roller skates and similar devices restricted
- 15-4.7 Reserved
- 15-4.8 Mechanical street sweepers may move in either direction on one-way streets
- 15-4.9 Operation of slow-moving vehicles—Restrictions
- 15-4.10 Enforcement by special officers
- 15-4.11 Operation of motorized devices restricted

§ 15-4.1 Authority of police and fire department officials.

- (a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce this traffic code and all of the State vehicle laws applicable to street traffic in the city.
 - (b) Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, or signal in conformance with this traffic code; provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions herein.
 - (c) Officers of the police department are authorized to display portable signs within certain intersections forbidding vehicle drivers to perform specific maneuvers. Such portable signs shall only be displayed at a specified intersection during times of traffic congestion when, in the opinion of the chief of police, such restrictions are necessary to expedite the movement of traffic through the intersection.
 - (d) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.
 - (e) Police officers of the Honolulu police department shall be exempt from payment of fees for parking meters and from time parking restrictions while in the performance of their duty. This exemption shall also apply to employees of the Honolulu police department while attending court in their official capacity.
- (Sec. 15-4.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 4, § 15-4.1) (Am. Ord. 88-61)

§ 15-4.2 Obedience to police officers.

It shall be a petty misdemeanor for any person to wilfully fail or refuse to comply with any lawful order or direction of any police officer, officers of the fire department when authorized to direct traffic as provided herein, or any other persons authorized to direct, control, or regulate traffic.
(Sec. 15-4.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 4, § 15-4.2) (Am. Ord. 95-15)

§ 15-4.3 Public officers and employees to obey traffic regulations.

This traffic code shall apply to the driver of any vehicle owned by or used in the service of the United States government, the State of Hawaii and the City and County of Honolulu, and it shall be unlawful for any such driver to violate this traffic code, except as otherwise permitted in this traffic code or by any other city ordinance or by any federal or State law.
(Sec. 15-4.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 4, § 15-4.3)

§ 15-4.4 Exemptions to authorized emergency vehicles.

- (a) The provisions of this traffic code regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as previously defined except as follows: a driver, when operating any such vehicle in an emergency, except when otherwise directed by a police officer may:
 - (1) Park or stand notwithstanding this traffic code;
 - (2) Proceed past a red light or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (3) Exceed the speed limits so long as the driver does not endanger life or property; and
 - (4) Disregard regulations governing direction of movement or turning in specified directions, so long as the driver does not endanger life or property.
- (b) The exemptions provided for in this section with reference to the movement of an authorized emergency vehicle shall apply only when the driver of such vehicle sounds a siren, bell, or exhaust whistle as may be reasonably necessary, and the vehicle displays a lighted red lamp, or in the case of the Honolulu police department only, a lighted blue lamp, visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle as a warning to others.
- (c) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of the driver's ordinary negligence or reckless disregard of the safety and property rights of others.
(Sec. 15-4.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 4, § 15-4.4)

§ 15-4.5 Persons propelling push-carts or riding animals to obey traffic regulations.

Every person propelling any push-cart or ricksha or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to this traffic code applicable to the driver of any vehicle, except those provisions which by their very nature can have no application.

(Sec. 15-4.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 4, § 15-4.5)

§ 15-4.6 Use of bicycles, skateboards, roller skates and similar devices restricted.

- (a) For purposes of this section, “Waikiki” means the Waikiki special district as described in § 21-9.80-2.
- (b) No person upon a skateboard or roller skates, or riding in or by means of any toy vehicle or similar device, shall go upon any roadway, except while crossing a street. When so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.
- (c) No person shall ride a bicycle, skateboard, or roller skates upon any sidewalk in Waikiki. Subsection (b) notwithstanding, no person may ride a skateboard or roller skates on any roadway in Waikiki.
- (d) The director of transportation services shall erect official signs on or adjacent to sidewalks or roadways within Waikiki giving notice of the prohibitions of this section. The absence of such signs shall not be a defense to any prosecution for any violation of this section.
- (e) Any person committing a violation of this section shall be punished by a fine of \$25.
- (f) Police officers and any other authorized officers shall issue a citation for any violation of this section, except they may arrest when the alleged violator refuses to cease the illegal activity after being issued a citation. Except as provided herein, the issuance and form of the citation shall be as provided in HRS § 803-6.

(Sec. 15-4.7, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 4, § 15-4.6) (Am. Ords. 95-15, 96-58, 01-48)

§ 15-4.7 Reserved.**§ 15-4.8 Mechanical street sweepers may move in either direction on one-way streets.**

- (a) In the performance of the driver’s or operator’s duties, the driver or operator of any mechanical street sweeper of the division of refuse collection and disposal, department of facility maintenance, as well as those sweepers being owned and operated by the State, may move such sweeper in either direction on streets and lanes on which only one-way traffic is authorized by Article 10 of this traffic code.
- (b) Such mechanical sweeper shall be equipped with a red flashing lamp on the front thereof, for the purpose of warning oncoming traffic of its presence and movement, when it is moving against the authorized direction or flow of traffic on a one-way street or lane.

(Sec. 15-4.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 4, § 15-4.8)

§ 15-4.9 Operation of slow-moving vehicles—Restrictions.

- (a) No slow-moving vehicle, as defined in this section, shall be operated on that portion of Kalakaua Avenue between the Ala Wai Boulevard and Kapahulu Avenue, on Kuhio Avenue, on Kalia Road, or on Ala Wai Boulevard.
- (b) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

Bicycle. Any vehicle propelled solely by human power, upon which any person may ride, having two tandem wheels.

Slow-Moving Vehicle. Any device, not propelled by motorized equipment, in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, including a device drawn by a horse, but excluding a bicycle.

(1990 Code, Ch. 15, Art. 4, § 15-4.9) (Added by Ord. 88-53)

§ 15-4.10 Enforcement by special officers.

- (a) The chief of police shall commission, in accordance with rules adopted by the chief, special officers designated by the director of transportation services to issue citations for all nonmoving traffic violations, including but not limited to citations for:
 - (1) Parking and tow zone violations;
 - (2) Vehicles (as defined in HRS Chapter 286) parked on a public street or highway without a current official certificate of inspection, in violation of HRS Chapter 286; and
 - (3) Vehicles (as defined in HRS Chapter 249) parked on a public street or highway or in a public off-street parking facility without a current vehicle tax tag or emblem, in violation of HRS Chapter 249.
- (b) The special officers shall be authorized to cause the removal of vehicles parked in violation of this chapter in accordance with Article 13.

(1990 Code, Ch. 15, Art. 4, § 15-4.10) (Added by Ord. 88-50; Am. Ord. 95-48)

§ 15-4.11 Operation of motorized devices restricted.

- (a) No person shall operate a motorized device on any public sidewalk or street.
- (b) For the purposes of this section, a “motorized device” means a device, excluding a motorized assistive device used by a person with a disability, that is:
 - (1) Designed to allow operation while the operator is standing on the device; and

- (2) Powered by an internal combustion engine that is capable of propelling the device and operator without human propulsion.

(1990 Code, Ch. 15, Art. 4, § 15-4.11) (Added by Ord. 03-06)

Honolulu - Traffic and Vehicles

ARTICLE 5: ACCIDENT REPORTS

Sections

- 15-5.1 Subsequent reports of accidents
- 15-5.2 Accident report forms
- 15-5.3 Accident reports confidential
- 15-5.4 Police department to tabulate and analyze accident reports
- 15-5.5 Copies of reports to be furnished to department of transportation services

§ 15-5.1 Subsequent reports of accidents.

- (a) In addition to the report required in HRS Chapter 291C, the driver of a vehicle involved in an accident resulting in injury to or death of any person or in total property damage to an apparent extent of \$300 or more shall, within 24 hours after such accident, report such accident in writing or in person to the police department. This section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat.
 - (b) The police department may require any driver of a vehicle involved in an accident of which a report must be made as provided herein to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department.
 - (c) Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as provided herein, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall, within 24 hours after completing such investigation, forward a written report of such accident to the police department.
- (Sec. 15-5.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 5, § 15-5.1)

§ 15-5.2 Accident report forms.

- (a) The police department shall prepare and upon request, supply to garages and other suitable agencies or individuals, forms for accident reports required under this section, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to such accidents the causes, conditions then existing, and the persons and vehicles involved.
 - (b) Every accident report required to be made in writing shall be made on the appropriate form approved by the police department and shall contain all of the information required therein unless unavailable.
- (Sec. 15-5.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 5, § 15-5.2)

§ 15-5.3 Accident reports confidential.

All accident reports in writing made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department or other city agencies having use for the records for accident prevention purposes, except that the police department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies the person's presence at the accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident; except that the police department shall furnish upon demand of any person who has made or claims to have made the report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the police department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the police department.

(Sec. 15-5.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 5, § 15-5.3)

§ 15-5.4 Police department to tabulate and analyze accident reports.

The police department shall tabulate and may analyze all accident reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

(Sec. 15-5.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 5, § 15-5.4)

§ 15-5.5 Copies of reports to be furnished to department of transportation services.

The chief of police shall furnish true copies of all accident reports within 48 hours from the filing thereof to the department of transportation services.

(Sec. 15-5.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 5, § 15-5.5)

ARTICLE 6: TRAFFIC CONTROL DEVICES

Sections

- 15-6.1 Official traffic control devices required—Exception
- 15-6.2 Installation of traffic signal lights
- 15-6.3 Right or left turns against a red signal
- 15-6.4 Warning lights at mid-block crosswalk
- 15-6.5 Obstruction of visibility of traffic sign or signal
- 15-6.6 Red and green illuminated signs near traffic signals
- 15-6.7 Traffic lane markings

§ 15-6.1 Official traffic control devices required—Exception.

Any provision of this traffic code to the contrary notwithstanding, all types of signs, signals, and markings, whether in conformity with the standards of the American Association of State Highway Officials, installed by the director of transportation services before April 11, 1967 and in use on the date, for the purpose of regulating, warning, or guiding traffic, are approved and designated as official traffic control devices.

(Sec. 15-6.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 6, § 15-6.1)

§ 15-6.2 Installation of traffic signal lights.

- (a) The installation and use of traffic signal lights is authorized at the streets and intersections described in Schedule I attached to the ordinance codified in this section and made a part hereof.*
- (b) The installation and use of traffic signal lights on federal-aid highways is authorized at the streets and intersections described in Schedule II attached to the ordinance codified in this section and made a part hereof.*

(Sec. 15-6.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 6, § 15-6.2)

Editor's note:

**See listing of schedules at the end of this chapter.*

§ 15-6.3 Right or left turns against a red signal.

Right or left turns against a red signal at the designated intersections described in Schedule III, attached to the ordinance codified in this section and made a part hereof, are prohibited, effective upon the erection of signs indicating such prohibition.*

(Sec. 15-6.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 6, § 15-6.3)

Editor's note:

**See listing of schedules at the end of this chapter.*

§ 15-6.4 Warning lights at mid-block crosswalk.

Whenever distinctive amber colored lamps are placed at mid-block crosswalks, they shall require vehicle drivers to exercise caution when approaching such crosswalk.

(Sec. 15-6.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 6, § 15-6.4)

§ 15-6.5 Obstruction of visibility of traffic sign or signal.

No person shall hang, suspend, place, or construct any awning, frame, balcony, cornice, or any other projection so as to obstruct the visibility of any traffic sign or signal placed or erected as authorized or required by law.

(Sec. 15-6.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 6, § 15-6.5)

§ 15-6.6 Red and green illuminated signs near traffic signals.

- (a) No person shall erect or maintain any red or green light or red or green neon sign within 75 feet of any intersection where traffic is controlled by signal lights without first obtaining a written permit from the director of transportation services certifying that such light or sign at the specified location does not constitute undue distraction to a vehicle driver acting in obedience to the directions of the traffic signal lights.
- (b) The owner or operator of any existing red or green light or red or green neon sign located within 75 feet of any intersection where traffic is controlled by signal lights shall not renew or replace such light or sign without first obtaining a written permit from the director of transportation services certifying that such light or sign at the specified location does not constitute undue distraction to a vehicle driver acting in obedience to the directions of the traffic signal light.

(Sec. 15-6.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 6, § 15-6.6)

§ 15-6.7 Traffic lane markings.

- (a) When traffic cones are used by proper authority to establish temporary lines or markings for the purpose of controlling the flow of traffic, such lines or markings shall have the same regulatory effect as single solid or double solid lines and shall not be crossed when such crossings or turns are prohibited.
- (b) When a lane is designated a city transit bus lane in Schedule XXXI attached to the ordinance codified in this section and made a part hereof* by the use of pavement markings or signs reading “City Transit Bus Only,” traversing, encroaching, parking, stopping, standing, loading, or unloading by any vehicle is prohibited; except that:
 - (1) City transit buses, official government or emergency vehicles on authorized missions involving the performance of duties within or adjacent to the city transit bus lane, authorized tow vehicles, or bicycles may travel in or cross the city transit bus lane; and
 - (2) Other vehicles may cross a city transit bus lane specifically to enter into and exit from adjacent driveways or intersecting streets, or both, without obstruction to city transit buses.

Vehicles left unattended within city transit bus lanes shall be towed away as provided in § 15-13.9.

Any person committing a violation of the foregoing provision shall be subject to a fine of at least \$25.

- (c) When a lane is designated a two-way left turn lane in Schedule XXXII attached to the ordinance codified in this section and made a part hereof* and by the use of pavement markings, a vehicle shall not be driven thereon except when preparing for or making a left turn from or into a highway. A left turn shall not be made from any other lane where two-way left turn lanes have been designated. This section shall not prohibit driving across a two-way left turn lane.

(d) *Bicycle lane.*

(1) *How designated or terminated.*

- (A) The director of transportation services may designate a bicycle lane on a city highway. The designation is made by adding the bicycle lane to Schedule XXXIV, attached to the ordinance codified in this section and made a part hereof. The director, however, shall not designate a bicycle lane on the Fort Street Mall.

The director of transportation services also may terminate the designation of a bicycle lane on a city highway. The designation is terminated by deleting the bicycle lane from Schedule XXXIV.

- (B) *Procedures for adding or deleting bicycle lane.* Section 15-3.1 applies when adding a bicycle lane to or deleting a bicycle lane from Schedule XXXIV. A bicycle lane, after its addition to the schedule, will take effect in accordance with § 15-3.1. A bicycle lane, after its deletion from the schedule, is terminated when the bicycle lane marking is entirely removed from the city highway.
- (C) A bicycle lane on a city highway must be delineated by a white solid line and the words “Bike Only.” The director of transportation services shall mark each bicycle lane and may install other appropriate traffic control devices.
- (D) Notwithstanding any ordinance to the contrary, the director of transportation services shall name the bicycle lanes along Ala Napunani Street in memory of Zachary Manago. The director of transportation services shall also erect appropriate signage reflecting the name of the bicycle lanes, and the placement of such signage at the Zachary Manago bicycle lanes along Ala Napunani Street is approved.

(2) *Prohibitions.*

- (A) Except as otherwise provided under subdivision (3), a person shall not operate, park, stop, or stand a vehicle, other than a bicycle, in a bicycle lane.
- (B) A person shall not leave a vehicle, including a bicycle, unattended within a bicycle lane.

(3) *Exceptions.*

- (A) A person may operate, park, stand, or stop any of the following motor vehicles in a bicycle lane:

- (i) An authorized emergency vehicle when responding to an emergency;
 - (ii) An official government vehicle when on an authorized mission involving the performance of a duty within or adjacent to the lane;
 - (iii) An authorized maintenance vehicle when necessary to perform repair or maintenance work on a government or public utility facility near the lane;
 - (iv) An authorized tow vehicle when necessary to tow another vehicle parked in or adjacent to the lane; and
 - (v) A city transit bus when necessary for the boarding or alighting of a passenger at a bus stop.
- (B) A person may operate or stop a motor vehicle or moped in a bicycle lane under the following circumstances:
- (i) The person may operate the motor vehicle or moped across the lane when necessary to enter or exit a driveway or legal parking space adjacent to the lane;
 - (ii) The person may operate or stop the motor vehicle or moped across the lane when necessary to turn into or turn from a street intersecting the lane; or
 - (iii) The person may operate or stop the motor vehicle or moped in the lane when necessary to clear the way for an authorized emergency vehicle as required under HRS § 291C-65.
- (C) A person, when operating, parking, stopping, or standing a motor vehicle or moped in a bicycle lane as permitted under this subdivision, shall do so with due regard for the safety of any bicyclist or pedestrian in the lane. This paragraph should not be construed as protecting that person from the person's ordinary negligence or reckless disregard for the safety of a bicyclist or pedestrian in the lane.

(4) *Penalty.* Any person violating this subsection shall be subject to a fine of at least \$25. (Sec. 15-6.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 6, § 15-6.7) (Am. Ords. 90-77, 91-27, 94-78, 95-15, 96-58, 97-02, 02-50, 18-2)

Editor's note:

**See listing of schedules at the end of this chapter.*

ARTICLE 7: SPEED RESTRICTIONS

Sections

- 15-7.1 Speed restrictions
- 15-7.2 Speed limit zones
- 15-7.3 Speed limit signs
- 15-7.4 Minimum speed regulations
- 15-7.5 Special speed limits on elevated structures
- 15-7.6 When speed restrictions not applicable
- 15-7.7 Charging violations and rule in civil cases
- 15-7.8 Speed of certain vehicles restricted

§ 15-7.1 Speed restrictions.

- (a) No person shall drive a vehicle on any roadway within public parks and public school grounds at a speed greater than is reasonable or prudent, having due regard for the traffic on, and the surface and width of the roadway, and in no event at a speed in excess of 25 miles per hour on any roadway within public parks, except Ala Moana Park Drive, on any roadway in Kailua Beach Park, on the small by-road in Kapiolani Park which leads off from Paki Street past Waikiki Racquet Club and the Town and Country Stables to Paki Avenue, and on any roadway within public school grounds, where the speed limit shall be 15 miles per hour.
- (b) The director of transportation services is authorized and directed to erect and maintain sign posts indicating the speed limit herein established at each roadway entrance into any public park and public school grounds. The department of parks and recreation and the department of education may erect and maintain signs other than traffic control signs at appropriate places along the roadways within their respective jurisdictions.
- (c) Further, no person shall in any parking area maintained within public parks and public school grounds drive a vehicle recklessly or negligently or at a speed or in such manner as to endanger or injure persons or property.
- (d) Whenever the director of transportation services determines upon the basis of an engineering and traffic investigation that any maximum speed limit hereinafter set forth is greater than is reasonable or safe under the conditions found to exist at any horizontal or vertical curve upon any part of a highway, the director of transportation services may post a recommended safe speed thereat which shall serve as a guide to vehicle drivers at all times when they are using the highway and which shall be effectively illuminated or reflectorized for visibility at night.

(Sec. 15-7.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 7, § 15-7.1)

§ 15-7.2 Speed limit zones.

No person shall drive a vehicle on a public highway or street at a speed in excess of the following speed limit zones established or hereafter established therefor by ordinance of the city council:

(a) *Fifteen miles per hour.*

- (1) Any roadway 18 feet in width or less within the City and County of Honolulu and all of the following streets within the Ewa Villages:

<i>Ewa Villages</i>	
<i>Varona Village</i>	<i>Tenney Village</i>
Kihi Street	Alaiki Street
Koahi Street	Alana Street
Leialoalo Street	Bond Street
Manakuke Street	Burke Street
Paalua Street	Elemakule Place
Paionia Street	Garton Street
Puahio Street	Halemano Street
	Hapua Street
	Hookahe Place
<i>Renton Village</i>	Kuali Street
Alanui Mauka Place	Kuuwelu Place
Alanui Mauka Street	Lauo Street
Bryan Street	Lehu Street
Hei Place	Luahine Street
Kupeleko Place	Luluka Street
Lunanu Street	Mahamoe Street
Niulelo Place	Malako Street
Park Row	Nale Street
Pepper Row	Oha Street
Pipeline Street	Orrick Street
Pohakulepo Street	Paaniana Street
Pualoalo Place	Paheulu Street
	Paeko Street
	Pahe Street
	Paheahea Street

Speed Restrictions

§ 15-7.2

	<i>Tenney Village (Cont'd.)</i>
	Pahiki Street
	Pualu Street
	Puhiko Street
	Punako Street
	Sisal Street
	Tenney Street
	Uluhui Street
	Wili Street

- (2) On those streets or portions thereof described in Schedule IV attached to the ordinance codified in this section and made a part hereof;* subject, however, to the limitations and extensions set forth therein.

(b) *Twenty-five miles per hour.*

- (1) Any street or highway within the City and County of Honolulu where a speed limit has not been otherwise established;
- (2) Any roadway bordering any school grounds, during recess or while children are going to or leaving such school during the opening or closing hours, or while the playgrounds of any such school are in use by school children; and
- (3) On those streets or portions thereof described in Schedule V attached to the ordinance codified in this section and made a part hereof;* subject, however, to the limitations and extensions set forth therein.

(c) *Thirty miles per hour.* On those streets or portions thereof described in Schedule VI attached hereto and made a part hereof;* subject, however, to the limitations and extensions set forth therein;

(d) *Thirty-five miles per hour.* On those streets or portions thereof described in Schedule VII attached to the ordinance codified in this section and made a part hereof;* subject, however, to the limitations and extensions set forth therein;

(e) *Forty-five miles per hour.* On those streets or portions thereof described in Schedule VIII attached to the ordinance codified in this section and made a part hereof;* subject, however, to the limitations and extensions set forth therein;

(f) *Fifty miles per hour.* On those streets or portions thereof described in Schedule IX attached to the ordinance codified in this section and made a part hereof;* subject, however, to the limitations and extensions set forth therein;

- (g) *Sixty-five miles per hour.* On those streets or portions thereof described in Schedule X attached to the ordinance codified in this section and made a part hereof,* subject, however, to the limitations and extensions set forth therein;
- (h) *Fifty-five miles per hour.* On those streets or portions thereof described in Schedule XXXIII attached to the ordinance codified in this section and made a part hereof,* subject, however, to the limitations and extensions set forth therein; and
- (i) *Ten miles per hour.* On those streets or portions thereof described in Schedule XXXVII attached to the ordinance codified in this section and made a part hereof,* subject, however, to the limitations and extensions set forth therein.

(Sec. 15-7.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 7, § 15-7.2) (Am. Ord. 02-07)

Editor's note:

**See listing of schedules at the end of this chapter.*

§ 15-7.3 Speed limit signs.

The speed restrictions set forth in § 15-7.2 on roadways, streets, highways, or boulevards, or portions thereof, shall be ineffective unless legible signs are erected and maintained indicating the maximum speed permissible thereon.

(Sec. 15-7.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 7, § 15-7.3)

§ 15-7.4 Minimum speed regulations.

- (a) The driver of a slow-moving vehicle shall drive the same as close as possible to the right-hand edge of any roadway, laned or unlaned for traffic.
- (b) The driver, further, shall not drive a motor vehicle at such a low speed as to impede or block the normal and reasonable movement of traffic, except when so directed by a police officer or any other persons authorized to direct, control, or regulate traffic, or when reduced speed is necessary for safe operation, or compliance with the law.
- (c) Whenever any roadway is clearly marked for two or more lanes of traffic moving in the same direction, no person driving a motor vehicle in the lane or lanes other than the extreme right lane shall travel at a speed that is 5 miles per hour or more below the maximum stated speed, e.g., below 30 miles per hour in a 35-mile-per-hour speed limit zone or below 40 miles per hour in a 45-mile-per-hour speed limit zone, except when otherwise directed by a police officer or any other persons authorized to direct, control, or regulate traffic, or when a reduced speed is necessary for safe operation, or in compliance with the law.
- (d) On any street or highway or portions thereof on which parking is prohibited during the hours specified, during the morning peak traffic or afternoon peak traffic hours, or both, no person shall drive, move, or tow, nor shall a registered owner knowingly cause or permit any person to drive, move, or tow, during those hours on such street or highway or portions thereof, any vehicle that cannot maintain a speed equal to the maximum stated speed, less 5 miles per hour, for such street or highway or portions thereof; provided that the foregoing provisions shall have no force and effect on public holidays as defined in § 15-2.19.

(Sec. 15-7.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 7, § 15-7.4) (Am. Ord. 96-58)

§ 15-7.5 Special speed limits on elevated structures.

- (a) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed that is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such bridge or structure is signposted as provided in this traffic code.
 - (b) The director of transportation services, upon the director's own initiative, may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if the director thereupon finds that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this traffic code, the director of transportation services shall determine and declare the maximum speed of vehicles that such structure can withstand, and shall cause or permit suitable signs stating such maximum speed, to be erected and maintained at a distance of 100 feet before each end of such structure.
- (Sec. 15-7.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 7, § 15-7.5)

§ 15-7.6 When speed restrictions not applicable.

The speed restrictions set forth in this traffic code shall not apply to an authorized emergency vehicle when responding to an emergency call, or when used in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, and the driver thereof sounds audible signal by bell, siren, or exhaust whistle, and when such emergency vehicle is equipped with at least one lighted lamp exhibiting a red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequences of such driver's reckless disregard of the safety of others.

(Sec. 15-7.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 7, § 15-7.6)

§ 15-7.7 Charging violations and rule in civil cases.

- (a) In every charge of violation of any speed regulation in this traffic code the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed applicable within the district or at the location concerned.
- (b) The foregoing provisions declaring speed limitations shall not be construed to relieve the plaintiff in any civil action or case from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

(Sec. 15-7.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 7, § 15-7.7)

§ 15-7.8 Speed of certain vehicles restricted.

- (a) No vehicle equipped wholly or partly with solid rubber tires shall be operated upon any highway at a speed in excess of 10 miles per hour.
- (b) No vehicle transporting any explosives as a cargo or part of a cargo shall be operated upon any highway at a speed greater than that designated on the permit issued by the State director of labor and industrial relations

or as indicated by the prevailing speed limit on that particular road; and these vehicles shall be routed over the freeway system only when they are permitted to travel at least at the minimum speed limit for the area.
(Sec. 15-7.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 7, § 15-7.8)

ARTICLE 8: STARTING, STOPPING, AND TURNING—SIGNALS

Sections

- 15-8.1 Required position and method of turning at intersections
- 15-8.2 Procedure at channelized intersections
- 15-8.3 Obedience to no-turn signs
- 15-8.4 Limitations on U-turns
- 15-8.5 No left turns into and out of driveways
- 15-8.6 Cutting corners

§ 15-8.1 Required position and method of turning at intersections.

- (a) *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection as nearly as practicable in the left-hand lane lawfully available to traffic moving in the direction of travel upon the roadway being entered.
 - (b) *Left turns where both streets or roadways are one-way.* The approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway, except as otherwise permitted by pavement markings or other official traffic control devices.
 - (c) In all cases where official marks, buttons, signs, or directional arrows painted on the pavement are placed within or adjacent to intersections, no driver of a vehicle shall execute a movement at such intersections otherwise than as directed and required by such marks, buttons, signs, or arrows.
- (Sec. 15-8.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 8, § 15-8.1)

§ 15-8.2 Procedure at channelized intersections.

Where accelerating and decelerating lanes are provided for right or left turns at intersections, vehicles shall proceed as follows:

- (a) Vehicles intending to turn right into a roadway, entrance to which is gained by means of a right-turn accelerating lane, shall enter such roadway by way of the accelerating lane so provided and shall merge with caution into the right-hand traffic lane, unless otherwise instructed.
- (b) Vehicles intending to turn right from a roadway, exit from which is made by means of a right-turn decelerating lane, shall enter the decelerating lane and merge with caution into the right-hand traffic lane, unless otherwise instructed.

- (c) Vehicles intending to turn left into the far roadway of a divided highway shall come to a complete stop before crossing the near roadway of such highway, and shall then proceed into the left-turn accelerating lane constructed in the medial strip area and shall merge with caution into the left-hand lane of the far roadway, unless otherwise instructed; provided that where no accelerating lane exists, such left turn shall be made into the left-hand lane of the far roadway.
 - (d) Vehicles intending to turn left from a divided highway, exit from which is made by means of a left-turn decelerating lane constructed in the medial strip area, shall enter the decelerating lane and shall yield the right-of-way to approaching vehicles before proceeding with caution across the intersection and into the intersecting roadway, unless otherwise instructed; provided that where no decelerating lane exists, such left turn shall be made with caution from the lane nearest the medial strip.
- (Sec. 15-8.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 8, § 15-8.2)

§ 15-8.3 Obedience to no-turn signs.

- (a) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign, unless otherwise instructed by a police officer or any other persons authorized to direct, control, or regulate the flow of traffic as provided in this code.
 - (b) The turning movements described in Schedule XI attached to the ordinance codified in this section and made a part hereof are prohibited.*
- (Sec. 15-8.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 8, § 15-8.3)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-8.4 Limitations on U-turns.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district, upon any highway with three or more lanes, or at any intersection where traffic is controlled by traffic signal lights, except as otherwise permitted by official signs and markings.

(Sec. 15-8.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 8, § 15-8.4)

§ 15-8.5 No left turns into and out of driveways.

The State director of transportation, in the case of State or federal-aid highways, and the director of transportation services, in the case of city and county highways, are authorized by the use of signs, markings, or other traffic control devices to establish and indicate no left turns into and out of driveways on any portion of a highway where such movements will create hazards or impede the smooth flow of traffic when left turns are banned at intersections. This provision shall not be enforced unless official signs, markings, or other traffic control devices are placed or erected.

(Sec. 15-8.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 8, § 15-8.5)

§ 15-8.6 Cutting corners.

No person shall operate or drive any vehicle on or across any sidewalk area or through any driveway, parking lot, or any business entrance for the purpose of making right or left turns from one street into another by avoiding intersections or as a means of traveling from one street to another; provided that this section shall not prohibit the use of such driveway, parking lot, or business entrance for such purposes when such use is incidental to business to be transacted on the premises.

(Sec. 15-8.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 8, § 15-8.6)

Honolulu - Traffic and Vehicles

ARTICLE 9: DRIVING IN NO-PASSING ZONES AND DIVIDED HIGHWAYS

Sections

- 15-9.1 No-passing zones
- 15-9.2 Divided highways

§ 15-9.1 No-passing zones.

The State director of transportation, in the case of State or federal-aid highways, and the director of transportation services, in the case of city and county highways, are authorized by the use of signs, markings, or other traffic control devices to establish and indicate a “no-passing zone” on any portion of a highway where the overtaking and passing of another vehicle or the driving to the left of the centerline of the roadway would be hazardous. Such signs, markings, or other traffic control devices shall clearly indicate the beginning and ending of each no-passing zone. It is unlawful for any person to overtake and pass another vehicle or to drive to the left of the centerline of the roadway within any no-passing zone established and indicated as hereinabove provided. (Sec. 15-9.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 9, § 15-9.1)

§ 15-9.2 Divided highways.

Whenever any highway has been divided into two or more separate roadways by medial strips, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such medial strips except through an opening in such strips or at a crossover or intersection; provided that a driver who enters such opening, crossover, or intersection shall yield the right-of-way to approaching vehicles before emerging upon the adjacent roadway of such divided highway, unless otherwise instructed. (Sec. 15-9.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 9, § 15-9.2)

Honolulu - Traffic and Vehicles

ARTICLE 10: ONE-WAY STREETS

Section

15-10.1 One-way streets

§ 15-10.1 One-way streets.

- (a) Vehicular traffic, on any street or highway or portions thereof designated by the council by ordinance as a one-way street, shall move only in the direction indicated by signs erected and maintained thereon.
- (b) The streets, highways, or portions thereof described in Schedule XII attached to the ordinance codified in this section and made a part hereof are designated one-way streets.*
(Sec. 15-10.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 10, § 15-10.1)

Editor's note:

** See listing of schedules at the end of this chapter.*

Honolulu - Traffic and Vehicles

ARTICLE 11: RIGHT-OF-WAY

Sections

- 15-11.1 Reserved
- 15-11.2 Vehicles to yield right-of-way
- 15-11.3 Designation of additional stop intersections

§ 15-11.1 Reserved.

§ 15-11.2 Vehicles to yield right-of-way.

- (a) Whenever any person driving a vehicle approaches an intersection with a “Yield Right-of-Way” sign facing such driver, the driver shall yield the right-of-way to any pedestrian within a marked or unmarked crosswalk at such intersection, or to any vehicle that is within such intersection or approaching so closely thereto as to constitute an immediate hazard.
- (b) The driver of a vehicle intending to turn right or left across a bicycle lane shall yield the right-of-way to any bicycle that is approaching so closely thereto as to constitute an immediate hazard.
- (c) Yield Right-of-Way intersections in addition to those already heretofore established are established as described in Schedule XIII attached to the ordinance codified in this section and made a part hereof.*
(Sec. 15-11.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 11, § 15-11.2)

§ 15-11.3 Designation of additional stop intersections.

Stop intersections in addition to those already heretofore established are established as described in Schedule XIV attached to the ordinance codified in this section and made a part hereof.*
(Sec. 15-11.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 11, § 15-11.3)

Editor’s note:

** See listing of schedules at the end of this chapter.*

Honolulu - Traffic and Vehicles

ARTICLE 12: SPECIAL STOPS

Sections

- 15-12.1 Through street designated
- 15-12.2 Stop when traffic obstructed
- 15-12.3 Duties of operators of locomotives, cane cars, or other vehicles used in agricultural or industrial work

§ 15-12.1 Through street designated.

A through street shall be any street or highway as heretofore defined, or portion thereof, so designated by the council. Through streets in addition to those already heretofore established are established as described in Schedule XV attached to the ordinance codified in this section and made a part hereof.*

(Sec. 15-12.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 12, § 15-12.1)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-12.2 Stop when traffic obstructed.

No driver of a vehicle shall enter an intersection or a marked or unmarked crosswalk, unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle such person is driving without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(Sec. 15-12.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 12, § 15-12.2)

§ 15-12.3 Duties of operators of locomotives, cane cars, or other vehicles used in agricultural or industrial work.

- (a) The driver, engineer, or person in charge of any locomotive, cane car, or other vehicle, whether operated on stationary rails or roadways, used in agricultural or industrial work, shall not cause or permit such locomotive, cane car, or other vehicle to enter upon or cross any highway without first stopping and yielding the right-of-way to any vehicle crossing or about to cross the grade crossing or road intersection or which is approaching so closely on such highway as to constitute an immediate hazard, but having so yielded may proceed; provided that a flagger is first stationed in a conspicuous spot, approximately in the center of the highway in close proximity to the tracks, road intersection, or crossing, displaying a red flag not less than 16 inches square, except that from a half-hour after sunset to a half-hour before sunrise, in lieu of such flag, a red light or lantern shall be so displayed as to be plainly visible for a distance of 500 feet from both sides of the tracks, crossing, or road intersection.

- (b) The foregoing provisions respecting a flagger with a red flag or a red light is fully complied with if there is installed and maintained in good working condition an automatic electrically operated flashing light and bell warning device of a type regularly used as a railway crossing warning signal, placed in a conspicuous spot close to the railway crossing, sounding a bell and displaying a flashing red light plainly visible for a distance of 500 feet from both sides of the tracks, crossing or intersection.

(Sec. 15-12.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 12, § 15-12.3)

Editor's note:

** See listing of schedules at the end of this chapter.*

ARTICLE 13: STOPPING, STANDING, AND PARKING

Sections

- 15-13.1 Stopping, standing, or parking outside of business or residence district
- 15-13.2 Officers authorized to remove illegally stopped vehicle
- 15-13.3 Parking stalls—Required parking therein
- 15-13.4 Reserved parking stalls
- 15-13.5 Standing or parking close to curb
- 15-13.6 Selling on highways restricted
- 15-13.7 Unattended postal service motor vehicles
- 15-13.8 Abandoned vehicles on highway
- 15-13.9 Authority to store vehicles
- 15-13.10 Authority to dispose of unclaimed vehicles
- 15-13.11 Motorcycles, motor scooters, and mopeds
- 15-13.12 Parking on parade routes and on any special occasion
- 15-13.13 Parking placards
- 15-13.14 Stripping of motor vehicles—Citation—Penalty
- 15-13.15 Prohibition on parking a dangerous motor vehicle near preschool, kindergarten, elementary, intermediate, middle secondary, or high school
- 15-13.16 Mobile food unit parking stalls

§ 15-13.1 Stopping, standing, or parking outside of business or residence district.

- (a) Upon any highway outside of a business or residence district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway, when it is practical to stop, park, or to leave such vehicle off such part of the highway; but in every event, an unobstructed width of highway opposite a standing vehicle shall be left for free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.
 - (b) The foregoing provisions shall not apply to the driver of a vehicle that is disabled while on the paved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.
- (Sec. 15-13.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 13, § 15-13.1)

§ 15-13.2 Officers authorized to remove illegally stopped vehicle.

- (a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions, such officer is authorized to move the vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main traveled part of such highway.

- (b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where the vehicle constitutes an obstruction to traffic, such officer is authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.
- (c) The expense incurred in the removal of such vehicle shall be borne by the owner of the vehicle.
(Sec. 15-13.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 13, § 15-13.2)

§ 15-13.3 Parking stalls—Required parking therein.

- (a) The director of transportation services is authorized and directed to establish, mark, and designate, where there is an apparent need therefor, a consecutive series of parking stalls for the parallel or angle parking of motor vehicles or for other uses authorized in § 15-22.2 and in Chapter 14, Article 18 upon any street.
- (b) Wherever parking stalls are so established, marked off, and designated, the driver of any vehicle, excepting only single vehicles of a greater length or width, shall park such vehicle completely within a designated stall.
- (c) Except as otherwise permitted by law, if on-street parking stalls or spaces are established, marked off and designated along any street block, it is unlawful for the driver of any vehicle to park such vehicle on any portion of such street block, other than in a stall or space so established, marked off, and designated for parking along such street block.
- (d) Except as otherwise permitted by § 15-13.11, wherever parking stalls are so established, marked off, and designated, each stall shall be for the use of a single vehicle only and it is unlawful for the driver of any vehicle to park such vehicle in a stall already occupied by another vehicle.
- (e) The term “street block” as used in this section means one side of any street, the length of such side extending between two consecutive intersections; or, in the case of a dead-end street, one side of such dead-end street, the length of such side extending between the dead-end and the nearest intersection.
(Sec. 15-13.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 13, § 15-13.3) (Am. Ord. 16-2)

§ 15-13.4 Reserved parking stalls.

- (a) Any parking stall established as a “road taxi stand” or as a “road pedicab stand” as described in Chapter 36, Article 1, as amended, or as a reserved parking stall shall be used only for the purpose or purposes for which the same shall be established. All such officially established reserved parking stalls are authorized on those streets or portions thereof described in Schedule XVI attached to the ordinance codified in this section and made a part hereof.*
- (b) Whenever road taxi stands or road pedicab stands are established, the following restrictions shall apply.
 - (1) No person shall stop, stand, or park a taxicab in any officially designated road taxi stand or pedicab in any officially designated road pedicab stand, unless such taxicab or pedicab shall display on the right front bumper of the taxicab or rear of the pedicab a valid decal issued by the licensing division of the department of budget and fiscal services.

- (2) No person shall stop, stand, or park a vehicle, other than a taxicab, in a road taxi stand or a pedicab in a road pedicab stand that has been officially designated and appropriately signed as such.
- (3) When official signs are erected designating a street or portions thereof as a road taxi stand or a road pedicab stand within a tow or tow-away zone, no person shall stop, stand, or park a taxicab or a pedicab, as applicable, even momentarily, between the hours indicated on such signs.

(4) No taxicab or pedicab shall be left unattended in any road taxi stand or road pedicab stand, respectively. (Sec. 15-13.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 13, § 15-13.4)

Editor's note:

**See listing of schedules at the end of this chapter.*

§ 15-13.5 Standing or parking close to curb.

Upon any roadway within a business or residence district, no person shall stand or park a vehicle other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curb-side wheels of the vehicle within 12 inches of the edge of the roadway, except while parked wholly within stalls marked or designated pursuant to § 15-13.3.

(Sec. 15-13.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 13, § 15-13.5)

§ 15-13.6 Selling on highways restricted.

(a) Except as provided under subsection (c):

- (1) It is unlawful for any itinerant vendor, peddler, or huckster to carry on or solicit business in one location on any street or on any public highway for a period beyond the parking time limit set for such parking space, as designated by official signs, or beyond three hours where there is no posted time limitation for the space. Upon vacating one location, it is unlawful for such itinerant vendor, peddler, or huckster to take up another location to carry on or solicit business within 300 feet of such location or of any location previously vacated within three hours;
- (2) It is required that every itinerant vendor, peddler, or huckster provide a trash receptacle at every location where business is conducted; further, that before leaving any location of business, the immediate vicinity be free of litter caused by the selling of the goods; and
- (3) Any itinerant vendor, peddler, or huckster who carries on or solicits business on any street or on any public highway shall comply with all other statutes, ordinances and rules relating to traffic, parking, highway safety, and peddling, including those relating to parking meters, parking meter zones, and public places where peddling is prohibited.

(b) Any person violating this section shall be guilty of a petty misdemeanor. If any itinerant vendor, peddler, or huckster licensed under § 13-6.1 is convicted of violating this section and the conviction is within two years of a prior conviction for violating this section, in addition to the penalties provided by law for a petty misdemeanor, the licensee shall have the license suspended for a period of not less than three months and not more than two years.

- (c) This section shall not apply to a merchant of a store who, under the authority of Chapter 13, Article 6A, peddles on a portion of a Chinatown sidewalk or mall, the College Walk Mall, or the Sun Yat Sen Mall.
 - (d) For so long as the pilot project established in § 15-13.16 is in effect, this section does not apply to any itinerant vendor, peddler, or huckster operating a mobile food unit during the reserved hours in the Hawaii capital special district, as those terms are defined in § 15-13.16(a).
- (Sec. 15-13.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 13, § 15-13.6) (Am. Ords. 88-19, 90-77, 95-15, 03-26, 12-6, 14-5)

§ 15-13.7 Unattended postal service motor vehicles.

Any employee of the United States Postal Service, while actually engaged in depositing mail in mail boxes placed along a street or highway as defined in the traffic code, or while engaged in delivering and collecting mail therefrom, may permit the postal employee's motor vehicle to stand unattended with the motor running; provided that such postal employee shall first effectively set the brakes thereon; and provided further, that when the motor vehicle is left standing unattended upon any grade the front wheels shall be turned to the curb or side of the highway. This section shall have no application where such employee leaves the highway for any purpose.

(Sec. 15-13.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 13, § 15-13.7)

§ 15-13.8 Abandoned vehicles on highway.

- (a) No person shall abandon any vehicle on the public highway. The chief of police or director of budget and fiscal services is authorized to remove or cause to be removed any such abandoned vehicle from the highway, and the registered owner of such vehicle shall be liable for all reasonable expenses incurred by such removal. Leaving vehicles unattended for more than 24 hours shall constitute abandonment within the meaning of this section.
 - (b) Whoever violates this section shall be subject to a fine as provided for under HRS § 290-45.
- (Sec. 15-13.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 13, § 15-13.8) (Am. Ord. 89-94)

§ 15-13.9 Authority to store vehicles.

- (a) Officers and employees of the Honolulu police department and department of customer services are authorized to remove vehicles or cause them to be removed from a street, highway, or pedestrian mall to a storage area or other place of safety under any of the following circumstances:
 - (1) When any vehicle is left unattended upon any bridge or elevated structure, viaduct, causeway, or left unattended in any tube or tunnel, where such vehicle constitutes an obstruction to traffic;
 - (2) When any vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle request the removal of the vehicle or are by reason of physical injury incapacitated to such an extent as to be unable to provide for the vehicle's custody or removal;

- (3) When any vehicle is left unattended upon a street and is parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic;
- (4) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking during the morning peak traffic hours designated by official signs specifying the hours of restricted parking every day, except Saturdays, Sundays, and public holidays on the streets or portions thereof described in Schedule XVII;*
- (5) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking during the afternoon peak traffic hours designated by official signs specifying the hours of restricted parking every day, except Saturdays, Sundays, and public holidays on the streets or portions thereof described in Schedule XVIII;*
- (6) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking during the morning or afternoon peak traffic hours, or both, designated by official signs specifying the hours of restricted parking every day, except Saturdays, Sundays, and public holidays on the streets or portions thereof described in Schedule XIX;*
- (7) When any vehicle is left unattended or parked in a tow zone at all hours of any day on the streets or portions thereof described in Schedule XX;*
- (8) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking designated by official signs specifying those times of restricted parking on the streets or portions thereof described in Schedule XXI;*
- (9) When any vehicle is left unattended or parked upon a street and is parked in front of a public or private driveway so as to constitute an obstruction to vehicular traffic using or attempting to use such driveway for purposes of egress or ingress;
- (10) When any vehicle is left unattended on a street, or portion thereof, so as to interfere with or impede any one or more of the following: construction, demolition, repair or maintenance work being done on, adjacent to, above or below the street, provided a permit has been issued for the work by the director of transportation services, and adequate regulatory signs are posted designating the time of the prohibition;
- (11) When any vehicle is left unattended upon any street within 10 feet of a fire hydrant;
- (12) When any vehicle is left unattended upon any street within 4 feet of either side of a public or private driveway;
- (13) When any vehicle is left unattended or parked in a crosswalk, or within 20 feet of a crosswalk at an intersection, or within 20 feet upon the approach to any midblock crosswalk;
- (14) When any vehicle is left unattended at any time on the roadway portion of any freeway; or when any vehicle, except an authorized emergency vehicle or highway maintenance or construction equipment, is left unattended on the median, shoulder, or any other portion, other than the roadway portion, of any freeway for more than four hours;

- (15) When any bus, truck, truck-trailer, trailer, van, house trailer, or any vehicle used for commercial purposes whose gross vehicle weight is 10,000 pounds or more, except vehicles of the public utilities and construction equipment while engaged in repair or construction work, or vehicles actually loading or unloading goods, wares or merchandise, is parked on any public street for more than four consecutive hours;
- (16) When any vehicle is left unattended in a transit or an express bus lane;
- (17) When any vehicle is left unattended upon any bicycle lane or bicycle path;
- (18) When any vehicle is left unattended or parked in violation of the pedestrian mall provisions of Article 25;
- (19) When any vehicle is left unattended or parked in an official bus stop as described in Schedule XXV;*
- (20) When any vehicle is parked, stopped or left standing in violation of § 15-14.1(a)(21) to (a)(26);
- (21) When any vehicle is left unattended or parked on any public street, road, or highway, and the vehicle has any one or more of the following:
 - (A) No valid vehicle registration emblem or an expired vehicle registration emblem;
 - (B) No valid sticker affixed certifying a certificate of inspection as required in HRS § 286-26, or an expired certificate of inspection sticker; or
 - (C) No valid license plates.

For purposes of this subdivision, **“Public Street, Roadway, or Highway”** includes the entire width, including the berm or shoulder, of every road, alley, street, way, lane, trail, highway, bikeway, or bridge when any part thereof is open for use by the public; and

- (22) When a vehicle is parked in a restricted parking zone in violation of Article 29;
 - (23) When a vehicle is parked in a reserved car-sharing on-street parking stall without a valid and current reserved car-sharing on-street parking stall sticker in accordance with § 15-28.1(g);
 - (24) When a vehicle is parked in a loading zone or an officially designated bus stop without a valid and current decal or other approved device permitting parking in loading zones and official bus stops in accordance with § 15-15.5; and
 - (25) When a shared micromobility vehicle is parked in a manner in violation of any provision of § 15-31.5.
- (b) Whenever an officer or employee of the department of customer services removes a vehicle or causes a vehicle to be removed from a street or other place as authorized in this section, and the officer or employee knows or is able to ascertain from the registration records in the vehicle or otherwise the name and address of the owner thereof, such officer or employee shall immediately notify or cause notice to be given to the police department dispatch office of the fact of such removal, of the reasons therefor, and of the place to which the vehicle has been moved.

- (c) Whenever an officer or employee of the department of customer services removes a vehicle or causes a vehicle to be removed from a street or other place as authorized in this section and does not know and is not able to ascertain the name of the owner as provided in subsection (b), and in the event the vehicle is not returned to the owner within a period of three days, then and in that event, the officer or employee shall immediately send or cause to be sent a written report of such removal by mail to the director of customer services whose duty it is to register motor vehicles. The report shall include a complete description of the vehicle, the date and time the vehicle was removed, and the place from which it was removed, the reasons for its removal, and the name of the garage or other place where the vehicle is stored.
- (d) The registered owner of a vehicle removed and stored as authorized in this section shall be liable for all reasonable expenses incurred by the city for such removal and storage.
(Sec. 15-13.10, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 13, § 15-13.9) (Am. Ords. 88-34, 90-12, 93-51, 01-49, 06-13, 19-1, 19-19, 19-23, 19-29)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-13.10 Authority to dispose of unclaimed vehicles.

- (a) The director of customer services may dispose of vehicles that have been taken into custody by the chief of police or director of customer services or their authorized subordinates as prescribed in §§ 15-13.9 or 15-13.15. Such vehicle may be disposed of in accordance with HRS § 290-10.
- (b) If no bid is received, the director of customer services shall offer such vehicle to the division of automotive equipment services of the city and county for its use or for salvage; and in the event the division rejects such offer, the director of customer services shall dispose of such vehicle at the expense of the city.
(Sec. 15-13.11, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 13, § 15-13.10) (Am. Ords. 88-35, 07-3)

§ 15-13.11 Motorcycles, motor scooters, and mopeds.

- (a) The following shall apply to on-street parking of motorcycles, motor scooters, and mopeds in spaces marked for parallel parking on street blocks where there are no designated parking spaces for motorcycles, motor scooters, and mopeds as provided for in subsection (b):
 - (1) More than one motorcycle, motor scooter, or moped, or a combination of such motorcycle, motor scooters, or mopeds shall be permitted to park in spaces marked for parallel parking.
 - (2) Regardless of the number of motorcycles, motor scooters, or mopeds parked within a metered parking space, the parking fee shall be the rate established for such parking space.
 - (3) Any motorcycle, motor scooter, or moped parked within any space marked for parallel parking, shall be parked diagonally (at an angle of approximately 60 degrees to the curb line) with the front end facing the street and in the direction which the vehicles in the near lane of traffic are traveling.
 - (4) A minimum clearance of 3 feet at each end of the parallel parking space shall be maintained; provided that only the vehicle parked within the 3-foot area shall be in violation of the minimum clearance requirement.

- (5) No person shall prevent the parking of additional motorcycles, motor scooters, or mopeds when space is available within any parallel parking space.
- (6) Any motorcycle, motor scooter, or moped parked within any parallel parking space shall be entitled to the full parking time permitted by law; provided that in any metered space each and every vehicle parked within such space shall be parked illegally, if the meter displays a violation.
- (b) Nothing herein shall prohibit the director of transportation services from establishing, marking and designating parking stalls specifically for the parking of motorcycles, motor scooters, and mopeds upon any street.
 - (1) Wherever parking stalls for motorcycles, motor scooters, and mopeds are so established, marked off, and designated, the driver of such vehicle shall park the vehicle completely within a designated stall.
 - (2) If on-street parking stalls or spaces are established, marked off, and designated for motorcycles, motor scooters, and mopeds along any street block, it shall be unlawful for the driver of any motorcycle, motor scooter, or moped to park such vehicle on any portion of such street block, other than in a stall or space so established, marked off, and designated for parking motorcycles, motor scooters, and mopeds along such street block.
 - (3) Wherever parking stalls for motorcycles, motor scooters, and mopeds are so established, marked off, and designated, it shall be unlawful for the driver of any other vehicle to park in a stall designated for motorcycles, motor scooters, or mopeds.
 - (4) The term “street block” as used in this section means one side of any street, the length of such side extending between two consecutive intersections; or, in the case of a dead-end street, one side of such dead-end street, the length of such side extending between the dead-end and the nearest intersection.
- (c) Nothing herein shall prohibit the parking of a moped in a bicycle rack located on a sidewalk where signage so permits, provided however, that no person shall drive the moped on the sidewalk in violation of HRS § 291C-196(c). For the purposes of this section, a “bicycle rack” means a device erected by the city to be used for the parking of bicycles. This subsection shall not apply to the parking of motorcycles or motor scooters. (Sec. 15-13.12, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 13, § 15-13.11) (Am. Ords. 90-76, 06-05)

§ 15-13.12 Parking on parade routes and on any special occasion.

The director of transportation services is authorized, whenever the director deems it necessary, to prohibit or restrict the parking of any vehicle on either or both sides of any street or portion thereof constituting a part of the route of a parade or a procession, or on any special occasion, and also upon any street adjacent thereto, by the erection or placement of temporary signs setting forth such restrictions. When such signs are erected or placed before the parade, procession, or special occasion, it is unlawful to park or leave unattended any vehicle in violation of such signs.

The chief of police is authorized to remove or cause to be removed, at the owner’s expense, any vehicle left unattended or parked in violation of such signs.

(Sec. 15-13.13, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 13, § 15-13.12)

§ 15-13.13 Parking placards.

- (a) The director of transportation services may issue parking placards to the following city officers: members of the council; the prosecuting attorney; the mayor; the managing director; the deputy managing director; the heads and the first deputies of departments of the executive branch, including the additional first deputy of the Honolulu police department; and the manager and chief engineer and deputy manager and chief engineer of the board of water supply.
- (b) The director of transportation services may issue parking placards to:
 - (1) Federal, State, and city agencies to be used by agency employees when driving vehicles while on official government business; and
 - (2) Members of city boards and commissions on an as-needed basis in conjunction with the discharge of their official duties and upon request to the director of transportation services from:
 - (A) The director of the department to which the board or commission is administratively attached;
 - (B) The presiding officer of the council, in the case of the salary commission, charter commission, and reapportionment commission; or
 - (C) The director and chief engineer of the board of water supply, in the case of the board of water supply.

The director of transportation services shall adopt rules pursuant to HRS Chapter 91 to carry out the purposes of this subsection.

- (c) (1) Except as provided in subdivision (2), parking placards shall be effective for a 12-month period, shall state the date of expiration, be uniquely numbered, and be displayed in a location established by the director of transportation services.
- (2) Placards issued to members of city boards and commissions may be issued for periods of less than 12 months, as determined by the director of transportation services.
- (d) The vehicles of city officers displaying valid parking placards issued under subsection (a) may park without charge while on official city business:
 - (1) In loading and unloading zones established under § 15-15.1(c) and (d);
 - (2) In metered stalls established under § 15-22.1(a) and (b);
 - (3) For periods longer than designated by official signs established under § 15-16.1; and
 - (4) On any portion of a public street where on-street parking spaces are marked off and designated as established under § 15-13.3(c).
- (e) The vehicles displaying valid parking placards issued under subsection (b) may park without charge in the areas identified in subsections (d)(2) to (d)(4) while on official government business.

- (f) Parking placards issued under this section shall not be effective during a parade or special event when parking may be prohibited under § 15-13.12.
- (g) Any federal or State agency requesting a parking placard as authorized in subsection (b)(1) shall pay to the director of transportation services a fee of \$100 per year for each parking placard issued to the agency.
(1990 Code, Ch. 15, Art. 13, § 15-13.13) (Added by Ord. 01-05; Am. Ords. 01-56, 02-08)

§ 15-13.14 Stripping of motor vehicles—Citation—Penalty.

- (a) It shall be unlawful for any person to intentionally act to remove, destroy, deface, or disguise any part of a motor vehicle parked on a public street, highway, or pedestrian mall, except for repairs necessitated by an emergency.
- (b) Any police officer may arrest without a warrant alleged violators of this section by issuing a summons or citation to the alleged violator. Nothing in this section shall be construed as barring any police officer from initiating prosecution by warrant or such other judicial process as is permitted by statute or rule of court.
- (c) The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designated to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.
- (d) In every case when a citation is issued, the original of the same shall be given to the violator; provided that the administrative judge of the district court may prescribe by giving to the violator a carbon copy of the citation and provide for the disposition of the original and any other copies.
- (e) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.
- (f) Any person who violates subsection (a) shall be guilty of a petty misdemeanor.
(1990 Code, Ch. 15, Art. 13, § 15-13.14) (Added by Ord. 06-11)

§ 15-13.15 Prohibition on parking a dangerous motor vehicle near preschool, kindergarten, elementary, intermediate, middle secondary, or high school.

- (a) No motor vehicle shall be parked on any public roadway at anytime in a school zone of any public or private preschool, kindergarten, elementary, intermediate, middle secondary, or high school when:
 - (1) Any exterior part of the motor vehicle is broken, exposed, or protruding that is sharp, pointed, or jagged; or
 - (2) Any windshield or window of the motor vehicle is broken or shattered; or
 - (3) Any door is opened or unlocked, or any window opened that would permit access to the interior of the vehicle having broken or damaged parts that are sharp, pointed, or jagged.

School. Has the same meaning as defined in HRS § 712-1249.6.

School Zone. Has the same meaning as defined in § 15-2.21.

A person who violates this subsection shall be fined at least \$100, but not more than \$500.

- (b) When a police officer determines that a motor vehicle is parked in violation of subsection (a), the police officer may issue a summons or citation to the motor vehicle and immediately notify the department of customer services.

Upon receipt of the notice from the police, the department of customer services shall remove the cited motor vehicle or cause it to be removed as soon as possible, but within 24 hours of receipt of the notice. If, however, the department of customer services for some reason cannot remove or cause the removal of the motor vehicle within the 24-hour period, the department of customer services shall remove it as soon as possible thereafter.

- (c) Section 15-13.9(b), (c), and (d) shall apply when a motor vehicle is removed in accordance with this section. (1990 Code, Ch. 15, Art. 13, § 15-13.15) (Added by Ord. 07-3)

§ 15-13.16 Mobile food unit parking stalls.

- (a) **Definitions.** For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

DES Director. The director of enterprise services or the designated representative of the director.

DTS Director. The director of transportation services or the designated representative of the director.

Hawaii Capital Special District. Has the same meaning as defined in § 21-9.30-2.

Mobile Food Unit. A motor vehicle used by an itinerant vendor, peddler, or huckster of food products.

Mobile Food Unit Parking Stall. A parking stall to accommodate mobile food units consisting of two adjacent standard-sized parking stalls combined to form a single stall double in length.

Reserved Hours. The period beginning at 10:30 a.m. and ending at 1:30 p.m.

- (b) The DTS director shall authorize mobile food unit parking stalls as deemed appropriate at locations on city streets and highways in the Hawaii capital special district. This authorization is limited to a two-year pilot project.
- (c) Notwithstanding § 15-13.6(a)(1), the DES director shall award permits for the use of specific mobile food unit parking stalls during reserved hours pursuant to HRS Chapter 102, which governs concessions on public property. The highest and best bid determines the amount of the permit fee.

- (d) The DES director shall include in each concession contract the location for which the permit applies. The permittee shall prominently display the permit while parked pursuant to the permit, and shall satisfy all statutes, ordinances, rules, and other laws relating to food preparation and sale.
 - (e) Notwithstanding § 15-13.6(a)(1), except for mobile food units with valid permits operating from mobile food unit parking stalls, no mobile food unit may conduct business on any street or highway in the Hawaii capital special district during the reserved hours.
 - (f) The DTS director shall determine the appropriate use of mobile food unit parking stalls outside of the reserved hours, in consideration of the location of such stall and the impact on pedestrian, bicycle, and vehicular traffic.
 - (g) The DES director shall deposit all revenues derived from mobile food unit parking stall permits into the special events fund.
 - (h) The DTS director shall install signs at all mobile food unit parking stalls indicating permitted uses and restrictions, and providing notice, in conformance with HRS § 290-11, that vehicles illegally parked or standing in such stalls are subject to towing.
 - (i) The DTS director and the DES director shall adopt rules to implement their respective responsibilities under this section.
- (1990 Code, Ch. 15, Art. 13, § 15-13.16) (Added by Ord. 14-5)

ARTICLE 14: STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIC PLACES

Sections

- 15-14.1 Stopping, standing, or parking prohibited in specified places—No signs required
- 15-14.2 Obstruction to sidewalk prohibited
- 15-14.3 Parking not to obstruct traffic
- 15-14.4 Railroad trains not to block street
- 15-14.5 Prohibited parking within the City and County of Honolulu
- 15-14.6 Parking prohibited during certain hours within the City and County of Honolulu
- 15-14.7 Parking for certain purposes prohibited
- 15-14.8 Parking prohibited in tow or tow-away zones

§ 15-14.1 Stopping, standing, or parking prohibited in specified places—No signs required.

- (a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device, in any of the following places:
 - (1) On a sidewalk;
 - (2) In front of a public or private driveway or within 4 feet of either side of a public or private driveway;
 - (3) Within an intersection, along the edges or curbsides around corners and in channelized areas of any two intersecting streets;
 - (4) Within 10 feet of a fire hydrant;
 - (5) On a crosswalk;
 - (6) Within 20 feet of a crosswalk at an intersection or within 20 feet upon the approach to any midblock crosswalk;
 - (7) Within 30 feet upon the approach to any flashing beacon or stop sign located at the side of a roadway;
 - (8) Within 75 feet upon the approach to any traffic control signal;
 - (9) On the far side of the street at any signalized intersection, within 30 feet of the curb line of the intersecting street. As used herein, the term “signalized intersection” means an intersection at which traffic is controlled by official traffic control signals;
 - (10) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless there is a different length indicated by signs or markings;

- (11) Within 50 feet of the nearest rail of a railroad crossing;
- (12) In front of a driveway entrance to any fire station; within 20 feet of the driveway entrance to any fire station; and, on the side of a street opposite the entrance to any fire station, within 75 feet of such entrance when proper signs give notice of such restriction;
- (13) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (14) On the roadway side of any vehicle stopped or parked at the edge or curb of a roadway;
- (15) Upon or beneath any bridge or other elevated structure upon a highway, upon or beneath any highway viaduct or causeway, or within a highway tunnel or tube, except that widened portion of 10th Avenue under the Lunalilo Freeway overpass;
- (16) Any place where official signs prohibit stopping;
- (17) In front of the entrance of any theater during the hours moving pictures or legitimate play productions are being exhibited or performed therein; provided that this provision shall not apply where the operator of a vehicle stops temporarily before such entrance for the purpose of loading or unloading passengers;
- (18) On either side of any street with a roadway width of 18 feet or less, when official signs are erected giving notice thereof;
- (19) On the medial strip of any divided highway;
- (20) On a traffic island;
- (21) On all ramps, connecting ramps, connecting roads, collector roads, loops, overpasses, and underpasses of any federal-aid highway;
- (22) On the roadway portion of any freeway, or on the median, shoulder or any other portion other than the roadway portion of any freeway, except in areas designated by official traffic control devices for emergency parking;
- (23) On all ramps, loops, and collector roads on Moanalua Road located between the Moanalua Bridge to its intersection with King Street;
- (24) On Kalihi overpass, ramps, and connecting roads;
- (25) In Wilson Tunnel, the Pali Highway Tunnels, Hirano Tunnel, Hospital Rock Tunnel, Middle Street Tunnel, and Diamond Head Tunnel;
- (26) On any portion of Likelike Highway;
- (27) Within the turnaround area of any dead-end street; and
- (28) In front of any curb ramp with crosswalks.

- (b) No person shall move a vehicle not lawfully under such person's control onto any place enumerated in subsection (a) or move such a vehicle away from a curb and park, stop, or leave standing a vehicle at such a distance from the curb as is unlawful.
- (c) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the completed section of the federal-aid highway (unofficially called Nuuanu Highway) from Nuuanu Pali Drive (near Reservoir No. 4) to Kamehameha Highway (at the hairpin turn), except in areas set aside for emergency parking and so designated by official traffic control devices.
(Sec. 15-14.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 14, § 15-14.1) (Am. Ords. 95-42, 97-05, 01-49, 05-010, 17-51)

§ 15-14.2 Obstruction to sidewalk prohibited.

No person shall stand or park a vehicle in such a manner that any portion of such vehicle obstructs a sidewalk or portion thereof.
(Sec. 15-14.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 14, § 15-14.2)

§ 15-14.3 Parking not to obstruct traffic.

No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the street or alley for the free movement of vehicular traffic.
(Sec. 15-14.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 14, § 15-14.3)

§ 15-14.4 Railroad trains not to block street.

- (a) It is unlawful for the directing officer or the operator of any railroad train to direct the operation or to operate the same in such a manner as to prevent the use of any street or highway for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains in motion other than those engaged in switching. It is unlawful to stop any railroad train within an intersection for the purpose of receiving or discharging passengers or freight.
- (b) It is unlawful for the directing officer or the operator of any railroad train to direct the operation or to operate the same on, over, or across that certain portion of Waiakamilo Road, situated between Dillingham Boulevard and Nimitz Highway, and that certain portion of Nimitz Highway extending from the railroad depot at Iwilei Road to Waiakamilo Road, during the period from 6:30 a.m. to 8:00 a.m. and from 3:30 p.m. to 5:30 p.m. on any day, except on Saturdays and public holidays.
(Sec. 15-14.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 14, § 15-14.4)

§ 15-14.5 Prohibited parking within the City and County of Honolulu.

- (a) When official signs are erected giving notice of the prohibition against parking, no person shall stop, stand, or park a vehicle any longer than is absolutely necessary to take on or discharge passengers or freight upon any of the streets or portions thereof described in Schedule XXII attached to the ordinance codified in this section

and made a part hereof;* provided that when requested for noncommercial or nonbusiness purposes only, the director of transportation services may suspend for a period of not more than one week any parking prohibition herein enacted pursuant to Article 3.

- (b) No vehicle shall stop, stand or park upon any of the streets or portions thereof described in Schedule XXIII attached to the ordinance codified in this section and made a part hereof* for any reason when official signs prohibiting stopping, standing, loading, or unloading thereon are erected; provided that when requested for noncommercial or nonbusiness purposes only, the director of transportation services may suspend for a period of not more than one week any parking prohibition herein enacted pursuant to Article 3.

(Sec. 15-14.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 14, § 15-14.5)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-14.6 Parking prohibited during certain hours within the City and County of Honolulu.

- (a) When official signs are erected giving notice thereof, no person shall stop, stand, or park a vehicle any longer than is absolutely necessary to take on or discharge passengers or freight, upon any of the streets or portions thereof within the city, between the hours indicated on such signs; provided that when requested for noncommercial or nonbusiness purposes only, the director of transportation services may suspend for a period of not more than one week any parking prohibition herein enacted pursuant to Article 3.
- (b) When official signs are erected specifying the hours of restricted parking during the morning peak traffic or afternoon peak traffic hours, or both, no person shall stop, stand, or park a vehicle, even momentarily, upon any of the streets or portions thereof between the hours indicated on such signs; provided that when requested for noncommercial or nonbusiness purposes only, the director of transportation services may suspend for a period of not more than one week any parking prohibition herein enacted pursuant to Article 3.

(Sec. 15-14.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 14, § 15-14.6)

§ 15-14.7 Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying such vehicle for sale; or

- (2) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

(Sec. 15-14.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 14, § 15-14.7)

§ 15-14.8 Parking prohibited in tow or tow-away zones.

- (a) When official signs are erected designating a street or portions thereof as a tow or tow-away zone, no person shall stop, stand, or park a vehicle, even momentarily, between the hours indicated on such signs; provided that:

- (1) During hours other than the morning and afternoon peak traffic hours as defined in this code:

- (A) Stops may be made by a vehicle displaying a valid decal pursuant to § 15-15.5 for the expeditious loading or unloading of freight;
 - (B) Stops may be made by a bus in an official bus stop for the expeditious loading or unloading of passengers; and
 - (C) Stops, in other than an official bus stop, may be made by a special transit service vehicle for the expeditious loading or unloading of a mobility-handicapped passenger; and
- (2) At any time, the following may stop, stand, or park in an official bus stop for the expeditious loading or unloading of passengers:
- (A) A bus franchised by the public utilities commission to render regularly scheduled bus service on routes specified by the public utilities commission and operating as such;
 - (B) A city transit bus; and
 - (C) A bus when operated for the transportation of children to or from school.
- (b) In no case shall the stop for the loading or unloading of freight exceed 30 minutes, and for the loading or unloading of passengers, three minutes; except that a special transit vehicle may stop, stand, or park for not more than 15 minutes when loading or unloading a mobility-handicapped passenger.
- (c) When requested for noncommercial or nonbusiness purposes only, the director of transportation services may suspend for a period of not more than one week any parking prohibition herein enacted pursuant to Article 3.
- (d) Nothing in this section shall permit the parking of any bus, other than a city transit bus, in an officially designated bus stop in the Waikiki special district, as defined in § 21-9.80-2.
- (Sec. 15-14.8, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 14, § 15-14.8) (Am. Ords. 89-58, 91-27, 96-58)

Honolulu - Traffic and Vehicles

ARTICLE 15: STOPPING FOR LOADING OR UNLOADING ONLY

Sections

- 15-15.1 Standing in loading zones for loading or unloading only
- 15-15.2 Boarding or alighting from vehicle—Use of vehicle doors
- 15-15.3 Buses not permitted to stand or park except in officially designated bus stops
- 15-15.4 Other vehicles not to be parked, stopped or permitted to stand in bus stops
- 15-15.5 Permits and supplemental permits to park in loading zones and official bus stops
- 15-15.6 Credit of annual fees

§ 15-15.1 Standing in loading zones for loading or unloading only.

- (a) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zones are effective, and then only for a period not to exceed three minutes; except that a special transit service vehicle may stop, stand, or park for a period not exceeding 15 minutes when loading or unloading a passenger who is ADA paratransit eligible under § 15B-4.2.
- (b) No person shall stop, stand, or park a vehicle for any purpose or any length of time in any space marked as a freight curb loading zone during the posted times; provided that:
 - (1) A vehicle displaying a valid decal issued by the licensing division of the department of budget and fiscal services on its front right bumper or, in the case of vehicles not required to have front bumpers, on the windshield or on some other authorized place designated by the licensing division of the department of budget and fiscal services pursuant to § 15-15.5, may be stopped or parked within such space while freight is being loaded upon or is being unloaded from such vehicle. In no case shall such standing, stopping, or parking for loading and unloading of freight exceed 30 minutes or be permitted during the restricted peak traffic hours in tow or tow-away zones as provided in § 15-14.8;
 - (2) A taxicab licensed under § 36-6.9 may stop, stand, or park in a freight curb loading zone for the purpose of active loading and unloading of passengers or their personal property so long as the taxicab is not stopped, standing, or parked for a period longer than 30 seconds;
 - (3) An armored vehicle may stop, stand, or park in a freight curb loading zone for the purpose of active loading and unloading of money, securities, negotiable instruments and other valuables and documents, so long as the armored vehicle is not stopped, standing, or parked for a period longer than 10 minutes; and
 - (4) A special transit service vehicle may stop, stand, or park in a freight curb loading zone for the purpose of loading or unloading a passenger who is ADA paratransit eligible under § 15B-4.2. In no case shall the special transit service vehicle stand, stop, or park:

(A) For a period exceeding 15 minutes; or

(B) In a tow or tow-away zone during the restricted peak traffic hours as is prohibited under § 15-14.8.

The chief of police is authorized to remove or cause to be removed, at the owner's expense, any vehicle parked, stopped, or standing in violation of this subsection. The removal of a vehicle for such violation shall be in accordance with § 15-13.9.

- (c) Whenever any curb markings are to be used to designate freight curb loading zones, such markings shall be yellow in color. Whenever any curb markings are to be used to designate passenger curb loading zones, including bus stops, such markings shall be red in color. Whenever any curb markings are to be used to designate combination freight and passenger curb loading zones, such markings shall be alternatively colored yellow and red, and signs shall be erected stating the specific days and times when each type of loading zone is in effect.
- (d) The establishment, relocation, or abolishment of curb loading zones in the manner provided by law is authorized at the locations described in Schedule XXIV referenced in Table 15.0 of this chapter. *
- (Sec. 15-15.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 15, § 15-15.1) (Am. Ords. 89-58, 89-78, 90-77, 96-58, 97-05)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-15.2 Boarding or alighting from vehicle—Use of vehicle doors.

No person shall board or alight from any vehicle while such vehicle is in motion, and no person shall open the door of a motor vehicle on the side toward moving traffic, unless and until it is reasonably safe to do so, nor shall any person leave a door of a vehicle open on the side toward moving traffic for a period of time longer than necessary to load or unload passengers.

(Sec. 15-15.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 15, § 15-15.2)

§ 15-15.3 Buses not permitted to stand or park except in officially designated bus stops.

- (a) The driver of a bus shall not stop, stand, or park such bus upon any street at any place within any business district other than at an officially designated bus stop, nor for any purpose or period of time other than when actually engaged in the discharge of passengers or the pickup of passengers then in readiness at the curb. The stopping, standing, or parking of such bus shall not extend beyond the time necessary therefor and in no event for more than three minutes.
- (b) The chief of police may permit and direct the parking of buses at places other than officially designated bus stops when large assemblages of people create an unusually heavy demand for mass transportation facilities.
- (c) No person shall stop, stand, or park a bus used for charter or tour service in any officially designated bus stop, unless such bus displays on the right front bumper a valid decal issued by the licensing division of the department of budget and fiscal services pursuant to § 15-15.5.

- (d) The locations of designated official bus stops are described in Schedule XXV attached to the ordinance codified in this section and made a part hereof.* The designations shall be made by the department of transportation services.
- (e) Nothing in this section shall permit the parking of any bus, other than a city transit bus, in an officially designated bus stop in the Waikiki district, as defined in § 21-9.80-2 of the land use ordinance.
(Sec. 15-15.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 15, § 15-15.3) (Am. Ords. 91-27, 97-02)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-15.4 Other vehicles not to be parked, stopped or permitted to stand in bus stops.

No person shall stop, stand, or park a vehicle, other than a bus authorized under § 15-15.3, in a bus stop that has been officially designated and appropriately signed as such.

(Sec. 15-15.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 15, § 15-15.4) (Am. Ord. 91-27)

§ 15-15.5 Permits and supplemental permits to park in loading zones and official bus stops.

- (a) Except as provided in subdivision (3), the department of customer services is authorized to issue, upon application therefor on forms furnished by the department of customer services and upon the payment of annual fees as hereinafter provided, permits for the parking of trucks as described in HRS § 249-1, as amended, in freight curb loading zones when freight is being loaded upon or is being unloaded from such vehicles, and permits for the parking of tour vehicles, as defined in HRS § 251-1, as amended, in officially designated bus stops when passengers are being loaded upon or being unloaded from such vehicles.
 - (1) A permit, deemed granted upon approval of the application, shall expire on December 31 of the year in which it is issued. However, an application for renewal of such permit for the following year may be made on and after December 1 and approval thereof may be granted upon the payment of the permit fee. The permit shall be evidenced by an appropriate decal that shall be placed on the front right bumper, or on a place to be designated by the department of customer services in the case of vehicles not required to have front bumpers.
 - (2) The department of customer services shall charge and collect an annual fee of \$60 for each permit, and a fee of \$10 for each decal, for a total charge of \$70; provided that where the application for such permit is made in any month other than January, the permit fee shall be reduced by one-twelfth of the annual cost for each permit for each full month of the then calendar year that has elapsed at time of the application; and provided further, that where a decal is mutilated, defaced, or lost, a replacement decal shall be issued upon payment of \$10. The director of customer services is authorized, at the discretion of the director of customer services, to establish and increase the annual permit fee and the decal fee by no greater than 5 percent once per calendar year; provided that the current fees are set forth in Schedule XXXIX, which is to be provided by the director of transportation services subsequent to the effective date of this ordinance and made a part hereof. The sums collected shall be deposited in the highway fund.
 - (3) Permits issued pursuant to this section shall not allow the permittee to park in:

- (A) Officially designated city bus stops in the Waikiki special district, as defined in § 21-9.80-2, as amended. Such bus stops shall be restricted for use by city transit buses only; and
 - (B) Freight curb loading zones and officially designated bus stops located within the boundary of a transportation management special improvement district established pursuant to Chapter 36.
- (b) The department of customer services is authorized to issue, upon application therefor on forms furnished by the department of transportation services and upon the payment of annual supplemental permit charges as hereinafter provided, supplemental permits for the parking of trucks as described in HRS § 249-1, as amended, and for the parking of tour vehicles, as defined in HRS § 251-1, as amended, in loading zones when freight or passengers are being loaded upon or being unloaded from such vehicles, for loading zones within the boundary of a transportation management special improvement district established pursuant to Chapter 36.
- (1) A supplemental permit, deemed granted upon approval of the application, shall expire on December 31 of the year for which it is issued. An application for renewal of such supplemental permit for the following year may be made on and after December 1 and approval thereof may be granted upon the payment of the supplemental permit fee, decal fee, and the additional fee for each transportation management special improvement district within which permission to load and unload is requested. The supplemental permit shall be evidenced by an appropriate decal or other device as approved by the director of transportation services which shall be placed on the front right bumper or such other place on the vehicle as may be approved by the director of transportation services.
 - (2) The department of customer services shall charge and collect an annual fee of \$120 for each supplemental permit, and a fee of \$10 for each decal or other approved device, for a total charge of \$130; provided that where the application for the supplemental permit is made in any month other than January, the supplemental permit fee shall be reduced by 1/12 of the annual cost for each supplemental permit for each full month of the then calendar year which has elapsed at the time of the application; and provided further, that where a decal or other device is mutilated, defaced, or lost, a replacement decal or approved device will be issued upon payment of \$10.
- (A) Supplemental permits to authorize the loading and unloading of passengers and freight in a transportation management special improvement district will be subject to an additional fee for each transportation management special improvement district within which permission to load and unload is requested. The supplemental permit charge for each transportation management special improvement district is \$120.
 - (B) The director of transportation services is authorized, at the discretion of the director of transportation services, to establish and increase the additional transportation management special improvement district fee and the decal fee by no greater than five percent once per calendar year; provided that the current fees are set forth in Schedule XXXIX, which is to be provided by the director of transportation services subsequent to the effective date of this ordinance and made a part hereof.
 - (C) The sums collected from the supplemental fees must be deposited in the transportation fund and must be allocated to defraying the cost of the increased management and enforcement needs of the transportation management special improvement district loading zones and the associated operational and administrative costs.

- (D) The director of transportation services may enter into an agreement with any entity or entities authorized by ordinance to manage freight and passenger loading and unloading in a transportation management special improvement district.
- (c) A person may not park a vehicle in a permitted loading zone or bus stop unless there is affixed to the vehicle a valid and current decal or other approved device permitting parking in loading zones and official bus stops in accordance with this section and, for a loading zone or official bus stop in a transportation management special improvement district, unless there is affixed to the vehicle a valid and current decal or other approved device permitting parking in loading zones and official bus stops in that transportation management special improvement district. Any vehicle parked in a permitted loading zone or bus stop without a valid and current decal or approved device, or, for a permitted loading zone or bus stop within a transportation management special improvement district, parked without a valid and current decal or approved device permitting parking in a permitted loading zone or bus stop within the applicable transportation management special improvement district, is subject to being towed, and the owner of the vehicle is subject to a fine of \$100 for each offense.
- (d) Permits, decals, or other approved devices issued pursuant to this section are not effective during a parade or special event or when parking is otherwise prohibited pursuant to §§ 15-13.12, 15-14.8, 15-15.1, and 15-15.3, or other applicable laws.
- (e) The director of customer services and the director of transportation services may adopt rules, in accordance with HRS Chapter 91, having the force and effect of law for the implementation, administration, and enforcement of this article, specifically including the adoption of rules limiting the number of supplemental permits issued within, and specifying other provisions relating to loading zones within, individual transportation management special improvement districts.
- (Sec. 15-15.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 15, § 15-15.5) (Am. Ords. 19-23, 20-19)

§ 15-15.6 Credit of annual fees.

When an annual fee has already been paid on a vehicle and that vehicle is, within the year, replaced by another vehicle, the unexpired portion of the annual fee paid on the vehicle so replaced shall be credited to the annual fee payable for the replacement vehicle. For the purposes hereof, the unexpired portion of the annual fee shall be that amount that is equal to \$2 for each full month remaining in the current licensing year. In addition, whenever a vehicle is replaced by another vehicle under the provisions hereof, the sum of \$5 shall be charged and collected to defray the administrative costs incurred by the city.

(Sec. 15-15.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 15, § 15-15.6)

Honolulu - Traffic and Vehicles

**ARTICLE 16: STOPPING, STANDING, OR PARKING RESTRICTED OR
PROHIBITED ON CERTAIN STREETS**

Sections

- 15-16.1 Time limit parking within the City and County of Honolulu
- 15-16.2 Vehicles in limited parking area to be moved 50 feet
- 15-16.3 Parking within public parks and public school grounds restricted
- 15-16.4 Restricted parking on federal-aid highways
- 15-16.5 City Hall and satellite off-street parking
- 15-16.6 Storage parking of commercial vehicles prohibited—No signs required
- 15-16.7 Board of water supply off-street parking
- 15-16.8 Twenty-four-hour time limit parking within the City and County of Honolulu

§ 15-16.1 Time limit parking within the City and County of Honolulu.

When official signs are erected giving notice thereof, no person shall stop, stand, or park a vehicle for a period of time longer than the period of time indicated on such sign, unless otherwise provided by law or by official permits or decals upon any of the streets or portions thereof within the city as described in Schedule XXVI attached hereto and made a part hereof.*

(Sec. 15-16.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 16, § 15-16.1) (Am. Ord. 17-45)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-16.2 Vehicles in limited parking area to be moved 50 feet.

In construing § 15-16.1 a vehicle in a limited parking area shall be moved not less than 50 feet during the limited parking period or shall be deemed to have remained stationary.

(Sec. 15-16.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 16, § 15-16.2) (Am. Ord. 90-77)

§ 15-16.3 Parking within public parks and public school grounds restricted.

- (a) No person shall park a vehicle on any roadway within public parks and public school grounds in such a manner as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic.
- (b) No person shall stop, park, or leave standing a vehicle on any roadway within public parks and public school grounds other than parallel with the edge of the roadway heading in the direction of traffic and with the right-hand wheels of the vehicle within 12 inches of the curb line or edge of the roadway, except upon those roadways that have been marked or signed for angle parking, upon which roadways vehicles shall be parked at the angle to the curb indicated by such marks or signs.

- (c) Wherever parking stalls for the parallel or angle parking of motor vehicles are marked off and designated on any roadway or in any parking area within public parks and public school grounds, each such parking stall shall extend in width 8 feet and shall extend in length approximately 22 feet. The driver of any vehicle, excepting only single vehicles of a greater length or width, shall park such vehicle completely within the parking stall.
 - (d) No person shall park a vehicle on any roadway or in any parking area within public parks and public school grounds for the purpose of:
 - (1) Displaying such vehicle for sale; or
 - (2) Washing, greasing, or repairing such vehicle, except minor repairs necessitated by an emergency.
 - (e) Wherever any roadway or parking area within public parks and public school grounds is kept open for vehicular use, no person shall park a vehicle on any such roadway or in any such parking area for a period of time longer than 60 minutes between the hours of 2:00 a.m. and 6:00 a.m. of any day.
 - (f) No vehicle shall be operated or driven off the improved or paved portion of any roadway within public parks and public school grounds, except to and from a parking area maintained therein. Disabled vehicles may be driven off the paved portion so as to prevent obstruction of traffic, until temporary repairs are made or until power is obtained to remove them.
 - (g) When official signs are erected giving notice thereof, no person shall, after school hours, stop, stand, or park a vehicle in any parking facility maintained on public school grounds. The parking prohibition contained herein shall not apply to a person who is, after school hours, a guest or patron of or an invitee to a function or activity approved by the proper school authorities.
- (Sec. 15-16.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 16, § 15-16.3)

§ 15-16.4 Restricted parking on federal-aid highways.

- (a) No person shall park a vehicle within any off-street parking area of the federal-aid highway system during the hours of 2:00 a.m. to 5:00 a.m.; subject, however, to the exceptions granted authorized emergency vehicles, pursuant to § 15-4.4.
 - (b) No person shall park a vehicle within any such off-street parking area for a period of time longer than 120 minutes during the hours of 5:00 a.m. to 2:00 a.m.
 - (c) No person shall, further, park a vehicle within any such off-street parking area for the purpose of:
 - (1) Displaying such vehicle for sale; or
 - (2) Washing, greasing, wiping, or repairing such vehicle, except minor repairs necessitated by an emergency.
 - (d) The State director of transportation shall install appropriate signs identifying the off-street parking areas and indicating their restricted use for parking only.
- (Sec. 15-16.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 16, § 15-16.4) (Am. Ord. 96-58)

§ 15-16.5 City hall and satellite off-street parking.

- (a) It is unlawful for any person to park a vehicle in an unmetered parking stall within the areas described in subsection (d), unless the vehicle has affixed thereon a decal evidencing that a parking permit has been issued to the person by the chief engineer of the department of facility maintenance or the chief engineer's authorized representative authorizing the person to park within those areas.
- (b) It is unlawful for any person to:
 - (1) Park a vehicle outside of a designated parking stall within the areas provided for parking by city and county officials and employees, described in subsection (d);
 - (2) Disregard or violate any direction, instruction, or restriction indicated by or on appropriate signs and markings posted in or about the areas described in subsection (d); or
 - (3) Travel at a speed in excess of 10 miles per hour within the areas described in subsection (d).
- (c) Members of the police department and other persons authorized by the chief of police are authorized to remove or cause to be removed any vehicle parked within the areas described in subsection (d) when:
 - (1) The vehicle does not display the decal required to be displayed under subsection (a); or
 - (2) The vehicle is not parked wholly within a designated stall and straddles an adjoining stall.
- (d) Except as specified otherwise, the chief engineer of the department of facility maintenance is authorized to designate by appropriate signs or markings or both all parking areas described in this subsection for the exclusive use of officials and employees of the city, employees of the city and State whose offices are within the joint traffic management center, and employees of the civic center child care facility. The chief engineer is authorized to issue parking permits under this section, upon receiving application therefor on forms furnished by the chief engineer and payment of the applicable monthly permit fee described in subsection (e). The designated parking areas are as follows:
 - (1) Except for off-street parking areas serving fire stations and fire repair facilities, all city off-street parking areas in the area bounded by Ward Avenue, Kinau Street, Lusitana Street, H-1 Freeway, Nuuanu Stream, North Nimitz Highway, South Nimitz Highway, and Ala Moana Boulevard. These parking areas are under the jurisdiction of the department of facility maintenance. Included in the city off-street parking area is the joint traffic management center parking garage located at the Ewa corner of S. King and Kealamakai Streets, which includes floors P-2, P-3, P-4, P-5, and P-6;
 - (2) The Kapalama Hale parking facility located at the Ewa corner of Dillingham Boulevard and Alakawa Street; and
 - (3) The Alapai parking facility located at the Waikiki makai corner of Alapai and Beretania Streets, which includes floors P-1, P-2, P-3, B-1, and B-2. These parking areas are under the jurisdiction of the chief of police. The chief of police of the city is authorized and directed to designate all parking areas by appropriate signs or markings or both for the exclusive use of officials and employees of the city. The chief of police is authorized to issue, upon receipt of an application therefor on forms furnished by the

chief of police and payment of the applicable monthly parking fee, permits for parking in the facility described in this subdivision.

The chief engineer and the chief of police may charge a fee of \$15 for each parking decal that is replaced due to being lost, stolen, misplaced, or not returned.

- (e) Any city official or employee, including any elective or appointive official, any employee of the city and State whose offices are within the joint traffic management center, and any employee of the civic center child care facility, who applies for and receives a parking permit under this section shall pay a fee for parking in accordance with the following schedule:
 - (1) Unassigned covered stall is the same rate as the fare for an adult monthly bus pass as provided for in § 15B-2.1;
 - (2) Assigned covered stall is \$15 more than the unassigned covered stalls per month;
 - (3) Assigned covered stall assigned to an elected or appointed official or employee of the city is \$40 more than the rate for unassigned covered stalls per month;
 - (4) Assigned tandem covered stall is \$10 less than the rate for unassigned covered stalls per month;
 - (5) Assigned uncovered stall is \$5 more than the rate for unassigned covered stalls per month;
 - (6) Assigned uncovered stall assigned to an elected or appointed official or employee of the city is \$40 more than the rate for unassigned uncovered stalls per month;
 - (7) Unassigned uncovered stall is \$10 less than the rate for unassigned covered stalls per month;
 - (8) Unassigned uncovered satellite stall with bus pass for commuting to working place not less than 0.375 miles away is \$15 less than the rate for unassigned covered stalls per month;
 - (9) Assigned tandem uncovered stall is \$20 less than the rate for unassigned covered stalls per month; and
 - (10) Carpool unassigned covered or uncovered stalls:
 - (A) Two occupants: 75 percent of specified rate;
 - (B) Three occupants: 50 percent of specified rate; and
 - (C) Four or more occupants: no charge.
- (f) Appointive members of boards and commissions are entitled to park free of charge in areas that are set aside for such parking.
- (g) A city official or employee who is the primary driver of a vehicle clearly identifiable on its exterior as a ridesharing vehicle provided under the State department of transportation's ridesharing program qualifies for the applicable carpool fees established in subsection (e), based on the number of passengers assigned to the

vehicle under the State's program. Other than the primary driver of the vehicle, the other occupants need not be city officials or employees.

- (h) The chief engineer and the chief of police shall also set aside areas where city and county vehicles not assigned to specific city officials and that are used for the conduct of daily city business (motor pool cars) are to be parked. No fee will be assessed for parking these vehicles.
- (i) The chief engineer and the chief of police are also authorized and directed to establish, mark, and designate metered and unmetered parking stalls within the areas designated in subsections (d)(1), (d)(2), and (d)(3).
- (j) The chief engineer and the chief of police shall also post appropriate signs in and about the parking areas under their respective jurisdictions to indicate the type of parking in effect and in the case of metered parking spaces, the times during which meter fees are in effect.
- (k) *Bicycles, motorcycles, motor scooters, and mopeds.* Notwithstanding the foregoing provisions, portions of the parking facilities that are not designated as parking stalls must be designated for the parking of bicycles, motorcycles, motor scooters, and mopeds as defined in HRS § 291C-1, free of charge.
(Sec. 15-16.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 16, § 15-16.5) (Am. Ords. 89-78, 92-24, 94-03, 95-30, 01-50, 04-21, 11-13, 12-36, 16-22)

§ 15-16.6 Storage parking of commercial vehicles prohibited—No signs required.*

- (a) Except as provided in subsection (b), it is unlawful for the driver or owner of any bus, truck, truck-trailer, trailer, van, house trailer, or other vehicle used for commercial purposes whose gross vehicle weight rating is 10,000 pounds or more, or whose vehicle length from bumper to bumper is 20 feet or more to park the same or permit the same to be parked, stand, or remain motionless for a period in excess of four hours on any public street. Such vehicle shall be subject to all parking limitations applicable thereto, unless otherwise provided by law.
- (b) The following shall be excepted from subsection (a):
 - (1) Construction equipment and public utility vehicles, but only when such equipment and vehicles are actively being used for repair or construction work; and
 - (2) Vehicles actively being used for the loading of goods, wares, or merchandise.

(Sec. 15-16.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 16, § 15-16.6) (Am. Ords. 96-58, 00-69)

Editor's note:

** Ord. 00-69 shall take effect 180 days after its approval (6-6-2001).*

§ 15-16.7 Board of water supply off-street parking.

- (a) No person shall park any vehicle in the parking areas located at the board of water supply Beretania complex as shown on Exhibit 15-16.7 which follows, and as described in subsection (e), who has not been specifically authorized by the manager and chief engineer or the manager's and chief engineer's authorized subordinate, or who is not on a business visit to the board of water supply.

- (b) No person shall park any vehicle outside of the designated parking stall or other spaces set aside for parking, as described in subsection (e).
- (c) No person shall park any vehicle contrary to any directions, instructions, or restrictions indicated by or on official signs and markings therein at any hour of the day or day of the week posted in or about the areas described in subsection (e).
- (d) Any police officer or any person authorized by the chief of police is authorized to issue a citation to any person who violates this section and to remove or cause to be removed any vehicle parked within the areas described in subsection (e), with removal costs to be borne by the violator or owner of the vehicle that is parked in violation of this section.
- (e) Except as specified otherwise by appropriate signs or markings, or both, the following parking areas are designated for the exclusive use of officials, employees, guests, and customers of the board of water supply:
 - (1) Area A, being that parcel of land located within the block bounded by Lauhala Street, Lusitana Street, Lisbon Street and Beretania Street, more particularly described as follows:

- (A) Beginning at the northerly corner of this lot, being also the westerly corner of Lot E, and running by azimuths measured clockwise from true south:

1.	327°	15'	265.61 feet
2.	57°	15'	65.00 feet
3.	147°	15'	270.33 feet
4.	242°	40'	65.29 feet to the point of beginning and containing an area of 17,371 square feet

- (2) Areas B and C, being those parcels of land located within the block bounded by Lisbon Street, Lusitana Street, Alapai Street, and Beretania Street, more particularly described as follows:

- (A) Area B—Beginning at the northerly corner of this lot, being also the westerly corner of Lot C, and running by azimuths measured clockwise from true south:

1.	319°	04'	124.67 feet
2.	47°	10'	42.12 feet
3.	21°	12'	4.58 feet
4.	138°	30'	135.06 feet
5.	237°	15'	47.98 feet to the point of beginning and containing an area of 6,037 square feet

- (B) Area C — Beginning at the northerly corner of this lot, being also the intersection of Lisbon Street and Lusitana Street, and running by azimuths measured clockwise from true south:

1.	330°	15'	98.46 feet
2.	47°	10'	143.28 feet
3.	139°	04'	124.67 feet
4.	237°	15'	163.96 feet to the point of beginning and containing an area of 16,988 square feet

- (3) Areas D and E, being those parcels of land located within the block bounded by Lauhala Street, Lusitana Street, Lisbon Street, and Beretania Street, more particularly described as follows:

- (A) Area D—Beginning at the northeast corner of this lot, being also the intersection of Lauhala Street and Lusitana Street, and running by azimuths measured clockwise from true south:

1.	341°	34'	7.96 feet
2.	335°	55'	119.04 feet
3.	330°	15'	51.10 feet
4.	57°	15'	230.00 feet
5.	147°	15'	236.80 feet
6.	245°	50'	238.87 feet
7.	293°	42'	29.67 feet to the point of beginning and containing an area of 52,437 square feet

- 84 (B) Area E—Beginning at the northerly corner of this lot, being also the westerly corner of Lot D, and running by azimuths measured clockwise from true south:

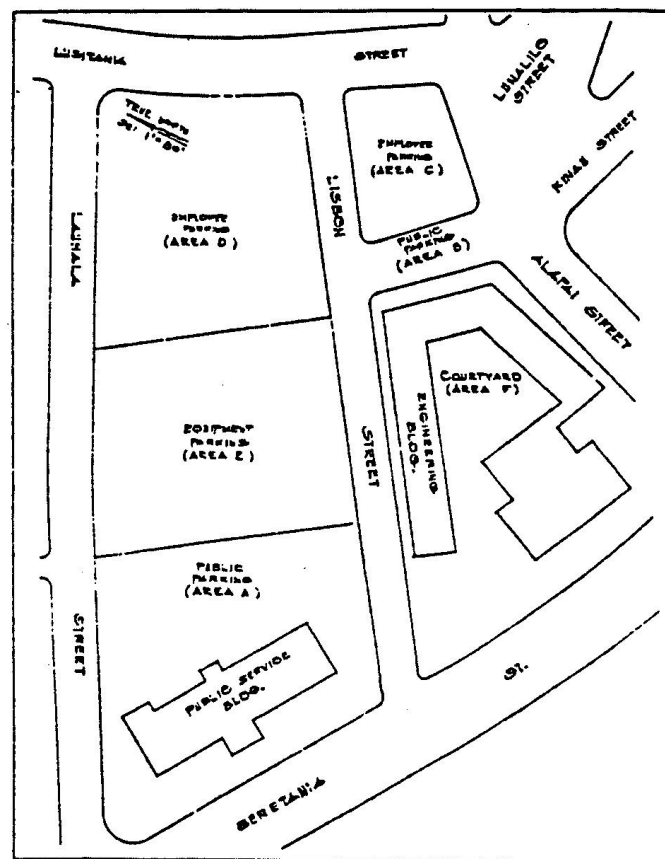
1.	327°	15'	266.80 feet
2.	57°	15'	215.00 feet
3.	147°	15'	265.61 feet
4.	242°	40'	10.55 feet
5.	243°	29'	57.41 feet
6.	244°	57'	43.51 feet
7.	245°	42'	8.40 feet
8.	245°	50'	97.09 feet to the point of beginning and containing an area of 54,243 square feet

- (4) Area F, being that parcel of land located within the block bounded by Lisbon Street, Lusitana Street, Alapai Street, and Beretania Street, more particularly described as follows:

- (A) Beginning at the northerly corner of this lot, being also the westerly corner of Lot B, and running by azimuths measured clockwise from true south:

1.	318°	30'	135.06 feet
2.	21°	12'	252.20 feet
3.	68°	14'	61.48 feet
4.	115°	17'	95.05 feet
5.	115°	50'	26.94 feet
6.	119°	34'	156.48 feet
7.	180°	00'	33.64 feet
8.	237°	15'	362.32 feet to the point of beginning and containing an area of 78,564 square feet

Exhibit 15-16.7
Parking Layout at Board of Water Supply Beretania Complex



(Sec. 15-16.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 16, § 15-16.7)

§ 15-16.8 Twenty-four-hour time limit parking within the City and County of Honolulu.

- (a) When official signs are posted giving notice thereof, no person shall park a vehicle in the same location for a period of time longer than 24 hours, unless otherwise provided by law, upon any of the streets within the city. A vehicle shall be deemed parked in the same location for more than 24 hours if the vehicle has not been moved within the prescribed time period based upon markings or other means as determined by a police officer or an authorized representative of the department of transportation services. Every three hours a vehicle remains parked in violation of this section after the first violation occurs shall constitute a separate violation.
 - (b) The director of transportation services shall designate, after holding a public hearing on the matter, those streets in the city where parking is to be limited to 24 hours in accordance with § 15-3.1.
- (1990 Code, Ch. 15, Art. 16, § 15-16.8) (Added by Ord. 90-73; Am. Ord. 90-77)

Honolulu - Traffic and Vehicles

ARTICLE 17: PEDESTRIANS' RIGHTS AND DUTIES

Sections

- 15-17.1 Establishment, removal, or relocation of marked crosswalks
- 15-17.2 Restrictions on pedestrians crossing roadways
- 15-17.3 Blind and crippled pedestrians' right-of-way
- 15-17.4 Hitchhiking
- 15-17.5 Restrictions on freeways
- 15-17.6 Sitting, standing, or walking on railings of highway bridges or overpasses
- 15-17.7 Restrictions on fishing and crabbing from certain bridges
- 15-17.8 Restrictions on operation of bicycle on pedestrian overpass and underpass—Duties of dismounted operator

§ 15-17.1 Establishment, removal, or relocation of marked crosswalks.

- (a) In addition to marked crosswalks heretofore established, marked crosswalks are established at the locations described in Schedule XXVII attached to the ordinance codified in this section and made a part thereof as the schedule may be amended by the director of transportation services following the procedures set out in the rules of the department of transportation services, or in the absence of a rule, the procedures for amending traffic control devices as set out in § 15-3.1(c).*
- (b) Notwithstanding any ordinance to the contrary, the city may not remove or relocate an established, marked crosswalk unless notice and an opportunity for public input is provided in accordance with this subsection. The opportunity for public input must be provided during the department of transportation services' planning process for the removal or relocation of the crosswalk. Notice must be given in accordance with HRS § 1-28.5 prior to the scheduled date of removal or relocation. In addition, written notice of the proposed removal or relocation must be transmitted to the chair of the affected neighborhood board and posted at both ends of the crosswalk identified for removal or relocation. The notice, at a minimum, must include the following information:
 - (1) The proposed date of the crosswalk removal or relocation;
 - (2) The public's right to provide input relating to the scheduled crosswalk removal or relocation;
 - (3) The form, method, and procedure for providing public input; and
 - (4) If relocated, the location where the new crosswalk will be established.

(Sec. 15-17.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 17, § 15-17.1) (Am. Ord. 18-43)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-17.2 Restrictions on pedestrians crossing roadways.

- (a) No pedestrian shall enter any marked or unmarked crosswalk or part thereof when vehicular traffic is so close thereto as to constitute an immediate hazard, nor shall any pedestrian enter any unmarked crosswalk where traffic signs forbid such entry.
 - (b) No pedestrian shall cross any roadway within any business district except within a marked or unmarked crosswalk, nor any roadway in any residence district within 200 feet of any intersection except within a marked or unmarked crosswalk at such intersection.
 - (c) No pedestrian shall enter upon or cross any roadway or portion of any roadway designated by the council as closed to pedestrian traffic, except within an authorized marked crosswalk, or upon a pedestrian overpass or through a pedestrian tunnel.
 - (d) The roadways or portions of roadways are designated as closed to pedestrian traffic at the locations described in Schedule XXVIII attached to the ordinance codified in this section and made a part hereof.*
- (Sec. 15-17.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 17, § 15-17.2)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-17.3 Blind and crippled pedestrians' right-of-way.

Except at intersections where the movement of traffic is being regulated by police officers, the driver of a vehicle shall come to a stop and take such precautions as may be necessary before proceeding so as to avoid injury to a crippled pedestrian using crutches, or to a blind or partially blind pedestrian carrying in full view a cane, white in color or white with red ends, or accompanied by a guide dog, and blowing continually a whistle similar to the type of whistle used by traffic officers. The failure of any such blind pedestrian to signal shall not deprive such person of the right-of-way accorded the person by other provisions of this code.

(Sec. 15-17.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 17, § 15-17.3)

§ 15-17.4 Hitchhiking.

The solicitation of free rides (hitchhiking) shall be permitted at any official bus stop of the city or in any open area where there are no official bus stops within a reasonable distance; provided that the person soliciting rides shall not stand for the purpose of such solicitation on the roadway; and provided further, that no person shall attempt to intimidate, threaten, or otherwise annoy passing motorists while so engaged in hitchhiking. Any person violating this section shall be issued a citation according to the procedures specified in Article 26, unless such person refuses to provide suitable identification, in which case the arresting officer shall take the person into custody according to the prescribed procedure for physical arrest in HRS Chapter 803.

(Sec. 15-17.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 17, § 15-17.4) (Am. Ord. 95-15)

§ 15-17.5 Restrictions on freeways.

- (a) The council may, by ordinance, with respect to freeways or designated portions thereof under their jurisdiction to which all rights of access have been acquired, prohibit or restrict the use of such freeways or any portion thereof by pedestrians, bicycles, or other nonmotorized traffic or by any person operating a motor-driven cycle.
 - (b) Such prohibitory regulations shall be effective when appropriate signs giving notice thereof are erected upon any such freeway and the approaches thereto.
- (Sec. 15-17.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 17, § 15-17.5)

§ 15-17.6 Sitting, standing, or walking on railings of highway bridges or overpasses.

No person shall sit, stand, or walk, or aid or assist any other person to sit, stand, or walk upon the railing of any highway bridge or overpass in the city.

(Sec. 15-17.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 17, § 15-17.6)

§ 15-17.7 Restrictions on fishing and crabbing from certain bridges.

No person shall fish or crab from the areas described in Schedule XXIX attached to the ordinance codified in this section and made a part hereof when signs prohibiting such activity have been posted.*

(Sec. 15-17.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 17, § 15-17.7)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-17.8 Restrictions on operation of bicycle on pedestrian overpass and underpass—Duties of dismounted operator.

No person shall operate a bicycle upon any portion of a pedestrian overpass or underpass, except that bicycles with the operator dismounted may be permitted on such structures for the purpose of crossing the highway and while so doing, shall obey the regulations applicable to pedestrians.

(Sec. 15-17.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 17, § 15-17.8)

Honolulu - Traffic and Vehicles

ARTICLE 18: OPERATION OF BICYCLES AND PLAY VEHICLES

Sections

- 15-18.1 License required
- 15-18.2 Attachment of license plate or license decal
- 15-18.3 Obedience to traffic control devices
- 15-18.4 Speed
- 15-18.5 Emerging from alley, bikeway, or driveway
- 15-18.6 Parking
- 15-18.7 Riding on sidewalks
- 15-18.8 Direction of travel along bicycle lanes
- 15-18.9 Reserved
- 15-18.10 Regulations applicable to bicycle paths constructed on dedicated easements
- 15-18.11 Operating bicycle with motor

§ 15-18.1 License required.

No person who resides within the city shall ride or propel a bicycle on any street, highway, alley, roadway, or sidewalk, or upon any public path set aside for the exclusive use of bicycles, unless such bicycle has been licensed and a license plate 2 x 3 inches in size, or a license decal, is attached thereto as provided in this article. (Sec. 15-18.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 18, § 15-18.1)

§ 15-18.2 Attachment of license plate or license decal.

In the case of a license plate, it shall be firmly attached to the rear mudguard or frame of the bicycle for which it is issued, in such position as to be plainly visible from the rear. In the case of a license decal, it shall be affixed to the upright post attached to the sprocket of the bicycle for which it is issued, faced in the forward direction. (Sec. 15-18.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 18, § 15-18.2)

§ 15-18.3 Obedience to traffic control devices.

- (a) Every person operating a bicycle shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer or any other persons authorized to direct, control, or regulate traffic.
- (b) Whenever authorized signs are erected indicating that no right turn or left turn or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(c) As provided under § 15-6.7, a bicycle lane designated in Schedule XXXIV* shall be used exclusively for operating bicycles, except:

(1) As otherwise provided in § 15-6.7; and

(2) Where there is no adjacent paved sidewalk provided, a pedestrian may use the bicycle lane as a walkway and a bicycle rider shall yield the right-of-way to the pedestrian. When using a bicycle lane, a pedestrian shall walk as near the outside edge as possible. When two or more pedestrians use a bicycle lane, they shall walk in single file as near the outside edge as possible.

(Sec. 15-18.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 18, § 15-18.3) (Am. Ord. 94-78)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-18.4 Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Sec. 15-18.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 18, § 15-18.4)

§ 15-18.5 Emerging from alley, bikeway, or driveway.

The operator of a bicycle emerging from an alley, driveway, bikeway, or building shall, upon approaching a sidewalk or the sidewalk area extending across such alley, driveway, bikeway, or building, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering a bikeway, shall yield the right-of-way to all bicycles approaching on such lane, and upon entering the roadway shall yield the right-of-way to all vehicles or bicycles approaching on such roadway.

(Sec. 15-18.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 18, § 15-18.5)

§ 15-18.6 Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or against a building; and in such manner as to afford the least obstruction to pedestrian traffic, or in parking meter spaces as authorized under § 15-22.2 and Chapter 14, Article 18, including complete streets features such as parklets and bicycle corrals.

(Sec. 15-18.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 18, § 15-18.6) (Am. Ord. 16-2)

§ 15-18.7 Riding on sidewalks.

(a) No person shall ride a bicycle upon a sidewalk within a business district.

(b) The director of transportation services is authorized to erect official signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place, no person shall disobey the same.

(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(d) No person shall ride a bicycle equipped with a motor on any sidewalk.
(Sec. 15-18.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 18, § 15-18.7)

§ 15-18.8 Direction of travel along bicycle lanes.

No person shall ride or operate a bicycle within a bicycle lane in any direction except that permitted of vehicular traffic traveling on the same side of the roadway; provided that bicycles may proceed either way along a lane where arrows appear on the surface of the lane designating two-way traffic.
(Sec. 15-18.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 18, § 15-18.8)

§ 15-18.9 Reserved.

§ 15-18.10 Regulations applicable to bicycle paths constructed on dedicated easements.

(a) Within the limits of bicycle paths and their respective easements, such easements having been granted to the city for purposes of providing bicycle paths, no person shall:

- (1) Willfully or intentionally destroy, damage or injure any property;
- (2) Climb onto any bridge, tree, wall, fence or other structure;
- (3) Swim, bathe, wade in, pollute or block the water of any natural stream;
- (4) Litter, throw or dispose of any refuse or waste material;
- (5) Kindle, build, maintain or use any fire;
- (6) Annoy, molest, kill, wound, chase, shoot or throw missiles at any animal or bird;
- (7) Distribute, post, or place any commercial handbill or circular, notice, or other advertising device or matter, except as permitted by the terms of any agreement relating to the use of the bicycle path and easement;
- (8) Operate any vehicle other than:
 - (A) A bicycle without a motor; or
 - (B) Authorized vehicles, where permitted by posted signs;
- (9) Park, wash, polish or repair cars or other vehicles;
- (10) Cut or remove any wood, plant, grass, soil, rock, sand or gravel;

- (11) Sell or offer for sale any merchandise, article or thing, or engage in any commercial operations;
- (12) Amplify music or use battery-operated loudspeakers;
- (13) Ride or drive any horse or any other animal;
- (14) Engage in any sports or recreational activities other than the riding of bicycles;
- (15) Discharge firearms of any kind;
- (16) Place tents or other structures, or in any way inhabit the premises;
- (17) Park any bicycle or vehicle on the bicycle path except authorized maintenance and security vehicles;
- (18) Drive any vehicle, including a bicycle, across the bicycle path without first coming to a full stop;
- (19) Fail to yield the right-of-way to an authorized motor vehicle;
- (20) Possess or use intoxicating beverages;
- (21) Possess, use, store, transport, or dispose of hazardous materials, as that term is defined in HRS § 286-2, or hazardous wastes, as that term is defined in HRS § 342J-2; or
- (22) Enter or remain on any bicycle path during the hours that the bicycle path is closed, provided that signs are posted indicating the hours that the bicycle path is closed, except that a person may traverse a bicycle path using the most direct route during bicycle path closure hours for the purpose of going to, or from, the shoreline.

- (b) In addition to the prohibitions in subsection (a), no person shall fish from any area within the limits of the Pearl Harbor Bike Path and its easement.

(Sec. 15-18.10, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 18, § 15-18.10) (Am. Ord. 18-29)

§ 15-18.11 Operating bicycle with motor.

No person less than 15 years of age shall operate a bicycle equipped with a motor on any street or highway, nor shall more than one person at a time be allowed to ride a bicycle equipped with a motor.

(Sec. 15-18.11, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 18, § 15-18.11)

ARTICLE 19: EQUIPMENT

Sections

- 15-19.1 Scope and effect of regulations
- 15-19.2 When lighted lamps required
- 15-19.3 New motor vehicles to be equipped with reflectors
- 15-19.4 Application of succeeding sections
- 15-19.5 Additional equipment required on certain vehicles
- 15-19.6 Clearance lamps, side marker lamps and reflectors—Color
- 15-19.7 Clearance lamps, side marker lamps and reflectors—Mounting
- 15-19.8 Clearance lamps, side marker lamps and reflectors—Visibility
- 15-19.9 Stop lamps required on new motor vehicles
- 15-19.10 Lamps on parked vehicles
- 15-19.11 Spot lamps
- 15-19.12 Auxiliary driving lamps
- 15-19.13 Signal lamps and signal devices
- 15-19.14 Additional lighting equipment
- 15-19.15 Head lamps
- 15-19.16 Multiple-beam road-lighting equipment
- 15-19.17 Use of multiple-beam road-lighting equipment
- 15-19.18 Single-beam road-lighting equipment
- 15-19.19 Number of driving lamps permitted
- 15-19.20 Lights not required where obscured from view
- 15-19.21 Head lamps on motorized scooters
- 15-19.22 Special restrictions on lamps
- 15-19.23 Selling or using lamps or devices
- 15-19.24 Brake equipment required
- 15-19.25 Performance ability of brakes
- 15-19.26 Maintenance of brakes
- 15-19.27 Horns and warning devices
- 15-19.28 Mufflers—Noise-controlling devices
- 15-19.29 Rear vision mirror required
- 15-19.30 Windshields to be unobstructed and equipped with wipers
- 15-19.31 Windshield, fenders and bumpers required on all vehicles
- 15-19.32 Mudguards required
- 15-19.33 Safety glass in motor vehicles
- 15-19.34 Certain vehicles to carry flares or other warning devices
- 15-19.35 Display of warning devices when vehicle is disabled
- 15-19.36 Display of warning devices by passenger buses when disabled
- 15-19.37 Vehicles transporting explosives and flammable liquids
- 15-19.38 Reserved
- 15-19.39 Television in motor vehicle
- 15-19.40 Trucks equipped with lift tail gates

- 15-19.41 Safety chain (stay chain or cable) required
- 15-19.42 Movement of forklifts upon the public highway
- 15-19.43 Sound vehicles

§ 15-19.1 Scope and effect of regulations.

- (a) It is a misdemeanor for any person to drive or move or for a registered owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles that is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article, or for any person to do any act forbidden or fail to perform any act required under this article.
 - (b) Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with this article.
 - (c) This article, with respect to equipment on vehicles, shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors, except as herein made applicable.
- (Sec. 15-19.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.1)

§ 15-19.2 When lighted lamps required.

Every vehicle upon a highway at any time from 30 minutes after sunset to 30 minutes before sunrise, and at any other time when there is insufficient light to render clearly discernible persons and vehicles on the highway at a distance of 200 feet ahead, shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated; provided that every vehicle upon a highway within a tunnel shall, at all hours display lighted lamps, illuminating devices, and tail lamps in addition to any other equipment required for that class of vehicle by this section.

(Sec. 15-19.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.2)

§ 15-19.3 New motor vehicles to be equipped with reflectors.

- (a) Every new motor vehicle sold and operated upon a highway, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors meeting the requirements hereinafter set forth; except that vehicles of the type mentioned in § 15-19.5 shall be equipped with reflectors as required therein.
 - (b) Every such reflector shall be mounted on the motor vehicle at a height not less than 24 inches nor more than 60 inches above the ground on which the vehicle stands, and shall be of such size and characteristics and so maintained as to be visible at night from all distances within 300 feet to 50 feet from such vehicle; except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.
- (Sec. 15-19.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.3)

§ 15-19.4 Application of succeeding sections.

The sections immediately following relating to clearance and marker lamps, reflectors, and stop lights apply as stated in those sections to vehicles of the type therein enumerated, and such vehicles, when operated upon any highway, shall be equipped as required and all lamp equipment required shall be lighted from 30 minutes after sunset until 30 minutes before sunrise, except that clearance and side marker lamps need not be lighted on any such vehicles when operated in the city where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet.

(Sec. 15-19.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.4)

§ 15-19.5 Additional equipment required on certain vehicles.

In addition to other equipment required in this article, the following vehicles shall be equipped as herein stated under the conditions stated in § 15-19.4:

- (1) On every bus or truck, whatever its size, there shall be the following: on the rear, two reflectors, one at each side, and one stop light;
- (2) On every bus or truck 80 inches or more in overall width, in addition to the requirements in subsection (a):
 - (A) On the front, two clearance lamps, one at each side;
 - (B) On the rear, two clearance lamps, one at each side;
 - (C) On each side, two marker lamps, one at or near the front and one at or near the rear; and
 - (D) On each side, two reflectors, one at or near the front and one at or near the rear;
- (3) On every truck tractor:
 - (A) On the front, two clearance lamps, one at each side; and
 - (B) On the rear, one stop light;
- (4) On every trailer or semi-trailer having a gross weight in excess of 3,000 pounds:
 - (A) On the front, two clearance lamps, one at each side;
 - (B) On each side, two side marker lamps, one at or near the front and one at or near the rear;
 - (C) On each side, two reflectors, one at or near the front and one at or near the rear; and
 - (D) On the rear, two clearance lamps, one at each side; also two reflectors, one at each side, and one stop light;
- (5) On every pole trailer in excess of 3,000 pounds gross weight:

(A) On each side, one side marker lamp and one clearance lamp that may be in combination, to show to the front, side, and rear; and

(B) On the rear of the pole trailer or load, two reflectors, one at each side; and

(6) On every trailer, semi-trailer, or pole trailer weighing 3,000 pounds gross or less: on the rear, two reflectors, one on each side. If any trailer or semi-trailer is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with one stop light.

(Sec. 15-19.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.5)

§ 15-19.6 Clearance lamps, side marker lamps and reflectors—Color.

(a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the sides near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber, yellow, or green, and except the light illuminating the license plate or the light emitted by a back-up lamp, which shall be predominantly white.

(Sec. 15-19.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.6)

§ 15-19.7 Clearance lamps, side marker lamps and reflectors—Mounting.

(a) Reflectors shall be mounted at a height not less than 24 inches and not higher than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 24 inches, the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

(1) The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

(2) Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this article.

(b) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination, provided illumination is given as required with reference to both.

(Sec. 15-19.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.7)

§ 15-19.8 Clearance lamps, side marker lamps and reflectors—Visibility.

(a) Every reflector upon any vehicle referred to in § 15-19.5 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 300 feet to 50 feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides

of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

- (b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions, when lights are required, at a distance of 200 feet from the front and rear, respectively, of the vehicle.
- (c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions, when lights are required, at a distance of 200 feet from the side of the vehicle on which mounted.
(Sec. 15-19.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.8)

§ 15-19.9 Stop lamps required on new motor vehicles.

It is unlawful for any person to sell any new motor vehicle in the City and County of Honolulu or for any person to drive any such new motor vehicle on the highways, unless it is equipped with a stop lamp meeting the requirements of § 15-19.13.
(Sec. 15-19.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.9)

§ 15-19.10 Lamps on parked vehicles.

Whenever a vehicle is parked or stopped on a street during the time between 30 minutes after sunset and 30 minutes before sunrise, there shall be displayed upon the rear thereof a red light visible not less than 200 feet from the rear thereof; provided that no lights need be displayed upon any such vehicle when there is attached upon the rear of such vehicle a red reflector so maintained as to be visible from all distances within 300 feet to 50 feet from such vehicle.
(Sec. 15-19.10, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.10)

§ 15-19.11 Spot lamps.

No vehicle, other than authorized emergency vehicles as previously described, shall use any spotlight while in motion upon any street or highway within the city.
(Sec. 15-19.11, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.11)

§ 15-19.12 Auxiliary driving lamps.

A motor vehicle may be equipped with not more than three auxiliary driving lamps mounted on the front at a height not more than 42 inches above the level surface upon which the vehicle stands, and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in this article.
(Sec. 15-19.12, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.12) (Am. Ord. 08-3)

§ 15-19.13 Signal lamps and signal devices.

- (a) Any motor vehicle may be equipped and, when required under this article, shall be equipped, with the following signal lamps or devices:
 - (1) A stop lamp or lamps on the rear, that shall emit a red light and that shall be actuated upon application of the service (foot) brake and that may, but need not, be incorporated with a tail lamp;
 - (2) A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left, and that shall be visible both from the front and rear; and
 - (3) Lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing. The lamps used to display such warning to the front shall be at least two in number, mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be at least two in number, mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing amber or red lights, or any shade of color between amber and red. The warning lights shall be visible for a distance of 1,500 feet under normal atmospheric conditions at night.
- (b) A stop lamp shall be plainly visible and understandable from a distance of 100 feet to the rear, both during normal sunlight and at nighttime, and a signal lamp or lamps indicating an intention to turn shall be visible and understandable during daytime and nighttime from a distance of 100 feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.
- (c) All mechanical signal devices shall be self-illuminated when in use during the time between 30 minutes after sunset and 30 minutes before sunrise.

(Sec. 15-19.13, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.13)

§ 15-19.14 Additional lighting equipment.

- (a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps that shall emit an amber or white light without glare.
- (b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof, which shall emit a white or amber light without glare.
- (c) Any motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp; but such back-up lamp shall not be lighted when the motor vehicle is in forward motion.

(Sec. 15-19.14, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.14)

§ 15-19.15 Head lamps.

- (a) Every motor vehicle operated upon a highway, other than a motorcycle or motorized scooter or bicycle, shall be equipped with at least two multiple-beam or single-beam head lamps, one at each side of the front thereof,

which shall conform to the requirements and limitations prescribed herein; provided that this subsection shall not apply to trucks with restrictive stickers as prescribed in § 15-19.5.

- (b) Every motorcycle operated upon a highway shall be equipped with at least one and not more than two multiple-beam or single-beam head lamps on the front thereof, which shall conform to the requirements and limitations prescribed herein.

(Sec. 15-19.15, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.15)

§ 15-19.16 Multiple-beam road-lighting equipment.

Except as hereinafter provided, the head lamps, or the auxiliary driving lamps, or combinations thereof, on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations, subject to the following requirements and limitations.

- (a) There shall be an uppermost distribution of lights or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 200 feet ahead for all conditions of loading.
- (b) There shall be a lowermost distribution of light, or composite beam, so aimed that:
 - (1) When the vehicle is not loaded, none of the high-intensity portion of the light that is directed to the left of the prolongation of the extreme left side of the vehicle shall, at a distance of 25 feet ahead, project higher than a level of 8 inches below the level of the center of the lamp from which it comes;
 - (2) When the vehicle is not loaded, none of the high-intensity portion of the light that is directed to the right of the prolongation of the extreme right side of the vehicle shall, at a distance of 25 feet ahead, project higher than a level of 3 inches below the level of the center of the lamp from which it comes; and
 - (3) In no event shall any of the high-intensity of such lowermost distribution of light or composite beam project higher than a level of 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.
- (c) Where one intermediate beam is provided, the beam on the left side of the road shall be in conformity with subsection (b)(1).
- (d) All road-lighting beams shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least 100 feet ahead.
- (e) Every new motor vehicle registered in the city that has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Such indicator shall be so designed and located that when lighted, it will be readily visible without glare to the driver of the vehicle so equipped.

(Sec. 15-19.16, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.16)

§ 15-19.17 Use of multiple-beam road-lighting equipment.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the time between 30 minutes after sunset and 30 minutes before sunrise, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations.

- (a) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver, and in no case shall the high-intensity portion that is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of 25 feet ahead, and in no case higher than a level of 42 inches above the level upon which the vehicle stands at a distance of 75 feet ahead.
 - (b) The lowermost distribution of light specified in § 15-19.16 (b)(1) shall be deemed to avoid glare at all times, regardless of road contour and loading.
- (Sec. 15-19.17, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.17)

§ 15-19.18 Single-beam road-lighting equipment.

Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold before one year after December 31, 1948, in lieu of multiple-beam road-lighting equipment hereinabove specified, if the single distribution of light complies with the following requirements and limitations:

- (a) The head lamps shall be so aimed that, when the vehicle is not loaded, none of the high-intensity portion of the light shall at a distance of 25 feet ahead project higher than a level of 5 inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead; and
 - (b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.
- (Sec. 15-19.18, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.18)

§ 15-19.19 Number of driving lamps permitted.

Whenever a motor vehicle equipped with head lamps as required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

(Sec. 15-19.19, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.19)

§ 15-19.20 Lights not required where obscured from view.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) which, by reason of its location on a vehicle of the combination, would be obscured by

another vehicle of the combination, need not be lighted; but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

(Sec. 15-19.20, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.20)

§ 15-19.21 Head lamps on motorized scooters.

Every motorized scooter or motorized bicycle, at all times specified in § 15-19.2, shall be equipped with at least one and not more than two lighted head lamps so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least 100 feet ahead of the vehicle. The head lamps may be of the single beam type, provided that the power supply and the complete electrical system of the vehicle shall be adequate to provide 2,500 candlepower illumination.

(Sec. 15-19.21, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.21)

§ 15-19.22 Special restrictions on lamps.

- (a) Any lighted lamp or illuminating device upon a motor vehicle that projects a beam of light of an intensity greater than 300 candlepower, other than head lamps, spot lamps, auxiliary lamps or flashing front direction signals, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.
- (b) No person shall drive or move any vehicle or equipment upon any highway with any lamp, reflector, or other device thereon or therein displaying a red or green or blue light visible to any driver or pedestrian upon the highway ahead of such vehicle or equipment. The foregoing provisions shall not apply to authorized emergency vehicles.
- (c) Flashing lights are prohibited on or within any motor vehicle, except on an authorized emergency vehicle, a mechanical street sweeper as described in § 15-4.8, an escort or other vehicle mentioned in § 15-21.13, an authorized maintenance vehicle, an authorized tow vehicle, a vehicle using such light as a means for indicating a right or left turn, vehicles participating in a funeral procession required by § 15-24.4(c) to display flashing amber lights, and a stopped or disabled vehicle indicating the presence of a vehicular traffic hazard as provided in § 15-19.13(a)(3).
- (d) No person shall drive or move any vehicle or equipment upon any highway with any lamp or other device therein or thereon emitting a flashing or revolving light. The foregoing prohibition, however, shall not apply to:
 - (1) An authorized emergency vehicle;
 - (2) A mechanical street sweeper as described in § 15-4.8;
 - (3) A vehicle using such light as a means for indicating a right or left turn;
 - (4) A vehicle using an amber flashing light when escorting, carrying, transporting, or drawing equipment or loads of excessive weight, width or height as mentioned in § 15-21.13;

(5) Authorized maintenance vehicles, authorized tow vehicles, and those vehicles participating in a funeral procession required by § 15-24.4(c) to display flashing amber lights shall be permitted the use of flashing amber lights when answering emergency calls or when actually engaged in construction or maintenance work or in towing vehicles or when participating in a funeral procession. Such authorized vehicles shall be subject at all times to all traffic laws, and rules; and

(6) A taxicab using a flashing dome light sign to signal when a robbery is in progress.

(e) No person shall drive or move any vehicle or equipment upon any highway with any lamp, reflector, or other device thereon displaying a blue light visible to any driver or pedestrian upon the highway. The foregoing provisions, however, shall not apply to officers and employees of the Honolulu police department operating vehicles of the police department or vehicles privately owned, but used in the performance of duties with the approval of the chief of police.

(Sec. 15-19.22, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.22) (Am. Ord. 96-58)

§ 15-19.23 Selling or using lamps or devices.

(a) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semi-trailer, or use upon any such vehicle any head lamp, auxiliary driving lamp, rear lamp, signal lamp, or reflector that is required, or parts of any of the foregoing that tend to change the original design or performance, unless such lamp or reflector is of the type that has been submitted to the chief of police and approved by the chief.

(b) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semi-trailer any lamp or device mentioned in this article that has been approved by the chief of police unless such lamp or device bears thereon the trademark or name under which it is approved, legible when installed.

(c) No person shall use upon any motor vehicle, trailer, or semi-trailer, any lamps mentioned in this article, unless such lamps are equipped with bulbs of a rated candlepower and are so mounted and adjusted as to focus and aim in accordance with instructions of the chief of police.

(Sec. 15-19.23, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.23)

§ 15-19.24 Brake equipment required.

(a) Every motor vehicle, other than a motorcycle, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(b) Every motorcycle and bicycle with motor attached, when operated upon a highway, shall be equipped with at least one brake that may be operated by hand or foot.

- (c) Every trailer or semi-trailer of a gross weight of 3,000 pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, and so designed as to be applied by the driver of the towing motor vehicle from its cab; and such brakes shall be so designed and connected that, in case of an accidental breakaway of the towed vehicle, the brakes shall be automatically applied. An exception is made that such brakes are not required on any trailer of a gross weight of less than 3,000 pounds if such gross weight does not exceed 50 percent or more of the weight of the towing vehicle.
 - (d) Every new motor vehicle except a motorcycle or motor scooter sold in the city and operated upon the highways thereof shall be equipped with service brakes upon all wheels of every such vehicle.
 - (e) In any combination of motor-drawn vehicles, means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer wheels equipped with brakes; or both of the above means capable of being used alternatively may be employed.
 - (f) One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or hands, and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any upgrade or downgrade upon which it is operated.
 - (g) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.
- (Sec. 15-19.24, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.24)

§ 15-19.25 Performance ability of brakes.

Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, approximately level road free from loose material, upon application of the service (foot) brake, within the distance specified below, or shall be capable of being decelerated at a sustained rate corresponding to the distances specified below:

	<i>Feet to Stop from 20 Miles per Hour</i>	<i>Deceleration in Feet per Second</i>
Vehicles or combinations of vehicles having brakes on all wheels	30	14
Vehicles or combinations of vehicles not having brakes on all wheels	40	10.7

(1990 Code, Ch. 15, Art. 19, § 15-19.25)

§ 15-19.26 Maintenance of brakes.

All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

(Sec. 15-19.26, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.26)

§ 15-19.27 Horns and warning devices.

- (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet; but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with the driver's horn; but shall not otherwise use such horn when upon a highway.
 - (b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted herein.
 - (c) Any authorized emergency vehicle may be equipped with a siren, whistle, bell, or air horn capable of emitting sound audible, under normal conditions, from a distance of not less than 500 feet, and of a type approved by the director of finance; provided that the use of such air horn shall be restricted to heavy fire equipment such as fire engines, ladder trucks, and rescue trucks; and provided further, that such siren or air horn shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of such vehicle shall sound the siren or air horn when necessary to warn pedestrians and other drivers of the approach thereof.
 - (d) Any truck used to haul dirt, rock concrete, or other construction material may be equipped with a horn, bell, or whistle in the rear thereof, capable of emitting a sound audible under normal conditions from a distance of not less than 200 feet; such warning device, however, to be sounded only while the truck is backing up.
- (Sec. 15-19.27, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.27)

§ 15-19.28 Mufflers—Noise-controlling devices.

- (a) No person shall operate a motor vehicle or moped on a public highway or street, unless such motor vehicle or moped is equipped, at all times, with a muffler or mufflers in constant operation and of such length and size or of sufficient capacity for the motor or exhaust system, or both, to prevent the escape of excessive or annoying fumes or smoke, and excessive or unusual noise. The term "excessive or unusual noise", as used in this section, means noise in excess of the usual noise that would necessarily result from the operation of a motor when reduced to the minimum by a muffler operated in the manner and meeting the standards described in this subsection.
- (b) No person shall operate a motor vehicle or moped on a public highway or street unless the motor or exhaust system, or both, of the motor vehicle or moped are properly equipped and adjusted so as to prevent the escape of excessive or annoying fumes or smoke and the emission of excessive or unusual noise as defined in this section.
- (c) No person shall operate a motor vehicle or moped on a public highway or street with a motor or exhaust system, or both, that has been altered or modified to such an extent that the noise emitted by the motor or exhaust system, or both, thereof is excessive or unusual as defined in this section, or equipped with a dummy muffler, cut-out, by-pass, or other similar device.

- (d) No person shall operate a motor vehicle or moped on a public highway equipped with an exhaust system or device that will amplify or increase the noise emitted by the motor of such motor vehicle or moped above that emitted by the exhaust system or device with which the motor vehicle or moped came originally equipped from the factory.
 - (e) No person shall operate a motor vehicle or moped on a public highway with a muffler with baffles or other interior parts, or both, that are not fixed or are not stationary.
- (Sec. 15-19.28, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.28) (Am. Ord. 19-31)

§ 15-19.29 Rear vision mirror required.

Every motor vehicle shall be equipped with a mirror or mirrors so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

(Sec. 15-19.29, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.29)

§ 15-19.30 Windshields to be unobstructed and equipped with wipers.

- (a) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such vehicle that obstructs the driver's clear view of the highway or any intersecting highway.
 - (b) Except as otherwise provided in § 15-15.5, posters or stickers approved by the chief of police shall be placed at the lower right-hand corner of the front windshield of a left-hand-driven motor vehicle or at the lower left-hand corner of the front windshield of a right-hand-driven motor vehicle, or in a location as approved by the chief of police. However, such posters or stickers so placed shall not cover an area greater than 4 x 6 inches, except for nonresidence permits or for military requirements, in which case an additional area 4.5 x 6 inches may be used.
 - (c) No person shall drive any motor vehicle with any nontransparent material or object suspended within the windshield area as viewed from the driver's seat, nor shall any person drive any motor vehicle upon the hood or radiator of which is attached any fixture ornament of any material that vibrates, swings, or flutters within view of the driver of such vehicle.
 - (d) The windshield on every motor vehicle shall be equipped with a device for cleaning rain or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
 - (e) Every windshield wiper upon a vehicle shall be maintained in good working order.
- (Sec. 15-19.30, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.30)

§ 15-19.31 Windshield, fenders and bumpers required on all vehicles.

Every motor vehicle upon a highway, excepting a motorcycle and motor scooter, shall be equipped with a windshield. In addition, every motor vehicle upon a highway, excepting a motorcycle and motor scooter, shall be equipped with fenders for all wheels, and front and rear bumpers.

(Sec. 15-19.31, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.31)

§ 15-19.32 Mudguards required.

No person shall operate on any highway any motor vehicle, trailer, or semi-trailer, unless equipped with fenders, covers, or devices, including flaps or splash aprons, or unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle. (Sec. 15-19.32, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.32)

§ 15-19.33 Safety glass in motor vehicles.

- (a) No person shall sell any new motor vehicle, unless such new vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.
 - (b) Glass, wherever used in doors, windows, and windshields of any motor vehicle, which is shattered or broken shall be removed and replaced with safety glass.
- (Sec. 15-19.33, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.33)

§ 15-19.34 Certain vehicles to carry flares or other warning devices.

- (a) No person shall operate any motor truck or truck tractor upon any unlighted highway at any time from 30 minutes after sunset to 30 minutes before sunrise, unless there is carried in such vehicle the following equipment, except as provided in subsection (b):
 - (1) At least three flares or three red electric lanterns, each of which shall be capable of being seen and distinguished at a distance of 500 feet under normal atmospheric conditions at nighttime:
 - (A) Each flare (liquid-burning pot torch) shall be capable of burning for not less than 12 hours in 5-mile-per-hour wind velocity and capable of burning in any air velocity from 0 to 40 miles per hour. It shall be substantially constructed so as to withstand reasonable shocks without leaking, and it shall be carried in the vehicles in a metal rack or box; and
 - (B) Each red electric lantern shall be capable of operating continuously for not less than 12 hours, and shall be substantially constructed so as to withstand reasonable shocks without breaking;
 - (2) At least three red burning fusees, unless red electric lanterns are carried. Each fusee shall be capable of burning at least 15 minutes; or
 - (3) At least two red cloth flags, not less than 12 inches square, with standards to support the same.
- (b) No person shall operate, at the time and under the conditions stated in subsection (a), any motor vehicle used in the transportation of flammable gases, unless there are carried in such vehicle three red electric lanterns meeting the requirements above stated; and there shall not be carried in such vehicle any flares, fusees, or signal produced by a flame.
- (c) In the alternative, it is a compliance with this section in the event the person operating any motor vehicle described in this article carries in such vehicle three portable reflector units on standards of a type approved by the director of budget and fiscal services. No portable reflector unit shall be approved, unless it is so

designed and constructed that it will reflect red light clearly visible for a distance of at least 300 feet under normal atmospheric conditions at nighttime when directly in front of the lawful upper beams of head lamps.
(Sec. 15-19.34, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.34)

§ 15-19.35 Display of warning devices when vehicle is disabled.

- (a) Whenever any motor truck, truck tractor, trailer, semi-trailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof at any time when lighted lamps are required on the vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway, except as provided otherwise in subsection (b).
 - (1) A lighted fusee shall be immediately placed on the roadway at the traffic side of the motor vehicle, unless electric lanterns are displayed.
 - (2) Within the burning period of the fusee and as promptly as possible, three lighted flares (pot torches) or three electric lanterns shall be placed on the roadway as follows: one at a distance of approximately 100 feet in advance of the vehicle; one at a distance of approximately 100 feet to the rear of the vehicle; each in the center of the lane of traffic occupied by the disabled vehicle; and one at the traffic side of the vehicle approximately 10 feet rearward or forward thereof.
- (b) Whenever any vehicle used in the transportation of flammable liquids in bulk or in the transportation of compressed flammable gases is disabled upon a highway at any time or place mentioned in subsection (a), the driver of such vehicle shall display upon the roadway the following lighted warning devices: one red electric lantern shall be immediately placed on the roadway at the traffic side of the vehicle, and two other red electric lanterns shall be placed to the front and rear, respectively, of the vehicle in the manner prescribed in subsection (a)(2).

When a vehicle of the type specified in this subsection is disabled, the use of flares, fusees, or any signal produced by flame as warning devices is prohibited.

- (c) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof, at any time when the display of fusees, flares, or electric lanterns is not required, the driver of such vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately 100 feet in advance of the vehicle, and one at a distance of approximately 100 feet to the rear of the vehicle.
- (d) In the alternative, it is a compliance with this section in the event three portable reflector units on standards of a type approved by the chief of police are displayed at the times and under the conditions specified in this section either during the daytime or at nighttime; and such portable reflector units shall be placed on the roadway in the locations as described with reference to the placing of electric lanterns and lighted flares.
- (e) The flares, fusees, lanterns, and flags to be displayed as required in this section shall conform with the requirements as hereinabove set forth.

(Sec. 15-19.35, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.35)

§ 15-19.36 Display of warning devices by passenger buses when disabled.

Whenever any passenger bus is disabled upon the traveled portion of any unlighted highway or the shoulder thereof at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the same warning devices upon the highway during the time the vehicle is so disabled on the highway as are required to be displayed by drivers of motor trucks and truck tractors in § 15-19.35, except that in lieu of such warning devices the driver of a passenger bus may display the interior lights of the bus for as long a time as warning devices must be displayed.

(Sec. 15-19.36, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.36)

§ 15-19.37 Vehicles transporting explosives and flammable liquids.

- (a) Every vehicle used for the transportation of any flammable liquid upon any public highway, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof in letters at least 3 inches high on a background of sharply contrasting color, either:
 - (1) With a sign or lettering on the vehicle with the word “Flammable”;
 - (2) With the common name of the flammable liquid being transported; or
 - (3) With the name of the carrier or the carrier’s trademark, when and only when such name or trademark plainly indicates the flammable nature of the load; provided that the foregoing provisions shall not apply to any vehicle used occasionally for personal delivery by the owner thereof for such owner’s private use.
- (b) Every vehicle transporting any explosive as a cargo or part of a cargo upon any public highway shall be marked or placarded on each side and the rear with the word “Explosives” in letters not less than 8 inches high, or there shall be displayed on the rear of such vehicle a red flag not less than 24 inches square marked with the word “Danger” in white letters 6 inches high.
- (c) Every vehicle used for the transportation of any explosive or flammable liquid upon any public highway shall be equipped with not less than two fire extinguishers of a type approved by the fire chief of the City and County of Honolulu, filled and ready for immediate use, and placed at a convenient point on the vehicle.
- (d) No person shall transport explosives or cause explosives to be transported, except in compliance with the rules of the State department of labor and industrial relations and after first having secured a permit from the State director of labor and industrial relations as prescribed in HRS Chapter 396.

(Sec. 15-19.37, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.37) (Am. Ord. 96-58)

§ 15-19.38 Reserved.

§ 15-19.39 Television in motor vehicle.

No person shall drive a motor vehicle that is equipped with a television receiver screen, or other means of visually receiving a television broadcast, which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating the motor vehicle.

(Sec. 15-19.39, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.39)

§ 15-19.40 Trucks equipped with lift tail gates.

At all times, a lift tail gate shall be placed in a vertical position and securely locked or be completely withdrawn under the body of the truck, except:

(1) When the truck is stopped and the lift tail gate is being used in loading or unloading freight; and

(2) That the lift tail gate of a pickup truck, while in operation and carrying passengers in the bed or load-carrying area, shall be in compliance with HRS § 291-14.

(Sec. 15-19.40, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.40) (Am. Ord. 89-130)

§ 15-19.41 Safety chain (stay chain or cable) required.

Every trailer to be operated upon a public highway shall, in addition to a tow bar, be equipped with a safety chain or chains (stay chain or cable) adequate to hold such vehicle to the towing vehicle in the event of tow bar or coupling failure, or both. Each chain or cable and its accompanying coupling and mounting devices shall have an ultimate strength equal at least to the gross weight of the trailer.

(Sec. 15-19.41, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.41)

§ 15-19.42 Movement of forklifts upon the public highway.

No forklift shall be towed or otherwise moved upon a public highway, unless the fork has been removed or stowed in such a manner as to not extend beyond the body of the vehicle, or a flag at least 16 inches square on a 2-foot pole is attached in an upright position at the extreme end of the fork. The tip of the fork shall not be raised more than 9 inches above the road surface while being towed.

(Sec. 15-19.42, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.42)

§ 15-19.43 Sound vehicles.

(a) Sound vehicle means any vehicle that carries or is equipped with any instrument or device for the production or reproduction of music, spoken words, or other sounds, or any loudspeaker or other sound-amplifying device designed to enlarge the volume of sound produced by any instrument or by the human voice, which instrument or device is used, or intended to be used, for the purpose of advertising or calling attention to any article, thing, or event, or for the purpose of addressing the public or attracting the attention of the public; provided that the term shall not include the following:

(1) Vehicles used in a parade or procession duly authorized;

- (2) A vehicle equipped with a horn designed and used for the purpose of warning traffic, or any authorized emergency vehicle, as defined in the traffic code; or
 - (3) Vehicles equipped with radio, television, or other sound device, designed, and installed for the use and enjoyment of the occupants of such vehicles.
- (b) No person shall drive, operate, propel, or park on any public street or highway any sound vehicle with its sound-amplifying device in operation without first having obtained a revocable permit from the chief of police. Such permit shall be good for one year and may be renewed annually upon application.
 - (c) All applications for such permits shall be made on forms furnished by the chief of police. Each application shall state the name and address of the person applying for such permit, a description of the vehicle to be used, the type and kind of sound-making or broadcasting device attached to the vehicle, and the license number of the vehicle, including any other information required by the chief of police.
 - (d) No such vehicle shall be operated while broadcasting at any time between the hours of 9:00 p.m. and 7:00 a.m.
 - (e) The chief of police shall adopt rules pursuant to HRS Chapter 91 for implementing and administering this section.
 - (f) The chief of police is authorized to deny any application for a permit that does not meet the conditions provided herein or in any rules adopted by the chief. The chief shall also be authorized to suspend or revoke any permit issued under this section for violations of any of this section or rules adopted by the chief. Before the chief of police can deny any application for a permit or suspend or revoke a permit, the chief shall first afford the applicant or permittee a hearing, as prescribed in HRS Chapter 91, and shall adopt rules to establish procedures for such a hearing.
- (Sec. 15-19.43, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 19, § 15-19.43)

ARTICLE 20: INSPECTION OF MOTOR VEHICLES*

Sections

15-20.1 Official inspection stations

15-20.2 Inspection fees

Editor's note:

** The inspection of motor vehicles shall be as prescribed in HRS Chapter 286, §§ 286-21 to 286-30.*

§ 15-20.1 Official inspection stations.

- (a) Pursuant to the authority granted in HRS § 286-27, the department of budget and fiscal services is designated as the department responsible for supervising the operation of official inspection stations according to standards prescribed by the State director of the department of transportation.
- (b) Application for such permit shall be made upon an official form and shall be granted only when the director of budget and fiscal services is satisfied that the station is properly equipped and has competent personnel to make such inspections and adjustments and will be properly conducted.
- (c) No permit for an official inspection shall be issued without the following equipment: a headlight testing machine approved by the director of budget and fiscal services, and a wheel alignment gauge or tester also approved by the director of budget and fiscal services.
- (d) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form to the owner of a vehicle upon inspecting such vehicle and determining that its equipment is in good working condition and proper adjustment; otherwise no certificate shall be issued. When required by the director of budget and fiscal services, a record and report shall be made of every inspection and every certificate issued therefor.
- (e) Pursuant to HRS § 286-28, the department of budget and fiscal services shall supervise and cause inspections to be made of official inspection stations. The department shall inspect each official inspection station at a frequency of not less than once every two months. The department shall suspend, or revoke and require the surrender of, the permit issued to a station that it finds is not properly conducting inspections. The department shall maintain and post at its office lists of all stations holding permits and, of those, those whose permits have been suspended or revoked. Proceedings involving the suspension or revocation of permits shall be governed by HRS Chapter 91.

(Sec. 15-20.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 20, § 15-20.1) (Am. Ord. 96-58)

§ 15-20.2 Inspection fees.

- (a) A fee of not more than \$9.75 may be charged by the operator of an official inspection station for the inspection of motor vehicles other than a trailer or a motorcycle and the issuance of a certificate therefor as provided in § 15-20.1(d). A fee of not more than \$7.75 may be charged by the operator of an official inspection station

for the inspection of trailers and motorcycles. The director of budget and fiscal services shall collect from the operator of an official inspection station the sum of \$0.50 from the above-charged fees. Twenty-five cents of the \$0.50 shall be for the left one-half of the sticker, designating the month of expiration of the inspection certificate; and \$0.25 of the \$0.50 shall be for the right one-half of the sticker designating the year of expiration of the inspection certificate. The director of budget and fiscal services shall, in addition, collect from the operator of an official inspection station the sum of \$0.50 from the above-charged fees that shall be expended for enforcement purposes only. It is the intent of this provision to set the fee for motor vehicle inspections as provided for in HRS § 286-26(e).

- (b) A fee of not more than \$5 per 100 motor vehicle safety inspection applications will be charged to all official inspection stations and to anyone who is authorized to do official motor vehicle safety inspections. The cost of obtaining these forms may be added to the regular safety inspection fee.

(Sec. 15-20.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 20, § 15-20.2)

ARTICLE 21: WEIGHT, SIZE, AND LOAD

Sections

15-21.1	Reserved
15-21.2	Limitation of weight and wear defined
15-21.3	Projecting loads on passenger vehicles
15-21.4	Reserved
15-21.5	Trailers and towed vehicles
15-21.6	Police officers may weigh vehicles and require removal of excess loads
15-21.7	Liability for damage to highway or structure
15-21.8	Width and height of vehicles restricted
15-21.9	Restricting the use of A.A. Wilson Bridge at Wahiawa
15-21.10	Restricting the use of Tantalus Road by heavy vehicles
15-21.11	Restricting the use of Kaneohe Bay Drive
15-21.12	Permit to move equipment or load, or both, of excessive weight, width, or height
15-21.13	Regulations as to movement of loads of excessive width
15-21.14	Restricting the use of a portion of Moanalua Highway by certain heavy vehicles
15-21.15	Restricting the use of Ahuimanu Road by certain heavy vehicles

§ 15-21.1 Reserved.

§ 15-21.2 Limitation of weight and wear defined.

- (a) No vehicles equipped wholly or partly with metal tires or vehicles resting on any metal roller, wheel, or other object or portion thereof in contact with the highway, the weight of which with its load exceeds 500 pounds upon any inch width of the tire, shall be operated on any highway; provided that traction engines or tractors, the propulsive power of which is exerted not through wheels resting upon the ground, but by means of a flexible band or chain known as a movable tract, shall not be subject to the foregoing limitations upon permissible weight per inch of width of tire, if the portions of the movable track in contact with the highway present a plane surface. Further, no vehicle or trailer that is equipped wholly or partly with metal tires or other hard nonresilient material shall be operated upon any highway unless a special permit for each such operation be first obtained from the State director of transportation, or the director's representative, in case of State highways, or from the director of transportation services, or the director's representative, in case of city and county highways.
- (b) No vehicle equipped with pneumatic tires, the weight of which with its load exceeds 800 pounds per inch of width per tire shall be operated upon any public highway.
- (c) No vehicle equipped wholly or partly with solid tires, other than metal, the weight of which with its load exceeds 600 pounds on any inch of the channel base width of the tire used thereon, shall be operated upon any highway. The total width of all the tires on any one wheel is the width of one tire.

- (d) No vehicle equipped with solid rubber tires shall be operated upon any public highway if the thickness of any such tire is less than as shown in the following table:

<i>Width of Tire in Inches</i>	<i>Minimum Thickness</i>
3 inches to 5 inches, inclusive	1
6 inches to 8 inches, inclusive	1-1/4
10 inches and over	1-1/2

- (e) No vehicle equipped with solid rubber tires shall be operated on any highway when the variation in width of the entire traction surface of any solid tire due to injury or wear exceeds 15 percent, or when the variation in thickness on any part of the traction surface exceeds 15 percent, or when any portion of the rubber is not securely attached to the channel base. No dual solid rubber tires shall be permitted to be used on any highway if there is an average difference greater than one-eighth inch between the outside diameters of each of the single tires composing the dual tire.

(Sec. 15-21.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.2)

§ 15-21.3 Projecting loads on passenger vehicles.

No passenger-type vehicle shall be operated on any highway with any load thereon projecting beyond the extreme width of the vehicle, regardless of the nature of the property being transported.

(Sec. 15-21.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.3)

§ 15-21.4 Reserved.

§ 15-21.5 Trailers and towed vehicles.

- (a) When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and such drawbar or other connection shall not exceed 15 feet from one vehicle to the other, except that the connection may be longer between any two vehicles transporting poles, pipes, machinery, or other objects of such structural nature as cannot readily be dismembered.
- (b) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.
- (c) Trailers shall not be operated, permitted to be operated, caused to be operated, or parked on public highways without the safety chain or chains (stay chain or cable) securely coupled to the motor vehicle to which it has been coupled for towing. The safety chain or chains shall not be coupled to the same coupling of the towing vehicle to which the tow bar is coupled. Each chain or cable and its accompanying coupling and mounting devices shall have an ultimate strength equal at least to the gross weight of the trailer. No more slack shall be left in the safety chain or cables than shall be necessary to permit proper turning. The safety chain or cable shall be so connected to the trailer and towing vehicle, and also to the tow bar so as to prevent the tow bar from dropping to the ground in the event the tow bar or coupling should fail.

- (d) No asphalt kettle containing hot liquid asphalt shall be towed or otherwise moved upon the highway, unless the kettle is no more than one-half full of liquid asphalt, the top has been securely fastened, and chunks of cold, hard asphalt have been added to the liquid asphalt in sufficient quantities to cool the asphalt to a semisolid state and minimize splashing. In no event shall an asphalt kettle be towed or moved along the public highway while the heating element is operating.

(Sec. 15-21.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.5)

§ 15-21.6 Police officers may weigh vehicles and require removal of excess loads.

- (a) Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales, and may require that such vehicle be driven to the nearest public scales in the event such scales are within 2 miles.
- (b) Whenever an officer, upon weighing a vehicle and load as above provided, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this article. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.
- (c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing when directed by an officer or who fails or refuses to otherwise comply with this section, is deemed to have committed a violation.

(Sec. 15-21.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.6) (Am. Ord. 95-15)

§ 15-21.7 Liability for damage to highway or structure.

- (a) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage that such highway or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object, or contrivance, or as a result of operating, driving, or moving any such vehicle, object, or contrivance weighing in excess of the permitted maximum weight but authorized by a special permit issued as provided in § 15-21.12.
- (b) Whenever such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the expressed or implied permission of its owner, then such owner and driver shall be jointly and severally liable for any such damage.

(Sec. 15-21.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.7)

§ 15-21.8 Width and height of vehicles restricted.

The width and height of a motor vehicle or other power vehicle operated on any street or highway shall be in conformance with HRS § 291-34.

(Sec. 15-21.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.8) (Am. Ord. 01-36)

§ 15-21.9 Restricting the use of A.A. Wilson Bridge at Wahiawa.

- (a) No person shall drive or operate any motor vehicle having an aggregate weight of vehicle and load in excess of 15 tons over the A.A. Wilson Bridge, nor shall any person drive or operate any motor vehicle, except a passenger automobile, over the A.A. Wilson Bridge when there is another such motor vehicle approaching in the opposite direction over the A.A. Wilson Bridge.
 - (b) No person shall drive any motor vehicle over the A.A. Wilson Bridge at a greater speed than 10 miles per hour.
 - (c) The driver of any motor vehicle, except a passenger automobile, when traveling over the A.A. Wilson Bridge, shall not approach within 30 feet of another motor vehicle proceeding in the same direction.
- (Sec. 15-21.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.9)

§ 15-21.10 Restricting the use of Tantalus Road by heavy vehicles.

- (a) No person shall drive any motor vehicle having an aggregate weight of vehicle and load in excess of 8 tons in either direction over that part of Tantalus Road beginning from the mauka side of Papakolea Bridge to the junction of Round Top-Makiki Road.
 - (b) The foregoing provisions shall not apply to an authorized emergency vehicle, as defined previously, while the driver of such vehicle is operating the same in an emergency in the necessary performance of such driver's duties, nor to a vehicle, the owner or operator of which has obtained from the director of transportation services of the city a permit authorizing the operation of such vehicle over the described road. The director of transportation services shall issue such a permit only when it appears to the director's satisfaction that an emergency exists necessitating the issuance of such a permit.
- (Sec. 15-21.10, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.10)

§ 15-21.11 Restricting the use of Kaneohe Bay Drive.

- (a) It is unlawful for any person to drive any truck in either direction over Kaneohe Bay Drive, between the intersection of Mokapu Saddle Road and Kaneohe Bay Drive and the junction of Kaneohe Bay Drive with Paku Place, when such truck with load weighs in excess of 7 tons.
 - (b) The provisions of this section do not apply to an authorized emergency vehicle, as defined in this chapter, while the driver of the vehicle is operating the same in an emergency in the necessary performance of the driver's duties, nor to a city transit bus, as defined in this chapter, nor to a vehicle the owner or driver of which has obtained from the director of transportation services a permit authorizing the operation of the vehicle over the above described segment of Kaneohe Bay Drive. The director of transportation services is authorized to issue such a permit at the director's discretion.
- (Sec. 15-21.11, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.11) (Am. Ord. 01-61, 18-32)

§ 15-21.12 Permit to move equipment and/or load of excessive weight, width, or height.

- (a) No vehicle, equipment, or other object that does not meet the standards of weight, width, or height or other requirements mentioned in §§ 15-21.2 and 15-21.8, nor any load in excess of 9 feet in width, exclusive of eaves or overhangs of less than 3 feet and having a clearance of 10 feet or more above the roadway, shall be moved, transported, or caused to be moved or transported over any public highway or street by any person without a permit therefor issued by the State director of transportation or the director's representative, whenever State highways are involved, and by the director of transportation services or the director's representative, whenever city and county highways are involved.
- (b) All applications for permits required under this section shall be made in writing to the State director of transportation or the director of transportation services of the city and county, or both, as the case may be, and shall contain the following:
 - (1) Description of any one or more of the following: the vehicle, equipment, or load to be moved;
 - (2) Street location or other identifying description of the place to which the same is to be moved;
 - (3) Complete designation of the route to be followed;
 - (4) Height, width, and length of the same;
 - (5) Times at which the movement of the same will commence and terminate; and
 - (6) Certified statement that the moving contractor has examined the route and determined that there will be a clearance of at least 1 foot on each side of any one or more of the following: the vehicle, equipment, or load and any possible obstructions existing along such route.
- (c) No permit shall be issued unless:
 - (1) The applicant has secured and presents to the issuing officer all clearances required by any law, ordinance, or regulation;
 - (2) There is more than 1 foot clearance on each side of any one or more of the following: the vehicle, equipment, or load along the route to be followed;
 - (3) The issuing officer is satisfied that there are available sufficient pull out areas for use in case of delay or breakdown;
 - (4) The applicant has obtained a permit from the joint pole committee where any one or more of the following: the vehicle, equipment, or load, as loaded, exceeds 13 feet in height; and
 - (5) In the case of loads of such excessive widths, the applicant has filed with the issuing officer a certificate of any insurance carrier certifying that there is a comprehensive automobile liability insurance policy covering the applicant, and the applicant's authorized agents, executors, administrators, heirs, and assigns for liability in the minimum amount of \$100,000 for bodily injury to or death of one person in any one

accident, and in the amount of \$300,000 for bodily injury to or death of two or more persons in any one accident, and in the amount of \$50,000 because of damage to or destruction of property of others in any one accident.

- (d) The State director of transportation or the director of transportation services, or both, as the case may be, may, in their discretion, change and designate another route to be followed or the time during which the movement shall be made before the issuance of a permit.

(Sec. 15-21.12, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.12) (Am. Ord. 96-58)

§ 15-21.13 Regulations as to movement of loads of excessive width.

- (a) Such loads of excessive width shall be moved or transported only during the hours between 1:00 a.m. and 6:00 a.m.; except in certain rural areas, the issuing officer may, in such officer's discretion, permit movements between the hours of 10:00 a.m. and 3:00 p.m. where traffic may be diverted over an alternate route and where the flow of traffic will not be unduly impeded by such movement; provided such loads of less than 14 feet in width, exclusive of eaves or overhangs of 3 feet or less and having a clearance of 10 feet or more above the roadway, may be moved at any time, except during the hours between 6:30 a.m. and 8:30 a.m. and during the hours between 3:30 p.m. and 5:30 p.m.
- (b) The maximum speed of movement of such loads shall be 25 miles per hour.
- (c) When movements are permitted during daylight hours, such loads shall be marked at each corner by a red flag. An escort vehicle, displaying at least one red flag on each side at the front, shall precede such load. The flags herein referred to shall be not less than 16 inches square (256 square inches).
- (d) When movements are made at night, such load shall be escorted by at least two escort vehicles, one of which shall precede the load and one of which shall follow the load. Such escort vehicles shall be equipped with at least one oscillating amber light on the top of the cab, or one blinking amber light at least 6 inches in diameter in the front of the front escort vehicle and one blinking amber light in the rear of the rear escort vehicle.
- (e) The leading escort vehicle shall precede the load by not less than the distances shown on the following table. The speeds shown in the table represent the established speed limit for the street or highway on which the movement is taking place added to the speed at which the load is traveling.

<i>Combined Speed (MPH)</i>	<i>Minimum Distance from Load to Leading Escort Vehicle</i>
30	200
35	240
40	280
45	320
50	350
55	420
60	480

<i>Combined Speed (MPH)</i>	<i>Minimum Distance from Load to Leading Escort Vehicle</i>
65	540
70	600

- (f) When movements are made at night, such loads shall be lighted by at least one string of incandescent lamps spaced at a maximum of 5 feet on center around the entire load. At least one lamp in the string shall be located at each corner of the load. All such lamps shall be located not less than 5 feet from the roadway surface. In addition thereto, at least one lamp shall be placed or located at each corner and at the lowest point of the load. All lamps located at the corners of the load shall be red in color and not less than 100 watts each; all others may be red, white, or amber in color and shall be not less than 50 watts each. Sufficient lanterns shall be provided of the colors specified for incandescent lamps to be used in the event of power failure or other similar emergency to ensure that the minimum lighting required by this traffic code is maintained at all times.
 - (g) The vehicle or tractor carrying, transporting, or drawing such load at night shall be equipped with at least two flashing amber lights not less than 6 inches in diameter that shall be mounted on each side at the front of the vehicle or tractor, near the headlight but not in the same horizontal line therewith.
 - (h) If trailers are used in carrying or transporting such load at night, the lighting of such trailers shall be as specified in § 15-19.5(d).
 - (i) On movements of loads that require the adjustment of overhead facilities, the contractor shall provide at least two experienced workers on top of the structure to lift wires and perform other work as required to ensure the safe passage of the load under overhead obstructions without damage to the wires or obstructions. Such workers shall be provided with safety gloves and all other safety devices required by the State safety code.
 - (j) All military tactical movements shall be exempted from this section.
 - (k) All agricultural equipment and implements of husbandry moved on public highways in the course of normal agricultural operations, and within the geographic area in which they are normally used, shall be exempted from this section.
- (Sec. 15-21.13, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.13)

§ 15-21.14 Restricting the use of a portion of Moanalua Highway by certain heavy vehicles.

No person shall drive or operate any vehicle, having a registered weight of 6,000 pounds or more, in the Honolulu direction on Moanalua Highway from the Halawa Stream Bridge to Red Hill Road in any lane but the extreme right lane during the hours of 6:30 a.m. to 8:00 a.m., except when overtaking a stalled vehicle or preparatory to making a left turn.

(Sec. 15-21.14, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.14)

§ 15-21.15 Restricting the use of Ahuimanu Road by certain heavy vehicles.

- (a) No person shall drive any vehicle in either direction over Ahuimanu Road between Ahuimanu Place and Kamehameha Highway when such vehicle, with or without load, weighs in excess of 10 tons.
- (b) The foregoing provision shall not apply to an authorized emergency vehicle while the driver is operating such vehicle in the necessary performance of such driver's duties, nor to a vehicle, the owner or operator of which has obtained from the director of transportation services a permit authorizing the operation of such vehicle over the described road. The director of transportation services shall issue such a permit only when it appears to the director's satisfaction that an emergency exists necessitating the issuance of such a permit.

(Sec. 15-21.15, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 21, § 15-21.15)

ARTICLE 22: PARKING METER ZONES

Sections

- 15-22.1 Parking meter zone
- 15-22.2 Designation of parking meter spaces
- 15-22.3 Acquisition, installation, and operation of parking meters
- 15-22.4 Parking time limits and rates
- 15-22.5 Placement of parking meters
- 15-22.6 Method of parking
- 15-22.7 Operation of parking meters
- 15-22.8 Enclosure or obstruction of parking spaces
- 15-22.9 Collections
- 15-22.10 Use of fund
- 15-22.11 Violations

§ 15-22.1 Parking meter zone.

- (a) All streets, including those named, lying within an area, bounded and described in Schedule XXX attached to the ordinance codified in this section and made a part hereof shall constitute parking meter zones.*
- (b) All other streets may be included, added, and designated as parking meter zones by an ordinance, enacted by the council.
- (c) All municipal parking areas shall constitute parking meter zones when they have been so designated by the council.

(Sec. 15-22.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 22, § 15-22.1)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-22.2 Designation of parking meter spaces.

The director of transportation services is authorized and directed to establish, mark, and designate individual parking meter spaces for the parking of a single motor vehicle or one or more bicycles, or such other uses as are authorized under this article and Chapter 14, Article 22, including complete streets features such as parklets and bicycle corrals, in the parking meter zones designated and described in § 15-22.1 and in such other zones as may be established, including the reservation of spaces for loading and unloading of commercial vehicles for which no parking meters shall be established, which loading zone spaces must be marked and designated to extend in width 8 feet from the curb or edge of the street towards the center of the street and extend in length a maximum of approximately 22 feet and a minimum length of approximately 18 feet along the curb or edge of the street.

(Sec. 15-22.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 22, § 15-22.2) (Am. Ord. 16-2)

§ 15-22.3 Acquisition, installation, and operation of parking meters.

The director of budget and fiscal services shall do all things necessary to provide for the purchase, rental, acquisition, installation, maintenance, and repair of parking meters, including the collection of coins, currency, and other payments from parking meters. The department of facility maintenance or the Honolulu police department, as appropriate, shall provide for the installation, maintenance, and repair of parking meter poles and related infrastructure as requested by the department of budget and fiscal services.

(Sec. 15-22.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 22, § 15-22.3) (Am. Ord. 04-32)

§ 15-22.4 Parking time limits and rates.

- (a) (1) Except as otherwise allowed by law or permit, parking, or standing a vehicle in a designated space in the downtown and civic center area (which is bounded by River Street to Vineyard Boulevard, then along Vineyard Boulevard to Punchbowl Street, then along Punchbowl Street to Beretania Street, then along Beretania Street to Alapai Street, then along Alapai Street to King Street, then along King Street to Punchbowl Street, and along Punchbowl Street to the waterfront), and the City Hall parking meter zones is lawful between the hours of 7:00 a.m. and 6:00 p.m., on any day, except Sundays and public holidays, upon payment by a method allowed by parking meter, including but not limited to credit or debit cards, smart cards, and coins of the following amounts in a \$3 per hour zone: \$0.50 for 10 minutes; \$1.50 for 30 minutes; and \$3 for 60 minutes or one hour. Notwithstanding the foregoing, a car-sharing organization shall pay an annual rental rate of \$2,475 for a stall in the area that is reserved and designated for use by the organization pursuant to § 15-28.1, without the need to operate the parking meter.
- (2) Except as otherwise allowed by law or permit, parking, or standing a vehicle in a designated space in parking meter zones which are specified in Schedule XXX and located in Waikiki is lawful between the hours of 6:00 a.m. and 10:00 p.m. on any day upon payment by a method allowed by parking meter, including but not limited to credit or debit cards, smart cards, and coins of the following amounts in a \$3 per hour zone: \$0.50 for 10 minutes; \$1.50 for 30 minutes; and \$3 for 60 minutes or one hour. Notwithstanding the foregoing, a car-sharing organization shall pay an annual rental rate of \$4,380 for a stall in the specified Waikiki parking meter zones that is reserved and designated for use by the organization pursuant to § 15-28.1, without the need to operate the parking meter.
- (3) Provided that with respect to those parking meter zones in areas other than those designated above the deposit of the following amounts is required: \$0.50 for 20 minutes; and \$1.50 for 60 minutes or one hour. Notwithstanding the foregoing, a car-sharing organization shall pay an annual rental rate of \$1,350 for a stall in the areas that is reserved and designated for use by the organization pursuant to § 15-28.1, without the need to operate the parking meter.
- (4) Each parking meter, when operated, must either display the expiration of the period of legal parking, or issue a receipt indicating the date and time of expiration.
- (5) For purposes of this subsection, car-sharing organization means the same as that term is defined in § 15-28.1.
- (6) The foregoing rates are set forth in tabular form as follows:

Parking Meter Zones

§ 15-22.5

Zone	Hours	Meter Rate	Shared Mobility Annual Rental Rate
Downtown/Civic Center	7:00 a.m.–6:00 p.m. daily, except Sundays and public holidays.	\$0.50 for 10 minutes. \$1.50 for 30 minutes. \$3 for 60 minutes.	\$2,475
Waikiki	6:00 a.m.–10:00 p.m. daily.	\$0.50 for 10 minutes. \$1.50 for 30 minutes. \$3 for 60 minutes.	\$4,380
All other areas	See Schedule XXX	\$0.50 for 20 minutes. \$1.50 for 60 minutes.	\$1,350

- (b) The director of transportation services shall fix and indicate the time limitations for legal parking in such zones; and the hours during the day when the parking meter or meters must be used and when the time limitations for legal parking in such zones shall be effective, on the parking meter or meters or by appropriate sign or signs posted in proximity to such meter or meters in those zones, or both.
- (c) A special transit service vehicle may park or stand in a designated space without charge or necessity of paying the parking meter when loading or unloading a mobility-handicapped passenger; provided that the vehicle shall not park or stand in the designated space:

(1) For more than 15 minutes; or

(2) During hours when parking in the designated space is prohibited.

(Sec. 15-22.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 22, § 15-22.4) (Am. Ords. 89-58, 89-78, 04-21, 04-32, 17-25, 19-19)

§ 15-22.5 Placement of parking meters.

- (a) The parking meters installed in the parking meter zones as established and provided for in § 15-22.2 shall be placed upon the curb or public parking area immediately adjacent to the individual parking spaces heretofore mentioned or in the use of multispace parking meters at a location in the vicinity of the parking spaces. Each parking meter shall be placed or set in such manner as to show or display by a signal that the parking space adjacent to such meter is or is not legally in use or, if required by the directions on the parking meter, the vehicle operator shall place or cause to be placed, the receipt provided in or on the vehicle according to the directions on the meter.
- (b) The director of transportation services may, upon request of the owner, tenant, or occupant of the abutting property, remove or relocate any parking meter that obstructs or interferes with the construction of any authorized driveway or the construction of improvements on the abutting property; provided the person requesting the removal or relocation of the parking meter or meters shall reimburse the city for all costs incurred in the removal or relocation, including costs of labor, materials, and equipment.

(Sec. 15-22.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 22, § 15-22.5) (Am. Ord. 04-32)

§ 15-22.6 Method of parking.

Except as otherwise specifically stated on the parking meter or signage, when a parking space in any parking meter zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space with an individual parking meter shall be parked within the parking space lines or pavement markings with the front of such vehicle nearest to the parking meter. In the case of the use of a multispace parking meter, the vehicle shall be parked within the parking space lines or pavement markings with the front of the vehicle pointing in the direction of traffic, except as otherwise specifically stated on the parking meter or signage. When a parking space in any parking meter zone with individual parking meters is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked within the parallel parking space lines with the front of such vehicle nearest to such meter, except as otherwise specifically stated on the parking meter or signage. For multispace parking meters with parking spaces diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked within the parallel parking space lines with the front of such vehicle adjacent to the curb or sidewalk.

(Sec. 15-22.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 22, § 15-22.6) (Am. Ord. 04-32)

§ 15-22.7 Operation of parking meters.

Except in a period of emergency determined by an officer of the fire or police department, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle is parked in any parking space that is regulated by a parking meter, the operator of such vehicle shall, upon entering such parking meter space, immediately make the proper payment by a method as is required for such parking meter and as is designated by directions on the meter, and when required by the directions on the meter, the operator of such vehicle, after payment, shall also set in operation the timing mechanism on such meter in accordance with directions appearing thereon or place the receipt provided by the meter in or on the vehicle in accordance with the directions appearing on the meter. For a vehicle other than a motorcycle, the receipt shall be placed on the dashboard on the driver's side of the vehicle with the date and time of expiration clearly visible from outside. For a motorcycle, the receipt shall be affixed to the windshield or handlebars with the date and time of expiration clearly visible. The failure to make payment, set the timing mechanism in operation, or place the receipt in or on the vehicle, when so required, shall constitute a violation of this section. Upon payment and the setting of the timing mechanism in operation or placing the parking meter receipt in or on the vehicle, when so required, the parking space may be lawfully occupied by such vehicle during the period of time that has been prescribed for the part of the street or public parking area in which the parking space is located; provided that any person placing a vehicle in a parking meter space served by a meter that indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to make payment so long as such person's occupancy of the space does not exceed the indicated unused parking time. If a vehicle remains parked in any parking space beyond the parking time limit set for such parking space, and if the meter indicates such illegal parking, or if the noted date and time on the receipt has expired, then and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking is a violation of this traffic code.

(Sec. 15-22.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 22, § 15-22.7) (Am. Ord. 04-32)

§ 15-22.8 Enclosure or obstruction of parking spaces.

- (a) Before any person (other than any governmental agency) uses, encloses, obstructs or causes to be used, enclosed, or obstructed, any parking meter space or unmetered parking stall or portion thereof, for purposes authorized pursuant to § 15-22.2 or Chapter 14, Article 22, including complete streets features, or incidental to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or

demolishing any building or structure, the person must pay to the department of transportation services a processing fee of \$5 for each permit issued in addition to a sum calculated at the rate of \$12 for each parking space for each day or fraction thereof, exclusive of Sundays and State holidays, that the space is used, enclosed, or obstructed. The director of transportation services may waive the per day fee for parking spaces used exclusively for complete streets features as defined in Chapter 14, Article 22, for the use and enjoyment of the public.

- (b) A permit issued under subsection (a) must:
 - (1) Be revocable at the discretion of the director of transportation services;
 - (2) Specify the kind of work, use, or both, that is specifically authorized;
 - (3) Require the permittee to defend and indemnify the city for all activities and liabilities associated with use of the parking space;
 - (4) Require the permittee to maintain liability insurance at amounts approved by the director of transportation services; and
 - (5) Contain such conditions as the director of transportation services finds appropriate considering public safety, surrounding uses, and the public interest, including requiring signs stating that an area designated for public use is open to the public.
- (c) A permit issued under subsection (a) for private purposes is valid for no longer than 90 days. A permit issued under subsection (a) exclusively for complete streets features as defined in Chapter 14, Article 22 for the use and enjoyment of the public may be issued for a term not to exceed 180 days.
- (d) Where the use, enclosure, or obstruction of a parking meter space also requires a permit under Title 19, Chapter 129 of the Hawaii Administrative Rules, entitled “Use of Traffic Control Devices at Work Sites on or Adjacent to Public Streets and Highways,” no such permit shall be issued by the director of transportation services until the applicant has made the payment required under subsection (a), based on the estimated number of days that the parking meter spaces will be so used, enclosed, or obstructed. The permittee shall notify the department of transportation services immediately upon termination of such use, enclosure, or obstruction.
- (e) All moneys due and collected under this section must be deposited in the highway fund created by HRS Chapter 249, as amended. In the event there is a variance between the amount collected and the amount due, adjustment shall then be made by or with the department of transportation services.
- (f) The director of transportation services may adopt rules pursuant to HRS Chapter 91 implementing this section. (Sec. 15-22.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 22, § 15-22.8) (Am. Ord. 04-21, 10-3, 16-2)

§ 15-22.9 Collections.

It shall be the duty of the chief of police of the Honolulu police department to designate some member or members in the Honolulu police department to make regular collections of the coins and currency deposited in the parking meters. The person or persons so designated shall make a record in duplicate of the number shown registered on the coin and currency counter of each parking meter whenever coins and currency are removed

therefrom. The coins and currency so removed shall be taken, together with the duplicate copy of the record above mentioned, to the city treasury for count by the chief of treasury and deposit into the highway fund, created by HRS Chapter 249, as amended. The Honolulu police department shall coordinate with the department of budget and fiscal services in ensuring that there is a proper accounting of payments by methods other than coins and currency deposited into the parking meter.

(Sec. 15-22.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 22, § 15-22.9) (Am. Ord. 04-32)

§ 15-22.10 Use of fund.

In addition to other authorized purposes, the moneys in the highway fund created by HRS Chapter 249, as amended, shall be used for supervising, controlling, and regulating parking of vehicles in the parking zones created; for the purchase, rental, acquisition, supervision, protection, inspection, installation, operation, maintenance, control, regulation, collection, and use of the parking meters described herein, of off-street parking spaces, and of other facilities and properties for parking purposes; and for purposes and functions of traffic control and safety upon the highways and streets in the city.

(Sec. 15-22.10, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 22, § 15-22.10)

§ 15-22.11 Violations.

It is a violation for any person to:

- (1) Cause, allow, permit, or suffer any vehicle registered in the name of, or operated by, the person to be parked overtime, or beyond the period of legal parking time established for any parking meter zone as herein described;
- (2) Cause, allow, permit, or suffer any vehicle to be placed or remain in any parking space while the meter regulating the parking space is displaying a signal indicating illegal or overtime parking, or the receipt issued by the parking meter has expired. A special transit service vehicle is not in violation of this subsection when loading or unloading a mobility-handicapped passenger as long as the parking space is not occupied for more than 15 minutes;
- (3) Park any vehicle across any line or marking of a parking meter space or in such position that the vehicle is not entirely within the area designated by such lines or markings;
- (4) Deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under this traffic code;
- (5) Deposit or cause to be deposited in any parking meter any slug, device, metal or other substance, or other substitute for lawful United States coins or currency;
- (6) Deposit or cause to be deposited in a parking meter a coin or coins or currency or make payment by credit, debit, or smart card for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time, or fraction thereof, which has been established for the parking space adjacent to which such parking meter is placed;
- (7) Fail to pay the fees as required under § 15-22.8;

- (8) Permit any special transit service vehicle to remain in a parking space without charge for more than 15 minutes or during hours when parking is prohibited, even if loading or unloading a mobility-handicapped passenger;
 - (9) Permit any vehicle to be or remain parked in a tow zone during tow zone hours, unless the parking is permitted under and in compliance with § 15-14.8;
 - (10) Fail to display a receipt issued by a parking meter so that the date and time are clearly visible or otherwise not in compliance with the instructions on the parking meter; and
 - (11) Alter, duplicate, or transfer to another vehicle operator any receipt issued by a parking meter.
- (Sec. 15-22.11, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 22, § 15-22.11) (Am. Ords. 89-58, 90-77, 04-32, 16-2)

Honolulu - Traffic and Vehicles

ARTICLE 23: OFF-STREET PARKING

Sections

- 15-23.1 Designation and allocation of parking meter spaces or parking spaces
- 15-23.2 Metered parking facilities
- 15-23.2A Attendant parking facilities
- 15-23.2B Unclaimed vehicles
- 15-23.2C Special transit service vehicles
- 15-23.2D Review and amendment of parking rates and terms
- 15-23.3 Business hours
- 15-23.4 Signs
- 15-23.5 Use of revenues
- 15-23.6 Violations
- 15-23.7 Permitted commercial use of public off-street parking facilities by the city-sponsored People's Open Market program

§ 15-23.1 Designation and allocation of parking meter spaces or parking spaces.

The director of transportation services is authorized and directed to establish, mark, and designate individual parking meter spaces or individual parking spaces for the parking of a single vehicle therein of appropriate size in public off-street parking facilities. In all facilities where public monthly parking is authorized, the director shall allocate to vehicles displaying a valid carpool parking program permit an appropriate number of designated carpool parking spaces at preferential locations, provided that such designated carpool spaces shall not be to the detriment of daytime, short-term parkers, and disabled persons parking. For any off-street parking facility under the director's control or supervision, the director shall give priority on any waiting list for permits for monthly parking spaces to vehicles with valid carpool parking program permits.

(Sec. 15-23.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 23, § 15-23.1) (Am. Ord. 94-61)

§ 15-23.2 Metered parking facilities.

The following time limits, parking fees, and other regulations shall be applicable to the parking facilities listed:

<i>Facility</i>	<i>Parking Limit (No. of Hours)</i>	<i>Fee Rate</i>	<i>Special Hours</i>	<i>Other</i>
Bishop-Kukui (Area 2)	3	\$1.50/hour		
Kuhio-Kaiolu	5	\$1.50/hour		

<i>Facility</i>	<i>Parking Limit (No. of Hours)</i>	<i>Fee Rate</i>	<i>Special Hours</i>	<i>Other</i>
HPD	2	\$1.50/hour		Director of transportation services to designate areas and post time limits on meters or signs.
Kailua	5 and 3	\$0.75/hour		Director of transportation services to designate areas and post time limits on meters or signs.
Kailua Elderly	5 and 3	\$0.75/hour		Director of transportation services to designate areas and post time limits on meters or signs.
Kaimuki 2 (Koko Head Ave./12th Ave.)	2	\$0.75/hour		Director of transportation services to designate areas and post time limits on meters or signs.
Civic Center	3	\$1.50/hour		
Salt Lake	2	\$0.50/2 hours		Time limits, not to exceed the maximum, to be fixed by director of transportation services and posted on meters or signs.
	12 (max.)	\$0.10/hour		
Palace Square (Honolulu Post Office)	1	\$1.50/hour		Time limits, not to exceed the maximum, to be fixed by director of transportation services and posted on meters or signs.
Wahiawa	1	None		Director of transportation services to designate areas and post time limits on meters or signs.

(Sec. 15-23.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 23, § 15-23.2) (Am. Ords. 89-48, 89-58, 89-78, 90-98, 91-13, 91-72, 92-24; Added by Ord. 94-61; Am. Ords. 97-06, 04-21, 04-32, 06-49, 12-13, 15-3)

§ 15-23.2A Attendant parking facilities.

(a) The following time limits, parking fees, and other regulations shall be applicable to the parking facilities listed:

Off-Street Parking

§ 15-23.2A

<i>Facility</i>	<i>Primary Period Hours/Rates</i>	<i>Secondary Period Hours/Rates</i>	<i>Public Monthly Rate</i>	<i>Lost Ticket Charge</i>	<i>Business Validation</i>	<i>Shared Mobility Annual Rental Rate</i>	<i>Other</i>
Alii Place (Alakea- Richards: Area 4a)	Monday—Friday 6:00 a.m.—5:00 p.m. \$0.75/half-hour first 2 hours \$1.50/half-hour thereafter	Monday—Friday 5:00 p.m.—12:00 midnight, Sat., Sun., holidays 6:00 a.m.—12:00 midnight \$0.50/half-hour, maximum \$3	\$155	\$21	At primary rates, as may be adjusted.	\$3,150	Carpool parking program authorized. Early bird all-day parking authorized.
Harbor Court (Kaahumanu: Area 6)	Monday—Friday 6:00 a.m.—5:00 p.m. \$0.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday—Friday 5:00 p.m.—12:00 midnight, Sat., Sun., holidays 6:00 a.m.—12:00 midnight \$0.50/half-hour, maximum \$3	\$140	\$21	At primary rates, as may be adjusted.	\$31.50	Carpool parking program authorized. Early bird all-day parking authorized.
Marin Tower (Maunakea- Smith: Area 3) (applicable only to 258 parking stalls that are reserved for city use as public parking)	Monday—Friday 6:00 a.m.—5:00 p.m. \$0.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday—Friday 5:00 p.m.—12:00 midnight, Sat., Sun., holidays 6:00 a.m.—12:00 midnight \$0.50/half-hour, maximum \$3	\$125	\$21	At primary rates, as may be adjusted.	N/A	Carpool parking program authorized. Early bird all-day parking authorized.
Kukui Plaza	Monday—Friday, except holidays 6:00 a.m.—5:00 p.m. \$0.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday—Friday 5:00 p.m.—12:00 midnight, Sat., Sun., holidays 6:00 a.m.—12:00 midnight \$0.50/half-hour, maximum \$3	\$100	\$21	At primary rates, as may be adjusted.	\$3,150	Carpool parking program authorized. Early bird all-day parking authorized. Low-moderate income resident rate: \$40/month.

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<i>Facility</i>	<i>Primary Period Hours/Rates</i>	<i>Secondary Period Hours/Rates</i>	<i>Public Monthly Rate</i>	<i>Lost Ticket Charge</i>	<i>Business Validation</i>	<i>Shared Mobility Annual Rental Rate</i>	<i>Other</i>
Hale Pauahi	Monday—Friday except holidays 6:00 a.m.—5:00 p.m. \$0.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday—Friday 5:00 p.m.—12:00 midnight, Sat., Sun., holidays 6:00 a.m.—12:00 midnight \$0.50/half-hour, maximum \$3	\$90	\$21	At primary rates, as may be adjusted.	N/A	Carpool parking program authorized. Early bird all-day parking authorized. Commercial tenant rate: \$90/month. Below-market unit resident rate: \$40/month. Market unit resident rate: \$60/month. River-Pauahi resident rate: \$40/month. Pauahi Kupuna Hale resident rate: \$10/month.
Harbor Village (River-Nimitz) (applicable only to 76 parking stalls that are reserved for city use as public parking)	Monday—Friday 6:00 a.m.—5:00 p.m. \$0.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday—Friday 5:00 p.m.—12:00 midnight, Sat., Sun., holidays 6:00 a.m.—12:00 midnight \$0.50/half-hour, maximum \$3	\$125	\$21	At primary rates, as may be adjusted.	N/A	Carpool parking program authorized. Early bird all-day parking authorized.
Chinatown Gateway Plaza (Bethel-Hotel) (applicable only to 80 parking stalls that are reserved for city use as public parking)	Monday—Friday 6:00 a.m.—5 p.m. \$0.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday—Friday 5:00 p.m.—12:00 midnight, Sat., Sun., holidays 6:00 a.m.—12:00 midnight \$0.50/half-hour, maximum \$3	\$150	\$21	At primary rates, as may be adjusted.	N/A	Carpool parking program authorized. Early bird all-day parking authorized.

Off-Street Parking

§ 15-23.2A

<i>Facility</i>	<i>Primary Period Hours/Rates</i>	<i>Secondary Period Hours/Rates</i>	<i>Public Monthly Rate</i>	<i>Lost Ticket Charge</i>	<i>Business Validation</i>	<i>Shared Mobility Annual Rental Rate</i>	<i>Other</i>
Kekaulike Courtyards (Kekaulike Area 7)	Monday—Friday except holidays 6:00 a.m.—5:00 p.m. \$0.75/half-hour first 2 hours, \$1.50/half-hour thereafter	Monday—Friday 5:00 p.m.—12:00 midnight, Sat., Sun., holidays 6:00 a.m.—12:00 midnight \$0.50/half-hour, maximum \$3	\$125	\$21	At primary rates, as may be adjusted.	\$3,150	Carpool parking program authorized. Early bird all-day parking authorized. Commercial tenant rate: \$125/month. Low-moderate income resident rate: \$40/month. Gap group income resident rate: \$60/month. Market unit resident rate: \$80/month.
Smith-Beretania	Monday—Friday 6:00 a.m.—5:00 p.m. \$0.75/half-hour first 2 hours \$1.50/half-hour thereafter	Monday—Friday 5:00 p.m.—12:00 midnight, Sat., Sun., holidays 6:00 a.m.—12:00 midnight \$0.50/half-hour maximum \$3	\$125	\$21	At primary rates as may be adjusted.	\$3,150	Carpool parking program authorized. Early bird all-day parking authorized.
Kaimuki 1 (12th Ave./11th Ave.)	Monday—Friday except holidays 5:00 a.m.—11:00 p.m. \$0.75/hour first 2 hours, and \$1.50/hour thereafter. First 20 minutes free.	Sat., Sun., holidays 6:00 a.m.—12:00 midnight \$0.75/hour	\$125	\$21	At primary rates, as may be adjusted.	\$2,100	
Kapalama Hale adjacent parking facility (TMK 1-5-15-16)	Monday—Friday except holidays 6:00 a.m.—6:00 p.m. \$2/half-hour. With validation, \$0.75/half-hour first 4 hours, and \$2/half-hour thereafter.	None	None	\$21	Validation by city only.	\$2,100	Carpool parking program authorized.

- (b) The director of transportation services shall determine the occupancy rate of the facilities listed in subsection (a) on a semiannual basis. If the occupancy rate equals or exceeds 90 percent of the facility's capacity, the primary and secondary parking rates shall be increased by \$0.15 per 30 minutes for the first two hours, and \$0.30 per 30 minutes thereafter, provided that in no event shall the rates exceed \$3 per hour for the first two hours and \$4 and \$0.50 per hour thereafter. If the occupancy rate decreases by 20 percent over the occupancy rate for the immediately preceding period of six months, the primary and secondary parking rates shall be decreased by \$0.15 per 30 minutes for the first two hours and \$0.30 per 30 minutes thereafter, provided that in no event shall the rates be reduced below the rates specified in subsection (a).

For the purposes of this subsection, "occupancy rate" means the ratio, over a given time period, between the portion of the time vehicles were parked in a facility's parking spaces versus the total available space hours.

Any change in the rates shall become effective 30 days after its establishment by the director. At least seven days before the effective date, the director shall post a notice of the change at the affected parking facility.

- (c) The director of transportation services shall designate appropriate portions of each facility listed in subsection (a) for the parking, free of charge, of bicycles, motorcycles, motor scooters, and mopeds, as defined in HRS § 291C-1.
- (d) The director of transportation services may establish a carpool parking program where authorized in subsection (a) and set monthly carpool parking rates that shall be no more than 70 percent of the public monthly rate established for each facility. In any facility where monthly carpool parking is authorized by this section, no less than 50 percent of spaces set aside for the public monthly parking program shall be allocated for the carpool parking program; provided that the director may reduce the percent of carpool parking stalls upon the director's findings that the demand for such spaces is less than 50 percent. Carpool spaces shall be in preferential locations and a valid carpool parking program permit shall be required for all vehicles parked in the designated carpool parking spaces or paying carpool parking rates.
- (e) The director of transportation services may establish an all-day early bird parking program where authorized in subsection (a) and set the all-day fee to be charged therefor; provided that in no event shall the early bird parking program be implemented to the detriment of daytime, short-term parkers nor shall such programs be implemented at any facility, unless carpool spaces have been designated and offered at reduced parking rates as required in subsection (d). In any facility that the director of transportation services implements all-day early bird parking, the director shall offer all-day early bird carpool parking at a reduced rate that shall be no more than 70 percent of the daily all-day rate.
- (f) Commercial tenants and residents of city projects applying for authorization to use designated parking stalls therein shall be certified by the department of facility maintenance; provided that the foregoing shall not apply to commercial tenants and residents of the Marin Tower (Maunakea-Smith: Area 3), Harbor Village (River-Nimitz), and Chinatown Gateway Plaza (Bethel-Hotel) properties.
- (g) When an ordinance increasing parking fees for monthly tenants of any city attendant parking facility is enacted, the department of facility maintenance shall immediately post signs at the affected facility notifying all monthly tenants of the increase. No increase on monthly parking rates shall be collected until 90 days after the signs have been posted.

(1990 Code, Ch. 15, Art. 23, § 15-23.2A) (Added by Ord. 94-61; Am. Ords. 97-06, 04-21, 04-32, 04-40, 06-49, 12-13, 16-32, 19-19)

§ 15-23.2B Unclaimed vehicles.

When any vehicle not belonging to a commercial or residential tenant is not called for at closing time, such vehicle shall not be delivered to the owner or driver thereof until such time as the parking facility is again open for business and a charge of \$1, together with the charges hereinabove specified remaining unpaid, shall have been paid by such owner or driver. Further, should the owner or driver fail to claim or call for such vehicle within 24 hours after the parking facility is again open for business, the chief of police shall remove or cause to be removed such vehicle from the parking facility, and the owner or driver thereof shall be liable for all reasonable expenses incurred by such removal, as well as the charges herein specified. In no event shall the city be responsible for any claim by reason of loss, theft or conversion of, or for any damage or injury to, a vehicle parked in the parking facility. (1990 Code, Ch. 15, Art. 23, § 15-23.2B) (Added by Ord. 94-61)

§ 15-23.2C Special transit service vehicles.

When a special transit service vehicle parks in a public off-street parking facility to load or unload a mobility-handicapped passenger, there shall be no charge for the first 15 minutes; provided that the waiver of charge shall not be applicable when a concession agreement applicable to the public off-street parking facility prohibits the waiver. (1990 Code, Ch. 15, Art. 23, § 15-23.2C) (Added by Ord. 94-61)

§ 15-23.2D Review and amendment of parking rates and terms.

Every three years beginning no later than July 1, 1995, the director of transportation services shall review the rates charged and applicable parking terms of all municipal off-street parking facilities as to their consistency with city transportation policies, appropriateness with respect to adjacent land uses, and comparability with private parking rates. The director shall prepare and submit to the council for its consideration any recommended amendments to the prevailing parking rates and applicable terms in the form of a bill for an ordinance. (1990 Code, Ch. 15, Art. 23, § 15-23.2D) (Added by Ord. 94-61)

§ 15-23.3 Business hours.

Except as otherwise specifically provided, all public off-street parking facilities shall be open for business seven days per week, 24 hours per day. Notwithstanding the foregoing provisions, whenever any special event or occurrence shall require extra parking spaces in the downtown area, the director of transportation services is authorized to extend the business hours of any "Class D" and "Class F" facility, including opening for business on any Sunday or holiday. (Sec. 15-23.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 23, § 15-23.3)

§ 15-23.4 Signs.

Appropriate signs indicating the parking charges, as well as the hours that such facility is open for business, shall be installed and maintained at each public off-street parking facility. (Sec. 15-23.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 23, § 15-23.4)

§ 15-23.5 Use of revenues.

- (a) All revenues derived from the operation and use of the public off-street parking facilities, other than the Harbor Village (River-Nimitz), Chinatown Gateway Plaza (Bethel-Hotel), Marin Tower (Maunakea-Smith: Area 3), and Hale Pauahi parking facilities, shall be collected and deposited as prescribed in § 15-22.9, and such revenues shall be used as prescribed in § 15-22.10. All revenues derived from lessee operation and use of each of the leased parking facilities at the Harbor Village (River-Nimitz), Chinatown Gateway Plaza (Bethel-Hotel), and Marin Tower (Maunakea-Smith: Area 3) projects shall inure to the benefit of the lessee of the parking facility, in accordance with the terms of the governing lease with the city.
 - (b) Upon the execution of a long-term lease by the city of the Harbor Village (River-Nimitz) or Chinatown Gateway Plaza (Bethel-Hotel) projects, or both, including their parking facilities, all proceeds payable at lease inception and allocated to parking under the terms of the lease for each of the projects shall be deposited into the housing development special fund.
 - (c) All revenues derived from the operation and use of the Hale Pauahi parking facility shall be deposited into the rental assistance fund as prescribed in § 6-45.2.
 - (d) Upon the execution of a long-term lease by the city of the Marin Tower (Maunakea-Smith: Area 3) project, including its parking facilities, all proceeds payable at lease inception and allocated to parking under the terms of the lease shall be deposited as prescribed in § 15-22.9.
 - (e) All revenues derived from the operation and use of the joint traffic management center parking garage shall be deposited into the transportation fund.
- (Sec. 15-23.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 23, § 15-23.5) (Am. Ords. 91-13, 12-13, 12-36, 20-19)

§ 15-23.6 Violations.

No person shall violate the following:

- (1) Refuse or fail to pay the parking charges specified in § 15-23.2;
- (2) Park any vehicle, except one that is not called for at closing time, in a public off-street parking facility when not open for business;
- (3) Park any vehicle across any line or marking of a parking space or in such position that the vehicle is not entirely within the area designated by such lines or markings;
- (4) Tamper with or damage any vehicle other than the person's own parked in a public off-street parking facility;
- (5) Park any vehicle for the purpose of washing, cleaning, greasing, or repairing such vehicle, except repairs necessitated by an emergency;
- (6) Except as provided in § 15-23.7, display for sale, or sell, goods, or merchandise;

(7) Travel at a speed in excess of 10 miles per hour; and

(8) Disregard any official direction, instruction, or restriction indicated by or on official signs posted therein.
(Sec. 15-23.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 23, § 15-23.6) (Am. Ords. 90-77, 92-121)

§ 15-23.7 Permitted commercial use of public off-street parking facilities by the city-sponsored People's Open Market program.

- (a) The department of transportation services may issue a permit, at no cost, to the department of parks and recreation to conduct the People's Open Market program in those municipal off-street surface parking facilities located in residential neighborhoods not zoned for business, commercial, or industrial use, under the following guidelines:
- (1) No one facility may be used more frequently than once a week;
 - (2) The facility may be used for no more than four hours on any one day and may only be used between the hours of 8:00 a.m. and 4:00 p.m.;
 - (3) The department must first find that the facility is one that generally has space available during the hours for which the permit is issued and that the public off-street parking needs of the surrounding residential community will not be adversely affected by issuance of the permit; and
 - (4) The persons in charge of the People's Open Market program shall ensure that the facility is left in a clean and sanitary condition following its use.
- (b) The permit shall state the days and hours during which it is in effect and may include other reasonable conditions and restrictions on the People's Open Market use permitted in subsection (a).
- (c) The permits may be issued on a per-use, a per-month, a biennial, or an annual basis.
(1990 Code, Ch. 15, Art. 23, § 15-23.7) (Added by Ord. 92-121)

Honolulu - Traffic and Vehicles

ARTICLE 24: MISCELLANEOUS PROVISIONS

Sections

- 15-24.1 Tampering with vehicle
- 15-24.2 Putting glass or other injurious substances on a highway
- 15-24.3 Tracking mud onto the highway
- 15-24.4 Driving through funeral or other processions
- 15-24.5 Unlawful riding
- 15-24.6 Obstruction of intersection
- 15-24.7 Motor vehicle drifting and drift racing prohibited
- 15-24.8 Restricting animals and livestock on highways
- 15-24.9 Reserved
- 15-24.10 Reserved
- 15-24.11 Off-street parking for persons with disabilities at City Hall
- 15-24.12 Attention to driving
- 15-24.13 Restrictions on federal-aid highways
- 15-24.14 Transportation of explosives through tunnels
- 15-24.15 Restrictions on freeways
- 15-24.16 Restriction of motorized vehicles on pedestrian overpass or underpass
- 15-24.17 Miscellaneous traffic controls
- 15-24.18 Anti-speed bumps
- 15-24.19 Slow-moving vehicles—Requirement of emblems
- 15-24.20 Parades and other activities
- 15-24.21 Permits for special transit service vehicles
- 15-24.22 Carrying animal in vehicle
- 15-24.23 Mobile electronic devices

§ 15-24.1 Tampering with vehicle.

- (a) No person shall, without the consent of the owner or person in charge of a vehicle, climb upon or into any such vehicle with the intent to commit any injury thereto or with the intent to commit any crime, whether such vehicle is in motion or at rest. The following persons are not in violation of this subsection:
 - (1) A police officer, when authorizing the entering or opening of a motor vehicle and silencing of an alarm system, as provided under § 15A-5.7; and
 - (2) An owner, operator, or employee of a tow service, when entering or opening a motor vehicle and silencing an alarm system under the authorization of a police officer, as provided under § 15A-5.7.
- (b) No person, without the consent of the owner or person in charge of a standing unattended vehicle, shall manipulate any of the levers, brakes, or other devices thereon; provided that an operator of a motor vehicle may

release the brakes and move a standing unattended vehicle for the purpose of extricating the operator's vehicle from a parking location. Persons authorized by §§ 15-13.8, 15-13.9, and 15A-5.7 are excepted from this provision.

(Sec. 15-24.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.1) (Am. Ords. 90-3, 96-58)

§ 15-24.2 Putting glass or other injurious substances on a highway.

- (a) No person shall throw or deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance or object likely to injure any person, animal, or vehicle on a highway.
- (b) Any person who drops, or permits to be dropped or thrown, upon any highway, any destructive or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.
- (d) Upon finding probable cause to believe that there has been a violation of this section, the police officer may either arrest the person believed to be in violation or may issue to that person a summons and citation in accordance with HRS § 803-6.
- (e) Any person violating any provision of this section shall be subject to a fine of up to \$1,000 or up to five days' imprisonment, or both.

(Sec. 15-24.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.2) (Am. Ord. 01-17)

§ 15-24.3 Tracking mud onto the highway.

No vehicle using the public highway shall track mud or dirt onto the traveled portion of such highway in such quantities as will constitute a hazard when the roadway is wet, or obscure the painted pavement markings thereon. If mud or dirt is unavoidably tracked onto the highway, it shall be the duty of the operator of the offending vehicle to have such mud or dirt removed as quickly as possible.

(Sec. 15-24.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.3)

§ 15-24.4 Driving through funeral or other processions.

- (a) No person shall drive a vehicle between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as by law required. This provision shall apply at intersections where traffic is controlled by traffic control signals or by police officers. When the lead car of any funeral or other procession has entered any intersection, notwithstanding the light conditions at those intersections controlled by signal devices, then all other traffic shall yield the right-of-way to all vehicles comprising such funeral or other procession until it has passed through the intersection. The foregoing provisions of this section shall apply only to such funeral or other processions moving under police escort.
- (b) No funeral procession shall be permitted during the hours of 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m., Monday through Friday, except holidays.

- (c) A funeral procession composed of any number of vehicles shall be identified as such by the conspicuous display on the top center of each vehicle of a device not less than 8 inches long and 4 inches high, predominantly black or violet in color with the word "Funeral" imprinted on each side thereof in letters no less than 1.25 inches in height, and the display on the top center of both the lead vehicle and the end vehicle of a flashing amber light having a minimum diameter of 6 inches. Such devices and the lights shall be fastened to the vehicles by means of magnets or suction cups. While in the procession, each driver shall turn on the head lamps of the driver's vehicle as further identification.

(Sec. 15-24.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.4)

§ 15-24.5 Unlawful riding.

- (a) Except as otherwise provided in subsection (b), no person shall ride on any vehicle or any portion of a vehicle, nor shall the operator of any vehicle permit any person to ride on any vehicle or any portion of a vehicle not designed or intended for the use of passengers.
- (b) Persons may ride or be permitted by the vehicle operator to ride in a vehicle or portion of a vehicle not designed or intended for the use of passengers under the following circumstances:
 - (1) When riding within a trailer in a space intended for merchandise;
 - (2) When engaging in the necessary discharge of an employment duty; or
 - (3) When riding in the bed or load-carrying area of a truck;

provided that persons riding in the bed or load-carrying area of a pickup truck shall be subject to HRS § 291-14, whether or not engaging in the necessary discharge of an employment duty.

(Sec. 15-24.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.5) (Am. Ord. 89-130)

§ 15-24.6 Obstruction of intersection.

- (a) No wall, fence, sign, hedge, tree, shrubbery, or other similar structure or plant growth, or any part thereof, that is more than 3 feet above the nearest edge of the abutting roadway shall be erected, planted, or maintained at the corner of any street intersection within the area of a triangle, the apex of which is at the intersections of the property lines at such corner, and consisting of two sides each extending 30 feet from such apex along the respective property lines and the third side being a straight line connecting the respective end points of the two sides; provided that the height of any such wall, fence, sign, hedge, tree, shrubbery, or similar structure or plant growth, subject to any height limitation imposed by any law, ordinance or regulation, may exceed 3 feet upon determination by the director of transportation services that the same does not obstruct vision or constitute a traffic hazard.
- (b) The chief of police shall cause a notice to be served upon the owner or occupant of all property where a violation of the above provision exists, requesting the removal of the obstruction therefrom within one week from the service of such notice.

(Sec. 15-24.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.6)

§ 15-24.7 Motor vehicle drifting and drift racing prohibited.

- (a) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

Motor Vehicle Drifting. A driving technique whereby the driver intentionally oversteers a motor vehicle, causing loss of traction in the rear wheels, while maintaining control from entry to exit of a corner. A motor vehicle is drifting when the rear slip angle is greater than the front slip angle, to such an extent that the front wheels of the motor vehicle are pointing in the opposite direction to the turn (e.g. the motor vehicle is turning left, but the wheels are pointed to the right, or vice versa).

Drift Racing. The use of one or more motor vehicles in an attempt to:

- (1) Outgain or outdistance another motor vehicle, or prevent another vehicle from passing; or
- (2) Arrive at a given destination ahead of another motor vehicle or vehicles, or ahead of a time standard as determined by a stopwatch or other time-keeping device;

while incorporating motor vehicle drifting, on some or all curves or turns of the designated or assumed course.

Racing. Has the same meaning as defined in HRS § 291C-103(c).

- (b) No person shall engage in motor vehicle drifting or drift racing upon any street or highway within the City and County of Honolulu.
- (c) Any person who violates this section shall, upon conviction, be fined up to \$2,000, or imprisoned up to one year, or both.
- (Added by Ord. 18-15)

§ 15-24.8 Restricting animals and livestock on highways.

- (a) No person owning, controlling, or having the possession of any livestock or animals, such as cattle, horses, mules, asses, swine, sheep, or goats, shall wilfully or negligently permit any such livestock or animals to stray upon, or remain unaccompanied by a person in charge or control thereof, upon any street or highway.
- (b) No person shall drive or lead any such livestock upon, over or across any street or highway without keeping a sufficient number of herders on continual duty to open the road so as to permit the passage of vehicles.
- (Sec. 15-24.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.8)

§ 15-24.9 Reserved.

§ 15-24.10 Reserved.

§ 15-24.11 Off-street parking for persons with disabilities at city hall.

- (a) There are established two unmetered parking spaces reserved for persons with disabilities to be located within 50 feet of City Hall. The two parking spaces shall be located in the off-street area immediately in front of City Hall until two spaces have been identified and constructed in some other location within 50 feet of City Hall.
 - (b) The use of the spaces shall be subject to the requirements and limitations of the State law and rules.
 - (c) The director of planning and permitting or the director of transportation services, as is appropriate, is authorized and directed to establish, mark, and designate the reserved parking described in subsection (a).
 - (d) The members of the police department and any other persons authorized by the chief of police are authorized to enforce this section pursuant to Article 26.
 - (e) Any person violating this section shall be subject to a fine of not less than \$50, nor more than \$250, for each violation.
- (Sec. 15-24.11-A, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.11) (Am. Ords. 89-92, 90-77, 95-15, 96-54, 14-25)

§ 15-24.12 Attention to driving.

Every operator of a motor vehicle shall exercise due care in the operation of such vehicle upon any street or highway to avoid collision with any person, vehicle, or other property on or off such street or highway.
(Sec. 15-24.12, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.12)

§ 15-24.13 Restrictions on federal-aid highways.

No person shall, at any time, carry on or solicit business on any portion of a federal-aid highway.
(Sec. 15-24.13, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.13)

§ 15-24.14 Transportation of explosives through tunnels.

No person shall transport, or cause to be transported, any explosives through any vehicular tunnel that is used by the general public as part of a public street or highway, except that this provision shall not apply to the transport of military munitions or military explosives by an operating division of the United States Department of Defense or its contractors using the H-3 tunnels. The military munitions or explosives shall be transported in accordance with United States Department of Defense standard operating procedures.
(Sec. 15-24.14, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.14) (Am. Ord. 03-25)

§ 15-24.15 Restrictions on freeways.

No unlicensed mobile equipment shall be operated under its own power on any freeway or any portion thereof when official signs are posted prohibiting such operation.
(Sec. 15-24.15, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.15)

§ 15-24.16 Restriction of motorized vehicles on pedestrian overpass or underpass.

No person shall operate a motor scooter, motorcycle, or any motorized vehicle upon any portion of a pedestrian overpass or underpass.

(Sec. 15-24.16, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.16)

§ 15-24.17 Miscellaneous traffic controls.

Miscellaneous traffic controls are established and described in Schedule XXXVIII attached to the ordinance codified in this section and made a part hereof.* All traffic controls not covered elsewhere shall be listed under this section.

(Sec. 15-24.17, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.17)

Editor's note:

** See listing of schedules at the end of this chapter.*

§ 15-24.18 Anti-speed bumps.

The council finds that there may be a need for the installation of anti-speed bumps on streets located within the city and, therefore, authorizes the use thereof by the department of transportation services; provided that the location and installation of any anti-speed bumps on a particular street or streets within the city shall be left to the determination of the department of transportation services as prescribed in Charter § 6-1703(b). The determination of the location and installation of any anti-speed bumps shall be made after all of the following conditions have been considered:

- (1) The population count, especially the population of children, indicating the need for anti-speed bumps to safeguard the lives of the people residing within the immediate vicinity of the street upon which anti-speed bumps are to be located and installed;
- (2) Whether there is sufficient motor vehicular traffic based on the traffic count as against the population density to warrant the location of anti-speed bumps on a particular street;
- (3) Where the width, configuration, and layout of the street would make the location and installation of anti-speed bumps effective;
- (4) That the speed limit and the location and installation of anti-speed bumps will be compatible;
- (5) That the location and installation of anti-speed bumps will not create a dangerous or hazardous situation to the residents of the streets on which anti-speed bumps are located; and
- (6) No anti-speed bumps shall be located on streets where there are other or better protective devices that can be used to safeguard the lives of the residents living on or in the vicinity of the streets on which the location and installation of anti-speed bumps are proposed.

(Sec. 15-24.18, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.18) (Am. Ord. 96-58)

§ 15-24.19 Slow-moving vehicles—requirement of emblems.

- (a) All farm machinery and other machinery, including all road construction machinery except when guarded by flaggers or flares, designed to operate at 25 miles per hour or less, hereinafter referred to as “slow-moving vehicles,” traveling on a public highway where permitted by law during day or night, shall display a triangular slow-moving vehicle emblem on the rear of the vehicle. Registered or legal owners of such vehicles shall use emblems, as developed by the American Society of Agricultural and Biological Engineers and printed in ASABE Standard ASABE S 276.8, for the purpose of identifying slow-moving vehicles. The emblem shall be mounted on the rear of the vehicle, base down, and at a height of not less than 3 nor more than 5 feet from ground to base.
 - (b) The display or use of such emblem as required by this section shall be in addition to any lighting devices required by law.
 - (c) The display or use of this emblem shall be restricted to the display or use specified by this section and its display or use by any other type of vehicle, or as a clearance marker on wide machinery or any stationary objects on the highway is prohibited.
 - (d) The slow-moving vehicles are not permitted to use public highways, unless otherwise permitted by law, from 6:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 6:00 p.m. on weekdays from Monday through Friday, except on holidays, notwithstanding § 15-2.17.
 - (e) Slow-moving vehicles operated on any roadway open to public travel shall be driven in the right-hand lane, or as close as practicable to the right-hand curb or edge of the roadway, except for a distance not to exceed 1,000 feet when preparing for a left turn at an intersection or into a private road or driveway.
- (Sec. 15-24.19, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.19)

§ 15-24.20 Parades and other activities.

- (a) *Definitions.* For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning:

Activity. The occupation, use or participation in any endeavor other than a parade that requires the exclusive use of streets as defined in § 15-2.23.

Agency. Any federal, State or city agency whose review of a permit application the director determines or finds to be necessary for the director to issue such permit.

Chief of Police. The chief of police of the city, or the chief's authorized subordinate.

Department. The department of transportation services.

Director. The director of transportation services, or the director's authorized subordinate.

Expressive Activity. Speech or conduct, the principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinions, views, or ideas and for which no fee is charged or required as a condition of participation in or attendance at such activity. Expressive activity generally would not include sports events such as marathons, fundraising

events, beauty contests, commercial events, cultural celebrations, or other events the principal purpose of which is entertainment.

First Amendment Parade or Activity. A parade or activity that constitutes an expressive activity in which individuals may participate without charge.

Parade. Has the same meaning as defined in § 15-2.15.

Public Safety. The safety or protection of any motorists, pedestrians, occupants of vehicles, participants, spectators and police officers assigned to a parade or activity, or the protection of any real or personal property.

Street. Has the same meaning as defined in § 15-2.23.

Street Block. Has the same meaning as defined in § 15-2.23.

Waikiki Legacy Parades and Activities. Any parade or activity that has been held in the Waikiki special district annually for at least 15 consecutive calendar years. In order to maintain legacy status, the parade or activity must be held every calendar year after attaining legacy status. Failure to hold the parade or activity in every calendar year after attaining legacy status results in the loss of legacy status.

Waikiki Special District. The district described in § 21-9.80-2, including any precinct thereof established pursuant to § 21-3.20.

(b) ***Permit required.*** No person shall conduct a parade or activity on streets or highways, except for funeral processions, parades, marches or processions by members of the United States Armed Forces, State of Hawaii Armed Forces and city police and fire departments, or undertake any activity on streets or highways without first obtaining a permit from the director pursuant to this section.

(c) ***Application.***

(1) Any person desiring a permit shall file an application on forms provided by the director with the department. Information to be submitted on application forms must include but is not limited to:

(A) The date of the parade or activity;

(B) The starting time and estimated duration of the parade or activity;

(C) The route of the parade or activity;

(D) Whether the parade or activity is a First Amendment parade or activity; and

(E) For a non-First Amendment parade or activity, the public purpose to be served.

(d) ***Conditions to be met prior to issuance of permit.***

(1) ***Public purpose.*** The director shall determine whether the parade or the activity serves a public purpose. For purposes of this section, a First Amendment parade is deemed to serve a public purpose. The director may consider that a non-First Amendment parade or activity is for a public purpose, so long as any private

benefit arising out of the parade or the activity is incidental to the benefit arising out of the parade or activity to the community as a whole.

- (2) *First Amendment parades or activities.* Upon receipt of an application for a First Amendment parade or activity no later than five working days prior to the date of the event, the director shall immediately transmit a copy of the application to the corporation counsel, who shall make a recommendation to the director regarding whether an application meets the requirements of a parade or activity held for the purpose of participants expressing views or engaging in other activities protected by the First Amendment of the United States Constitution. The director shall make the determination to grant or deny the application and shall notify the applicant of the director's decision. The application may be denied if inadequate information is provided to determine whether the parade is a First Amendment parade or activity. If the application for a First Amendment parade or activity is not denied within three working days from the date the application is submitted, the application is deemed granted and a permit will be issued. An application for a First Amendment parade or activity:

(A) Filed less than five working days prior to the date of the event, or

(B) That conflicts with a permit application that has already been received or a permit that has already been issued by the department, will be denied, or both.

- (3) *Other parades and activities.* Applications for parades and activities that are not First Amendment parades are subject to the requirements of this subdivision.

(A) *Non-Waikiki parades and other activities.* An application for a parade or activity, other than one subject to paragraph (B), must be filed with the department in accordance with deadlines set by the director.

(B) *Waikiki parades and other activities.* The application for a parade or activity subject to this paragraph must be filed in accordance with deadlines set by the director. The director may approve, upon the director's determination that all other conditions have been or will be met, not more than 12 permits per year for a parade or activity that:

(i) Has a route, in part or in whole, through the Waikiki special district;

(ii) Would result in the closure of one or more streets for a total distance of four street blocks or more within the Waikiki special district; and

(iii) Has an estimated duration of two or more hours.

Waikiki legacy parades and activities will automatically receive a permit if all other permit conditions and requirements are met. If a parade or activity qualifies as a Waikiki legacy parade or activity, it must be held every calendar year in the Waikiki special district to maintain its status as a Waikiki legacy parade or activity. Waikiki legacy parades and activities are not counted towards the permit issuance limit for parades or activities in the Waikiki special district. For parades or activities for which legacy status is being sought, it is the responsibility of the person applying for the permit to demonstrate to the city that the parade or activity was held annually in the Waikiki special district for 15 consecutive calendar years and has been held every calendar year thereafter. Notwithstanding any other provision of this paragraph, no permits for non First Amendment parades

or activities in the Waikiki special district may be issued for days on which a general election is held.

In addition, the director may, by rules adopted pursuant to HRS Chapter 91, designate other dates during the calendar year as unavailable for non First Amendment parades or activities in the Waikiki special district if the director finds that those dates historically have experienced high traffic volumes in Waikiki; provided that no more than ten dates may be so designated.

(C) *Review by chief of police.* Upon the filing of an application for a non First Amendment parade or activity, the director shall transmit a copy of the application to the chief of police for the chief's review, comments, and recommendations, and to any other agency if the director determines a particular agency's review is necessary. The chief of police or any agency to which an application has been transmitted shall return the application with comments and recommendations, if any, to the director within five working days after receipt of the copy of the application.

- (4) The director may impose any conditions prior to the issuance of the permit that will provide for public safety; minimize traffic congestion or hazards; and permit the passage of authorized emergency vehicles. Any conditions imposed by the director to be met prior to the issuance of the permit must be reasonable and necessary and not unduly restrict the ability of a participant in any parade or activity to express views or engage in other activities protected by the First Amendment of the United States Constitution.

(e) *Conditions to be met after issuance of permit.*

- (1) Any parade or activity for which a permit has been issued must comply with any rules adopted pursuant to HRS Chapter 91 that may apply to parades or activities using streets.
- (2) The director may impose any conditions that are required to be met after the issuance of the permit that will provide for public safety; minimize traffic congestion or hazards; and permit the passage of authorized emergency vehicles. Any written conditions imposed by the director to be met after issuance of the permit shall be reasonable and necessary and not unduly restrict the ability of a participant in any parade or activity to express views or engage in other activities protected by the First Amendment of the United States Constitution.
- (3) Within 30 days after the conclusion of a parade or activity in the Waikiki special district, other than a First Amendment parade or activity or a parade or activity designated as a Waikiki legacy parade or activity as of December 31, 2019, the person who obtained the permit shall file documentation with the director evidencing compliance with the public purpose requirement set forth in subsection (d)(1). If the director, upon review of the post-parade or post-activity documentation, determines that the parade or activity failed to comply the public purpose requirement set forth in subsection (d)(1), the person who obtained the permit will be ineligible to receive a permit for a parade or activity in the Waikiki special district, other than a permit for a First Amendment parade or activity, during the following calendar year.

(f) *Denial or revocation of permit.*

- (1) *Denial or revocation of permit.* The director is authorized and empowered to deny any permit application if the parade or activity does not conform to this chapter, the Statewide Traffic Code and other State laws, the rules adopted by the State director of transportation or the director pursuant to HRS Chapter 91, any conditions imposed by this section, or any other written conditions imposed by the director under subsection (d)(4).

- (2) *Chief of police to revoke permit or terminate parade or activity.* The chief of police is authorized to revoke any permit if the chief finds that, at the site where a permitted parade or activity is to commence, and prior to the actual commencement of such parade or activity, any written conditions imposed by the director have not been met. The director is also authorized to terminate any parade or activity in progress if the director finds that public safety is endangered, or any written conditions to be observed during a parade or activity by the participants imposed by the director under subsection (e)(2) have been breached.
- (3) Before the director may deny an application for a permit under subdivision (1), the director may conduct a hearing pursuant to rules adopted by the director for such hearing. An applicant for a permit under subsection (d)(2) whose application has been denied and a permittee whose permit has been revoked under the conditions set forth in subdivision (2) may pursue any and all remedies as provided by law, since there will be no time to issue a notice and conduct a hearing as prescribed in HRS Chapter 91.
- (4) Applicants for Waikiki parades and activities as provided in subsection (d)(3)(B) denied a permit solely due to the limitation on permits for Waikiki parades and activities, as established by this section and as may be implemented by rules, may apply for a waiver as follows:
- (A) The applicant shall submit an application for a waiver to the mayor's office, on forms provided by the director.
 - (B) The applicant shall attach to the waiver application a copy of the permit application.
 - (C) The waiver application must be submitted no later than 60 calendar days prior to the date of the parade or activity.
 - (D) The parade or activity must be on an existing route.
 - (E) Except for the limitation on permits for Waikiki parades, the parade or activity must satisfy all permit conditions or requirements.
 - (F) The mayor may grant a waiver if the mayor finds that the parade or activity meets any one of the following criteria:
 - (i) The parade or activity would be of economic benefit to the city, considering: the revenue expected to be generated for businesses in the city; the public facilities to be used by organizers and participants in the parade or activity; the number of visitors the parade or activity is expected to bring to the city; whether the event would generate media exposure for the city that could result in further economic benefits; and any other factors or information that the mayor may reasonably determine to be relevant;
 - (ii) The parade or activity would be culturally or historically significant;
 - (iii) The parade or activity would recognize an outstanding achievement or significant accomplishment; or
 - (iv) The parade or activity would foster community spirit, pride, identity, or well-being, would benefit community organizations or causes, or would result in some other identifiable community benefit.

The applicant shall identify the criteria that apply to its parade or activity, and shall explain how the parade or activity meets the identified criteria.

- (G) The mayor may grant no more than six waivers for parades and activities in the Waikiki special district per calendar year. However, the actual number of waivers for parades and activities in the Waikiki special district per calendar year will vary depending on the number of Waikiki legacy parades and activities. For every Waikiki legacy parade and activity over 12 in number per calendar year, the number of available waivers in that calendar year will decrease proportionately. There may be no more than 20 Waikiki legacy parades and activities per calendar year, and the number of available waivers for parades and activities in the Waikiki special district may not be less than two per calendar year.
- (g) The director shall adopt rules pursuant to HRS Chapter 91 for purposes of administering or implementing this section, and conducting hearings as authorized in subsection (f). The director shall also include a list of Waikiki legacy parades and activities on the department's website.
- (h) *Penalties.*
 - (1) *Definition of "violation."* Violation, as used in this subsection, means any person who:
 - (A) Fails to obtain a permit for a parade or activity on any public street;
 - (B) Authorizes, urges, or solicits any person to participate in a parade or activity without a required permit;
 - (C) Participates in a parade or activity on a public street when there is no permit issued therefor, or the permit therefor has been denied or revoked as provided in this section; or
 - (D) Fails to obey any lawful directive, order, or command of a police officer when such police officer believes that public safety is in peril.
 - (2) *Criminal sanctions.* Any person who violates this section or falls within the definition of violation, as defined in this subsection, shall be fined up to \$200, or imprisoned up to 30 calendar days, or both. (Sec. 15-24.20, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 24, § 15-24.20) (Am. Ords. 06-39, 15-44, 19-9)

§ 15-24.21 Permits for special transit service vehicles.

- (a) The department of budget and fiscal services shall establish a permit program to identify special transit service vehicles, other than those operated by a special transit service under Chapter 15B, Article 4, which may benefit from the stopping, standing, or parking privileges under this chapter. Under the program, the department shall issue a permit for a vehicle eligible under subsection (d) upon:
 - (1) Application by the registered owner of the vehicle or, if the registered owner is a partnership or corporation, by a partner or officer or employee authorized by the partnership or corporation; and
 - (2) If imposed by the department, payment of a fee.

A permit, which is granted upon approval of the application and, if required, payment of a fee, shall expire on December 31 of the year in which issued.

(b) A permit may be renewed upon:

- (1) Application before December 1 of the year in which the permit is to expire; provided that the department may renew a permit after December 1, but before December 31. The application shall be made by any person allowed to make the application for an original permit; and
- (2) If imposed by the department, payment of a fee.

If renewed, the permit is renewed on the January 1 immediately following the date of the application for renewal and shall expire on December 31 immediately following that January 1. There shall be no limit on the number of times a permit may be renewed; provided that the department shall have the right to deny renewal if the renewal would be contrary to this section.

If a permit is not renewed before expiration, the permit expires on that expiration date. Nothing in this section shall prevent a person from applying for another permit for a vehicle in accordance with subsection (a) after the expiration of a permit for that vehicle.

(c) A decal shall be issued with each permit, and if the department chooses to do so, a decal shall be issued with each renewal of a permit. To be identified as a special transit service vehicle under § 15-2.11, a vehicle shall have a valid decal on its front right bumper or, if determined more appropriate by the department, elsewhere on its exterior. The decal shall be placed on the vehicle for which the permit is issued, and no other.

The department may:

- (1) Change the form, substance, or color of the decal from year to year to make easier the identification of the decal that is valid in a given year; and
- (2) Require a permit holder to return a decal, the validity of which has expired, to the department.

(d) To be eligible for a permit under this section, a vehicle shall be:

- (1) Under the registered ownership of a:
 - (A) Proprietorship, partnership, or for-profit corporation, the primary business activity of which is the transportation of mobility-handicapped passengers upon demand or arrangement; or
 - (B) Nonprofit corporation that provides the service of transporting mobility-handicapped passengers upon demand or arrangement.

The department may require the proprietorship, partnership, or for-profit corporation to submit satisfactory evidence of compliance with this paragraph; and

(2) If the registered owner is a:

- (A) Proprietorship, partnership, or for-profit corporation, clearly marked with a business identification sign lawful under Chapter 41, Article 29; or

(B) Nonprofit corporation, clearly marked by a sign, graphics, or lettering relating to the corporation's name or service performed.

- (e) When a decal is mutilated, defaced, or lost, the department may issue a replacement decal, upon request of the permit holder.
- (f) If deemed desirable or necessary, the department may establish and impose a fee for the:
 - (1) Issuance of an original permit;
 - (2) Renewal of a permit;
 - (3) Issuance of a decal, when issued with an original or renewed permit; or
 - (4) Replacement of a mutilated, defaced, or lost decal.

If any fee is established, the amount shall be established by rule.

- (g) The department may revoke a permit:
 - (1) When a permit or accompanying decal has been used in violation of this chapter; or
 - (2) When a vehicle for which a permit is issued has violated the stopping, standing, or parking privileges provided under this chapter for special transit service vehicles.
- (h) The following persons shall be subject to a fine of not less than \$50 nor more than \$250:
 - (1) Any person who falsifies an application for an original permit or renewal of a permit;
 - (2) Any person who places a decal on a vehicle, other than the vehicle for which the permit and decal are issued;
 - (3) Any person who retains on a vehicle a decal after the permit with which the decal was issued expires or is revoked;
 - (4) Any person who uses a facsimile of a decal; and
 - (5) Any person who uses a permit or decal issued under this section in a manner contrary to this section.

The penalties provided under this subsection shall be in addition to any penalty provided elsewhere in this chapter.

- (i) Nothing in this section shall be construed as:
 - (1) Requiring a special transit service vehicle operating under authority of Chapter 15B, Article 4 to acquire permits or decals under this section for its vehicles;
 - (2) Requiring a vehicle of a special transit service operating under authority of Chapter 15B, Article 4 to have

a decal to benefit from the stopping, standing, or parking privileges provided under this chapter for special transit service vehicles; or

- (3) Prohibiting a vehicle with a decal issued under §§ 15-29.2 and 15-24.11 when transporting a disabled person with a disabled parking identification card and a disabled parking placard issued under § 15-24.10. When utilizing the parking or standing privileges under §§ 15-29.2 and 15-24.11, the vehicle shall be subject to those sections.

(1990 Code, Ch. 15, Art. 24, § 15-24.21) (Added by Ord. 89-58; Am. Ord. 96-58)

§ 15-24.22 Carrying animal in vehicle.

- (a) For the purposes of this section, the term “vehicle” includes a “trailer” and “semitrailer” as those terms are defined in § 15-2.28; “cattle” includes any of the bovine animals, including those bred for beef, and cows, bulls, steers, and oxen; and “horse” includes any of the equine animals, including any pony, mule, or donkey.
- (b) Except as provided in subsection (c), no dog or any other animal shall be transported on any public street or highway in any vehicle unless such animal is totally enclosed within such vehicle, within a secured container carried upon such vehicle, or securely cross-tethered to such vehicle in such a way as to prevent the animal from falling out of or off such vehicle, and to prevent injury to the animal.
- (c) Horses or cattle that are transported on any public street or highway shall be carried within enclosed vehicles. A vehicle is enclosed, even if it provides openings for ventilation, so long as the horses or cattle cannot fall or jump off of or out of the vehicle through any of its openings.
- (d) If a conflict arises between this section and rules adopted by the State department of agriculture or the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, the rules of the State department of agriculture or the U.S. Department of Agriculture shall control.

(1990 Code, Ch. 15, Art. 24, § 15-24.22) (Added by Ord. 89-130; Am. Ord. 03-41)

§ 15-24.23 Mobile electronic devices.

- (a) No pedestrian shall cross a street or highway while viewing a mobile electronic device.
- (b) It is an affirmative defense to any citation for a violation of subsection (a) that the cited person was engaged in making a “911” emergency communication with a mobile electronic device.
- (c) Emergency responders viewing a mobile electronic device while in the performance and scope of their official duties are exempt from subsection (a).
- (d) Any person violating this section will be subject to the following fines:
 - (1) For a first violation: a fine of not less than \$15, but not more than \$35;
 - (2) For a second violation committed within one year after the date of the first violation: a fine of not less than \$35, but not more than \$75; and

- (3) For a third or subsequent violation that is within one year after the date of the first violation: A fine of not less than \$75, but not more than \$99.
- (e) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

Emergency Responders. Includes firefighters, emergency medical technicians, mobile intensive care technicians, emergency management workers, police officers, and federal and State law enforcement officers.

Mobile Electronic Device. Any handheld or other portable electronic equipment capable of providing wireless or data communication, or both, between two or more persons or of providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer, video game, or digital photographic device, but does not include any audio equipment.

Viewing. Looking in the direction of the screen of a mobile electronic device.
(1990 Code, Ch. 15, Art. 24, § 15-24.23) (Added by Ord. 09-6; Am. Ord. 17-39)

ARTICLE 25: PEDESTRIAN MALLS

Sections

- 15-25.1 Establishment of pedestrian malls
- 15-25.2 Violation of pedestrian mall provisions

§ 15-25.1 Establishment of pedestrian malls.

- (a) That portion of Union Street extending from Bishop to Hotel Streets in downtown Honolulu is closed to vehicular traffic and is established as a pedestrian mall.
 - (1) Except as hereinafter provided, it is unlawful for any person to park, or cause to be parked, or to operate or propel, or cause to be operated or propelled, any vehicle (as defined in this traffic code) upon the mall hereinabove established:
 - (A) Any person legally entitled as owner, lessee, invitee, or licensee to operate or propel a vehicle in the alley situated on the mauka end of the mall within the easement between the lots bearing the tax map designation 2-1-10-15 and 2-1-10-42 shall be permitted to operate or propel such vehicle, for purposes of ingress and egress, over the portion of the mauka end of the mall between the alley and Bishop Street, the width of which shall be parallel lines connecting the alley to Bishop Street; provided that entry and exit to and from the alley shall be from and to Bishop Street only;
 - (B) It is lawful to operate or propel a vehicle, for purposes of ingress and egress, over the portion of the mauka end of the mall between the lot bearing the tax map designation 2-1-10-15 and Bishop Street. The director of transportation services shall designate the width of the passageway. In determining the width of the passageway, the director of transportation services shall take into consideration pedestrian safety and adequate ingress and egress for the highrise office/retail complex using lot 2-1-10-15. Entry and exit to and from the lot bearing the tax map designation 2-1-10-15 shall be from and to Bishop Street only; and
 - (C) The speed limit upon the mall shall not exceed 5 miles per hour.
- (b) That portion of Fort Street extending from the makai side of Beretania Street to the mauka side of Queen Street is closed to vehicular traffic and is established as a pedestrian mall.
 - (1) Except as hereinafter provided, it is unlawful for any person to park, or cause to be parked, or to operate or propel, or cause to be operated or propelled, any vehicle (as defined in the traffic code) upon the mall hereinabove established; provided that vehicular traffic on Hotel, King, and Merchant Streets crossing the intersections at Hotel and Fort, King and Fort, and Merchant and Fort, respectively, shall be exempted from this section.

- (2) Notwithstanding the prohibitions contained in subdivision (1), vehicles may be allowed on the mall as specified herein.
 - (A) Passenger vehicles may be operated on the mall between Beretania and Pauahi Streets at all times for the purpose of loading and unloading passengers for Blaisdell Hotel and the Catholic church; and in addition thereto, vehicles may, under police control, park in the area designated for parking during weddings or funeral services, and other special events held at the Catholic church.
 - (B) Passenger vehicles may be operated on the mall between Merchant Street and the C. Brewer driveway for the purpose of exiting from the C. Brewer parking lot.
 - (C) Passenger vehicles loading or unloading passengers at Blaisdell Hotel and the Catholic church shall load or unload passengers only within the area designated for such purposes for the respective establishments.
 - (D) Any vehicle used by, or serving business firms between any one or more of the following: Bethel Street and Fort Street via Chaplain Lane or the two service alleys situated between Bethel Street and Fort Street may at any time, enter the mall from Chaplain Lane, and shall exit on Pauahi Street; and further, any vehicle used by or serving C. Brewer & Co. may at any time, enter the mall through the existing C. Brewer driveway.
 - (E) It is lawful during the period from 2:00 p.m. to 10:00 a.m. of the following day, and all day on Sundays, to operate or propel a vehicle upon the mall for the purpose of delivering property to or receiving the same from a store, shop, office, or other establishment in or upon any premises abutting the mall or for the purpose of cleaning or maintaining the mall, except for that portion of the mall between Merchant Street and Queen Street, where it is lawful to operate or propel a vehicle at any time only for purposes of cleaning or maintaining the mall, providing emergency services or exiting and entering the C. Brewer driveway. A vehicle for cleaning or maintaining the mall may be lawfully operated on the mall pursuant to this paragraph only if it is an “authorized maintenance vehicle.”
 - (F) Vehicular traffic allowed under this subsection shall travel only upon the area delineated for travel and shall move only in the makai direction, except upon portions between King Street and Merchant Street, where traffic may move in either direction and between Merchant Street and the C. Brewer driveway, where traffic shall move only in the mauka direction; and except further that the direction of bicycle travel shall be subject to paragraph (H). No vehicle shall park at any time for any purpose upon the area clearly delineated for travel.
 - (G) Passenger vehicles loading or unloading passengers at Blaisdell Hotel and the Catholic church may park for such purpose for a period not exceeding three minutes; and vehicles loading or unloading freight under subsection (b)(2)(E) may park for a period not exceeding 30 minutes.
 - (H) Bicycles shall be permitted on the mall, provided that unless otherwise provided under this paragraph:
 - (i) The operators of such bicycles shall be dismounted, but may travel in any direction of the mall; and

- (ii) The bicycles shall be parked only in bicycle racks that the city shall provide on the mall for that purpose.

Information and safety officers of the Fort Street Mall business improvement district association or its contractor may ride bicycles upon the mall while in the performance of their duties.

This paragraph shall control over any conflicting provision that may arise should the Fort Street Mall be designated as any type of bikeway.

(I) Pedestrians shall at all times have the right-of-way upon the mall.

(J) The speed limit upon the mall shall not exceed 5 miles per hour.

(K) Mopeds shall be permitted on the mall, provided that:

- (i) The moped is not operated on the mall but escorted by the dismounted moped operator, and may be escorted in any direction on the mall; and
- (ii) The moped shall only be parked in bicycle racks designated for moped parking by signage of the city.

(c) That portion of College Walk extending from the mauka side of Beretania Street to the makai side of Vineyard Boulevard, and that portion of River Street extending from the mauka side of Beretania Street to the makai side of Kukui Street are closed to vehicular traffic and are established as pedestrian malls.

(1) *Right-of-way.* Pedestrians shall at all times have the right-of-way upon the malls.

(2) *Parking restrictions.* Except as hereinafter provided, it is unlawful for any person to park, or cause to be parked, or to operate or propel, or cause to be operated or propelled, any vehicle (as defined in the traffic code) upon the malls hereinabove established; provided that vehicular traffic on Kukui Street crossing the intersection of Kukui Street and College Walk shall be exempted from this section.

(3) *Maintenance thereof.* Notwithstanding the prohibitions contained in subsection (c)(2), vehicles may be allowed on the malls as specified herein.

(A) It is lawful to park, operate, or propel a vehicle upon the malls for the purpose of cleaning or otherwise maintaining the malls.

(B) Vehicular traffic allowed under this section shall travel only upon the area delineated for travel. No vehicle shall park at any time for any purpose upon the area clearly delineated for travel, except for the purpose of cleaning or otherwise maintaining the malls.

(4) *Vehicular speed limit.* No person shall operate or propel, or cause to be operated or propelled, any vehicle at any time upon the malls at a speed in excess of 5 miles per hour.

- (5) *Exempt vehicles.* The prohibition against parking or operating a vehicle upon the malls shall not apply to the driver of any authorized emergency vehicle (as defined in the traffic code) responding to an emergency occurring on the mall area; provided that such exemption shall not relieve the driver of operating the vehicle with due regard for the safety of others.

(Sec. 15-25.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 25, § 15-25.1) (Am. Ords. 88-95, 89-8, 89-65, 89-106, 96-58, 02-50, 12-27, 13-30)

§ 15-25.2 Violation of pedestrian mall provisions.

The police department is authorized to remove or cause to be removed at the owner's expense any vehicle in violation of this article.

(Sec. 15-25.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 25, § 15-25.2)

ARTICLE 26: PENALTIES AND PROCEDURE ON ARREST

Sections

- 15-26.1 Procedure upon arrest
- 15-26.2 Summons or citation
- 15-26.3 Failure to obey summons or respond to administrative citation—Contesting an administrative citation
- 15-26.4 Summons or citation for illegally parked, standing or stopped vehicle
- 15-26.5 When penal summons or complaint to be issued
- 15-26.6 Offenses under former ordinances saved
- 15-26.7 Interpretation
- 15-26.8 Severability
- 15-26.9 Unspecified penalty and administrative fines
- 15-26.10 Illegal parking, standing or stopping—Minimum fine
- 15-26.11 Revocation or suspension of license
- 15-26.12 Disposition of fines and forfeitures

§ 15-26.1 Procedure upon arrest.

- (a) Except as provided in § 15-24.2 or when authorized or directed under State law to immediately take a person arrested for a violation of any of the traffic laws before a magistrate, any authorized police officer, upon making an arrest for violation of the State traffic laws or traffic code and ordinances of the city, shall take the name, address, and driver's license number of the alleged violator and license plate number or vehicle identification number of the vehicle involved, and shall issue to such person in writing a summons or citation, hereinafter described, notifying the person to answer to the complaint to be entered against the person at a place and at a time provided in the summons or citation.
 - (b) In lieu of issuing the summons or citation referred to in subsection (a), an authorized police officer, in accordance with rules adopted by the Honolulu police department, shall offer to issue an administrative citation under this subsection. If issuing an administrative citation, the officer shall take the name, address, and driver's license number of the alleged violator and license plate number or vehicle identification number of the vehicle involved, and shall issue the administrative citation. At any time before payment of an administrative fine as set forth in § 15-26.9(c), an alleged violator may request a citation be issued under subsection (a) instead.
- (Sec. 15-26.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 26, § 15-26.1) (Am. Ords. 90-77, 01-17, 04-13)

§ 15-26.2 Summons or citation.

- (a) There shall be provided for use by authorized police officers a form of summons or citation for use in citing violators of those traffic laws that do not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district courts

and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed as to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.

- (b) In every case when a citation is issued, the original of the same shall be given to the violator or, in the case of an unattended vehicle, the original of the same shall be affixed to such vehicle as provided for in § 15-26.4; provided that the administrative judge of the district courts may prescribe the giving to the violator, or affixing to such vehicle, a carbon copy of the citation, and provide for the disposition of the original and any other copies.
- (c) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.
- (d) There shall be provided for use by authorized police officers a form for administrative citations. The form and content of such citation shall be as prescribed by the corporation counsel and shall be printed on a form commensurate with the form of other citations used in modern methods of arrest, so designed as to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.

(Sec. 15-26.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 26, § 15-26.2) (Am. Ord. 04-13)

§ 15-26.3 Failure to obey summons or respond to administrative citation—Contesting an administrative citation.

- (a) Any person who fails to appear at the place and within the time specified in the summons or citation addressed to the person by an officer upon the person's arrest for any violation of this traffic code for which a criminal penalty is provided is guilty of a misdemeanor regardless of the disposition of the charge on which the person was originally arrested.
- (b) Any person who seeks to contest an administrative citation, or fails to remit payment of an administrative fine within 10 days of receiving an administrative citation, has opted not to receive an administrative citation, and shall be issued a summons or citation pursuant to § 15-26.1(a).

(Sec. 15-26.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 26, § 15-26.3) (Am. Ords. 90-77, 95-15, 04-13)

§ 15-26.4 Summons or citation for illegally parked, standing or stopped vehicle.

- (a) Whenever any vehicle is parked, standing, or stopped in violation of any of the restrictions contained in this traffic code, the officer finding the vehicle shall conspicuously affix to the vehicle an administrative citation. The citation shall be addressed to the registered owner of the vehicle, but need not identify the registered owner by name. The registered owner may be unnamed, so long as the citation identifies the vehicle by its license plate number or vehicle identification number. The citation shall notify the registered owner that if they wish to contest the administrative citation, or do not remit payment of the administrative fine within 10 days of issuance of the administrative citation, they shall be issued a nonadministrative summons or citation. The nonadministrative summons or citation shall notify the registered owner to answer the complaint to be entered against the registered owner at the location and time specified in the summons or citation.

- (b) The registered owner of a vehicle shall be responsible and accountable for the illegal parking, standing, or stopping of the vehicle when:
 - (1) The registered owner committed the illegal parking, standing, or stopping of the vehicle; or
 - (2) Another person committed the illegal parking, standing, or stopping of the vehicle, but the registered owner gave the person explicit or implicit permission to use the vehicle at the time of the violation.
 - (c) In any proceeding for violation of a parking, standing, or stopping provision of the traffic code, the license plate number or vehicle identification number of the parked, standing, or stopped vehicle shall constitute prima facie evidence that the registered owner was responsible and accountable for the illegal parking, standing, or stopping of the vehicle.
- (Sec. 15-26.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 26, § 15-26.4) (Am. Ords. 90-77, 04-13)

§ 15-26.5 When penal summons or complaint to be issued.

If any person fails to comply with a summons or citation addressed to such person or fails or refuses to deposit bail as required and within the time permitted by the district court, the traffic violations bureau shall issue a penal summons ordering the person's appearance in the district court or have a complaint entered against such person and secure the issuance of a warrant for the person's arrest.

(Sec. 15-26.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 26, § 15-26.5) (Am. Ord. 90-77)

§ 15-26.6 Offenses under former ordinances saved.

Nothing contained in any provision of this traffic code shall apply to an act done or omitted, or to an offense committed, at any time before the day that this traffic code became effective. Such act or omission shall be governed by, and any such offense shall be punished according to the provisions of, the ordinances existing when such act, omission or offense occurred, in the same manner as if this traffic code had not been enacted.

(Sec. 15-26.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 26, § 15-26.6)

§ 15-26.7 Interpretation.

Wherever consistent with the context of this traffic code, words in the present, past, or future shall be construed to be interchangeable with and to include such respective other genders; and words in the singular number shall be construed to include the plural; and in the plural to include the singular, and each shall be construed to be interchangeable with the other.

(Sec. 15-26.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 26, § 15-26.7)

§ 15-26.8 Severability.

If any provision of this traffic code is held for any reason invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this traffic code.

(Sec. 15-26.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 26, § 15-26.8)

§ 15-26.9 Unspecified penalty and administrative fines.

- (a) Except as otherwise provided in this traffic code, it is a violation for any person to violate this traffic code, unless the violation is by other law of this State declared to be a felony.
 - (b) Every person who violates this traffic code where another penalty is not provided shall, for a first offense thereof, be fined not less than \$15, but not more than \$100; for a second offense committed within one year after the date of the first offense, the person shall be fined not less than \$15, but not more than \$200; and for a third or subsequent offense committed within one year after the date of the first offense, the person shall be fined not less than \$15, but not more than \$500.
 - (c) The amount of the administrative fine shall be \$10 less than the fine that would be indicated on a citation for a violation of the same provision. If the administrative fine is paid, the alleged violator has not committed a violation of that provision.
- (Sec. 15-26.10, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 26, § 15-26.9) (Am. Ords. 90-77, 95-15, 04-13)

§ 15-26.10 Illegal parking, standing or stopping—Minimum fine.

- (a) The registered owner of a vehicle that violates any of the following provisions of the traffic code shall be fined not less than \$15:
 - (1) Sections 15-13.1, 15-13.3, 15-13.5, 15-13.11, and 15-13.12;
 - (2) Sections 15-14.1, 15-14.2, 15-14.3, 15-14.5, 15-14.6, and 15-14.7;
 - (3) Sections 15-15.3 and 15-15.4;
 - (4) Sections 15-16.1, 15-16.5, 15-16.6, 15-16.7, and 15-16.8;
 - (5) Sections 15-18.6, 15-18.10(a)(9), and 15-18.10(a)(17);
 - (6) Section 15-22.11, other than § 15-22.11(i); and
 - (7) Section 15-23.6.
- (b) The registered owner of a vehicle that violates any of the following provisions of the traffic code shall be fined not less than \$25:
 - (1) Section 15-6.7, when the violation is for the parking, standing, or stopping of a vehicle in a transit bus lane, bicycle lane, express bus lane or express bus and car pool lane;
 - (2) Section 15-13.4;
 - (3) Section 15-14.8;
 - (4) Section 15-15.1;

- (5) Sections 15-16.3 and 15-16.4;
 - (6) Section 15-22.11(i); and
 - (7) Section 15-25.1, when the violation is for the parking, standing or stopping of a vehicle on a pedestrian mall.
- (c) Except as otherwise provided in § 15-16.8, after the first violation of a provision to which the penalty under subsection (a) or (b) applies, every hour a vehicle remains parked, stopped, or standing in violation of that provision shall constitute a separate violation.
(1990 Code, Ch. 15, Art. 26, § 15-26.10) (Added by Ord. 90-77; Am. Ord. 96-58, 18-29)

§ 15-26.11 Revocation or suspension of license.

In addition to the penalty heretofore provided, the court may revoke or may suspend, for a period not to exceed one year, the license of any operator or chauffeur convicted of a violation of any section or provision of this traffic code involving a vehicle in motion.
(Sec. 15-26.11, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 26, § 15-26.11)

§ 15-26.12 Disposition of fines and forfeitures.

All fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any section or provision of this traffic code shall be paid to the State director of budget and finance. All administrative fines shall be paid to the director of budget and fiscal services of the city.
(Sec. 15-26.12, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 15, Art. 26, § 15-26.12) (Am. Ord. 04-13)

Honolulu - Traffic and Vehicles

ARTICLE 27: DESIGNATION OF CERTAIN COUNTY HIGHWAYS AS CLOSED TO LARGE PASSENGER CARRIER VEHICLES

Sections

15-27.1	Definitions
15-27.2	Closure of certain streets and highways to large passenger carrier vehicles
15-27.3	Adoption of rules
15-27.4	Inapplicability to interstate and foreign commerce
15-27.5	Posting of signs
15-27.6	Conflict with certificate of public convenience and necessity or permit issued by public utilities commission
15-27.7	Information program
15-27.8	Permits
15-27.9	Exceptions
15-27.10	Violation—Penalties

§ 15-27.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Director. The director of transportation services.

Large Passenger Carrier Vehicle. Any motor vehicle with a vehicle weight, as indicated on the vehicle's certificate of registration, in excess of 15,000 pounds that is designed, constructed and used for the transportation of passengers.

School. Has the same meaning as defined in HRS § 149A-25, and any community college, any college, or any university.

School Vehicle. Any publicly or privately owned vehicle that is being used at the time in question to transport pupils or students to or from a school, a school function, or a school-related event.
(1990 Code, Ch. 15, Art. 27, § 15-27.1) (Added by Ord. 90-79)

§ 15-27.2 Closure of certain streets and highways to large passenger carrier vehicles.

- (a) The director may declare heavily traveled city streets or highways to be closed to large passenger carrier vehicles upon finding that the use of those streets or highways by such vehicles is incompatible with the safe and normal movement of traffic on or along those streets or highways. In making its finding of incompatibility, the director shall consider the following:

- (1) Physical suitability of the county street or highway for the vehicles, including condition of the roadway surface, street width, curves, and dangerous intersections;
 - (2) Density of neighborhoods adjacent to the street or highway;
 - (3) Proximity of the street or highway to schools and playgrounds;
 - (4) Pedestrian traffic conditions along the street or highway, including the availability of paved sidewalk areas adequate for pedestrian traffic;
 - (5) Existing traffic control devices or aids which control traffic on, entering, exiting, or crossing the street or highway, such as traffic lights, signs, and curb markings;
 - (6) Congestion of the county street or highway, generally;
 - (7) Use of the street or highway as an official county transit bus route;
 - (8) Use of the street or highway by emergency vehicles such as police, fire, and ambulance vehicles; and
 - (9) The availability of alternative routes for the affected large passenger vehicles.
- (b) It is unlawful to operate a large passenger carrier vehicle or to stop, park, or cause to stand a large passenger carrier vehicle on any city street or highway, or portion thereof, designated by the director under subsection (a).
- (1990 Code, Ch. 15, Art. 27, § 15-27.2) (Added by Ord. 90-79)

§ 15-27.3 Adoption of rules.

The director shall adopt rules pursuant to HRS Chapter 91, to implement and administer this article, which shall include the procedures to be followed by the director to designate streets for closure to a large passenger vehicles.

(1990 Code, Ch. 15, Art. 27, § 15-27.3) (Added by Ord. 90-79)

§ 15-27.4 Inapplicability to interstate and foreign commerce.

Neither this article nor any provision thereof shall apply to commerce with foreign nations or to interstate commerce, except insofar as the application is permitted under the Constitution and laws of the United States.

(1990 Code, Ch. 15, Art. 27, § 15-27.4) (Added by Ord. 90-79)

§ 15-27.5 Posting of signs.

The director may post signs indicating that a particular city street or highway is closed to large passenger carrier vehicles. The contents of such signs shall be determined by the director. It shall not be a defense to any prosecution for a violation of this article that no such sign was posted.

(1990 Code, Ch. 15, Art. 27, § 15-27.5) (Added by Ord. 90-79)

**Designation of Certain County Highways as
Closed to Large Passenger Carrier Vehicles**

§ 15-27.10

§ 15-27.6 Conflict with certificate of public convenience and necessity or permit issued by public utilities commission.

To the extent that any designation made by the director is in direct conflict with the terms of a certificate of public convenience and necessity or permit issued by the State public utilities commission that specifies particular public streets or highways as permitted routes of a passenger carrier, the terms of the certificate or permit shall govern.

(1990 Code, Ch. 15, Art. 27, § 15-27.6) (Added by Ord. 90-79)

§ 15-27.7 Information program.

The director and the director of budget and fiscal services shall undertake a program to notify public passenger carriers and operators of large passenger carrier vehicles of this article and, in particular, of the streets and highways closed to large passenger carrier vehicles under this article.

(1990 Code, Ch. 15, Art. 27, § 15-27.7) (Added by Ord. 90-79)

§ 15-27.8 Permits.

The director or the director of budget and fiscal services shall adopt rules for the issuance of short-term permits for large passenger carrier vehicles to travel on city streets and highways closed under this article for special events.

(1990 Code, Ch. 15, Art. 27, § 15-27.8) (Added by Ord. 90-79)

§ 15-27.9 Exceptions.

This article shall not apply to city transit buses or to school vehicles that are being used at the time in question to transport pupils or students to or from a school, a school function or a school-related event. Any passenger carrier vehicle traveling at the direction of a police officer is not in violation of this article. Any passenger carrier vehicle being operated within the terms of a permit issued pursuant to the rules adopted under § 15-27.8, is not in violation of this article.

(1990 Code, Ch. 15, Art. 27, § 15-27.9) (Added by Ord. 90-79)

§ 15-27.10 Violation—Penalties.

Any person violating this article, or rules adopted by the director pursuant to HRS Chapter 91, to implement this article, or any person owning or having control of a passenger carrier vehicle who knowingly directs the operator of the vehicle to violate this article or such rules, shall for a first offense thereof, be fined not more than \$100; for a second offense committed within one year after the date of the first offense, be fined not more than \$250; and for a third or subsequent offense committed within one year after the date of the first offense, be fined not more than \$1,000.

(1990 Code, Ch. 15, Art. 27, § 15-27.10) (Added by Ord. 90-79; Am. Ord. 95-15)

Honolulu - Traffic and Vehicles

ARTICLE 28: PUBLIC TRANSIT SUPPORTIVE SERVICES

Sections

15-28.1	Definitions—Reserved car-sharing parking stalls, on-street parking stalls, and stickers
15-28.2	Reserved
15-28.3	Eligibility for stickers
15-28.4	Car-sharing reporting requirements
15-28.5	Administrative enforcement
15-28.6	Deposit and use of revenues
15-28.7	Adoption of rules

§ 15-28.1 Definitions—Reserved car-sharing parking stalls, on-street parking stalls, and stickers.

- (a) For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Car-sharing Organization. Has the same meaning as defined in HRS § 251-1.

Department. The department of transportation services.

Director. The director of transportation services or the director's designee.

On-Street Parking Stall. A metered or unmetered parking stall located on a street or roadway.

Sticker. A reserved car-sharing parking stall sticker or any other identifying means as determined by the department.

- (b) The director is authorized and directed to establish, mark, and designate:
- (1) Reserved car-sharing parking stalls in city-controlled public off-street parking facilities and assign them for exclusive use by a car-sharing organization. The director shall limit the total number of reserved car-sharing parking stalls to no more than 80 stalls in any calendar year within city-controlled public off-street parking facilities; and
 - (2) Reserved car-sharing on-street parking stalls and assign them for exclusive use by a car-sharing organization. The director shall limit the total number of reserved car-sharing on-street parking stalls, to no more than 80 stalls in any calendar year, provided that the director may not authorize:
 - (A) More than two reserved car-sharing on-street parking stalls per street block; or
 - (B) Reserved car-sharing on-street parking stalls on streets subject to tow or tow-away zones.

- (c) Reserved car-sharing parking stalls in city-controlled public off-street parking facilities and reserved car-sharing on-street parking stalls must be established, categorized, and assigned to car-sharing organizations according to administrative rules adopted by the department in accordance with HRS Chapter 91. In addition, no less than 30 days before the assignment of the first stall in a city- controlled public off-street parking facility or the assignment of the first on-street parking stall, whichever occurs first, the director shall provide a written report to the council on the department’s efforts demonstrating interaction and solicitation of community input in the affected areas, including a summary of community concerns, efforts made to address community concerns expressed during the rule-making process, and the location of each reserved space being made available to car-sharing organizations under this section.
 - (d) The director shall charge, and collect annual fees for each reserved car-sharing parking stall in a city-controlled public off-street parking facility and for each reserved car-sharing on-street parking stall. The annual fee for a reserved car-sharing parking stall in a city-controlled public off- street parking facility is the shared mobility annual rental rate listed in the table in § 15-23.2A. The annual fee for a reserved car-sharing on-street parking stall is the shared mobility annual rental rate listed in the table in § 15-22.4.
 - (e) (1) Any car-sharing organization that is assigned one or more reserved car-sharing parking stalls in city-controlled public off-street parking facilities shall pay to the director an annual fee as provided for in subsection(d), plus a fee of \$20 for a reserved car-sharing parking stall sticker for each vehicle in its fleet that will be allowed to park in the reserved car-sharing stalls. When a reserved car-sharing parking stall sticker is mutilated, damaged, defaced, or lost, a replacement sticker will be issued upon payment of \$20.
 - (2) Any car-sharing organization that is assigned one or more reserved car-sharing on-street parking stalls shall pay to the director an annual fee as provided for in subsection (d), plus a fee of \$20 for a reserved car-sharing on-street parking stall sticker for each vehicle in its fleet that will be allowed to park in the reserved car-sharing on-street parking stalls. When a reserved car-sharing on-street parking stall sticker is mutilated, damaged, defaced, or lost, a replacement sticker will be issued upon payment of \$20.
 - (f) Reserved car-sharing parking stall stickers and reserved car-sharing on- street parking stall stickers must be effective for a calendar year, state the date of expiration, be uniquely numbered, and be displayed on a vehicle inside the lower portion of the windshield on the driver’s side of the vehicle. The annual fee for the reserved car-sharing parking stall or sticker, or reserved car-sharing on-street parking stall or sticker must be prorated on a monthly basis if the stall is assigned or the sticker is purchased after January 31.
 - (g) A person may not park a vehicle in a reserved car-sharing parking stall or reserved car-sharing on-street parking stall, unless there is affixed to the vehicle a valid and current reserved car-sharing parking stall sticker, or a valid and current reserved car-sharing on-street parking sticker, whichever applies, acquired pursuant to subsection (e). Any vehicle parked in a reserved car-sharing parking stall or in a reserved car-sharing on-street parking stall without a valid and current reserved car-sharing parking stall sticker or reserved car-sharing on-street parking stall sticker, whichever applies, is subject to being towed, and the owner of the vehicle is subject to a fine of \$100 for each offense.
 - (h) Reserved car-sharing on-street parking stall stickers issued pursuant to this article will not be effective during a parade or special event or when parking is otherwise prohibited pursuant to §§ 15-13.12, 15-14.8, and 15-22.8, or other applicable laws.
- (1990 Code, Ch. 15, Art. 28, § 15-28.1) (Added by Ord. 15-35; Am. Ord. 19-19)

§ 15-28.2 Reserved.**§ 15-28.3 Eligibility for stickers.**

Any car-sharing organization shall provide proof to the department that it is properly registered with the State department of taxation pursuant to HRS § 251-3(a) before it may apply for stickers under this article.
(1990 Code, Ch. 15, Art. 28, § 15-28.3) (Added by Ord. 15-35; Am. Ord. 19-19)

§ 15-28.4 Car-sharing reporting requirements.

- (a) Any car-sharing organization that is assigned one or more reserved car-sharing parking stalls in a city-controlled public off-street parking facility or one or more on-street parking stalls owned or controlled by the city, pursuant to § 15-28.1, shall collect and submit to the director, in the manner and frequency prescribed by the director, the following data:
 - (1) The number of unique registered members who rented a car-sharing vehicle during the reporting period, which period shall be determined by the director;
 - (2) The number of car-sharing vehicles using reserved car-sharing parking stalls in city-controlled public off-street parking facilities or reserved car-sharing on-street parking stalls owned by the city that are available to members for renting;
 - (3) The number and location of all car-sharing parking stalls;
 - (4) The number of rentals originating per stall; and
 - (5) The average length of time a car-sharing vehicle is not rented.
- (b) Each car-sharing organization assigned one or more reserved car-sharing parking stalls in a city-controlled public off-street parking facility or assigned one or more car-sharing on-street parking stalls owned or controlled by the city under this article shall be required to provide an annual report to the director no later than 90 days after the end of each calendar year.
- (c) The annual report in subsection (b) must include the following information for the immediately-preceding calendar year:
 - (1) The total number of trips and the total miles driven for the entire fleet of car-sharing vehicles;
 - (2) The average monthly rental use hours and miles traveled per parking stall;
 - (3) The average monthly unique users per parking stall; and
 - (4) Any other information deemed pertinent or requested by the director or required by law.

- (d) The director shall annually submit to the council, no later than 120 days after the end of the calendar year, a written report on car-sharing operations by car-sharing organizations participating in the program under this article during the preceding calendar year. The report must include:
 - (1) A compilation of all information provided in each car-sharing organization's annual report submitted pursuant to subsections (b) and (c);
 - (2) A discussion of the department's efforts to verify that the data provided is complete, consistent, accurate, and reliable; and
 - (3) The department's assessment, based on available data, of the effect the car-sharing operations have had on traffic congestion and motor vehicle usage on Oahu.
 - (e) Each car-sharing organization participating in the program under this article shall disclose to each of its individual users the type of data it collects from the organization's car-sharing vehicles, as well as the type of data the organization reports to the department or other party.
 - (f) The department is authorized to use, analyze, and publish the data it receives from each car-sharing organization; provided that such use, analysis, and publication does not identify individual users or their private information. Data submitted to the department, except data identifying individual users or their private information, may be subject to public disclosure.
- (1990 Code, Ch. 15, Art. 28, § 15-28.4) (Added by Ord. 15-35; Am. Ord. 19-19)

§ 15-28.5 Administrative enforcement.

Articles 4 and 26 apply to the enforcement of this article. If any car-sharing organization is found to be in violation of this chapter or other applicable laws, the department may immediately revoke the car-sharing organization's parking stickers and may refuse to issue additional parking stickers to the car-sharing organization.

(1990 Code, Ch. 15, Art. 28, § 15-28.5) (Added by Ord. 15-35; Am. Ord. 19-19)

§ 15-28.6 Deposit and use of revenues.

The funds collected under this article shall be deposited in the highway fund created by HRS Chapter 249, as amended, and shall be used pursuant to § 15-22.10, unless otherwise required by law.

(1990 Code, Ch. 15, Art. 28, § 15-28.6) (Added by Ord. 15-35)

§ 15-28.7 Adoption of rules.

The director shall adopt rules, in accordance with HRS Chapter 91, having the force and effect of law for the implementation, administration, and enforcement of this article.

(Added by Ord. 19-19)

ARTICLE 29: PARKING SPACE RESERVED FOR PERSONS WITH DISABILITIES*

Sections

- 15-29.1 Definitions
- 15-29.2 Parking or standing in reserved space
- 15-29.3 Identification of reserved space
- 15-29.4 Responsible manager—Powers and duties
- 15-29.5 Responsible manager—Authority to regulate conditions of parking
- 15-29.6 Violation—Penalty—Enforcement

Editor's note:

**The title of Article 29 was amended from "Parking Space Reserved for Disabled Persons" to "Parking Space Reserved for Persons with Disabilities" by Ord. 14-25.*

§ 15-29.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Parking Placard for a Person with a Disability. A "removable windshield placard" or a "temporary removable windshield placard" as those terms are defined in HRS § 291-51 and Hawaii Administrative Rules § 11-219-4 and includes a similar placard issued by an authority of another county of the State of Hawaii or of another state or country or political subdivision thereof.

Parking Space Reserved for Persons with Disabilities. A parking space that is:

- (1) Part of real property:
 - (A) Owned by a private person; and
 - (B) Metered or unmetered.
- (2) Reserved by the responsible manager for the parking of a motor vehicle driven by or for a person with a disability; and
- (3) Clearly identified, by signs and markings in accordance with § 15-29.3, by the responsible manager for the parking of a motor vehicle driven by or for a person with a disability.

Person with a Disability. Has the same meaning as defined in HRS § 291-51 and Hawaii Administrative Rules § 11-219-4.

Responsible Manager. A person who is authorized to regulate the use of a parking space reserved for persons with disabilities because of ownership of the parking space or under a lease, rental, or management agreement.

Special License Plates. Has the same meaning as defined in HRS § 291-51 and Hawaii Administrative Rules § 11-219-4 and includes similar special license plates issued by an authority of another county of the State of Hawaii or of another state or country or political subdivision thereof.

Volunteer. A person who is willing to provide services on behalf of the city without compensation, except for the benefits provided in § 2-27.5.

(1990 Code, Ch. 41, Art. 28, § 41-28.1) (Added by Ord. 89-93; Am. Ords. 96-54, 99-01, 14-25)

§ 15-29.2 Parking or standing in reserved space.

No person shall park a motor vehicle or cause it to stand or be parked in a parking space reserved for persons with disabilities except in accordance with HRS Chapter 291, Part III and Hawaii Administrative Rules, Title 11, Chapter 219, entitled “Parking for Persons with Disabilities.”

(1990 Code, Ch. 41, Art. 28, § 41-28.2) (Added by Ord. 89-93; Am. Ords. 96-54, 14-25)

§ 15-29.3 Identification of reserved space.

(a) The department of transportation services, in accordance with HRS Chapter 91, shall adopt rules to establish standards for the designation and identification of a parking space reserved for persons with disabilities, in accordance with applicable State and federal requirements, and may adopt rules for the implementation, administration, and enforcement of this article. The standards shall include a notice, in conformance with HRS § 290-11, that the parking or standing in the parking space reserved for persons with disabilities of a motor vehicle without special license plates or a parking placard for a person with a disability displayed in accordance with law shall be unauthorized and prohibited. The notice shall also:

(1) Warn violators that the motor vehicle may be towed away at the owner’s expense; and

(2) State the location to which the motor vehicle will be towed and held.

(b) Each responsible manager providing parking spaces reserved for persons with disabilities shall clearly identify those parking spaces in conformance with the standards established under subsection (a).

(1990 Code, Ch. 41, Art. 28, § 41-28.3) (Added by Ord. 89-93; Am. Ords. 96-54, 14-25)

§ 15-29.4 Responsible manager—Powers and duties.

(a) A motor vehicle parked or standing in a parking space reserved for persons with disabilities in a manner contrary to § 15-29.2 is an unauthorized vehicle under HRS § 290-11.

(b) A responsible manager shall have the power and duty to penalize the unauthorized parking of a motor vehicle in a parking space reserved for persons with disabilities. The penalty imposed shall include one or both of the following:

(1) Towing away of the motor vehicle in accordance with HRS § 290-11; or

- (2) Placement of a sticker on the windshield of the motor vehicle that shall notify the driver of the violation and that shall be removable. Placement of the sticker is an exercise of the lawful power and duty of a responsible manager. The responsible manager shall have no duty to remove the sticker. The fact that the sticker is difficult to remove shall not impose a duty on the responsible manager to remove the sticker.
- (c) This section shall be deemed restrictions on the unauthorized parking of a motor vehicle on private property that are additional to HRS § 290-11.
(1990 Code, Ch. 41, Art. 28, § 41-28.4) (Added by Ord. 89-93; Am. Ord. 14-25)

§ 15-29.5 Responsible manager—Authority to regulate conditions of parking.

Nothing in this article shall be deemed as preventing a responsible manager from regulating the duration, charges, or other conditions imposed on the privilege of parking in a parking space reserved for persons with disabilities, so long as the regulation is not inconsistent with this article or any other law.
(1990 Code, Ch. 41, Art. 28, § 41-28.5) (Added by Ord. 89-93; Am. Ord. 14-25)

§ 15-29.6 Violation—Penalty—Enforcement.

- (a) Each violation of § 15-29.2 is a violation and punishable by a fine of not less than \$50 nor more than \$250.
- (b) (1) There shall be established a form of summons or citation for use in citing violations of § 15-29.2 which does not provide for the physical arrest of the violators. The form and content of the summons or citation shall be as adopted or prescribed by the administrative judge of the district court, shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, and so designed to include all necessary information to make the summons or citation valid within the laws and rules of the State of Hawaii and the City and County of Honolulu. Every summons or citation shall be numbered and each carbon copy shall bear the same number as its original.
- (2) In every case, when a summons or citation is issued, the original of the summons or citation shall be given to the violator; provided that the administrative judge of the district court may prescribe that the violator be given a carbon copy of the summons or citation and provide for the disposition of the original and any other copies.
- (c) The chief of police may commission, in accordance with rules adopted by the chief, special officers to issue citations for violations of § 15-29.2.
(1990 Code, Ch. 41, Art. 28, § 41-28.6) (Added by Ord. 89-93; Am. Ord. 96-54)

Honolulu - Traffic and Vehicles

ARTICLE 30: RESTRICTED PARKING ZONES PROGRAM

Sections

- 15-30.1 Definitions
- 15-30.2 Administration of restricted parking zones.
- 15-30.3 Establishment of restricted parking zones
- 15-30.4 Expanding, reducing, or dissolving restricted parking zones
- 15-30.5 Fees for restricted parking zone permits—Waiver or reduction of fees

§ 15-30.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Department. The department of transportation services.

Director. The director of transportation services or the director's designee.

Dwelling Unit. Has the same meaning as defined in § 21-10.1. Each unit of a multiple-unit dwelling is considered a separate dwelling unit.

Family. Persons related by blood, adoption, or marriage.

Resident. Any of the following persons residing in a dwelling unit that is located in a restricted parking zone:

- (1) The owner of the dwelling unit and family members of the owner; or
- (2) The renter of the dwelling unit under a lease of 30 days or more, and family members of the renter.

Restricted Parking Zone or **RPZ.** An area of at least four contiguous blocks in a residential- or apartment-zoned district where vehicles properly displaying a permit or other authorization pursuant to this article are exempt from the posted parking zone restrictions.

Restricted Parking Zone Permit. A card, decal, or other identification issued to an eligible person to be placed on a vehicle that enables it to be parked in a restricted parking zone.

Visitor. A person temporarily visiting residents or temporarily having business with residents who are eligible for restricted parking zone permits.

(Added by Ord. 19-1)

§ 15-30.2 Administration of restricted parking zones.

- (a) *Signage.* A restricted parking zone must be appropriately signed or marked.
- (b) *Program components and permit use.*
 - (1) A restricted parking zone may have one or more of the following components:
 - (A) Parking in the street is reserved for the exclusive use of those vehicles displaying a valid RPZ permit or other identification issued by the director as part of the RPZ program;
 - (B) Parking in the street is reserved during certain posted hours for exclusive use of vehicles displaying a valid RPZ permit or other identification issued by the director as part of the RPZ program; or
 - (C) Time limits are established for parking in the street that apply to all vehicles except vehicles with a valid RPZ permit or other identification issued by the director as part of the RPZ program.
 - (2) The director may issue permits or other means of identification, maintain lists of vehicles owned or used by permit holders, or adopt any other reasonable means of distinguishing vehicles that are validly parked in a restricted parking zone from other vehicles. The permit or other means of identification must include the license plate number of the permitted motor vehicle.
 - (3) A permit does not guarantee or reserve to the holder an on-street parking space within the designated restricted parking zone.
- (c) *Application.* In order to obtain an RPZ permit, an applicant must present proof of residency in the RPZ, in addition to submittal of a completed application to the director. An applicant must also present proof that the address of vehicle registration matches the applicant's dwelling unit address, or otherwise present proof of residence within the RPZ.
- (d) *Permit limit.* Each eligible dwelling unit is entitled to have no more than four annual RPZ permits at any one time.
- (e) *Exception.* Restricted hours of the restricted parking zone shall not apply to commercial vehicles during active delivery or service to a property within the RPZ.
- (f) *Violations.*
 - (1) Except as provided in subsection (3), the registered owner of a vehicle not properly displaying a permit or other authorization pursuant to this article and parked within a restricted parking zone shall be subject to a fine of \$35. Every hour a vehicle remains parked in violation of this subdivision shall constitute a separate violation.
 - (2) A person misusing a permit, including but not limited to selling, counterfeiting, improperly using, or stealing a permit, or as otherwise determined by the director, shall be subject to a fine of \$55. Every day a permit is improperly used shall constitute a separate violation.

- (3) A driver of a motor vehicle who has a disability as defined under the Americans with Disabilities Act of 1990, 42 USC §§ 12101, et seq., as amended, and displays on the motor vehicle a valid windshield placard or special license plate for persons with disabilities issued in accordance with HRS Chapter 291, Part III, may park in an RPZ without having an RPZ permit.

(Added by Ord. 19-1)

§ 15-30.3 Establishment of restricted parking zones.

- (a) The director shall consider recommending to the council the establishment of an RPZ upon receipt of a petition signed by a majority of the residents in the area specified in the petition for the RPZ.
- (b) Upon receipt of a petition meeting the requirements of subsection (a), the director shall engage affected and interested community stakeholders through a public information and involvement program that may include department presentations to business and community associations or organizations, information distribution through the city's web site, news releases and related media, direct mailings of informational materials, facilitated meetings, sounding boards, walking tours, surveys, and other means of outreach and information gathering.
- (c) In determining whether to recommend the establishment of the RPZ, the director shall consider the following:
 - (1) Whether 75 percent or more of the capacity of the streets in the proposed RPZ is generally occupied, and more than 35 percent of the vehicles parked on the street in the proposed RPZ are not owned by residents of the designated area;
 - (2) Whether there is an identifiable traffic generator;
 - (3) Whether there has been a strong and effective community engagement effort indicating that stakeholders in the designated area support an RPZ;
 - (4) Whether an RPZ would promote certain benefits or would result in adverse impacts.
 - (A) Benefits include, but are not limited to: increased access for area residents, reduced traffic congestion, increased traffic or pedestrian safety, reduced air or noise pollution, reduced commuter parking in neighborhoods, prevention of blighted areas, and promotion of the use of alternative modes of transportation.
 - (B) Adverse impacts include, but are not limited to: transferring a parking problem to a different area, inability to effectively enforce program restrictions, lack of alternative transportation modes, and availability of simpler, cheaper, or more effective solutions; and
 - (5) Whether the public interest would be served.
- (d) If the director determines that an RPZ should be established, the director shall submit a written recommendation to the council to establish the RPZ by ordinance. The recommendation, at a minimum, must include the reasons an RPZ is needed, the boundaries of the RPZ, the terms and conditions of the RPZ, and the anticipated commencement date of the RPZ.

- (e) Upon establishment of an RPZ by the council by ordinance, the director shall establish a community steering group for the RPZ. RPZ community steering groups shall be responsible for working with the department on implementation of the RPZ and on community security issues.

(Added by Ord. 19-1)

§ 15-30.4 Expanding, reducing, or dissolving restricted parking zones.

If the director wishes to recommend that the council expand, reduce, or dissolve an existing RPZ, the director shall engage the community in the same manner as for the establishment of an RPZ under § 15-30.3(b) and, if the director determines that the expansion, reduction or dissolution will be in the public interest, the director shall submit a written recommendation to the council to expand, reduce, or dissolve the RPZ by enactment of an appropriate revision or repeal of the existing ordinance. The recommendation, at a minimum, must include the reasons for the recommended action, the new boundaries as applicable, any changes to the terms and conditions of the restricted parking zone, and the anticipated commencement date of the recommended action.

(Added by Ord. 19-1)

§ 15-30.5 Fees for restricted parking zone permits—Waiver or reduction of fees.

- (a) The fees to be collected by the department for restricted parking zone permits for resident parking, visitor parking with resident permit, and single-day visitor parking in a restricted parking zone must be set forth in the ordinance establishing the restricted parking zone.
- (b) The director is authorized to cap the number of single-day visitor permits issued per restricted parking zone.
- (c) The director may waive or reduce a restricted parking zone fee whenever:
 - (1) The waiver or reduction is in the overall public interest due to extraordinary facts or circumstance;
 - (2) The waiver or reduction is consistent with the goals of the restricted parking zone program;
 - (3) The waiver or reduction is due to a finding by the director that the rates are too high for a particular geographic area; or
 - (4) The waiver or reduction is due to a finding by the director that the rate would cause an undue financial hardship on affected residents.

- (d) The director, pursuant to HRS Chapter 91, may adopt rules to implement the provisions of this article.

(Added by Ord. 19-1)

ARTICLE 31: SHARED MOBILITY - MICROMOBILITY VEHICLE PARKING

Sections

15-31.1	Definitions
15-31.2	Authorization
15-31.3	SMV parking permit application and renewal terms and conditions
15-31.4	SMV parking permit requirements and conditions
15-31.5	Shared micromobility vehicle deployment and parking
15-31.6	Operator data sharing requirements
15-31.7	Fees
15-31.8	Removal of unpermitted SMVs
15-31.9	Administrative enforcement
15-31.10	Fine—Costs
15-31.11	Deposit of revenues
15-31.12	Severability

§ 15-31.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Department. The department of transportation services.

Deploy. The action by an operator of removing a shared micromobility vehicle from its physical custody and making it available to and accessible by the public for rent.

Director. The director of transportation services or the director's authorized representative.

Fleet. The collective shared micromobility vehicles deployed by an operator.

Operator. A shared micromobility vehicle business that holds a valid shared micromobility vehicle parking permit issued under this article.

SMV Parking Permit. The permit approved by the director to a qualified shared micromobility vehicle business and valid for a period of one year from date of issue to park one or more SMVs in a stall or space on city property.

Shared Micromobility Vehicle or **SMV.** Commercial transportation equipment weighing less than 100 pounds by which a person can be propelled or moved, that is:

- (1) Either power-assisted or propelled solely by human power;

- (2) A shared resource among multiple users; and
- (3) Available to the public for short-term renting on a self-service basis, usually through a website or mobile application, and intended for point-to- point travel.

***Shared Micromobility Vehicle Business* or *SMV Business*.** A for-profit or non-profit entity that rents shared micromobility vehicles to the public. The term does not include a government agency or department of the city, the State of Hawaii, or the United States.

***Shared Micromobility Vehicle User* or *SMV User*.** An individual who rides an SMV rented from an operator.
(Added by Ord. 19-29)

§ 15-31.2 Authorization.

Notwithstanding any ordinance to the contrary, the director is authorized to issue SMV parking permits to qualified SMV businesses.
(Added by Ord. 19-29)

§ 15-31.3 SMV parking permit application and renewal terms and conditions.

- (a) The director may issue an SMV parking permit to an SMV business, upon satisfaction of the requirements of this article, for portions of property controlled by the city, including but not limited to spaces in parking meter zones, off-street parking, and attendant parking facilities for use of these areas for SMV parking and deployment, subject to the following conditions:
 - (1) The director may not authorize more than three SMV parking permits per street block; and
 - (2) When an SMV business desires an SMV parking permit for a portion of city property not controlled by the department, the director or the director’s designee shall obtain prior written consent of the appropriate city department, agency, or office that controls the subject property.

The department may implement a lottery system for the issuance or renewal of permits under this section if the number of applications exceeds the number of permits allowed.

- (b) An SMV parking permit may be issued for a term not to exceed one year and shall be revocable by the director upon 30 days’ written notice. No operator holding an SMV parking permit shall be required to have a peddler’s license pursuant to Chapter 29, Article 6.
- (c) To receive an SMV parking permit, an SMV business must submit an application to the director, in the manner prescribed by the director. The application, to be accompanied by the non-refundable application fee set forth in § 15-31.7, shall contain the following:
 - (1) The name of the person designated by the applying SMV business to receive on its behalf any future notices sent by the city to the SMV business, and that person’s contact information, including a mailing address, telephone number, and email address;

- (2) A certificate of good standing issued by the State of Hawaii department of commerce and consumer affairs for the SMV business and dated no earlier than six months prior to the date of the application;
- (3) Documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applying SMV business with the liability insurance required by this article;
- (4) A comprehensive operations plan that includes:
 - (A) A timeline for the launch of operations or a history of operations for established operations;
 - (B) A detailed description of the SMV specifications and the size of the SMV fleet;
 - (C) A map of the proposed or actual service area and deployment and parking locations, including parking locations not on city property;
 - (D) Planned schedules for fleet management, maintenance, and repair;
 - (E) An overview of the website, mobile application, or other program to be used by the public to access and rent an SMV;
 - (F) An overview of the technology to be used to track and locate each SMV;
 - (G) For dockless systems, an overview of the technology to be used, including but not limited to a picture-after-riding requirement, to demonstrate traceability of parking of a specific SMV to a specific SMV user;
 - (H) An overview of the technology, geofencing, or other means to be used to control operational and parking areas for the SMV fleet;
 - (I) A policy on how SMV users' personal data will be safeguarded;
 - (J) Minimum requirements and rules for SMV users;
 - (K) Strategies for SMV-user education;
 - (L) Strategies to serve low-income riders and communities with limited transit options;
 - (M) Strategies for community outreach and completed outreach efforts, including to neighborhood boards in targeted areas for deployment; and
 - (N) Any other details describing how the SMV business will comply with all SMV parking permit requirements set forth in this article.
- (d) Any document submitted as part of the application shall become part of the SMV parking permit and may be used to evaluate operator compliance with SMV parking permit conditions. Any change to the information provided in the application must be reported to the director, in the manner prescribed by the director, no later

than 10 business days following the change. Any such change is subject to approval by the director, and a change found to be in violation of, or inconsistent with, the SMV parking permit or this article may result in the termination of the SMV parking permit.

- (e) The director shall review complete applications and evaluate the extent to which an applying SMV business has the capacity to provide a reliable and safe shared micromobility service and to meet the SMV parking permit terms and conditions. When the director finds an applying SMV business has satisfied the requirements of this article, the director may determine the number of SMV permits to issue to the applying SMV business based upon the following:
 - (1) The application content and the comprehensive operations plan;
 - (2) The number and location of permits requested;
 - (3) The availability and location of spaces designated for SMV parking; and
 - (4) The total number of complete applications received by the department.
 - (f) An operator shall renew its SMV parking permit annually. The process for renewing an SMV parking permit shall be the same as the application process set forth in this section for receiving an initial SMV parking permit. In reviewing the application for renewal of an SMV parking permit, the director shall also evaluate the operator's performance over the preceding permit term. No SMV parking permit may be renewed unless all outstanding fees, fines, or other penalties assessed against the SMV business have been paid to the department.
 - (g) The director may adopt administrative rules to establish a deadline for applications for and renewals of parking permits, or to establish a limit on the number of operators that may hold valid SMV parking permits at a given time.
 - (h) Subject to the approval of the director, an operator may mark or indicate the area covered by the SMV parking permit using paint, signage, or decals to guide the operator's SMV users to authorized parking areas.
- (Added by Ord. 19-29)

§ 15-31.4 SMV parking permit requirements and conditions.

- (a) An operator shall comply with all applicable city, State, and federal laws, including but not limited to the State and city traffic codes and laws governing uses of streets or highways, bikeways, sidewalks, and specific classes of SMVs. An operator shall educate SMV users regarding the laws applicable to riding, operating, and parking an SMV, and compliance with these laws.
- (b) An operator shall obtain, maintain, and keep in force through the term of the operator permit insurance policies issued by insurance or surety companies authorized by law to issue such insurance in the State of Hawaii in the following amounts:
 - (1) General liability insurance of not less than \$2,000,000 for bodily injury and property damage liability arising out of each occurrence and \$4,000,000 in the aggregate;

- (2) Business automobile liability insurance of not less than \$1,000,000 combined single limit per accident; and
- (3) Worker's compensation insurance as required by law.

All insurance policies shall name the city and its officers and employees as additional insureds, and shall provide for written notification to the director at least 30 days prior to any termination, cancellation, or material change in coverage.

- (c) An operator shall pay all applicable fees as set forth in § 15-31.7.
- (d) An operator shall indemnify the city and its officers, elected or appointed officials, employees, and agents, and shall defend them and shall hold them harmless, individually and in their official capacities, from and against any and all claims, liabilities, causes of action, suits, loss, costs, expenses, judgments, fines, reasonable attorney fees and necessary litigation expenses, demands, and damages of every kind and description brought by third parties arising out of or in connection with, including but not limited to:
 - (1) The operator's business conduct or operations, including any act or omission of the operator, its subcontractors, anyone directly or indirectly employed by the operator, and anyone for whose acts or omissions the operator may be liable;
 - (2) The city's issuance of or decision to issue or not issue an SMV parking permit;
 - (3) The operator using or occupying the public right-of-way or any SMV user operating the operator's SMV in the public right-of-way;
 - (4) Actual or alleged bodily injury including death, or actual and alleged damage to property; and
 - (5) Actual or alleged violations of law, including but not limited to the Americans with Disabilities Act.

Notwithstanding the foregoing, the operator shall not be required to indemnify, defend, or hold harmless the city and its officers, elected or appointed officials, employees, or agents to the extent such claims, liabilities, causes of action, suits, losses, costs, expenses, judgments, fines, expenses, demands, or damages arise from their own gross negligence or intentional misconduct; provided, however, this exception to an operator's indemnification and defense obligations shall not apply to claims resulting from, or in connection with, the condition of a public right-of-way. The obligations imposed by this subsection shall survive the expiration of the permit.

- (e) An operator shall adhere to the operations plan submitted as part of its SMV parking permit application, and any amendments to the plan approved by the director.
- (f) Prior to deployment, an operator shall register with the department each SMV to be deployed and pay to the department the SMV registration fee set forth in § 15-31.7 for each SMV. Once an SMV is deployed, its registration shall, so long as it remains deployed, be renewed annually and the registration fee shall be paid annually. This registration is in addition to any vehicle registration required by State or city law.

- (g) An operator may not deploy any SMV that is inoperable or unsafe to operate. If an SMV is inoperable or unsafe, the operator shall ensure the SMV is not available to or accessible by the public for use until it is repaired and safe to operate.
- (h) All SMVs in the operator's fleet must be marked with the operator's name, livery, logo, or trade dress.
- (i) All SMVs in the operator's fleet must be equipped with active global positioning system technology that collects the required data that must be reported to the director pursuant to this article.
- (j) An operator shall maintain staff located in Honolulu and a customer service center staffed 24-hour per day to receive questions, complaints, reports of collisions, or notices of noncompliance. The contact information for the center shall be posted on each SMV.
- (k) An operator may not transfer its SMV parking permit to any other SMV business or other entity, including a subsidiary, or any individual.
- (l) Prior to the close of business on the expiration date of an SMV parking permit, unless the SMV parking permit has been renewed, the operator is responsible to remove its SMVs, all equipment, and improvements from the permitted space and to restore the permitted space to the condition it was in at the commencement of the SMV parking permit term.

(Added by Ord. 19-29)

§ 15-31.5 Shared micromobility vehicle deployment and parking.

- (a) An operator is responsible for ensuring that its SMVs and SMV users comply with the following requirements:
 - (1) An SMV must be standing upright when deployed and parked on city property;
 - (2) An SMV may not be deployed or parked on a sidewalk, street, or highway controlled by the city except in accordance with a valid SMV parking permit;
 - (3) An SMV may not be parked in a manner that impedes vehicular traffic on a street or highway, or impedes pedestrian traffic on a sidewalk; and
 - (4) An SMV may not be parked in a manner that obstructs all or a portion of a bus stop, a commercial loading zone, a disabled parking stall or zone, curb ramp, or driveway.
- (b) Any SMV deployed or parked in a manner that fails to comply with the requirements in this section must be re-parked or removed by the operator. If the director, an authorized city employee or agent, or a police officer notifies an operator of non-compliance with the requirements in this section, the operator must remedy the non-compliance within four hours of receiving the notice. If the non-compliance is not remedied within such time, the city may remove and store the offending SMV.

(Added by Ord. 19-29)

§ 15-31.6 Operator data sharing requirements.

- (a) An operator shall collect and submit to the director, in the manner and frequency prescribed by the director, the following data on the SMVs in the operator's fleet:
 - (1) Number of SMVs deployed;
 - (2) Number of SMVs removed from service and returned to the operator's physical custody;
 - (3) Average length of time an SMV is deployed but not rented;
 - (4) Total number of trips for the entire fleet;
 - (5) Total number of trips per SMV;
 - (6) Trip origin, destination, and duration;
 - (7) Total miles ridden; and
 - (8) Number of collisions, accidents, injuries, or incidents of property damage involving an SMV.
 - (b) An operator shall collect and submit to the director, in the manner and frequency prescribed by the director, the following aggregate data on SMV users and trips taken on deployed SMVs:
 - (1) Number of unique SMV users registered with the operator; and
 - (2) Number of unique SMV users who used the operator's service on a monthly and weekly basis during the reporting period, which shall be determined by the director.
 - (c) An operator shall disclose to each SMV user the types of data it collects from SMVs and SMV users and the types of data the operator reports to the department or any other party.
 - (d) Data submitted by an operator to the department pursuant to this section may be subject to public disclosure, and the department may publish such data, except data identifying individual users or their private information. The department may use and analyze the data it receives from each operator.
 - (e) An operator need not submit the data required by this section to the department if the director determines the data is proprietary, in which event, the operator must make the data available for the director's inspection in lieu of submitting the data to the city.
- (Added by Ord. 19-29)

§ 15-31.7 Fees.

- (a) *Application and renewal fees.* An SMV business applying for an SMV parking permit shall submit a non-refundable fee of \$500 to the department with the completed application. This fee shall also be paid when an operator renews its SMV parking permit annually.

- (b) *SMV registration fee.* An operator shall pay an annual registration fee of \$30 per SMV that is deployed.
 - (c) *SMV parking permit fee.* The annual fee per SMV parking permit per designated stall shall be as follows:
 - (1) For a stall designated in a parking meter zone, a fee equal to the corresponding shared mobility annual rental rate, as set forth in § 15-22.4;
 - (2) For a stall designated in an unmetered area, a fee equal to the annualized daily charge for each parking space or unmetered parking stall, exclusive of Sundays and State holidays, as set forth in § 15-22.8;
 - (3) For a stall designated in an off-street parking facility or in an attendant parking facility, a fee equal to the corresponding shared mobility annual rental rate, as set forth in § 15-23.2A; and
 - (4) For a portion of property controlled by the city that is not covered by subdivisions (1) to (3), a fee in an amount to be determined by the director.
 - (d) To support and facilitate service to low-income SMV users and to communities determined to be underserved by transit options, the director is authorized to reduce or waive the SMV parking permit fee. The criteria and process to waive fees for this purpose shall be set forth in administrative rules.
- (Added by Ord. 19-29)

§ 15-31.8 Removal of unpermitted SMVs.

It is unlawful for an SMV business to park or deploy SMVs on any city property, including streets and sidewalks, without a valid SMV parking permit. When an SMV owned by an unpermitted SMV business is parked on city property and is found to be available for rent to the public, the city is authorized to remove and store the SMV.

(Added by Ord. 19-29)

§ 15-31.9 Administrative enforcement.

Enforcement of this article shall be done pursuant to the traffic code as set forth in Articles 4 and 26. If any operator is found to be in violation of its SMV parking permit, this chapter, or other applicable laws, the department may immediately suspend or revoke the operator permit, and refuse to issue subsequent SMV parking permits to that SMV business.

(Added by Ord. 19-29)

§ 15-31.10 Fine—Costs.

When an SMV is removed by the director or designee, a department employee or agent, or police officer pursuant to this article, the department will assess a fine of \$150 per SMV to be paid by the operator to the city prior to the city's release of the SMV. In addition, the director may require an SMV business to reimburse any costs the city, department, or any other city agency or office incurs to address or abate the noncompliance with this article.

(Added by Ord. 19-29)

§ 15-31.11 Deposit of revenues.

The funds collected under this article shall be deposited in the general fund.
(Added by Ord. 19-29)

§ 15-31.12 Severability.

This article is hereby declared to be severable. In accordance therewith, if any portion of this article is held invalid for any reason, the validity of any other portion of this article shall not be affected and if the application of any portion of this article to any person, property, or circumstance is held invalid, the application hereof to any other person, property or circumstances shall not be affected.
(Added by Ord. 19-29)

Honolulu - Traffic and Vehicles

TABLE 15.0: SCHEDULES*

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II	Traffic Signal Lights on Federal-Aid Highways	15-6.2
III	Right or Left Turns Against a Red Signal	15-6.3
IV	Speed Limit Zones 15 Miles Per Hour	15-7.2
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Editor’s note:

The schedules referred to in this table are on file in the office of the city and county clerk and the department of transportation services, City and County of Honolulu, and are available for examination by the general public during reasonable hours.

Honolulu - Traffic and Vehicles

CHAPTER 15A: REGULATIONS OF VEHICLES

Articles

1. Bicycles
2. Permits and License Fees for Driving Motor Vehicles
3. Motor Vehicle Weight Tax
4. Motor Vehicle Registration
5. Motor Vehicle Alarms
6. Inspection Fees for Reconstructed Vehicles

Honolulu - Traffic and Vehicles

ARTICLE 1: BICYCLES

Sections

- 15A-1.1 Definitions
- 15A-1.2 Retail bicycle dealers—Records required
- 15A-1.3 Proof of ownership
- 15A-1.4 Certificates of registration
- 15A-1.5 Transfer of registration
- 15A-1.6 Evidence of ownership
- 15A-1.7 Serial numbers—Defacing prohibited
- 15A-1.8 Applicability
- 15A-1.9 Violation—Penalty

§ 15A-1.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Child. A minor under the age of 18 years.

Director. The director of customer services and includes the director of customer services's authorized deputies and subordinates.

New Bicycle. A new bicycle or a bicycle previously unregistered under this article that is sold by a retail dealer.

Parent. Either one of the parents of the child, or any legal guardian.

Retail Dealer. Any person who sells bicycles in the regular course of business primarily for the use and enjoyment of the purchaser and not for resale.

Transferee. The person to whom and in whose name a bicycle will be transferred including retail dealers or in the case of a child, the child's parent.
(Sec. 13-31.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 12, § 41-12.1)

§ 15A-1.2 Retail bicycle dealers—Records required.

All retail dealers shall keep a record for four years after the sale of a new bicycle of the name of the purchaser, and the serial number, description, and make of the bicycle sold to the purchaser. This record may be inspected by the chief of police or the chief of police's representative during reasonable business hours.
(Sec. 13-31.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 12, § 41-12.2)

§ 15A-1.3 Proof of ownership.

Upon initial registration of a new bicycle with the city by an owner within five days of the purchase thereof and as required by HRS § 249-14, the director shall require the owner to furnish proof of ownership in the form or nature of a bill of sale executed by a retail dealer, in the name of the purchaser. The bill of sale shall include the name and address of the retail dealer, a written statement executed by the purchaser that the purchaser has examined the bicycle to verify the correct serial number and description as written in the bill of sale. If the purchaser is a child, the bill of sale shall be issued in the name of the parent. The director may verify the bill of sale presented at the registration of the bicycle from the records of the retail dealer.

(Sec. 13-31.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 12, § 41-12.3)

§ 15A-1.4 Certificates of registration.

- (a) Upon the presentation of satisfactory evidence of proof of ownership as required by § 15A-1.3, the director shall assign to such bicycle a number plate and issue to the owner whose name appears on the bill of sale, a certificate of registration. In the event of loss, mutilation, or destruction of any certificates of registration, the owner of the registered bicycle shall file such statement of facts and provide such other information as the director shall require and unless the director shall otherwise direct, a duplicate certificate of registration shall be issued.
- (b) The certificate of registration shall contain upon the face thereof, the date of issue, the number plate assigned to the bicycle, the name and address of the owner, the serial number, description, make of the bicycle, and such other information as may be deemed necessary by the director. The reverse side of the certificate of registration shall contain a form for notice to the director of a transfer of registration by the owner.

(Sec. 13-31.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 12, § 41-12.4)

§ 15A-1.5 Transfer of registration.

- (a) Upon a transfer of the registration of a bicycle registered under this article, the person named on the face of the registration and the transferee shall endorse the certificate of registration to the intended transferee, or the transferee's parent if such transferee is a child.
- (b) Within 20 days thereafter, the transferee shall forward the certificate of registration so endorsed to the director. Upon receipt of the certificate properly endorsed, the director shall examine and determine the genuineness and regularity of the transfer of registration of the bicycle, and the director shall prevent the transfer of registration of a bicycle by any person not entitled thereto. Upon being satisfied as to the regularity of the application for transfer of registration, the director shall reregister the bicycle in the name of the transferee and shall issue to the transferee a new certificate of registration. No bicycle registration under this article shall be transferred except as provided in this section.

(Sec. 13-31.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 12, § 41-12.5)

§ 15A-1.6 Evidence of ownership.

Under no circumstances shall any certificate of registration issued under this part be a guaranty as to the validity of the title to the bicycle by the director, nor shall the certificate of registration be used as collateral for a loan or the recordation of liens.

(Sec. 13-31.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 12, § 41-12.6)

§ 15A-1.7 Serial numbers—Defacing prohibited.

(a) No person shall wilfully deface, destroy, or alter the serial number, a component part number, or any other identification mark of any bicycle so placed or stamped on a bicycle by the manufacturer for the purpose of identifying the bicycle or its component parts.

(b) This section does not prohibit the restoration by an owner of an original mark or number, when the restoration is authorized in writing by the director.

(Sec. 13-31.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 12, § 41-12.7)

§ 15A-1.8 Applicability.

This article shall not apply to any new bicycle sold before the effective date of this article.

(Sec. 13-31.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 12, § 41-12.8)

§ 15A-1.9 Violation—Penalty.

Any person violating §§ 15A-1.2 and 15A-1.7 shall be fined not more than \$500.

(Sec. 13-31.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 12, § 41-12.9) (Am. Ord. 95-20)

Honolulu - Traffic and Vehicles

ARTICLE 2: PERMITS AND LICENSE FEES FOR DRIVING MOTOR VEHICLES

Sections

- 15A-2.1 Definitions
- 15A-2.2 License and permit fees
- 15A-2.3 Disposition of proceeds

§ 15A-2.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Driver's License. A license authorizing a person to operate the category of motor vehicles specified in HRS § 286-102.

Duplicate. An instruction permit or driver's license issued to replace one that is lost, destroyed, or illegible.

Instruction Permit. The permit referred to in HRS § 286-110.

Renewal. Any driver's license issued to the same person after an original license or to the same person after the reissuance of a driver's license.
(Sec. 13-28.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 16, § 41-16.1) (Am. Ords. 97-53, 06-12; 08-29)

§ 15A-2.2 License and permit fees.

- (a) The issuance or renewal of a driver's license shall be \$5 per year or fraction thereof.
- (b) The issuance of an instruction permit or any renewal thereof shall be subject to the payment of a fee of \$5.
- (c) The issuance of a duplicate permit or license shall be subject to the payment of a fee of \$6.
- (d) The reinstatement fee for a suspended or revoked current or expired license shall be \$20.
- (e) The fee for the category type one, two, or three road test given to applicants shall be \$8 for each test and is in addition to all other fees enumerated in this section. The fee shall be paid before the road test is administered and may be refunded only if the applicant does not begin the road test. Failure to pass the road test shall not be grounds for a refund.
- (f) There shall be established a road test reservation fee for each road test reservation made by an applicant. The road test reservation fee shall be the same as the fee established in subsection (e) and shall be paid by the applicant before the reservation is made. This fee shall be applied to the payment of the road test fee. If an

applicant fails the road test, fails to appear, appears late, or cancels a reservation, the road test reservation fee shall be forfeited.

(g) There shall be established a test fee of \$2 for each written or machine examination and \$10 for each oral examination taken by applicants. Failure to pass the examination shall not be grounds for a refund.
(Sec. 13-28.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 16, § 41-16.2) (Am. Ords. 88-52, 95-32, 97-53, 06-12, 08-29, 11-8)

§ 15A-2.3 Disposition of proceeds.

All fees collected pursuant to § 15A-2.2 shall become a realization of the city.
(Sec. 13-28.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 16, § 41-16.3)

ARTICLE 3: MOTOR VEHICLE WEIGHT TAX

Sections

- 15A-3.1 Vehicle weight tax
- 15A-3.2 Delinquent penalties
- 15A-3.3 Shelter buses

§ 15A-3.1 Vehicle weight tax.

- (a) The rate and the minimum tax at which all vehicles and motor vehicles shall be taxed as provided by HRS § 249-2, as amended, shall be as provided in subsections (b), (c), (d), and (e).
- (b) *Motor vehicles designed primarily for the purpose of carrying passengers.* The rate for motor vehicles designed primarily for carrying passengers shall be:

<i>Cents per Pound of Vehicle Net Weight</i>	<i>Effective Date</i>
6.0	January 1, 2018
7.0	January 1, 2019

This category shall include but is not limited to motor vehicles primarily designed to carry passengers, buses, ambulances, and hearses.

- (c) (1) *Trucks or noncommercial motor vehicles having a net weight of 6,500 pounds or less.* The rate for trucks and noncommercial motor vehicles having a net weight of 6,500 pounds or less and that are not being operated for compensation or commercial purposes shall be:

<i>Cents per Pound of Vehicle Net Weight</i>	<i>Effective Date</i>
6.0	January 1, 2018
7.0	January 1, 2019

The owner of such truck or noncommercial motor vehicle who desires to have such vehicle taxed at the rate provided in this subdivision shall comply with the requirements in subdivision (2).

- (2) For original registration under this category, the owner shall:

- (A) File an application with the director of budget and fiscal services for registration of a noncommercial motor vehicle;
- (B) Register the vehicle under an individual's name, or if the vehicle is leased, provide proof that the vehicle is leased to an individual and not to a company; and
- (C) Pay the applicable weight tax and registration fees.

When the vehicle is currently registered as a commercial vehicle and the owner wishes to reclassify the vehicle under this category, the owner shall, in addition to the above, also surrender the vehicle's current certificate of registration and license plates.

When the owner has complied with the foregoing requirements, and has paid the applicable fees, the director of budget and fiscal services shall issue a set of passenger vehicle license plates, emblem, and a new certificate of registration.

- (d) *Trucks or commercial vehicles.* The rate for trucks, commercial vehicles and other vehicles designed for carrying property or for purposes other than the carrying of passengers shall be:

<i>Cents per Pound of Vehicle Net Weight</i>	<i>Effective Date</i>
6.5	January 1, 2018
7.5	January 1, 2019

This category shall include, but is not limited to, trucks, truck tractors and road tractors, trailers and semitrailers; provided that trucks and noncommercial vehicles that qualify under subsection (c) are exempted from this category.

- (e) *Minimum tax.* The minimum tax assessed and collected by reason of this section shall in no case be less than \$12.
(Sec. 14-1.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 17, § 41-17.1) (Am. Ords. 89-79, 92-65, 93-110, 95-62, 03-42, 05-016, 09-15, 17-24)

§ 15A-3.2 Delinquent penalties.

Any vehicle weight tax imposed by this article for any year and not paid when due is delinquent. An annual penalty of \$8 for vehicles taxed at the passenger rate and \$20 for vehicles taxed at the commercial rate shall be added to, and become part of, the tax to be collected.

(Sec. 14-1.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 17, § 41-17.2) (Am. Ords. 89-79, 95-62)

§ 15A-3.3 Shelter buses.

- (a) Notwithstanding this chapter, shelter buses shall be taxed at zero cents per pound of the net weight of such vehicle.

- (b) For the purposes of this section, the following definition applies unless the context clearly indicates or requires a different meaning.

Shelter Bus. A commercial passenger vehicle that is at least 40 feet in length that:

- (1) Has been refitted to be used and is used as a temporary shelter for the homeless;
- (2) Is suitable for such use, and complies with all laws, regulations, and standards governing its use as a temporary shelter, including health and safety regulations; and
- (3) Complies with, and is used, operated, and maintained in accordance with all applicable laws and rules governing such vehicles.

The owner's certification as to the foregoing may be deemed acceptable.

(1990 Code, Ch. 41, Art. 17, § 41-17.3) (Added by Ord. 06-17; Am. Ord. 07-11)

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ARTICLE 4: MOTOR VEHICLE REGISTRATION

Sections

- 15A-4.1 Fee for registration, number plates and tags or emblems
- 15A-4.2 Fee for tag or emblem in subsequent years
- 15A-4.3 Fees for the issuance of a new series of number plates, or replacement of lost or mutilated number plates, tags, or emblems
- 15A-4.4 Fee for dealer correction
- 15A-4.5 Fee for transfer of title
- 15A-4.6 Fee for duplicate certificates of title
- 15A-4.7 Registration of new and used motor vehicles

§ 15A-4.1 Fee for registration, number plates and tags or emblems.

- (a) The annual fee for the registration of a motor vehicle shall be \$20.
- (b) Fees for any one or more of the following: the number plates or tags or emblems shall be:
 - (1) Number plate: \$5; and
 - (2) Tag or emblem: 50 cents.
- (c) For a registration involving a reassignment of number plates, pursuant to a request from an owner of a motor vehicle registered in the city, to another motor vehicle subsequently acquired by the owner, the fee shall be \$5.
- (d) All fees collected under this section shall be deposited in the general fund.
(Sec. 14-2.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 18, § 41-18.1) (Am. Ords. 92-65, 97-42, 99-24)

§ 15A-4.2 Fee for tag or emblem in subsequent years.

The fee for the issuance of a tag or emblem for a motor vehicle, upon payment of the applicable tax, in any year in which the number plates do not evidence the payment of the current year's tax, shall be 50 cents.
(Sec. 14-2.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 18, § 41-18.2)

§ 15A-4.3 Fees for the issuance of a new series of number plates, or replacement of lost or mutilated number plates, tags, or emblems.

The fees for the issuance of a new series of number plates, tags, or emblems shall be the same as the fees charged in § 15A-4.1.
(Sec. 14-2.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 18, § 41-18.3)

§ 15A-4.4 Fee for dealer correction.

The fee for each instance of correction of the registration records shall be \$10.
(Sec. 14-2.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 18, § 41-18.4) (Am. Ord. 95-31)

§ 15A-4.5 Fee for transfer of title.

The fee charged to issue a new certificate of title shall be \$10.
(Sec. 14-2.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 18, § 41-18.5) (Am. Ord. 95-31)

§ 15A-4.6 Fee for duplicate certificates of title.

The fee for duplicate certificates of title shall be \$10.
(Sec. 14-2.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 18, § 41-18.6) (Am. Ord. 95-31)

§ 15A-4.7 Registration of new and used motor vehicles.

The director of budget and fiscal services, in coordination with the director of customer services, shall enter into contracts with car dealerships and motor vehicle rental companies for the registration of new and used motor vehicles consistent with any statute, ordinance, or provision of any applicable collective bargaining agreement. The director may adopt rules pursuant to HRS Chapter 91 as may be necessary for the application, bonding, and procedural requirements of the contractor.
(1990 Code, Ch. 41, Art. 18, § 41-18.7) (Added by Ord. 17-7)

ARTICLE 5: MOTOR VEHICLE ALARMS

Sections

- 15A-5.1 Sanctions for emission of audible sound for certain durations
- 15A-5.2 Activation for at least 10 minutes—Defined
- 15A-5.3 Exception
- 15A-5.4 Other definitions
- 15A-5.5 Authority to enter property to identify motor vehicle and owner
- 15A-5.6 Removal of motor vehicle from property
- 15A-5.7 Authority to deactivate alarm system

§ 15A-5.1 Sanctions for emission of audible sound for certain durations.

- (a) As provided in HRS § 291-24.6, it is unlawful for any motor vehicle alarm system installed in a motor vehicle to emit any audible sound for more than five continuous minutes.
- (b) If a motor vehicle alarm system is activated for at least 10 minutes:
 - (1) The motor vehicle may be removed from public or private property in accordance with § 15A-5.6; and
 - (2) The motor vehicle alarm system may be silenced in accordance with § 15A-5.7, before removal of the motor vehicle from public or private property.
- (c) If a motor vehicle alarm system is activated for at least 10 minutes and, within that minimum 10-minute period, emits audible sound for more than five continuous minutes, both subsections (a) and (b) shall be applicable. (1990 Code, Ch. 41, Art. 29, § 41-29.1) (Added by Ord. 90-3)

§ 15A-5.2 Activation for at least 10 minutes—Defined.

- (a) A motor vehicle alarm system is activated for at least 10 minutes if:
 - (1) The alarm system emits an audible sound for 10 continuous minutes; or
 - (2) The alarm system emits an audible sound intermittently within a 10-minute period and the episodes of audible sound after the first episode:
 - (A) Are not caused by the disturbance of or tampering with the motor vehicle; but rather
 - (B) Are caused by an automatic activation and deactivation mechanism of the alarm system.

For the purpose of measuring the minimum 10-minute period, the period commences upon the first audible sound from the motor vehicle alarm system.

(b) Audible sound shall be emitted “intermittently within a 10-minute period” if the audible sound is emitted interruptedly in a sequence of at least 10 minutes and, within the sequence:

(1) Not more than one minute of silence interrupts consecutive episodes of audible sound; and

(2) There shall be no minimum duration for any episode of audible sound.

(1990 Code, Ch. 41, Art. 29, § 41-29.2) (Added by Ord. 90-3)

§ 15A-5.3 Exception.

This article shall not apply to a person who is doing that which is reasonably necessary for the purpose of setting by remote control or otherwise of the motor vehicle alarm and testing of the setting.

(1990 Code, Ch. 41, Art. 29, § 41-29.3) (Added by Ord. 90-3)

§ 15A-5.4 Other definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Motor Vehicle Alarm System* or *Alarm System*.** Has the same meaning as motor vehicle alarm system as defined in HRS § 291-24.6.

***Police Officer*.** An officer of the police department who is authorized to enforce the law.

***Tow Service*.** A business engaged in the towing of motor vehicles.

(1990 Code, Ch. 41, Art. 29, § 41-29.4) (Added by Ord. 90-3)

§ 15A-5.5 Authority to enter property to identify motor vehicle and owner.

A police officer may enter onto any public or private property to identify or obtain information to identify:

(1) A motor vehicle, the alarm system of which has been activated for at least 10 minutes; and

(2) The motor vehicle’s registered owner.

(1990 Code, Ch. 41, Art. 29, § 41-29.5) (Added by Ord. 90-3)

§ 15A-5.6 Removal of motor vehicle from property.

(a) When the alarm system of a motor vehicle has been activated for at least 10 minutes and the motor vehicle is on public property or private property, a police officer may remove or cause to be removed the vehicle from

the property to a storage area or other place of safety. The registered owner of the motor vehicle shall be responsible for all reasonable expenses, costs, and charges incurred by the deactivation of such alarm, and the removal and storage of such vehicle in accordance with this article.

- (b) Upon discovery by a police officer of a motor vehicle that is or may become subject to removal pursuant to this section, the officer shall make reasonable efforts to locate the registered owner of the motor vehicle and request the silencing of the alarm system. If the registered owner refuses or is unable to immediately silence the alarm system or if, after reasonable efforts, the registered owner cannot be located, the motor vehicle may be removed.
 - (c) Before removing the motor vehicle, the police officer may authorize the tow service to deactivate the alarm system in accordance with § 15A-5.7.
 - (d) Whenever a police officer removes or causes to be removed a motor vehicle from property as authorized in this section, and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the registered owner of the vehicle, the officer shall immediately notify the police department dispatch office. The notification shall specify that the motor vehicle has been removed, the reason for the removal, and the place to which the vehicle has been removed.
 - (e) If the registered owner is unknown or cannot be ascertained, the police officer shall immediately notify the police department dispatch office that the registered owner is unknown. In the event the vehicle is not returned to the owner within a period of three days, then and in that event, the police department dispatch office shall immediately send or cause to be sent a written report of such removal by mail to the director of budget and fiscal services. Such report shall include a complete description of the motor vehicle, the license plate number of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the place to which the vehicle has been removed.
 - (f) This article is an ordinance authorizing the police to remove and store vehicles. As such:
 - (1) HRS § 290-10 shall apply to a motor vehicle that has been removed from property and stored pursuant to this section; and
 - (2) The director of finance may dispose of the motor vehicle in accordance with HRS § 290-10.
- (1990 Code, Ch. 41, Art. 29, § 41-29.6) (Added by Ord. 90-3)

§ 15A-5.7 Authority to deactivate alarm system.

- (a) A police officer may authorize the tow service to enter or open a motor vehicle, in which the alarm system has been activated for at least 10 minutes, and silence the alarm system. The tow service shall do that which is reasonably necessary when entering or opening the motor vehicle and silencing the alarm system.
- (b) Before authorizing the entering or opening of the motor vehicle, the police officer shall have made the reasonable efforts to locate the registered owner and request the silencing of the alarm system, as required under § 15A-5.6 (b). If, pursuant to § 15A-5.6 (b), the police officer becomes authorized to remove the motor vehicle, the officer also may authorize the entering or opening of the motor vehicle and silencing of the alarm system.

- (c) After silencing the alarm system, the motor vehicle shall be towed to a storage area or other place of safety. The vehicle shall be locked or otherwise secured from unauthorized entry and written notice of the action shall be left on the windshield of the motor vehicle. If the alarm system is also in violation of HRS § 291-24.6, the written notice required under this subsection shall be in addition to the summons or citation issued for the violation.

(1990 Code, Ch. 41, Art. 29, § 41-29.7) (Added by Ord. 90-3)

ARTICLE 6: INSPECTION FEES FOR RECONSTRUCTED VEHICLES

Sections

- 15A-6.1 Definitions
- 15A-6.2 Inspection fee for reconstructed vehicle
- 15A-6.3 Repeal

§ 15A-6.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Department. The department of customer services.

Motorcycle. Has the same meaning as defined in HRS § 291C-1.

Reconstructed Vehicle. Has the same meaning as defined in HRS § 286-2.
(1990 Code, Ch. 41, Art. 38, § 41-38.1) (Added by Ord. 95-69)

§ 15A-6.2 Inspection fee for reconstructed vehicle.

- (a) The department shall charge the following fees for the inspection of a vehicle for reconstruction:
 - (1) Motorcycle: \$8; and
 - (2) Vehicle (other than motorcycle): \$15.
- (b) The reconstructed vehicle owner, or the applicant designated by the owner, shall pay the inspection fee established in subsection (a) before the inspection of the reconstructed vehicle. If, however, upon preliminary review, the department determines that an inspection is not required, the inspection fee collected pursuant to this subdivision shall be refunded to the owner or the applicant designated by the owner.
- (c) No additional inspection fee shall be required for the reinspection of any items found to be deficient on the initial inspection of a reconstructed vehicle, if the vehicle is presented for reinspection within 90 days after the date of initial inspection.
- (d) If, after 90 days of the date of initial inspection, a reconstructed vehicle has failed to receive certification, the entire application and inspection process shall be initiated again and the fees established in subsection (a) shall be charged for inspection.

(e) All fees collected under this section shall be deposited into the general fund.
(1990 Code, Ch. 41, Art. 38, § 41-38.2) (Added by Ord. 95-69; Am. Ord. 97-42)

§ 15A-6.3 Repeal.

Upon the repeal of HRS § 286-85, this article is repealed and shall have no further force or effect.
(1990 Code, Ch. 41, Art. 38, § 41-38.3) (Added by Ord. 95-69)

CHAPTER 15B: PUBLIC TRANSIT

Articles

1. Definitions
2. Islandwide Fare Structure
3. Activities Prohibited on Public Conveyances
4. Special Transit Service
5. Taxicab Subsidies
6. City Bus System
7. Transit Voucher Program
8. Transit Management Services Contractor
9. Transit Stations
10. City Ferry System
11. Use of Designated Transit Facilities
12. Lying Down at Bus Stops

Honolulu - Traffic and Vehicles

ARTICLE 1: DEFINITIONS

Section

15B-1.1 Definitions

§ 15B-1.1 Definitions.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Bus. A motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons. The term shall not include a vehicle designed for operation on a fixed rail guideway.

Bus Management Services Contractor. The private, nonprofit corporation which, on March 31, 1997, held the contract to manage the city bus system.

Bus Pass. A card, ticket, or similar document distributed as approved by the department that entitles the holder to unlimited rides on the city transit bus and city ferry system for the duration specified on the pass.

Bus Personnel. Personnel employed by the transit management services contractor exclusively or predominantly for the operation and maintenance of the city bus system.

Bus Stop. Has the same meaning as defined in § 41-14.1.

Bus Stop Area. The area at a bus stop occupying the entire width of the sidewalk that extends 20 feet before a bus stop sign or bus stop route sign or, for bus stops furnished with a shelter or shelters, the footprint of the shelters, and the entire width of the sidewalk that extends ten feet before and ten feet after the footprint of the shelter. The footprint of a shelter is defined by vertical planes, perpendicular to the ground, extending down from the outermost edges of the shelter overhang or roof.

Child. Any person five years of age or younger.

City Bus System. The public mass transit service provided by the city through the use of buses. The term includes:

- (1) Regularly scheduled public mass transit service provided through the use of buses operating over fixed routes; or
- (2) Periodic or specially scheduled public mass transit service provided through the use of buses for special events.

City Ferry. A ferry used in the city ferry system.

City Ferry System. Ferry service provided by the city through the use of ferries. The term includes:

- (1) Regularly scheduled ferry service provided through the use of ferries operated over State waterways in accord with the State boating law, and federal statutes and regulations governing vessel navigation; and
- (2) Periodic or specially scheduled ferry service provided through the use of ferries for special events.

City Transit Bus. A bus used in the city bus system and owned by:

- (1) The city; or
- (2) A contractor with the city.

Department. The department of transportation services.

Designated Bus Stop Area. A bus stop area at which a sign has been posted as provided in § 15B-12.4.

Director. The director of transportation services or designated representative. As appropriate to the circumstances, approval by the director shall include approval by designated representatives.

Expressive Activity. Has the same meaning as defined in § 29-15A.2(d).

Ferry. A marine vessel designed for carrying passengers and used for their transportation across water.

Ferry Management Services Contractor. The private entity hired by the city to provide ferry services.

Ferry Personnel. Persons employed by the ferry management services contractor for operations and maintenance of city ferries.

Health Care Professional. Includes a clinical social worker, occupational therapist, physiatrist, physical therapist, rehabilitation specialist, medical physician, registered nurse, psychologist, or similar professional duly licensed to practice in the State of Hawaii.

Identification Card. Includes the following:

- (1) Paratransit eligibility identification cards distributed as approved by the department for the duration as indicated on the card;
- (2) Employee identification cards distributed and approved by the transit management services contractor for the duration indicated on the card;
- (3) Student, Honolulu police department officers, and generally accepted photo identification cards issued by respective agencies and schools as indicated on the card;
- (4) Identification cards for persons with a permanent or temporary disability under § 15B-2.2; or

(5) Identification cards for senior citizens.

Internship. A college career opportunity or after-school educational program approved for student participation by the principal of the student's high school.

Personal Care Attendant. A person designated or employed specifically to help a person with a disability meet the person with a disability's personal needs and without whom the person with a disability would not be able to ride.

Senior Citizen. A person 65 years of age or older.

Sidewalk. Has the same meaning as defined in § 29-1.1.

Special Transit Service. The public transit service that supplements the city bus system to serve persons who are paratransit eligible according to the Americans with Disabilities Act of 1990 (ADA); 49 CFR Part 37, Subpart F, § 37.123, or persons certified as eligible by the department.

Special Transit Service Personnel. Personnel employed by the transit management services contractor exclusively or predominantly for the operation and maintenance of the special transit service.

Special Transit Service Vehicle. A vehicle owned by the city and used in the special transit service.

Student. A person who attends a public high school in the city.

Student Bus Pass. A card, including a smart card, ticket, voucher, or similar document, distributed as approved by the department that entitles a student holding the pass to ride on the city transit bus system or special transit service for the duration specified on the pass.

Supplemental Bus Service. The public mass transit service provided by the city to supplement the city bus system.

Supplemental Special Transit Service. The public transit service provided by the city to supplement the special transit service.

Transit Management Services Contractor. The private, nonprofit corporation contracted in accordance with this chapter to manage, operate, and maintain the city bus system and special transit service, except where the city otherwise provides supplemental bus service or supplemental special transit service.
(1990 Code, Ch. 13, Art. 1, § 13-1.1) (Added by Ord. 91-27; Am. Ords. 93-90, 96-30, 97-02, 07-13, 08-20, 18-5, 20-27)

Honolulu - Traffic and Vehicles

ARTICLE 2: ISLANDWIDE FARE STRUCTURE

Sections

15B-2.1	Fare structure
15B-2.2	Person with a disability
15B-2.3	Senior citizens
15B-2.4	Baggage
15B-2.5	Special instructions
15B-2.6	Suspension of fares for promotional and demonstration purposes
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15B-2.9	Police officers
15B-2.10	Bus passes for those with extremely low incomes
15B-2.11	Student bus pass pilot program

§ 15B-2.1 Fare structure.

- (a) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

Adult. Any person over the age of 17 years who does not qualify as a “youth.”

Annual Bus Pass. A bus pass that is valid for a one-year period.

Approved Card. A debit card or any other city-established form of electronic bus fare and ferry fare payment approved by the director.

Biennial Bus Pass. A bus pass that is valid for a two-year period.

Child. Any person five years of age or younger accompanied by a fare-paying passenger, a city employee, or an employee of the transit management services contractor or ferry management services contractor. If not so accompanied, any person five years of age or younger is a “youth” for purposes of this section.

Medicare Cardholder. Any person to whom a Medicare card has been issued, pursuant to Title II or Title XVIII of the Social Security Act, 42 USC § 401 et seq. and 42 USC § 1395 et seq.

Monthly Bus Pass. A bus pass that is valid for a one-month period.

One-Day Bus Pass. A bus pass that is valid for an unlimited number of bus rides from 12:01 a.m. to 2:59 a.m. the following day and has a minimum fare of two times the single cash fare-standard for each passenger category.

Person with a Permanent Disability under § 15B-2.2. A person with a permanent disability qualified for a bus pass fare plan under § 15B-2.2.

Person with a Temporary Disability under § 15B-2.2. A person with a temporary disability qualified for a bus pass fare plan under § 15B-2.2.

Person with a Paratransit Eligibility Identification Card under § 15B-4.3. A person with a card issued under § 15B-4.3.

Senior Citizen. A person 65 years of age or older with an identification card issued under § 15B-2.3.

Single Cash Fare-Standard. The required payment for a ride on the city bus system or the city ferry system.

Single Cash Fare-Special Event. The required payment for a ride on the city bus system or the city ferry system for a special event as designated by the director.

Youth. A person six through 17 years of age, subject to the presentation of a valid identification card establishing the age of the person. The term includes high school students 18 and 19 years of age with a valid high school identification card establishing the age of the student and the student's current enrollment, but excludes college, university, and vocational training students if over the age of 17.

(b) Except as otherwise provided in this article, the following fares apply to every person using the city bus system, and every person riding the city bus system shall pay the applicable fare.

<i>Passenger Category (date effective)</i>	<i>Identification (ID) Card (New or Renewal)</i>	<i>Single Cash Fare – Standard</i>	<i>One-Day Pass Fare</i>	<i>Monthly Bus Pass Fare</i>	<i>Annual Bus Pass Fare</i>	<i>Biennial Bus Pass Fare</i>	<i>Single Cash Fare – Special Event</i>
Adult (1-1-2018)	Not applicable	\$2.75	\$5.50	\$70	\$770	Not applicable	\$6.25
Youth (1-1-2018)	Not applicable	\$1.25	\$2.50	\$35	\$385	Not applicable	\$6.25
Child (1-1-2018)	Not applicable	\$0	Not applicable	Not applicable	Not applicable	Not applicable	\$6.25
Person with a Temporary Disability Under § 15B-2.2 (1-1-2018)	\$10 for 2 years or duration of temporary disability specified by a healthcare professional, whichever is less (only needed for single cash fare, one-day pass, or monthly pass)	\$1 w/valid temporary disability ID card	\$2 w/valid temporary disability ID card	\$6 w/valid temporary disability ID card	\$35	\$70	\$6.25

Islandwide Fare Structure

§ 15B-2.1

<i>Passenger Category (date effective)</i>	<i>Identification (ID) Card (New or Renewal)</i>	<i>Single Cash Fare – Standard</i>	<i>One-Day Pass Fare</i>	<i>Monthly Bus Pass Fare</i>	<i>Annual Bus Pass Fare</i>	<i>Biennial Bus Pass Fare</i>	<i>Single Cash Fare – Special Event</i>
Person with a Permanent Disability Under § 15B-2.2 (1-1-2018)	\$10 for 4 years (only needed for single cash fare, one-day pass, or monthly pass)	\$1 w/valid permanent disability ID card	\$2 w/valid permanent disability ID card	\$6 w/valid permanent disability ID card	\$35	\$70	\$6.25
Person with a Paratransit Eligibility ID Card Under § 15B-4.3 (1-1-2018)	\$0	\$1 w/valid paratransit eligibility ID card	\$2 w/valid paratransit eligibility ID card	\$6 w/valid paratransit eligibility ID card	\$35 w/valid paratransit eligibility ID card	\$70 w/valid paratransit eligibility ID card	\$6.25
Personal Care Attendant (PCA) (1-1-2018)	Not applicable	\$0 when performing PCA service	Not applicable	Not applicable	Not applicable	Not applicable	\$0 when performing PCA service
Senior Citizen (1-1-2018)	\$10 for four years (only needed for single cash fare, one-day pass, or monthly pass)	\$1 w/valid senior citizen ID card	\$2 w/valid senior citizen ID card	\$6 w/valid senior citizen ID card	\$35	\$70	\$6.25
Medicare Cardholders (1-1-2018)	Not applicable	\$1	\$2	Not applicable	Not applicable	Not applicable	\$6.25

- (c) The department may establish a program for the use of bus passes issued to individuals upon payment of the designated bus fare and that may be used for the duration specified on the pass. The passes will be issued at various locations to be selected and advertised by the department. The department, through the department of budget and fiscal services, may enter into contractual arrangements with any parties, private or public, when such arrangements are in the best public interest for the sale and issuance of bus passes. The council must be informed within 30 days of the city's entering into any such arrangement.
- (d) The department may allow a person to board any one of the following: a city transit bus, city ferry, or a special transit service vehicle, without being charged a cash fare as part of a promotional offer or package made available by the city.
- (e) The department may adopt rules in accordance with HRS Chapter 91 that will have the force and effect of law in the implementation of this section.
- (f) In the event of a strike or work stoppage that shuts down any one of the following: the city bus system, city ferry system, or special transit service, the department may make such bus pass fare adjustments as in the judgment of the department are warranted by the particular circumstances.
- (g) The department may establish a program for the issuance of college and university student, faculty and staff bus passes. Such passes may be issued to students, faculty, and staff by a college or university and will be

subject to terms to be agreed upon between the college or university and the department in consultation with the transit management services contractor. Students, faculty, and staff to whom such passes are issued shall pay the fare negotiated rather than a fare established under subsection (b).

- (h) The department may establish a program for the issuance of free bus passes for city employees and employees of the transit management services contractor and ferry management services contractor. Such passes may permit unrestricted use of the bus and city ferry by the employee to whom the passes are issued.
- (i) A child riding a city transit bus or city ferry for free shall not occupy a seat to the exclusion of another passenger.
- (j) The department may establish a trainer bus pass program for persons who train persons with disabilities to use the city's transit bus on fixed bus routes.
- (k) A personal care attendant accompanying a person with a valid paratransit eligibility identification card shall pay no fare when performing the service.
- (l) The department may develop, market, and sell distinctive souvenir bus passes that include Hawaiian places, art, or other graphics that portray a Hawaiian sense of place as part of its bus pass designs.
(Sec. 28-2.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 13, Art. 2, § 13-2.1) (Am. Ords. 89-56, 91-27, 91-70, 93-56, 93-89, 95-22, 96-55, 97-02, 01-20, 02-18, 02-67, 03-19, 03-27, 07-13, 08-20, 09-17, 09-28, 13-31, 17-1, 17-27)

§ 15B-2.2 Person with a disability.

- (a) *Single fare.* A person with a disability with a valid person with a disability identification card issued by the department shall pay a single cash fare in accordance with § 15B-2.1 to ride a city transit bus and city ferry upon display to the bus operator or ferry operator of the card; except when a fare for special services is charged under § 15B-2.1. Any person with a disability who applies for a person with a disability identification card from the department and is certified to have a permanent or temporary disability shall be issued the same upon payment of a processing fee in accordance with § 15B-2.1. It may be renewed thereafter upon the expiration of the prior term upon payment of the processing fee in accordance with § 15B-2.1. In the event of theft, loss, or destruction of such identification card, a person with a disability may obtain a replacement identification card for a processing fee in accordance with § 15B-2.1.
- (1) The identification card for a person with a temporary disability shall be valid for either two years, commencing from the date of issuance and expiring at the end of the month that such identification card was issued two years ago, or the duration specified by a health care professional, whichever is less. It may be renewed thereafter upon the expiration of the prior term; provided the person requesting the renewal demonstrates at each renewal date that the person's mental or physical condition warrants continued status as a person with a disability as defined in this section and upon payment of the processing fee in accordance with § 15B-2.1. In the event of theft, loss, or destruction of such identification card, a person with a disability may obtain a replacement identification card for the processing fee in accordance with § 15B-2.1.

- (2) The identification card for a person with a permanent disability shall be valid for four years, commencing from the date of issuance and expiring at the end of the month that such identification card was issued four years ago.
- (b) *Person with a disability bus pass.* There is established a bus pass fare plan for persons with disabilities. Under the plan, a person with a disability, as defined in subsection (c), with a valid person with a disability bus pass issued pursuant to this section:
- (1) Shall not be required to pay the single cash fare at any time when using the regular city bus service and city ferry system, except where a fare for a special service is charged under § 15B-2.1. To be entitled to ride a city transit bus and city ferry without payment of the single cash fare, the person with a disability shall display the valid person with a disability bus pass to the bus operator or ferry operator; and
 - (2) Shall be entitled to an unlimited number of rides on the regular city bus service and city ferry service for the duration specified on the person with a disability bus pass.
- (c) *Definition.* For the purposes of this section, a person with a disability who qualifies for the person with a disability bus pass fare plan shall include any individual who, by reason of illness, injury, advanced age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to use the city bus system and city ferry system as effectively as a person who is not so affected. The term includes physical or mental disability that clearly demonstrates that the person experiencing such disability is unable, without difficulty or assistance, to use the city bus system and the city ferry system.
- A person with a disability shall also be deemed to include a person with any incapacity or disability that results in the inability of a person to perform one or more of the following functions necessary for the effective use of the city bus system's facilities or the city ferry system's facilities without significant difficulty:
- (1) Negotiating a flight of stairs, escalator, or ramp;
 - (2) Boarding or alighting from a city transit bus or city ferry;
 - (3) Reading informational signs; or
 - (4) Walking more than 200 feet.
- (d) *Supporting evidence of disability.* Applicants for a person with a disability identification card or a person with a disability bus pass shall be required to submit proof of such disability by a health care professional or any governmental agency involved in a physical or mental disability program and recognized by the department.
- (e) *Issuance of bus passes.* Any person with supporting evidence of disability pursuant to subsection (d) and who applies for a person with a disability bus pass from the department shall be issued the person with a disability bus pass upon the appropriate payment in accordance with § 15B-2.1.

(f) *Effective date.*

- (1) *Permanent disability.* The person with a permanent disability bus pass shall be effective for the duration specified on the pass. It may be renewed thereafter upon the expiration of the prior term upon appropriate payment as provided in § 15B-2.1.
- (2) *Temporary disability.* A person with a temporary disability bus pass may be issued for a period of either two years, commencing from the date of issuance and expiring at the end of the month that such bus pass was issued two years ago, or the duration specified by a health care professional, whichever is less, to a person whose disabling condition is temporary and who submits supporting evidence of disability in accordance with subsection (d). Such person with a temporary disability bus pass shall be issued for a fare that may be calculated on a monthly pro-rata basis. Such bus pass may be renewed, if warranted, for any additional period equal to the expected duration of a person's disabling condition and the fare calculated on a monthly pro-rata basis, provided the person requesting the renewal demonstrates at each renewal date that the person's mental or physical condition warrants continued status as a person with a temporary disability, as defined in this section, and upon payment of the processing fee in accordance with § 15B-2.1.

- (g) *Person with a disability bus pass renewal.* An application for a renewal of a bus pass issued to a person with a permanent disability under subsection (f)(1) may be made up to 60 days before the date of expiration. An application for a renewal of a bus pass issued to a person with a temporary disability under subsection (f)(2) may be made up to 30 days before the date of expiration.
- (h) *Person with a disability bus pass recall.* Bus passes issued for periods in excess of one month may be recalled from time to time at the discretion of the department for recertification or statistical purposes. The department may extend the effective date of the person with a disability bus pass when the person with a disability bus pass is recalled for recertification or statistical purposes to reduce large fluctuations in bus pass renewals in future years.

Person with a disability bus passes issued after a recall may have physical characteristics different from those issued before the recall.

- (i) *Person with a disability bus pass forfeiture.* Any person holding a bus pass issued under this section shall relinquish such bus pass if such person is issued a paratransit eligibility identification card under § 15B-4.3.
- (j) *Appeal.* A person denied a bus pass under this section or a paratransit eligibility identification card under § 15B-4.3 shall receive a notice in writing stating the reasons for denial. Within 30 days of receipt of such notice or such additional time as may be permitted by the director, such person may appeal the decision to the director or a hearings officer appointed by the director. The appeal shall be effected by filling out the notice of appeal in a form prescribed by the department and filing the same with the department.
- (k) *Hearing.* Within 20 working days from the date of mailing or personal service of such notice of appeal, the director or the appointed hearings officer shall schedule a hearing at which the appellant shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any facts showing the reason why the denial was in error.

The director or the appointed hearings officer may affirm, reverse or modify the decision under appeal based upon findings of facts that justify the decision. The decision shall be the final decision of the city.

The notice and hearing requirements shall conform to HRS Chapter 91.

All findings of fact, conclusions of law, and decisions and orders of the director or the appointed hearings officer shall be in written form, kept on file, and open to public inspection.

(l) *Rules.* The department may adopt rules in accordance with HRS Chapter 91 to implement this section. (Sec. 28-2.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 13, Art. 2, § 13-2.2) (Am. Ords. 91-27, 91-70, 93-56, 93-89, 95-22, 97-02, 01-20, 03-27, 07-13, 08-20)

§ 15B-2.3 Senior citizens.

- (a) *Single fare.* A senior citizen shall pay a single cash fare in accordance with § 15B-2.1 to ride a city transit bus and city ferry upon display to the bus operator or ferry operator, or both, of a valid senior citizen identification card issued to that person by the department, except when a fare for a special service is charged under § 15B-2.1. Any senior citizen who applies for a senior citizen identification card with the department shall be issued the same upon provision of acceptable supporting evidence of age and payment of a processing fee in accordance with § 15B-2.1. The card shall be valid for four years, commencing from the date of issuance and expiring at the end of the month that such identification card was issued four years ago. It may be renewed thereafter upon payment of the processing fee in accordance with § 15B-2.1. In the event of theft, loss, or destruction of such identification card, a senior citizen may obtain a replacement identification card for a processing fee in accordance with § 15B-2.1.
- (b) *Senior citizen bus pass.* There is established a senior citizen bus pass fare plan. Under the plan, a senior citizen with a valid bus pass issued pursuant to this section:
 - (1) Shall not be required to pay the single cash fare at any time when using the regular city transit bus service or city ferry service, or both, except when a fare for a special service is charged under § 15B-2.1. To be entitled to ride a city transit bus or city ferry, or both, without payment of the single cash fare, the senior citizen shall display the valid senior citizen bus pass to the bus operator; and
 - (2) Shall be entitled to an unlimited number of rides on the regular city transit bus service or city ferry service, or both, for the duration specified on the senior citizen bus pass.
- (c) *Issuance and effective date.* Upon application, showing of a valid identification card issued to that person pursuant to subsection (a), and payment of the designated bus fare in accordance with § 15B-2.1, the department shall issue a senior citizen bus pass for the duration specified on the senior citizen bus pass.

If, not more than 60 days before the expiration of the validity of a senior citizen bus pass, the senior citizen applies for and is issued a new senior citizen bus pass, the date of issuance is the 1st day following the expiration of the prior senior citizen bus pass. The term of validity of the new senior citizen bus pass shall commence from that date.
- (d) *Expired senior citizen bus pass.* The department may:
 - (1) Require a senior citizen with an expired senior citizen bus pass to return the senior citizen bus pass to the department; and

- (2) Authorize any officer or employee of the city, transit management services contractor, or ferry management services contractor to confiscate a senior citizen bus pass, the validity of which has expired, when the bus pass is displayed by the holder to the officer or employee.
- (e) *Senior citizen bus pass forfeiture.* A senior citizen shall relinquish the senior citizen bus pass to the department upon receiving a paratransit eligibility identification card under § 15B-4.3.
- (f) *Senior citizen bus pass recall.* Senior citizen bus passes may be recalled from time to time at the discretion of the department for recertification or statistical purposes. The department may extend the effective date of the senior citizen bus pass when the senior citizen bus pass is recalled for recertification or statistical purposes to reduce large fluctuations in senior citizen bus pass renewals in future years.

Senior citizen bus passes issued after a recall may have physical characteristics different from those issued before the recall.

- (g) *Rules.* The department may adopt rules in accordance with HRS Chapter 91 to implement this section. (Sec. 28-2.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 2, § 13-2.3) (Am. Ords. 91-27, 91-70, 93-56, 95-22, 96-30, 96-58, 97-02, 01-20, 03-27, 07-13, 08-20)

§ 15B-2.4 Baggage.

Baggage that can be stored under a passenger's seat or on a passenger's lap, that will not protrude to another seat or otherwise interfere with other passengers, will be admitted at no charge. Baggage that will not be admitted on board shall include any large, bulky, dangerous, or offensive article that may cause harm or discomfort to any passenger. No baggage may be stored in the aisle or on the seats.

(Sec. 28 2.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 2, § 13-2.4)

§ 15B-2.5 Special instructions.

To board a city transit bus, a passenger shall deposit the exact fare in cash into the fare box of the bus; provided that a passenger may overpay the fare, but shall not receive any change if doing so. If the department establishes a bus token, coupon, or approved card program, a passenger may substitute the appropriate token, coupon, or approved card for cash to pay the fare.

To board a city ferry, a passenger shall deposit the exact fare in cash into the fare box of the ferry; provided that a passenger may overpay the fare, but shall not receive any change if doing so. If the department establishes a bus token, coupon, or approved card program, a passenger may substitute the appropriate token, coupon, or approved card for cash to pay the fare.

(Sec. 28-2.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 2, § 13-2.5) (Am. Ords. 91-27, 91-70, 93-56, 95-22, 97-02, 03-27, 07-13, 08-20)

§ 15B-2.6 Suspension of fares for promotional and demonstration purposes.

- (a) The council shall have the authority to suspend, by resolution passed on one reading, any one or more of the following: the fare structure or any part thereof in § 15B-2.1, § 15B-4.5, the supplemental bus service, or the supplemental special transit service for:
 - (1) Promotional purposes for a period not exceeding one week; provided that any such suspension of the fare structure or fare, or both, shall not decrease the total average monthly fare collection of the city bus system, the city ferry system, or the special transit service, as appropriate, when full fares are collected, by more than 5 percent; and provided further, that such suspension shall be for the purposes of promoting any one or more of the following: the public ridership of the city bus system or the city ferry system or ridership of the city's special transit service by eligible persons;

If a private organization requests, pursuant to this subdivision, that the department suspend any one or more of the following: bus fares or ferry fares or the special transit fare to promote any one or more of the following: the city's transit bus or city ferry or special transit service as part of that organization's function or event, the organization shall submit a request in writing to the department for the suspension of the fares. In its written request, the organization shall:

- (A) Provide proof that it is a nonprofit organization exempt or qualified for an exemption from federal income tax under § 501(c)(3) of the United States Internal Revenue Code;
 - (B) Submit a current audited financial statement of its organization and, if the organization was required to file a federal income tax return for that year, to submit its federal income tax return for the year before the submittal of the request;
 - (C) Submit a statement describing the scope of its events and activities, and copies of all of the required approvals and permits that the organization must obtain to hold the function or event;
 - (D) Demonstrate the community benefits the city will gain from the promotion; and
 - (E) Demonstrate that a minimum of 30,000 persons will participate over a 24-hour period in the events and activities related to the organization's function or event;
- (2) Demonstration projects for a period not exceeding 180 days; provided that such suspension of any one or more of the following: the fare structure, the special transit service fares, the supplemental bus service fares, or the supplemental special transit service fares shall be for the purpose of demonstrating the need for bus services, ferry services, or special transit service, the economic viability of the demonstration projects, and operational efficiencies of the city's bus system or the city's ferry system or the city's special transit service; and provided further, that a minimum of 50 percent of the promotional, marketing, and operating cost of such demonstration project shall be funded from private sector sources other than the city. The private sector sources shall make a commitment to the city before the approval of the demonstration project that they will fund their share of the costs of the demonstration project;

Organizations that are eligible to request a demonstration project involving the suspension of fares include the department, other government agencies, private firms, business organizations, community groups, or any combination of the foregoing organizations. Organizations shall submit in writing a request to the department that a demonstration project be conducted. In its request, the organization shall demonstrate

the community benefits, such as increased mobility, stimulation of the economy, and improved convenience to any one or more of the following: bus riders, ferry riders, or special transit service riders, that will be gained as a result of the demonstration project; and

- (3) Demonstration projects for a period not exceeding 365 days to begin July 1 of the year the resolution is adopted by the council; provided that such suspension of the fare structure, the special transit service fares, the supplemental bus service fares, or the supplemental special transit fares shall be for the purpose of demonstrating the impact of bus services, ferry services, or special transit service on traffic congestion, the fiscal viability of the demonstration projects, or the impact of fare suspensions on operational efficiencies of the city's bus system, the city's ferry system, or the city's special transit service; and provided further, that the council shall adopt the resolution concurrently with final passage of the budget ordinances.
- (b) The department shall transmit to the council in writing its recommendation to approve or disapprove any proposal submitted to the department to conduct a promotional or demonstration project pursuant to this section. With its written recommendation, the department shall submit the reason or reasons for the department's recommendation.

If the department recommends approval of the promotional or demonstration project, the department shall also submit a draft council resolution providing for the suspension of the fares. Included in the draft resolution shall be the specific criteria that the department will use to evaluate the success or failure of the promotional or demonstration project. If the promotional or demonstration project involves the city bus system or the city ferry system, or both, the department shall transmit with its recommendation a map of the bus route or ferry route or routes that city buses or the city ferry, or both, will follow during the promotional or demonstration project. If the bus or the ferry route or routes to be followed during the promotional or demonstration project is or are proposed to be changed, the department shall submit to the council, at least seven days before the implementation of the new route or routes, a revised map of the new route or routes to be followed.

- (c) Within 60 days of the completion of the promotional or demonstration project, the department shall submit a report in writing to the council. In the report, the department shall at a minimum:
- (1) Discuss the community benefits, if any, gained from the project, including an estimate, where possible, of the number of new daily riders of the city bus system or city ferry system, or of new special transit service riders resulting from the project;
 - (2) Include data on the number of riders using city transit buses or city ferries, or special transit service vehicles during and as part of the promotional or demonstration project and the cost to the city of the project;
 - (3) Evaluate the overall success or failure of the project based on whether the project met the specific criteria set forth in the council resolution approving the project, which may include criteria specified by the council; and
 - (4) Make recommendations on any future actions on similar requests to conduct promotional or demonstration projects.

- (d) The private contractor providing city transit bus services, city ferry services, special transit services, supplemental bus services, or supplemental special transit services shall provide ridership data to assist the department in evaluating the success or failure of the promotional and demonstration projects approved in accordance with this section.

(Sec. 28-2.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 2, § 13-2.6) (Am. Ords. 91-27, 96-11, 97-02, 01-62, 07-13, 08-4, 08-20)

§ 15B-2.7 Nontransference of bus pass and identification card—Penalty.

- (a) Any bus pass or identification card issued under §§ 15B-2.1, 15B-2.2, 15B-2.3, 15B-4.3, or 15B-4.5 is nontransferable and shall not be used by any person other than by the person to whom it was issued. No person shall obtain or attempt to obtain a bus pass or identification card issuable under §§ 15B-2.1, 15B-2.2, 15B-2.3, 15B-4.3, or 15B-4.5 based on a false application or certification. No person shall alter a bus pass or identification card issued under §§ 15B-2.1, 15B-2.2, 15B-2.3, 15B-4.3, or 15B-4.5, unless authorized by the department. In addition to the penalty under subsection (b), any person who is issued such a bus pass or identification card based upon a false application/certification, who knowingly permits another to use the bus pass or identification card, or who alters, without authorization from the department, the person's bus pass or identification card shall be penalized by:

- (1) Suspending the person's pass or identification card for a period of one year from the date of conviction; or
- (2) If the remaining term of the bus pass or identification card is less than one year from the date of conviction:
 - (A) Suspending the bus pass or identification card for the remainder of the term; and
 - (B) Prohibiting until one year from the date of conviction the:
 - (i) Renewal or replacement of the bus pass or identification card; and
 - (ii) Issuance of a new bus pass or identification card.

- (b) The following persons shall be guilty of a misdemeanor:

- (1) Any person who uses a bus pass or identification card issued to another under §§ 15B-2.1, 15B-2.2, 15B-2.3, 15B-4.3, or 15B-4.5;
- (2) Any person to whom a bus pass or identification card has been issued under §§ 15B-2.1, 15B-2.2, 15B-2.3, 15B-4.3, or 15B-4.5, who knowingly permits another to use that bus pass or identification card;
- (3) Any person who obtains or attempts to obtain a bus pass or identification card issuable under §§ 15B-2.1, 15B-2.2, 15B-2.3, 15B-4.3, or 15B-4.5 based upon a false application or certification; or

(4) Any person who alters a bus pass or identification card issued under §§ 15B-2.1, 15B-2.2, 15B-2.3, 15B-4.3, or 15B-4.5 without authorization from the department.
(Sec. 28-2.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 2, § 13-2.7) (Am. Ords. 91-70, 97-02, 03-27, 08-20, 09-28)

§ 15B-2.8 Penalty for counterfeiting or using counterfeit tokens, coupons, or approved cards.

Any person who makes or issues any imitation or counterfeit of a bus token, coupon or approved card, or knowingly uses such a token, coupon, or approved card for bus fare or ferry fare, or both, shall be fined not more than \$2,000 or imprisoned for not more than one year, or both.
(1990 Code, Ch. 13, Art. 2, § 13-2.8) (Added by Ord. 93-56; Am. Ords. 03-27, 07-13)

§ 15B-2.9 Police officers.

Notwithstanding anything to the contrary in this article, uniformed and nonuniformed police officers of the Honolulu police department carrying proper identification, whether on duty or not, shall be allowed to use the city bus system or city ferry system, or both, without paying any fare.
(1990 Code, Ch. 13, Art. 2, § 13-2.9) (Added by Ord. 96-55; Am. Ord. 07-13)

§ 15B-2.10 Bus passes for those with extremely low incomes.

- (a) The department of transportation services shall offer a monthly bus pass program for individuals whose household incomes meet the federal department of housing and urban development guidelines for households with “extremely low income” within the city for the applicable household size. The cost of a monthly bus pass under this program shall be reduced by \$10 for the adult monthly bus pass and reduced by \$6.50 for the youth monthly bus pass.
- (b) The director of community services shall determine the eligibility of the individual for the bus pass program established under this section upon review and verification of an application to participate in the program. The application form shall be prescribed by the director of community services. To verify the information on the application, the director of community services shall require proof of age and total household income, which may include, but not be limited to, true copies of personal income tax returns, bank statements, or other financial records. The director of community services may require proof of nonreceipt of income from relief programs such as supplemental security income, welfare, and unemployment compensation, and may require such authorization from the household to enable the director to fully verify household income. The period for which a determination shall remain in effect shall be determined by the director of community services.

The applicant may refuse to provide such records, information, or authorization. However, upon such refusal, the director of community services may deny the application to participate in the bus pass program established in this section.

The director of community services shall determine whether an applicant qualifies for the bus pass program within 30 days of receipt of the application, and the director’s decision shall be final.

- (c) The department of transportation services may adopt rules in accordance with HRS Chapter 91 and having the force and effect of law to implement this section.
(1990 Code, Ch. 13, Art. 2, § 13-2.10) (Added by Ord. 03-27; Am. Ord. 09-17)

§ 15B-2.11 Student bus pass pilot program.

- (a) *Establishment.* Notwithstanding any other provision of this chapter, the department is authorized to establish a pilot program to provide bus passes for students enrolled at participating high schools to attend off-campus or after-school internships. For purposes of this section, “participating high school” means Kapolei High School or James Campbell High School; provided the principal or administrator of the high school agrees with the director to participate in the pilot program. Under the pilot program, the department shall issue student bus passes entitling the student pass holder to bus rides, valid during the school year for which the pass is issued. The program shall be open to no more than 500 students meeting the eligibility criteria set forth in this section.
- (b) *Program eligibility.* A student enrolled at a participating high school may participate in the pilot program provided the department approves the student’s completed application submitted to the department in accordance with criteria established by the department in conjunction with the principals of the participating high schools. The department shall approve only applications submitted by or on behalf of the first 500 applicants meeting the eligibility criteria of this subsection.
- (c) *Application.* Student bus pass applications may be submitted to the department by any of the following:
- (1) A parent, guardian, or other person legally responsible for a student enrolled at a participating high school on behalf of the student;
 - (2) The principal or administrator of a participating high school on behalf of all eligible students named on the application who are enrolled in the school on the date of the application; or
 - (3) A student enrolled at a participating high school; provided that:
 - (A) If the application is approved by the department, the student bus pass is only used by the student who submits the application; and
 - (B) The student who submits the application presents evidence of eligibility in accordance with this section.
- (d) *Duration.* The pilot program will commence on August 4, 2020 for the participating high schools and terminate on August 3, 2021; provided that the pilot program may be:
- (1) Modified no more than two times; or
 - (2) Extended for an additional year no more than two times,
- by the council's adoption of a resolution, following the council’s review of the department’s reports and recommendations submitted pursuant to subsection (e).

- (e) *Reports.* For each year of the pilot program, the department shall submit two reports on the program to the Council: the first, no later than February 4 of the year following the commencement of the program year; and the second, no later than 60 days following the scheduled end of the program year. Each report must include, at a minimum:
- (1) A discussion of the benefits, if any, gained from the program, including a voluntary survey of teachers whose students used the passes to access off-campus or after-school internships, including for each internship: the program type, the date, and the number of the teacher's students using the pass for the program;
 - (2) An analysis of the method of implementation of the student bus pass pilot program, the cost of the program, and the number of student bus passes issued and used during the pilot program;
 - (3) An assessment and evaluation of the overall status or success of the program, and identification of the criteria used to measure success, including but not limited to increased participation by students in off-campus and after-school internships; and
 - (4) Recommendations on whether to continue, modify, or discontinue the student bus pass pilot program.
- (Added by Ord. 20-27)

ARTICLE 3: ACTIVITIES PROHIBITED ON PUBLIC CONVEYANCES

Sections

- 15B-3.1 Activities prohibited on transit buses, on ferries, and special transit service vehicles—Authority of drivers—Violations
- 15B-3.2 Signs required
- 15B-3.3 Removal or defacing of signs
- 15B-3.4 Placing lighted objects close to combustible matter
- 15B-3.5 Penalty

§ 15B-3.1 Activities prohibited on transit buses, on ferries, and special transit service vehicles—Authority of drivers—Violations.

- (a) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

Disability. Has the same meaning as defined in 49 CFR § 37.3.

Individual with a Disability. Has the same meaning as defined in 49 CFR § 37.3.

Service Animal. Has the same meaning as defined in 49 CFR § 37.3.

Transit System. Includes the department and the entity or entities that operate the city bus system and the city ferry system and special transit service.

- (b) It shall be a violation of this section for a person, who is doing or has done any of the following activities on a city transit bus, city ferry, or special transit vehicle, to either refuse or fail to immediately cease and desist from doing any of the following activities after being requested to do so by the driver, the ferry operator, or another agent of the transit system, or any police officer, or to fail or refuse to immediately exit a city transit bus, city ferry, or special transit vehicle if requested to do so by the driver of the bus or vehicle, operator of the ferry, another agent of the transit system, or a police officer:
- (1) Consuming any form of food or beverage, or carrying or possessing any food or beverage in a container other than a container that is tightly closed, covered, or packaged so as to minimize the possibility of accidental spillage when the container is shaken or dropped; provided that nothing contained in this subdivision shall be construed as prohibiting the carrying or possession of groceries in a suitable bag or other container;
 - (2) Using or playing any electronic device, musical instrument, or other sound-producing or sound-emitting device:

- (A) Unless the device is connected to a headphone or earphone that limits the sound produced or emitted to the individual user; or
- (B) In the case of a telephone, cell phone, pager, or other two-way communication device, unless it is placed on “silent” or “vibrate” mode that prevents the sound produced or emitted from being audible to other passengers.

Nothing contained in this subdivision shall be construed as prohibiting the driver of the bus or vehicle or the operator of the ferry from using or playing such devices for official business, or as prohibiting passengers from using telephones and pagers for communication purposes; provided they are used in accordance with subdivision (b)(2)(A) and (B). As used in this subdivision, “electronic device” includes but is not limited to televisions, radios, recording devices, portable stereos, electronic games, telephones, cell phones, walkie-talkies, and pagers.

- (3) Carrying or possessing any live animals, except a service animal properly harnessed and accompanied by the individual with a disability owning the service animal or to whom the service animal has been furnished, and except for small animals properly kept in enclosed containers; provided that nothing contained in this subdivision shall be construed as prohibiting a police officer from carrying or possessing an animal used for law enforcement purposes;
- (4) Discarding, disposing of, placing, throwing, or dropping any litter, as defined in HRS § 339-1, in or from the bus, vehicle, or ferry, except into receptacles designated for that purpose;
- (5) Failing or refusing to vacate seats designated as priority seating for elderly or disabled passengers or the fold-down or other movable seat area designated for wheelchair securement, when requested to do so by the driver, the ferry operator or any other agent of the transit system, or a police officer; provided that nothing contained in this subdivision shall be construed as requiring other elderly or disabled passengers to vacate seats designated as priority seating for elderly or disabled passengers; and provided further that nothing contained in this subdivision shall be construed as requiring the driver or the ferry operator or other agent of the transit system to enforce a request that other passengers move from the priority seating area or wheelchair securement area;
- (6) Carrying or possessing any flammable, combustible, explosive, corrosive, or highly toxic liquid, or other substance, article, or material that is likely to cause harm to others or to emit any foul or noxious dust, mist, fume, gas, vapor, or odor; provided that nothing contained in this subdivision shall be construed as prohibiting a person from carrying or possessing any match or any cigar, cigarette, or pipe lighter, which is not lighted or smoldering;
- (7) Spitting, expectorating, urinating, or defecating in, on, or from the bus, vehicle, or ferry; provided that nothing contained in this subdivision shall be construed as applying to any person who cannot comply with this subdivision as a result of a disability, age, or a medical condition;
- (8) Obstructing, impeding, hindering, interfering with or otherwise disrupting the safe and efficient operation of the bus, vehicle, or ferry, or any driver or ferry operator or other agent of the transit system in the performance of that individual’s official duties;
- (9) Boarding the bus through the rear exit door, unless directed to do so by the driver, any other agent of the transit system, or a police officer; or

(10) When boarding a bus or ferry or special transit vehicle:

- (A) Knowingly failing or refusing to pay the applicable fare for transportation on the bus, vehicle, or ferry in cash or, if available, through the use of tokens, coupons, or approved cards in the required manner; or
- (B) Presenting a pass, transfer, badge, or other fare medium for transportation on such bus, ferry, or special transit vehicle, when the person presenting such fare medium knows it has not been provided, authorized, or sold by or for the transit system, or knows that the pass, transfer, badge, or other fare medium is not valid for the place, time, and manner in which it is presented, or knows that presentation of the pass, transfer, badge, or other fare medium violates a restriction on the transfer or use of such fare medium imposed by city ordinances or rules.

(c) The driver of any city transit bus or operator of any city ferry or special transit service vehicle or any other agent of the transit system or any police officer may refuse to allow any person to board the bus or vehicle or ferry:

- (1) When the person appears to be intoxicated from liquor or drugs;
- (2) When the person is engaged in activities that, if such activities occurred in the bus, vehicle, or ferry, would violate subsection (b) if conducted in violation of the request of the driver, agent, or police officer;
- (3) When the person is engaged in activities that, if such activities occurred in the bus, vehicle, or ferry, would violate any other law or ordinance;
- (4) When it appears that the person intends to engage in any of the activities referred to in subdivision (2) or (3) in the bus, vehicle, or ferry; or
- (5) When the person is a child who is not accompanied by a fare-paying passenger, a city employee, or an employee of the transit management services contractor or ferry management services contractor.

In addition, the driver of any city transit bus, operator of any city ferry or special transit service vehicle, or any other agent of the transit system may refuse to transport any such person who has already boarded the bus, vehicle, or ferry, and the driver, operator, agent or any police officer may cause such person to be ejected from the bus, vehicle, or ferry. It shall be a violation of this section for a person to board a city transit bus, city ferry, or special transit service vehicle after being requested not to do so by the driver, operator, another agent of the transit system, or police officer for the reasons specified in this subsection, or for a person to refuse or fail to immediately exit a city transit bus, city ferry, or special transit vehicle when requested by the driver, operator, another agent of the transit system, or police officer to do so for any of the reasons specified in this subsection.

(Sec. 28-3.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 3, § 13-3.1) (Am. Ords. 91-27, 96-67, 97-02, 03-27, 06-52, 07-13, 08-20)

§ 15B-3.2 Signs required.

The department shall require the conspicuous display within each city transit bus, city ferry, and special transit service vehicle of a sign clearly setting forth all of the prohibitions of § 15B-3.1.

(Sec. 28-3.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 3, § 13-3.2) (Am. Ords. 91-27, 97-02, 07-13, 08-20)

§ 15B-3.3 Removal or defacing of signs.

No person shall remove or deface signs required to be erected by or under the authority of this article. (Sec. 28-3.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 3, § 13-3.3)

§ 15B-3.4 Placing lighted objects close to combustible matter.

No person shall throw or place hot burning substances or objects, such as cigars, cigarettes, or the contents of a burning pipe in, upon, or in close proximity to any object or structure in a city transit bus, city ferry, or special transit service vehicle that is combustible or liable to damage by heat, fire, or explosion. (Sec. 28-3.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 3, § 13-3.4) (Am. Ords. 91-27, 07-13)

§ 15B-3.5 Penalty.

- (a) Any person violating § 15B-3.1(b)(1), (b)(2), (b)(3), (b)(4), or (b)(5) or aiding, abetting, or assisting in any manner another person in violating any of such provisions shall, upon conviction thereof, be fined in an amount not exceeding \$100 or be imprisoned for a period not exceeding 10 days or be both so fined and imprisoned.
- (b) Any person violating § 15B-3.1(b)(6), (b)(7), (b)(8), (b)(9), or (b)(10), 15B-3.1(c), 15B-3.3, or 15B-3.4, or aiding, abetting, or assisting in any manner another person to violate any of such provisions shall, upon conviction thereof, be fined in an amount not exceeding \$500 or be imprisoned for a period not exceeding six months or be both so fined and imprisoned.
- (c) Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this section.
- (d) Any authorized police officer, upon arresting a person for a violation of this article, shall take the name and address of the alleged violator and shall issue thereto in writing a summons or citation hereinafter described, notifying such person to answer to the complaint to be entered against such person at a place and at a time provided in the summons or citation, except that the officer may make a physical arrest in instances when:
 - (1) The alleged violator refuses to provide the officer with such person's name and address or any proof thereof as may be reasonably available to the alleged violator;
 - (2) The alleged violator fails or refuses to immediately cease and desist from such person's prohibited activity or to immediately exit the city transit bus, city ferry, or special transit service vehicle, as determined by the driver of the bus or vehicle, operator of the ferry, other agent of the transit system, or a police officer if the officer is on the ferry or vehicle, after the alleged violator is issued a summons or citation; or
 - (3) The alleged violator has previously been issued a summons or citation for a substantially similar offense within a one-year period.
- (e) There shall be provided for use by police officers a form of summons or citation for use in citing violators of this article where the circumstances do not mandate the physical arrest of such violators. The form of the summons or citation shall be commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and

rules of the State and the city. The form and content of such summons or citation shall be adopted or prescribed by the administrative judge of the district court; provided that the administrative judge may approve the use of a form of summons or citation previously adopted or prescribed for other offenses and such approval shall be deemed to meet the requirements of this subsection. In every case where a citation is issued, the original of the same shall be given to the alleged violator; provided that the administrative judge of the district court may prescribe that the alleged violator be given a carbon copy of the citation and provide for the disposition of the original and any other copies. Every citation shall be consecutively numbered, and each carbon copy shall bear the same number as its original.

- (f) This article is in addition to and shall in no way limit the provisions of any other federal, State, or city law, ordinance, or rule.

(Sec. 28-3.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 3, § 13-3.5) (Am. Ords. 96-67, 07-13)

Honolulu - Traffic and Vehicles

ARTICLE 4: SPECIAL TRANSIT SERVICE

Sections

15B-4.1	Authorization
15B-4.2	Eligibility
15B-4.3	Access
15B-4.4	Appeal
15B-4.5	Fare
15B-4.6	Service
15B-4.7	Evaluation board

§ 15B-4.1 Authorization.

The department shall provide a special transit service and establish policies and guidelines for its operation. The policies and guidelines must conform to the short range transit plan and any update. The department may contract the private, nonprofit corporation established under Article 8 to manage, operate, and maintain the special transit service on behalf of the city.

(Sec. 28-4.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 4, § 13-4.1) (Am. Ords. 91-27, 96-30, 97-02, 08-20, 14-24, 17-52)

§ 15B-4.2 Eligibility.

- (a) Any person desiring a certification to use the special transit service shall first file an application on forms furnished by the department, or by any entity authorized by the department. The application may include a certification by the applicant's health care professional that the applicant has a physical or mental disability that precludes the applicant from using the city bus system.
- (b) An applicant must be certified to be paratransit eligible according to the Americans with Disabilities Act of 1990 (ADA); 49 CFR Part 37, Subpart F; § 37.123 to use the special transit service. Such certification must be made by either the department or by any entity it so authorizes. The applicant shall participate in an in-person ADA paratransit eligibility assessment as required by the department or the authorized entity.
- (c) Persons accompanying an ADA paratransit eligible individual must be registered in advance with the transit management services contractor and must be provided service as follows.
 - (1) One other person in addition to the personal care attendant accompanying the ADA paratransit eligible individual may be provided service if the ADA paratransit eligible individual is traveling with a personal care attendant.

- (2) A family member or friend will be regarded as a person accompanying the ADA paratransit eligible individual, unless the family member or friend is acting in the capacity of a personal care attendant.
 - (3) Additional persons accompanying the ADA paratransit eligible individual must be provided service; provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional persons will not result in a denial of service to ADA paratransit eligible persons.
 - (4) To be considered as “accompanying” the eligible person for purposes of this subsection, the other persons must have the same origin and destination as the ADA paratransit eligible individual.
- (Sec. 28-4.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 4, § 13-4.2) (Am. Ords. 91-27, 93-90, 97-02, 08-20, 17-52)

§ 15B-4.3 Access.

- (a) Each certified passenger shall be issued a paratransit eligibility identification card, without charge, specifically endorsed for the special transit service by the department or its designated representative.
- (b) Such paratransit eligibility identification card shall be shown at boarding to the operator and each certified passenger shall pay the fare established in § 15B-4.5 of this article. Nonpayment of a fare shall result in boarding being denied.
- (c) The paratransit eligibility identification card shall be effective for four years from the approval of the application for eligibility. It may be renewed thereafter upon the expiration of the prior term; provided the person requesting such renewal demonstrates at each renewal date that such applicant’s mental or physical condition warrants continued status as ADA paratransit eligible as certified in § 15B-4.2.
- (d) A paratransit eligibility identification card effective for less than four years may be issued to a person with a disability whose disabling condition, that prevents the applicant from using the city bus system, is not expected to remain for four years. Such paratransit eligibility identification card shall be effective for any appropriate period equal to the expected duration of the person’s disabling condition. Should a person’s inability to use the city bus system continue beyond the temporary period, the person must reapply.
- (e) An application for renewal of a paratransit eligibility identification card may be made up to 60 days before the date of expiration.
- (f) A paratransit eligibility identification card may be recalled from time to time at the discretion of the department for recertification or statistical purpose. The department may extend the effective date of the paratransit eligibility identification card when the paratransit eligibility identification card is recalled for recertification or statistical purpose to reduce large fluctuations in paratransit eligibility identification card renewals in future years.

Paratransit eligibility identification cards issued after a recall may have physical characteristics different from those issued before the recall.

- (g) Any person holding a paratransit eligibility identification card issued under this section shall relinquish such paratransit eligibility identification card if issued a person with a disability identification card or senior citizen identification card under § 15B-2.2 or 15B-2.3.

(Sec. 28-4.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 4, § 13-4.3) (Am. Ords. 91-27, 91-70, 93-90, 97-02, 08-20)

§ 15B-4.4 Appeal.

Any person denied a paratransit eligibility identification card may appeal under the procedures established in § 15B-2.2(j) and (k).

(Sec. 28-4.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 4, § 13-4.4) (Am. Ords. 91-70, 08-20)

§ 15B-4.5 Fare.

- (a) *Definitions.* For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

ADA Complementary Paratransit Service Standards. Regulatory requirements for the special transit service imposed by the federal government pursuant to 49 CFR Subtitle A, § 37.131.

Agency-Sponsored Fare. A fare for a one-way passenger trip on the special transit service paid for in whole or in part by a qualified human service organization, as defined in this section.

Agency Trip. A one-way passenger trip taken by a paratransit eligible individual to the site of a program administered by a qualified human service organization, as defined in this section, for trips guaranteed to the organization.

Core Service Area. The corridor extending a width of .75 of a mile on each side of a fixed route. The corridor includes the area within a .75 of a mile radius of either terminus of a fixed route. The corridor also includes an area of not more than 1 square mile that does not fall within a corridor, but is entirely surrounded by corridors.

Qualified Human Service Organization. An organization that serves persons who qualify for human service or transportation-related programs or services due to disability, income, or advanced age and whose services to such persons include the purchase of agency-sponsored fares, and receives funding, directly or indirectly from the programs listed in Appendix A of 49 CFR Part 604.

- (b) *Single fare.*

- (1) Any person issued a paratransit eligibility identification card under § 15B-4.3 and any person accompanying the ADA paratransit eligible individual shall pay a fare of \$2 per person per one-way passenger trip or a fare allowed by the ADA, except as provided in § 15B-2.6. Revenues from the fare will be deposited into the transportation fund.

- (2) Any person to whom a current paratransit eligibility identification card has been issued under § 15B-4.3 shall pay a single cash fare in accordance with § 15B-2.1 to ride a city transit bus or city ferry service upon display to the bus operator of the card; except when a fare for special services is charged under § 15B-2.1.
- (c) *Fares for services that exceed ADA complementary paratransit service standards.*
- (1) The department may charge a premium fee in addition to the single fare for a one-way passenger trip on the special transit service for services that exceed ADA complementary paratransit service standards, including but not limited to the following:
 - (A) Same-day one-way passenger trip reservations by paratransit eligible individuals;
 - (B) Passenger trip reservations by paratransit eligible individuals to or from locations outside the core service area for the special transit service; and
 - (C) Passenger trip reservations by paratransit eligible individuals outside the hours and days of fixed route service regularly provided by TheBus.
 - (2) The department may negotiate with a qualified human service organization and charge a fare higher than the single fare for agency-sponsored fares and agency trips, provided that the fare charged cannot exceed applicable rules set by the Centers for Medicare and Medicaid for paratransit services.
- (d) *Paratransit eligible individual bus pass.* There is established a paratransit eligible individual bus pass fare plan. Under the plan, a person with a valid bus pass issued pursuant to this section:
- (1) Is not required to pay the single cash fare at any time when using the city transit bus service or city ferry service, or both, except when a fare for a special service is charged under § 15B-2.1. To be entitled to ride a city transit bus or city ferry, or both, without payment of the single cash fare, the paratransit eligible individual shall display the valid paratransit eligible individual bus pass to the bus operator; and
 - (2) Is entitled to an unlimited number of rides on the city transit bus service or city ferry service, or both, for the duration specified on the paratransit eligible individual bus pass.
- (e) *Issuance and effective date of bus passes.* Any person issued a valid paratransit eligibility identification card under § 15B-4.3 and who applies for a paratransit eligible individual bus pass from the department will be issued the paratransit eligible individual bus pass upon making the appropriate payment in accordance with § 15B-2.1, for the duration specified on the bus pass.
- (f) A personal care attendant shall pay no fare at any time when accompanying an ADA paratransit eligible individual and performing services as the individual's personal care attendant.
- (g) Employees of the transit management services contractor or the ferry management services contractor who have been certified as ADA paratransit eligible pursuant to § 15B-4.2 may use the special transit service without being charged a cash fare by displaying their employee identification card and their paratransit eligibility identification card.
- (Sec. 28-4.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 4, § 13-4.5) (Am. Ords. 91-27, 91-70, 93-90, 95-22, 97-02, 01-20, 01-62, 03-27, 07-13, 08-20, 09-28, 17-52, 20-19)

§ 15B-4.6 Service.

Until such time as the special transit service is adequate to serve all eligible persons, service shall be supplied on a space available basis. The department shall provide such service by either advance reservation, subscription, call response, or combination thereof as will most effectively meet the needs of ADA paratransit eligible persons.

The department may adopt rules in accordance with HRS Chapter 91 to implement this section.
(Sec. 28-4.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 4, § 13-4.6) (Am. Ords. 91-27, 93-90, 97-02, 08-20)

§ 15B-4.7 Evaluation board.

The director may appoint an advisory committee pursuant to Charter § 4-103 to serve as an evaluation board. The committee shall be comprised of 15 to 20 persons who are sympathetic with the concern of special transit service for persons with disabilities. Their function shall be limited to counsel and advice in the form of at least a regular semiannual evaluation of the special transit service to determine the adequacy of service and to submit any recommendations for its improvement to the department.

(Sec. 28-4.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 13, Art. 4, § 13-4.7) (Am. Ords. 91-27, 91-70, 93-90, 97-02, 08-20)

Honolulu - Traffic and Vehicles

ARTICLE 5: TAXICAB SUBSIDIES

Sections

- 15B-5.1 Authorization
- 15B-5.2 Eligibility
- 15B-5.3 Rules

§ 15B-5.1 Authorization.

The department may establish a taxicab subsidy program as a transportation alternative for riders certified to use the special transit service established under Article 4.

(1990 Code, Ch. 13, Art. 5, § 13-5.1) (Added by Ord. 17-52)

§ 15B-5.2 Eligibility.

- (a) Taxicab subsidies authorized under this article may only be issued to and used by persons certified to use the special transit service established under Article 4.
- (b) Persons certified to use the special transit service established under Article 4 may use subsidies issued under this article to pay for all or a portion of the cost of trips taken on taxicabs, as defined and regulated pursuant to Chapter 35A, Article 1, for their daily transportation needs.
- (c) Trips taken by persons using taxicab subsidies issued through the program established under this article will be separate from the special transit service established under Article 4.

(1990 Code, Ch. 13, Art. 5, § 13-5.2) (Added by Ord. 17-52)

§ 15B-5.3 Rules.

- (a) The department may adopt rules under this article in accordance with HRS Chapter 91 to implement the program.
- (b) Before the adoption of rules, the department may initiate a pilot program to evaluate the effectiveness of taxicab subsidies as a transportation alternative for persons certified to use the special transit service established under Article 4.

(1990 Code, Ch. 13, Art. 5, § 13-5.3) (Added by Ord. 17-52)

Honolulu - Traffic and Vehicles

ARTICLE 6: CITY BUS SYSTEM

Sections

- 15B-6.1 City bus system
- 15B-6.2 Contracts for management, operation, and maintenance of city bus system
- 15B-6.3 Operating revenues
- 15B-6.4 Advertising inside city transit buses
- 15B-6.5 Advertising on exterior of city transit buses
- 15B-6.6 Advertising on city bus passes
- 15B-6.7 Logo of city bus system
- 15B-6.8 Zero emissions buses

§ 15B-6.1 City bus system.

- (a) The department shall be responsible for the operation and maintenance of the city bus system:
 - (1) In accordance with the Charter, this chapter, and other applicable ordinances; and
 - (2) Within the limits of available council appropriations and:
 - (A) In the most efficient and effective manner; and
 - (B) In accordance with sound management practices.
- (b) Subject to council appropriations, the department shall establish the routes, schedules, and levels of service of the city bus system. The routes, schedules, and levels of service shall be in conformance with the short range transit plan and any update.
- (c) Fares for passengers of the city bus system shall be as established under Article 2. The department shall not:
 - (1) Charge a single cash fare, monthly bus pass fare or bus token, coupon, or approved card fare that differs from that established or permitted under Article 2;
 - (2) Charge a fare when Article 2 exempts a passenger from payment of a fare; or
 - (3) Charge a fee for the issuance of a bus pass, unless expressly authorized under Article 2.
- (d) The department shall have the power to establish or designate park and ride facilities to be served by the city bus system. Park and ride facilities established or designated by the department shall be:
 - (1) In conformance with the short range transit plan and any update; and

- (2) In compliance with development plan and zoning ordinances and maps, the building code and fire code, and other applicable laws or ordinances concerning land use, planning, and building construction.

Park and ride facilities “established” by the department mean facilities under the management of the department.

Park and ride facilities “designated” by the department mean those which, although served by the city bus system, are not under the management of the department.

(1990 Code, Ch. 13, Art. 6, § 13-6.1) (Added by Ord. 91-27; Am. Ords. 93-56, 96-58, 97-02, 03-27, 08-20)

§ 15B-6.2 Contracts for management, operation, and maintenance of city bus system.

- (a) The department shall contract with the private, nonprofit corporation established under Article 8 to manage, operate, and maintain the city bus system, and may contract with the private, nonprofit corporation established under Article 8 to manage, operate, and maintain the city special transit service on behalf of the city.
- (b) The department may contract with private entities, including the private, nonprofit corporation established under Article 8, to manage, operate, and maintain the supplemental bus service on behalf of the city.

(1990 Code, Ch. 13, Art. 6, § 13-6.2) (Added by Ord. 91-27; Am. Ords. 96-30, 97-02, 08-20, 17-52)

§ 15B-6.3 Operating revenues.

- (a) All operating revenues derived from the city bus system shall be public funds. “Operating revenues derived from the city bus system” include revenues from:
 - (1) Cash fares;
 - (2) Bus pass sales;
 - (3) Transit voucher sales;
 - (4) Sales of bus tokens, coupons, or approved cards;
 - (5) Contracts authorizing the use of the city bus system logo as provided in § 15B-6.7;
 - (6) Advertising spaces in city transit buses or on bus passes; and
 - (7) Rental or lease of or concessions on real property managed by the department or transit management services contractor and used for the city bus system.

- (b) Operating revenues derived from the city bus system shall be deposited into the transportation fund.
- (1990 Code, Ch. 13, Art. 6, § 13-6.6) (Added by Ord. 91-27; Am. Ords. 93-22, 93-56, 93-87, 97-02, 03-27, 08-20, 20-19)

§ 15B-6.4 Advertising inside city transit buses.

- (a) The department, through the department of budget and fiscal services, may rent or let advertising spaces inside city transit buses; provided that the following types of advertising shall not be accepted:
 - (1) Advertising that bears the name, signature, picture, or likeness of any elected federal, State, or city official or of any candidate for federal, State, or city elective office;
 - (2) Advertising that, by reason of design, format, or subject matter, promotes or appeals to racial, religious, or ethnic prejudice or violence;
 - (3) Advertising that contains pictures, words, or symbols of an obscene, lewd, lascivious, or indecent character;
 - (4) Advertising that promotes any illegal, indecent, or immoral purpose; and
 - (5) Advertising of any product or service that is prohibited by law to be sold or offered for sale to minors or an age-based subgroup of minors.
- (b) Six standard advertising spaces inside each city transit bus shall be made available for announcements of a public service, civic, or charitable nature. Three of the spaces shall be made available free of charge to organizations exempt from federal income taxation under § 501(c)(3) of the federal Internal Revenue Code.

A tax-exempt organization shall not be denied the use of advertising space in a city transit bus solely because the announcement or advertisement refers to the location of an event sponsored by the tax-exempt organization, even if the location of the event is not owned or operated by a tax exempt organization.

For the purposes of this subsection, “standard advertising space” means a space 11 inches wide and 28 inches long.

- (c) The department shall set the rates for the renting or letting of advertising spaces. Rates shall be set by rules adopted in accordance with HRS Chapter 91.
(1990 Code, Ch. 13, Art. 6, § 13-6.9) (Added by Ord. 91-27; Am. Ords. 97-02, 08-20)

§ 15B-6.5 Advertising on exterior of city transit buses.

- (a) Except as otherwise provided under subsection (b), no advertising shall be allowed on the exterior of a city transit bus.
- (b) Any word, phrase, or logo identifying the city, department, transportation services contractor, or trade name of the city bus system may be placed on the exterior of a city transit bus.
- (c) Any letter, word, phrase, or number on the exterior of a city transit bus that identifies the route, origin, destination, or fleet inventory designation of the bus is not advertising prohibited under this section.
(1990 Code, Ch. 13, Art. 6, § 13-6.10) (Added by Ord. 91-27; Am. Ords. 96-30, 97-02, 08-20)

§ 15B-6.6 Advertising on city bus passes.

- (a) The department, through the department of budget and fiscal services, may allow advertisements on bus passes issued under the city bus system fare structure.
- (b) The types of advertising that are not permitted on the inside of city bus transit buses are not permitted on city bus passes.
- (c) The department may offer discounted advertising rates to businesses within a 0.5-mile radius of a bus or rail route.
- (d) The department shall adopt rules pursuant to HRS Chapter 91 for the administration and implementation of this section, including establishing the rates for the advertising space on city bus passes.
(1990 Code, Ch. 13, Art. 6, § 13-6.11) (Added by Ord. 93-69; Am. Ords. 97-02, 08-20, 17-1)

§ 15B-6.7 Logo of city bus system.

- (a) The department may adopt an official logo for the city bus system. The logo may be used for official business purposes and revenue-raising activities authorized by the department. The logo may be the same as that previously adopted for the city bus system.
- (b) If necessary, the department shall copyright the adopted bus system logo under federal law and register its copyrighted ownership. The department may request the department of budget and fiscal services to enter into contracts with private parties for the manufacture, reproduction, distribution, and sale of articles imprinted with the bus system logo to raise revenues for the city bus system. A copy of each contract relating to the use of the bus system logo shall be sent to the city clerk within 30 days of execution of the contract.
- (c) Any person who manufactures, reproduces, distributes, or sells any article imprinted with the bus system logo without the express written approval of the department shall be guilty of a misdemeanor.
(1990 Code, Ch. 13, Art. 6, § 13-6.12) (Added by Ord. 97-02; Am. Ord. 08-20)

§ 15B-6.8 Zero emissions buses.

- (a) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

Bus Stop. Any place where the director has directed the placement of a bus stop sign designating a location where the city's transit bus service stops to service passengers. Such sign may include route numbers and regulatory and other information.

Multi-Modal Transit Center. Any bus transit center along the route of the Honolulu High-Capacity Transit Corridor Project.

Pollutant. Hydrocarbons, carbon monoxide, nitrogen oxides, and lead.

Zero Emissions Bus. A bus that produces zero exhaust emissions of any pollutant and includes electric battery powered buses and hydrogen-fuel cell powered buses.

- (b) The director shall consider using zero emissions buses to service routes with at least one bus stop at or within 100 yards of a Honolulu High-Capacity Transit Corridor Project rail station or a multi-modal transit center.
(Added by Ord. 18-31)

Honolulu - Traffic and Vehicles

ARTICLE 7: TRANSIT VOUCHER PROGRAM

Section

15B-7.1 Transit voucher program

§ 15B-7.1 Transit voucher program.

- (a) There shall be established as part of the city bus system a transit voucher program that will provide for the sale of transit vouchers to employers in the City and County of Honolulu. The department may establish a price for the transit vouchers consistent with the amount employers are allowed to provide each employee as a tax-free benefit for transit commuting costs pursuant to Internal Revenue Code, 26 USC § 132. The department may adopt rules under this article in accordance with HRS Chapter 91 to implement the program. The program shall include but not be limited to the following elements:
- (1) Development and dissemination of public information to inform commuters and employers in the city of the transit voucher program;
 - (2) Development and sale of transit vouchers to employers in the city; and
 - (3) Redemption of transit vouchers for bus passes, or any form of bus fare payment coupons, tokens, or remaining credit on approved cards at satellite city halls and other convenient locations in the city where bus passes, or any form of bus fare payment tokens, coupons, or approved cards are sold.
- (b) The department may extend the transit voucher program to alternate modes of commuter transit that may be operated under the authority of the department and to coordinate the transit voucher program with alternate modes of commuter transit which are operated by other companies or agencies.

(1990 Code, Ch. 13, Art. 7, § 13-7.1) (Added by Ord. 93-22; Am. Ords. 97-02, 03-27, 08-20)

Honolulu - Traffic and Vehicles

ARTICLE 8: TRANSIT MANAGEMENT SERVICES CONTRACTOR

Sections

- 15B-8.1 Authority to contract with a private, nonprofit corporation to serve as transit management services contractor
- 15B-8.2 Retention of private, nonprofit corporation to serve as transit management services contractor
- 15B-8.3 Contract for management, operation, and maintenance of city bus system and special transit service
- 15B-8.4 Obligations and responsibilities of transit management services contractor
- 15B-8.4A Obligations and responsibilities of the special transit service contractor if other than the transit management services contractor
- 15B-8.5 Obligations and responsibilities of the department
- 15B-8.6 Collective bargaining agreements with bus and special transit service personnel
- 15B-8.7 Performance audit
- 15B-8.8 Prohibition on use of bus or special transit service personnel for other than official duties
- 15B-8.9 Integration of city bus system and special transit service

§ 15B-8.1 Authority to contract with a private, nonprofit corporation to serve as transit management services contractor.

The council makes the following findings:

- (1) The City and County of Honolulu is a body politic and corporate;
- (2) As a body politic and corporate, the city may exercise functions expressed in or necessarily implied from authority granted by the State of Hawaii;
- (3) HRS Chapter 51 gives each county the “power to provide mass transportation service, whether directly, jointly or under contract with private parties, without the county or private parties being subject to the jurisdiction and control of the public utilities commission in any manner”;
- (4) The department is:
 - (A) An agency of the city, a body politic, and corporate in itself; and
 - (B) Charged by the city with the proprietary function of providing mass transportation service for the people of the city;
- (5) The “mass transportation service” that may be provided by the department pursuant to the Charter and ordinance consists of city bus and special transit service;

- (6) The department's procurement of services from a private, nonprofit corporation to manage the city bus and special transit service is necessary to:
 - (A) Provide the mass transportation service in the most efficient and effective manner and in accordance with sound management practices; and
 - (B) Preserve and provide continuity in the rights, interests, and labor relations status of bus and special transit service personnel;
 - (7) The City and County of Honolulu, through a city agency, has the power to effectuate the formation of and contract with a private, nonprofit corporation to serve as the transit management services contractor for the following reasons:
 - (A) HRS Chapter 51 confers broad authority upon the city to provide mass transportation service;
 - (B) HRS Chapter 51 authorizes the city to provide mass transportation service under contract with a private party;
 - (C) The power to effectuate the formation of and contract with a private, nonprofit corporation to provide mass transportation service, as a proprietary function, is necessarily implied under HRS Chapter 51; and
 - (D) State law does not expressly prohibit the city from effectuating the formation of and contracting with a private, nonprofit corporation; and
 - (8) The public interest is further advanced by expressly conferring upon the department the power to effectuate the formation of and contract with a private, nonprofit corporation to manage, operate, and maintain the city bus system and special transit service.
- (1990 Code, Ch. 13, Art. 8, § 13-8.1) (Added by Ord. 96-30; Am. Ord. 08-20)

§ 15B-8.2 Retention of private, nonprofit corporation to serve as transit management services contractor.

- (a) The department shall:
 - (1) Retain the private, nonprofit corporation that was formed at the request of the department pursuant to ordinance, and which served as the bus management services contractor since January 1, 1993; and
 - (2) Enter into a transit management services contract with such private, nonprofit corporation.

To fulfill the city's requirements, the department shall expand the obligations and responsibilities of the private, nonprofit corporation in accordance with this section.

- (b) As a condition of the transit management services contract, the private, nonprofit corporation shall provide in its articles of incorporation that:

- (1) The purpose of the corporation is to manage, operate, and maintain the city bus system. The purpose of the corporation may include management, operation, and maintenance of the special transit service and other transit-related services on behalf of and for the city;
 - (2) The election of directors of the corporation will be subject to the approval of the department, which approval will not be unreasonably withheld;
 - (3) The department may remove any director of the corporation when the department determines that the removal is required to fulfill the best interests of the city bus system or special transit service; and
 - (4) The corporation shall conform with applicable ordinances.
- (c) From April 1, 1997, the private, nonprofit corporation is the transit management services contractor, and may be deemed the special transit service contractor for the purposes of this chapter.
- (d) This section is not to be construed as precluding the department from contracting with others to provide bus and special transit services to supplement the city bus and special transit systems.
- (1990 Code, Ch. 13, Art. 8, § 13-8.2) (Added by Ord. 96-30; Am. Ords. 08-20, 17-52)

§ 15B-8.3 Contract for management, operation, and maintenance of city bus system and special transit service.

- (a) In accordance with §§ 15B-8.1, 15B-8.2, 15B-6.2, and 15B-4.1, the department shall contract with the private, nonprofit corporation to manage, operate, and maintain the city bus system, and may contract with the private, nonprofit corporation to manage, operate, and maintain the special transit service on behalf of the city. Under the contract, the private, nonprofit corporation:
- (1) Shall be an independent contractor in relation to the city;
 - (2) Shall be the employer of record of bus personnel, who are employees of the private, nonprofit corporation under 29 USC § 152(3), and who are not public employees under HRS Chapter 89. The private, nonprofit corporation is also the employer of record of special transit service personnel should the contractor be retained under contract to manage, operate, and maintain the special transit service on behalf of the city;
 - (3) Is an instrumentality of the city for appropriate purposes other than for labor and employment purposes;
 - (4) Shall manage, operate, and maintain the city bus system and special transit service, as applicable, in the most efficient and effective manner and in accordance with sound management practices; and
 - (5) Shall have no purpose, except the management, operation, and maintenance of the city bus system and special transit service, as applicable, and the provision of transit-related services on behalf of and for the city.
- (b) The term of the contract will be set by the department, provided that such term cannot be less than five years. The term may encompass a fiscal period for which council appropriations are unavailable. If so, the contract must include conditions specifying that:

- (1) The term of the contract is subject to the availability of council appropriations;
 - (2) The council is not obligated to appropriate funds for the contract; and
 - (3) The failure of the council to appropriate funds for the contract does not constitute a breach by the department or city.
- (c) For the purposes of Charter § 9-305, inclusion in the contract of the conditions specified under subsection (b):
- (1) Will be sufficient for approval by the director of budget and fiscal services as to the availability of funds for the contract; and
 - (2) Are a prohibition on extending the contract beyond the term of an appropriation to finance an obligation of the department.
- (d) Under the contract:
- (1) Reimbursements to the private, nonprofit corporation for the operation and maintenance expenses of the city bus system and special transit service are not income or profit of the corporation;
 - (2) Reimbursements for expenses incurred by the corporation's directors and officers in the performance of official duties:
 - (A) Are operation expenses of the city bus system or special transit service, as applicable; and
 - (B) Are a distributed share of the income or profit of the corporation; and
 - (3) The operating revenues derived from the city bus system and special transit service will be income of the city, not of the corporation.
- (1990 Code, Ch. 13, Art. 8, § 13-8.3) (Added by Ord. 96-30; Am. Ords. 08-20, 17-52)

§ 15B-8.4 Obligations and responsibilities of transit management services contractor.

- (a) Under the transit management services contract, the transit management services contractor, at a minimum, shall have the following general obligations and responsibilities for the city bus system and, if applicable, the special transit service, excluding any supplemental bus service or supplemental special transit service provided by the department:
- (1) Be directly responsible and accountable to the director for carrying out the policies established by the department for the management, operation, and maintenance of the city bus system and, if applicable, the special transit service;
 - (2) Provide sufficient and qualified personnel to manage the city bus system and, if applicable, the special transit service;

- (3) Employ sufficient and qualified personnel for the city bus system and, if applicable, the special transit service, in accordance with applicable law and obligations;
 - (4) Manage the labor and personnel relations with all bus and, if applicable, special transit service personnel;
 - (5) Comply with all applicable labor and employment laws, including but not limited to 29 USC § 158, 29 USC § 185, and 49 USC § 5333(b), and observe all applicable collective bargaining agreements and obligations pursuant to federal labor laws;
 - (6) Be responsible and accountable for all real and personal property furnished by the city to the contractor;
 - (7) Allow the department, managing director, and council to conduct financial and performance audits of the city bus system and, if applicable, the special transit service, and cooperate during the conduct of the audits;
 - (8) Recommend to the director annual operating and capital budgets in the format required by the department of budget and fiscal services;
 - (9) Collect revenues derived by the city bus system and, if applicable, the special transit service, and, on behalf of the department, transmit the revenues to the director of budget and fiscal services for deposit into the appropriate fund;
 - (10) Operate the city bus system in accordance with routes, schedules, and levels of service established pursuant to § 15B-6.1;
 - (11) If applicable, operate the special transit service in accordance with the policies and guidelines established pursuant to § 15B-4.1; and
 - (12) Maintain, inspect, and repair city transit buses; special transit service vehicles, if applicable; and other vehicles provided by the department.
- (b) The department may procure from the transit management services contractor, under the transit management services contract, other services, obligations, and responsibilities that are not contrary to this chapter.
(1990 Code, Ch. 13, Art. 8, § 13-8.4) (Added by Ord. 96-30; Am. Ords. 08-20, 17-52)

§ 15B-8.4A Obligations and responsibilities of the special transit service contractor if other than the transit management services contractor.

- (a) If the special transit service contractor is an entity other than the transit management services contractor, the special transit service contractor, at a minimum, shall have the following general obligations and responsibilities for the special transit service, excluding any supplemental special transit service provided by the department:
 - (1) Be directly responsible and accountable to the director for carrying out the policies established by the department for the management, operation, and maintenance of the special transit service;
 - (2) Provide sufficient and qualified personnel to manage the special transit service;

- (3) Employ sufficient and qualified special transit service personnel in accordance with applicable law and obligations;
 - (4) Manage the labor and personnel relations with all special transit service personnel;
 - (5) Comply with all applicable labor and employment laws, including but not limited to 29 USC § 158; 29 USC § 185; and 49 USC § 5333(b), and observe all applicable collective bargaining agreements and obligations pursuant to federal labor laws;
 - (6) Be responsible and accountable for all real and personal property furnished by the city to the contractor;
 - (7) Allow the department, managing director, and council to conduct financial and performance audits of the city special transit service and cooperate during the conduct of the audits;
 - (8) Operate the special transit service in accordance with the policies and guidelines established pursuant to § 15B-4.1; and
 - (9) Maintain, inspect, and repair city special transit services vehicles, and other vehicles provided by the department.
- (b) The department may procure from the special transit service contractor other services, obligations, and responsibilities that are not contrary to this chapter.
- (1990 Code, Ch. 13, Art. 8, § 13-8.4A) (Added by Ord. 17-52)

§ 15B-8.5 Obligations and responsibilities of the department.

- (a) Under the transit management services contract, the department shall have the following general obligations and responsibilities:
 - (1) Be responsible for paying the necessary and legitimate management, operation, and maintenance expenses of the city bus system and special transit service;
 - (2) Establish the routes, schedules, and levels of service for the city bus system as required under § 15B-6.1;
 - (3) Establish the policies and guidelines for the operation of the special transit service as required under § 15B-4.1;
 - (4) Ensure compliance with arrangements required by the federal Secretary of Labor pursuant to § 13(c) of the Urban Mass Transportation Act, as amended, to protect the interests of bus personnel and, if applicable, special transit service personnel;
 - (5) Furnish to the contractor the use of the properties and facilities required to operate the city bus system and special transit service, which shall include the following:
 - (A) Maintenance facilities and shop equipment;
 - (B) City transit buses and support vehicles;

- (C) Special transit service vehicles;
 - (D) Offices, office equipment, furniture, and fixtures; and
 - (E) Data processing equipment; and
- (6) Have the right to perform financial and management audits of the city bus system, special transit service, and transit management services contractor.
- (b) The department may assume, under the transit management services contract, other obligations and responsibilities that are not contrary to this chapter.

Under no circumstances, however, shall the department assume any obligation or responsibility that may jeopardize the private employment status of bus or special transit service personnel and their coverage under the National Labor Relations Board.

(1990 Code, Ch. 13, Art. 8, § 13-8.5) (Added by Ord. 96-30; Am. Ord. 08-20)

§ 15B-8.6 Collective bargaining agreements with bus and special transit service personnel.

- (a) With respect to collective bargaining agreements with bus and special transit service personnel:
- (1) The transit management services contractor shall be the employer that shall have all responsibilities and prerogatives of an employer, as defined in 29 USC § 152(2), in dealing with labor organizations;
 - (2) The transit management services contractor shall advise the department of significant labor relations developments, but shall not be bound by any recommendations or advice of the department;
 - (3) The department shall not have the power to approve or disapprove any collective bargaining agreement negotiated by the transit management services contractor or any of the terms contained therein; and
 - (4) All cost items shall be negotiated or established by the transit management services contractor, subject to funding limits established by the council through the budget process.
- (b) Applicable collective bargaining agreements may include provisions concerning personnel who retired from service with the bus management services contractor or any predecessor thereof, subject to funding limits established by the council through the budget process.
- (c) If an impasse in collective bargaining negotiations for a labor agreement covering bus or special transit service personnel exists, the transit management services contractor shall invoke the services of the Federal Mediation and Conciliation Service and engage in other good faith efforts to settle disputes with the assistance of any available governmental mediation or fact-finding resources, consistent with 29 USC § 158(d).

(1990 Code, Ch. 13, Art. 8, § 13-8.6) (Added by Ord. 96-30; Am. Ord. 08-20)

§ 15B-8.7 Performance audit.

- (a) The department shall conduct an audit of the performance of the city bus system and special transit service at intervals deemed appropriate by the department, to supplement ongoing financial, regulatory compliance, and performance reviews, and audits conducted by federal, State, and local entities; provided that an audit must be conducted at least once every five years. Audits conducted by the department under this section must be submitted to the mayor and council within 180 days of completion.
 - (b) This section is not to be construed as preventing the council or managing director from conducting a performance audit of the city bus system or special transit service when deemed necessary.
- (1990 Code, Ch. 13, Art. 8, § 13-8.7) (Added by Ord. 96-30; Am. Ord. 08-20, 17-52)

§ 15B-8.8 Prohibition on use of bus or special transit service personnel for other than official duties.

- (a) The transit management services contractor or principal of the contractor shall not direct or allow bus or special transit service personnel, during hours of employment for the contractor, to perform duties:
 - (1) That are not required for the operation or maintenance of the city bus system or special transit service; and
 - (2) That benefit, in an individual capacity:
 - (A) Any principal of the contractor; or
 - (B) Any director, officer, or employee of the department.
 - (b) Any compensation to bus or special transit service personnel for the performance of duties prohibited under this section shall not be a necessary and legitimate expense payable by the city.
 - (c) For the purposes of this section, “principal of the contractor” means a director or officer of the transit management services contractor.
- (1990 Code, Ch. 13, Art. 8, § 13-8.8) (Added by Ord. 96-30; Am. Ord. 08-20)

§ 15B-8.9 Integration of city bus system and special transit service.

- (a) Any of the services to be provided by the transit management services contractor under this chapter may be provided either by the transit management services contractor or by a private entity that is under contract with the transit management services contractor, and all references to the transit management services contractor in this chapter shall be deemed to refer to the transit management services contractor or to a private entity that is under contract with the transit management services contractor.
- (b) Except if expressly provided otherwise, this chapter shall not require the transit management services contractor to maintain any particular degree of separation between the city bus system and special transit service. If deemed necessary or desirable for the public interest, the transit management services contractor

may integrate all or part of the operations of the city bus system and special transit service. The integration may include the sharing of facilities, vehicles, equipment, materials, supplies, personnel, and administrative services, subject to applicable laws and contractual obligations.

(1990 Code, Ch. 13, Art. 8, § 13-8.9) (Added by Ord. 96-30; Am. Ord. 08-20)

Honolulu - Traffic and Vehicles

ARTICLE 9: TRANSIT STATIONS

Sections

- 15B-9.1 Application
- 15B-9.2 Requirement

§ 15B-9.1 Application.

This article applies to the development of any transit station for a rail transit system should such a system be selected as the locally preferred alternative for Honolulu pursuant to the requirements of the Federal Transit Administration, U. S. Department of Transportation.

(1990 Code, Ch. 13, Art. 9, § 13-9.1) (Added by Ord. 06-50)

§ 15B-9.2 Requirement.

Before:

- (1) The adoption of a public infrastructure map symbol for a transit station pursuant to Chapter 4, Article 8;
or
- (2) The budgeting of any funds for the construction of a transit station in the capital improvement budget;

whichever comes first, a transit-oriented development ordinance shall first have been enacted that regulates development in the area of the transit station.

(1990 Code, Ch. 13, Art. 9, § 13-9.2) (Added by Ord. 06-50)

Honolulu - Traffic and Vehicles

ARTICLE 10: CITY FERRY SYSTEM

Sections

15B-10.1	City ferry system
15B-10.2	Contract for management, operation, and maintenance of city ferry system
15B-10.3	Operating revenues
15B-10.4	Advertising inside city ferries
15B-10.5	Advertising on exterior of city ferries
15B-10.6	Logo of city ferry system

§ 15B-10.1 City ferry system.

- (a) The department shall be responsible for the operation and maintenance of the city ferry system:
 - (1) In accordance with the Charter, this chapter, and other applicable ordinances; and
 - (2) Within the limits of available council appropriations and:
 - (A) In the most efficient and effective manner; and
 - (B) In accordance with sound management practices.
- (b) Subject to council appropriations, the department shall establish the routes, schedules, and levels of service of the city ferry system. The routes, schedules, and levels of service shall be in conformance with the short-range transit plan and any update.
- (c) Fares for passengers of the city ferry system shall be as established under Article 2. The department shall not:
 - (1) Charge a single cash fare, monthly bus pass fare or bus token, coupon or approved card fare that differs from that established or permitted under Article 2;
 - (2) Charge a fare when Article 2 exempts a passenger from payment of a fare; or
 - (3) Charge a fee for the issuance of a bus pass, unless expressly authorized under Article 2.
- (d) The department shall have the power to establish or designate park-and-ride facilities to be served by the city bus system or the city ferry system, or both. Park-and-ride facilities established or designated by the department shall be:
 - (1) In conformance with the short-range transit plan and any update; and

- (2) In compliance with development plan and zoning ordinances and maps, the building code, fire code, and other applicable laws or ordinances concerning land use, planning, and building construction.

Park-and-ride facilities “established” by the department mean facilities under the management of the department. Park-and-ride facilities “designated” by the department mean those which, although served by the city bus system or the city ferry system, are not under the management of the department.

(1990 Code, Ch. 13, Art. 10, § 13-10.1) (Added by Ord. 07-13; Am. Ord. 08-20)

§ 15B-10.2 Contract for management, operation, and maintenance of city ferry system.

The department shall contract a private company to manage, operate, and maintain the city ferry system on behalf of the city.

(1990 Code, Ch. 13, Art. 10, § 13-10.2) (Added by Ord. 07-13; Am. Ord. 08-20)

§ 15B-10.3 Operating revenues.

- (a) All operating revenues derived from the city ferry system shall be public funds. “Operating revenues derived from the city ferry system” include revenues from:

- (1) Cash fares;
- (2) Contracts authorizing the use of the city ferry system logo as provided in § 15B-10.6;
- (3) Advertising spaces in city ferries; and
- (4) Rental or lease of or concessions on real property managed by the department or ferry management services contractor and used for the city ferry system.

- (b) Operating revenues derived from the city ferry system shall be deposited into the highway fund.

(1990 Code, Ch. 13, Art. 10, § 13-10.3) (Added by Ord. 07-13; Am. Ord. 08-20)

§ 15B-10.4 Advertising inside city ferries.

- (a) The department, through the department of budget and fiscal services, may rent or let advertising spaces inside city ferries; provided that the following types of advertising shall not be accepted:

- (1) Advertising that bears the name, signature, picture, or likeness of any elected federal, State, or city official or of any candidate for federal, State, or city elective office;
- (2) Advertising that, by reason of design, format, or subject matter, promotes, or appeals to racial, religious, or ethnic prejudice or violence;

- (3) Advertising that contains pictures, words, or symbols of an obscene, lewd, lascivious, or indecent character;
 - (4) Advertising that promotes any illegal, indecent, or immoral purpose; and
 - (5) Advertising of any product or service that is prohibited by law to be sold or offered for sale to minors or an age-based subgroup of minors.
- (b) Standard advertising spaces inside each city ferry shall be made available for announcements of a public service, civic, or charitable nature. Fifty percent of the spaces shall be made available free of charge to organizations exempt from federal income taxation under § 501(c)(3) of the federal Internal Revenue Code.

A tax-exempt organization shall not be denied the use of advertising space in a city ferry solely because the announcement or advertisement refers to the location of an event sponsored by the tax-exempt organization, even if the location of the event is not owned or operated by a tax-exempt organization.

For the purposes of this subsection, “standard advertising space” means a space 11 inches wide and 28 inches long.

- (c) The department shall set the rates for the renting or letting of advertising spaces. Rates shall be set by rules adopted in accordance with HRS Chapter 91.
(1990 Code, Ch. 13, Art. 10, § 13-10.4) (Added by Ord. 07-13; Am. Ord. 08-20)

§ 15B-10.5 Advertising on exterior of city ferries.

- (a) Except as otherwise provided under subsection (b), no advertising shall be allowed on the exterior of a city ferry.
- (b) Any word, phrase, or logo identifying the city, department, transit management services contractor, or trade name of the city ferry system may be placed on the exterior of a city ferry.
- (c) Any letter, word, phrase, or number on the exterior of a city ferry that identifies the route, origin, destination or fleet inventory designation of the ferry is not advertising prohibited under this section.
(1990 Code, Ch. 13, Art. 10, § 13-10.5) (Added by Ord. 07-13; Am. Ord. 08-20)

§ 15B-10.6 Logo of city ferry system.

- (a) The department may adopt an official logo for the city ferry system. The logo may be used for official business purposes and revenue-raising activities authorized by the department. The logo may be the same as that previously adopted for the city ferry system.
- (b) If necessary, the department shall copyright the adopted ferry system logo under federal law and register its copyrighted ownership. The department may request the department of budget and fiscal services to enter into contracts with private parties for the manufacture, reproduction, distribution, and sale of articles imprinted with the ferry system logo to raise revenues for the city ferry system. A copy of each contract relating to the use of the ferry system logo shall be sent to the city clerk within 30 days of execution of the contract.

- (c) Any person who manufactures, reproduces, distributes, or sells any article imprinted with the ferry system logo without the express written approval of the department shall be guilty of a misdemeanor.
(1990 Code, Ch. 13, Art. 10, § 13-10.6) (Added by Ord. 07-13; Am. Ord. 08-20)

ARTICLE 11: USE OF DESIGNATED TRANSIT FACILITIES

Sections

- 15B-11.1 Fee for use of designated transit facilities
- 15B-11.2 Rules

§ 15B-11.1 Fee for use of designated transit facilities.

- (a) Any group or organization that uses a designated transit facility identified in subsection (b) shall pay to the city a fee of \$15 per hour for the use of the facility. The use of a designated transit facility shall require an attendant or custodian to open and close the facility.
- (b) For the purposes of this section, “designated transit facility” means the Mililani transit center community room.
(1990 Code, Ch. 13, Art. 11, § 13-11.1) (Added by Ord. 09-25)

§ 15B-11.2 Rules.

The director shall adopt rules in accordance with HRS Chapter 91 for the implementation, administration, and enforcement of this article.
(1990 Code, Ch. 13, Art. 11, § 13-11.2) (Added by Ord. 09-25)

Honolulu - Traffic and Vehicles

ARTICLE 12: LYING DOWN AT BUS STOPS

Sections

15B-12.1	Declaration of legislative intent - Purpose
15B-12.2	Prohibition
15B-12.3	Penalty
15B-12.4	Department to post sign and may set demarcation line
15B-12.5	Rules

§ 15B-12.1 Declaration of legislative intent–Purpose.

The purpose of this article is to prohibit, subject to exceptions, persons from lying down within bus stop areas.

The council of the City and County of Honolulu finds:

- (a) The city has invested significant public resources in the development and maintenance of city bus stops, including the benches and shelters that are intended to serve patrons of the city's bus system and are necessary to the city's provision of convenient and efficient bus service, which for many Oahu's residents, is an essential mode of transportation to get to and from work, to move about from place to place, and to access entertainment, goods, and services.
- (b) Bus stop areas are created and maintained for the primary purpose of enabling safe and convenient access to the city's bus system. Lying down in bus stop areas is not a customary use of a bus stop. Persons who lie down in bus stops impede and deter others from using the city's bus system; thus, they discourage residents from using the bus to get to and from work, and residents and visitors from using the bus system to get from place to place to access local shops, restaurants, entertainment, and goods and services.
- (c) The need to maintain access to the city's bus system through the bus stops is greatest during the hours from 4:00 a.m. of one day and 1:00 a.m. of the following day when the city's bus system is primarily in operation. Persons who lie down in bus stop areas during this period threaten their own safety and the safety of bus patrons, especially the elderly, disabled, vision-impaired, and children, who are put at increased risk when they are unable to safely sit or stand at a bus stop or safely board or alight from a city bus because persons are lying down in the bus stop area.
- (d) The prohibition against lying down in bus stop areas set forth in this ordinance leaves intact the individual's right to speak, protest or engage in other lawful activity in any bus stop area consistent with the individual's free speech rights. In addition, the prohibition contains exceptions for medical emergencies, and expressive activities, among others.
- (e) The council acknowledges that there are reasons why one might lie down in a bus stop area. The city has offered and continues to offer services to those engaged in lying down in a bus stop area who appear to be in need, or to those who request service assistance. However, in many cases, these persons refuse such services or continue the conduct despite the accessibility of these services. The city will continue to invest in services

for those in need, and to make efforts to maintain and improve safety in bus stop areas for everyone. A law enforcement officer may not issue a citation to a person for a violation of this ordinance without first warning the person that lying down in a bus stop area is unlawful.

- (f) Bus patrons are discouraged from using bus stop areas if persons are lying down in the bus stop area or on the sidewalks immediately abutting the bus stop area, deterring and discouraging persons from accessing and using the city bus system as a means of transportation.

(Added by Ord. 18-5)

§ 15B-12.2 Prohibition.

- (a) No person may lie down in a designated bus stop area, or on a tarp, towel, blanket, sleeping bag, bedding, chair, bench, tent floor, cardboard, or any other object or material located in a designated bus stop area, between the hours of 4:00 a.m. on one day and 1:00 a.m. of the following day.
- (b) Subsection (a) does not apply to any person:
 - (1) Unable to comply with the direction of a law enforcement officer given under subsection (c) due to a medical condition or emergency;
 - (2) Engaged in an expressive activity;
 - (3) Engaged in a maintenance, repair, or construction activity on behalf of a governmental entity or a public utility; or
 - (4) Under the age of six years old who is lying down in a baby carriage, stroller, or carrier, or is lying down while being held or carried by a person who is not lying down.
- (c) No person may be cited for a violation of this article unless the person continues to engage in the conduct prohibited by this article after having been notified by a law enforcement officer that the conduct is unlawful.
- (d) No person may raise as a defense to a prosecution under this article that they were participating in an expressive event or activity, unless they notified the law enforcement officer prior to or at the time of the citation that they were engaging in an expressive activity, or unless it would have been clearly evident to a reasonably observant person that the lying down was part of an expressive activity.

(Added by Ord. 18-5)

§ 15B-12.3 Penalty.

A violation of this article is punishable by a fine of up to \$50 for each offense.

(Added by Ord. 18-5)

§ 15B-12.4 Department to post sign and may set demarcation line.

The department shall post a sign at each designated bus stop area indicating that lying down within such area and facility is prohibited. This requirement may be fulfilled either by posting a new sign or by modifying an existing sign to provide notice of the prohibition.

(Added by Ord. 18-5)

§ 15B-12.5 Rules.

The director may, pursuant to HRS Chapter 91, adopt rules having the force and effect of law for the implementation, administration, and enforcement of this article.

(Added by Ord. 18-5)

Honolulu - Traffic and Vehicles

TITLE V: BUILDING AND CONSTRUCTION CODES

Chapters

- 16. BUILDING CODE**
- 16A. HOUSING CODE**
- 16B. BUILDING ENERGY CONSERVATION CODE**
- 17. ELECTRICAL CODE**
- 18. FEES AND PERMITS FOR BUILDING, ELECTRICAL,
PLUMBING, AND SIDEWALK CODES**
- 18A. GRADING AND SEDIMENT CONTROL**
- 19. PLUMBING CODE**
- 20. FIRE CODE OF THE CITY AND COUNTY OF HONOLULU**

Honolulu - Building and Construction Codes

CHAPTER 16: BUILDING CODE

Articles

1. Adoption of the Hawaii State Building Code and Hawaii State Residential Code
2. Relocation of Buildings
3. Factory-Built Buildings
4. Thatched Material on Exterior of Building—Protection Against Exposure Fires
5. Energy Conservation
6. Residential Swimming Pools
7. Public Swimming Pools
8. Termite-Infested Lumber
9. Adoption of the International Existing Building Code
10. Violations and Penalties
11. Regulations Within Flood Hazard Districts and Development Adjacent to Drainage Facilities
12. Indigenous Hawaiian Architecture
13. Hawaii Residential Safe Room
14. State- and City-Owned High Occupancy Buildings—Design Criteria for Enhanced Hurricane Protection Areas
15. Baby Diaper-Changing Accommodations
16. Automated External Defibrillators
17. Shower Facilities

Honolulu - Building and Construction Codes

ARTICLE 1: ADOPTION OF THE HAWAII STATE BUILDING CODE AND HAWAII STATE RESIDENTIAL CODE

Sections

- 16-1.1 Hawaii State Building Code
- 16-1.2 Adoption of the Hawaii State Residential Code

§ 16-1.1 Hawaii State Building Code.

The Hawaii State Building Code, as adopted by the State of Hawaii on November 13, 2018, which adopts, with modifications, the International Building Code, 2012 Edition (Tenth Printing), published by the International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is adopted by reference and made a part hereof, subject to the following amendments:

- (1) Amending Subsection 101.1. Subsection 101.1 is amended to read:

101.1 Title. These regulations are part of the Building Code of the City and County of Honolulu, hereinafter referred to as “this code”.

- (2) Amending Subsection 101.2. Subsection 101.2 is amended to read:

101.2 Scope. The provisions of this code apply to the construction, alteration, moving, demolition, replacement, repair, and use of any building or structure within this jurisdiction inland of the shoreline, except where located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this code, and hydraulic flood control structures.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than two stories high with separate means of egress and their accessory structures are permitted to comply with the International Residential Code. Prescriptive framing is not applicable for structures designed using Exception 4 in Section 1609.1.2 Protection of Openings of this code.
2. *Existing buildings* undergoing repair, alterations, or additions or undergoing change of occupancy are permitted to comply with the International Existing Building Code.

This code is not intended to create a procedure for the regulation of *private nuisances* by the city. All members of the public are responsible for resolving disputes arising from private nuisances through the appropriate legal process.

- (3) Amending Section 101.4. Section 101.4 is amended to read:

101.4 Referenced Codes. The other codes referenced elsewhere in Sections 101.4.1 to 101.4.7 are considered part of the requirements of this code to the prescribed extent and scope of each such reference.

101.4.1 Electrical. The provisions of ROH 2020, Chapter 17, *Electrical Code* shall apply.

101.4.2 Plumbing. Whenever the International Plumbing Code is referenced, the provisions of ROH Chapter 19, *Plumbing Code*, apply.

101.4.3 Fire prevention. Whenever the provisions of the International Fire Code are referenced, the provisions of ROH Chapter 20, *Fire Code* of the City and County of Honolulu, will apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials, or devices; from conditions hazardous to life, property, or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration, or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. The provisions of ROH Chapter 20, *Fire Code* of the City and County of Honolulu, will apply to existing construction, and to the extent specifically referenced by the Building Code to new construction. Where differences exist between this code and ROH Chapter 20, the provisions of this code will apply.

101.4.4 Energy. The provisions of ROH Chapter 16B, Building Energy Conservation Code apply.

101.4.6 Housing. The provisions of ROH 1990, Chapter 16A, *Housing Code* shall apply.

101.4.7 Fixed transit and passenger rail systems. The provisions of the Standard for Fixed Guideway Transit and Passenger Rail Systems, NFPA 130, apply to fixed guideway transit and passenger rail stations to the prescribed extent of this standard.

101.8 Other Codes. Other referenced codes not listed in Section 101.4 are considered referenced guidelines and not mandatory.

- (4) Amending Subsection 102.6. Subsection 102.6 is amended to read:

102.6 Existing structures. Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued if such use or occupancy was legal at the time of the adoption of this code, provided such continued use does not constitute a hazard to the general safety and welfare of the occupants and the public.

- (5) Amending Section 103. Section 103 is amended to read:

SECTION 103 - ORGANIZATION AND ENFORCEMENT

103.1 Building official appointment authority. In accordance with the prescribed procedures and with the approval of the appointing authority, the *building official* may appoint technical officers, inspectors, plan examiners, and other personnel necessary to support this code enforcement agency. The *building official* may designate such inspectors or employees as may be necessary to carry out the functions of this code enforcement agency. Such employees have powers as delegated by the *building official*.

The *building official* may deputize volunteers to temporarily carry out functions of the code enforcement agency in the event of a major natural disaster.

- (6) Amending Subsection 104.11. Subsection 104.11 is amended to read:

104.11 Alternative materials, design and methods of construction and equipment.

The *building official* may use the most current code edition of the International Code Council, or the most current standard of the International Code Council or the National Fire Protection Association or other approved national standard as an alternative to meeting the requirements of this code.

- (7) Amending Section 105. Section 105 is amended by adding the following:

105.1 Required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. See ROH Chapter 18 for the requirements for the consolidation of the *building*, electrical, and plumbing permits into one administrative permit.

- (8) Amending Subsection 106.1. Subsection 106.1 is amended to read:

106.1 Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial *building* is or has been designed to exceed 100 psf (4.80 kN/m²), such design live loads must be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It is unlawful to remove or deface such notices.

- (9) Amending Section 107. Section 107 is amended by adding:

107.1 General. See ROH Chapter 18.

107.2 Construction documents. Construction documents must be in accordance with Sections 107.2.1 through 107.2.6.

107.2.1 Information on construction documents. Construction documents must be dimensioned and drawn upon suitable material. Electronic media documents are permitted when approved by the *building official*. Construction documents must be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it conforms to the provisions of this code and relevant laws, ordinances, rules and regulation, as determined by the *building official*.

107.2.1.1 All buildings. For any *building* construction, the construction documents must include, but not be limited to, the *building* occupancy group classification, the *building height* and area, the classification of *buildings* as to type of construction and the fire and smoke protection features.

107.2.2 Fire protection. When automatic sprinkler systems are installed, construction drawings must contain all information as required by the referenced installation standards in Chapter 9.

For new installations, the construction drawings must include but not be limited to, the spacing, location, and position of all fire sprinklers heads, the sprinkler system monitoring and alarm system information, the system riser and fire department connection details with their location.

For existing construction, the construction drawings must include but not limited to, the locations of the existing and final fire sprinkler heads affected by the proposed work.

107.2.2.1 Fire protection system working drawings. Are required for new installations, including but not limited to, existing systems which: increase the coverage areas, change the hazard classification, provide in-rack sprinkler systems, and involve any storage in excess of 12 feet in height. Working drawings for the fire protection system(s) must be submitted to indicate conformance with this code and the construction documents and must be submitted by the fire protection special inspector in accordance to Section 916.1.2.

107.2.3 Means of egress. The construction documents must show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies

in Groups R-2, R-3, and I-1, the construction documents must designate the maximum number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.4 Exterior wall envelope. Construction documents for all *buildings* must describe the exterior wall envelope in sufficient detail to allow the building official to determine compliance with this code. The construction documents must provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents must include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation must fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

107.2.5 Site plan. In addition to the plot plan required in ROH Chapter 18, the construction documents submitted with the application for permit must be accompanied by a site plan showing to scale: the size and location of new construction and any existing structures on the site, distances from *lot lines*, the established street grades and the existing and proposed finished grades and, as applicable, location of fire hydrants, fire department apparatus roads, flood hazard areas, floodways, and design flood elevations. The site plan must be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan must show construction to be demolished and location and size of existing structures and construction that are to remain on the site or plot.

107.2.5.1 Special flood hazard areas. Where base flood elevations are not specified, they are established in accordance with ROH Chapter 21A.

107.2.5.2 Topographic survey. For new or additions to structures and buildings there must be provided a topographic survey of the existing lot.

107.2.6 Erosion and sediment control measures. An Erosion and Sediment Control Plan (ESCP) shall be prepared in compliance with the ROH Chapter 14 and the Rules Relating to Water Quality, Chapter 3 of the Administrative Rules, Title 20, Department of Planning and Permitting. The ESCP shall provide the best management practices (BMP) and good housekeeping practices during construction to minimize the discharge of runoff containing sediment and pollutants into the receiving waters.

107.3.1 Approval of construction documents. See ROH Chapter 18.

107.3.4 Design professional in responsible charge. All plans and specifications relating to work that affects the public safety or health and for which a *building* permit is required must be prepared by or under the supervision of a duly licensed professional engineer or architect, and construction must be under the observation of a duly licensed professional engineer or architect, as required by HRS Chapter 464.

Where special inspection is required by this code, all special inspection must be provided on the submitted plans as a condition for permit issuance. For special inspections, see Sections 110, 916, 1704, and 1707.

107.3.4.1 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official* within a specific period.

Deferral of any submittal items must have the prior approval of the *building official*. The design professional in responsible charge shall list the deferred submittals on the construction documents for review by the *building official*.

Documents for deferred submittal items must be submitted to the registered design professional in responsible charge who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design.

107.4 Amended construction document. The *building official* may require amended construction documents when changes are made during construction that are not in compliance with the approved construction documents.

- (10) Amending Section 108. Section 108 is amended to read:

108.1 General. The *building official* may issue a permit for temporary structures and temporary uses. Such permits are limited as to time of service, but may not be permitted for more than 180 days. The *building official* may grant extensions for demonstrated cause.

Exemption: See ROH Section 18-3.4.

- (11) Amending Section 109. Section 109 is amended to read:

109.1 General. See ROH Chapter 18.

- (12) Amending Subsection 110.3. Subsection 110.3 is amended to read:

110.3 Required inspections. The *building official*, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.4.

110.3.1 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, an elevation certification required in Section 1612.5 must be submitted to the *building official*.

110.3.2 Lath and/or gypsum board inspection. To be made after all lathing and gypsum board, interior and exterior, in construction is required to be fire-resistive, and is in place before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Lath and gypsum board installed in Group U Occupancies.

110.3.3 Other inspections. In addition to the inspections specified in Sections 110.3.1 through 110.3.3, the *building official* may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by this code.

110.3.4 Special inspections. The submitted plans must have all special inspections listed as a condition for permit issuance. For special inspections, see Chapters 9, 12 and 17.

110.3.5 Final inspection. To be made after all construction is completed and prior to final occupancy.

- (13) Amending Subsection 111.1. Subsection 111.1 is amended by adding the following exceptions:

Exceptions: The provisions of Section 111.1 are not applicable to the following:

1. For R-3 Occupancies, see Residential Code Section R110.1.
2. Group U Occupancies.
3. For work exempted from permits.

- (14) Amending Section 113. Section 113 is amended to read:

SECTION 113 - BOARD OF APPEALS

113.1 Creation of Board of Appeals. There shall be a board of appeals consisting of nine members who are qualified by experience and training to pass upon matters pertaining to *building* construction and fire safety and who are appointed by the mayor with the approval of the council. Four members must be currently licensed as engineers or architects with the State of Hawaii board of registration of professional engineers, architects, land surveyors, and landscape architects. One member must be qualified by experience and training to pass on matters pertaining to electrical work. One member must be qualified by experience and training to pass on matters pertaining to plumbing work. Two members must be qualified by experience and training to pass on matters pertaining to fire safety. One member must be a general contractor licensed under HRS Chapter 444. The members of the board will serve for terms of five years and until their successors have been appointed and qualified. Any vacancy occurring other than by expiration of a term of office shall be filled for the remainder of such unexpired term in the same manner as for an original appointment. The board shall select a chair and vice-chair annually.

113.2 Board action. All board action requires an affirmative vote of five or more board members.

113.3 Power and duties.

113.3.1 The board of appeals shall hear and determine appeals from the decisions of the building official in the administration of the Building Code, *Electrical Code*, *Plumbing Code*, *Housing Code*, *Energy Code*, *Building Energy Efficiency Standards*, and ROH Chapter 18, including, but not limited to, matters involving any approval or denial, the use of new or alternate materials, types of construction, equipment, devices or appliances, administrative enforcement, and the issuance, suspension or revocation of permits issued under ROH Chapter 18.

In the case of any denial of the use of new or alternative materials, types of construction, equipment, devices or appliances, an appeal may be sustained if the record shows that: (1) the new or alternate materials, types of construction, equipment, devices or appliances meet the required standards established by the codes being appealed from; (2) permitting the use thereof will not jeopardize life, limb or property, and; (3) the use will not be contrary to the intent and purpose of the code being appealed from. The appellant must pay all expenses necessary for tests that may be ordered by the board.

In all cases not involving the use of new or alternate materials, an appeal shall only be sustained if the record shows that the decision of the *building official* is based on an erroneous finding of material fact, arbitrary or capricious decision making, or a manifest abuse of discretion. The board may reverse, affirm, or modify, in whole or in part, the decision appealed from.

113.3.2 The board of appeals shall hear and determine appeals from the decisions of the fire official in the administration of the *Fire Code*, including the suspension or revocation of permits issued pursuant to the *Fire Code*, and any denial of the use of new or alternate materials, types of construction, equipment, devices or appliances. The standard of review for the use of new or alternate materials, types of construction, equipment, devices or appliance will be the same as for Section 113.3.1.

113.3.3 The board of appeals shall hear and determine petitions for varying the application of the *Building Code*, *Electrical Code*, *Plumbing Code*, *Fire Code*, or *Building Energy Efficiency Standards*. A variance may be granted if the board finds: (1) that the strict application, operation, or enforcement of the code provision or provisions being appealed from would result in practical difficulty or unnecessary hardship to the applicant; (2) that safety to life, limb, and property will not be jeopardized, and; (3) that the granting of a variance would not be injurious to the adjoining lots and the *buildings* thereon, would not create additional fire hazards and would not be contrary to the purposes of the code and public interest. In making its determination, the board shall take into account the character, use, and type of occupancy and construction of adjoining *buildings*, *buildings* on adjoining lots and the *building* involved.

113.3.4 The board of appeals shall hear and determine appeals from the decisions of the *building official* in the administration enforcement of ROH Chapter 29, Article 4. An appeal will only be sustained if the record shows that the decision of the *building official* is based on an erroneous finding of material fact, arbitrary or capricious decision making, or a manifest abuse of discretion. The board may reverse, affirm, or modify, in whole or in part, the decision appealed from.

113.3.5 The board of appeals shall hear and determine appeals concerning the summary removal of unlawful signs pursuant to ROH Chapter 29, Article 14. Such appeals shall be limited to a determination of whether a sign was properly removed pursuant to the provisions of that article. An appeal will only be sustained if the record shows that the decision of the *building official* is based on an erroneous finding of material fact, arbitrary or capricious decision making, or a manifest abuse of discretion. The board may reverse, affirm, or modify, in whole or in part, the decision appealed from.

113.3.6 Appeals from the decisions of the *building official* to issue, suspend, or revoke permits must be in writing and filed with the board within 10 working days of the permittee's receipt of the notice of issuance, suspension, or revocation. In all other cases, appeals from the decisions of the *building official* and fire official must be in writing and filed within 30 calendar days of the decision appealed from.

113.4 Compensation. Each member of the board is entitled to compensation at the rate of \$20 per day for each day's actual attendance at a meeting, but the compensation may not exceed, in the aggregate, \$60 in any one month.

113.5 Procedure. The proceedings of the board are subject to the provisions of HRS Chapter 91. The board shall adopt reasonable rules and regulations for conducting its meetings, hearings, and investigations in conformity therewith and may impose reasonable fees to cover the costs of such proceedings.

113.6 Fees. The filing fee for a petition for appeal from a decision of the Authority Having Jurisdiction in the administration of the Building Code, Electrical Code, Fire Code, Plumbing Code, Housing Code, ROH Chapter 29, Article 4, ROH Chapter 18, and the Building Energy Efficiency Standards, or an application for varying the application of the Building Code, Electrical Code, Plumbing Code, Fire Code, or Building Energy Efficiency Standards, shall be \$200.00. No petition for appeal may be filed without payment of said fee.

- (15) Amending Section 114. Section 114 is amended to read:

SECTION 114 - VIOLATIONS AND PENALTIES.

For violation and penalty provisions, see ROH Chapter 16, Article 10.

- (16) Amending Section 115. Section 115 is amended to read:

SECTION 115 - STOP WORK ORDER See ROH Chapter 18, Section 18-7.5.

- (17) Amending Section 116. Section 116 is amended to read:

SECTION 116 - UNSAFE BUILDINGS

116.1 General. All *buildings* or structures that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment, as specified in this code or any other effective ordinance are, for the purpose of this section, unsafe *buildings*. An unsafe *building* also includes a dangerous *building* as defined by Chapter 2 of the International Existing Building Code. All such unsafe *buildings* or structures are hereby declared to be public nuisances and must be abated by repair, rehabilitation, demolition, removal, or other methods approved by the *building official* in accordance with the procedure specified in Sections 116.2, 116.3, and 116.4.

116.2 Notice to owner. The *building official* shall examine or cause to be examined every *building* or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe *building* as defined in this section, the *building official* shall give to the owner of such *building* or structure a written notice of violation stating the defects thereof. This notice may require the owner or person in charge of the *building* or premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the *building* or structure or portions thereof, and all such work must be completed within 90 days from the date of notice, unless otherwise required by the *building official*. If necessary, such notice will also require the *building*, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the *building official*.

Proper service of such notice of violation must be by personal service or certified mail upon the owner of record, provided that if such notice is returned as undeliverable after mailing by certified mail, service may be by publication or posting a copy of the notice upon the property. The designated periods within which the owner or person in charge is required to comply with the order of the *building official* shall begin as of the date the owner or person in charge receives the notice of violation, in person or by certified mail, or, the date on which the notice is published or posted upon the property.

116.3 Posting of signs. The *building official* shall cause to be posted at each entrance to *buildings* ordered vacated a notice to read: DO NOT ENTER. UNSAFE TO OCCUPY. DEPARTMENT OF PLANNING AND PERMITTING, CITY AND COUNTY OF HONOLULU. Such notice must remain posted until the required repairs, demolition or removal is completed. Such notice must not be removed without written permission of the *building official*, and a person may not enter the *building* except for the purpose of making the required repairs or improvements or of demolishing the *building*.

In the event of a major disaster, the *building official* may post a “RESTRICTED USE” or “UNSAFE” placard at each entrance to a *building* or portion of a building if an inspection warrants such posting. Entry or occupancy in a *building* or portion of a *building* posted with a “RESTRICTED USE” placard is subject to the restrictions stated on the placard. No entry is permitted in a *building* or portion of a *building* posted within an “UNSAFE” placard. Placards must not be removed or altered unless authorized by the *building official*.

116.4 Action upon noncompliance. Where the owner of an unsafe structure fails, neglects or refuses to comply with a notice of violation requiring the repair, rehabilitation, or demolition and removal of an unsafe *building* or structure, or portions thereof, the *building official* may serve the owner of the *building* a notice of order in accordance with Article 10 of this Chapter and repair, rehabilitate, or demolish and remove the *building* or structure or portion thereof and to recover the cost of such work from the owner. Costs incurred by the *building official* in the repair, demolition, and removal of such *buildings* or structures will be considered civil fines that may be attached as a lien upon real property.

To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy must comply with the requirements of this code and ROH Chapter 18, Article 3.

(18) Amending Section 202. Section 202 is amended as follows:

- a. By adding the following definition immediately before the definition of “ACCREDITATION BODY”:

ACCESSORY DWELLING UNIT (ADU). ADU means a second dwelling unit, including separate kitchen, bedroom, and bathroom facilities, attached or detached from the primary dwelling unit on the zoning lot.

- b. By adding the following definition immediately before the definition of “ATRIUM”:

ASSISTED LIVING FACILITIES. Buildings or parts thereof housing persons, on a 24-hour basis, who, because of age, mental disability, or other reasons, live in a supervised residential environment that provide personal care services and are licensed by the State.

- c. By amending the definition of “BUILDING” to read:

BUILDING. Any structure used or intended for supporting any use or occupancy. The term includes, but is not limited to, any structure mounted on wheels such as a trailer, wagon, or vehicle that is parked and stationary for any 24-hour period, and is used for business or living quarters; provided, however, that the term does not include a push wagon that is readily movable and does not exceed 25 square feet in area, nor does the term include a vehicle used exclusively for the purpose of selling any commercial product therefrom that holds a vehicle license and actually travels on public or private streets.

- d. By adding the following definition immediately before the definition of “BUILDING HEIGHT”:

BUILDING ENERGY EFFICIENCY STANDARDS. Energy standards as specified in ROH Chapter 32.

- e. By amending the definition of “BUILDING OFFICIAL” to read:

BUILDING OFFICIAL. The director of planning and permitting of the City or the director’s authorized representative.

- f. By adding the following definition immediately before the definition of “CAST STONE”:

CARPORT. A private garage that is at least 100 percent open on one side and with 50 percent net openings on another side or that is provided with an equivalent of such openings on two or more sides.

A private garage that is 100 percent open on one side and 25 percent open on another side with the latter opening so located to provide adequate cross ventilation may be considered a *carport* when approved by the *building official*.

- g. By adding the following definition immediately before the definition of “CLEAN AGENT”:

CITY. Refers to the City and County of Honolulu.

- h. By amending the definition of “DWELLING UNIT” to read:

DWELLING UNIT. A *building* or portion thereof that contains living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation, as required by this code, for not more than one *family*, or a congregate residence for 16 or fewer persons.

- i. By adding the following definition immediately before the definition of “EMERGENCY ALARM SYSTEM”:

ELECTRICAL CODE. Electrical standards as specified in ROH Chapter 17 as amended.

- j. By adding the following definition immediately before the definition of “EXISTING CONSTRUCTION” to read:

EXISTING BUILDING. A building for which a legal building permit has been issued and which complies with the Building Code in effect at the time the existing building was constructed.

- k. By adding the following definition immediately before the definition of “FIBER CEMENT SIDING”:

FAMILY. As defined in the *Land Use Ordinance*, except that the number of residents in a licensed health adult residential care home, a licensed health special treatment facility, or other similar licensed health facility must be

limited to six persons or fewer in order for the residents of the facility to be considered a *family* under this code. For the purpose of this definition, “licensed” refers to licensure or certification by the State of Hawaii.

- l. By adding the following definition immediately before the definition of “FIRE AREA”:

FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, *building* or portion thereof with access to a fire hydrant. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

- m. By adding the definitions for “FIRE CODE” and “FIRE CODE OFFICIAL” immediately before the definition of “FIRE COMMAND CENTER”:

FIRE CODE. Wherever specific reference is made to *Fire Code*, *Fire Code* will be ROH Chapter 20.

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the *Fire Code*, or a duly authorized representative.

- n. By amending the definition of “FIRE SEPARATION DISTANCE” to read:

FIRE SEPARATION DISTANCE. The distance measured from the *building* face to the closest *lot line*, to the centerline of a street, alley or public way, or to an imaginary line between two *buildings* on the property. For the purposes of this section, *lot lines* established within a joint, cluster, or similar development under the *Land Use Ordinance*, boundary lines established for condominium ownership purposes only and development under the jurisdiction of the State of Hawaii, are not considered as boundary lines. The distance must be measured at right angles from the face of the wall.

- o. By adding the following definition immediately before the definition of “HPM FLAMMABLE LIQUID”:

HOUSING CODE. Housing standards as specified in ROH Chapter 27.

- p. By adding the following definition immediately before the definition of “LIGHT-DIFFUSING SYSTEM”:

LAND USE ORDINANCE. Land use standards as specified in ROH Chapter 21.

- q. By adding the following definition after “NUISANCE ALARM”:

NUISANCE IN FACT. An otherwise lawful use or condition on property that unreasonably interferes with the use of private or public property for its intended purposes.

- r. By amending the definition of “PERSONAL CARE SERVICE” to read:

PERSONAL CARE SERVICE. The care of residents who do not require chronic or convalescent health, medical, or nursing care. Personal care involves responsibility for fire safety of the resident while inside the *building*. The types of facilities providing *personal care services* include, but are not limited to, the following: *assisted living facilities*, residential care facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, and alcohol and drug abuse centers.

- s. By adding the following definition immediately before the definition of “POSITIVE ROOF DRAINAGE”:

PLUMBING CODE. Plumbing standards as specified in ROH Chapter 19.

- t. By adding the following definition immediately after the definition of “PRISM”:

PRIVATE NUISANCE. *A nuisance in fact* that does not affect the health, safety, or welfare of the general public.

- u. By amending the definition of “STRUCTURAL OBSERVATION” to read:

STRUCTURAL OBSERVATION. *Structural observation* is equivalent to “observation of construction” of the structural system, as defined in Chapter 16-115, Hawaii Administrative Rules, implementing HRS Chapter 464. *Structural observation* does not include or waive the responsibility for the inspection required by Section 110, 1704 or other sections of this code.

- v. By amending the definition of “WIND-BORNE DEBRIS REGION” to read:

WIND-BORNE DEBRIS REGION. Areas in Hawaii where the effective ultimate design wind speed is 130 mph (63 m/s) or greater. For Risk Category II *buildings* and structures and Risk Category III *buildings* and structures, except health care facilities, the *Wind-Borne Debris Region* must be based on Fig. 1609.3.2.2. For Risk Category III health care facilities and Risk Category IV *buildings* and structures, the windborne debris region must be based on Fig. 1609.3.2.3. For Exceptions, see Appendix “W” of the Building Code of the State of Hawaii.

- (19) Adding Subsection 303.2.1. Subsection 303.2.1 is added to read:

303.2.1 Sanitation. In a *building* or portion of a *building* containing a new Group A Occupancy such as an entertainment center, movie theatre, sports area, or other similar occupancy, the number of water closets available to females who are not employed in that *building* or portion must be at least twice the number available to males who are not employed in that *building* or portion.

This section will further apply to any bathroom open to the general public in any specified place of public assembly that is altered where the cost of making alterations in any twelve-month period will exceed \$500,000.

The cost of making alterations and the value of the *building* or space will be determined by the building official.

Where urinals are permitted, urinals may be provided in bathrooms in lieu of water closets, but the number of urinals must not exceed fifty percent of the required number of water closets.

- (20) Amending Subsection 310.5. Subsection 310.5 is amended to read:

310.5 Residential Group R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Assisted living facilities that provide accommodations for five or fewer persons receiving care;
Buildings that do not contain more than two dwelling units; Boarding houses (non-transient) with 16 or fewer occupants;
 Boarding houses (transient) with 10 or fewer occupants;
 Congregate living facilities (non-transient) with 16 or fewer occupants; and Congregate living facilities (transient) with 10 or fewer occupants.

- (21) Amending Subsection 310.6. Subsection 310.6 is amended by adding a new section 310.6.1 to read:

310.6.1 Assisted living facilities within a dwelling. *Assisted living facilities* for more than five but not more than 16 occupants, excluding staff, receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code, provided that an automatic sprinkler system is installed in accordance with Section 903.3.1.3 of this code or with Section P2904 of the International Residential Code. Residents must meet the ability to evacuate requirements and other limitations as required in Group I-1.

- (22) Amending Subsection 403.4.5. Subsection 403.4.5 is amended to read:

403.4.5 Emergency responder radio coverage. Emergency responder radio coverage must be provided in accordance with Section 11.10 of the *Fire Code*.

- (23) Amending Subsection 403.4.6. Subsection 403.4.6 is amended to read:

403.4.6 Fire command. Fire command stations must comply with Section 11.9 of the *Fire Code*.

- (24) Amending Subsection 403.5.4. Subsection 403.5.4 is amended to read:

403.5.4 Smoke-proof enclosures. Every *interior exit* stairway provided, serving floors more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access, must be a *smoke-proof enclosure* in accordance with Sections 909.20 and 1022.10.

Exception: When the required exit stairways are exterior exit stairways and ramps, the exterior stairways and ramps must have natural ventilation in accordance with Section 909.20.3.

- (25) Amending Subsection 404.2. Subsection 404.2 is amended to read:

404.2 Use. The floor of the atrium may not be used for other than low fire hazard uses and only approved materials and decorations in accordance with ROH Chapter 20, are permitted.

- (26) Amending Subsection 406.4.3. Subsection 406.4.3 is amended to read:

406.4.3 Vehicle barriers. Vehicle barriers not less than 2 feet 9 inches (835 mm) in height must be placed where the vertical distance from the floor to the ground or surface directly below is greater than 1 foot (305 mm) from the floor of a drive lane or parking spaces adjacent to exterior walls.

Exception: Vehicle barriers are not required in vehicle storage compartments in a mechanical access parking garage.

- (27) Amending Subsection 406.7. Subsection 406.7 is amended by amending Subsection 406.7 and adding Subsections 406.7.3 and 406.7.4 to read:

406.7 Motor fuel-dispensing facilities. Motor fuel-dispensing facilities must comply with Sections 406.7.1 through 406.7.4. Fuel-dispensing areas within *buildings* must conform to Section 30.1.6 of the *Fire Code*.

406.7.3 Location of dispensing devices. Dispensing devices must be located as follows:

1. Ten feet (3,048 mm) or more from lot lines.
2. Ten feet (3,048 mm) or more from *buildings* having combustible exterior wall surfaces or *buildings* having noncombustible exterior wall surfaces that are not part of a 1-hour fire-resistance-rated assembly or *buildings* having combustible overhangs.

Exception: Canopies constructed in accordance with the *International Building Code* providing weather protection for the fuel islands.

3. Such that all portions of the vehicle being fueled will be on the premises of the motor fuel-dispensing facility.
4. Such that the nozzle, when the hose is fully extended, will not reach within 5 feet (1,524 mm) of *building* openings.

5. Twenty feet (6,096 mm) or more from fixed sources of ignition.

406.7.4 Operational requirements. Fuel-dispensing operations must be in accordance to Chapter 42 of the *Fire Code*.

- (28) Amending Subsection 406.8. Subsection 406.8 is amended by amending Subsection 406.8 and adding Sections 406.8.1 through 406.8.13 to read:

406.8 Repair garages. Repair garages must be constructed in accordance with Sections 406.8.1 through 406.8.13.

406.8.3.1 Below-grade areas. Pits and below-grade work areas in repair garages must comply with Sections 406.8.3.1.1 through 406.8.3.1.3.

406.8.3.1.1 Construction. Construction must be of concrete, masonry, steel, or similar noncombustible materials.

406.8.3.1.2 Means of egress. Pits and below-grade work areas must be provided means of egress in accordance with Chapter 10 of the IBC.

406.8.3.1.3 Ventilation. Where Class I liquids of LP-gas are stored or used within a *building* having a basement or pit wherein flammable vapors could accumulate, the basement or pit must be provided with mechanical ventilation in accordance with the International Mechanical Code, at a minimum rate of 1½ cubic feet per minute per square foot (cfm/ft²) [0.008 m³/(s • m²)] to prevent the accumulation of flammable vapors.

406.8.7 Fire extinguishers. Fire extinguishers must be provided in accordance with Chapter 906.

406.8.8 Drainage and disposal of liquids and oil-soaked waste. Garage floor drains, where provided, must drain to approved oil separators or traps discharging to a sewer in accordance with the *Plumbing Code*. Contents of oil separators, traps, and floor drainage systems must be collected at sufficiently frequent intervals and removed from the premises to prevent oil from being carried into the sewers.

406.8.8.1 Disposal of liquids. Crankcase draining and liquids must not be dumped into sewers, streams, the *City's* storm drainage system, or on the ground, but must be stored in approved tanks or containers in accordance to Chapters 4 and 5 of NFPA 30A, until removed from the premises.

406.8.9 Sources of ignition. Sources of ignition must not be located within 18 inches (457 mm) of the floor.

406.8.9.1 Equipment. Appliances and equipment installed in a repair garage must comply with the provisions of the International Mechanical Code and NFPA 70.

406.8.10 Operational requirements. Dispensing of flammable and combustible liquids must be in accordance to Section 30.3 of the *Fire Code*.

406.8.11 General. Repair garages must comply with this section. Repair garages for vehicles that use more than one type of fuel must comply with the applicable provisions of this section for each type of fuel used.

Where a repair garage also includes a motor fuel-dispensing facility, the fuel-dispensing operation must comply with the requirements of this chapter for motor fuel-dispensing facilities.

406.8.11.1 Repair garages for vehicles fueled by lighter-than-air fuels. Repair garages for the conversion and repair of vehicles which use CNG, liquefied natural gas (LNG), hydrogen or other lighter-than-air motor fuels will comply with Sections 406.8.11.1.1 through 406.8.13.3.

406.8.11.1.1 Ventilation. Repair garages used for the repair of natural gas- or hydrogen-fueled vehicles must be provided with an approved mechanical ventilation system. The mechanical ventilation system must be in accordance with the *International Mechanical Code* and Sections 406.8.11.1.1 and 406.8.11.1.1.2.

Exception: Repair garages with natural ventilation when approved.

406.8.11.1.1.1 Design. Indoor locations must be ventilated utilizing air supply inlets and exhaust outlets arranged to provide uniform air movement to the extent practical. Inlets must be uniformly arranged on exterior walls near floor level. Outlets must be located at the high point of the room in exterior walls or the roof.

Ventilation must be by a continuous mechanical ventilation system or by a mechanical ventilation system activated by a continuously monitoring natural gas detection system or, for hydrogen, a continuously monitoring flammable gas detection system, each activating at a gas concentration of not more than 25 percent of the lower flammable limit (LFL). In all cases, the system must shut down the fueling system in the event of failure of the ventilation system.

The ventilation rate must be at least 1 cubic foot per minute per 12 cubic feet [$0.00139 \text{ m}^3 \times (\text{s} \cdot \text{m}^3)$] of room volume.

406.8.11.1.1.2 Operation. The mechanical ventilation system must operate continuously.

Exceptions:

1. Mechanical ventilation systems that are interlocked with a gas detection system designed in accordance with Sections 406.8.12 through 406.9.2.3.
2. Mechanical ventilation systems in repair garages that are used only for repair of vehicles fueled by liquid fuels or odorized gases, such as CNG, where the ventilation system is electrically interlocked with the lighting circuit.

406.8.12 Gas detection system. Repair garages used for repair of vehicles fueled by non-odorized gases, such as hydrogen and non-odorized LNG, must be provided with a flammable gas detection system.

406.8.12.1 System design. The flammable gas detection system must be *listed* or *approved* and must be calibrated to the types of fuels or gases used by vehicles to be repaired. The gas detection system must be designed to activate when the level of flammable gas exceeds 25 percent of the lower flammable limit (LFL). Gas detection must also be provided in lubrication or chassis service pits of repair garages used for repairing non-odorized LNG-fueled vehicles.

406.8.12.1.1 Gas detection system components. Gas detection system control units must be *listed* and *labeled* in accordance with UL 864 or UL 2017. Gas detectors must be *listed* and *labeled* in accordance with UL 2075 for use with the gases and vapors being detected.

406.8.12.2 Operation. Activation of the gas detection system must result in all the following:

1. Initiation of distinct audible and visual alarm signals in the repair garage.
2. Deactivation of all heating systems located in the repair garage.
3. Activation of the mechanical ventilation system, when the system is interlocked with gas detection.

406.8.12.3 Failure of the gas detection system. Failure of the gas detection system must result in the deactivation of the heating system, activation of the mechanical ventilation system and, where the system is interlocked with gas detection, cause a trouble signal to sound in an *approved* location.

406.8.13 Defueling of hydrogen from motor vehicle fuel storage containers. The discharge or defueling of hydrogen from motor vehicle fuel storage tanks for the purpose of maintenance, cylinder certification, calibration of dispensers or other activities must be in accordance with 406.8.13.1 through 406.8.13.1.2.4.

406.8.13.1 Methods of discharge. The discharge of hydrogen from motor vehicle fuel storage tanks must be accomplished through a closed transfer system in accordance with Section 406.8.13.1.1 or an approved method of atmospheric venting in accordance with Section 406.8.13.1.2.

406.8.13.1.1 Closed transfer system. A documented procedure that explains the logic sequence for discharging the storage tank must be provided to the *fire code official* for review and approval. The procedure must include what actions the operator is required to take in the event of a low-pressure or high-pressure hydrogen release during discharging activity. Schematic design documents must be provided illustrating the arrangement of piping, regulators, and equipment settings.

The *construction documents* must illustrate the piping and regulator arrangement and must be shown in spatial relation to the location of the compressor, storage vessels, and emergency shutdown devices.

406.8.13.1.2 Atmospheric venting of hydrogen from motor vehicle fuel storage containers. When atmospheric venting is used for the discharge of hydrogen from motor vehicle fuel storage tanks, such venting must be in accordance with Sections 406.8.13.1.2.1 through 406.8.13.1.2.4.

406.8.13.1.2.1 Defueling equipment required at vehicle maintenance and repair facilities. All facilities for repairing hydrogen systems on hydrogen-fueled vehicles must have equipment to defuel vehicle storage tanks. Equipment used for defueling must be listed and labeled for their intended use.

406.8.13.1.2.1.1 Manufacturer's equipment required. Equipment supplied by the vehicle manufacturer will be used to connect the vehicle storage tanks to be defueled to the vent pipe system.

406.8.13.1.2.1.2 Vent pipe maximum diameter. Defueling vent pipes must have a maximum inside diameter of 1 inch (25 mm).

406.8.13.1.2.1.3 Maximum flow rate. The maximum rate of hydrogen flow through the vent pipe system must not exceed 1,000 cfm at NTP (0.47 m³/s) and must be controlled by means of the manufacturer's equipment, at low pressure and without adjustment.

406.8.13.1.2.1.4 Isolated use. The vent pipe used for defueling must not be connected to another venting system used for any other purpose.

406.8.13.1.2.2 Construction documents. *Construction documents* will be provided illustrating the defueling system to be utilized. Plan details must be of sufficient detail and clarity to allow for evaluation of the piping and control systems to be utilized and include the method of support for cylinders, containers, or tanks to be used as part of a closed transfer system, the method of grounding and bonding, and other requirements specified herein.

406.8.13.1.2.3 Stability of cylinders, containers and tanks. A method of rigidly supporting cylinders, containers, or tanks used during the closed transfer system discharge or defueling of hydrogen must be provided. The method must provide not less than two points of support and must be designed to resist lateral movement of the receiving cylinder, container, or tank. The system must be designed to resist movement of the receiver based on the highest gas-release velocity through valve orifices at the receiver's rated service pressure and volume. Supporting structures or appurtenances used to support receivers must be constructed of noncombustible materials in accordance with the *International Building Code*.

406.8.13.1.2.4 Grounding and bonding. Cylinders, containers, or tanks and piping systems used for defueling must be bonded and grounded. Structures or appurtenances used for supporting the cylinders, containers, or tanks must be grounded

in accordance with NFPA 70. The valve of the vehicle storage tank must be bonded with the defueling system prior to the commencement of discharge or defueling operations.

406.8.13.1.3 Repair of hydrogen piping. Piping systems containing hydrogen must not be opened to the atmosphere for repair without first purging the piping with an inert gas to achieve 1 percent hydrogen or less by volume. Defueling operations and exiting purge flow must be vented in accordance with Section 406.8.13.1.2.

406.8.13.1.3.1 Purging. Each individual manufactured component of a hydrogen generating, compression, storage, or dispensing system must have a label affixed as well as a description in the installation and owner's manuals describing the procedure for purging air from the system during startup, and regular maintenance, and for purging hydrogen from the system prior to disassembly (to admit air).

For the interconnecting piping between the individual manufactured components, the pressure rating must be at least 20 times the absolute pressure present in the piping when any hydrogen meets any air.

406.8.13.1.3.2 System purge required. After installation, repair, or maintenance, the hydrogen piping system will be purged of air in accordance with the manufacturer's procedure for purging air from the system.

- (29) Amending Subsection 410.4. Subsection 410.4 is amended to read:

410.4 Platform construction. Permanent platforms shall be constructed of materials as required for the type of construction of the building in which the permanent platform is located. Permanent platforms are permitted to be constructed of fire-retardant-treated wood for Types I, II, and IV construction where the platforms are not more than 30 inches (762 mm) above the main floor, and not more than one-third of the room floor area and not more than 3,000 square feet (279 square meters) in area. Where the space beneath the permanent platform is used for storage or any purpose other than equipment, wiring, or plumbing, the floor assembly must be of not less than 1-hour fire resistance-rated construction or of heavy timber floor construction. Where the space beneath the permanent platform is used for equipment, wiring, or plumbing, the underside of the permanent platform need not be protected.

- (30) Amending Subsection 413.1. Subsection 413.1 is amended by amending Subsection 413.1 and adding Sections 413.1.1 through 413.1.14 to read:

413.1 General. Fire protection and life-safety features for high-piled areas must be in accordance with Sections 413.1.1 through 413.1.13.

413.1.1 Extent and type of protection. When required, fire detection systems, smoke and heat removal, draft curtains, and automatic sprinkler design density must extend the lesser of 15 feet (4572 mm) beyond the high-piled storage area or to a permanent partition. Where portions of high-piled storage areas have different fire protection requirements because of commodity, method of storage or storage height, the fire protection features must be based on the most restrictive design method.

413.1.2 Separation of high-piled storage areas. High-piled storage areas must be separated from other portions of the *building* where required by Sections 413.1.2.1 through 413.1.2.2.

413.1.2.1 Separation from other uses. Mixed occupancies must be separated in accordance with Sections 508 and 509.

413.1.2.2 Multiple high-piled storage areas. Multiple high-piled storage areas must be in accordance with Section 413.1.2.2.1 or 413.1.2.2.2.

413.1.2.2.1 Aggregate area. The aggregate area is the area of all high-piled storage areas within a *building*, unless such areas are separated from each other by 1-hour fire barriers constructed in accordance with Section 707. Openings in such fire barriers must be protected by opening protectives having a 1-hour fire protection rating.

413.1.2.2.2 Multiclass high-piled storage areas. High-piled storage areas classified as Class I through IV not separated from high-piled storage areas classified as high hazard must utilize the aggregate of all high-piled storage areas as high hazard. To be considered as separated, 1-hour fire barriers must be constructed between the areas in accordance with Section 707. Openings in such fire barriers must have a 1-hour fire protection rating.

Exception: Designation based on engineering analysis.

413.1.3 Automatic sprinklers. Automatic sprinkler systems must be provided as required by Table 413.1.

Exception: High-expansion foam extinguishing systems installed in addition to automatic sprinkler systems must comply with Section 904.7.

413.1.4 Fire detection. Where fire detection is required by Table 413.1, an approved automatic fire detection system must be installed throughout any high-piled storage area. The system must be monitored and be in accordance with Section 907.

413.1.5 Smoke and heat removal. Where smoke and heat removal are required by Section 910, smoke and heat vents must be provided.

TABLE 413.1								
GENERAL FIRE PROTECTION AND LIFE SAFETY REQUIREMENTS								
COM-MODITY CLASS	SIZE OF HIGH-PILED AREA (square feet)	ALL STORAGE AREA				SOLID-PILED STORAGE SHELF STORAGE AND PALLETIZED STORAGE		
		Automatic fire extinguishing system	Fire detection system	Smoke and heat removal	Draft curtains	Maximum pile dimension (feet)	Maximum permissible storage height (feet)	Maximum pile volume (cubic feet)
I - IV ^a	2,501 - 12,000 Public access	Yes	Not required	Not required	Not required	100	40	400,000
	2,501 - 12,000 Nonpublic access	Yes	Not required	Not required	Not required	100	40	400,000
	2,501 - 12,000 Nonpublic access	Not required	Yes	Yes	Yes	100	30	200,000
	Greater than 12,000	Yes	Not required	Yes	Not required	100	40	400,000

TABLE 413.1								
GENERAL FIRE PROTECTION AND LIFE SAFETY REQUIREMENTS								
High hazard ^b	501 - 2,500 Public access	Yes	Not required	Not required	Not required	50	30	75,000
	501-2,500 Nonpublic access	Yes	Not required	Not required	Not required	50	30	75,000
	501-2,500 Nonpublic access	Not required	Yes	Yes	Yes	50	30	50,000
	Greater than 2,500	Yes	Not Required	Yes	Not Required	50	30	75,000
a. Commodity classifications I-IV is defined in the Fire Code.								
b. High hazard is defined in Section 415.								

413.1.6 Building access. *Fire apparatus access roads* must be provided within 150 feet of all portions of the exterior wall of *buildings* used for high-piled storage in which the aggregate area of all high-piled storage areas within a *building* is greater than 12,000 square feet. Aggregate areas of high-piled storage areas must be permitted to be separated by 1-hour fire barriers constructed in accordance with Section 707.

413.1.7 Access doors. Fire department access doors must be provided in accordance with this section. Access doors must be accessible without the use of a ladder.

413.1.8 Number of doors required. A minimum of one access door must be provided in each 100 linear feet (30,480 mm), or fraction thereof, of the exterior walls that face a required *fire apparatus access road*. The required access doors must be distributed such that the linear distance between adjacent access doors does not exceed 100 feet (30,480 mm).

413.1.9 Door size and type. Access doors must not be less than 3 feet (914 mm) in width and 6 feet 8 inches (2,032 mm) in height. Access doors must be of the pivoted or side-hinged swinging type.

413.1.10 Designation of storage heights. A visual method of indicating the maximum allowable storage height must be provided within stock or storage areas.

413.1.11 Aisles. Aisles providing access to exits and fire department access doors must be provided in high-piled storage areas exceeding 500 square feet (46 m²), in accordance with Sections 413.1.11.1.1 to 413.1.11.1.2. Aisles separating storage piles or racks must comply with NFPA 13. Aisles must also comply with Chapter 10.

413.1.11.1 Width. Aisle width must be in accordance with Sections 413.1.11.1.1 and 413.1.11.1.2.

Exceptions:

1. Aisles crossing rack structures or storage piles, which are used only for employee access, must be a minimum of 24 inches (610 mm) wide.
2. Aisles separating shelves classified as shelf storage must be a minimum of 30 inches (762 mm) wide.

413.1.11.1.1 Sprinklered Buildings. Aisles in sprinklered *buildings* must be not less than 44 inches (1,118 mm) wide. Aisles may be not less than 96 inches (2438 mm) wide in high-piled storage areas exceeding 2,500 square feet (232 m²) in area that are accessible to the public and designated to contain high-hazard commodities.

Exception: Aisles in high-piled storage areas exceeding 2,500 square feet (232 m²) in area, that are accessible to the public and designated to contain high-hazard commodities, are protected by a sprinkler system designed for multiple-row racks of high-hazard commodities must be a minimum of 44 inches (1,118 mm) wide.

413.1.11.1.2 Nonsprinklered buildings. Aisles in nonsprinklered *buildings* must be a minimum of 96 inches (2,438 mm) wide.

413.1.11.2 Clear height. The required aisle width must extend from floor to ceiling. Rack structural supports and catwalks are allowed to cross aisles at a minimum height of 6 feet 8 inches (2,032 mm) above the finished floor level, provided that such supports do not interfere with fire department hose stream trajectory.

413.1.11.3 Dead ends. Dead-end sides must be in accordance with Chapter 10 of the IBC.

413.1.12 Portable fire extinguishers. Portable fire extinguishers must be provided in accordance with Section 906.

413.1.13 Housekeeping and maintenance.

413.1.13.1 Rack structures. The structural integrity of racks must be maintained.

413.1.13.2 Ignition sources. Hot ashes, cinders, smoldering coals, or greasy or oily materials subject to spontaneous ignition must not be deposited in a combustible receptacle, within 10 feet (3,048 mm) of other combustible material, including combustible walls and partitions, or within 2 feet (610 mm) of openings to *buildings*.

413.1.13.3 Smoking. Smoking must be prohibited. *Approved* “No Smoking” signs must be conspicuously posted throughout high-piled storage areas

413.1.13.4 Aisle maintenance. When restocking is not being conducted, aisles must be kept clear of storage, waste material and debris. Fire department access doors, aisles and *exit* doors must not be obstructed. During restocking operations using manual stocking methods, a minimum unobstructed aisle width of 24 inches (610 mm) must be maintained in 48-inch inside (1,219 mm) or narrow aisles, and a minimum unobstructed aisle width of one-half of the required aisle width must be maintained in aisles greater than 48 inches (1,219 mm). During mechanical stocking operations, a minimum unobstructed aisle width of 44 inches (1,118 mm) must be maintained in accordance with Section 413.1.11.

413.1.13.5 Pile dimension and height limitations. Pile dimensions and height limitations must comply with Table 413.1.

413.1.13.6 Array. Where an *automatic sprinkler system* design utilizes protection based on a closed array, array clearances must be provided and maintained as specified by the standard used.

413.1.13.7 Flue spaces. Flue spaces must be provided in accordance with Table 413.2. Required flue spaces must be maintained.

TABLE 413.2							
REQUIRED FLUE SPACES FOR RACK STORAGE							
RACK CONFIGURATION	AUTOMATIC SPRINKLER PROTECTION		SPRINKLER AT THE CEILING WITH OR WITHOUT MINIMUM IN-RACK SPRINKLERS			IN-RACK SPRINKLERS AT EVERY TIER	NON - SPRINKLERED
			≤ 25 feet		> 25 feet		
	Storage height	Option 1	Option 2				
Single-row rack	Transverse flue space	Size ^b	3 inches	Not Applicable	3 inches	Not Required	Not Required
		Vertically aligned	Not Required	Not Applicable	Yes	Not Applicable	Not Required
	Longitudinal flue space		Not Required	Not Applicable	Not Required	Not Required	Not Required
Double-row rack	Transverse flue space	Size ^b	6 inches ^a	3 inches	3 inches	Not Required	Not Required
		Vertically aligned	Not Required	Not Required	Yes	Not Applicable	Not Required
	Longitudinal flue space		Not Required	6 inches	6 inches	Not Required	Not Required
Multi-row rack	Transverse flue space	Size ^b	6 inches	Not Applicable	6 inches	Not Required	Not Required
		Vertically aligned	Not Required	Not Applicable	Yes	Not Applicable	Not Required
	Longitudinal flue space		Not Required	Not Applicable	Not Required	Not Required	Not Required
Flue spaces will comply with subsection 413.1.13.7.							

413.1.14 Storage arrangement. Storage arrangement must be in accordance to Sections 34.7.3.1, 34.7.3.2 of ROH Chapter 20, *Fire Code*.

(31) Amending Subsection 420.2. Subsection 420.2 is amended by adding the following exception:

Exception: An accessory *dwelling unit* (ADU) is permitted to be separated from the primary *dwelling unit* with a single layer of 5/8-inch Type X gypsum board or the equivalent fire resistive construction on the walls and ceilings of the ADU portion.

(32) Amending Appendix U, Subsection 423.1. Appendix U, Subsection 423.1, is amended to read:

423.1 General. In addition to other applicable requirements in this code, storm shelters must be constructed in accordance with ICC-500, and ROH Chapter 16, Articles 13 and 14.

(33) Adding Section 425. Section 425 is added to read:

SECTION 425 - FENCES

425.1 General. Fences must be constructed in accordance with this code, the *Land Use Ordinance*, and ROH Section 15-24.6. In areas where fence height is not regulated under the *Land Use Ordinance*, fences over 6 feet (1,829 mm) in height are subject to the approval of the fire department as to access.

425.2 Barbed or razor wire fences. Barbed or razor wire must not be used for construction of any fence.

Exceptions:

1. Barbed or razor wire may be used in fences enclosing the following premises, provided that barbed or razor wire must be placed along or above the height of 6 feet from the ground, subject to the approval of the fire department:
 - 1.1 Any “public utility” as defined in HRS § 269-1;
 - 1.2 Premises in industrial zoned districts that are used for storage or handling of hazardous materials, and premises zoned I-2 or I-3, intensive or waterfront industrial districts that are used for industrial purposes and are not adjacent to premises used for other purposes;
 - 1.3 Zoos for keeping animals and birds for public view or exhibition; and
 - 1.4 Jails, prisons, reformatories, and other institutions involved in law enforcement or military activities, where security against unauthorized entry is an important factor.
2. Barbed wire may be used in fences enclosing premises used for pasturing cattle or raising swine.

(34) Adding Section 426. Section 426 is added to read:

SECTION 426 - AGRICULTURAL BUILDINGS

426.1 Appendix C. Appendix C, Group U - Agricultural Buildings is by reference incorporated herein and made a part of this code.

(35) Adding Section 427. Section 427 is added to read:

SECTION 427 - PASSENGER RAIL STATIONS AND BUILDINGS

427.1 Applicability. The provisions of this section apply to *buildings* that connect to passenger rail stations constructed in accordance to NFPA 130.

427.1.1 Passenger rail station fire separation line. For the purpose of this section, a passenger rail station fire separation line must be established. The passenger rail station fire separation line must define the extent of the passenger rail station. *Buildings* and parking structures must be outside of the passenger rail station fire separation line and are not considered as part of the passenger rail station. Where a *building* is above or below a passenger rail station, the *building* must be of Type I or II construction, and there must be a minimum 2-hour fire resistance rated horizontal assembly constructed in accordance with Section 711.

427.1.2 Fire-resistance-rated separation. A *building* must be separated from the passenger rail station by a fire wall complying with Section 706.

Exception: The exterior walls of a *building* separated from a passenger rail station which complies with Table 602.

427.1.3 Openings between passenger stations and buildings. Except for the separation between Group R sleeping units and the passenger rail stations, openings between passenger rail stations and *buildings* of Type I or II construction need not be protected.

427.1.4 Parking garages. An attached garage for the storage of passenger vehicles having a capacity of not more than nine persons and open parking garages must be separated from the passenger rail station by a not less than 2-hour fire barrier constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both.

Openings between the passenger rail station and an attached garage will not be required to be protected with fire protection rated openings provided that all of following conditions are met:

1. The openings do not exceed 25 percent of the area of the fire barrier in which they are located.
2. Means are provided to prevent spilled fuel from accumulating adjacent to the openings and entering the passenger rail station.
3. Physical means are provided to prevent vehicles from being parked or driven within 10 feet (3,050 mm) of the openings.

Parking garages, open or enclosed, which are separated from the passenger rail station, must comply with the provisions of Table 602.

Pedestrian walkways and tunnels that connect garages to passenger rail stations must be constructed in accordance with Section 3104.

427.1.5 Kiosks. Kiosks and similar structures (temporary or permanent) must not be located within 20 feet of a passenger rail station and must meet the following requirements or be composed of materials meeting the following requirements:

1. Combustible kiosks or other structures must be constructed of fire-retardant treated wood complying with Section 2303.2.
2. Kiosks or other structures constructed of foam plastics must have a maximum heat release rate not greater than 100 kW (105 Btu/h) when tested in accordance with the exhibit booth protocol UL 1975 or when tested in accordance with NFPA 289 using the 20 kW ignition source.
3. Kiosks or other structures constructed of aluminum composite material (ACM) must meet the requirements of Class A interior finish in accordance to Chapter 8 when tested as an assembly in the maximum thickness intended.
4. The horizontal separation between kiosks or grouping thereof and other structures must be not less than 20 feet (6096 mm).
5. Each kiosk or similar structure or grouping thereof must have an area not greater than 300 square feet (28 m²).

427.1.6 Children's play structures. Children's play structures must comply with Section 424. The horizontal separation between the passenger rail station and children's play structures must be not less than 20 feet (6096 mm). The horizontal separation between children's play structures, kiosks and similar structures must be not less than 20 feet (6096 mm). Children's play structure groupings must have an area not greater than 300 square feet (28 m²).

427.2 Means of egress. Required means of egress for *buildings* or structures connected to passenger rail stations must be provided independent of the passenger rail station. The occupant load of the *building* opening into the passenger rail station must not be included in the determination of means of egress requirements of the passenger rail station. *Building* exits terminating at the passenger rail station will be considered as a dead end.

- (36) Adding Section 428. Section 428 is added to read:

SECTION 428 - STANDBY POWER.

428.1 Installation. Installation of standby power systems must be in accordance to Section 2702 and the International Mechanical Code.

428.2 Operations and Maintenance. Operation and maintenance of standby power systems must be in accordance with the *Fire Code*.

- (37) Amending Subsection 501.1. Subsection 501.1 is amended to read:

501.1 Scope. The provisions of this chapter control the height, area, and location of structures hereafter erected and additions to existing structures.

- (38) Adding Subsection 501.3. Subsection 501.3 is added to read:

501.3 Location of building for fire department access. One *fire apparatus access road* must be provided for every *building*, or portion of a building such that any portion of an exterior wall of the first story above grade of the *building* is located not more than 150 feet (45,720 mm) measured around the exterior of the *building*. A *fire apparatus access road* must extend to within 50 feet (15 m) of a single exterior door providing access to the interior of the *building* on at least one side of a *building*.

Exceptions:

1. When exterior walls with *fire separation distance* of less than 3 feet (914 mm) are constructed in accordance to the *Building Code*, the total perimeter of that portion of the *building*, must not exceed 200 linear feet (60,960 mm) or when the *building* is protected throughout with an automatic sprinkler system, the total perimeter of that portion of the *building*, must not exceed 400 linear feet (122 m).
2. Where the *building* is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance to a fire apparatus access road is permitted to be 450 feet (137 m) measured around the exterior of the *building*.
3. *Buildings* with gross area greater than 62,000 square feet (5,760 m²) must have access to no fewer than two separate *fire apparatus access roads*.
4. When there are not more than two one- and two-*family* dwellings or private garages, *carports*, sheds, and agricultural *buildings*, a *fire apparatus access road* must extend to within 50 feet (15,240 mm) of a single exterior door providing access to the interior of the *building*.
5. *Buildings* with high-pile storage area greater than 12,000 sf. in area must have access to not less than two separate fire access roads.
6. Where approved by the *fire code official*.

Where more than one access to a public way or *fire apparatus access roads* are required, at least two must be located a distance not less than one half of the diagonal of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

When fire department apparatus access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the authority having jurisdiction may require other additional fire protection.

(39) Adding Subsection 501.3.1. Subsection 501.3.1 is added to read:

501.3.1 Fire department apparatus access roads.

501.3.1.1 Dimensions. *Fire apparatus access roads* must have an unobstructed width of no less than 20 feet (6,096 mm) (See figure 503.1); and an unobstructed vertical clearance of not less than 13 feet 6 inches (4,115 mm).

Exception: Private residential driveways serving not more than 2 dwelling units must have an unobstructed width of not less than 12 feet (3,658 mm).

501.3.1.2 Surface. *Fire apparatus access roads* must be designed and manufactured to support the imposed loads of fire apparatus and must be provided with a surface so as to provide all-weather driving capabilities.

501.3.1.3 Turning Radius. The turning radius of a fire apparatus access road must be in accordance with figure 503.1.

501.3.1.4 Dead Ends. Dead-end *fire apparatus access roads* in excess of 150 feet (45,720 mm) in length must be provided with approved provisions for turning fire apparatus around and must have a maximum gradient of 5 percent, see figure 503.1.

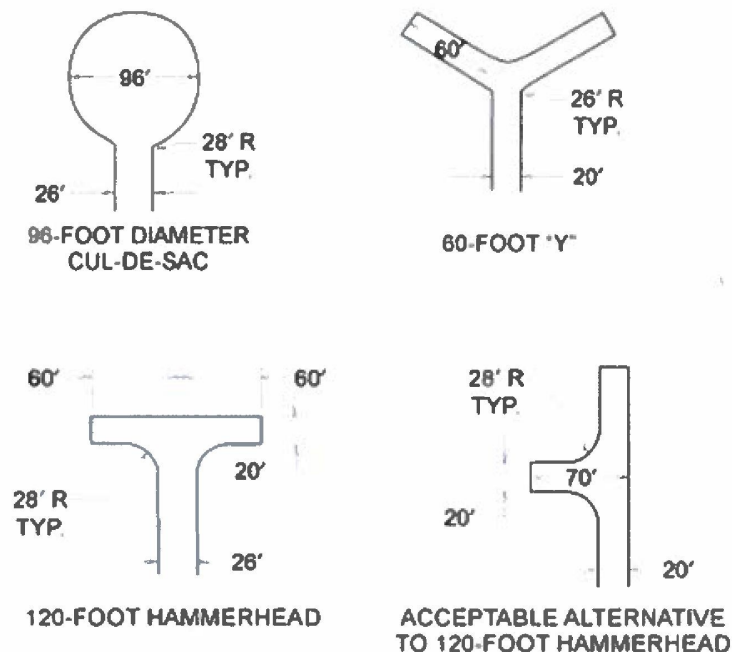


Figure 503.1

501.3.1.5 Bridges. When a bridge is required to be used as part of a *fire apparatus access road*, it must be capable of supporting the imposed load of a fire apparatus weighing at least 83,500 pounds (37,875 kg) and maintained in accordance with AASHTO-HB-17. Vehicle load limits must be posted at both entrances to bridges.

501.3.1.6 Grade. The gradient for a *fire apparatus access road* must not exceed 10 percent.

Exception: Grades steeper than 10 percent must be approved by the *fire code official*.

501.3.1.7 Gates or barricades. Gates or barricades installed across *fire apparatus access roads* must not be installed unless authorized by the *fire code official*.

501.3.1.8 Fire Department access for ground-mounted photovoltaic system installation. A gravel base or other noncombustible base must be installed and maintained under and around the installation. A clear area of 10 feet (3,048 mm) around the ground-mounted photovoltaic installation must be provided.

501.3.2 Fire hydrants. Fire hydrants within 150 feet (45,720 mm) of the *building* or structure must be installed on fire apparatus access roads in accordance with the Water System Standards of the City and County of Honolulu.

(40) Adding Subsection 504.4. Subsection 504.4 is added to read:

504.4 Stair enclosure pressurization increase. For Group R-1 and R-2 occupancies in *buildings* of VA, IV or IIA construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, the maximum number of stories permitted in Section 504.2 may be increased by one additional story and 20 feet of height provided the interior exit stairways and ramps are pressurized in accordance with Sections 909.20 and Section 909.11 or the exit stairways are designed in accordance with the open exterior stairway requirements of Section 1026 with 2-hour fire-rated shaft construction.

504.4.1 Special Provisions. Group R-1 and R-2 occupancies meeting the requirements of Section 504.4 are permitted to be constructed as separate and distinct *buildings* as allowed in Section 510.2.

(41) Amending Subsection 506.2.2. Subsection 506.2.2 is amended by adding the following exception:

Exception: For the purposes of this section, an adjoining private right-of-way may be considered in determining open spaces if the owner of the premises for which the *building* permit application is filed owns a portion thereof.

(42) Amending Subsection 510.2. Subsection 510.2 is amended by adding a new condition to read:

6. The *building* below the *horizontal assembly* must be protected throughout by an *approved automatic sprinkler system* in accordance with Section 903.3.1.1 and is permitted to be any occupancy allowed by this code except Group H.

(43) Adding Subsection 510.10. Subsection 510.10 is added to read:

510.10 Carport. A *carport* constructed of Type V-B construction on a hillside may exceed one story in height provided the space below the *carport* floor is unused or used for Group U occupancy only.

(44) Amending Subsection 603.1. Subsection 603.1 is amended by adding a new item to read:

- 3 Wood construction is permitted for mezzanines constructed in *buildings* of Type IIB construction, subject to the following:
 - 3.1 Mezzanines must conform to Section 505.
 - 3.2 The aggregate area of these mezzanines must be included in the determination of the floor area and must be included in calculating the allowable floor area of the stories in which the mezzanines are located.

3.3 Mezzanine floors, including supporting beams, girders, and columns, must be of one-hour fire-resistive construction.

3.4 Fire sprinkler substitutions for one hour construction are not permitted.

(45) Amending Subsection 901.2. Subsection 901.2 is amended to read:

901.2 Fire protection systems. Fire protection systems must be installed, repaired, operated, and maintained in accordance with this code and the *Fire Code*.

Any fire protection system for which an exception or reduction to the provisions of this code has been granted is considered to be a required system.

All buried galvanized steel and other ferrous piping used in connection with fire-extinguishing systems must be wrapped or otherwise protected against corrosion in accordance with the *Plumbing Code* provisions for protection of galvanized ferrous piping for potable water.

(46) Amending Subsection 903.1.1. Subsection 903.1.1 is amended to read:

903.1.1 Alternative protection. Alternate automatic fire-extinguishing systems complying with Section 904 are permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the *building* and the *fire code officials*.

(47) Adding Subsection 903.1.2. Subsection 903.1.2 is added to read:

903.1.2 Storage height signage. In any *building* requiring an automatic sprinkler system, with a ceiling height greater than 12 feet (3,658 mm), a readily visible metal sign, with letters painted or stenciled, not less than 1 inch (25 mm) high on a contrasting background that states the maximum storage height allowable for the installed sprinkler system, must be placed next to the main shutoff valve of the automatic sprinkler riser.

(48) Amending Subsection 903.2.8. Subsection 903.2.8 is amended to read:

903.2.8 Group R-1 and R-2. An automatic sprinkler system installed in accordance with Section 903.3 must be provided throughout all *buildings* with a Group R-1 and R-2 fire area.

Exception: In accordance with HRS Section 46-19.8, Fire sprinklers; residences, until June 30, 2027, no county shall require the installation or retrofitting of automatic fire sprinklers or an automatic fire sprinkler system in:

1. Any new or existing detached one- or two-family dwelling unit in a structure used only for residential purposes; and
2. Nonresidential agricultural and aquacultural buildings and structures located outside an urban area;

provided that this section shall not apply to new homes that require a variance from access road or firefighting water supply requirements.

(49) Amending Subsection 903.2.11.1. Item 2 of Subsection 903.2.11.1 is amended to read:

2. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 m²) in each 50 linear feet (15,240 mm), or fraction thereof, of exterior wall in the story on at least one side. The required opening shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15,240 mm). The height

of the bottom of the clear opening shall not exceed 44 inches (1,118 mm) measured from the floor. Such required openings must be unobstructed by sunshades, louvers, grillwork, or other construction on the exterior wall that prevent or hinder access to the openings by fire department personnel.

- (50) Amending Subsection 903.3.1.1.1. Subsection 903.3.1.1.1 is amended by adding the following exempt locations:

7. Closets having an area of less than 12 square feet (1.1 m²) in individual *dwelling units* in R-2 occupancies, are not required to be sprinklered. Closets that contain equipment such as washers, dryers, furnaces, or water heaters must be sprinklered regardless of size.

- (51) Amending Subsection 903.4.1. Subsection 903.4.1 is amended to read:

903.4.1 Monitoring. Alarm, supervisory, and trouble signals must be distinctly different and must be automatically transmitted to an approved supervising station, and when approved by the *building official*, must sound an audible signal at a constantly attended location.

Exceptions:

1. Underground key or hub valves in roadway boxes provided by the municipality or a public utility are not required to be monitored.
2. Backflow prevention device test valves located in limited area sprinkler system supply piping must be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves must be electronically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

- (52) Amending Subsection 904.2. Subsection 904.2 is amended to read:

904.2 Where required. Automatic fire-extinguishing systems installed as an alternative to the required sprinkler system of Section 903 must be approved by the *building official*. Automatic fire-extinguishing systems are not be considered alternatives for the purpose of exceptions or reductions allowed by other requirements of this code.

- (53) Amending Subsection 904.2.1. Subsection 904.2.1 is amended to read:

904.2.1 Commercial hood and duct systems. Commercial hood and duct systems are required by Title 11, Chapter 39, §11-39-3(7), Hawaii Administrative Rules (Department of Health). Each Type I hood and duct system must be protected by an approved automatic fire-extinguishing system installed in accordance to this code.

- (54) Amending Subsection 904.11.1. Subsection 904.11.1 is amended by adding the following exception:

EXCEPTION:

1. Automatic sprinkler systems are not required to be equipped with manual actuation means.
2. *Kitchen* areas less than 300 square feet (27.87 m²) must have a readily accessible means for manual activation located between 42 inches and 48 inches (1,067 mm and 1,219 mm) above the floor, be accessible in the event of a fire, and be located at or near a means of egress.

- (55) Amending Subsection 905.1. Subsection 905.1 is amended to read:

905.1 General. Standpipe systems must be provided in new *buildings* and structures in accordance with this section. Fire hose threads used in connection with standpipe systems must be approved and must be compatible with fire department hose threads. All hose connection outlets must be installed so that a 12-inch (305 mm) long wrench may be used in connecting the hose with clearance for the wrench on all sides of the outlet. The location of the fire department hose connection must be approved by the *fire code official*. All horizontal runs of standpipe systems must be sloped to a drain valve at the low point of the system, the drain valve must be arranged to discharge at an approved location.

- (56) Amending Subsection 905.2. Subsection 905.2 is amended to read:

905.2 Installation standard. Standpipe systems must be installed in accordance with this section and NFPA 14. When water pressure at a standpipe outlet exceeds 175 psi static or residual at 250 gpm flow, a pressure-reducing valve must be provided. The required pressure-reducing valves (PRVs) must be located at the hose valve outlet only. Only field-adjustable valves are allowed. If special tools are required to make field adjustments on PRVs, a minimum of four (4) such tools must be provided at locations approved by the *fire code official*.

- (57) Amending Subsection 905.3.2. Exception 2 of Subsection 905.3.2 is amended to read:

2. Class I manual wet standpipes are allowed in buildings that are not high-rise buildings.

- (58) Amending Subsection 905.4. Item 6 of Subsection 905.4 is amended to read:

6. Where the most remote portion of a nonsprinklered floor or story is more than 150 feet (45,720 mm) from a hose connection, additional hose connections must be provided.

- (59) Amending Section 906. Section 906 is amended by deleting Subsections 906.1 through 906.10 and replacing the subsections with the following:

906.1 Where required. Portable fire extinguishers shall be installed in the following locations:

1. In Group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies.

Exception: In Group R-2 occupancies, portable fire extinguishers are required only in locations specified in Items 2 through 6 where each *dwelling unit* is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.

2. Within 30 feet (9,144 mm) of where combustible liquids are stored, used, or dispensed.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance to the *Fire Code*.
5. Where required by the *Fire Code* indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms, and generator rooms, where required by the *fire code official*.

906.2 General requirements. Portable fire extinguishers must be selected and installed in accordance to the *Fire Code* and NFPA 10.

- (60) Amending [F] Table 906.1. [F] Table 906.1 is amended to read:

Table 906.1	
Portable Fire Extinguishers Required	
Occupancy Use	Where Required
Ambulatory health care occupancies	Yes
Apartment occupancies ^a	Yes
Assembly occupancies ^b	Yes
Business occupancies	Yes
Day-care occupancies	Yes
Detention and correctional occupancies ^{c,d}	Yes
Educational occupancies	Yes
Health care occupancies	Yes
Hotel and dormitory occupancies	Yes
Industrial occupancies	Yes
Lodging and rooming house occupancies	Yes
Mercantile occupancies	Yes
Occupancies in special structures	Yes
One- and two-family dwelling occupancies	No
Residential board and care occupancies	Yes
Storage occupancies ^e	Yes
^a Portable fire extinguishers shall be permitted to be located at exterior locations or interior locations so that all portions of the building are within 75 ft. (22.8 m) of travel distance to an extinguishing unit.	
^b Portable fire extinguishers are not required in seating or outdoor performance areas.	
^c Access to portable fire extinguishers shall be permitted to be locked.	
^d Portable fire extinguishers shall be permitted to be located at staff locations only.	
^e In storage areas where forklift, powered industrial truck or cart operators are the primary occupants, fixed extinguishers, as specified in NFPA 10, need not be permitted when:	
(1) Use of vehicles-mounted extinguishers is approved by the AHJ.	
(2) Each vehicle is equipped with a 10 lb. 40-A.80-B.C extinguisher affixed to the vehicle using a mounting bracket approved by the extinguisher manufacturer or the AHJ for vehicular use.	
(3) Not less than two spare extinguishers of equal or greater rating are available onsite to replace a discharged extinguisher.	
(4) Vehicle operators are trained in proper operation and use of the extinguisher.	
(5) Inspections of vehicle-mounted extinguishers are performed daily.	

- (61) Amending Subsection 907.7.2. Subsection 907.7.2 is amended to read:

907.7.2 Record of completion. A record of completion in accordance with NFPA 72 verifying that the system has been installed and tested in accordance with the approved plans and specifications shall be provided. The record of completion, approved fire alarm shop drawings and specifications must be provided to the *building* and fire officials prior to final inspections or prior to final occupancy.

The record of completion must be provided by:

1. An electrical engineer licensed in the State of Hawaii.
2. An individual certified by the International Code Council as a Commercial Fire Alarm Inspector or Fire Inspector II, or by the National Fire Protection Association as a Certified Fire Inspector.
3. Personnel who are factory trained and certified for fire system design and emergency communications system design of the specific type and brand of the installed system.

- (62) Amending Subsection 907.8. Subsection 907.8 is amended to read:

907.8 Inspection, testing, and maintenance. The maintenance and testing schedules and procedures for fire alarm and fire detection systems must be in accordance to Section 13.7.3.2.3 of the *Fire Code*.

- (63) Amending Subsection 910.2.2. Subsection 910.2.2 is amended to read:

910.2.2 High-piled combustible storage. *Buildings* and portions thereof containing high-piled combustible stock or rack storage in any occupancy group in accordance with Section 413 and this Section.

- (64) Amending Section 911. Section 911 is amended to read:

SECTION 911 - FIRE COMMAND CENTER

911.1 General. See *Fire Code*.

- (65) Amending Subsection 915.1. Subsection 915.1 is amended to read:

915.1 General. Emergency responder radio coverage shall be provided in all new *buildings* in accordance with the *Fire Code*.

- (66) Adding Section 916. Section 916 is added to read:

SECTION 916 FIRE PROTECTION SYSTEMS SPECIAL INSPECTIONS

916.1 General. Where application is made for construction as described in this section, the owner or the licensed design professional in responsible charge, acting as the owner's agent must employ one or more fire protection systems' special inspectors to provide inspections during construction on the types of work listed under Subsections 916.2 through 916.6. The fire protection system special inspector must be approved by the *building official*. These inspections are in addition to the inspections specified in Section 110.

916.1.1 Building permit requirement. The submitted plans must include a statement of fire protection system inspection prepared by the licensed engineer of record as a condition for permit issuance.

Exception: The *building official* may waive the requirement for the employment of a special inspector if the construction is of a minor nature.

916.1.2 Report requirement. Fire protection system inspectors shall keep records of inspections and shall review working drawings prior to installation. The fire protection system inspector shall furnish inspection reports to the owner, licensed engineer or architect of record, and other owner-designated persons. Reports must indicate that work inspected was done in conformance to the applicable code and must include, but not be limited to, working drawings and acceptance tests required by this section.

All discrepancies must be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design professional and to the *building official*.

The special inspector shall submit a final signed report stating that the inspector has reviewed the working drawings and whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance to the approved plans and specifications and the applicable workmanship provisions of this code. This report must include a copy of the working drawings provided to the *building official* prior to the final inspection.

916.2 Automatic sprinkler systems. Automatic systems must be inspected and evaluated in accordance to the requirements of Section 903.

1. During installation.

Exception: A special inspector need not be present continuously during the installation of the sprinkler system, provided the special inspector has inspected for conformance with this code and approved plans prior to concealment.

2. During acceptance tests as required by NFPA 13, 13R, and 13D.

916.3 Alternative automatic fire-extinguishing systems. Alternative automatic fire-extinguishing systems must be inspected and evaluated in accordance to the requirements of Section 904.

1. During installation.

Exception: A special inspector need not be present continuously during the installation of the alternate automatic fire extinguishing system, provided the special inspector has inspected for conformance with this code and approved plans prior to concealment.

2. During tests as required by NFPA 11, 12, 12A, 16, 17, and 17A.

916.4 Standpipe systems. Standpipe systems must be inspected and evaluated in accordance to the requirements of Section 905.

1. During installation.

Exception: Special inspector need not be present continuously during the installation of the standpipe system provided the special inspector has inspected for conformance with this code and approved plans prior to concealment.

2. During acceptance tests as required by NFPA 14.

916.5 Smoke control systems. Smoke control systems must be inspected and evaluated in accordance to the requirements of Section 909.

1. During erection of ductwork and prior to concealment for the purposes of leakage testing and recording device location.

2. Prior to occupancy and after sufficient completion for the purposes of pressure difference testing, flow measurements, and detection and control verification.

916.6 Fire pumps. Fire pump systems must be inspected and tested in accordance to the requirements of the Fire Code. An acceptance test must be performed and submitted to the building official.

(67) Amending Subsection 1001.4. Subsection 1001.4 is amended to read:

1001.4 Fire safety and evacuation plans. Fire safety and evacuation plans must be provided prior to issuance of a certificate of occupancy and maintained prior to issuance of the certificate of occupancy for the following occupancies and *buildings*:

1. Group A, other than Group A occupancies used exclusively for purposes of religious worship, that have an *occupant load* of less than 2,000.
2. Group B *buildings* having an *occupant load* of 500 or more persons or of more than 100 persons above or below the lowest *level of exit discharge*.
3. Group E.
4. Group F *buildings* having an *occupant load* of 500 or more persons or more than 100 persons above or below the lowest *level of exit discharge*.
5. Group H.
6. Group I.
7. Group R-1.
8. Group R-2 college and university *buildings*.
9. Group R-4.
10. High-rise *buildings*.
11. Group M *buildings* having an *occupant load* of 500 or more persons or more than 100 persons above or below the lowest *level of exit discharge*.
12. Covered malls exceeding 50,000 square feet (4,645 m²) in aggregate floor area.
13. Open mall *buildings* exceeding 50,000 square feet (4,645 m²) in aggregate area within perimeter line.
14. Underground *buildings*.
15. *Buildings* with an atrium and having an occupancy in Group A, E or M.

1001.4.1 Contents. Fire safety and evacuation plan contents must be in accordance with Section 1001.4.2 and 1001.4.3.

1001.4.2 Fire evacuation plans. Fire evacuation plans must include the following:

1. Emergency egress or escape routes and whether evacuation of the *building* is to be complete or, where *approved*, by selected floors or areas only.

2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for assisted rescue for persons unable to use the general *means of egress* unassisted.
4. Procedures for accounting for employees and occupants after evacuation has been completed.
5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

1001.4.3 Fire safety plans. Fire safety plans must include the following:

1. The procedure for reporting a fire or other emergency.
2. The life safety strategy and procedures for notifying, relocating or evacuating occupants, including occupants who need assistance.
3. Site plans indicating the following:
 - 3.1. The occupancy assembly point.
 - 3.2. The locations of fire hydrants.
 - 3.3. The normal routes of fire department vehicle access.
4. Floor plans identifying the locations of the following:
 - 4.1. Exits.
 - 4.2. Primary evacuation routes.
 - 4.3. Secondary evacuation routes.
 - 4.4. Accessible egress routes.
 - 4.5. Areas of refuge.
 - 4.6. Exterior areas for assisted rescue.
 - 4.7. Manual fire alarm boxes.
 - 4.8. Portable fire extinguishers.
 - 4.9. Occupant-use hose stations.

4.10. Fire alarm annunciators and controls.

5. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.
6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
7. Identification and assignment of personnel responsible for maintenance, housekeeping, and controlling fuel hazard sources.

(68) Amending Section 1001. Section 1001 is amended by adding Subsections 1001.5 through 1001.8 to read as follows:

1001.5 Maintenance. Fire safety and evacuation plans must be reviewed or updated annually or as necessitated by changes in staff assignments, occupancy, or the physical arrangement of the *building*.

1001.6 Availability. Fire safety and evacuation plans must be available in the workplace for reference and review by employees, and copies will be furnished for review upon request.

1001.7 Distribution. The fire safety and evacuation plans must be distributed to the tenants and *building* service employees by the *owner* or *owner's* agent. Tenants must distribute to their employees applicable parts of the fire safety plan affecting the employees' actions in the event of a fire or other emergency.

1001.8 Exit Plan. An exit plan complying with the requirements of Chapter 10 must be provided for all *buildings* and occupancies.

(69) Amending Subsection 1005.7.1. Subsection 1005.7.1 is amended by adding a third exception to read:

3. Exterior screen and storm doors of individual units of Group R-2 and Group R-3.

(70) Amending Subsection 1008.1.4.4. Subsection 1008.1.4.4 is amended by adding a second paragraph to read:

For assembly occupancy groups A-2 and A-3 that are accessory to Group B, M, R-1 and R-2, horizontal sliding or vertical security grilles are permitted at the main exit and must be secured in the fully opened position during periods that the space is occupied. A readily visible durable sign is posted on the egress side adjacent to the grille stating "THIS GRILLE TO BE SECURED IN THE OPEN POSITION WHEN THIS SPACE IS OCCUPIED." The sign must be in letters not less than 1 inch (25 mm) high on a contrasting background. Not more than one means of egress may be equipped with horizontal sliding or vertical security grilles. The use of these grilles is revocable by the *building official* for due cause.

(71) Amending Subsection 1008.1.10. Subsection 1008.1.10 is amended by adding Exception 2 to read:

2. Double-acting screen doors used in conjunction with exit doors having panic hardware in school cafeterias.

(72) Amending Subsection 1009.4. Subsection 1009.4 is amended by adding Exception 5 to read:

5. Private stairways serving an occupant load of less than 5 must not be less than 30 inches (76 mm) in width.

(73) Amending Subsection 1013.4. Subsection 1013.4 is amended by adding Exception 7 to read:

7. Guards in Group R-1 and R-2 Occupancies must not contain:

7.1 Horizontal rails other than top and bottom rails, or

7.2 Cutouts or indentations greater than 1-3/4 inches in width or protrusions that may provide a foothold for young children.

(74) Amending Subsection 1021.2. Subsection 1021.2 is amended by replacing the exceptions with the following:

Exceptions: A single exit or access to a single exit is permitted from any *story* or occupied roof where one of the following conditions exists:

1. The *occupant load*, number of *dwelling units*, and common path of egress travel distance does not exceed the values in Table 1021.2(1) or 1021.2(2).
2. Rooms, areas and spaces complying with Subsection 1015.1 with *exits* that discharge directly to the exterior at the *level of exit discharge*, are permitted to have one *exit* or access to a single *exit*.
3. Parking garages where vehicles are mechanically parked must be permitted to have one *exit* or access to a single *exit*.
4. Group R-3 and R-4 occupancies will be permitted to have one *exit* or access to a single *exit*.
5. Individual single-story or multistory *dwelling units* are permitted to have a single *exit* or access to a single exit from the *dwelling unit*, provided that both of the following criteria are met:
 - 5.1 The *dwelling unit* complies with Subsection 1015.1 as a space with one *means of egress*.
 - 5.2 Either the *exit* from the *dwelling unit* discharges directly to the exterior at the *level of exit discharge*, or the *exit access* outside the *dwelling unit's* entrance door provides access to not less than two approved independent discharge exits.
6. Not more than 5 stories of Group R-2 occupancy are permitted to be served by a single exit under the following conditions:
 - 6.1 The *building* has not more than six stories above grade plane.
 - 6.2 The *building* does not contain a boarding house.
 - 6.3 There are no more than four *dwelling units* on any floor.
 - 6.4 The *building* is of not less than one-hour fire-resistive construction and equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. Residential-type sprinklers must be used in all habitable spaces in each *dwelling unit*.
 - 6.5 There are no more than two single exit stairway conditions on the same *building*.
 - 6.6 An exterior stairway or interior exit stairway is provided. The interior exit stairway, including any related exit passageway, must be pressurized in accordance with Section 909.20. Doors in the stairway must swing into the interior exit stairway regardless of the occupant load served, provided that doors from the interior exit stairway to the *building* exterior are permitted to swing in the direction of exit travel.
 - 6.7 A corridor separates each *dwelling unit* entry/exit door from the door to an interior exit stairway, including any related exit passageway, on each floor. *Dwelling unit* doors must not open directly into an interior exit stairway.

Dwelling unit doors are permitted to open directly into an exterior stairway.

- 6.8 There are no more than 20 feet (6,096 mm) of travel to the exit stairway from the entry/exit door of any *dwelling unit*.
- 6.9 Travel distance measured in accordance with Section 1016 does not exceed 125 feet.
- 6.10 The exit does not terminate in an egress court where the court depth exceeds the court width unless it is possible to exit in either direction to the public way.
- 6.11 Elevators are pressurized in accordance with Section 909.21 or will open into elevator lobbies that comply with Section 713.14.1. Where approved by the *building official*, natural ventilation is permitted to be substituted for pressurization where the ventilation would prevent the accumulation of smoke or toxic gases.
- 6.12 Other occupancies are permitted in the same *building*, provided they comply with all the requirements of this code. Other occupancies must not communicate with the Group R occupancy portion of the *building* or with the single-exit stairway.

Exception: Parking garages accessory to the Group R occupancy are permitted to communicate with the exit stairway.

- 6.13 The exit serving the Group R occupancy does not discharge through any other occupancy, including an accessory parking garage.
- 6.14 There will be no openings within 10 feet (3,048 mm) of unprotected openings into the stairway other than required exit doors having a one-hour fire-resistance rating.
- 6.15 The minimum width of this stairway is not less than 48 inches.

(75) Amending Subsection 1026.2. Subsection 1026.2 is amended to read:

1026.2 Use in a means of egress. For occupancies other than Group I-2, exterior exit stairways and ramps are permitted as an element of a required means of egress for *buildings*.

(76) Amending Subsection 1026.3. Subsection 1026.3 is amended by adding a second paragraph to read:

Exterior exit stairways must be arranged to avoid any impediments to their use by persons having a fear of high places. Outside stairs more than 6 stories above the grade plane must be provided with an opaque visual obstruction of not less than 48 in. (1,220 mm) in height.

(77) Amending Subsection 1026.6. Subsection 1026.6 is amended by amending Exception 4 to read:

4. Separation from the interior of the *building* is not required for *exterior stairways* or *ramps* connected to open-ended *corridors*, provided that Items 4.1 through 4.6 are met:
- 4.1. The *building*, including *corridors*, *stairways*, or *ramps*, shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.12.
- 4.2. The open-ended *corridors* comply with Section 1018.
- 4.3. The open-ended *corridors* are connected on each end to an *exterior exit stairway* or *ramp* complying with Section 1026.

- 4.4. The *exterior walls* and openings adjacent to the *exterior exit stairway* or *ramp* comply with Section 1022.7.
- 4.5. At any location in an open-ended *corridor* where a change of direction exceeding 45 degrees (0.79 rad) occurs, a clear opening of not less than 35 square feet (3.3 m²) or an *exterior stairway* or *ramp* must be provided. Where clear openings are provided, they must be located so as to minimize the accumulation of smoke or toxic gases.
- 4.6. Must not be a required means of egress for *buildings* exceeding six stories above *grade plane* or which are high-rise *buildings*.

(78) Adding Subsection 1026.7. Subsection 1026.7 is added to read:

1026.7 Water accumulation. Exterior exit stairways and ramps must be designed to minimize water accumulation on their surfaces.

(79) Amending Subsection 1029.3. Subsection 1029.3 is amended by adding an exception to read:

Exception: Escape or rescue windows in Group R-1 and R-2 occupancies opening into an exterior exit balcony serving more than two *dwelling units* or hotel guest rooms must be permitted to have a finished sill height not more than 68 inches above the floor.

(80) Amending Subsection 1029.4. Subsection 1029.4 is amended by adding an exception to read:

Exception: Glass jalousie bladed windows that are not safety glazed may be used for emergency escape or rescue.

(81) Amending Subsection 1101.1. Section 1101.1 is amended to read:

1101.1 Scope. The provisions of this chapter are guidelines for the design and construction of facilities for accessibility to physically disabled persons and shall be in accordance with the following regulations:

1. For construction of *buildings* or facilities of the state and county governments, compliance with HRS Section 103-50, administered by the Disability and Communication Access Board, State of Hawaii.
2. Department of Justice's Americans with Disabilities Act Standards for Accessible Design.
3. Department of Housing and Urban Development's recognized "Safe Harbors" for compliance with the Fair Housing Act's design and construction requirements.
4. Other pertinent laws relating to persons with disabilities shall be administered and enforced by the agencies responsible for their enforcement.

Prior to the issuance of a *building* permit, the owner (or the owner's representative, professional architect, or engineer) shall submit a statement that all requirements, relating to accessibility for persons with disabilities, shall be complied with.

(82) Amending Subsection 1101.2. Subsection 1101.2 is amended to read:

1101.2 Design. *Buildings* and facilities must be designed and constructed to be accessible in accordance with this code and ICC A117.1. Conformance with the design and construction requirements of the Americans with Disabilities Act Accessibility Guidelines administered by the Department of Justice or the Fair Housing Act Accessibility Guidelines administered by the Department of Housing and Urban Development is equivalent to meeting the accessibility

requirements of this code. Construction of public *buildings* or facilities in compliance with HRS Sections 103-50 is equivalent to meeting the accessibility requirements of this code. At the time of submittal of an application for a *building* permit, the applicant must state on the plans that the project is subject to the above requirements.

(83) Amending Subsection 1203.1. Subsection 1203.1 is amended to read:

1203.1 General. *Buildings* must be provided with natural ventilation in accordance with Section 1203.1, or mechanical ventilation in accordance with the Title 11, Chapter 39, Hawaii Administrative Rules (Department of Health).

(84) Amending Subsection 1203.2. Exception 3 of Subsection 1203.2 is amended to read:

3. The attic space is permitted to be unvented when the design professional determines it would be beneficial to eliminate ventilation openings to reduce salt-laden air and to maintain relative humidity at 60 percent or lower to:
 - 3.1 Avoid corrosion to steel components;
 - 3.2 Avoid moisture condensation in the attic space; or
 - 3.3 Minimize energy consumption in the attic space, or eliminate ventilation by maintaining satisfactory space conditions in both the attic and occupied space below.

(85) Amending Subsection 1203.4.1. Subsection 1203.4.1 is amended to read:

1203.4.1 Ventilation area required. The openable area of the openings to the outdoors shall be not less than 5 percent of the floor area being ventilated.

(86) Amending Subsection 1203.4.1.1. Subsection 1203.4.1.1 is amended to read:

1203.4.1.1 Adjoining spaces. Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the opening to the adjoining room shall be unobstructed and shall have an area of not less than 10 percent of the floor area of the interior room or space, but not less than 25 square feet (2.3 square meters). The openable area of the openings to the outdoor shall be based on the total floor area being ventilated.

Exceptions:

1. Exterior openings required for ventilation shall be permitted to open into a sunroom with thermal isolation or a patio cover provided that the openable area between the sunroom addition or patio cover and the interior room shall have an area of not less than 10 percent of the floor area of the interior room or space, but not less than 20 square feet (1.86 m²). The openable area of the opening to the outdoors shall be based on the total floor area being ventilated.
2. For Residential Group R-2, when the openings are obstructed, a licensed mechanical engineer shall provide a mechanical ventilation system in accordance with Section 403 of the International Mechanical Code.

(87) Amending Subsection 1205.2. Subsection 1205.2 is amended to read:

1205.2 Natural light. The minimum net glazed area shall be not less than 10 percent of the floor area of the room served.

(88) Amending Subsection 1205.2.2. Subsection 1205.2.2 is amended by adding Exceptions 3 and 4 to read:

3. Residential Groups R-3 and R-4, lighting must be in accordance with Section R303 of the International Residential Code.

4. For Residential Groups R-1 and R-2, artificial light is only permitted for adjoining spaces complying with Section 1205.2.1, when the openings are obstructed.

(89) Deleting Section 1207. Section 1207 is deleted in its entirety.

(90) Amending Subsection 1301.1. Subsection 1301.1 is amended to read:

1301.1 Scope. *Buildings* must be designed and constructed in accordance with ROH Chapter 32.

(91) Amending Subsection 1503.4. Subsection 1503.4 is amended to read:

1503.4 Roof drainage. Design and installation of roof drainage systems must comply with Section 1503 of this code and Sections 1105 through 1109 of the *Plumbing Code*. Roof drains discharge at the public way must be in accordance with ROH Chapter 14.

(92) Amending Subsection 1503.4.1. Subsection 1503.4.1 is amended to read:

1503.4.1 Secondary (emergency overflow) drains or scuppers. Where roof drains are required, secondary (emergency overflow) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason. The installation and sizing of secondary emergency overflow drains, leaders, and conductors must comply with Sections 1106 through 1108 of the *Plumbing Code*.

(93) Amending Subsection 1507.1. Subsection 1507.1 is amended to read:

1507.1 Scope. Roof coverings must be applied in accordance with the applicable provisions of this section and the manufacturer's installation instructions. For the purposes of Section 1507, high wind requirements for roof coverings, wherever the term V_{asd} is used, it will be $V_{eff-asd}$, which is the effective ultimate design wind speed, $V_{eff-ult}$ multiplied by $\sqrt{0.625}$. The effective ultimate design wind speeds are given in Figure 1609.3.2 for Risk Category II and Figure 1609.3.3 for Risk Categories III and IV.

(94) Adding Subsection 1509.9. Subsection 1509.9 is added to read:

1509.9 Miscellaneous roof top structures. Cabanas, trellises, and other similar structures on roof tops must conform to all of the following:

1. Have a headroom clearance of not less than 7 feet 6 inches (2,286 mm).
2. Be not more than 225 square feet (93 m²) in area.
3. Aggregate area of such structures must not exceed 1,000 square feet in area (413 m²).
4. Where the *fire separation distance* is greater than 10 feet (3,048 mm), the structure must be constructed of the type of materials specified by the type of construction for exterior walls but is not required to comply with fire resistive rating requirements.
5. The height of such structure must not exceed 75 feet above the fire department access road and must be fire sprinklered when required by other sections of this code.
6. Where the *fire separation distance* is greater than 20 feet (610m), the structure is permitted to be constructed of fire-retardant-treated-wood.

(95) Amending Subsection 1603.1. Subsection 1603.1 is amended to read:

1603.1 General. Construction documents must show the size, section, and relative locations of structural members with floor levels, column centers and offsets adequately dimensioned. The design loads and other information pertinent to the structural design required by Subsections 1603.1.1 through 1603.1.9 must be clearly indicated on the construction documents.

Exception: Construction documents for *buildings* constructed in accordance with the conventional light-frame construction provisions of Section 2308 must indicate the following structural design information:

1. Floor and roof live loads.
2. Risk Category.
3. Wind exposure.
4. Ultimate design wind speed (3-second gust) V_{ult} , and effective nominal design wind speed $V_{eff-bsd}$ (3-second gust), stated in miles per hour (mph) (km/hr).
5. Design spectral response acceleration parameters, SDS and SD1.
6. Seismic design category and site class.
7. The design load-bearing values of soils.
8. Flood design data, if located in flood hazard areas established in Section 1612.3.

(96) Amending Subsection 1603.1.1. Subsection 1603.1.1 is amended to read:

1603.1.1 Floor live load. The uniformly distributed, concentrated and impact floor live load used in the design must be indicated for floor areas. Live load reduction of the uniformly distributed floor live loads, if used in the design, must be indicated.

(97) Amending Subsection 1603.1.4. Subsection 1603.1.4 is amended to read:

1603.1.4 Wind design data. The following information related to wind loads must be shown, regardless of whether wind loads govern the design of the lateral-force-resisting system of the *building*:

1. Ultimate design wind speed (3-second gust), V_{ult} , and effective nominal design wind speed $V_{eff-bsd}$, stated in miles per hour (km/hr).
2. Building Risk Category.
3. Wind exposure, if more than one wind exposure is utilized, the wind exposure for each applicable wind direction must be indicated.
4. The applicable internal pressure coefficient.
5. Components and cladding. The design wind pressures in terms of psf (kN/m²) used for the design of exterior components, and cladding not specifically designed by the registered design professional.

- (98) Amending Subsection 1609.1.1 and Subsection 1609.1.1.1. Subsection 1609.1.1 and Subsection 1609.1.1.1 are amended to read:

1609.1.1 Determination of wind loads. Wind loads on every *building* or structure will be determined in accordance with Chapters 26 to 30 of ASCE 7. Minimum values for Directionality Factor, K_d , Velocity Pressure Exposure Coefficient, K_z , and Topographic Factor, K_{zt} , must be determined in accordance with Section 1609. The type of opening protection required, the ultimate design wind speed, V_{ult} , and the exposure category for a site is permitted to be determined in accordance with Section 1609 or ASCE 7. Wind is assumed to come from any horizontal direction and wind pressures are assumed to act normal to the surface considered.

Exceptions:

1. Subject to the limitations of Section 1609.1.1.1, the provisions of ICC 600 are permitted for applicable Group R-2 and R-3 *buildings*.
2. Subject to the limitations of Section 1609.1.1.1, residential structures using the provisions of the AF&PA WFCM.
3. Designs using NAAMM FP 1001.
4. Designs using TIA 222 for antenna-supporting structures and antennas, provided the effect of topography is included in accordance with Section 1609.3.3 Topographic effects.
5. Subject to the limitations of Section 1609.1.1.1, residential structures using the provisions of AISI S230.
6. Wind tunnel tests in accordance with Chapter 31 of ASCE 7, subject to the limitations in Section 1609.1.1.2.

The wind speeds in Figures 1609A, 1609B, and 1609C are ultimate design wind speeds, V_{ult} . Values of effective nominal design wind speeds, $V_{eff-asd}$, determined in accordance with Sections 1609.3.1 and 1609.3.2, must be used when the standards referenced in Exceptions 1, 2, 3, and 5 are used.

1609.1.1.1 Applicability. The provisions of ICC 600 are applicable only to *buildings* located within Exposure B or C as defined in Section 1609.4. The prescriptive provisions of ICC 600, AWC WFCM, or AISI S230, shall not be permitted for either of the following cases:

1. Structures that are more than two stories above grade plane in height.
2. Structures designed using exception 4 in Section 1609.1.2 Protection of openings.

- (99) Amending Subsections 1609.1.2., 1609.1.2.1, and 1609.1.2.2. Subsections 1609.1.2., 1609.1.2.1, and 1609.1.2.2 are amended to read:

1609.1.2 Protection of openings. In *wind-borne debris regions*, glazing in buildings must be impact-resistant or protected with an impact-resistant covering meeting the requirements of an approved impact resistant standard or ASTM E 1996 and ASTM E 1886 referenced herein as follows:

1. Glazed openings located within 30 feet (9,144 mm) of grade must meet the requirements of the Large Missile Test of ASTM E 1996-14.
2. Glazed openings located more than 30 feet (9144 mm) above grade must meet the provisions of the Small Missile Test of ASTM E 1996-14.

3. Glazing in the following Risk Category III *buildings* defined by Table 1604.5 must be provided with windborne debris protection:
 - 3.1 Covered structures whose primary occupancy is public assembly with an occupant load greater than 300.
 - 3.2 Health care facilities with an occupant load of 50 or more resident patients, but not surgery or emergency treatment facilities.
 - 3.3 Any other public *building* with an occupant load greater than 5,000.

Exceptions:

1. Wood structural panels with a minimum thickness of 7/16-inch (11 mm) and a maximum panel span of 8 feet (2,438 mm) must be permitted for opening protection in one- and two-story *buildings* classified as Group R-3 or R-4 occupancy. Panels must be precut so that they will be attached to the framing surrounding the opening containing the product with the glazed opening. Panels must be predrilled as required for the anchorage method and must be secured with the attachment hardware provided. Attachments must be designed to resist the components and cladding loads determined in accordance with the provisions of ASCE 7, with corrosion-resistant attachment hardware provided and anchors permanently installed on the *building*. Attachment in accordance with Table 1609.1.2 with corrosion-resistant attachment hardware provided and anchors permanently installed on the *building* is permitted for *buildings* with a mean roof height of 33 feet (10,058 mm) or less where effective ultimate design wind speeds, $V_{eff-ult}$ do not exceed 175 mph (78 m/s).
2. Glazing in Risk Category I *buildings* as defined in Section 1604.5, including greenhouses that are occupied for growing plants on a production or research basis, without public access will be permitted to be unprotected.
3. Glazing in Risk Category II, III or IV *buildings* located over 60 feet (18 288 mm) above the ground and over 30 feet (9,144 mm) above aggregate surface roofs located within 1,500 feet (458 m) of the building will be permitted to be unprotected.
4. Risk Category II *buildings* shall be permitted to be designed with unprotected openings subject to the following requirements:
 - a) For each direction of wind, determination of enclosure classification shall be based on the assumption that all unprotected glazing on windward walls are openings while glazing on the remaining walls and roof are intact and are not assumed to be openings.
 - b) Partially enclosed and open occupancy R-3 *buildings* without wind-borne debris protection shall also include a residential safe room in accordance with ROH Chapter 16, Article 13, or alternatively provide an equivalently sized room structurally protected by construction complying with Section 16-13.7.

1609.1.2.1 Louvers. Louvers protecting intake and exhaust ventilation ducts not assumed to be open that are located within 30 feet (9,144 mm) of grade must meet the requirements of an approved impact-resisting standard or the Large Missile Test of ASTM E 1996-14.

1609.1.2.2 Garage doors. Garage door glazed opening protection for wind-borne debris must meet the requirements of an approved impact-resisting standard or ANSI/DASMA 115.

Table 1609.1.2			
Wind-Borne Debris Protection Fastening Schedule For Wood Structural Panels ^{a,b,c,d}			
Fastener Type	Fastener Spacing		
	Panel span ≤ 4 feet	Panel span > 4 feet and ≤ 6 feet	Panel span > 6 feet and ≤ 8 feet
No. 8 Wood screw based anchor with 2-inch embedment length	16"	10"	8"
No. 10 Wood screw based anchor with 2-inch embedment length	16"	12"	9"
¼-inch lag screw based anchor with 2-inch embedment length	16"	16"	16"
For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound = 0.454 kg, 1 mile per hour = 1.609 km/h.			
a. This table is based on a 175 mph effective ultimate design wind speed and a mean roof height of 45 feet.			
b. Fasteners must be installed at opposing ends of the wood structural panel. Fasteners must be located a minimum of 1 inch from the edge of the panel.			
c. Anchors must penetrate through the exterior wall covering with an embedment length of 2 inches minimum into the <i>building</i> frame. Fasteners must be located a minimum of 2-1/2 inches from the edge of concrete block or concrete.			
d. Where panels are attached to masonry or masonry/stucco, they must be attached utilizing vibration-resistant anchors having a minimum withdrawal capacity of 1,500 pounds.			

(100) Amending Subsection 1609.3. Subsection 1609.3 is amended to read:

1609.3 Basic wind speed (topographic and directionality factors). The ultimate design wind speed, V_{ult} in mph, for the determination of the wind loads is determined by Figure 1609A, 1609B, and 1609C. The ultimate design wind speed V_{ult} , for use in the design of Risk Category II *buildings* and structures is obtained from Figure 1609A. The ultimate design wind speed, V_{ult} , for use in the design of Risk Category III and IV *buildings* and structures is obtained from Figure 1609B. The ultimate design wind speed, V_{ult} , for use in the design of Risk Category I *buildings* and structures is obtained from Figure 1609C.

The effective ultimate design wind speed, $V_{eff-ult}$, for the special wind regions indicated near mountainous terrain and near gorges must be in accordance with Subsection 1609.3.2.

Special wind regions near mountainous terrain and valleys are accounted for within the Topographic Factor defined in Subsection 1609.3.3. Wind speeds derived from simulation techniques may only be used in lieu of the wind speeds given in Figure 1609 when: (1) approved simulation or extreme-value statistical analysis procedures are used (the use of regional wind speed data obtained from anemometers is not permitted to define the hurricane wind speed risk in Hawaii); and (2) the ultimate design wind speeds resulting from the study must not be less than the resulting 700-year return period wind speed for Risk Category II and 1,700-year return period wind speed for Risk Categories III and IV, and 300-year return period design wind speed for Risk Category I.

1609.3.1 Effective wind speed conversion. For Section 2308.10.1 and the exceptions permitted under Section 1609.1.1, and when otherwise required, the nominal design wind speed value used for determination of the wind loads, will be the effective nominal design wind speed, $V_{eff-asd}$, determined by multiplying the effective ultimate design wind speed values, $V_{eff-ult}$ given in Section 1609.3.2 by $\sqrt{0.625}$, in accordance with Equation 16-33.

$$V_{eff-asd} = V_{eff-ult} \sqrt{0.625} \text{ (Equation 16-33)}$$

1609.3.2 Effective ultimate design wind speed, $V_{eff-ult}$, contour maps. Figures 1609.3.2.1, 1609.3.2.2, and 1609.3.2.3 are added as follows:

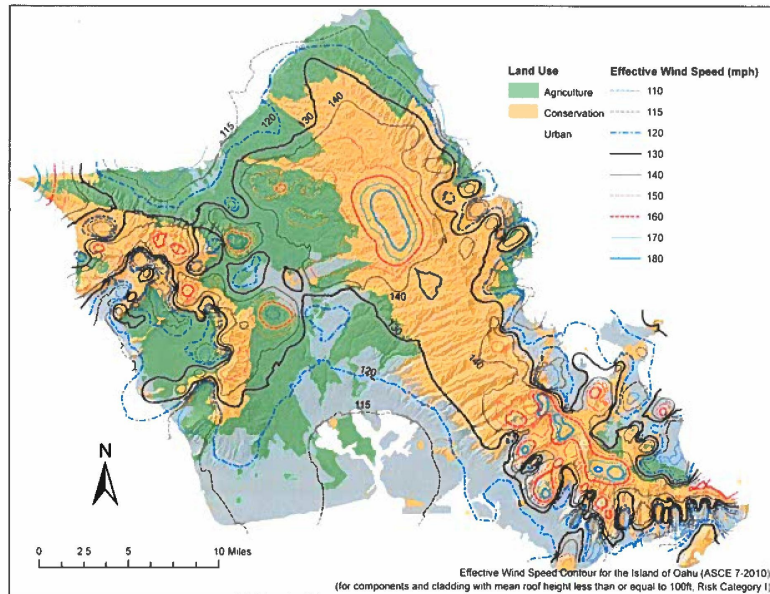


Figure 1609.3.2.1
City and County of Honolulu Effective Ultimate Design Wind Speed, $V_{eff-ult}$, for Components and Cladding for Risk Category I Buildings less than 100 feet Tall

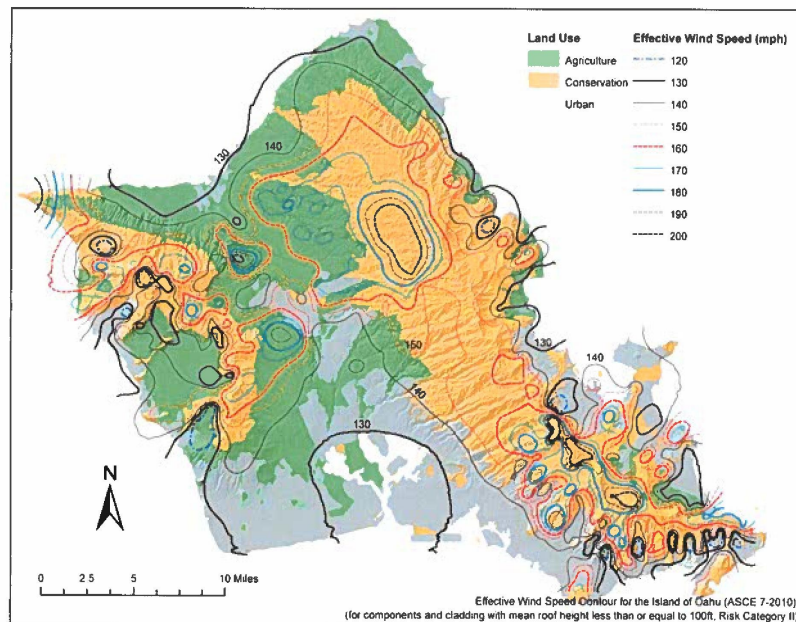


Figure 1609.3.2.2
City and County of Honolulu Effective Ultimate Design Wind Speed, $V_{eff-ult}$, for Components and Cladding for Risk Category II Buildings less than 100 feet Tall

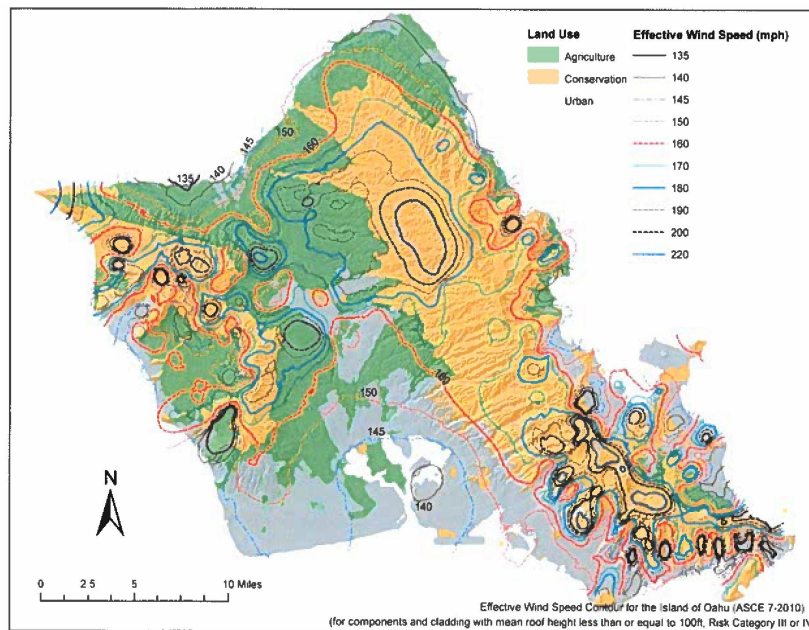


Figure 1609.3.2.3
City and County of Honolulu Effective Ultimate Design Wind Speed, $V_{eff-ult}$, for Components and Cladding for Risk Category III and IV Buildings less than 100 feet Tall

1609.3.3 Topographic effects. Wind speed-up effects caused by topography must be included in the calculation of wind loads by using the factor K_{zt} , where K_{zt} is given in Figure 1609.3.3.

Exception: Site-specific probabilistic analysis of directional K_{zt} based on wind-tunnel testing of topographic speed-up is permitted to be submitted for approval by the *building official*.

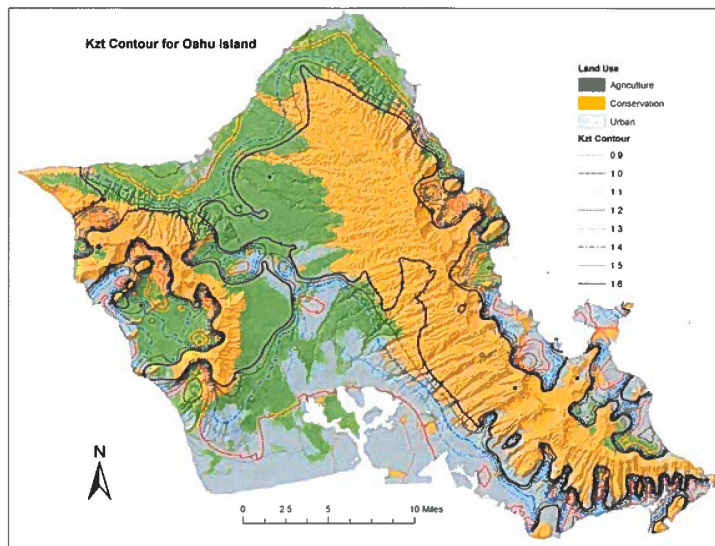


Figure 1609.3.3
City and County of Honolulu Peak Topographic Factor K_{zt} for Building Heights up to 100 feet^{a,b}

- a. Site-specific probabilistic analysis of directional K_{zt} based on wind-tunnel testing of topographic speed-up is permitted to be submitted for approval by the *building official*. For *buildings* taller than 160 feet, this submittal must include peak gust velocity profiles for all wind direction sectors.
- b. At Exposure b sites with ground elevations less than 500 feet, K_{zt} values ≥ 1.2 will be permitted to be reduced for *building heights* greater than 100 feet by multiplying K_{zt} mapped in Figure 1609.3.3 by the height adjustments given in the Table 1609.3.3.2. Interpolation is permitted.

Table 1609.3.3.2								
Height Adjustment of Mapped K_{zt} Values at Sites with Ground Elevation Less than 500 feet								
<i>building</i> roof height above ground (ft)	≤ 100	120	140	160	180	200	220	≥ 240
Adjustment factor to K_{zt} 1.2	100%	98%	96%	94%	92%	90%	92%	94%

1609.3.4 Directionality factor. The wind directionality factor, K_{dt} , is determined from Tables 1609.3.4(a) and 1609.3.4(b), and Figures 1609.3.4(a) and 1609.3.4(b).

Table 1609.3.4(a)					
K_d Values for Main Wind Force Resisting Systems Sited on Oahu, Hawaii ^{a,b}					
Topographic Location on Oahu, Hawaii	Main Wind Force Resisting Systems		Main Wind Force Resisting Systems with totally independent systems in each orthogonal direction		Biaxially Symmetric and Axisymmetric Structures of any Height and Arched roof Structures
	Mean Roof Height less than or equal to 100 ft.	Mean Roof Height greater than 100 ft.	Mean Roof Height less than or equal to 100 ft.	Mean Roof Height greater than 100 ft.	
Sites within valleys at an elevation of at least 50 ft. but not greater than 500 ft.	0.65	0.70	0.70	0.75	0.85
Central Oahu above an elevation of 500 ft., the Ewa and Kapolei plains, and coastal areas with K_{zt} (10m) not greater than 1.2	0.75	0.80	0.75	0.80	0.95
All other areas, including hills, hillsides, ridges, bluffs, and escarpments at any elevation or height; coastal and inland areas with K_{zt} (10m) greater than 1.2	0.7	0.75	0.75	0.80	0.90
a. The values of K_d for other non- <i>building</i> structures indicated in ASCE-7 Table 26-4 are permitted.					
b. Site-specific probabilistic analysis of K_d based on wind-tunnel testing of topography and peak gust velocity profile is permitted to be submitted for approval by the <i>building official</i> , but K_d must have a value not less than 0.65.					

Table 1609.3.4(b)			
K_d Values for Components and Cladding of Buildings Sited on Oahu, Hawaii ^{a,b}			
Topographic Location on Oahu	Components and Cladding		
	Mean Roof Height less than or equal to 100 ft.	Mean Roof Height greater than 100 ft.	Risk Category IV <i>buildings</i> and structures
Sites within valleys at an elevation of at least 50 ft. but not greater than 500 ft.	0.65	0.70	0.75
Central Oahu above an elevation of 500 ft., the Ewa and Kapolei plains, and coastal areas with K_{zt} (10m) not greater than 1.2	0.75	0.80	0.85
All other areas, including hills, hillsides, ridges, bluffs, and Escarpments at any elevation or height; coastal and inland areas with K_{zt} (10m) greater than 1.2	0.70	0.75	0.80

- a. The values of K_d for other non-building structures indicated in ASCE-7 Table 26-4 are permitted.
- b. Site-specific probabilistic analysis of K_d based on wind-tunnel testing of topography and peak gust velocity profile is permitted to be submitted for approval by the building official, but in any case subject to a minimum value of 0.65.

(101) Amending Subsection 1609.4.1. Subsection 1609.4.1 is amended to read:

1609.4.1 Wind directions and sectors. For each selected wind direction at which the wind loads are to be evaluated, the exposure of the *building* or structure is determined for the two upwind sectors extending 45 degrees (0.79 rad) either side of the selected wind direction. The exposures in these two sectors is determined in accordance with Sections 1609.4.2 and 1609.4.3 and the exposure resulting in the highest wind loads is used to represent winds from that direction.

Exception: Exposure categories are permitted to be determined using Figures 1609.4.

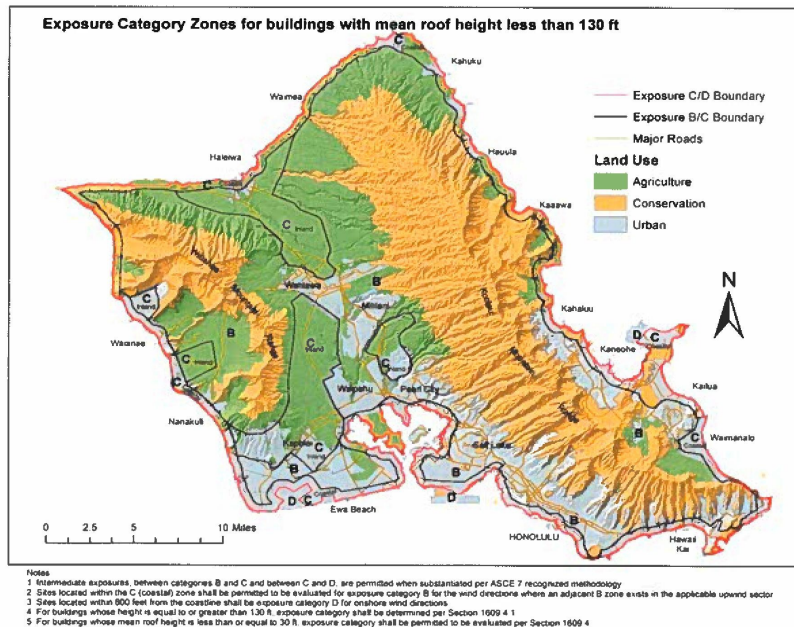


Figure 1609.4
Exposure Category Zones for the City and County of Honolulu

(102) Amending Subsection 1609.5.4. Subsection 1609.5.4 is amended to read:

1609.5.4 Roof-mounted solar collectors for buildings. The design wind force for roof-mounted solar collector panels located on *buildings* is determined based on the location and height of the panel system and the configuration of the roof, in accordance with Sections 1609.5.4.1 through 1609.5.4.6.

In addition to all the other applicable provisions of this Code, the roof itself must be designed for both of the following:

1. The case where solar collectors are present. Wind loads acting on solar collectors in accordance with this section must be applied simultaneously with roof wind loads specified in other sections acting on areas of the roof not covered by the plan projection of solar collectors. For this case, unless otherwise noted, roof wind loads specified in other sections need not be applied on areas of the roof covered by the plan projection of solar collectors.
2. Cases where the solar arrays have been removed or are absent.

The following variables are defined for use in determining the design wind force applied to rooftop solar collectors/panels:

A = the area of the solar panel element.

d_1 = horizontal distance measured from the edge of one panel to the *building* edge or to an adjacent array. The distance is perpendicular to the panel edge ignoring any rooftop equipment. See Figures 1609.5-1 or 1609.5-3, in ft.

d_2 = horizontal distance measured from the edge of one panel to the nearest edge in the next row of panels. See Figure 1609.5-1 or 1609.5-3, in ft.

F = the design wind force normal to each panel determined in accordance with Section 1609.5.4

h_1 = height of solar panel above the roof at the lower edge of the panel measured perpendicular to the surface of the roof. See Figure 1609.5-1 or 1609.5-3, in ft.

h_2 = height of a solar panel above the roof at the upper edge of the panel measured perpendicular to the surface of the roof. See Figure 1609.5-1 or 1609.5-3, in ft.

L_p = panel chord dimension, in ft., for use with rooftop solar collectors as shown in Figure 1609.5-1 or 1609.5-3

θ = Angle of the roof surface, in degrees. See Figure 1609.5-1 or 1609.5-3.

ω = Angle that the solar panel makes with the roof surface, in degrees. See Figure 1609.5-1 or 1609.5-3.

1609.5.4.1 Roof-mounted panels. Rooftop-mounted panels are mounted flush with, or within 10 inches (254 mm) of, the roof surface and not located on a roof overhang. The design wind force determined in accordance with this section shall apply to rooftop solar collectors meeting the following conditions:

1. Rooftop solar collectors are located on enclosed or *partially enclosed buildings* of any height.
2. Panels are parallel to the roof surface, within a tolerance of 2°.
3. The maximum height above the roof surface, h_2 , shall not exceed 10 inches (254 mm).
4. A minimum gap of 0.25 inches (6.4 mm) shall be provided between all panels.
5. The spacing of gaps between panels shall not exceed 6.7 ft. (2.04 m).
6. The array shall be located at least $2h_2$ from the nearest roof edge, gable ridge, or hip ridge.

The design wind force for rooftop solar collectors shall be determined by Equation 1609-1:

$$F = q_h G C_p \gamma_E \gamma_a A \quad (1b) \quad (\text{N}) \quad \textbf{(Equation 1609-1)}$$

Where:

q_h = velocity pressure at the mean roof height.

$G C_p$ = external pressure coefficient for components and cladding of roofs with respective roof zoning for the corresponding location on the roof, with the effective wind area, A , equal to that of the solar panel.

γ_E = solar array edge factor for use with rooftop solar collectors.

γ_E = 1.5 for panels that are exposed and those within a distance $1.5 (L_p)$ from the end of a row at an exposed edge of the array; $\gamma_E = 1.0$ elsewhere, as illustrated by the example array configuration shown in Figure 1609.5-3.

A panel is defined as exposed if d_1 to the roof edge $> 0.5h$ and one of the following applies:

1. d_1 to the adjacent array > 4 feet (1.22 m), or
2. d_2 to the next adjacent panel > 4 feet (1.22 m).

γ_a = solar collector pressure equalization factor, from Figure 1609.5-2.

Alternatively, it is permitted to determine the normal design wind force in accordance with Equation 1609-2:

$$F = 40 A (V_{eff-ult}/105)^2 \text{ (lbs) (Equation 1609-2)}$$

Where:

$V_{eff-ult}$ = the Effective Ultimate Design Wind Speed as determined from Figures 1609.3.2.1 through 1609.3.2.3, which adjusts the basic Hawaii wind speed for the special topographic wind region.

The force F is permitted to be applied to the centroid of the calculated pressure.

1609.5.4.2 Rooftop solar collectors for buildings of all heights with flat roofs or gable or hip roofs with slopes less than 7 degrees. The design wind force determined in accordance with this section must apply to rooftop solar collectors meeting the following conditions:

1. Rooftop solar collectors are located on enclosed or *partially enclosed buildings* of any height.
2. Flat, gable, or hip roofs with slopes, $\theta \leq 7^\circ$.
3. Panels installation will conform to the following limitations:

$$\begin{aligned} L_p &\leq 6.7 \text{ ft (2.04 m)}, \\ \omega &\leq 35^\circ, \\ h_1 &\leq 2 \text{ ft (0.61 m)}, \\ h_2 &\leq 4 \text{ ft (1.22 m)} \end{aligned}$$

4. A minimum gap of 0.25 inches (6.4 mm) must be provided between all panels.
5. The spacing of gaps between panels must not exceed 6.7 ft (2.04 m).
6. The minimum horizontal clear distance between the panels and the edge of the roof will be the larger of $2(h_2 - h_{pt})$ and 4 feet (1.22 m).

The design wind force for rooftop solar collectors is determined by Equation 1609-3:

$$F = qh GC_{rn} A \text{ (lb/ft}^2 \text{) (N/m}^2 \text{) (Equation 1609-3)}$$

Where:

$$GC_{rn} = \gamma_p \gamma_c \gamma_E (GC_{rn})_{nom} \text{ (Equation 1609-4)}$$

Where:

$(GC_{rn})_{nom}$ = nominal net pressure coefficient from Figure 1609.5.3.

$$\gamma_p = \min \left(1.2, 0.9 + \frac{h_{pt}}{h} \right)$$

$$\gamma_c = \max (0.6 + 0.06L_p, 0.8)$$

$$\gamma_E = \begin{cases} 1.5 & \text{for panels that are exposed and those within a distance } 1.5(L_p) \text{ from the end of a row at an exposed edge of the array;} \\ 1.0 & \text{elsewhere, as illustrated by the example array configuration shown in Figure 1609.5-3.} \end{cases}$$

A panel is defined as exposed if d_1 to the roof edge $> 0.5h$ and one of the following applies:

1. d_1 to the adjacent array $> \max(4h_2, 4 \text{ feet (1.22m)})$
2. d_2 to the next adjacent panel $> \max(4h_2, 4 \text{ feet (1.22m)})$

The force F is permitted to be applied to the centroid of the calculated pressure.

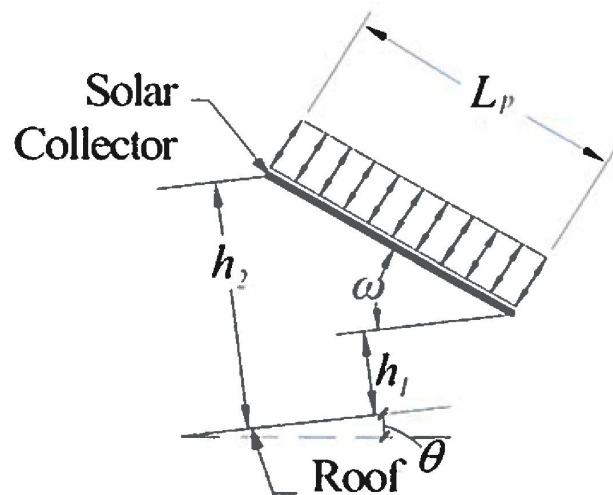


Figure 1609.5-1 Solar Collector Pressure Equalization Factor, γ_a , for enclosed and *partially enclosed* buildings of all heights.

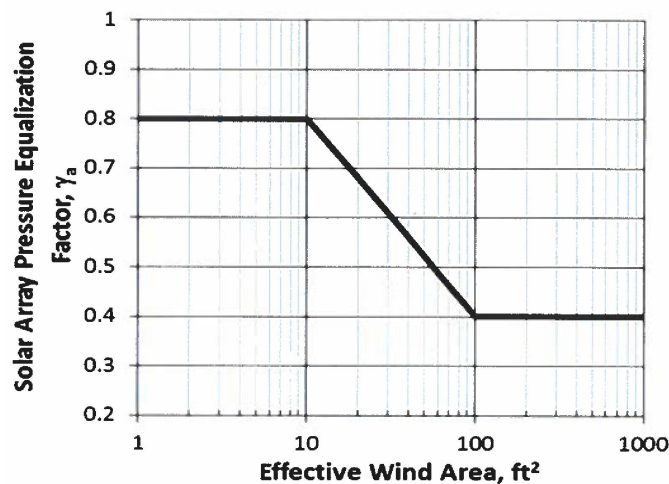


Figure 1609.5-2 Solar Collector Pressure Equalization Factor, γ_a , for enclosed and *partially enclosed* buildings of all heights.

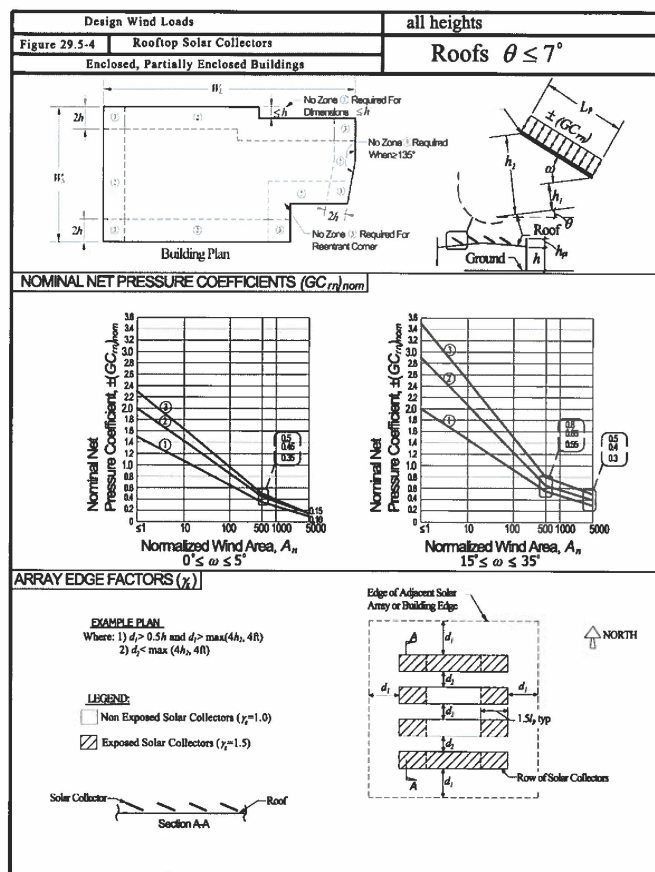


Figure 1609.5-3 Rooftop Solar Collectors for *buildings* of all heights with flat 190 roofs or gables or hip roofs with slopes less than 7°

Notes for Figure 1609.5-3:

1. ($G_{r,n}$) acts towards (+) and away (-) from the top surface of the panels.
2. Linear interpolation will be permitted for ω between 5° and 15° .
3. Notation:

$$A_n = \left(\frac{1000}{[\max(L_b, 15)]^2} \right) A.$$

A_n = normalized wind area for rooftop solar collectors

L_b = $\min(0.4(hW_L)0.5, h, W_s)$, in ft.

W_L = width of a *building* on its longest side in Figure 1609.5-3, in ft.

W_s = width of a *building* on its shortest side in Figure 1609.5-3, in ft.

1609.5.4.3 Roof-mounted panels in all other locations. The normal force on roof-mounted panels not regulated by Section 1609.5.4.1 or 1609.5.4.2 will be determined by Equation 1609-5:

$$F = q_h (GC_p) C_N A \text{ (lb) (N) (Equation 1609-5)}$$

Where:

C_N = pressure coefficients for monoslope free roofs from ASCE 7 considering each elevated panel as a free roof surface in clear wind flow. The angle \ominus used for the determination of C_N is measured as the angle of the panel with respect to the plane of the roof. Values of C_N for forces on the panel may be taken as the Zone 1 coefficients, except Zone 2 coefficients for C_N are used where panels of angle $\theta > 7.5$ degrees are located a distance equal to or less than twice the roof height measured from a roof corner with a parapet greater than 24 inches (610 mm) in height above the roof.

GC_p = the component and cladding external pressure coefficient for roofs for the roof zone corresponding to the location of the solar panel, and the effective wind area is that of the solar panel. The minimum magnitude of negative pressure values of GC_p in Zone 1 is taken as - 1.0.

A = the total area of the solar panel element.

Alternatively, it is permitted to determine the normal force in accordance with Equation 1609-6:

$$F = 100 A (V_{eff-ult}/105)_2 \text{ (lbs) (Equation 1609-6)}$$

Where:

$V_{eff-ult}$ = the Effective Ultimate Design Wind Speed as determined from Figures 1609.3.2.1 through 1609.3.2.3, which adjusts the basic Hawaii wind speed for the special topographic wind region.

When located in roof zone 2 or 3 as defined in ASCE 7, the force F is applied with an eccentricity equal to a third of the solar panel width.

1609.5.4.3.1 Additive panel wind loads. The load on the panel is applied as point load anchorage reactions additive to the resultant of the pressure determined acting on the portion of the roof underlying the panel.

1609.5.4.4 Ballasted panels. Panels that are ballasted for uplift resistance and tilted at an angle α of 10 degrees or more from a horizontal plane are designed to resist the force determined by Equation 1609-7:

$$F_{ballast} \geq F \left(\frac{\mu \cos \beta + \sin \beta}{\mu \cos \alpha - \sin \alpha} \right) \text{ (lb) (N) (Equation 1609-7)}$$

Where:

F = the normal force on each panel determined in accordance with Section 1609.5.4

α = the angle of the roof plane with respect to horizontal.

β = the angle of tilt of the panel with respect to the roof plane.

μ = the static friction coefficient between the panel base and its bearing surface.

Alternatively, to resist uplift and sliding, ballasted panels that are tilted at an angle of less than 10 degrees from a horizontal plane must each be ballasted to resist a force equal to 2 times the normal force on each panel determined in Sections 1609.5.4.1 or 1609.5.4.2. Ballasted panels that are tilted at an angle between 10 degrees to 25 degrees from a horizontal plane must each be ballasted to resist a force equal to 8 times the normal force on each panel determined in Sections 1609.5.4.1 or 1609.5.4.2.

1609.5.4.5 Permeability. A reduction of load on the panels for permeability of the panel system is not permitted unless demonstrated by approved wind-tunnel testing or recognized documentation for the type of panel system being considered. Testing or documentation must replicate the panel separation spacing and height above the roof.

1609.5.4.6 Shielding. A reduction of load on the panels for shielding provided by the roof or other obstruction is not permitted unless demonstrated by approved wind-tunnel testing or recognized documentation for the type of panel system being considered. Testing or documentation must replicate the panel separation spacing and height above the roof.

(103) Amending Subsection 1609.6.3. Subsection 1609.6.3 is amended to read:

1609.6.3 Design equations. When using the alternative all-heights method, the MWFRS, and components and cladding of every structure must be designed to resist the effects of wind pressures on the building envelope in accordance with Equation 16-35.

$$P_{net} = 0.00256V_{ultz}K_zC_{net}K_{zt}(K_d/0.85) \quad \text{(Equation 16-35)}$$

Design wind forces for the MWFRS must not be less than 16 psf (0.77 kN/m²) multiplied by the area of the structure projected on a plane normal to the assumed wind direction (see ASCE 7 Section 27.4.7 for criteria). Design net wind pressure for components and cladding must not be less than 16 psf (0.77 kN/m²) acting in either direction normal to the surface.

(104) Amending Subsection 1609.6.4.2. Subsection 1609.6.4.2 is amended to read:

1609.6.4.2 Determination of K_z , K_{zt} and K_d . Velocity pressure exposure coefficient, K_z , must be determined in accordance with ASCE 7 Section 27.3.1. The topographic factor, K_{zt} , shall be determined in accordance with Section 1609.3.3. The wind directionality factor, K_d , shall be determined in accordance with Section 1609.3.4.

1. For the windward side of a structure, K_z and K_{zt} must be based on height z .
2. For leeward and sidewalls, and for windward and leeward roofs, K_z is based on mean roof height h , and K_{zt} is based on height z .

(105) Renumbering Section 1615 to 1616 and adding a new Section 1615. Section 1615 (“Structural Integrity”) is renumbered to Section 1616. A new Section 1615 is added to read:

SECTION 1615 - TSUNAMI LOADS

1615.1 General. The design and construction of Risk Category III and IV *buildings* and structures and Risk Category II *buildings* meeting the criteria of Section 1615.2, where located in the Tsunami Design Zones defined in the ASCE 7 Tsunami Design Geodatabase (version 2016-1.0), shall be in accordance with Chapter 6 of ASCE 7-16.

1615.2 Criteria for Risk Category II *buildings* to be subject to tsunami-resilient design and construction. Risk Category II *buildings* and structures must comply with Chapter 6 of ASCE 7 when meeting all of the following conditions:

1. The occupancy classifications are A, B, E, I, M, R-1, R-2, or higher education laboratories, and
2. Located where the tsunami inundation depth is greater than 3 feet (0.914m) at any location within the intended footprint of the structure, and
3. The highest occupiable floor exceeds 45 feet above grade plane and also exceeds the tsunami inundation depth determined at the site.

1615.3 Definitions.

Tsunami Design Geodatabase. The ASCE 7 database (version 2016- 1.0) of Tsunami Design Zone maps and associated design data for the states of Alaska, California, Hawaii, Oregon, and Washington.

Tsunami Design Zone. An area identified on the Tsunami Design Zone map between the shoreline and the inundation limit, within which certain structures designated in Chapter 6 are designed for or protected from inundation.

(106) Adding Subsection 1704.1.1. Subsection 1704.1.1 is added to read:

1704.1.1 Building permit requirement. The construction drawings must have all special inspections listed as a condition for permit issuance.

(107) Amending Subsection 1704.2. Subsection 1704.2 is amended to read:

1704.2 Special inspections. Where application is made for construction as described in this section, the owner or the registered design professional in responsible charge acting as the owner's agent must employ one or more special inspectors independent of the contractors performing the work, to provide inspections during construction on the types of work listed under Section 1705. These inspections are in addition to the inspections specified in Section 110.

Exceptions:

1. Special inspections are not required for construction of a minor nature or as warranted by conditions as approved by the *building official*:
2. The employment of a special inspector is not required for construction work for any government agency that provides for its own inspections.
3. Special inspections are not required for *building* components unless the design involves the practice of professional engineering or architecture as defined by Chapter HRS 464.
4. Unless otherwise required by the *building official*, special inspections are not required for Group U occupancies that are accessory to a residential occupancy, including but not limited to those listed in Section 312.1.
5. Special inspections are not required for portions of structures designed and constructed in accordance with the cold-formed steel light-frame construction provisions of Section 2308. For these structures, Section 1705.10 will nevertheless apply.

1704.2.1 Special inspector qualifications. Each special inspector shall provide written documentation to the *building official* demonstrating his or her competence and relevant experience or training in each type of inspection he or she will perform. Inspector personnel may not perform inspections without these qualifications unless directly supervised by a qualified, responsible special inspector. Experience or training is considered relevant when the documented experience or training is related in complexity to the same type of special inspection activities for projects of similar complexity and material qualities. These qualifications are in addition to qualifications specified in other sections of this code.

The registered design professional in responsible charge and engineers of record involved in the design of the project are permitted to act as the approved agency and their personnel are permitted to act as the special inspectors for the work designed by them, with the exception of welding and high strength bolting.

1704.2.3 Statement of special inspections. The applicant shall submit a statement of special inspections in accordance with Section 107.1 as a condition for permit issuance. This statement is deemed to be satisfied by Section 1704.3.

1704.2.4 Report requirement. Special inspectors shall keep records of inspections. The special inspector shall furnish inspection reports to the owner, licensed engineer or architect of record, and other owner-designated persons. Reports must indicate that work inspected was done in conformance to approved construction documents. Discrepancies must be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the licensed engineer or architect of record and to the *building official*. The special inspector shall submit a final signed report to the owner and licensed engineer or architect of record, stating whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance to the approved plans and specifications and the applicable workmanship provisions of this code. Prior to the final inspection required under Section 109.3.10, the licensed engineer or architect of record shall submit a written statement verifying receipt of the final inspection reports and documenting that there are no known unresolved code requirements that create significant public safety deficiencies.

(108) Amending Subsection 1704.3. Subsection 1704.3 is amended to read:

1704.3 Special inspection construction document. Where special inspection or testing is required by Section 1705, the registered design professional in responsible charge shall prepare a statement of special inspection in accordance with Section 1704.3.1 for submittal by the applicant in accordance with Section 1704.2.3. The construction drawings must include a complete list of special inspections required by this section.

(109) Amending Subsection 1704.4. Subsection 1704.4 is amended to read:

1704.4. Contractor responsibility. When special inspection is required, a contractor's statement must be submitted containing an acknowledgement of awareness of the special inspection requirements contained on the drawings and that the construction requiring special inspections must be made accessible for inspections.

(110) Amending Table 1705.3. Table 1705.3 is amended to read:

TABLE 1705.3				
REQUIRED VERIFICATION AND INSPECTION OF CONCRETE CONSTRUCTION				
VERIFICATION AND INSPECTION	CONTINUOUS	PERIODIC	REFERENCED STANDARD ^a	IBC REFERENCE
1. Inspection of reinforcing steel, including prestressing tendons, and placement.	—	X	ACI 318: 3.5, 7.1-7.7	1910.4
2. Inspection of reinforcing steel welding in accordance with Table 1705.2.2, Item 2b.	—	—	AWS D1.4 ACI 318: 3.5.2	—
3. Inspection of anchors cast in concrete where allowable loads have been increased or where strength design is used.	—	X	ACI 318: D9.2	1908.5, 1909.1
4. Inspection of anchors post-installed in hardened concrete members. ^b				
a. Adhesive anchors installed in horizontally or upwardly inclined orientation to resist sustained tension loads	X	—	ACI 318: D.9.2.4	—
b. Mechanical anchors and adhesive anchors not defined in 4.a.	—	X	ACI 318: D.9.2	—

TABLE 1705.3				
REQUIRED VERIFICATION AND INSPECTION OF CONCRETE CONSTRUCTION				
VERIFICATION AND INSPECTION	CONTINUOUS	PERIODIC	REFERENCED STANDARD ^a	IBC REFERENCE
5. Verifying use of required design mix.	—	X	ACI 318: Ch. 4, 5.2-5.4	1904.2, 1910.2, 1910.3
6. At the time fresh concrete is sampled to fabricate specimens for strength tests, perform slump and air content tests, and determine the temperature of the concrete.	X	—	ASTM C 172 ASTM C 31 ACI 318: 5.6, 5.8	1910.10
7. Inspection of concrete and shotcrete placement for proper application techniques.	X	—	ACI 318: 5.9, 5.10	1910.6, 1910.7, 1910.8
8. Inspection for maintenance of specified curing temperature and techniques.	—	X	ACI 318: 5.11-5.13	1910.9
9. Inspection of prestressed concrete:				
a. Application of prestressing forces.	X		ACI 318: 18.20	
		—		—
b. Grouting of bonded prestressing tendons in the seismic force-resisting system.	X		ACI 318: 18.18.4	
10. Erection of precast concrete members.	—	X	ACI 318: Ch. 16	—
11. Verification of in-situ concrete strength, prior to stressing of tendons in post-tensioned concrete and prior to removal of shores and forms from beams and structural slabs.	—	X	ACI 318: 6.2	—
12. Inspect formwork for shape, location and dimensions of the concrete member being formed.	—	X	ACI 318: 6.1.1	—
For SI: 1 inch = 25.4 mm.				
a. Where applicable, see also Section 1705.11, Special inspections for seismic resistance.				
b. Specific requirements for special inspection will be included in the research report for the anchor issued by an approved source in accordance with D.9.2 in ACI 318 or other qualification procedures. Where specific requirements are not provided, special inspection requirements will be specified by the registered design professional and must be approved by the <i>building official</i> prior to the commencement of the work.				

(111) Adding Subsection 1705.18. Subsection 1705.18 is added to read:

1705.18 Fire-protection systems. Special inspection for fire-protection systems must be as required by Section 916.

(112) Adding Subsection 1705.19. Section 1705.19 is added to read:

1705.19 Termite protection. Where termite protection must consist of soil treatment, installation of termite barrier, structural lumber and pipe penetrations for new wood frame residential buildings.

(113) Amending Subsection 1801.1. Subsection 1801.1 is amended by adding a second paragraph to read:

Reference is made to ROH Chapter 14, for requirements governing excavation, grading, and earthwork construction, including fills and embankments.

(114) Adding Subsection 1801.3. Subsection 1801.3 is added to read:

1801.3 Inspection requirements. The building official is permitted to require special inspection for requirements of Chapter 16.

(115) Amending Subsection 1802.1. Subsection 1802.1 is amended by adding the following definitions

a. Adding a new definitions before “DEEP FOUNDATION” to read:

BEST MANAGEMENT PRACTICES or BMP’s. Means schedules of activities, prohibitions of practices, maintenance procedures, management practices, treatments and temporary or permanent structures or devices that are intended and designed to eliminate and minimize the discharge of pollutants, directly or indirectly, to Receiving Waters, to the maximum extent practicable.

CATEGORY ONE BMP’s. Minimum construction site BMP checklist for small projects of the Best Management Practices for Construction Sites in Honolulu.

b. Adding a new definition after “HELICAL PILE” to read:

LOW IMPACT DEVELOPMENT of LID. Means systems or practices that use or mimic natural processes that result in infiltration evapo-transpiration or use storm water in order to protect water quality and aquatic habitat. At both site and regional scales, LID aims to preserve, restore, and create green space using soils, vegetation, and rain harvest techniques.

c. Adding new definitions before “SHALLOW FOUNDATION” to read:

RECEIVING WATERS. Also referred to as MS4, means all water, fresh, brackish or salt, around and within the State of Hawaii, including but not limited to coastal water, streams, rivers, ponds, estuaries, reservoirs, canals, ground waters, and lakes. Waters in drainage ditches, drainage ponds, and drainage reservoirs required as part of a water pollution control system are excluded.

REDEVELOPMENT. Means the creation, addition, or replacement of an impervious surface on improved real property. Redevelopment also includes changes in land use that may result in increased pollutant discharges to the Receiving Waters.

RETENTION (STORMWATER). The permanent holding of stormwater on a site, preventing the water from leaving the site as surface drainage, and allowing for use of the water on site, or loss of the water through percolation, evaporation, or absorption by vegetation.

(116) Adding Subsection 1804.7. Subsection 1804.7 is added to read:

1804.7 Stormwater management. Storm water management practices include the implementation of temporary BMP during construction and permanent post-construction BMP in accordance to the ROH Chapter 14 and the Rules Relating to Water Quality, Chapter 3 of the Administrative Rules, Title 20, Department of Planning and Permitting.

1804.7.1 Increased runoff. During construction, an Erosion and Sediment Control Plan (ESCP) shall be prepared in compliance with the Rules Relating to Water Quality to implement BMP and good housekeeping practices intended to minimize the discharge of runoff containing sediment and pollutants, resulting from the construction activities, into the Receiving Waters. Stormwater management systems must address the increase in runoff that would occur resulting from development on the *building* site and will either:

1. Manage rainfall onsite and size the management system to retain not less than the volume of a single storm that is equal to the 95th percentile rainfall event as recorded by the National Climate Data Center or other approved precipitation records and all smaller storms and maintain the predevelopment natural runoff; or
2. Maintain or restore the predevelopment stable, natural runoff hydrology of the site throughout the development or *redevelopment* process. Post-construction runoff rate, volume, and duration must not exceed predevelopment rates. For a *redevelopment* site, the existing impervious surfaces must be reduced by a minimum of 10 percent, or the stormwater management design must capture and treat 10 percent of the stormwater from the existing impervious surfaces, or a combination of the two equal to not less than a 10 percent reduction/treatment of the stormwater runoff from the impervious surfaces runoff. The stormwater management system design must be based, in part, on a hydrologic analysis of the *building* site.

1804.7.2 Permanent post-construction. A post construction BMP plan, including the required storm water quality report, operation and maintenance plan, and checklist, shall be prepared in compliance with the Rules Relating to Water Quality to implement Low Impact Development site design strategies, source control BMPs, and storm water treatment control BMPs to reduce the pollution associated with certain types of new development and Redevelopment projects.

1804.7.2.1 Hierarchy of treatment control BMPs.

1. Retain on-site by infiltration, evapo-transpiration, or harvest and reuse, as much of the calculated storm water quality volume (WQV) as feasible.
2. Biofilter the remaining portion of the WQV, as feasible.
3. Use alternate treatment methods, including, but not limited to, detention, filtration, and proprietary manufactured treatment device (MTD), to treat the remainder of the WQV that is not retained on-site or biofiltered.

1804.7.2.2 Special inspection. The owner or an authorized agent shall designate a Certified Water Pollution Plan Preparer (CWPPP) to provide inspections during the construction of requirements under section 1804.7.2. These inspections are in addition to those specified in Section 110.

(117) Amending Subsection 1805.4.3. Subsection 1805.4.3 is amended to read:

1805.4.3 Drainage discharge. The floor base and foundation perimeter drain must discharge by gravity or mechanical means into an approved drainage system that complies with the *Plumbing Code*.

(118) Adding Subsection 1904.3. Subsection 1904.3 is added to read:

1904.3 Concrete Strap-Type Anchors. Concrete strap-type anchors made out of cold-formed steel shall not be used along the perimeter edges of a slab on grade where the steel does not have at least 1-1/2 inches side cover or other adequate protection.

(119) Adding Subsection 2203.2.1. Subsection 2203.2.1 is added to read:

2203.2.1 Protection of Sill Track. Residential load bearing framing members that are in direct contact with moisture from the slab on grade or from the outdoor climate shall be adequately shielded with additional corrosion protection or manufactured from a material not susceptible to corrosion. The exterior face of the sill track shall also be protected.

(120) Amending Subsection 2211.7. Subsection 2211.7 is amended to read:

2211.7 Prescriptive Framing. Detached one- and two-*family* dwellings and townhouses, less than or equal to two stories above grade plane, will be permitted to be constructed in accordance with AISI S230 subject to the limitations therein. Prescriptive framing shall not be applicable for structures designed using Exception 4 in Section 1609.1.2 Protection of Openings.

(121) Amending Subsection 2301.2. Subsection 2301.2 is amended to read:

2301.2 General design requirements. The design of structural elements or systems, constructed partially or wholly of wood or wood-based products, must be in accordance with one of the following methods:

1. Allowable stress design in accordance with Sections 2304, 2305, and 2306.
2. Load and resistance factor design in accordance with Sections 2304, 2305, and 2307.
3. Conventional light-frame construction in accordance with Sections 2304, and 2308.

Exception: *Buildings* designed in accordance with the provisions of the AWC WFCM shall be deemed to meet the requirements of Section 2308. Prescriptive framing of detached one- and two-*family* dwellings and townhouses, using Section 2308 or the AWC WFCM shall be limited to heights of less than or equal to two stories above grade plane. Prescriptive framing shall not be applicable for structures designed using Exception 4 in Section 1609.1.2 Protection of Openings.

(122) Amending Subsection 2303.1.8. Subsection 2303.1.8 is amended to read:

2303.1.8 Preservative-treated wood. Structural lumber, including plywood, posts, beams, rafters, joists, trusses, studs, plates, sills, sleepers, roof and floor sheathing, flooring and headers of new wood-frame *buildings* and additions must be:

1. Treated in accordance with AWP Standard U1 (UC1 through UC4B) for AWP Standardized Preservatives, all marked or branded by an approving agency. Incising is not required, provided that the retention and penetration requirements of these standards are met; or
2. For SBX disodium octaborate tetrahydrate (DOT) retention will be not less than 0.28 pcf B203 (0.42 = pcf DOT) for exposure to Formosan termites. All such lumber must be protected from direct weather exposure as directed in AWP U1 and UC2.
3. For structural glued laminated members made up of dimensional lumber, engineered wood products, or structural composite lumber, pressure treated in accordance with AWP U 1 (UC1 through UC4B) or by Light Oil Solvent Preservative (LOSP) treatment standard as approved by the *building official*. Water based treatment processes as listed in paragraphs 1 and 2 are not allowed to be used on these products unless specified by a structural engineer for use with reduced load values.
4. For structural composite wood products by non-pressure process treated in accordance with AWP Standard U1 (UC1, UC2 and UC3A) or approved by the *building official*.

2303.1.8.1 Treatment. Wood treatment will include the following:

1. A quality control and inspection program which meets or exceeds the current requirements of AWPAs Standards M2-01 and M3-03;
2. Inspection and testing for the treatment standards as adopted by this code must be by an independent agency approved by the *building official* accredited by the American Lumber Standards Committee (ALSC), and contracted by the treating company; and
3. Field protection of all cut surfaces with a preservative, which must be applied in accordance with AWPAs Standard M-4-02 or in accordance with the approved preservative manufacturer's ICC-Evaluation Services report requirements.

2303.1.8.2 Labeling. Labeling must be applied to all structural lumber 2 inches (51 mm) or greater nominal thickness, with the following information provided on each piece as a permanent ink stamp on one face on a durable tab permanently fastened to ends with the following information:

1. Name of treating facility;
2. Type of preservative;
3. AWPAs use category;
4. Quality mark of third party inspection agency;
5. Retention minimum requirements; and
6. Year of treatment.

All lumber less than 2 inches (51 mm) in nominal thickness, will be identified per bundle by means of a label consisting of the above requirements. Labels measuring no less than 6 inches (152 mm) by 8 inches (203 mm) must be placed on the lower left corner of the strapped bundle.

2303.1.8.3 Moisture content of treated wood. When wood pressure treated with a water-borne preservative is used in enclosed locations where drying in service cannot readily occur, such wood must be at a moisture content of 19 percent or less before being covered with insulation, interior wall finish, floor covering or other material.

(123) Amending Subsection 2304.6.1. Subsection 2304.6.1 is amended to read:

2304.6.1 Wood structural panel sheathing. Where wood structural panel sheathing is used as the exposed finish on the exterior of outside walls, it must have an exterior exposure durability classification. Where wood structural panel sheathing is used elsewhere, but not as the exposed finish, it must be of a type manufactured with exterior glue (Exposure 1 or Exterior). Wood structural panel wall sheathing or siding used as structural sheathing must be capable of resisting wind pressures in accordance with Section 1609. Maximum effective wind speeds for wood structural panel sheathing used to resist wind pressures will be in accordance with Table 2304.6.1 for *enclosed buildings* with a mean roof height not greater than 30 feet (9144 mm).

(124) Amending Table 2304.6.1. Table 2304.6.1 is amended as follows:

TABLE 2304.6.1									
MAXIMUM EFFECTIVE WIND SPEED (mph) (3-SECOND GUST) PERMITTED FOR WOOD STRUCTURAL PANEL WALL SHEATHING USED TO RESIST WIND PRESSURES ^{a,b,c}									
MINIMUM NAIL		MINIMUM WOOD STRUCTURAL PANEL SPAN RATING	MINIMUM NOMINAL PANEL THICKNE SS (inches)	MAXIMUM WALL STUD SPACING (inches)	PANEL NAIL SPACING		V _{eff-asd} MAXIMUM EFFECTIVE WIND SPEED (MPH)		
Size	Penetration (inches)				Edges (inches o.c.)	Field (inches o.c.)	Wind exposure category		
							B	C	D
6d common (2.0" x 0.133")	1.5	24/0	3/8	16	6	12	110	90	85
						12	110	100	90
		24/16	7/16	16	6	6	150	125	110
8d common (2.5" x 0.131")	1.75	24/16	7/16	16	6	12	130	110	105
						6	150	125	110
				24	6	12	110	90	85
						6	110	90	85
For SI: 1 inch = 25.4 mm, 1 mile per hour = 0.447 m/s.									

- Panel strength axis must be parallel with or perpendicular to supports. Three-ply plywood sheathing with studs spaced more than 16 inches on center will be applied with panel strength axis perpendicular to supports.
- The table is based on wind pressures acting toward and away from building surfaces in accordance with Chapter 27 of ASCE 7. Lateral requirements must be in accordance with Section 2305 or 2308.
- Wood structural panels with span ratings of wall-16 or wall-24 must be permitted as an alternative to panels with a 24/0 span rating. Plywood siding rated 16 o.c. or 24 o.c. is permitted as an alternative to panels with a 24/16 span rating. Wall-16 and plywood siding 16 o.c. must be used with studs spaced a maximum of 16 inches o.c.

(125) Amending Subsection 2304.11. Subsection 2304.11 is amended to read:

2304.11 Protection against decay and termites.

2304.11.1 General. Where required by this section, protection from decay and termites must be provided by the use of naturally durable or preservative-treated wood.

2304.11.2 Wood used above ground. Structural lumber installed above ground must be preservative-treated wood in accordance with Section 2303.1.8.

2304.11.2.1 Soil treatment and termite barriers. Where structural lumber of wood frame *buildings* or structures is supported directly on the ground by a concrete slab, or concrete and/or masonry foundation, Formosan subterranean termite protection must be provided by either chemically treating the soil beneath and adjacent to the *Building* or structure by a Hawaii licensed pest control operator, or stainless steel termite barrier, or other termite protection measures approved by the *building official*. All soil treatment, stainless steel termite barrier, and termite protection measures must be installed according to manufacturer's recommendations for control of Formosan subterranean termites, with chemical barriers applied at the maximum label rates.

2304.11.3 Wood in ground contact. Wood supporting permanent *buildings* and structures, which is in direct soil contact or is embedded in concrete or masonry in direct contact with soil must be treated to the appropriate commodity specification of AWP Standard U1. Wood in direct soil contact but not supporting any permanent *buildings* or structures must be treated to the appropriate commodity specification of AWP Standard U1 for ground contact.

2304.11.4 Retaining walls. Wood in retaining or crib walls must be treated to AWP Standard U1.

2304.11.5 Wood and earth separation. Where wood is used with less than 6-inch (152 mm) vertical separation from earth (finish grade), the wood must be treated for ground contact use.

Where planter boxes are installed adjacent to wood frame walls, a 2-inch-wide (51 mm) air space must be provided between the planter and the wall. Flashings must be installed when the air space is less than 6 inches (152 mm) in width. Where flashing is used, provisions must be made to permit circulation of air in the air space. The wood-frame wall must be provided with an exterior wall covering conforming to the provisions of Section 2304.6.

2304.11.6 Under-floor clearance for access and inspection. Minimum clearance between the bottom of floor joists or bottom of floors without joists and the ground beneath must be 24 inches (610 mm); the minimum clearance between the bottom of girders and the ground beneath must be 18 inches (457 mm).

Exception: Open slat wood decks must have ground clearance of at least 6 inches (152 mm) for any wood member. Accessible under-floor areas must be provided with a minimum 18-inch by 24-inch (152 mm X 610 mm) access opening, effectively screened or covered. Pipes, ducts and other construction must not interfere with the accessibility to or within under-floor areas.

2304.11.7 Wood used in retaining walls and cribs. Wood installed in retaining or crib walls will be preservative treated in accordance with AWP U1 (Commodity Specifications A or F) for soil and fresh water use.

2304.11.8 Weather exposure. All portions of timbers (over 5-inch nominal width) and glued-laminated timbers that form structural supports of a *building* or other structure must be protected by a roof, eave, overhangs, flashings, or similar coverings. All wood or wood composite panels, in weather-exposed applications, must be of exterior type.

2304.11.9 Pipe and other penetrations. Insulations around plumbing pipes must not pass through ground floor slabs. Openings around pipes or similar penetrations in concrete or masonry slab, which is in direct contact with earth, must be filled with non-shrink grout, BTB, or other approved physical barrier.

(126) Amending Subsection 2308.1. Subsection 2308.1 is amended to read:

2308.1 General. The requirements of this section are intended for conventional light-frame construction. Other methods are permitted to be used, provided a satisfactory design is submitted showing compliance with other provisions of this code. Interior non-loadbearing partitions, ceilings and curtain walls of conventional light-frame construction are not subject to the limitations of this section. Alternatively, compliance with AF&PA WFCM is permitted subject to the limitations therein and the limitations of this code.

(127) Adding Subsection 2308.9.4.3. Subsection 2308.9.4.3 is added to read:

2308.9.4.3 Pre-engineered bracing of post and pier foundations. For conventional light-framed single-family residences two stories or less above grade, bracing of elevated wood post and pier foundation systems is permitted to be pre-engineered designs for braces or shear walls constructed in accordance with FEMA Hazard Mitigation Grant Program DR-1664-HI drawings, *Structural Seismic Retrofits for Hawaii Single Family Residences with Post and Pier Foundations*, May 2009.

(128) Amending Table 2308.10.1. Table 2308.10.1 is amended to read:

Table 2308.10.1								
Required Rating of Approved Uplift Connectors (pounds) ^{a,b,c,d,e,f,g,h,i}								
Effective Nominal Design Wind Speed	Roof Span (feet)							Overhangs (pounds/ft) ^d
$V_{eff-asd}$ 3-sec gust	12	20	24	28	32	36	40	
85	-72	-120	-144	-168	-192	-216	-240	-38.55
90	-91	-152	-182	-213	-243	-274	-304	-43.22
100	-131	-218	-262	-305	-349	-392	-436	-53.36
110	-175	-292	-350	-409	-467	-526	-584	-64.66
120	-240	-400	-480	-560	-640	-720	-800	-76.83
130	-304	-506	-607	-708	-810	-911	-1012	-90.17
For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 mile per hour = 1.61 km/hr, 1 pound = 0.454 kg, 1 pound/foot = 14.5939 N/m.								

- a. The uplift connection requirements are based on a 30-foot mean roof height located in Exposure B. For Exposure C or D and for other mean roof heights, multiply the above loads by the adjustment coefficients below.

Exposure	Mean Roof Height (feet)									
	15	20	25	30	35	40	45	50	55	60
B	1.00	1.00	1.00	1.00	1.05	1.09	1.12	1.16	1.19	1.22
C	1.21	1.29	1.35	1.4	1.45	1.49	1.53	1.56	1.59	1.62
D	1.47	1.55	1.61	1.66	1.70	1.74	1.78	1.81	1.84	1.87
For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 mile per hour = 1.61 km/hr, 1 pound = 0.454 kg, 1 pound/foot = 14.5939 N/m.										

- b. The uplift connection requirements are based on the framing being spaced 24 inches on center. Multiply by 0.67 for framing spacing 16 inches on center and multiply by 0.5 for framing spaced 12 inches on center.
- c. The uplift connection requirements include an allowance for 10 pounds of dead load.
- d. The uplift connection requirements do not account for the effects of overhangs. The magnitude of the above loads is increased by adding the overhang loads found in the table. The overhang loads are also based on framing spaced 24 inches on center. The overhang loads given are multiplied by the overhang projection and added to the roof uplift value in the table.

- e. The uplift connection requirements are based upon wind loading on end zones as defined in chapter 30, Figure 30.5-1, of ASCE 7. Connection loads for connections located a distance of 20 percent of the least horizontal dimensions of the *building* from the corner of the building are permitted to be reduced by multiplying the table connection value by 0.7 and multiplying the overhang load by 0.8.
- f. For wall-to-wall and wall-to-foundation connections, the capacity of the uplift connector is permitted to be reduced 100 pounds for each full wall above. (For example, if a 500-pound rated connector is used on the roof framing, a 400-pound rated connector is permitted at the next floor level down.)
- g. Interpolation is permitted for intermediate values of basic wind speeds and roof spans.
- h. The rated capacity of approved tie-down devices is permitted to include up to a 60-percent increase for wind effects where allowed by material specifications.
- i. $V_{eff-asd}$ is determined from Figure 1609.3.2.1 and Sections 1609.3.1 and 1609.3.2.

(129) Amending Subsection 2403.5. Subsection 2403.5 is amended to read:

2403.5 Louvered windows or jalousies. Regular plate, sheet, or patterned glass louvered windows and jalousies must be no thinner than nominal 7/32 inch (11 mm) and no longer than 36 inches (914 mm). When other glass types are used, design must be submitted to the building official for approval. Exposed glass edges must be smooth. Wired glass with wire exposed on longitudinal edges must not be used in jalousies or louvered windows.

(130) Repealing and replacing Chapter 28. Chapter 28 (Mechanical Systems) is repealed and replaced with a new Chapter 28 to read:

CHAPTER 28

WATER RESOURCE CONSERVATION QUALITY AND EFFICIENCY

2801 - WATER RESOURCE CONSERVATION QUALITY AND EFFICIENCY

2801.1 General. Where development or redevelopment disturbs a site, the following water resource conservation and efficiency requirements may apply to the occupancy, use and construction of that development or redevelopment.

2802 - DEFINITIONS

Unless otherwise expressly stated, the following term is for the purposes of this chapter.

GRAY WATER. Untreated waste water that has not come into contact with waste water from water closets, urinals, kitchen sinks, or dishwashers. Gray water includes, but is not limited to, waste water from bathtubs, showers, lavatories, clothes washers, and laundry trays.

2803 - COMPLIANCE STATEMENT

2803.1 General. When Chapter 28 is used, the plan shall include the following conformance statement completed by the responsible engineer or architect that the design conforms to the provisions of this chapter.

CITY AND COUNTY OF HONOLULU REVISED ORDINANCE CHAPTER 16, HONOLULU COUNTY CODE 1990, AS AMENDED	
To the best of my knowledge, this project's design substantially conforms to Chapter 28 of the City and County of Honolulu Building Code as amended.	
Signature: _____	Date: _____
Name: _____	
Title: _____	
License No.: _____	

This block shall be on the first sheet of the pertinent plan, e.g. architectural, electrical, and mechanical. The above may be submitted separately to the *building official* in a letter including the identification of the *building*.

2804 - LANDSCAPE IRRIGATION AND OUTDOOR FOUNTAINS

2804.1 Landscape irrigation systems. Irrigation of exterior landscaping must comply with the *Plumbing Code*.

2805 - HVAC SYSTEMS AND EQUIPMENT

2805.1 Heating, Ventilation and Air-Conditioning Systems and Equipment (HVAC). The HVAC system must comply with ROH Chapter 32 (Energy Code) for energy efficiency requirements.

2806 - WATER TREATMENT DEVICES AND EQUIPMENT

2806.1 Water softeners. Water softeners must comply with the *Plumbing Code*.

2807 - METERING

2807.1 Metering. Water consumed from any source associated with the *building* or *building* site must be metered. Each potable and reclaimed source of water, and each onsite non-potable water source, must be metered separately. Meters must be installed in accordance with the requirements of the *Plumbing Code*. For the purposes of Section 2807.1.1, each meter identified in Table 2807.1.1 must be capable of communicating water consumption data remotely and at a minimum, be capable of providing daily data with electronic data storage and reporting capability that can produce reports that show daily, monthly, and annual water consumption.

2807.1.1 Metering. All potable and non-potable water supplied to the applications listed in Table 2807.1.1 must be individually metered in accordance with the requirements indicated in Table 2807.1. Similar appliances and equipment are permitted to be grouped and supplied from piping connected to a single meter.

TABLE 2807.1.1 METERING REQUIREMENTS	
APPLICATION	REQUIREMENTS
Cooling Towers	The makeup water supply to cooling towers, evaporative condensers, and fluid coolers. Cooling towers sharing a common basin can be grouped together using one meter.
Evaporative Coolers	The makeup water supply to an evaporative cooler having an air flow exceeding 30,000 cubic feet per minute (ft ³ /min) (50,970.3 m ³ /hr).
Fluid Coolers and Chillers - Open Systems	The makeup water supply on water-cooled fluid coolers and chillers not utilizing closed-loop recirculation.

TABLE 2807.1.1 METERING REQUIREMENTS	
APPLICATION	REQUIREMENTS
Hydronic Cooling Systems - Closed Loop	Systems with 50 ton (175,843W) or greater of cooling capacity and where a make-up water supply is connected.
Hydronic Heating Systems	The makeup water supply to one or more boilers collectively exceeding 1,000,000 British thermal units per hour (Btu/h) (293,071 W).
Industrial Processes	<p>The water supply to an industrial water-using process where the average consumption exceeds 1,000 gallons per day (gal/d) (3,785 L/d). Like equipment sharing one common water supply can be grouped together using one meter.</p> <p>Exception: Processes using untreated water where the water is directly returned to the original source after use.</p>
Landscape Irrigation	<p>Landscape irrigation water where either of the following conditions exist:</p> <ol style="list-style-type: none"> 1. Total accumulated landscape area with in-ground irrigation system exceeds 2,500 sq. ft. (232 m²), or 2. Total accumulated landscape area using an automatic irrigation controller exceeds 1,500 sq. ft. (139 m²) <p>Exception: Where the water purveyor provides a separate water supply meter that serves only the irrigation system, an additional dedicated meter is not required.</p>
Onsite Water Collection Systems	Potable or reclaimed water supplies for supplementing onsite alternative water collection systems.
Ornamental Water Features	Potable or reclaimed water supplies for ornamental water features where the water feature uses an automatic refill valve.
Pools and Spas	<p>A makeup water supply to a swimming pool or spa.</p> <p>Exception: Where the pool or spa has less than 100 square feet (9 m²) of water surface and is refilled from a hose bibb without an automatic refill valve.</p>
Roof Spray Systems	<p>Roof spray systems for irrigating vegetated roofs or thermal conditioning covering an area greater than 300 square feet (28 m²).</p> <p>Exception: Temporary above-surface spray systems connected to a hose bibb and without an automatic controller are not required to have a dedicated meter</p>
Tenant Buildings - Common Areas	Water supplies used in common areas of a site. The dedicated meter for common area water use shall not include water supplied inside tenant space. Water supplies for sanitary fixtures and other water use in common areas can be grouped together for metering requirements, except where dedicated water meter installations are otherwise required.

TABLE 2807.1.1 METERING REQUIREMENTS	
APPLICATION	REQUIREMENTS
Tenant Spaces - Residential	<p>All water supplies to each residential tenant space for indoor water use.</p> <p>Exception: Where a water purveyor has individual meters for each tenant space, and the other meter requirements included in this table do not apply, no additional dedicated meter is required.</p>
Tenant Spaces - Non-residential, car washes	<p>All water supplies to individual non-residential tenant spaces for indoor water use where any of the following conditions exist:</p> <ol style="list-style-type: none"> 1. The nominal size of a water supply pipe(s) to the individual tenant space is greater than ½ inch, or 2. Water consumption within the tenant space is estimated or expected to average greater than 1,000 gallons/day (3,785L/d). <p>Where water is supplied to tenant space that is not required to have a dedicated meter, the water supply pipe(s) shall be accessible to install a meter.</p> <p>Exception: Where a water purveyor has individual meters for each tenant space and the other meter requirements included in this table do not apply; no additional dedicated meter is required.</p>

2808 - NONPOTABLE WATER REQUIREMENTS

2808.1 Scope. The use and application of non-potable water must comply with the State of Hawaii, Department of Health, Administrative Rules. The construction, alteration, and repair of alternate water source systems for nonpotable applications must comply with the *Plumbing Code*.

2809 - RAINWATER COLLECTION AND DISTRIBUTION SYSTEMS

2809.1 Scope. Must conform to the City and County of Honolulu, *Rules Relating to Water Quality*.

2809.2 Potable water connections. Where a potable system is connected to a rainwater collection and conveyance system, the potable water supply must be protected against backflow in accordance with the *Plumbing Code*. The installation, construction, alteration, and repair of potable rainwater catchment systems must comply with the *Plumbing Code*.

2809.3 Nonpotable water connections. Where nonpotable water from different sources is combined in a system, the system must comply with the most stringent of the requirements of this code that are applicable to such sources. The installation, construction, alteration, and repair of nonpotable rainwater catchment systems must comply with the *Plumbing Code*.

2810 - GRAY WATER SYSTEMS

2810.1 Scope. The construction, installation, alteration, and repair of gray water reuse systems must comply with the *Plumbing Code*.

2811 - RECLAIMED (RECYCLED) WATER SYSTEMS

2811.1 Scope. The construction, installation, alteration, and repair of systems supplying nonpotable reclaimed (recycled) water must comply with the *Plumbing Code*.

2812 - ALTERNATE ONSITE NONPOTABLE WATER SOURCES

2812.1 Alternate nonpotable sources of water. Other onsite sources of nonpotable water including, but not limited to, stormwater, reverse osmosis reject water, foundation drain water and swimming pool backwash water, are permitted to be used for nonpotable, uses provided that they have been treated to the quality level necessary for their intended use and in accordance with requirements of the State of Hawaii, Department of Health, Administrative Rules. The construction, alteration, and repair of on-site treated nonpotable water systems must comply with the *Plumbing Code*.

(131) Amending Subsection 2901.1. Subsection 2901.1 is amended to read:

2901.1 Scope. Plumbing systems must comply with the *Plumbing Code*.

(132) Adding Subsection 2901.2. Subsection 2901.2 is added to read:

2901.2 The provisions of this chapter apply to new construction.

(133) Amending [P] Table 2902.1. [P] Table 2902.1 is amended to read:

[P] TABLE 2902.1										
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES*										
No.	CLASSIFI- CATION	OCCU- PANCY	DESCRIPTION	WATER CLOSETS (URINALS SEE <i>PLUMBING CODE</i>)		LAVATORIES		BATH- TUBS/ SHOW- ERS	DRINKING FOUN- TAINS ^{e,f} (SEE PLUMB- ING CODE)	OTHER
				MALE	FEMALE	MALE	FEMALE			
1	Assembly	A-1 ^{d, h}	Theaters and other buildings for the performing arts and motion pictures	1 per 125	1 per 65	1 per 200		—	1 per 500	1 service sink
		A-2 ^{d, h}	Nightclubs, bars, taverns, dance halls and buildings for similar purposes	1 per 40	1 per 40	1 per 75		—	1 per 500	1 service sink
			Restaurants, banquet halls and food courts	1 per 75	1 per 75	1 per 200		—	1 per 500	1 service sink
		A-3 ^{d, h}	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	1 per 125	1 per 65	1 per 200		—	1 per 500	1 service sink
			Passenger terminals and transportation facilities	1 per 500	1 per 500	1 per 750		—	1 per 1,000	1 service sink
			Places of worship and other religious services	1 per 150	1 per 75	1 per 200		—	1 per 1,000	1 service sink

[P] TABLE 2902.1										
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES ^a										
No.	CLASSIFI- CATION	OCCU- PANCY	DESCRIPTION	WATER CLOSETS (URINALS SEE PLUMBING CODE)		LAVATORIES		BATH- TUBS/ SHOW- ERS	DRINKING FOUN- TAINS ^{e, f} (SEE PLUMB- ING CODE)	OTHER
				MALE	FEMALE	MALE	FEMALE			
		A-4 ^h	Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520	1 per 200	1 per 150	—	1 per 1,000	1 service sink
		A-5 ^h	Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520	1 per 200	1 per 150	—	1 per 1,000	1 service sink
2	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80		—	1 per 100	1 service sink ^g
3	Educational	E	Educational facilities	1 per 50		1 per 50		—	1 per 100	1 service sink
4	Factory and industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100		1 per 100		See <i>Plumbing Code</i>	1 per 400	1 service sink
5	Institutional	I-1	Residential care	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		I-2	Hospitals, ambulatory nursing home care recipient ^h	1 per per room ^c		1 per per room ^c		1 per 15	1 per 100	1 service sink
			Employees, other than residential care ^b	1 per 25		1 per 35		—	1 per 100	—
			Visitors, other than residential care	1 per 75		1 per 100		—	1 per 500	—
		I-3	Prisons ^b	1 per cell		1 per cell		1 per 15	1 per 100	1 service sink
		I-3	Reformatories, detention centers and correctional centers ^b	1 per 15		1 per 15		1 per 15	1 per 100	1 service sink
			Employees ^b	1 per 25		1 per 35		—	1 per 100	—
		I-4	Adult day care and child day care	1 per 15		1 per 15		1	1 per 100	1 service sink

[P] TABLE 2902.1								
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES*								
No.	CLASSIFI- CATION	OCCU- PANCY	DESCRIPTION	WATER CLOSETS (URINALS SEE <i>PLUMBING CODE</i>)		LAVATORIES		BATH- TUBS/ SHOW- ERS
				MALE	FEMALE	MALE	FEMALE	
6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500	1 per 750	—	1 per 1,000	1 service sink ⁶
7	Residential	R-1	Hotels, motels, boarding houses (transient)	1 per sleeping unit	1 per sleeping unit	1 per sleeping unit	—	1 service sink
		R-2	Dormitories, fraternities, sororities and boarding houses (not transient)	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
		R-2	Apartment house	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	—	1 <i>Kitchen</i> sink per <i>Dwelling Unit</i> ; 1 automatic clothes washer connection per 20 <i>Dwelling Units</i>
		R-3	One- and two-family dwellings	1 per dwelling unit	1 per 10	1 per dwelling unit	—	1 <i>Kitchen</i> sink per <i>Dwelling Unit</i> ; 1 automatic clothes washer connection per <i>Dwelling Unit</i>
		R-3	Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
		R-4	Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
8	Storage	S-1, S-2	Structures for the storage of goods, warehouses, store- houses and freight depots, low and moderate hazard	1 per 100	1 per 100	See <i>Plumbing Code</i>	1 per 1,000	1 service sink
a. The figures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by this code.								
b. Toilet facilities for employees shall be separate from facilities for inmates or care recipients.								
c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient sleeping unit and with provisions for privacy.								
d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.								
e. The minimum number of required drinking fountains shall comply with Table 2902.1 and Chapter 11.								
f. Drinking fountains are not required for an occupant load of 15 or fewer.								

[P] TABLE 2902.1								
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES*								
No.	CLASSIFI- CATION	OCCU- PANCY	DESCRIPTI ON	WATER CLOSETS (URINALS SEE <i>PLUMBING CODE</i>)		LAVATORIES		BATH-TUBS/ SHOW-ERS
				MALE	FEMALE	MALE	FEMALE	
g. For business and mercantile occupancies with an occupant load of 15 or fewer, service sinks shall not be required.								
h. See Subsection 303.2.1								

(134) Amending Subsection 3001.1. Subsection 3001.1 is amended to read:

3001.1 Scope. This chapter governs the design and construction of the *building* elements for elevator and conveying systems. The design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components are regulated by the State of Hawaii, Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division, Boiler and Elevator Inspection Branch.

(135) Amending Subsection 3007.1. Subsection 3007.1 is amended to read:

3007.1 General. Where required by Section 403.6.1, every floor above and including the lowest level of fire department vehicle access of the *building* shall be served by fire service access elevators complying with Sections 3007.1 through 3007.9. Except as modified in this section, fire service access elevators shall be installed in accordance with this chapter and ASME A17.1/CSA B44.

Exception: Elevators that only service an open or enclosed parking garage and the lobby of the *building* are not required to serve as fire service access elevators.

(136) Amending Subsection 3007.7.1. Subsection 3007.7.1 is amended to read:

3007.7.1 Access to interior exit stairway or ramp. The enclosed fire service access elevator lobby shall have direct access from the enclosed elevator lobby to an enclosure for an interior exit stairway or ramp.

Exceptions:

1. Access to an interior exit stairway or ramp shall be permitted to be through a protected path of travel that has a level of fire protection not less than that for the elevator lobby enclosure. The protected path shall be separated from the enclosed elevator lobby through an opening protected by a smoke and draft control assembly in accordance Section 716.5.3.1.
2. Access is permitted from an exterior exit stairway as ramp or provided.

(137) Amending Subsection 3103.1. Subsection 3103.1 is amended to read:

3103.1 General. See ROH Section 18-3.4.

(138) Amending Subsection 3105.3. Subsection 3105.3 is amended to read:

3105.3 Design and construction. Awnings and canopies must be designed and constructed to withstand wind or other lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures or loads. Structural members must be protected to prevent deterioration. Awnings must have frames of noncombustible material, fire-retardant-treated wood, wood of Type IV sizes, or 1-hour construction with combustible or noncombustible covers and must be either retractable, folding, or collapsible. When collapsed, retracted, or folded, the design must be such that the awning does not block any required exit.

Exceptions:

1. A fixed awning not more than 10 feet (3,048 mm) in length may be erected over a doorway to the *building*.
2. Fixed awnings at the first floor projecting not more than 6 feet (1,829 mm) from the face of the *building* may be erected over windows along the street.

(139) Amending Subsections 3106.1 to 3106.5. Subsections 3106.1 to 3106.5 are amended to read:

3106.1 General. For the purpose of this section, a marquee will include any object or decoration attached to or a part of said marquee, except a sign as defined in ROH Section 21-7.20.

3106.2 Thickness. The maximum height or thickness of a marquee measured vertically from its lowest to its highest point must not exceed 3 feet (914 mm).

3106.3 Roof construction. Where the roof or any part thereof is a skylight, the skylight must comply with the requirements of Chapter 24 of this code. Plastic skylights must comply with Section 2610.

Every roof and skylight of a marquee over a public right-of-way must be sloped to downspouts which must conduct any drainage from the marquee under the sidewalk to the curb.

3106.4 Location prohibited. Every marquee must be so located as not to interfere with the operation of any exterior standpipe or to obstruct the clear passage of stairways or exits from the *building* or the installation or maintenance of street lighting.

3106.5 Construction. A marquee must be supported entirely from the *building* and must be constructed entirely of noncombustible materials.

Exception: Drop-off curtains may be suspended below the exterior periphery provided a minimum clearance of 7 feet (2134 mm) from the sidewalk below is maintained.

(140) Subsection 3107.1. Subsection 3107.1 is amended to read:

3107.1 General. Signs shall be designed, constructed, and maintained in accordance with this code. Signs must conform to ROH Chapter 21.

(141) Amending Subsection 3109.1. Subsection 3109.1 is amended to read:

3109.1 General. Swimming pools shall comply with the requirements of Section 3109.2 through 3109.5 and other applicable sections of this code. These provisions are applicable to the design and construction of public swimming and wading pools. Those pools covered by these regulations include municipal, institutional, hotel, apartment, and similar type occupancies; and hydrotherapy spas, therapeutic pools, and special pools of similar type usage. Also covered are swimming pools, spas and hot tubs for one-*family* and two-*family* dwellings, and similar type pools; and ornamental pools.

(142) Amending Subsection 3109.4. Subsection 3109.4 is amended to read:

Section 3109.4 Residential swimming pools. Residential swimming pools are accessory to R-3 residential occupancies. Residential swimming pools must conform to Sections 3109.4.1 through 3109.4.3 and to ROH Chapter 16, Article 6.

(143) Amending Subsection 3202.2. Subsection 3202.2 is amended to read:

3202.2 Balconies, sun-control devices and appendages. Projections such as roof eaves, cornices, sun-control devices, belt courses, and appendages such as water tables, sills, capitals, bases, and architectural projections which cannot be occupied or used, may project over the public street of the *building* site a distance as determined by the clearance of the lowest point of the projection above the grade immediately below, as follows:

Clearance above grade less than 8 feet (2438 mm) - no projection is permitted greater than 4 inches (102 mm).

Clearance above the grade 8 feet (2438 mm) and over - one inch of projection is permitted for each additional inch of clearance provided, that no such projection will exceed a distance of 4 feet (1219 mm).

Roof eaves must be sloped to downspouts and/or gutters leading back to the *building* which must conduct any drainage under the sidewalk area through the curb to the street gutter. A drain connection permit may be required.

(144) Amending Subsection 3202.2.3. Subsection 3202.2.3 is amended to read:

3202.2.3 Awnings. Awnings may extend over public property not more than 7 feet (2,134 mm) from the face of a supporting *building*, but no portion may extend nearer than 30 inches (762 mm) to the face of the nearest curb line measured horizontally. In no case may the awning extend over the public property greater than two-thirds of the distance from the property line to the nearest curb in front of the *building*. All portions of any awning must be at least 8 feet (2,438 mm) above any public walkway.

Exception: Any valance attached to an awning must not project above the roof of the awning at the point of attachment and must not extend more than 12 inches (305 mm) below the roof of the awning at the point of attachment, but in no case may any portion of a valance be less than 7 feet (2,134 mm) in height above a public way.

(145) Amending Subsection 3202.3.1. Subsection 3202.3.1 is amended to read:

3202.3.1 Marquees. Marquees may not project more than three-fourths of the distance from the property line to the face of the curb, but in no case reach within 30 inches (762 mm) of the face of the curb. There must be a minimum of 8 feet (2,438 mm) of vertical clearance between the lowest point of any marquee to the sidewalk below.

(146) Adding Subsection 3202.3.5. Subsection 3202.3.5 is added to read:

3202.3.5 Doors. No door, either fully opened or when opening, may project beyond the property line.

(147) Adding Subsection 3202.5. Subsection 3202.5 is added to read:

3202.5 Encroachments within the public right-of-way. Encroachments below and at grade within the public right-of-way must conform to the requirements of ROH Chapter 14.

(148) Deleting Section 3305. Section 3305 is deleted.

(149) Adding an exception to Subsection 3306.1. Subsection 3306.1 is amended by adding the following Exception:

Exception: Not applicable to construction in preservation, agricultural and residential districts except when required by the building official.

(150) Amending Subsection 3306.5. Subsection 3306.5 is amended to read:

3306.5 Barriers. Barriers may not be less than 6 feet (1829 mm) in height and must be placed on the side of the walkway nearest the construction. Barriers must extend the entire length of the construction site. Openings in such barriers must be protected by doors which are normally kept closed. Viewing panels must be provided in barriers at a rate of one for every 25 linear feet (7.6m) per frontage, with a minimum of one per frontage. Viewing panels must be 12 x 12 inches (305 x 305 mm) in size and must be blocked with plexiglass or an equivalent nonfrangible material. The top of the viewing panel must be located no more than 6 feet (1829 mm) above the level of the ground, and the bottom of the viewing panel must be located no less than 3 feet (914 mm) above the level of the ground.

(151) Adding Subsection 3306.10. Subsection 3306.10 is added to read:

3306.10 Watchman. A watchman must be employed to warn the general public when intermittent hazardous operations are conducted on or above the sidewalk.

(152) Amending Subsection 3307.1. Subsection 3307.1 is amended by adding a second and third paragraph to read:

The owner and contractor doing the excavation or fill is responsible to implement safety measures to include, but not be limited to, safety nets, retaining walls, or fences, and berms or trenches, to prevent falling rocks, boulders, soil, debris, and other dangerous objects from falling, sliding or flowing onto adjoining properties, streets or natural watercourses, or otherwise causing injury or damage to persons or property.

If proposed excavation and backfill work does not require a grading permit under ROH Chapter 14, the *building official*, if deemed necessary to protect or promote public safety, may require the submittal of an engineering slope hazard report.

(153) Adding Subsection 3308.1.2. Subsection 3308.1.2 is added to read:

3308.1.2 Lighting. Any material or structure temporarily occupying public property, including fences and walkways, which creates a hazard to the public, must be adequately lighted between sunset and sunrise.

(154) Amending Subsection 3308.2. Subsection 3308.2 is amended to read:

3308.2 Utility fixtures. *Building* materials, fences, sheds or any obstruction of any kind must not be placed so as to obstruct free approach to any fire hydrant, fire department connection, utility pole, manhole, fire alarm box, or catch basin, or so as to interfere with the passage of water in the gutter, without permission from the agency having jurisdiction. Protection against damage must be provided to such utility fixtures during the progress of the work, but sight of them will not be obstructed. This protection must be maintained while such work is being done and must not obstruct the normal functioning of the device.

(155) Amending Subsection 3309.2. Subsection 3309.2 is amended to read:

3309.2 Fire Hazards. The provisions of this code and the Fire Code must be strictly observed to safeguard against all the fire hazards attendant upon construction operations.

(156) Amending Subsection 3401.1. Subsection 3401.1 is amended by amending the exceptions to read:

Exceptions:

1. Existing *bleachers*, grandstands, and folding and telescopic seating must comply with ICC 300.
2. Conformance with the requirements of ROH Chapter 16, Article 9, International Existing Building Code, as amended, are accepted in lieu of this chapter.

(157) Amending Subsection 3401.3. Subsection 3401.3 is amended to read:

3401.3 Compliance. Alterations, repairs, additions, and changes of occupancy to, or relocation of *fire apparatus access roads* and structures will comply with the provisions for alteration, repair, additions and changes of occupancy or relocations, respectively, in ROH Chapters 16B (Building Energy Conservation Code), 20 (*Fire Code*), 19 (*Plumbing Code*), 16 (Sec. 16-1.2, Residential Code), and 17 (*Electrical Code*). Where provisions of the other codes conflict with provisions of this chapter, the provisions of this chapter take precedence.

(158) Amending Subsection 3403.2. Subsection 3403.2 is amended to read:

3403.2 Flood hazard areas. For *existing buildings* and structures in flood hazard areas, see ROH Chapter 21A.

(159) Amending Subsection 3404.2. Subsection 3404.2 is amended to read:

3404.2 Flood hazard areas. For *existing buildings* and structures in flood hazard areas, see ROH Chapter 21A.

(160) Amending Subsection 3407.1. Subsection 3407.1 is amended to read:

3407.1 Conformance. The installation or replacement of glass for new installations must be as required by Chapter 24 of this code.

(161) Amending Subsection 3409.2. Subsection 3409.2 is amended to read:

3409.2 Flood hazard areas. For *existing buildings* and structures in flood hazard areas, see ROH Chapter 21A.

(162) Amending Subsection 3411.1. Subsection 3411.1 is amended to read:

3411.1 Scope. The provisions of Sections 3411.1 through 3411.9 apply to maintenance, change of occupancy, additions and alterations to *existing buildings*, including those identified as historic *buildings*.

Conformance with the design and construction requirements of the Americans with Disabilities Act Accessibility Guidelines administered by the Department of Justice or the Fair Housing Act Accessibility Guidelines administered by the Department of Housing and Urban Development must be equivalent to meeting the accessibility of this code. At the time of submittal of an application for a *building* permit, the applicant must state on the plans that the project is subject to the above requirements.

(163) Chapter 35 (Referenced Standard) - AISI - is amended to read:

Standard reference number	Title	Referenced In code section number
AISI S230-15	Standard for Cold-formed Steel Framing-Prescriptive Method for One- and Two-Family Dwellings	1609.1.1, 1609.1.1.1, 2211.7

(164) Chapter 35 (Referenced Standard) - BWS - is added immediately following the Referenced Standard BHMA to read:

Standard reference number	Title	Referenced in code section number
BWS-WWS-2002	Board of Water Supply, Water System Standards 2002	503.3.2
SDPWC-1984	Standard Details for Public Works Construction, September 1984	2807.1, 2807.9, 2807.10, 2807.12
SDS	Rules Relating to Storm Drainage Standards, December 2012	2808.9

(165) Chapter 35 (Referenced Standard) - ICC - Standard Reference numbers AISI S230 and ICC 600 are amended to read:

Standard reference number	Title	Referenced in code section number
ICC 600-14	Standard for Residential Construction in High-wind Regions	1609.1.1, 1609.1.1.1, 2308.2.1

(166) Chapter 35 (Standard Reference) - NFPA -30A-12 is added to the Reference Standard (NFPA) immediately after Standard Reference Number 30-12 to read:

Standard reference number	Title	Referenced in code section number
30A-12	Code for Motor Fuel Dispensing Facilities and Repair Garages	406.8.8.1

(1990 Code, Ch. 16, Art. 1, § 16-1.1) (Added by Ord. 12-34; Am. Ord. 13-3, 17-49, 20-7)

§ 16-1.2 Adoption of the Hawaii State Residential Code.

The Hawaii State Residential Code, as adopted by the State of Hawaii on November 13, 2018, which adopts, with modifications, the International Residential Code for One- and Two-Family Dwellings, 2012 Edition (Eighth Printing) (IRC), published by the International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is adopted by reference and made a part hereof, subject to the following amendments:

(1) Amending Section R101.1. Section R101.1 is amended to read:

R101.1 Title. These provisions shall be part of the Building Code of the City and County of Honolulu, and will be referred to herein as “this code”.

(2) Amending Section R101.2. Section R101.2 is amended to read:

R101.2 Scope. The provisions of the International Residential Code for One- and Two-Family Dwellings will be permitted as an alternative to the International Building Code to apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-*family*

dwelling and multiple single-family dwellings (townhouses) not more than two stories in height with a separate means of egress and their accessory structures. A townhouse is a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides. For patio covers, the provisions of Appendix H are made a part of the Residential Code. For R-3 one- and two-family dwellings used as care homes, the provisions of Appendix M are made a part of the Residential Code.

- (3) Amending Section R102.7. Section R102.7 is amended to read:

R102.7 Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code is permitted to continue without change, except as is specifically covered in this code or the *Fire Code*, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

- (4) Adding Subsection R103.1. Subsection R103.1 is added to read:

R103.1 General. Code enforcement agency will be in accordance with International Building Code Section 103.

- (5) Amending Subsection R104.11. Subsection R104.11 is amended to read:

R104.11 Alternative materials, design, and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the International Codes in lieu of specific requirements of this code shall also be permitted as an alternative.

The *building official* may use the most current code edition or standard of the International Code Council or other approved national standard as an alternative to meeting the requirements of this code.

- (6) Amending Section R105.1. Section R105.1 is amended to read:

R105.1 Required. A *building permit* is required to perform work covered by this code as provided in ROH Chapter 18.

- (7) Amending Subsection R105.8. Subsection R105.8 is amended to read:

R105.8 Responsibility. It is the duty of every person who performs work for the installation, alteration, or repair of a *building*, structure, electrical, gas, mechanical or plumbing system, for which this code is applicable, to comply with this code.

- (8) Amending Subsection R106.1. Subsection R106.1 is amended to read:

R106.1 Submittal documents. See ROH Chapter 18. In addition to the requirements of the plot plan required in ROH Chapter 18, the construction documents submitted with the application for a permit must be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site plan showing to scale the size of and location of the new construction and distances from *lot lines*. In the case of demolition, the site plans must show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

- (9) Amending Subsection R106.1.3. Subsection R106.1.3 is amended to read:

R106.1.3 Information for construction in flood hazard areas. For *buildings* and structures in flood hazard areas as established by ROH Chapter 21A, construction documents will include:

1. Delineation of flood hazard areas, floodway boundaries, flood zones, and the design flood elevation, as appropriate;
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the applicant must submit a flood study, flood data, and other pertinent information as required by ROH Chapter 21 or 21A, prepared by a licensed design professional to the *Building Official*.

(10) Adding Subsection R107.5. Subsection R107.5 is added to read:

R107.5 Stormwater management. Storm water management practices for residential uses include, but not limited to, reducing the total runoff generated on the site by reducing the total impervious surface area of the lot.

R107.5.1 Maximum impervious surface. The impervious surface area shall not exceed 75 percent of the total zoning lot area for construction of a one-family or two-family detached dwelling or duplex, pursuant to ROH Chapter 21.

(11) Amending Subsections R109.1 to R109.4. Subsections R109.1 to R109.4 are amended to read:

R109.1 Types of Inspections. Inspections must be in accordance with the International Building Code Section 110.1.

R109.2 Required inspections. The *building official*, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and shall either approve that portion of the construction as completed or notify the permit holder or the permit holder's agent if the same fails to comply with this code.

R109.2.1 Floodplain inspections. For construction in areas prone to flooding as established by ROH Chapter 21A, upon placement of the lowest floor, including basement, and prior to further vertical construction, the *building official* shall require submission of documentation, prepared and sealed by a land surveyor, licensed in the State of Hawaii, of the elevation of the lowest floor, including basement, required in Section R106.

R109.2.2 Fire-resistance-rated construction inspection. When fire-resistance-rated construction is required between *dwelling units* or due to locate on property, an inspection of such construction, after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

R109.2.3 Final inspections. Final inspections must be made after the permitted work is complete and prior to final occupancy.

R109.2.4 Other inspections. In addition to the inspections specified in Sections R109.2.1 through R109.2.3, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by this code.

R109.3 Special inspections. Where application is made for construction as described in this section, the owner shall employ one or more special inspectors, independent of the contractors performing the work, to provide inspections during construction on the types of work listed under Sections R109.3.1 and R109.3.5. These inspections are in addition to the inspections specified in Section R109. The special inspector must be a qualified person who must demonstrate competence to the satisfaction of the *building official*, to conduct inspections of the particular type of construction or operation requiring special inspection. The *building official* may impose reasonable fees to cover the cost to conduct examinations in licensing of special inspectors and issuance of registration cards.

Exceptions:

1. The *building official* may waive the requirements for the employment of a special inspector if the construction is of a minor nature.
2. The employment of a special inspector is not required for construction work for any government agency that provides for its own inspections.
3. Special inspections are not required for *building* components unless the design involves the practice of professional engineering or architecture as defined by HRS 464.

R109.3.1 Special Inspections for wind requirements. Special inspections are required for buildings and structures constructed where the 3-second-gust effective ultimate design wind speed is 120 mph (53 m/sec) or greater.

R109.3.1.1 Structural wood. Continuous special inspection is required during field gluing operations of elements of the main windforce-resisting system. Periodic special inspection is required for nailing, bolting, anchoring and other fastening of components within the main windforce-resisting system, including wood shear walls, wood diaphragms, drag struts, braces, and hold-downs.

Exception: Special inspection is not required for wood shear walls, shear panels and diaphragms, including nailing, bolting, anchoring, and other fastening to other components, of the main windforce-resisting system, where the fastener spacing of the sheathing is more than 4 inches (102 mm) on center.

R109.3.1.2 Cold-formed steel light-frame construction. Periodic special inspection is required during welding operations of elements of the main windforce-resisting system. Periodic special inspection is required for screw attachment, bolting, anchoring, and other fastening of components within the main windforce-resisting system, including shear walls, braces, diaphragms, collectors (drag struts), and hold-downs.

Exceptions: A special inspection is not required for cold-formed steel light-frame shear walls, braces, diaphragms, collectors (drag struts) and hold-downs where either of the following applies:

1. The sheathing is gypsum board or fiberboard.
2. The sheathing is wood structural panel or steel sheets on only one side of the shear wall, shear panel, or diaphragm assembly and the fastener spacing of the sheathing is more than 4 inches (102 mm) on center (o.c.).

R109.3.1.3 Wind-resisting components. Periodic special inspection is required for the following systems and components:

1. Roof cladding.
2. Wall cladding.

R109.3.2 Termite protection. Termite barrier, treated structural lumber and pipe penetrations for new wood frame residential *buildings*.

R109.3.3 Automatic fire protection systems. Where an application is made for automatic fire sprinkler systems, the systems must be inspected and evaluated in accordance with the requirements of NFPA 13D.

R109.3.4 Concrete construction. The special inspections and verifications for concrete construction must be in accordance with this code.

Exceptions: Special inspections are not required for:

1. Foundation concrete for structures permitted to be designed under the International Residential Code.
2. Concrete footings supporting *buildings* three stories or less in height that are fully supported on earth or rock where the structural design is based on a specified compressive strength f'_c no greater than 2,500 pounds per square inch (psi) (17.2 MPa), regardless of the compressive strength specified in the construction documents or used in the footing construction. Periodic inspection of the reinforcing for all concrete footings will be required.
3. Nonstructural concrete slabs supported directly on the ground, including pre-stressed slabs on grade, where the effective pre-stress in the concrete is less than 150 psi (1.03 MPa).
4. Concrete foundation walls constructed in accordance with Table B1805.5 (1), B1805.5 (2), B1805.5 (3), or B1805.5 (4).
5. Concrete patios, driveways and sidewalks, on grade.

R109.3.5 Floodplain construction. See ROH Chapter 21A.

R109.4 Building permit requirement. Where special inspection or testing is required by Section R109.3, the construction drawings must include a complete list of special inspections required by this section.

- (12) Adding Subsections R109.5 to 109.7. Subsections R109.5 to R109.7 are added to read:

R109.5 Statement of special inspections. The applicant shall submit a statement of special inspections in accordance with Section R109.7 as a condition for permit issuance.

R109.6 Contractor responsibility. When special inspection is required, a contractor's statement must be submitted containing an acknowledgement of awareness of the special inspection requirements contained on the drawings and that the construction requiring special inspections must be made accessible for inspections.

R109.7 Report requirement. The licensed engineer or architect of record shall submit a final signed report stating that they have received all the special inspection reports and documenting that there are no known unresolved code requirements that create significant public safety deficiencies.

- (13) Amending Subsection R110.1. Subsection R110.1 is amended to read:

R110.1 Use and occupancy. No *building* or structure may be used or occupied, and no change in the existing occupancy classification of a *building* or structure or portion thereof may be made until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy will not be construed as approval of a violation of the provisions of this code or other ordinances of the jurisdiction.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
2. Accessory buildings or structures.

- (14) Amending Subsection R110.3. Subsection R110.3 is amended to read:

R110.3 Certificate issued. After the *building official* inspects the *building* or structure and finds no violations of the provisions of this code or other laws that are enforced by the department, the *building official* shall issue a certificate of occupancy, which must contain the following:

1. The *building* permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of the structure or portion thereof for which the certificate is issued.
5. A statement that the described structure or portion thereof has been inspected for compliance with the requirements of this code.
6. The name of the *building official*.
7. The edition of the building code under which the permit was issued.
8. Whether an automatic sprinkler system is provided.
9. Any special conditions for the permit.

(15) Amending Subsection R110.4. Subsection R110.4 is amended to read:

R110.4 Temporary occupancy. The *building official* may issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions can be occupied safely and are in compliance with the requirements of this code. The *building official* will set a time period during which the temporary certificate of occupancy is valid.

(16) Amending Subsection R110.5. Subsection R110.5 is amended to read:

R110.5 Revocation. The *building official* may suspend or revoke a certificate of occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information provided, or where it is determined that the structure or a portion thereof violates any ordinance or regulation or any of the provisions of this code.

(17) Amending Subsection R112.1. Subsection R112.1 is amended to read:

R112.1 General. Board of Appeals must be in accordance with International Building Code Section 113.

(18) Amending Section R113. Section R113 is amended to read:

SECTION R113 - VIOLATIONS AND PENALTIES

For violation and penalty provisions, see ROH Chapter 16, Article 10.

(19) Amending Section R202. Section R202 is amended as follows:

- a. By adding immediately after “ACCESSIBLE, READILY” the following definition to read:

ACCESSORY DWELLING UNIT (ADU) means a second *dwelling unit*, including separate *kitchen*, bedroom, and bathroom facilities, attached or detached from the primary *dwelling unit* on the zoning lot.

- b. By amending the definition of “BUILDING, EXISTING” to read:

BUILDING, EXISTING is a *building* for which a legal *building* permit has been issued, or one which complied with the building code in effect at the time the *building* was erected.

- c. By adding the following definitions:

BUILDING, ENCLOSED: A *building* that does not comply with the requirements for open or *partially enclosed building*.

BUILDING, OPEN: A *building* having each wall at least 80 percent open. $A_o \geq 0.8 A_g$ where:

A_o = total area of openings in a wall that receives positive external pressure, in ft² (m²)

A_g = the gross area of that wall in which A_o is identified, in ft² (m²)

BUILDING, PARTIALLY ENCLOSED: A *building* that complies with both of the following conditions:

1. The total area of openings in a wall that receives positive external pressure exceeds that sum of the areas of openings in the balance of the *building* envelope (walls and roof) by more than 10 percent.
2. The total area of openings in a wall that receives positive external pressure exceeds 4 ft² (0.37 m²) or 1 percent of the area of that wall, whichever is smaller, and the percentage of openings in the balance of the *building* envelope does not exceed 20 percent.

These conditions are expressed by the following equations:

1. $A_o > 1.1A_{oi}$
2. $A_o > 4 \text{ ft}^2 (0.37 \text{ m}^2)$ or $> 0.01 A_g$, whichever is smaller, and $A_{oi}/A_{gi} \leq 0.20$

Where:

A_o, A_g are defined for open building.

A_{oi} = the sum of the areas of openings in the building envelope (walls and roof) not including A_o , in ft² (m²).

A_{gi} = the sum of the gross surface areas of the building envelope (walls and roof) not including A_g , in ft² (m²).

- d. By amending the definition of “BUILDING OFFICIAL” to read:

BUILDING OFFICIAL means the director of planning and permitting of the city or the director’s authorized representative.

- e. By adding definitions of “CARPORT” after “CAP PLATE” to read:

CARPORT is a private garage which is at least 100 percent open on one side and with 50 percent net openings on another side or which is provided with an equivalent of such openings on two or more sides.

A private garage that is 100 percent open on one side and 25 percent open on another side with the latter opening so located to provide adequate cross ventilation may be considered a carport when approved by the building official.

- f. By amending the definition of “KITCHEN” to read:

KITCHEN is as defined in the ROH Chapter 21.

- g. By amending the definition of “THIRD-PARTY CERTIFICATION AGENCY” to read:

THIRD-PARTY CERTIFICATION AGENCY. An approved agency operating a product or material certification system that incorporates initial product testing, assessment and surveillance of a manufacturer’s quality control system. An approved agency may be an individual who has been qualified by the department to perform single-family residential plans review for code compliance, by having the necessary qualifications and passing an examination administered by the *building official* with a qualifying score to review for single-family residential *building* permit requirements.

- h. By amending the definition of “THIRD PARTY CERTIFIED” to read:

THIRD PARTY CERTIFIED. Either a certification obtained by a manufacturer indicating that the function and performance characteristics of a product or material have been determined by testing and ongoing surveillance by an approved *third-party certification agency*; or a certification of code compliance from an approved third party residential plans reviewer, upon a form provided by the *building official* for compliance with the requirements necessary to obtain a *building* permit. Manufacturer assertion of certification is in the form of identification in accordance with the requirements of the *third-party certification agency*.

- (20) Amending Subsection R301.1.1. Subsection R301.1.1 is amended to read:

R301.1.1 Alternative provisions. As an alternative to the requirements in Section R301.1 the following standards are permitted subject to this code and the limitations therein. Where engineered design is used in conjunction with these standards, the design shall comply with the International *building* code. Where these standards use the basic wind speed as a design criterion, the Effective Ultimate Design Wind Speed $V_{eff-ult}$, determined from Figures R301.2(8) shall be used.

1. AF&PA Wood Frame Construction Manual (WFCM) 2012.
2. AISI Standard for Cold-Formed Steel Framing - Prescriptive Method for One-and Two-Family Dwellings (AISI S230-2015).
3. ICC Standard for Residential Construction in High-Wind Regions (ICC 600-14).
4. ASCE Minimum Design Loads for Buildings and Other Structures (ASCE 7-10).
5. State Building Code, as amended.

- (21) Adding Subsection R301.1.4. Subsection R301.1.4 is added to read:

R301.1.4 Complete load path and uplift ties. Blocking, bridging, straps, approved framing anchors, or mechanical fasteners must be designed and installed to provide continuous ties from the roof to the foundation system. Sheet metal clamps, ties, or clips, must be formed of galvanized steel or other approved corrosion-resistant material not less than 0.040 inch (1.01 mm) nominal thickness. Uplift resistance must be in accordance with Table R802.11.

- (22) Amending Table R301.2 (1). Table R301.2 (1) is amended to read:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			FLOOD HAZARDS
		Weathering	Termite	Decay	
Per Figure R301.2(8)	C or D _o	Negligible	Very heavy	Moderate to severe	FEMA

(23) Amending Subsection R301.2.1. Subsection R301.2.1 is amended to read:

R301.2.1 Wind design criteria. *Buildings* and portions thereof must be constructed in accordance with the wind provisions as specified in Table R301.2.1 using the effective ultimate design wind speed, $V_{eff-ult}$, determined from Figure R301.2(8). *Buildings* and portions thereof constructed in accordance with the wind provisions of the State Building Code, as amended, are deemed to comply with this section.

(24) Adding Table R301.2.1. Table R301.2.1 is added to read:

TABLE R301.2.1			
WIND SPEED BASED ON APPLICABLE WIND DESIGN CRITERIA			
Effective Ultimate Design Wind Speed ^a	Effective Nominal Design Wind Speed ^b	Wind Provisions ^c	Windborne Debris Protection
$V_{eff-ult} < 130$	$V_{eff-nsd} < 102$	Residential Code ^c	Not required
$130 \leq V_{eff-ult} < 139$	$102 \leq V_{eff-nsd} < 110$	Residential Code ^c	Required
$139 \leq V_{eff-ult}$	$110 \leq V_{eff-nsd}$	Alternative Provisions ^d	Required

- a The Effective Ultimate Design Wind Speed, $V_{eff-ult}$, is obtained from Figure R301.2(8). The wind speed shown in these figures include topographic effects and is based on the basic wind speed definition used for structural design of buildings in the 2012 IBC, ASCE7-10 and Section 16-1.1.
- b Wind speed conversion to the Effective Nominal Design Wind Speed, $V_{eff-nsd}$ is in accordance with section R301.2.1.3.
- c Where the Residential Code requires the Basic Wind Speed, the Effective Nominal Design Wind Speed, $V_{eff-nsd}$, is used.
- d The applicability of the wind design provisions of the Residential Code are exceeded and will not be used. R301.1.1 Alternative provisions provides a list of other codes and standards that will be used in conjunction with applicable requirements of the Residential Code to complete the design.

The structural provisions of this code for wind loads are not permitted where wind design is required as specified in Section R301.2.1.1. Where different construction methods and structural materials are used for various portions of a *building*, the applicable requirements of this section for each portion apply. Where not otherwise specified, the wind loads listed in Table R301.2(2) adjusted for height and exposure using Table R301.2(3) must be used to determine design load performance requirements for wall coverings, curtain walls, roof coverings, exterior windows, skylights, garage doors, and exterior doors. Asphalt shingles must be designed for wind speeds in accordance with Section R905.2.4. A continuous load path shall be provided to transmit the applicable uplift forces in Section R802.11.1 from the roof assembly to the foundation.

(25) Amending Subsection R301.2.1.1. Subsection R301.2.1.1 is amended to read:

R301.2.1.1 Wind limitations and wind design required. The wind provisions of this code do not apply to the design of *buildings* where wind design is required in accordance with Figure R301.2(4)B.

Exceptions:

1. For concrete construction, the wind provisions of this code apply in accordance with the limitation of Sections R404 and R611.
2. For structural insulated panels, the wind provisions of this code apply in accordance with the limitations of Section R613.

In regions where wind design is required in accordance with Figure R301.2(4)B, the design of *buildings* for wind loads must be in accordance with one or more of the following methods:

1. AF&PA Wood Frame Construction Manual (WFCM);
2. ICC Standard for Residential Construction in High-Wind Regions (ICC 600);
3. ASCE Minimum Design Loads for *Buildings* and Other Structures (ASCE 7);
4. AISI Standard for Cold-Formed Steel Framing-Prescriptive Method For One- and Two-Family Dwellings (AISI S230); or
5. International Building Code as amended.

The elements of design not addressed by the methods in Items 1 through 5 will be in accordance with the provisions of this code. When ASCE 7 or the International Building Code is used, the wind speed map and exposure category requirements as specified in ASCE 7 and the International Building Code are used.

(26) Amending Subsection R301.2.1.2. Subsection R301.2.1.2 is amended to read:

R301.2.1.2 Protection of openings. Windows in *buildings* located in windborne debris regions must have glazed openings protected from windborne debris. Glazed opening protection for windborne debris must meet the requirements of the Large Missile Test of ASTM E 1996 and of ASTM E 1886 referenced therein.

Exceptions:

1. Wood structural panels with a minimum thickness of 7/16 inch (11 mm) and a maximum panel span of 8 feet (2,438 mm) are permitted for opening protection in one- and two-story *buildings* classified as Group R-3 or R-4 occupancy. Panels must be precut so that they are attached to the framing surrounding the opening containing the product with the glazed opening. Panels must be predrilled as required for the anchorage method and will be secured with the attachment hardware provided and anchors permanently installed on the *building*. Attachment in accordance with Table R301.2.1.2 with corrosion-resistant attachment hardware provided and anchors permanently installed on the *building* is permitted for *buildings* with a mean roof height of 33 feet (10,058 mm) or less, where effective ultimate design wind speeds, $V_{eff-ult}$ do not exceed 175 mph (78 m/s).
2. Glazing in accessory structures to the single *family* dwellings including but not limited to greenhouses and minor storage sheds.
3. Partially enclosed Occupancy R-3 buildings are permitted to be designed without wind-borne debris protection. Partially enclosed and open Occupancy R-3 *buildings* must also include a residential safe room in accordance with ROH Chapter 16, Article 13.

TABLE R301.2.1.2			
WINDBORNE DEBRIS PROTECTION FASTENING SCHEDULE FOR WOOD STRUCTURAL PANELS ^{a, b, c, d}			
FASTENER TYPE	FASTENER SPACING		
	Panel span ≤ 4 foot	Panel span > 4 foot and ≤ 6 foot	Panel span > 6 foot and ≤ 8 foot
No. 8 Wood screw based anchor with 2-inch embedment length	16"	10"	8"
No. 10 Wood screw based anchor with 2-inch embedment length	16"	12"	9"
¼-inch lag screw based anchor with 2-inch embedment length	16"	16"	16"
For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm,			
1 pound = 0.454 kg, 1 mile per hour = 0.447 m/s.			

- This table is based on 175 mph effective ultimate design wind speed and a mean roof height of 45 feet.
- Fasteners must be installed at opposing ends of the wood structural panel. Fasteners must be located a minimum of 1 inch from the edge of the panel.
- Anchors must penetrate through the exterior wall covering with an embedment length of 2 inches minimum into the building frame. Fasteners must be located a minimum of 2-½ inches from the edge of concrete block or concrete.
- Where screws are attached to masonry or masonry/stucco, they must be attached utilizing vibration-resistant anchors having a minimum ultimate withdrawal capacity of 1,500 pounds.

(27) Amending Subsection R301.2.1.3. Subsection R301.2.1.3 is amended to read:

R301.2.1.3 Wind speed conversion. When referenced documents are based on fastest mile wind speeds, V_{fm} , or three second gust effective nominal wind speeds, $V_{eff-asd}$, the effective ultimate design wind speed, $V_{eff-ult}$, obtained from Figures R301.2(8) must be converted using Table R301.2.1.3.

TABLE R301.2.1.3														
CONVERSION OF EQUIVALENT BASIC SPEEDS ^{a,b,c}														
$V_{eff-ult}$	107	114	120	126	133	139	152	158	164	177	183	190	202	215
$V_{eff-asd}$	85	90	95	100	105	110	120	125	130	140	145	150	160	170
V_{fm}	71	76	80	85	90	95	104	109	114	123	128	133	142	152
For SI: 1 mile per hour = 0.447 m/s.														

- Linear interpolation is permitted.
- $V_{eff-asd}$ = Effective nominal design wind speed applicable to methods specified in Exceptions 1 through 5 of Section 1609.1.1 of the International Building Code. $V_{eff-asd} = 0.791 V_{eff-ult}$
- $V_{eff-ult}$ = Effective ultimate design wind speed from Table R301.2(8)

(211) Amending Figure R301.2 (8). Figure R301.2 (8) is amended to read:

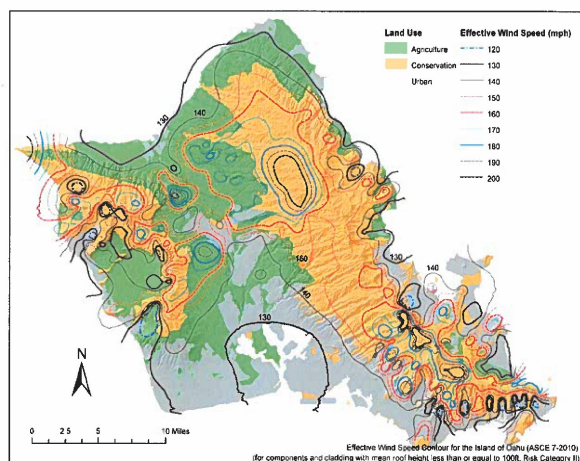


Figure R301.2 (8) Effective Ultimate Design Wind Speed (mph) V_{eff} , for Components and Cladding for buildings less than 60-foot tall

(28) Amending Subsection R301.2.1.4. Subsection R301.2.1.4 is amended to read:

R301.2.1.4 Exposure category. The exposure category is determined from Figure R301.2 (9) or using the provisions of ASCE 7-10.

(29) Amending Figure R301.2 (9). Figure R301.2 (9) is amended to read:

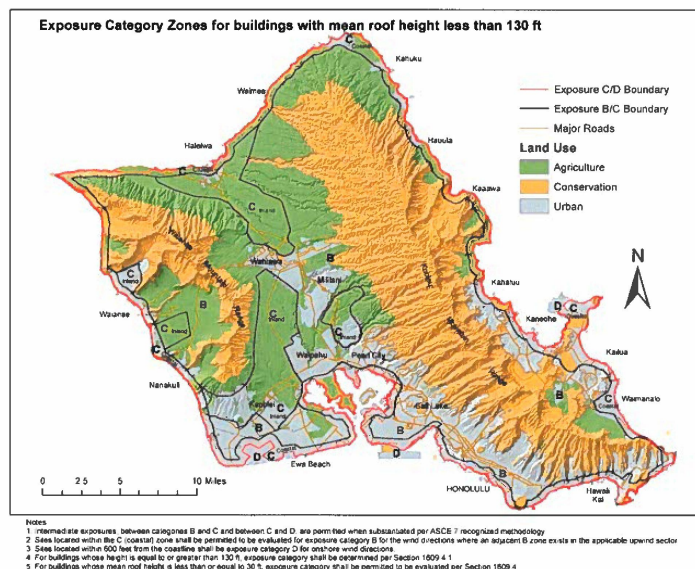


Figure R301.2 (9) Exposure Category Zones for the City and County of Honolulu

(30) Amending Subsection R301.2.1.5. Subsection R301.2.1.5 is amended to read:

R301.2.1.5 Topographic wind effects. Topographic wind speed effects must be considered in the design of the *building*. *Buildings* designed using the effective ultimate wind speed as determined from Figure R301.2 (8) and wind exposure categories determined in accordance with Section R301.2.1.4 will be deemed to comply with this section.

(31) Amending Subsection R302.1. Subsection R302.1 is amended to read:

R302.1 Exterior walls. Construction, projections, openings, and penetrations of exterior walls of dwellings and accessory *buildings* must comply with Table R302.1(1); or dwellings equipped throughout with an automatic sprinkler system installed in accordance with Section P2904 must comply with Table R302.1(2). Dwellings equipped throughout with an automatic sprinkler system installed in accordance with Section P2904 or NFPA 13D must comply with Table R302.1(2).

(32) Amending Table R302.1(2). Table R302.1(2) is amended to read:

TABLE R302.1(2)			
EXTERIOR WALLS - DWELLINGS WITH FIRE SPRINKLERS			
EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	(Fire-resistance rated)	1 hour-tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 3 feet
	(Not fire-resistance rated)	0 hours	≥ 3 feet
Projections	(Fire-resistance rated)	1 hour on the underside	< 2 feet
	(Not fire-resistance rated)	0 hours	3 feet
Openings in walls	Not allowed	N/A	< 3 feet
	Unlimited	0 hours	3 feet
Penetrations	All	Comply with Section R317.3	< 3 feet
		None required	3 feet
For SI: 1 foot = 304.8 mm.			
N/A = Not Applicable.			

(33) Amending Subsection R302.3. Subsection R302.3 is amended by adding a third exception to read:

3. An *accessory dwelling unit* (ADU) is permitted to be separated from the primary *dwelling unit* with a single layer of 5/8-inch Type X gypsum board or the equivalent fire resistive construction on the walls and ceilings of the ADU portion.

(34) Amending Subsection R303.1. Subsection R303.1 is amended to read:

R303.1 Natural light and ventilation. Natural light and ventilation must be as specified in the *Housing Code*.

(35) Amending Subsection R303.3. Subsection R303.3 is amended to read:

R303.3 Bathrooms. Light and ventilation for bathrooms must be as specified in the *Housing Code*.

(36) Amending Subsection R303.4. Subsection R303.4 is amended to read:

R303.4 Mechanical ventilation. Mechanical ventilation must be as specified in the *Housing Code*.

(37) Amending Section R306. Section R306 is amended to read:

SECTION R306 - SANITATION

Sanitation must be as specified in the *Housing Code*.

(38) Amending Subsection R309.2. Subsection R309.2 is amended to read:

R309.2 Carports. *Carport* floor surfaces must be of approved noncombustible materials.

Exceptions:

1. Asphalt surfaces are permitted at ground level in *carports*.
2. A *carport* on a hillside lot serving a detached single-family dwelling may have wood floor planking at least 2 inches (51 mm) in nominal thickness laid with at least ¼-inch (6.4 mm) spacing between the planks.

The area of floor used for parking of automobiles or other vehicles must be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway.

(39) Amending Subsection R309.3. Subsection R309.3 is amended to read:

R309.3 Flood hazard areas. See ROH Chapter 16, Article 11.

(40) Amending Subsection R310.1.1. Subsection R310.1.1 is amended by adding a second exception to read:

2. Non-safety glazed glass jalousie bladed windows may be used for emergency escape or rescue.

(41) Amending Subsection R311.7.1. Subsection R311.7.1 is amended by adding a second exception to read:

2. Private stairways serving an occupant load of less than 5 must not be less than 30 inches (762 mm) in width.

(42) Adding Subsection R313.2.2. Subsection R313.2.2 is added to read:

R313.2.2 R-3 Care homes. An automatic residential fire sprinkler system must be installed in one- and two-family dwellings in new care homes.

(43) Adding Subsection R313.2.3. Subsection R313.2.3 is added to read:

R313.2.3 One- and two-family dwellings with private water systems. Where the source of water for a one- or two-family dwelling is solely from a private system, an automatic fire sprinkler system must be installed. Water supply from a tank will conform to NFPA 22 and have a capacity of a minimum of 10,000 gal. (37,854 liters).

Exception: Where approved by the fire code official.

(44) Adding Subsection R313.2.4. Subsection R313.2.4 is added to read:

R313.2.4 One- and two-family dwellings location. Where a one- or two-*family* dwelling is located a distance between 100 feet (3048 mm) and 300 feet (91.44 m) from an approved fire apparatus road, an automatic fire sprinkler system must be installed.

Exception: Where approved by the *fire code official*.

(45) Amending Subsection R317.3.1. Subsection R317.3.1 is amended to read:

R317.3.1 Fasteners for preservative-treated wood. Fasteners for non-borate pressure preservative and fire-retardant-treated wood must be of hot-dipped zinc-coated galvanized steel, stainless steel, silicon bronze or copper. The coating weights for zinc-coated fasteners must be in accordance with ASTM A 153.

Exceptions:

1. One-half-inch (12.7 mm) diameter or greater steel bolts.
2. Fasteners other than nails and timber rivets are permitted to be of mechanically deposited zinc-coated steel with coating weights in accordance with ASTM B695, Class 55 minimum.

(46) Adding Subsection R317.5. Subsection R317.5 is added to read:

R317.5 Glued laminated, engineered or composite structural members. The portions of these structural members that form the structural supports of a *building* or other structure, which are structural glued laminated members made up of dimensional lumber, engineered wood products, or structural composite lumber, must be pressure treated in accordance with AWWA U 1 (UC1 through UC4B) or by light oil solvent preservative (LOSP) treatment standard as approved by the *building official*. Water based treatment processes are not allowed to be used on these products unless specified by a structural engineer for use with reduced load values.

(47) Adding Subsection R317.6. Subsection R317.6 is added to read:

R317.6 Under-floor clearance. Minimum clearance between the bottom of floor joists or bottom of floors without joists and the ground beneath is 24 inches (610 mm); the minimum clearance between the bottom of girders and the ground is 18 inches (457 mm).

Exception: Open slat wood decks must have ground clearance of at least 6 inches (152 mm) for any wood member. For accessibility, under-floor areas must be provided with a minimum 14-inch x 24-inch (356 mm x 610 mm) access opening.

For accessibility, under-floor areas must be provided with a minimum 18-inch (457 mm) by 24-inch (610 mm) access opening, effectively screened or covered. Pipes, ducts and other construction will not interfere with the accessibility to or within under-floor areas. See section M1305.1.4 for access requirements where mechanical equipment is located under floors.

(48) Amending Subsection R318.1.1. Subsection R318.1.1 is amended by adding a second paragraph to read:

All lumber less than 2 inches (51 mm) in nominal thickness must be identified per bundle by means of a label consisting of the above requirements. Labels measuring no less than 6 inches by 8 inches (152 mm by 203 mm) must be placed on the lower left corner of the strapped bundle.

(49) Adding Subsection R318.1.3. Subsection R318.1.3 is added to read:

R318.1.3 Structure protection. Where the plates, sills, and structural lumber of new wood frame *buildings* are supported directly on the ground by:

1. A concrete slab or foundation, the soil beneath the *building* must be either:
 - 1.1 Chemically treated at the maximum label rate for control of Formosan subterranean termites by a licensed pest control operator, or
 - 1.2 Basaltic Termite Barrier (BTB), stainless steel termite barrier mesh, or other termite barrier approved by the *building official*, installed according to the manufacturer's installation instructions.
2. The perimeter of the structure must be protected by either:
 - 2.1 A continuous chemical barrier applied at the maximum label rates by an operator licensed to control ground termites to the backfill in 12-inch (305 mm) lifts in a band extending at least 12 inches (305 mm) beyond the concrete; or
 - 2.2 A continuous barrier of BTB at least 4 inches (102 mm) in thickness extending at least 6 inches (152 mm) beyond the concrete slab.
3. A poured-in-place concrete foundation wall, the foundation wall must be protected from the adjacent soil by either:
 - 3.1 A continuous chemical barrier applied at the maximum label rates by an operator licensed to control ground termites to the backfill in 12-inch (305 mm) lifts in a band extending at least 12 inches (305 mm) beyond the concrete;
 - 3.2 A continuous barrier of BTB at least 6 inches (152 mm) in thickness extending the full height of the retained soil; or
 - 3.3 An approved stainless steel termite barrier mesh must protect all cracks and joints.
4. A CMU foundation wall, the foundation wall must be protected from the adjacent soil by either:
 - 4.1 A continuous barrier of BTB at least 6 inches (152 mm) in thickness extending the full height of the retained soil;
 - 4.2. An approved stainless steel termite barrier mesh between the top of the CMU and all wood framing; or
 - 4.3 A continuous cap or reinforced concrete at least 4 inches (102 mm) in thickness between the top of the CMU and all wood framing.

Exception:

When a CMU foundation wall forms a retaining wall which is part of a wood frame structure, the CMU must be protected from the soil by a full barrier of BTB or a stainless steel termite barrier.

(50) Amending Subsection R318.2. Subsection R318.2 is amended to read:

R318.2 Chemical termiticide treatment. Chemical termiticide treatment shall include soil treatment, field applied wood treatment, or both. The concentration, rate of application and method of treatment of the chemical termiticide must be in strict accordance with the termiticide label. Chemical treatment will be applied at the maximum label rate for control of Formosan subterranean termites by a licensed pest control operator. There must be a continuous chemical barrier applied at the maximum label rates, by an operator licensed to control ground termites, to the finished grade in a band extending at least 12 inches (305 mm) beyond the concrete.

- (51) Amending Subsection R318.3. Subsection R318.3 is amended to read:

R318.3 Barriers. Approved physical barriers, such as metal or plastic sheeting or collars specifically designed for termite prevention, Basaltic Termite Barrier (BTB), stainless steel termite barrier mesh, or other termite barrier approved by the *building official*, installed according to the manufacturer's installation instructions, must be installed in manner to prevent termites from entering the structure. Shields placed on top of an exterior foundation wall are permitted to be used only if in combination with another method of protection.

- (52) Amending Subsection R320.1. Subsection R320.1 is amended to read:

R320.1 Scope. Where there are four or more *dwelling units* or sleeping units in a single structure, the following provisions for Group R-3 apply:

1. For construction of *buildings* or facilities of the state and city governments, compliance with HRS 103-50, administered by the Disability and Communication Access Board, State of Hawaii.
2. Americans with Disabilities Act, administered and enforced by the U.S. Department of Justice.
3. Fair Housing Act, administered and enforced by the U.S. Department of Housing and Urban Development.
4. Other pertinent laws relating to person with disabilities will be administered and enforced by the agencies responsible for their enforcement.

Prior to the issuance of a building permit, the owner (or the owner's representative, professional architect, or engineer), shall submit a statement that all requirements relating to accessibility for persons with disabilities will be complied with.

- (53) Amending Subsection R322.2. Subsection R322.2 is amended to read:

R322.2 Flood hazard areas. All areas that have been determined to be located within areas of special flood hazard must be in accordance with ROH Chapter 21A.

- (54) Amending Subsection R323.1. Subsection R323.1 is amended to read:

R323.1 General. This section applies to the construction of storm shelters when constructed as separate detached *buildings* or when constructed as safe rooms within *buildings* for the purpose of providing safe refuge from storms that produce high winds, such as tornados and hurricanes. In addition to other applicable requirements in this code, storm shelters must be constructed in accordance with ICC/NSSA-500 or the *Hawaii residential safe room ordinance*, ROH Chapter 16, Article 13.

- (55) Adding Section R324. Section R324 is added to read:

R324 Light-transmission plastic roof structures. Awnings, patio covers, *carports* and similar structures. Roofed structures constructed of light-transmitting plastics must comply with this section.

R324.1 Specifications. Light-transmitting plastics, including thermoplastic, thermosetting or reinforced thermosetting plastic material must have a self-ignition temperature of 650°F (343°C) or greater where tested in accordance with ASTM D 1929, a smoke-development index not greater than 450 where tested in the manner intended for use in accordance with ASTM E 84 or UL 723, or a maximum average smoke density rating not greater than 75 where tested in the thickness intended to be used in accordance with ASTM D 2843 and must conform to one of the following combustibility classifications.

Class CC1: Plastic materials that have a burning extent of 1 inch (25 mm) or less where tested at a nominal thickness of 0.060 inches (1.5 mm), or in the thickness intended for use, in accordance with ASTM D 635.

Class CC2: Plastic materials that have a burning rate of 2½ inches per minute (1.06 m/s) or less where tested at a nominal thickness of 0.060 (1.5 mm), or in the thickness intended for use, in accordance with ASTM D 635.

R324.2 Structural requirements. Light-transmitting plastic materials in their assembly must be of adequate strength and durability to withstand the loads indicated in R301.6. Technical data must be submitted to establish stresses, maximum unsupported spans and such other information for the various thicknesses and forms used as deemed necessary by the *building official*.

R324.3 Fastening. Fastening must be adequate to withstand the loads in R301. Proper allowance must be made for expansion and contraction of light-transmitting plastic materials in accordance with accepted data on the coefficient of expansion of the material and other material in conjunction with which it is employed.

R324.4 Size limitation.

1. Swimming pool structures must not exceed 5,000 square feet (465 m²) in area and must have a minimum fire separation distance of 10 feet (3048 mm).
2. Roof coverings over carports, terraces and patios must have a minimum fire separation distance of 6 feet (1829 mm).

(56) Adding Subsection R401.5. Subsection R401.5 is added to read:

R401.5 Post or Pier Foundations. Raised floor systems supported by post or pier foundations shall be designed in accordance with accepted engineering practice and the International *Building Code*, as amended.

(57) Adding Subsection R401.6. Subsection R401.6 is added to read:

R401.6 Concrete Strap-Type Anchors. Concrete strap-type anchors made out of cold-formed steel may not be used along the perimeter edges of a slab on grade if the steel does not have at least 1-1/2 inches of side cover or other adequate protection.

(58) Adding Subsection R401.7. Subsection R401.7 is added to read:

R401.7 Anchor Bolts at the Perimeter Edge of a Slab on Grade. Anchor bolts must be hot dipped galvanized in accordance with ASTM F2329 and have a minimum concrete side cover of 1-1/2 inches unless provisions have been made to protect the anchor bolts from corrosion.

(59) Adding Subsection R401.8. Subsection R401.8 is added to read:

R401.8 Protection of Steel Sill Track. Residential load bearing framing members that are in direct contact with moisture from the slab on grade or from the outdoor climate must be adequately shielded with additional corrosion protection or manufactured from a material not susceptible to corrosion. The exterior face of the sill track must also be protected.

(60) Adding Subsection R401.9. Subsection R401.9 is added to read:

R401.9 ACI 318, Table 4.3.1. Amend ACI 318 Table 4.3.1 as follows: Change the Maximum w/cm ratio for Exposure Class C1 to 0.50.

(61) Adding Subsection R408.8. Subsection R408.8 is added to read:

R408.8 Under-Floor Clearance. Minimum clearance between the bottom of floor joists or bottom of floors without joists and the ground beneath is 24 inches (610 mm); the minimum clearance between the bottom of girders and the ground is 18 inches (457 mm).

Exception: Open slat wood decks must have ground clearance of at least 6 inches (152 mm) for any wood member.

(62) Amending Subsection R602.3. Subsection R602.3 is amended to read:

R602.3 Design and construction. Exterior walls of wood-frame construction must be designed in accordance with R301.2.1. Construction must be in accordance to the provisions of this chapter or in accordance with AF&PA's NDS. Wall sheathing must be fastened directly to framing members and, when placed on the exterior side of an exterior wall, must be capable of resisting wind pressures. Wood structural panel sheathing used for exterior walls must conform to DOC PS 1, DOC PS 2, or, when manufactured in Canada, CSA 0437 or CSA 0325. All panels must be identified for grade, bond classification, and performance category by a grade mark or certificate of inspection issued by an approved agency and must conform to the requirements of Table R602.3(3). The requirements for a greater level of wind resistance must be provided whenever there are conflicts between the requirements of this chapter and the requirements of:

1. The AF&PA Wood Frame Construction Manual (WFCM);
2. The ICC Standard for Residential Construction in High-Wind Regions (ICC 600);
3. ASCE Minimum Design Loads for *Buildings* and Other Structures (ASCE 7);
4. AISI Standard for Cold-Formed Steel Framing-Prescriptive Method For One- and Two-Family Dwellings (AISI S230); or
5. International Building Code, as amended.

(63) Amending Table R602.3(3). Table R602.3(3) is amended as follows:

TABLE R602.3(3)									
MAXIMUM EFFECTIVE WIND SPEED (mph) (3-SECOND GUST) PERMITTED FOR WOOD STRUCTURAL PANEL WALL SHEATHING USED TO RESIST WIND PRESSURES ^{a,b,c}									
MINIMUM NAIL		MINIMUM WOOD STRUCTURAL PANEL SPAN RATING	MINIMUM NOMINAL PANEL THICKNESS (inches)	MAXIMUM WALL STUD SPACING (inches)	PANEL NAIL SPACING		V _{eff-wsd} MAXIMUM EFFECTIVE NOMINAL DESIGN WIND SPEED (MPH)		
Size	Penetration (inches)				Edges (inches o.c.)	Field (inches o.c.)	Wind exposure category		
							B	C	D
6d common (2.0" x 0.133")	1.5	24/0	3/8	16	6	12	110	90	85
		24/16	7/16	16	6	12	110	100	90
						6	150	125	110

TABLE R602.3(3)									
MAXIMUM EFFECTIVE WIND SPEED (mph) (3-SECOND GUST) PERMITTED FOR WOOD STRUCTURAL PANEL WALL SHEATHING USED TO RESIST WIND PRESSURES ^{a,b,c}									
MINIMUM NAIL		MINIMUM WOOD STRUCTURAL PANEL SPAN RATING	MINIMUM NOMINAL PANEL THICKNESS (inches)	MAXIMUM WALL STUD SPACING (inches)	PANEL NAIL SPACING		$V_{eff-wsd}$ MAXIMUM EFFECTIVE NOMINAL DESIGN WIND SPEED (MPH)		
Size	Penetration (inches)				Edges (inches o.c.)	Field (inches o.c.)	Wind exposure category		
							B	C	D
8d common (2.5" x 0.131")	1.75	24/16	7/16	16	6	12	130	110	105
						6	150	125	110
				24	6	12	110	90	85
						6	110	90	85

For SI: 1 inch = 25.4 mm, 1 mile per hour = 0.447 m/s.

- Panel strength axis must be parallel or perpendicular to supports. Three-ply plywood sheathing with studs spaced more than 16 inches on center must be applied with panel strength axis perpendicular to supports.
- The table is based on wind pressures acting toward and away from *building* surfaces in accordance with Chapter 27 of ASCE 7. Lateral requirements must be in accordance with Section 2305 or 2308.
- Wood structural panels with span ratings of wall-16 or wall-24 are permitted as an alternative to panels with a 24/0 span rating. Plywood siding rated 16 o.c. must be used with studs spaced a maximum of 16 inches o.c.

(64) Amending Subsection R602.10.9. Subsection R602.10.9 is amended to read:

R602.10.9 Braced wall panel support. Braced wall panel support shall be provided as follows:

- Cantilevered floor joists complying with Section R502.3.3 are permitted to support braced wall panels.
- Raised floor system post or pier foundations supporting braced wall panels must be designed in accordance with accepted engineering practice and the International Building Code as amended.
- Masonry stem walls with a length of 48 inches (1,219 mm) or less supporting braced wall panels must be reinforced in accordance with Figure R602.10.9. Masonry stem walls with a length greater than 48 inches (1,219 mm) supporting braced wall panels must be constructed in accordance with Section R403.1 Methods ABW and PFH shall not be permitted to attach to masonry stem walls.
- Concrete stem walls with a length of 48 inches (1,219 mm) or less, greater than 12 inches (305 mm) tall, and less than 6 inches (152 mm) thick must have reinforcement sized and located in accordance with Figure R602.10.9.

(65) Amending Subsection R602.10.9.1. Subsection R602.10.9.1 is amended to read:

R602.10.9.1 Braced wall panel support for Seismic Design Category D₂. In one-story *buildings* located in Seismic Design Category D₂, *braced wall panels* must be supported on continuous foundations at intervals not exceeding 50 feet (15,240 mm). In two-story *buildings* located in Seismic Design Category D₂, all *braced wall panels* must be supported on continuous foundations.

Exception: Two-story *buildings* are permitted to have interior *braced wall panels* supported on continuous foundations at intervals not exceeding 50 feet (15,240 mm) provided that:

1. The height of cripple walls does not exceed 4 feet (1219 mm).
2. First-floor *braced wall panels* are supported on doubled floor joists, continuous blocking, or floor beams.
3. The distance between bracing lines does not exceed twice the *building* width measured parallel to the *braced wall line*.

(66) Adding Section R614. Section R614 is added to read:

SECTION R614 - WALLS WITHOUT STUDS

R614.1 General. For Type V-B buildings, single-wall construction without studs may be used in accordance with this section for repairs to *existing buildings* of single-wall construction.

One-story and the uppermost story of wood frame Type V-B *buildings* may be of single-wall construction with board thickness specified in this section, without studs, when requirements of this section are met. Floor to ceiling height must not exceed 8 feet (2,438 mm).

Any provision of this code to the contrary notwithstanding, studding of not less than 2-inches by 3-inches (51 mm by 76.2 mm) may be used on one-story *buildings* of double-wall construction.

When wood-frame dwellings are supported by posts, 2-inch by 4-inch (51 mm by 102 mm) foundation bracing must be provided.

For one-story conventional residential structures, the local practice of using foundation blocks with termite shields is acceptable in all areas except in flood hazard areas and for developments adjacent to drainage facilities as specified in ROH Section 16-11.1.

R614.2 Board for Single-Wall Construction

R614.2.1 One and One-Eighth Inch Boards. Single-wall construction with boards of 1-1/8 inch (28.6 mm) net thickness are not required to have girts.

R614.2.2 One-Inch Boards. Where single-wall construction is with boards of one-inch thickness (25.4 mm), no girt is required, provided approved stiffeners for any section of such wall are spaced not more than 10 feet (3048 mm) along the wall.

R614.2.3 Three-Fourths-Inch Boards. Single-wall construction with boards of 3/4-inch (19.1 mm) net thickness must have girts and cross partitions at least every 30 feet (9144 mm).

R614.2.4 Approved Stiffeners. Approved stiffeners must be studs at least 2-inches by 4-inches (51 mm by 102 mm), full height window or door jambs, posts, walls or partitions at right angles to the section of wall under construction.

R614.2.5 Girts. Girts for single-wall construction must be not less than 2-inches by 6-inches (51 mm by 152 mm) belt course or other approved strengthening about mid height between the floor and ceiling on all exterior walls.

R614.2.6 Complete Load Path. Blocking, bridging, straps, approved framing anchors or mechanical fasteners must be designed and installed to provide continuous ties from the roof to the foundation system. Sheet metal clamps, ties or clips, must be formed of ASTM A153 G90 galvanized steel or other approved corrosion-resistant material of not less than 0.040-inch (1.01 mm) nominal thickness. Uplift resistance must be in accordance with Table R802.11.

(67) Amending Subsection R903.4.1. Subsection R903.4.1 is amended to read:

R903.4.1 Secondary (emergency overflow) drains or scuppers. Where roof drains are required, secondary emergency overflow drains or scuppers must be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason. Overflow drains having the same size as the roof drains must be installed with the inlet flow line located 2 inches (51 mm) above the low point of the roof, or overflow scuppers having three times the size of the roof drains and having a minimum opening height of 4 inches (102 mm) shall be installed in the adjacent parapet walls with the inlet flow located 2 inches (51 mm) above the low point of the roof served.

- (68) Amending Chapter 11. Chapter 11 is amended to read:

CHAPTER 11 - ENERGY EFFICIENCY

Chapter 11 of the IRC is deleted in its entirety and replaced by the provisions in ROH Chapter 16B.

- (69) Amending Chapter 12. Chapter 12 is amended by adding Sections M1201 and M1202 of the International Residential Code for One- and Two-Family Dwellings, 2012 Edition, and amending Subsection M1201.1 to read:

M1201.1 Scope. The provisions of Chapters 12 through 24 regulate the mechanical installations that are permanently installed and used to control environmental conditions within buildings, mechanical systems, system components, equipment, and appliances specifically addressed in this code. Where an application is made for construction as described in these chapters, the owner, or the licensed design professional in responsible charge acting as the owner's agent, shall employ one or more special inspectors to provide inspections during construction on the work in these chapters. These inspections are in addition to the inspections specified in Section R109.

- (70) Amending Chapter 13. Chapter 13 is amended by adding Sections M1301 to M1308 of the International Residential Code for One- and Two-Family Dwellings, 2012 Edition, and amending Subsection M1306.3 to read:

M1306.3 Clearance to walls without studs. For walls constructed in accordance with Section R614, the minimum horizontal clearance from the burner head(s) of a top (or surface) cooking unit to combustible walls is 12 inches (305 mm), provided there is protection equivalent to 1/2-inch (12.7 mm) gypsum wallboard covered with laminated plastic on wood backing.

- (71) Amending Chapter 15. Chapter 15 is amended by adding Sections M1501 to M1507 of the International Residential Code for One- and Two-Family Dwellings, 2012 Edition, and amending Subsection M1502.6 to read:

M1502.6 Makeup Air. When a closet is designed for the installation of a clothes dryer, a minimum opening of 100 square inches (645 m²) for makeup air must be provided in the door or by other approved means.

- (72) Amending Subsection M2301.5. Subsection M2301.5 is amended to read:

M2301.5 Backflow protection. Connections from the potable water supply to solar systems shall comply with the *plumbing code*.

- (73) Amending Chapter 44. Chapter 44 is amended by amending AISI reference standard AISI S230-15, and ICC reference standard ICC 600-14 to read:

Adoption of the Hawaii State Building Code and Hawaii State Residential Code § 16-1.2

Standard reference number	Title	Referenced In code section number
AISI S230-15	Standard for Cold-formed Steel Framing-Prescriptive Method for One- and Two-Family Dwellings	R301.1.1, R301.2.1.1, R301.2.2.3.1 R301.2.2.3.5, R603.6, R603.9.4.1, R603.9.4.2, R611.9.2, R611.9.3, R611.10
ICC 600-14	Standard for Residential Construction in High-wind Regions	R301.2.1.1

(1990 Code, Ch. 16, Art. 1, § 16-1.2) (Added by Ord. 12-34, Am. Ord. 20-7)

Honolulu - Building and Construction Codes

ARTICLE 2: RELOCATION OF BUILDINGS

Sections

16-2.1	Applicability
16-2.2	Application for relocation permit
16-2.3	Performance security
16-2.4	Issuance of permit
16-2.5	Identification
16-2.6	Police escorts
16-2.7	Effect of permit issuance
16-2.8	Permit duration—Extensions
16-2.9	Permit—Denial
16-2.10	Default in performance
16-2.11	Entry upon premises
16-2.12	Permit fees
16-2.13	Building permit not required
16-2.14	Violation—Penalty

§ 16-2.1 Applicability.

Chapter 18, as amended, to the contrary notwithstanding, no person shall move or cause to be moved any building or structure into or within the city without complying with this article and all other applicable provisions of Chapter 16, as amended; Chapter 17, as amended; and Chapter 19, as amended; provided any movement of a building or structure that is confined within the boundaries of a single lot shall not be subject to this article, but shall be subject to Chapter 18 and all other applicable provisions of the Uniform Building Code as amended by § 16-1.1, as amended; Electrical Code, Chapter 17, as amended; and the Uniform Plumbing Code, as amended by § 19-1.1, as amended. The transportation of factory-built housing shall be governed by Article 3.

(Sec. 16-2.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.1) (Am. Ord. 90-57)

§ 16-2.2 Application for relocation permit.

- (a) Any person intending to move any building or structure shall apply to the building official for a relocation permit in writing upon a form furnished by the building official and shall set forth such information as the building official may reasonably require to carry out the purposes of this article.
- (b) The application shall be signed by (1) the owner or owners of the site upon which the building or structure is to be moved, or by the person or persons having the right of legal possession of such site for at least a period of five years from the date of the application; (2) the owner or owners of the building or structure to be relocated; and (3) the person or persons hired to relocate such building or structure, and shall be accompanied

by four sets of plans and specifications showing all work to be performed on the building or structure upon relocation to the new site; provided if the building or structure is to be moved to and stored at locations specifically used as storage areas for buildings and structures and such storage of buildings or structures is permitted under the zoning ordinances, the application for a relocation permit may be signed by the person or persons having legal possession of such locations and by the person or persons required under (2) and (3) above, and the provisions for the submission of plans and specifications shall not be applicable. The plans and specifications shall be prepared, processed, and inspected in the same manner as provided under Chapter 18. (Sec. 16-2.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.2) (Am. Ord. 90-57)

§ 16-2.3 Performance security.

Upon filing of an application for a relocation permit, the applicant shall deposit with the city the sum of \$1,000, either in cash or in a certified or cashier's check, as security for the faithful performance by the applicant in obtaining the required permits to transport this structure, any police escort, and to repair or pay for any property owned by the city or by others that has been damaged in the process of moving such building or structure. Upon the faithful performance of such obligation by the applicant or by any person on behalf of the applicant, to the satisfaction of the building office, and if no such damage has resulted thereby, the sum so deposited shall be returned to the applicant. Applicant shall forfeit the performance security if building or structure is moved without the required permits or police escort. If the applicant fails or refuses to repair or pay for such damage within 30 days after written notification thereof by the building official, the building official shall use such sums deposited or any portion thereof to cause the repair of such property so damaged. Any money remaining after such repair has been completed and has not been forfeited shall be returned to the applicant. In lieu of the aforementioned \$1,000 security deposit, the applicant may establish with the city a revolving fund for the amount of \$5,000. (Sec. 16-2.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.3) (Am. Ords. 90-57, 07-22, 12-34)

§ 16-2.4 Issuance of permit.

If the work described in the application for a permit and in the plans and specifications submitted therewith conform to the requirements of Chapter 18 and other pertinent laws and ordinances, and the cash or checks, or both, as required under § 16-2.3 have been filed or deposited, and the fee specified in § 16-2.12 has been paid, and the permit or permits as required under § 15-21.12 has or have been issued by the State director of transportation or the city director of transportation services, or both, the building official shall issue a relocation permit. In issuing the permit, the building official shall impose therein such terms and conditions as the building official may deem reasonable and proper, including but not limited to:

- (1) The designation of route to be followed as specified in the permit or permits issued pursuant to § 15-21.12;
- (2) The presence of a police officer during the entire period that such building or structure is in the process of being moved from its original site to the new site designated in the permit;
- (3) Height and width restrictions of the building or structure being relocated to provide adequate clearance from any and all obstructions that may be encountered on the route so designated;

- (4) The description of the site upon which the building or structure is to be moved;
- (5) The condition to which such building or structure must be restored while in storage; and
- (6) The repair of or payment for any damage done to any property owned by the city or others in the process of moving a building or structure, such terms and conditions to be written upon the permit or appended in writing thereto.

The plans and specifications after approval by the building official shall not be changed, modified, or altered without authorization from the building official and all work shall be done in accordance with the approved plans and specifications. The building official shall retain one set of such plans and specifications.

(Sec. 16-2.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.4) (Am. Ords. 90-57, 96-58)

§ 16-2.5 Identification.

All buildings or structures that are to be relocated shall be identified with appropriate designations by the building official, after it has been determined by the building official that such buildings or structures may be relocated. No building or structure or any portion thereof shall be moved without such identification.

(Sec. 16-2.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.5) (Am. Ord. 90-57)

§ 16-2.6 Police escorts.

- (a) The applicant shall apply to the police department of the city for escort services of a police officer in conformity with the requirements of § 16-2.4. The applicant shall bear the costs of such services.
- (b) In addition to any other requirement that may be provided by law for the submission of reports in the event of any damage to property resulting from the moving of any building or structure, the police officer assigned to provide escort service shall submit a report to the building official of any such damage.

(Sec. 16-2.6, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.6) (Am. Ord. 90-57)

§ 16-2.7 Effect of permit issuance.

- (a) The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of Chapter 18, as amended; Chapter 17, as amended; Chapter 19, as amended, or of any other law.
- (b) The issuance of a permit shall not prevent the building official from thereafter requiring the correction of errors in the plans and specifications or from halting building operations when in violation of the chapters or of any other law; nor shall it prevent the institution of criminal action and the imposition of penalty as prescribed under § 16-2.14 for violation of this article.

(Sec. 16-2.7, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.7) (Am. Ord. 90-57)

§ 16-2.8 Permit duration—Extensions.

All work for which a relocation permit is issued under this article shall be completed within 120 days of the date of issuance of the permit, unless extended for good cause by the building official. Any request for extension shall be made not less than 15 days before the date of expiration of the permit.

(Sec. 16-2.8, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.8) (Am. Ord. 90-57)

§ 16-2.9 Permit—Denial.

No permit shall be issued to move any building or structure:

(1) That may result in more than one housing accommodation to be situated on any lot in areas determined by the board of water supply to lack sufficient water supply for any one or more of the following: domestic use, fire protection, or sanitation; or

(2) That has deteriorated or been damaged to an extent greater than 50 percent of the cost of replacement (new) of such building or structure.

(Sec. 16-2.9, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.9) (Am. Ord. 90-57)

§ 16-2.10 Default in performance.

(a) Whenever the building official finds that a default has occurred in the performance of any term or condition of a relocation permit, or upon the failure of the applicant to complete the work required thereby or as described in the plans and specifications therefor within the time prescribed, the building official shall give a violation notice to the owner.

(b) If the owner has not complied with such notice, the building official may institute any other legal or equitable proceedings, in addition to those specified herein, to demolish or remove the building and to recover the cost of such work from the owner or attach a lien to the property.

(Sec. 16-2.10, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.10) (Am. Ord. 90-57)

§ 16-2.11 Entry upon premises.

(a) The building official, the surety, and the duly authorized representatives of either the building official or the surety, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.

(b) In the event of any default or failure to perform as provided under § 16-2.10, the surety or any person employed or engaged on its behalf, or the building official or any person employed or engaged on its behalf, shall have the right to go upon the premises to complete the required work or to demolish and remove the building or structure.

(c) It is unlawful for the owner or any person in legal possession of the premises to interfere with or obstruct the ingress or egress to or from any such premises of any authorized representative or agent of any surety or of the

city engaged in the work of completing or demolishing and removing any building or structure for which a relocation permit has been issued, after a default has occurred as provided under § 16-2.10.
(Sec. 16-2.11, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.11) (Am. Ord. 90-57)

§ 16-2.12 Permit fees.

The fees for the issuance of relocation permits shall be computed in accordance with Table No. 18-A of Chapter 18; provided if a permit is issued after the commencement of the relocation of a building or structure for which a permit is required, the fee shall be increased by an additional amount of \$200.
(Sec. 16-2.12, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.12) (Am. Ords. 90-57, 93-75)

§ 16-2.13 Building permit not required.

No building permit as provided under Chapter 18 shall be required for any work required under the relocation permit or for any work of completion or demolition undertaken pursuant to § 16-2.10; provided all other provisions in the chapter shall be fully complied with when not in conflict or inconsistent with this article.
(Sec. 16-2.13, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.13) (Am. Ord. 90-57)

§ 16-2.14 Violation—Penalty.

For violation and penalty provisions, see Article 10 of this chapter.
(Sec. 16-2.14, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 2, § 16-2.14) (Am. Ord. 90-57)

Honolulu - Building and Construction Codes

ARTICLE 3: FACTORY-BUILT BUILDINGS

Sections

- 16-3.1 Applicability
- 16-3.2 Definitions
- 16-3.3 Building permit required
- 16-3.4 Building permit fee
- 16-3.5 Insignia of approval
- 16-3.6 Performance of plumbing and electrical work
- 16-3.7 Plans and specifications
- 16-3.8 Inspections
- 16-3.9 Manufacturer's label
- 16-3.10 Transporting factory-built buildings
- 16-3.11 Violations—Penalty

§ 16-3.1 Applicability.

- (a) These provisions are applicable to the design, construction, installation, and transportation of factory-built building (FBB) within the city. Unless otherwise specified, this article shall be applicable only to FBB that is sold or offered for sale to first users as defined in § 16-3.2.

Exception: Manufactured homes manufactured and certified in accordance with the Manufactured Home Construction and Safety Standards as adopted by the United States Department of Housing and Urban Development. Foundations, exterior stairs, additions and accessory structures shall comply with Article 1, Adoption of the International Building Code and International Residential Code for One- and Two-Family Dwellings.

- (b) All provisions of the building, housing, electrical, and plumbing codes shall be applicable unless indicated otherwise in this article.

(Sec. 16-3.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 3, § 16-3.1) (Am. Ord. 90-57, 07-22, 12-34)

§ 16-3.2 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Factory-Built Building or FBB. Any structure or portion thereof designed primarily for occupancy by human beings, which is either entirely prefabricated or assembled at a place other than the building site.

First User. A person, firm, or corporation who initially installs FBB within this State. A person who subsequently purchases an installed FBB is not a first user within the meaning of this definition.

Insignia of Approval. A tab, stamp, label, or other device issued by the building official to indicate compliance with the statutes and these rules.

Installation. The assembly of FBB on site and the process of affixing FBB to land, a foundation, or an existing building.

Manufacture. The process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished, or semifinished materials to produce FBB.

Site. The parcel of land on which FBB is installed.
(Sec. 16-3.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 3, § 16-3.2) (Am. Ords. 90-57, 07-22, 12-34)

§ 16-3.3 Building permit required.

No person shall install FBB or cause the foregoing to be done without first obtaining a building permit from the building official for each FBB.
(Sec. 16-3.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 3, § 16-3.3) (Am. Ords. 90-57, 07-22, 12-34)

§ 16-3.4 Building permit fee.

A fee for each building permit as set forth in Table 18-A of Chapter 18 shall be paid to the building official. The fee shall be based on the valuation of the building in place complete, including the cost of carport, fences, walls, etc.
(Sec. 16-3.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 3, § 16-3.4) (Am. Ords. 90-57, 07-22, 12-34)

§ 16-3.5 Insignia of approval.

- (a) FBB manufactured in this city that is sold or offered for sale to first users within this city shall bear the insignia of approval issued by the building official indicating that the FBB is in compliance with this article.
 - (b) FBB manufactured outside the city shall bear the insignia of approval issued by any governmental or inspectional agency approved by the building official.
- (Sec. 16-3.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 3, § 16-3.5) (Am. Ords. 90-57, 07-22, 12-34)

§ 16-3.6 Performance of plumbing and electrical work.

- (a) All electrical and plumbing work performed within this State shall comply with State of Hawaii contracting and licensing laws and regulations.
- (b) All electrical and plumbing work to be performed at the factory outside of this State must be accomplished:
 - (1) By licensed electricians or plumbers, respectively, of the jurisdiction having authority in which the factory is located, if the manufacturer does not submit a quality control manual that is approved by the building official; or
 - (2) Under the supervision of a licensed supervising electrician or master plumber, respectively, of the jurisdiction having authority in which the factory is located, if the manufacturer submits a quality control manual that is approved by the building official.

(Sec. 16-3.6, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 3, § 16-3.6) (Am. Ords. 90-57, 07-22, 12-34)

§ 16-3.7 Plans and specifications.

- (a) For each model of FBB, three sets of plans and specifications shall be submitted and approval obtained before fabrication.
- (b) With each application for a building permit, three sets of installation plans and specifications including the plot plan shall be submitted.
- (c) Preparation of plans and observation of construction shall be by a professional architect or structural engineer licensed in the State of Hawaii.

(Sec. 16-3.7, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 3, § 16-3.7) (Am. Ords. 90-57, 07-22)

§ 16-3.8 Inspections.

- (a) FBB manufactured outside of the city shall be inspected by an approved third party inspectional agency.
- (b) The building official may make periodic in-plant inspections to verify that the FBB produced comply with the plans as approved by the building official.
- (c) Special inspectors shall be hired as required by the building code. Once construction has been completed, the special inspector shall submit a final signed special inspection report along with a copy of the third party inspection worksheet showing special inspection done at the manufacturing plant.

(Sec. 16-3.8, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 3, § 16-3.8) (Am. Ords. 90-57, 07-22, 12-34)

§ 16-3.9 Manufacturer's label.

A manufacturer's label on a metal plate showing the manufacturer's name, serial number of the building, manufacture date, design load criteria, and third party inspection stamp shall be securely fastened on the FBB. (1990 Code, Ch. 16, Art. 3, § 16-3.9) (Added by Ord. 07-22)

§ 16-3.10 Transporting factory-built buildings.

- (a) The transportation of FBB shall be governed by the city and State traffic codes.
- (b) Article 2, Relocation of Buildings, shall be applicable to FBB once it has been installed on a zoning lot. (Sec. 16-3.9, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 3, § 16-3.10) (Am. Ords. 90-57, 07-22, 12-34)

§ 16-3.11 Violations—Penalty.

For violation and penalty provisions, see Article 10. (1990 Code, Ch. 16, Art. 3, § 16-3.11) (Added by Ord. 90-57; Am. Ord. 07-22)

ARTICLE 4: THATCHED MATERIAL ON EXTERIOR OF BUILDING—PROTECTION AGAINST EXPOSURE FIRES

Sections

- 16-4.1 Applicability
- 16-4.2 Fire-extinguishing systems
- 16-4.3 Sprinkler requirements
- 16-4.4 Violation—Penalty

§ 16-4.1 Applicability.

- (a) Thatched material on the exterior of buildings shall be permitted only upon buildings located in areas zoned for resort use which primarily service the tourist trade when approved by the building official.
 - (b) The thatched material permitted in this article shall be used for decorative purposes on the roof or wall of buildings. The building, independent of the thatched material, shall comply with all applicable provisions of this chapter.
 - (c) When thatched material is used as permitted in this article, and an appropriate permit is obtained therefor in accordance with Article 1, outside sprinklers for protection against exposure fires shall be required as hereinafter provided.
- (Sec. 16-4.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 4, § 16-4.1) (Am. Ord. 90-57)

§ 16-4.2 Fire-extinguishing systems.

- (a) *General.* Thatched materials used on the roof of a building shall be protected by manually operated sprinkler heads, with adequate water supply, pipe size, and sprinkler head spacing in accordance with sprinkler system requirements set forth in this article.
 - (b) Thatched materials used on the wall of a building shall be protected by manually operated outside sprinklers. Size and spacing of sprinklers and pipe size shall be in accordance with Chapter 6 of NFPA 13, Outside Sprinklers for Protection Against Exposure Fires, of the National Fire Codes of the National Fire Protection Association. Controls shall be as set forth in this article.
- (Sec. 16-4.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 4, § 16-4.2) (Am. Ord. 90-57)

§ 16-4.3 Sprinkler requirements.

- (a) *General.* Sprinklers shall be located at the high point of the roof. Upright or pendant sprinklers shall be used for gable roofs. Sidewall sprinklers shall be used for shed roofs.

(b) *Spacing of sprinklers.* The maximum width of roof with one row of sprinklers shall be as follows:

<i>Roof Slope</i>	<i>Orifice Size</i>	<i>Width of Roof</i>
1:3 or greater	3/8-inch	15 feet
1:3 or greater	1/2-inch	20 feet
1:3 or greater	17/32-inch	25 feet
Less than 1:3	3/8-inch	10 feet
Less than 1:3	1/2-inch	15 feet
Less than 1:3	17/32-inch	20 feet

Maximum spacing of sprinklers on branch lines (along ridge) shall be as follows: 3/8-inch orifice—6 feet; 1/2-inch orifice—8 feet; 17/32-inch orifice—10 feet.

Conical roofs may be protected with one sprinkler at the apex if the diameter of the roof does not exceed the width of roof referred to above.

Where the width of a roof exceeds the width allowed for one row of sprinklers, as provided in the table above, two or more rows of sprinklers shall be required. The rows of sprinklers shall be placed such that the entire roof area is protected.

(c) *Areas protected.*

(1) Each area (zone) of thatched material that is separated from another thatched area by an open space of 20 feet or more or by noncombustible construction of 20 feet or more shall be considered a separate area (zone).

(2) Risers to each separate zone shall not be less than that shown in subsection (e), except as modified as follows.

(A) More than one zone may be protected by one valve, if the supply is adequate.

(B) If one area (zone) is larger than can be protected with the existing supply, the zones can be subdivided into subzones if the following criteria are met: An area of at least 800 square feet is protected by a subzone control valve; there is at least a 10 percent overlap in coverage of adjoining subzones; and operation of the manual control valves will automatically transmit an alarm to the fire department.

(d) *Water supply.* The sprinkler system shall have a separate connection to the water main in the street, to an approved automatic fire-extinguishing system supply line, to a wet standpipe supply line, or to a domestic supply of adequate size. The water supply required shall be determined from either of the following:

- (1) Flow per sprinkler for the largest zone, with residual pressure at the highest sprinkler at 15 pounds per square inch with all heads operating, shall be as follows:

<i>Orifice Size</i>	<i>Gallons Per Minute</i>
3/8-inch	15
1/2-inch	20
17/32-inch	25

- (2) The flow shall be hydraulically calculated so as to discharge at least 0.11 gallons per minute per square foot of surface area to be sprinklered.

- (e) *Riser and pipe size.* Pipe sizes shall be determined from the flow as calculated above. However, no pipe less than 1 inch in size shall be used. The following table may be used in conjunction with this flow calculation for the selection of pipe or riser sizes.

<i>Orifice Size</i>	<i>Pipe or Riser Size</i>							
	<i>1 inch</i>	<i>1-1/4 inches</i>	<i>1-1/2 inches</i>	<i>2 inches</i>	<i>2-1/2 inches</i>	<i>3 inches</i>	<i>3-1/2 inches</i>	<i>4 inches</i>
	<i>No. of Sprinklers</i>							
3/8-inch	3	4	7	11	21	37	40	40
1/2-inch	2	3	5	8	15	27	40	40
17/32-inch	1	2	4	6	11	19	30	38

- (f) *Number of sprinklers served.* The number of sprinklers on a branch line shall not exceed six. Center feed shall be used for six or more sprinklers. The number of sprinklers under control of each control valve shall not exceed 40. At the location of each valve, there shall be a drain connection and a 1/4-inch valve outlet test connection to accommodate a pressure gauge.

- (g) *Material installed above grade.*

- (1) Piping shall be galvanized steel schedule 40 with galvanized malleable iron fittings or hard drawn copper with silver solder fittings. Pipes shall be securely fastened to the structure.

- (2) Valves shall be the manual type approved and listed by the Underwriters' Laboratories or by other approved testing agencies. Valves shall be installed outdoors and so located as to be readily accessible in case of fire. Signs indicating the use of valves shall be conspicuously posted.

- (h) *Local alarm.* Any one system with 20 or more sprinklers under control of one valve shall be complemented with a local fire alarm, either electrically or mechanically operated.

(Sec. 16-4.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 4, § 16-4.3) (Am. Ords. 90-57, 97-16)

§ 16-4.4 Violation—Penalty.

For violation and penalty provisions, see Article 10.
(Sec. 16-4.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 4, § 16-4.4) (Am. Ord. 90-57)

ARTICLE 5: ENERGY CONSERVATION

Editor's note:

See Chapter 16B, Building Energy Conservation Code, which was added by Ord. 12-34.

Honolulu - Building and Construction Codes

ARTICLE 6: RESIDENTIAL SWIMMING POOLS

Sections

- 16-6.1 Public purpose
- 16-6.2 Fences and other protective devices
- 16-6.3 New construction
- 16-6.4 Modifications
- 16-6.5 Exception
- 16-6.6 Violation—Penalty

§ 16-6.1 Public purpose.

It is found, declared, and determined that the maintenance of swimming pools and other similar pools without precautionary measures constitutes a serious public hazard, particularly to children.
(Sec. 13-20.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 16, Art. 6, § 16-6.1)

§ 16-6.2 Fences and other protective devices.

See Sections 3109.4 and 3109.5 of the International Building Code, as amended. All provisions of the building, electrical, and plumbing codes shall be applicable unless otherwise indicated in this section.
(Sec. 13-20.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 16, Art. 6, § 16-6.2) (Am. Ord. 12-34)

§ 16-6.3 New construction.

No building permit to construct a swimming, dipping, or wading pool covered by this article shall be issued, unless provision is made for a fence, wall, or other enclosure or, in the alternative, a pool cover or similar protective device, as required by this article.
(Sec. 13-20.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 16, Art. 6, § 16-6.3)

§ 16-6.4 Modifications.

- (a) Upon a showing of good cause, the building official may:
- (1) Make modifications in individual cases with respect to the height, nature, or location of the fence, wall, or other enclosure, gates, doors, or latches required by this article; or
 - (2) Permit the use of protective devices or structures other than, and in lieu of, those specified in this article; provided that in any case, the degree of protection afforded by the modifications or substitute devices, or

terrain or structures is not less than the protection afforded by the fence, wall or other enclosure, gate, door, latch, pool cover, or protection device, as the case may be, described in § 16-6.2.

- (b) Upon a showing of good cause, the building official may grant extensions of time for compliance. Such extensions shall not exceed 30 days at a time.
(Sec. 13-20.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 16, Art. 6, § 16-6.4)

§ 16-6.5 Exception.

This article shall not apply to any swimming, dipping, or wading pool on the premises of a hotel as defined in the land use ordinance.
(Sec. 13-20.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 16, Art. 6, § 16-6.5) (Am. Ord. 90-97)

§ 16-6.6 Violation—Penalty.

For violation and penalty provisions, see Article 10.
(Sec. 13-20.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 16, Art. 6, § 16-6.6) (Am. Ords. 90-97, 12-34)

ARTICLE 7: PUBLIC SWIMMING POOLS

Sections

- 16-7.1 Applicability
- 16-7.2 General
- 16-7.3 Construction details
- 16-7.4 Illumination
- 16-7.5 Operation and maintenance
- 16-7.6 Entrapment avoidance
- 16-7.7 Lifesaving equipment
- 16-7.8 Heaters
- 16-7.9 Fences and other protective devices
- 16-7.10 Violation—Penalty

§ 16-7.1 Applicability.

See Section 3109.1 of the International Building Code, as amended. All provisions of the building, electrical, and plumbing codes shall be applicable unless indicated otherwise in this section.
(1990 Code, Ch. 16, Art. 7, § 16-7.1) (Added by Ord. 90-57; Am. Ord. 12-34)

§ 16-7.2 General.

- (a) *Building permit required.* No person shall install any swimming pool or cause the foregoing to be done without first obtaining a building permit.
- (b) *Plans and specifications.* Plans, engineering calculations, and other data shall be submitted with each application for a permit and shall be prepared by an engineer or architect licensed by the State of Hawaii.
(1990 Code, Ch. 16, Art. 7, § 16-7.2) (Added by Ord. 90-57)

§ 16-7.3 Construction details.

Public swimming pools are under the purview of the State department of health, Hawaii Administrative Rules, Title 11, Chapter 10.
(1990 Code, Ch. 16, Art. 7, § 16-7.3) (Added by Ord. 90-57; Am. Ord. 12-34)

§ 16-7.4 Illumination.

Illumination of the pool interior shall be provided for night use with not less than 0.50 watts per square foot of pool surface area.
(1990 Code, Ch. 16, Art. 7, § 16-7.4) (Added by Ord. 90-57)

§ 16-7.5 Operation and maintenance.

Operation and maintenance of public swimming pools shall be in accordance to the State department of health, Hawaii Administrative Rules, Title 11, Chapter 10, as amended.

(1990 Code, Ch. 16, Art. 7, § 16-7.5) (Added by Ord. 12-34)

§ 16-7.6 Entrapment avoidance.

See Section 3109.5 of the International Building Code, as amended.

(1990 Code, Ch. 16, Art. 7, § 16-7.6) (Added by Ord. 12-34)

§ 16-7.7 Lifesaving equipment.

One unit of lifesaving equipment shall be provided for each 2,000 square feet of swimming pool area and shall consist of:

- (1) A ring buoy with a minimum outside diameter of 24 inches to which shall be attached a length of 0.25-inch rope not less than 1.5 times the maximum width of the pool;
- (2) A shepherd's crook with minimum length handle of 12 feet; and
- (3) Where no lifeguard is provided, a warning sign shall be placed in plain view and shall state "Warning – No Lifeguard on Duty" with letters at least 4 inches high.

(1990 Code, Ch. 16, Art. 7, § 16-7.7) (Added by Ord. 90-57)

§ 16-7.8 Heaters.

Heaters shall comply with the electrical, plumbing, and building energy conservation codes and shall be installed in accordance with the manufacturer's instructions. Water heaters exceeding 200,000 BTUs per hour shall comply with Chapters 220 through 223, Title 12, Boiler and Pressure Vessel Code, State of Hawaii.

(1990 Code, Ch. 16, Art. 7, § 16-7.8) (Added by Ord. 90-57; Am. Ord. 12-34)

§ 16-7.9 Fences and other protective devices.

See Section 3109.3 of the International Building Code, as amended.

Exception: This section shall not apply to any swimming, dipping, or wading pool on the premises of a hotel as defined in the land use ordinance.

(1990 Code, Ch. 16, Art. 7, § 16-7.9) (Added by Ord. 90-57; Am. Ord. 12-34)

§ 16-7.10 Violation—Penalty.

For violation and penalty provisions, see Article 10.
(1990 Code, Ch. 16, Art. 7, § 16-7.10) (Added by Ord. 90-57)

Honolulu - Building and Construction Codes

ARTICLE 8: TERMITE-INFESTED LUMBER

Sections

- 16-8.1 Definitions
- 16-8.2 Infested lumber—Prohibited
- 16-8.3 Infested lumber—Destruction after removal
- 16-8.4 Infested lumber—Construction prohibited
- 16-8.5 Violation—Penalty

§ 16-8.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Borer-Infested Lumber. Any plank, board, stave, or piece of wood of whatever size that has been or is infested by borers.

Structure. Any edifice, building, or piece of work artificially built up or composed of parts and joined together in some definite manner, whether the same be movable or immovable.

Termite-Infested Lumber. Any plank, board, stave, or piece of wood of whatever size, which has been or is infested by termites.

(Sec. 13-17.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 16, Art. 8, § 16-8.1)

§ 16-8.2 Infested lumber—Prohibited.

It is unlawful for any person to possess any termite-infested or borer-infested lumber except that which is part of a structure.

(Sec. 13-17.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 16, Art. 8, § 16-8.2)

§ 16-8.3 Infested lumber—Destruction after removal.

It is unlawful for any person to keep any termite-infested or borer-infested lumber upon such person's place or property after the same has been removed from a structure, unless such person destroys the same within five days after such removal. The keeping of such infested lumber is a nuisance.

(Sec. 13-17.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 16, Art. 8, § 16-8.3)

§ 16-8.4 Infested lumber—Construction prohibited.

It is unlawful for any person to use any termite-infested lumber in the erection of any structure or as a part of any structure.

(Sec. 13-17.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 16, Art. 8, § 16-8.4)

§ 16-8.5 Violation—Penalty.

For violation and penalty provisions, see Article 10.

(Sec. 13-17.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 16, Art. 8, § 16-8.5) (Am. Ord. 07-22)

ARTICLE 9: ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE

Sections

16-9.1 Existing Building Code

§ 16-9.1 Existing Building Code.

The 2012 edition of the International Existing Building Code as published by the International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 is by reference incorporated herein and made a part hereof, subject to the following amendments.

- (1) Amending Section 101.2. Section 101.2 is amended to read:

In lieu of Chapter 34 of the International Building Code, the International Existing Building Code is permitted to be used for the repair, alteration, change of occupancy, and addition to existing buildings.

- (2) Deleting Subsections 101.4.1 and 101.4.2. Subsections 101.4.1 and 101.4.2 are deleted.

- (3) Deleting Sections 103 through 117. Sections 103 through 117 are deleted.

- (4) Amending Subsection 301.1.1. Subsection 301.1.1 is amended to read:

301.1.1 Prescriptive compliance method. *Repairs, alterations, additions and changes of occupancy* complying with Chapter 4 of this code are considered in compliance with the provisions of this code.

- (5) Amending Subsection 301.2. Subsection 301.2 is amended to read:

301.2 Additional codes. *Alterations, repairs, additions, and changes of occupancy* to, or relocation of, *existing buildings* and structures must comply with the provisions for *alterations, repairs, additions, changes of occupancy*, or relocation, respectively, in this code and ROH Chapter 32 Building Energy Conservation Code, ROH Chapter 20, *Fire Code* of the City and County of Honolulu, ROH Chapter 19, *Plumbing Code*, and ROH Chapter 17, *Electrical Code*. Where provisions of the other codes conflict with provisions of this code, the provisions of this code take precedence.

- (6) Amending Subsection 402.5. Subsection 402.5 is amended to read:

402.5 Smoke alarms in existing portions of a building. Where an addition is made to a *building* or structure of a Group R or I-1 occupancy, the *existing building* must be provided with smoke alarms in accordance with Section 402.5.1 through 402.5.3.

402.5.1 Single- and multi-station smoke alarms. Existing Group I-1 and R occupancies must be provided with single-station smoke alarms.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms are not required, provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

402.5.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling* or *sleeping unit*, the smoke alarms must be interconnected in such a manner that the activation of one alarm activates all of the alarms in the individual unit. Physical interconnection of smoke alarms is not required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

The alarm must be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in *buildings* that are not undergoing *alterations*, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where *alterations* or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space, or *basement* available that could provide access for interconnection without the removal of interior finishes.

402.5.3 Power source. Single-station smoke alarms must receive their primary power from the *building* wiring, provided that such wiring is served from a commercial source, and must be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup must be connected to an emergency electrical system. Smoke alarms must emit a signal when the batteries are low. Wiring must be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in *existing buildings* where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in *buildings* that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of *buildings* undergoing *alterations* or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space, or *basement* available that could provide access for *building* wiring without the removal of interior finishes.

(7) Amending Subsection 403.6. Subsection 403.6 is amended to read:

403.6 Smoke alarms in existing portions of a building. Where an addition is made to a *building* or structure of a Group R or I-1 occupancy, the *existing building* must be provided with smoke alarms in accordance with Section 402.5.1 to 402.5.3.

403.6.1 Single- and multi-station smoke alarms. Existing Group I-1 and R occupancies must be provided with single-station smoke alarms.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms are not required, provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

403.6.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling* or *sleeping unit*, the smoke alarms must be interconnected in such a manner that the activation of one alarm activates all of the alarms in the individual unit. Physical interconnection of smoke alarms is not required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm must be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in *buildings* that are not undergoing *alterations*, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where *alterations* or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space, or basement available that could provide access for interconnection without the removal of interior finishes.

403.6.3 Power source. Single-station smoke alarms must receive their primary power from the *building* wiring, provided that such wiring is served from a commercial source, and must be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup must be connected to an emergency electrical system. Smoke alarms must emit a signal when the batteries are low. Wiring must be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in *existing buildings* where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in *buildings* that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of *buildings* undergoing *alterations* or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space, or *basement* available that could provide access for *building* wiring without the removal of interior finishes.

(8) Amending Subsection 609.2. Subsection 609.2 is amended by deleting the exception.

(9) Amending Subsection 803.2.1. Subsection 803.2.1 is amended by amending Exception 1 to read:

1. Where vertical opening enclosure is not required by the International Building Code.

(10) Amending Subsection 803.2.3. Subsection 803.2.3 is amended by amending the exception to read:

Exception:

Where stairway enclosure is not required by the International Building Code.
(1990 Code, Ch. 16, Art. 9, § 16-9.1) (Added by Ord. 12-34, Am. Ord. 20-7)

ARTICLE 10: VIOLATIONS AND PENALTIES

Sections

- 16-10.1 Generally
- 16-10.2 Notice of violation
- 16-10.3 Criminal prosecution
- 16-10.4 Administrative enforcement

§ 16-10.1 Generally.

- (a) It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure or cause or permit the same to be done in violation of this code.
- (b) It is unlawful for any person without the necessary State licenses to erect, construct, enlarge, alter, move, improve, remove, convert, or demolish any building or structure; provided that an owner-builder may do so for residential or farm buildings or structures in strict compliance with the provisions of HRS Chapter 444 applicable to owner-builders, including but not limited to HRS §§ 444-2.5 and 444-9.1.
- (c) The department shall provide owner-builders with instructions on their obligations to follow all employment, occupational safety, environmental and tax regulations in addition to their obligations under HRS Chapter 444 and this building code, and may impose reasonable conditions in addition to those already provided for by law, relating to hours of work, noise, dust, runoff, parking of workers, operation of heavy equipment, safety of workers and subcontractors, and requirements for demolition and remediation of structures containing lead based paint, asbestos or other potentially hazardous materials. Failure by an owner-builder to comply with reasonable conditions imposed, shall be deemed a violation of this code and subject to criminal and administrative enforcement to the same extent as any other violation of this code.

(1990 Code, Ch. 16, Art. 10, § 16-10.1) (Added by Ord. 90-57; Am. Ord. 18-33)

§ 16-10.2 Notice of violation.

- (a) Whenever any person, firm, or corporation violates this code, the building official shall serve a notice of violation to the party responsible for the violation to make the building or structure or portion thereof comply with the requirements of this code. A notice of violation must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown, and the same cannot be ascertained by the building official in the exercise of reasonable diligence, and the building official provides an affidavit to that effect, then a notice of violation may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS § 1-28.5.

(b) The notice of violation shall include at least the following information:

- (1) Date of the notice;
- (2) The name and address of the person noticed and the location of the violation;
- (3) The section number of the ordinance, code, or rule that has been violated;
- (4) The nature of the violation; and
- (5) The deadline for compliance with the notice.

(1990 Code, Ch. 16, Art. 10, § 16-10.2) (Added by Ord. 90-57; Am. Ord. 15-16)

§ 16-10.3 Criminal prosecution.

- (a) *General.* Any person, firm, or corporation violating this code is guilty of a misdemeanor, and each such person is guilty of a separate offense for each and every day or portion thereof during which any violation of this code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$2,000, or by imprisonment for not more than one year, or by both fine and imprisonment.
- (b) Any officer, or inspector designated by the building official, who has been deputized by the chief of police as a special officer for the purpose of enforcing the building, plumbing, electrical, or housing codes (hereinafter referred to as “authorized personnel”), may arrest without warrant alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by warrant or such other judicial process as is permitted by statute or rule of court.
- (c) Any authorized personnel designated by the building official, upon making an arrest for a violation of the building, plumbing, electrical, or housing codes, may take the name and address of the alleged violator and shall issue to the violator in writing a summons or citation hereinafter described, notifying the violator to answer the complaint to be entered against the violator at a place and at a time provided in the summons or citation.
- (d) There shall be provided for use by authorized personnel, a form of summons or citation for use in citing violators of the building, plumbing, electrical, or housing codes that does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.
- (e) In every case when a citation is issued, the original of the same shall be given to the violator; provided that the administrative judge of the district court may prescribe by giving to the violator a carbon copy of the citation and provide for the disposition of the original and any other copies.

- (f) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.
(1990 Code, Ch. 16, Art. 10, § 16-10.3) (Added by Ord. 90-57; Am. Ord. 12-34)

§ 16-10.4 Administrative enforcement.

In lieu of or in addition to enforcement pursuant to § 16-10.3, if the building official determines that any person, firm, or corporation is not complying with a notice of violation, the building official may have the party responsible for the violation served, by certified mail or delivery, with an order pursuant to this section.

(a) *Contents of the order.*

- (1) The order may require the party responsible for the violation to do any of the following:
 - (A) Correct the violation within the time specified in the order;
 - (B) Except where paragraph (C) applies, pay a civil fine not to exceed:
 - (i) \$2,000 in the manner, at the place, and before the date specified in the order; and
 - (ii) \$2,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order;
 - (C) Where a building or structure, or portion thereof, is erected, constructed, enlarged, altered, improved, or converted without the necessary permit; and a notice of violation contains an instruction that the party responsible for the violation suspend work on the building or structure, or portion thereof, and work on the building or structure, or portion thereof, has nevertheless continued:
 - (i) Pay a civil fine equal to 10 times the building permit fee amount that would have been incurred pursuant to § 18-6.2 if the building permit had been properly obtained, or \$10,000, whichever is greater, in the manner, at the place, and before the date specified in the order;
 - (ii) Pay a civil fine equal to 10 times the building permit fee amount that would have been incurred pursuant to § 18-6.2 if the building permit had been properly obtained, or \$10,000, whichever is greater, per day for each day in which the violation persists, in the manner and at the time and place specified in the order; or
 - (iii) Demolish the building or structure, or portion thereof;
- (2) The order must advise the party responsible for the violation that the order will become final 30 calendar days after the date of its delivery. The order must also advise that the building official's action may be appealed to the building board of appeals.

- (b) *Service of notice of order.* A notice of order must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence and the building official provides an affidavit to that effect, then a notice of order may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS § 1-28.5.
 - (c) *Effect of order—right to appeal.* The order issued by the building official under this section will become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals as provided in this chapter. The appeal must be received in writing on or before the date the order becomes final. An appeal to the building board of appeals does not stay any provisions of the order requiring correction of the violation and payment of civil fines. An order or provision of an order to demolish a building or structure, or portion thereof, pursuant to subsection (a)(1)(C)(iii) will be stayed until the conclusion of the appeal, including any judicial review thereof pursuant to HRS Chapter 91.
 - (d) *Judicial enforcement of order.* The building official may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the building official need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been paid.
 - (e) *Report.* The building official shall, upon issuance of a notice of order pursuant to subsection (a)(1)(C), submit a report to the State department of commerce and consumer affairs. The report must at a minimum contain the following information:
 - (1) Date of the order;
 - (2) Name, address, and license number of any contractor, as that term is defined in HRS § 444-1, or the name and address of any owner-builder, who has supervised or performed any work on the building or structure, or portion thereof, contrary to an instruction under subsection (a)(1)(C) by the building official to the responsible party to suspend work; and
 - (3) Nature and description of the violation, and the penalty imposed.
- (1990 Code, Ch. 16, Art. 10, § 16-10.4) (Added by Ord. 90-57; Am. Ords. 96-58, 12-34, 15-16, 18-33)

ARTICLE 11: REGULATIONS WITHIN FLOOD HAZARD DISTRICTS AND DEVELOPMENT ADJACENT TO DRAINAGE FACILITIES

Sections

- 16-11.1 Applicability
- 16-11.2 Definitions
- 16-11.3 Floodproofing requirements in certain areas
- 16-11.4 Floodproofing methods
- 16-11.5 Structural requirements
- 16-11.6 Violations—Penalty

§ 16-11.1 Applicability.

- (a) *General.* The provisions contained herein are applicable to the construction of all new buildings and structures, relocation and major alterations, additions, or reconstruction of existing buildings within the special flood hazard areas as delineated on the flood boundary and floodway maps and flood insurance rate maps, and any amendments by the Federal Emergency Management Agency, on file with the department of planning and permitting, City and County of Honolulu.

These provisions shall also apply to developments adjacent to drainage facilities outside the special flood hazard area that are determined to be within a floodway area or a flood fringe area in accordance with Chapter 21A.

- (b) *Nonconforming buildings.* Any building or structure that was previously lawful before October 1, 1990*, but that is not in conformity with this article may be continued subject to Chapter 21A.
- (c) *Exemptions.* The provisions contained herein shall not apply:
- (1) To buildings and structures exempted from the special flood hazard area provisions under Chapter 21A; and
 - (2) To buildings and structures that have been granted a flood hazard variance under provisions of Chapter 21A.

(Sec. 16-7.1, R.O. 1978 (1983 Ed.); Sec. 16-5.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 11, § 16-11.1) (Am. Ord. 90-57)

Editor's note:

* "October 1, 1990" is substituted for "the effective date of this article."

§ 16-11.2 Definitions.

For the purposes of this article, the following terms are defined in § 21A-1.4:

- (1) Coastal high hazard area;
- (2) Base flood elevation;
- (3) Flood fringe area;
- (4) Special flood hazard area;
- (5) Floodproofing;
- (6) Floodway; and
- (7) Base flood.

(Sec. 16-7.2, R.O. 1978 (1983 Ed.); Sec. 16-5.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 11, § 16-11.2) (Am. Ord. 90-57)

§ 16-11.3 Floodproofing requirements in certain areas.

- (a) *General.* Building permit applications for structures that require floodproofing under Chapter 21A and this article shall be accompanied by a statement of a registered professional engineer or architect that to the best of such person's knowledge, information, and belief, the floodproofing methods are adequate to resist the flood depths, pressures, velocities, impact, and uplift forces, and other factors associated with the flood, including flood waters due to tsunamis in coastal high hazard areas.
- (b) *Floodproofing of buildings above base flood elevation.* All buildings and structures that are required to be elevated above the base flood elevation shall be floodproofed by building on natural terrain above the base flood elevation on natural undisturbed ground or by building on stilts or by building on fill (unless fill is specifically prohibited by Chapter 21A, in the particular flood hazard area) or by other approved methods.
- (c) *Waterproofing of buildings below base flood elevation.* Any building or portion thereof, not used for human habitation, and that is permitted to be below the base flood elevation shall either have the space below the base flood elevation free of obstructions or shall be designed and constructed so that below the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy due to the base flood. Compliance with the requirements of ASCE 24 shall be in compliance with this section. Within coastal high hazard areas, however, any usable enclosed space below the base flood elevation shall be constructed with breakaway walls intended to collapse under stress without jeopardizing the structural support of the building. Areas enclosed by such breakaway walls shall not be used for human habitation.

(Sec. 16-7.3, R.O. 1978 (1983 Ed.); Sec. 16-5.3 R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 11, § 16-11.3) (Am. Ords. 90-57, 12-34)

§ 16-11.4 Floodproofing methods.

- (a) *Natural terrain.* The following shall be applicable to buildings on natural terrain:
- (1) Foundation design shall take into consideration the effects of soil saturation on the performance of the foundation;
 - (2) The effects of floodwaters on slope stability and erosion shall be investigated; and
 - (3) All utility service lines shall be designed and constructed as provided in the plumbing and electrical codes.
- (b) *Building on stilts.* Where a building is to be constructed so that the lowest floor is to be elevated above the base flood elevation, the building may be supported on columnar type members, such as columns, piers, and in certain cases, walls. Clear spacing of support members, measured perpendicular to the general direction of flood flow shall not be less than 8 feet apart at the closest point. The stilts shall, as far as practicable, be compact and free from unnecessary appendages that would tend to trap or restrict free passage of debris during a flood. Solid walls or walled-in columns are permissible if oriented with the longest dimension of the member parallel to the flow. Stilts shall be capable of resisting all applied loads as required by this code and all applicable flood-related loads as required herein. Bracing, where used to provide lateral stability, shall be of a type that causes the least obstruction to the flow and the least potential for trapping floating debris. Foundation supports for the stilts may be of any approved type capable of resisting all applied loads, such as spread footings, mats, piles, and similar types. In all cases, the effect of submergence of the soil and additional floodwater-related loads shall be recognized. The potential of surface scour around the stilts shall be recognized and protective measures provided, as required.
- (c) *Building on fill.*
- (1) Except in districts where fill is specifically prohibited as structural support for buildings by Chapter 21A, buildings may be constructed on fill material.
 - (2) The fill shall not adversely affect the capacity of the floodway or any tributary or any other drainage facility or system, and shall be performed in accordance with Chapter 14.
- (Sec. 16-7.4, R.O. 1978 (1983 Ed.); Sec. 16-5.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 11, § 16-11.4) (Am. Ord. 90-57)

§ 16-11.5 Structural requirements.

- (a) *General.* All buildings and structures to be constructed under this article shall be in accordance with ASCE 24 or this section.
- (b) *Stability.*
- (1) *Overturning or sliding.* All buildings and structures to be constructed under this article shall be designed and constructed to provide a minimum factor of safety of 1.50 against failure by sliding or overturning when subjected to combined loads as specified in subsection (d).

- (2) *Flotation.* All buildings and structures to be constructed under this article shall be designed and constructed to resist flotation from floodwater at the base flood elevation with a safety factor of 1.33.
- (c) *Loads.* The following loads shall be considered in the design and construction of buildings and structures subject to this article:
 - (1) Hydrostatic loads;
 - (2) Hydrodynamic loads;
 - (3) Impact loads. Assume concentrated load acting horizontally at the base flood elevation or at any point below it, equal to the impact force produced by a 1,000-pound mass traveling at the velocity of the flood water and acting on a 1-square-foot surface of the structure;
 - (4) Soil loads. Consideration shall be given to loads or pressures resulting from soils against or over the structure. Computation shall be in accordance with accepted engineering practice with proper consideration for effect of water on the soil. Special consideration shall be given in the design of structures when expansive soils are present; and
 - (5) Tsunami. Structural design of buildings and structures subject to tsunamis shall be in accordance with subsection (f).
- (d) *Combined loads.* All loads stipulated in this chapter and all flood-related loads specified under subsection (c) shall be applied on the structure and on structural components, alone and in combination, in such manner that the combined effect will result in maximum loads and stresses on the structure and members. Application of these loads shall be as follows:
 - (1) *Dead loads.* Use at full intensity;
 - (2) *Live loads.* Use at reduced intensity as provided in this chapter for design of columns, piers, walls, foundation, trusses, beams, and flat slabs. Live loads on floors at or below the base flood elevation and particularly in basement slabs, shall not be used if their omission results in greater loading or stresses on such floors. Similarly, for storage tanks, pools, and other similar structures designed to contain and store materials, which may be full or empty when a flood occurs, both conditions shall be investigated in combination with flood-related loads of the containing structure being full or empty;
 - (3) *Wind load.* Use at full intensity as required in this chapter on areas of the building and structure above the base flood elevation; and
 - (4) *Earthquake load.* Combined earthquake and flood-related loads need not be considered.
- (e) *Allowable soil pressures.* Under flood conditions, the bearing capacity of submerged soils is affected and reduced by the buoyancy effect of the water on the soil. For foundations of buildings and structures covered by this article, the bearing capacity of soils shall be evaluated by a recognized acceptable method. Expansive soils should be investigated with special care. Soils that lose all bearing capacity when saturated, or become “liquefied” shall not be used for supporting foundations.

**Regulations Within Flood Hazard Districts and
Development Adjacent to Drainage Facilities**

§ 16-11.5

(f) *Coastal flood water design.**

- (1) Buildings or structures shall be designed to resist the effects of coastal floodwaters due to tsunamis. The base flood elevation due to tsunamis is considered to result from a nonbore condition, except where a bore condition is shown on the flood insurance maps or in the flood study adopted for the county.
- (2) Habitable space in building structures must be elevated above the base flood elevation by such means as posts, piles, piers, or shear walls parallel to the expected direction of flow of the tsunami wave. The forces and effects of floodwaters on the structure shall be fully considered in the design.
- (3) Allowable stresses (or load factors in the case of ultimate strength or limit design) for the building materials used shall be the same as the building code provides for wind or earthquake loads combined with gravity loads, i.e., treat loads and stresses due to tsunamis in the same fashion as for earthquake loadings.
- (4) The main building structure shall be adequately anchored and connected to the elevating substructure system to resist all lateral, uplift, and downward forces. In wood construction, toenailing is not allowed.
- (5) Scour of soil from around individual piles and piers shall be provided for in the design in the coastal flood hazard area. Shallow foundation types are not permitted, unless the natural supporting soils are protected on all sides against scour by a shore protection structure, preferably a bulkhead. Shallow foundations may be permitted beyond 300 feet from the shoreline; provided that they are founded on natural soil and at least 2 feet below the anticipated depth of scour, and provided that not more than 3 feet of scour is expected at the structure. The table below gives estimated minimum depths of soil scour below existing grade as a percentage of the depth (h) of water at the location.

<i>Estimated Minimum Scour</i>		
	<i>Distance from Shoreline</i>	
	<i>Up to 300 Feet¹</i>	<i>Greater than 300 Feet²</i>
Loose sand	80% h	60% h
Dense sand	50% h	35% h
Soft silt	50% h	25% h
Stiff silt	25% h	15% h
Soft clay	25% h	15% h
Stiff clay	10% h	5% h
¹ Values may be reduced by 40% if a substantial dune or berm higher than the base flood elevation protects the building site.		
² Values may be reduced 50% if the entire region is essentially flat.		

- (6) Forces that must be considered in the design of structures elevated to resist floodwaters include:

- (A) Buoyant forces—uplift caused by partial or total submergence of a structure;
 - (B) Surge forces—caused by the leading edge of a surge of water impinging on a structure;
 - (C) Drag forces—caused by velocity of flow around an object;
 - (D) Impact forces—caused by debris such as driftwood, small boats, portions of houses, etc., carried in the flood currents and colliding with a structure; and
 - (E) Hydrostatic forces—caused by an imbalance of pressure due to a differential water depth on opposite sides of a structure or structural member.
- (7) *Buoyant force.* The buoyant force on a structure or structural member subject to partial or total submergence will act vertically through the center of mass of the displaced volume and is calculated from the following equation:

$$F_B = pgV$$

where

- F_B = buoyant force acting vertically
- p = density of water (2.0 lb-s²/ft⁴ for salt water)
- g = gravitational acceleration (32.2 ft/s²)
- V = displaced volume of water (ft³)

- (8) *Surge force.* The total force per unit width on a vertical wall subjected to a surge from the leading edge of a tsunami that approaches the structure as a bore or bore-like wave is calculated from the equation below. The resultant force acts at a distance approximately h above the base of the wall. (Note: This equation applies for walls with heights equal to or greater than $3h$. Walls whose heights are less than $3h$ require surge forces to be calculated using the appropriate combination of hydrostatic and drag force equations for the given situation.)

$$F_S = 4.5 pgh^2$$

where

- F_S = total force per unit width of wall
- p = density of water (2.0 lb-s²/ft⁴ for salt water)
- g = gravitational acceleration (32.2 ft/s²)
- h = surge height (ft)

- (9) *Drag force.*

$$F_D = \frac{pC_D A u^2}{2}$$

where

- F_D = total drag force (lbs) acting in the direction of flow
- p = density of water (2.0 lb-s²/ft⁴ for salt water)
- C_D = drag coefficient (nondimensional) (1.0 for circular piles, 2.0 for square piles, 1.5 for wall sections)
- A = projected area of the body normal to the direction of flow (ft²)

u = velocity of flow relative to body (ft/s) (estimated as equal in magnitude to depth in feet of water at the structure)

The flow is assumed to be uniform, so the resultant force will act at the centroid of the projected area immersed in the flow.

(10) *Impact force.*

$$F_I = \frac{m dU_b}{dt}$$

where F_I = impact force (lb)
 m = mass of the water displaced by the body impacting the structure (slugs)
 U_b = velocity of the body (ft/s) (estimated as equal in magnitude to depth in feet of water at the structure)
 t = time (s)
 $\frac{dU_b}{dt}$ = acceleration (deceleration) of the body at (ft/s²)

This single concentrated load acts horizontally at the base flood elevation or at any point below it and is equal to the impact force produced by a 1000-pound weight of debris traveling at the velocity of the flood water and acting on a 1 square-foot surface of the structural material where impact is postulated to occur. The impact force is to be applied to the structural material at a most critical or vulnerable location determined by the designer. It is assumed that the velocity of the body goes from U_b to zero over some small finite time interval (Δt) so the following approximation can be made:

$$F_I = \frac{31U_b}{\Delta t}$$

For structural material of wood construction, assume Δt , the time interval over which impact occurs, is 1 second. For structural material of reinforced concrete construction, use Δt of 0.1 second and for structural material of steel construction, use $\Delta t = 0.5$ second.

(11) *Hydrostatic force.*

$$F_H = \frac{1}{2} pg \left\{ h + \frac{u_p^2}{2g} \right\}^2$$

where F_H = hydrostatic force (lb/ft) on a wall, per unit width of wall
 p = density of water (2.0 lb-s²/ft⁴ for salt water)
 g = gravitational acceleration (32.2 ft/s²)
 h = water depth (ft)
 u_p = component of velocity of flood flow perpendicular to the wall (ft/s) (total velocity, u , estimated as equal in magnitude to depth in feet of water at the structure)

The resultant force will act horizontally at a distance of

$$\frac{1}{3} \left\{ h + \frac{u_p^2}{2g} \right\}$$

above the base of the wall.

(Sec. 16-7.5, R.O. 1978 (1983 Ed.); Sec. 16-5.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 16, Art. 11, § 16-11.5) (Am. Ord. 90-57, 12-34)

Editor's note:

** Reference is made to the January 31, 1980 report by Dames & Moore entitled "Design and Construction Standards for Residential Construction in Tsunami-Prone areas in Hawaii" prepared for the Federal Emergency Management Agency for a more detailed study and analysis of tsunami wave forces.*

§ 16-11.6 Violations—Penalty.

For violation and penalty provisions of this article, see Article 10.
(1990 Code, Ch. 16, Art. 11, § 16-11.6) (Added by Ord. 90-57)

ARTICLE 12: INDIGENOUS HAWAIIAN ARCHITECTURE

Sections

- 16-12.1 Policy
- 16-12.2 Scope
- 16-12.3 Publications incorporated by reference
- 16-12.4 Definitions
- 16-12.5 Material requirements
- 16-12.6 Size and location
- 16-12.7 Allowable and prohibited uses
- 16-12.8 Fire protection
- 16-12.9 Design standards

§ 16-12.1 Policy.

This code shall be administered with due consideration given to the policy of the city that indigenous Hawaiian architecture furthers the city's compelling interest in cultural, environmental, and historic preservation; energy efficiency; economic development; aesthetic beauty; and public safety. For purposes of this article, indigenous Hawaiian architecture includes any of the predominant architectural practices, customs, styles, and techniques historically employed by the native residents of the Hawaiian Islands, including structures comprised of either rock walls or wood frames for the bottom portion of structures and thatch of different native grasses and leaves for the roof.

(1990 Code, Ch. 16, Art. 12, § 16-12.1) (Added by Ord. 12-34)

§ 16-12.2 Scope.

This article shall apply exclusively to indigenous Hawaiian architecture structures.

(1990 Code, Ch. 16, Art. 12, § 16-12.2) (Added by Ord. 12-34)

§ 16-12.3 Publications incorporated by reference.

The following publications are incorporated by reference and made a part of these provisions. Where there is a conflict between the references and these provisions, these provisions shall prevail.

- (a) "Hawaiian Thatched House" (1971), by Russell A. Apple, published by the United States Department of the Interior;
- (b) "Hale Construction Standards" (2000), by Francis Sinenci and Bill Sides;

- (c) “The Hawaiian Grass House in Bishop Museum” (1988), by Catherine C. Summers; and
- (d) “Arts and Crafts of Hawaii, Section II, Houses” (1957) by Te Rangi Hiroa (Peter H. Buck).
(1990 Code, Ch. 16, Art. 12, § 16-12.3) (Added by Ord. 12-34)

§ 16-12.4 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Certified Hale Builder. A person who has obtained a certificate of completion for satisfactorily completing a course in Hawaiian hale construction from the University of Hawaii, or any of its community colleges, or as approved by the Building Official.

Group of Structures. A group of indigenous Hawaiian architecture structures that are in close proximity to each other and have an aggregate floor area of 1,800 square feet or less.

Indigenous Hawaiian Architecture Structure or Hale. A structure, that is consistent with the design, construction methods, and uses of structures built by Hawaiians in the 1800’s, which uses natural materials found in the Hawaiian islands, and complies with this article and references.

Separation. The clear distance between two structures.

Setback. The clear distance between a structure and a property line.
(1990 Code, Ch. 16, Art. 12, § 16-12.4) (Added by Ord. 12-34)

§ 16-12.5 Material requirements.

- (a) Hale shall be constructed using only materials grown and harvested in the State.
- (b) ***Wood framing material.*** The wood members for the hale, such as posts and rafters, shall be but not limited to hardwoods of unmilled, straight sections of trunks or branches of the following species:
 - (1) Casaurina equisitafoia (ironwood);
 - (2) Prosopis pallida (kiawe);
 - (3) Eucalyptus robusta (eucalyptus);
 - (4) Psidium cattleianum (strawberry guava);
 - (5) Metrosideros polymorpha (ohia); and
 - (6) Rizophora mangle (mangrove).

Exception: *Ardisia elliptica* (inkberry) may be used only for roof purlins as an alternative to specified woods listed in subdivisions (1) through (6).

- (c) *Roofing and siding.* Thatched roofing and siding materials for the hale may be any grass or leaf material grown and harvested in the State, to include but not be limited to, pili, kualohia, pueo, kawelu, sugarcane leaves, and ti leaves.
- (d) *Cord.* Natural or synthetic cord used for lashing structural members of the hale shall be 400 pound test. Cord used for tying floating purlins and thatched materials shall be 100 pound test. All cord used on the hale shall be shades of green, tan, brown, or black.
- (e) *Metal prohibited.* Metal shall not be used for the construction of the hale.
(1990 Code, Ch. 16, Art. 12, § 16-12.5) (Added by Ord. 12-34)

§ 16-12.6 Size and location.

- (a) *Height and size limitation.* Hale shall be one-story, detached structures not to exceed 1,800 square feet. The maximum allowable size for each type of hale shall be as follows:

<i>Maximum Allowable Sizes (In Feet) for Each Hale Type</i>			
hale halawai	hale kuai	hale noa	hale waa
30 feet x 60 feet	14 feet x 20 feet	14 feet x 24 feet	30 feet x 60 feet

- (b) *Zoning requirements.* Hale shall comply with minimum yard requirements in the land use ordinance, Chapter 21.
- (c) *Minimum separation.* The minimum separation between a hale and another structure shall be at least 10 feet for a one-story structure; 15 feet for a two-story structure; or a distance equal to the height of the hale, whichever is more. The minimum separation between two hale shall be at least 10 feet or a distance equal to the height of the taller hale.
- (d) *Hale noa.* Hale noa structures for sleeping may be constructed only on property where a separate residence exists on the property.
(1990 Code, Ch. 16, Art. 12, § 16-12.6) (Added by Ord. 12-34)

§ 16-12.7 Allowable and prohibited uses.

- (a) *Allowable uses.* To the extent permitted by other applicable law, the various types of hale shall be used as follows:

<i>Allowable Uses for Each Hale Type</i>			
<i>Hale Halawai</i>	<i>Hale Kuai</i>	<i>Hale Noa</i>	<i>Hale Waa</i>
eating (ai)	eating (ai)		eating (ai)
assembling (halawai)	assembling (halawai)		assembling (halawai)
		sleeping (moe)	
retailing (e.g., fruits) (ku`ai)	retailing (e.g., fruits) (ku`ai)		retailing (e.g., fruits) (ku`ai)
	storage (papa`a)		storage (e.g., canoe) (papa`a)

(b) *Prohibited uses and activities.* The following uses and activities shall be prohibited from occurring within or near the hale:

- (1) Cooking;
- (2) Open flames;
- (3) Generators;
- (4) Extension cords;
- (5) Electrical switches, fixtures, or outlets;
- (6) Plumbing faucets, fixtures, or drains;
- (7) Power tools;
- (8) No screen, mesh, plastic, or any other similar material shall be attached to the hale; and
- (9) Hale shall not be used as a food establishment as defined in the administrative rules adopted by the State department of health.

(c) *Maintenance.* The hale shall be periodically maintained by the owner to ensure structural integrity. Repairs for maintenance of the hale shall not require additional building permits.

(1990 Code, Ch. 16, Art. 12, § 16-12.7) (Added by Ord. 12-34)

§ 16-12.8 Fire protection.

(a) *Fire protection classifications.* Indigenous Hawaiian architecture structures shall be categorized into the following two classes for fire protection requirements:

<i>Class</i>	<i>Setback Requirements</i>	<i>Fire Protection Requirements</i>
Class A	The structure (or a group of structures) is:	No fire protection is required for the structure.
	1. Located at least 100 feet from any existing structure on the same or neighboring properties; and	
	2. Located at least 100 feet from any property line, except as follows:	
	a. if the property line abuts a public way, the 100 feet minimum setback for that property line shall be reduced by the width of the public way;	
	b. if the property line abuts the shoreline, the minimum setback for that property line shall be the shoreline setback; or	
	c. for any hale ku'ai in the agricultural district that is less than 200 square feet, that is completely open on three sides, and that is used as an agricultural products stand and if the property line abuts a public way, the minimum setback for that property line shall be 15 feet.	
Class B	The structure (or a group of structures) that conforms to applicable zoning setback requirements but does not satisfy Class A setback requirements.	Automatic fire sprinkler system shall be installed in accordance with design standards in § 16-12.8.2. An electrical permit is required for fire sprinklers systems.

- (b) *Automatic fire sprinklers.* The design standards for automatic fire sprinklers for Class B indigenous Hawaiian architecture structures shall be in accordance with NFPA 13.

Exception: The design standards for automatic fire sprinklers for Class B indigenous Hawaiian architecture structures shall be permitted as follows:

- (1) Eighteen gallons per minute for a single head at 140 square feet maximum coverage of roof area;
- (2) Thirteen gallons per minute for each subsequent head at 140 square feet maximum coverage of roof area per head;
- (3) The minimum supply pressure at the base of the riser shall not be less than 40 pounds per square inch;
- (4) The minimum residual pressure at the highest sprinkler shall be not less than 12 pounds per square inch;
- (5) Sprinkler heads spacing shall not exceed 14 feet;

- (6) Sprinkler heads shall be open type upright, pendent, or sidewall with 1/2-inch or 17/32-inch orifice and have a wax corrosion resistant coating;
- (7) The total number of sprinklers on a branch shall not exceed six heads;
- (8) The total number of sprinklers shall not exceed the following schedule:

1-inch diameter	2 sprinklers
1-1/4 inch diameter	3 sprinklers
1-1/2 inch diameter	5 sprinklers
2-inch diameter	10 sprinklers
2-1/2 inch diameter	30 sprinklers
3-inch diameter	60 sprinklers

- (9) The above pipe schedule shall not apply to hydraulically designed systems;
- (10) The water density for hydraulically designed systems shall not be less than 0.10 gpm per square foot;
- (11) The source of water may be by domestic water meters, detector check meter, underground well, storage tank, swimming pool, ponds, etc., but must meet the design requirements for adequate pressure and duration;
- (12) Water supply shall be sufficient to provide 30 minutes duration;
- (13) If domestic water meters are used as the source of water for the fire sprinklers, without a storage tank and booster pump, the maximum number of heads shall not exceed the following table:

5/8-inch water meter	1 sprinkler
3/4-inch water meter	2 sprinklers
1-inch water meter	3 sprinklers
1-1/2 inch water meter	7 sprinklers
2-inch water meter	11 sprinklers
3-inch water meter	27 sprinklers

- (14) The piping material shall be hard drawn copper with silver solder or brazed fittings, or carbon steel with corrosion-resistant coatings. Plastic pipes shall not be allowed, except for below grade supply pipes;
- (15) Fire sprinkler system shall be actuated by smoke detectors located at the highest points of the roof and spaced as recommended by the manufacturer;

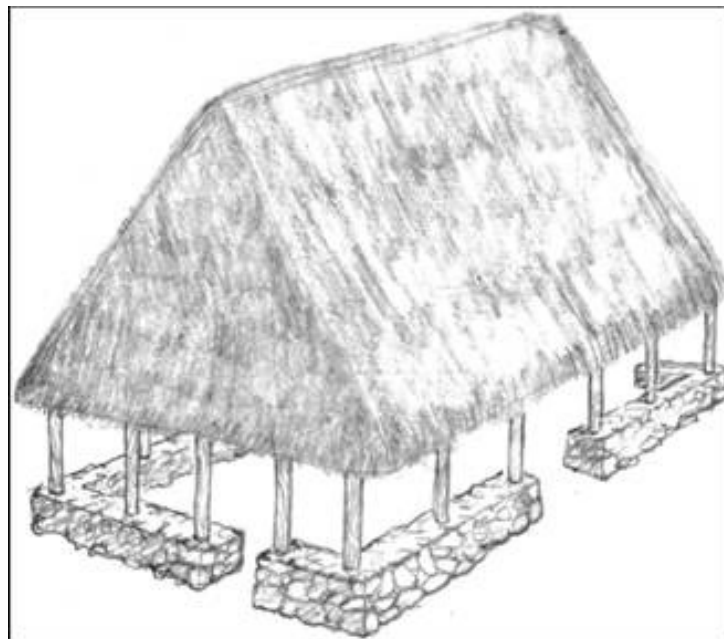
- (16) Flow control valves shall be either hydraulically or electrically operated with a manual override switch;
 - (17) Where the width of a roof exceeds the width allowed for one row of sprinklers, two or more rows of sprinklers shall be placed such that the entire roof area is protected;
 - (18) Prevailing wind direction shall be considered in the placement of sprinklers;
 - (19) Deflectors for sprinklers shall be parallel with the roof surface or tilted slightly towards the peak of the roof; and
 - (20) Fire sprinkler systems shall have a local alarm activated by a smoke detector.
- (c) For any hale that requires fire protection pursuant to subsection (b), the applicant shall provide a certification from a licensed engineer or a licensed C-20 contractor that the water supply for the fire sprinkler system has been tested and is capable of delivering the required fire flow for a duration of 30 minutes.
- (d) *Smoke detector.* Any hale used for sleeping shall have an approved battery operated smoke detector installed in the hale.
- (1990 Code, Ch. 16, Art. 12, § 16-12.8) (Added by Ord. 12-34)

§ 16-12.9 Design standards.

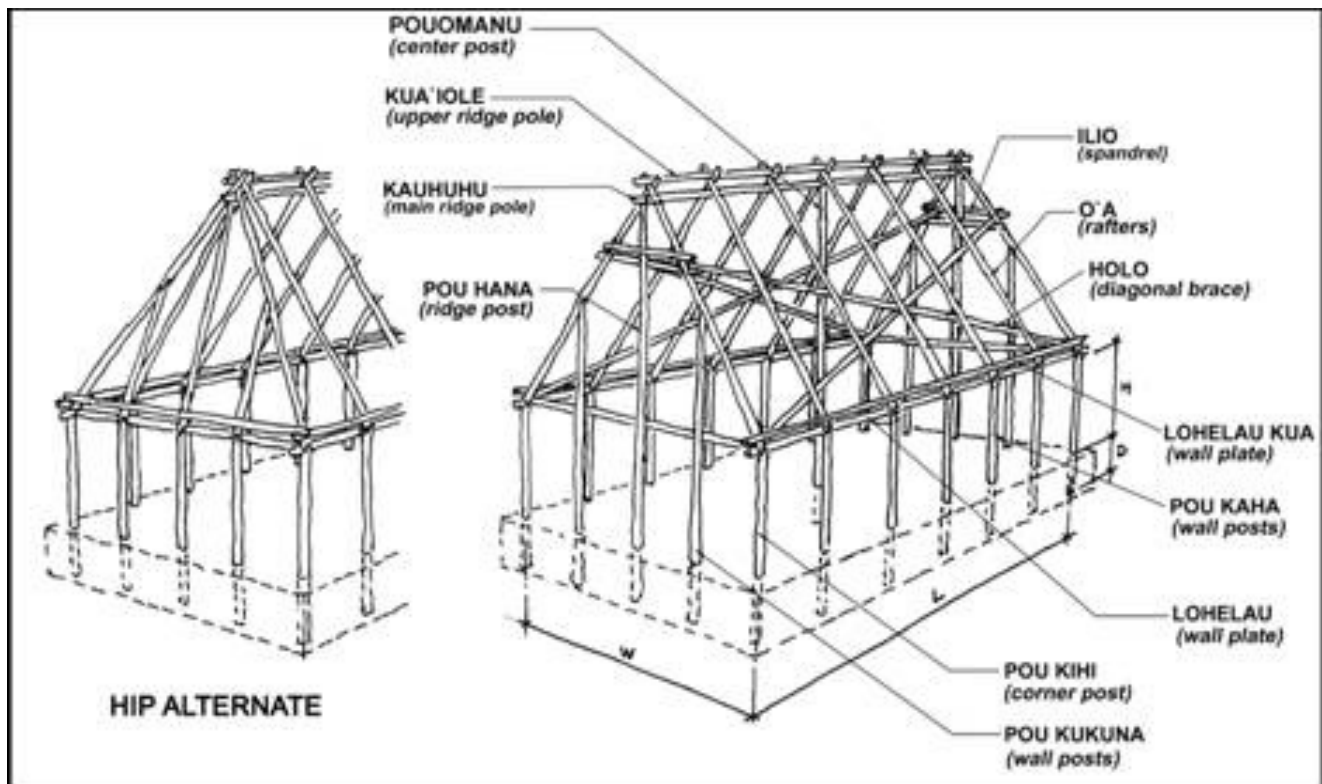
- (a) *General design standards.* All types of hale shall be designed and constructed in accordance with the standards set out in this section.
- (1) The minimum diameter size of all structural members shall be measured at the member's midpoint, except that the minimum diameter size of posts shall be measured at the smaller end. For structure sizes not specifically shown in the tables, the requirements in the next larger width size shall be applicable.
 - (2) The specifications for structural members were estimated based on no wind loads. Hale shall be constructed to allow all thatching materials to separate from the structure before adding significant loads.
 - (3) The mix formula for mortar specified in these rules shall be one part portland cement, four parts clean sand, and sufficient fresh water to make the mixture workable.
 - (4) Every hale, except hale noa, shall have at least two sides completely open.
 - (5) Lashing and thatching methods shall comply with illustrations found in "Arts and Crafts of Hawaii" or "The Hawaiian Grass House in Bishop Museum."
- (b) *Allowable designs.* Hale shall be designed and constructed in accordance with the schematic designs and illustrations that follow:
- (1) *Hale Halawai.* Each end of the Hale Halawai may be open or thatched. The ends may also be constructed with a thatched roof hip as an alternate design.



HALE HALAWAI
Open End Style

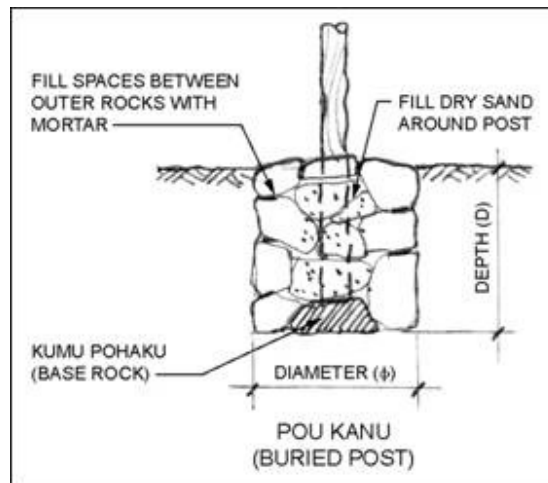
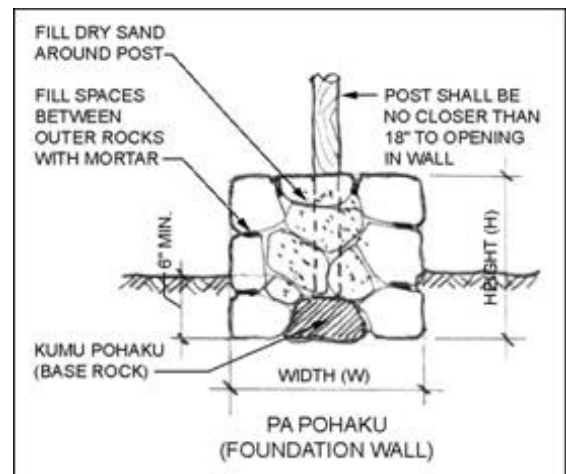
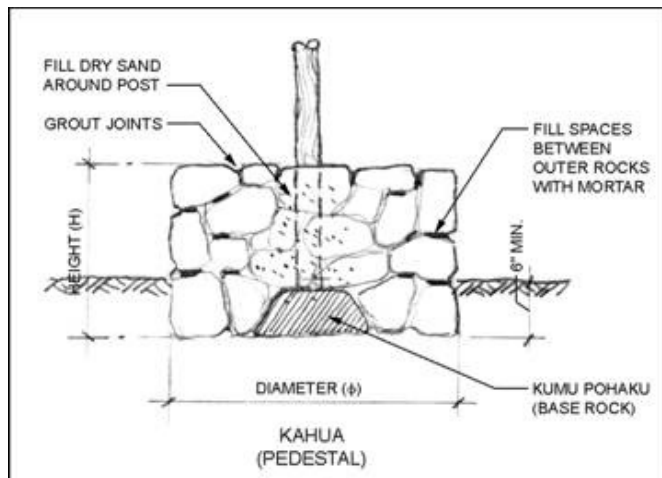


HALE HALAWAI
Thatched End Style



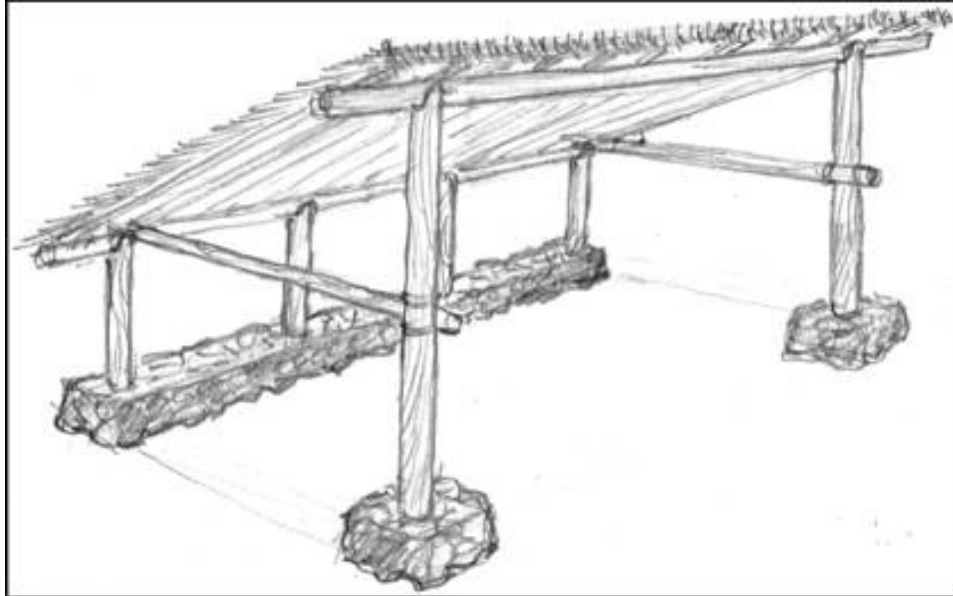
FRAMING SCHEMATIC

<i>HALE HALAWAI</i>										
	<i>Pou Kihī</i>	<i>Pou Kukuna & Pou Kaha</i>	<i>Pou Hana</i>	<i>Pouomanu</i>	<i>O'a</i>	<i>Kuaiole & Holo</i>	<i>Kauhuhu</i>	<i>Lohelau</i>	Post Spacing	Rafter Spacing
W x L x H	minimum diameter	minimum diameter	minimum diameter	minimum diameter	minimum diameter	minimum diameter	minimum diameter	minimum diameter	maximum spacing	maximum spacing
12 ft. x 20 ft. x 7 ft.	4 in.	3 in.	4 in.	4 in.	3 in.	2 in.	3 in.	3 in.	5 ft.	3 ft.
14 ft. x 24 ft. x 7 ft.	4 in.	4 in.	4 in.	4 in.	3 in.	2 in.	3 in.	3 in.	5 ft.	3 ft.
24 ft. x 30 ft. x 7 ft.	5 in.	4 in.	4 in.	4 in.	4 in.	2 in.	3 in.	3 in.	5 ft.	3 ft.
25 ft. x 50 ft. x 7 ft.	5 in.	5 in.	5 in.	5 in.	4 in.	2 in.	3 in.	32 in.	5 ft.	3 ft.
30 ft. x 60 ft. x 7 ft.	6 in.	5 in.	6 in.	6 in.	4 in.	2 in.	3 in.	4 in.	5 ft.	3 ft.

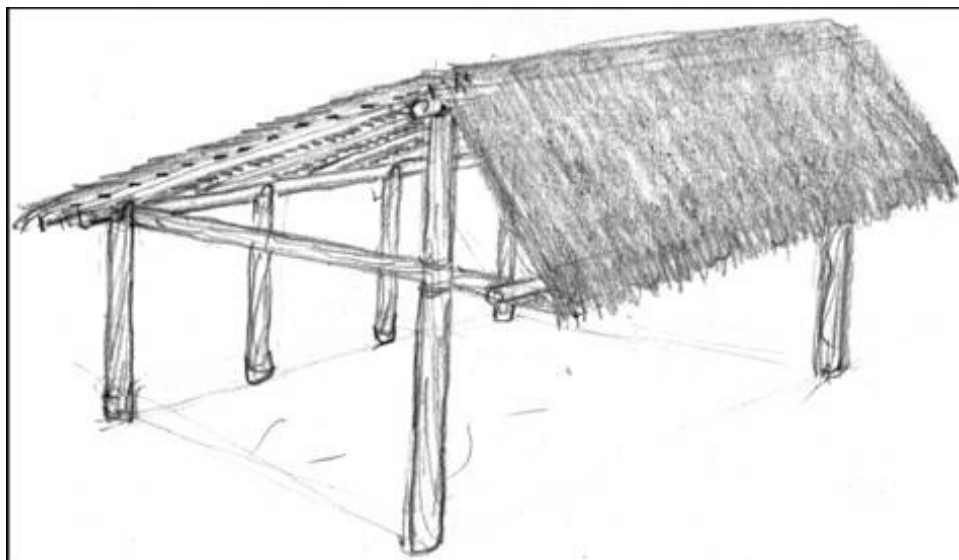


SIZE OF <i>HALE HALAWAI</i> W x L x H	FOUNDATION TYPE		
	<i>Kahua</i> Diameter x Height	<i>Pa Pohaku</i> Width x Height x Length	<i>Pou Kanu</i> Diameter x Depth
12 ft. x 20 ft. x 7 ft.	3 ft.6 in. φ x 24 in. H	2 ft.6 in. W x 2 ft. 8 in. H x 4 ft. 0 in. L	30 in. φ x 2 ft.8 in. D
14 ft. x 24 ft. x 7 ft.	3 ft.8 in. φ x 24 in. H	2 ft. 6 in. W x 2 ft. 8 in. H x 4 ft. 0 in. L	30 in. φ x 2 ft.9 in. D
24 ft. x 30 ft. x 7 ft.	4 ft.0 in. φ x 30 in. H	3 ft. 0 in. W x 3 ft. 0 in. H x 4 ft. 0 in. L	36 in. φ x 3 ft.0 in. D
25 ft. x 50 ft. x 7 ft.	4 ft.0 in. φ x 30 in. H	3 ft. 0 in. W x 3 ft. 0 in. H x 4 ft. 0 in. L	36 in. φ x 3 ft.0 in. D
30 ft. x 60 ft. x 7 ft.	4 ft.0 in. φ x 30 in. H	3 ft.0 in. W x 3 ft. 3 in. H x 4 ft.0 in. L	36 in. φ x 3 ft. 3 in. D

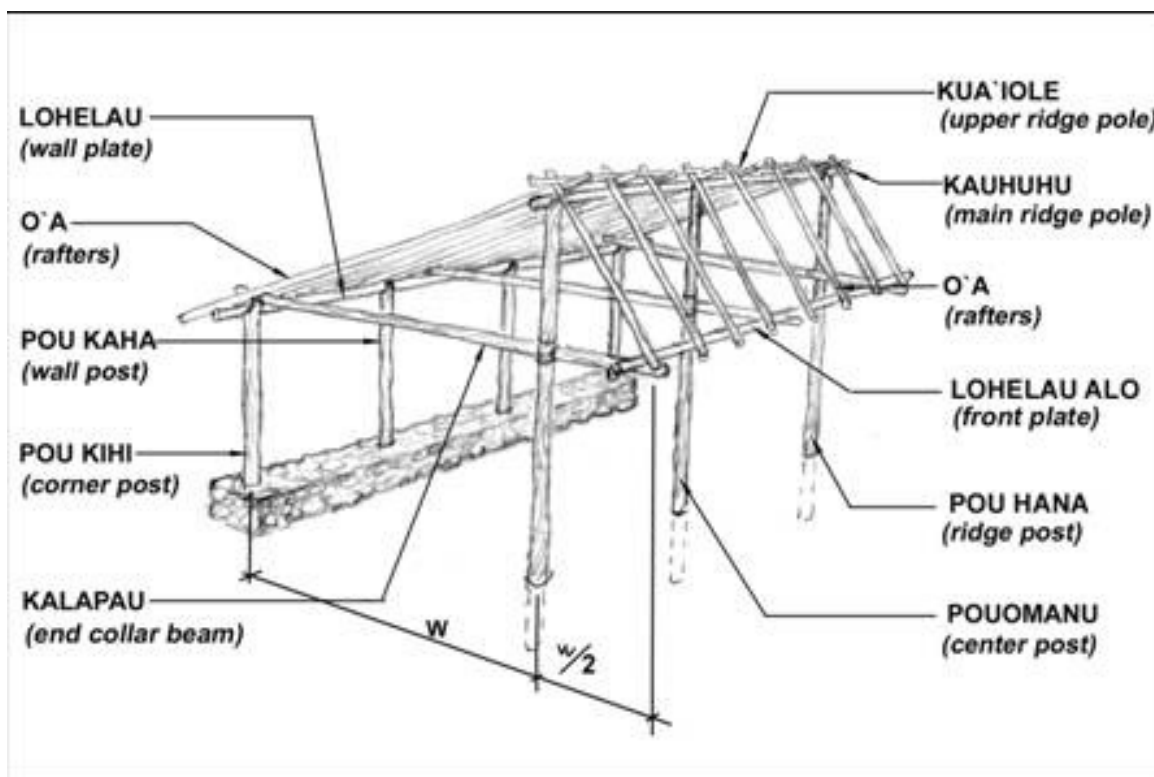
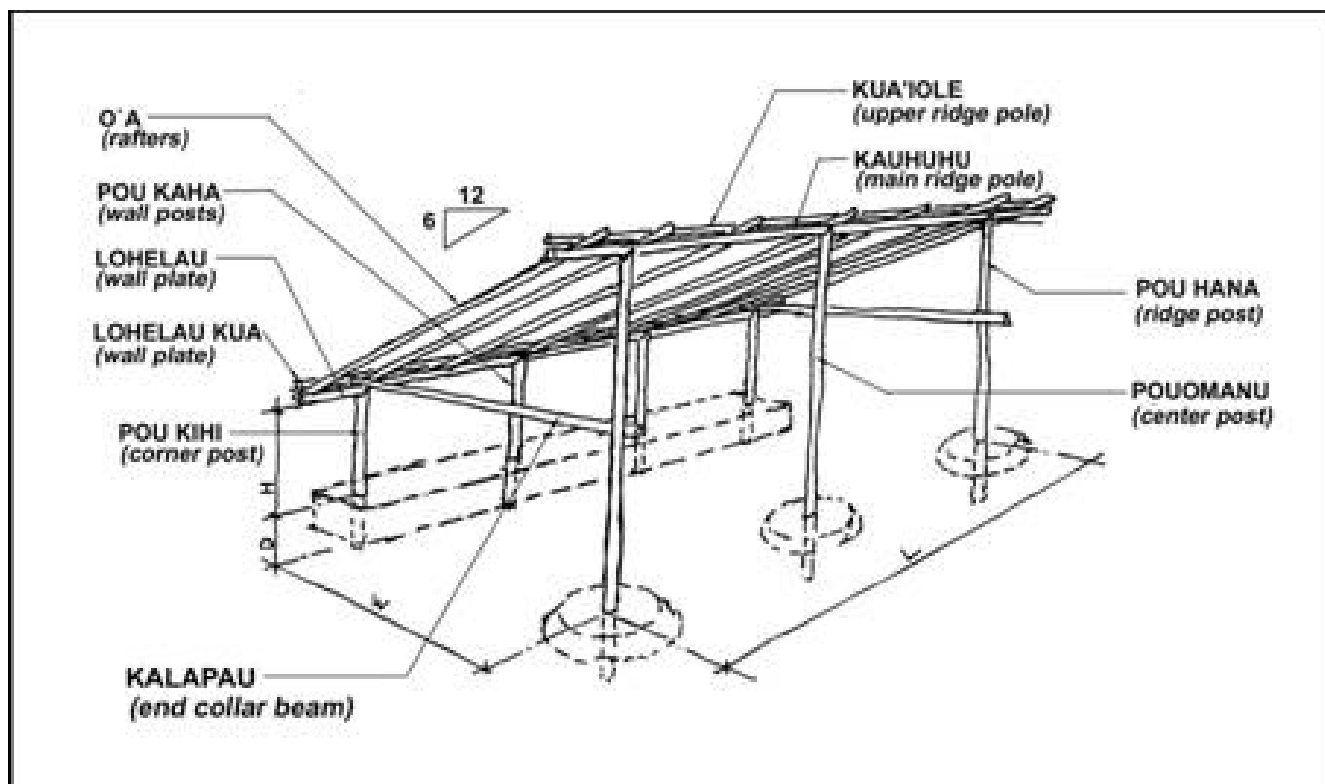
(2) *Hale Ku`ai.*



HALE KU`AI
SHED STYLE



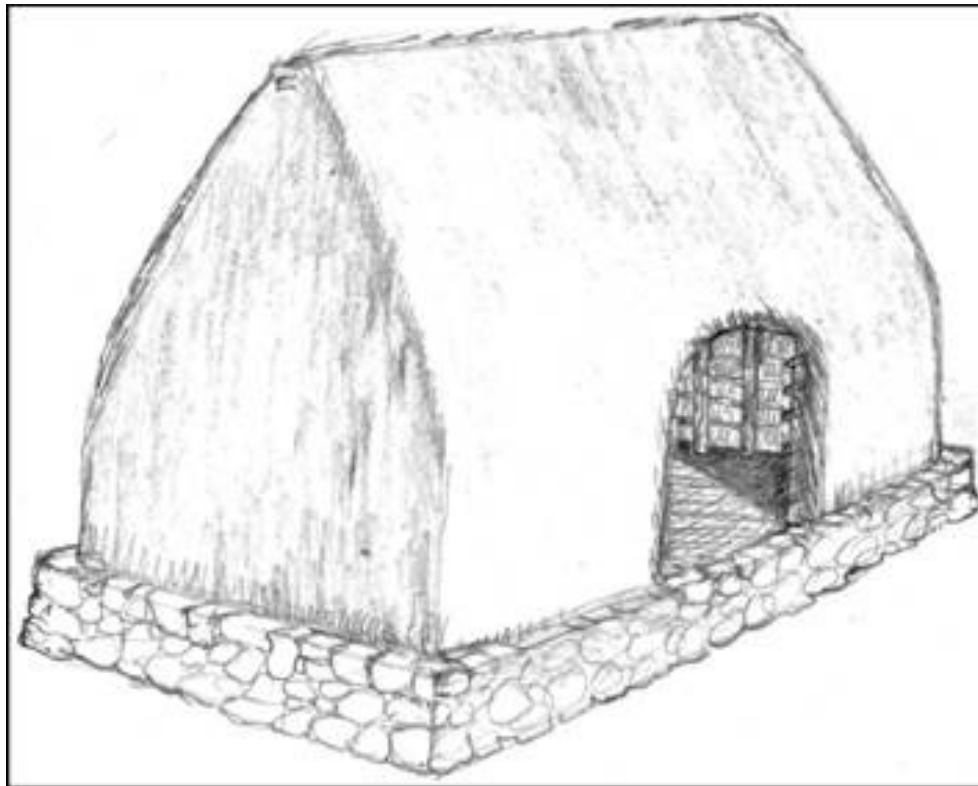
HALE KU`AI
GABLE STYLE



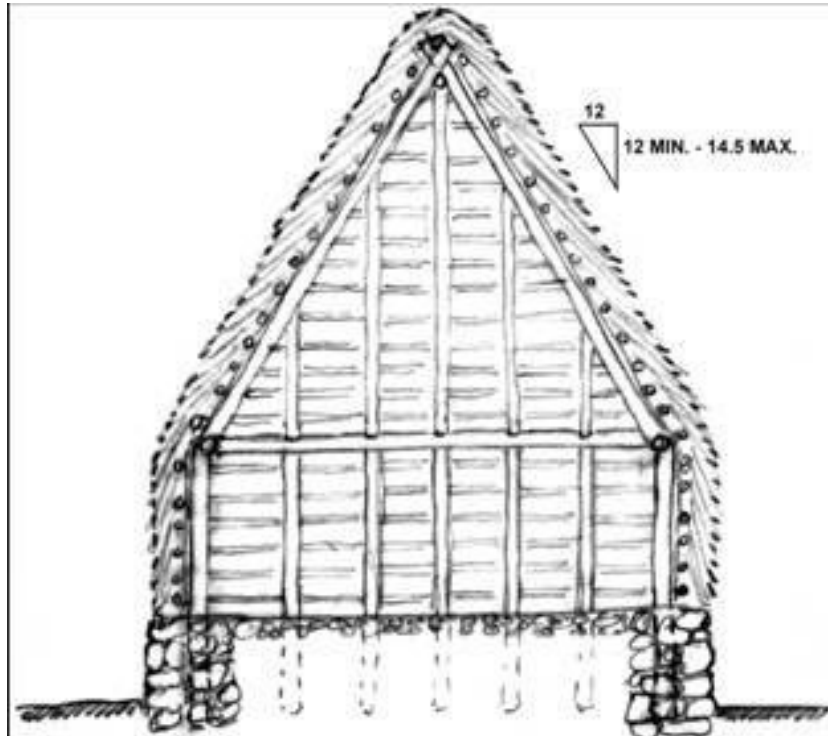
FRAMING SCHEMATIC

<i>HALE KU'AI</i>									
	<i>Pou Kihi</i>	<i>Pou Kaha</i>	<i>Pou Hana</i>	<i>Pouomanu</i>	<i>O'a</i>	<i>Kuaiole & Holo</i>	<i>Kauhuhu</i>	<i>Lohelau</i>	Rafter Spacing
W x L x H	minimum diameter	minimum diameter	minimum diameter	minimum diameter	minimum diameter	minimum diameter	minimum diameter	minimum diameter	maximum spacing
5 ft. x 10 ft. x 5 ft.	4 in.	3 in.	3 in.	4 in.	3 in.	2 in.	3 in.	2 in.	4 ft.
9 ft. x 12 ft. x 5 ft.	4 in.	3 in.	3 in.	4 in.	3 in.	2 in.	3 in.	2 in.	4 ft.
12 ft. x 16 ft. x 5 ft.	4 in.	3 in.	4 in.	4 in.	3 in.	2 in.	4 in.	2 in.	4 ft.
14 ft. x 20 ft. x 5 ft.	4 in.	3 in.	4 in.	4 in.	3 in.	2 in.	4 in.	2 in.	4 ft.
NOTE: The maximum post spacing for Pou Kihi and Pou Kaha is 5 feet. The maximum post spacing for Pou Hana and Pouomanu is 12 feet.									

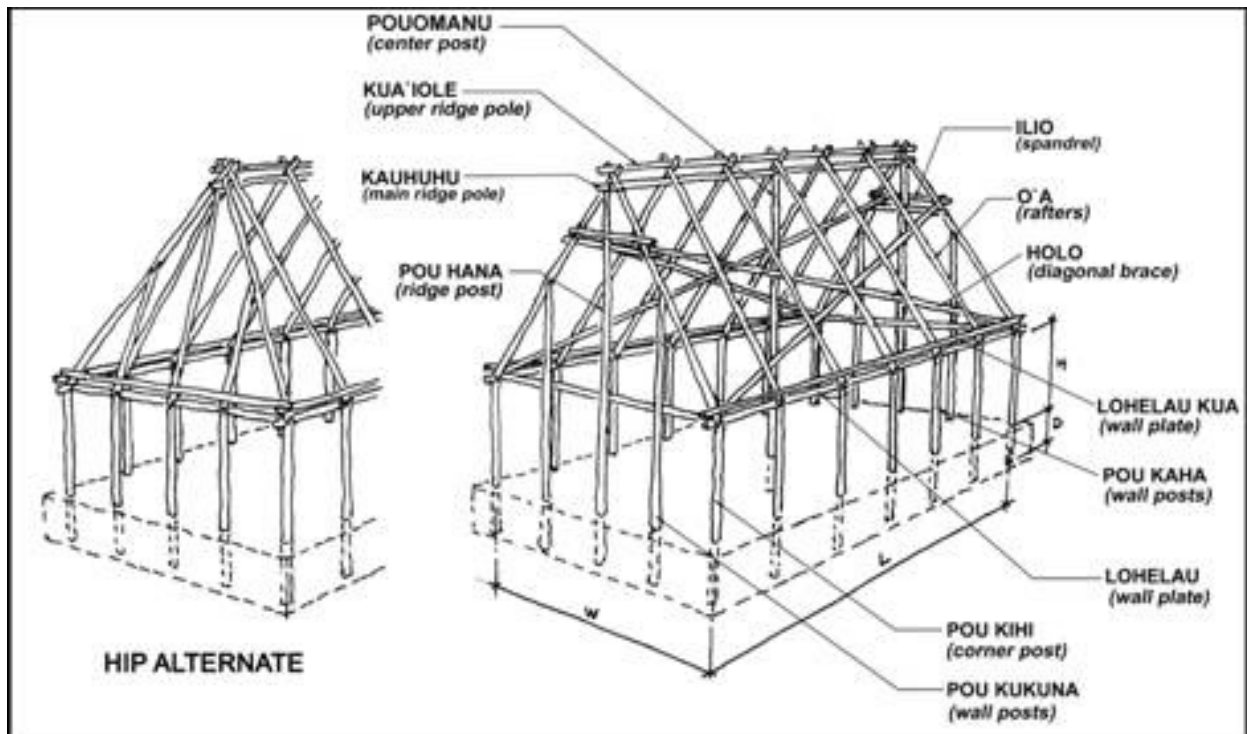
- (3) *Hale Noa*. Hale Noa shall have at least two openings. One opening shall be at least 3 feet wide and 5 feet high, and the other opening shall be at least 2 feet wide and 3 feet high.



HALE NOA

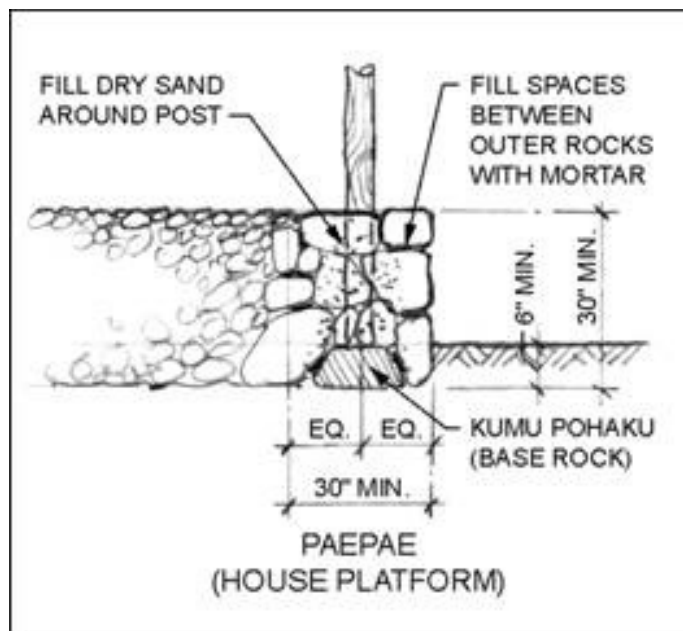


SECTION VIEW

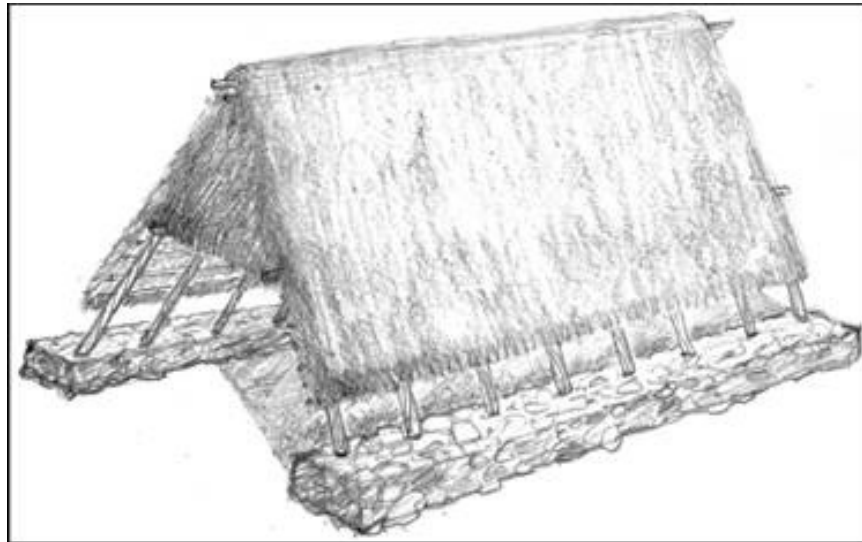


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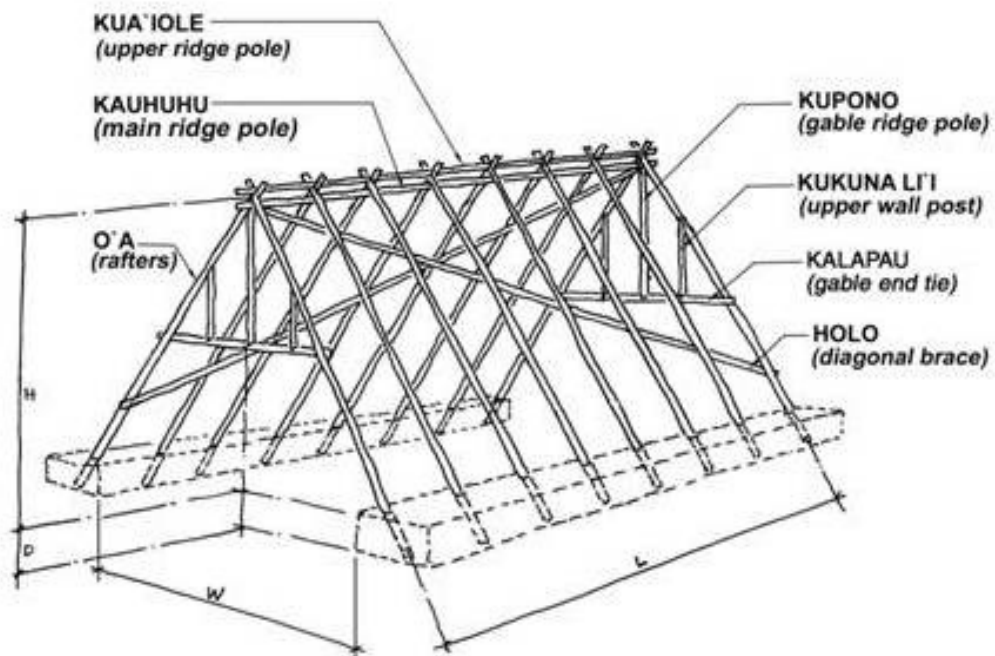
<i>HALE NOA</i>										
	<i>Pou Kihi</i>	<i>Pou Kukuna & Pou Kaha</i>	<i>Pou Hana</i>	<i>Pouomanu</i>	<i>O'a</i>	<i>Kuaiole & Holo</i>	<i>Kauhuhu</i>	<i>Lohelau</i>	Post Spacing	Rafter Spacing
W x L x H	minimum diameter	minimum diameter	minimum diameter	minimum diameter	minimum diameter	minimum diameter	minimum diameter	minimum diameter	maximum spacing	maximum spacing
9 ft. x 12 ft. x 7 ft.	3 in.	3 in.	4 in.	3 in.	3 in.	2 in.	3 in.	2 in.	6 ft.	4 ft.
12 ft. x 20 ft. x 7 ft.	4 in.	4 in.	4 in.	3 in.	3 in.	2 in.	3 in.	2 in.	6 ft.	4 ft.
4 ft. x 24 ft. x 7 ft.	5 in.	4 in.	4 in.	3 in.	3 in.	2 in.	3 in.	3 in.	6 ft.	4 ft.



(4) *Hale Wa`a.*

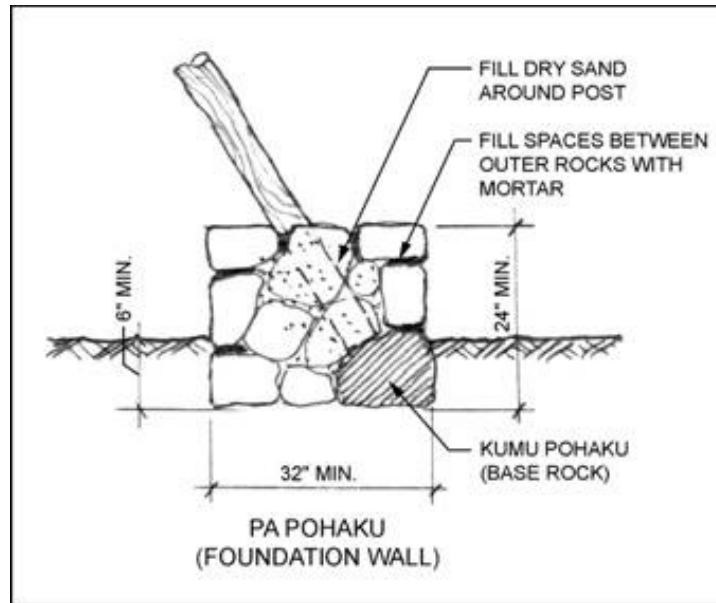


HALE WA`A



FRAMING SCHEMATIC

<i>HALE WA`A</i>					
	<i>O`a</i>	<i>Kuaiole & Holo</i>	<i>Kauhuhu</i>	Rafter Spacing	Ridge Height
W x L	minimum diameter	minimum diameter	minimum diameter	maximum spacing	minimum height, H
20 ft. x 60 ft.	4 in.	3 in.	4 in.	4 ft. to 5 ft.	22 ft.
25 ft. x 60 ft.	5 in.	3 in.	4 in.	4 ft. to 5 ft.	27 ft.
30 ft. x 60 ft.	5 in.	3 in.	4 in.	4 ft. to 5 ft.	27 ft.



(1990 Code, Ch. 16, Art. 12, § 16-12.9) (Added by Ord. 12-34)

Honolulu - Building and Construction Codes

ARTICLE 13: HAWAII RESIDENTIAL SAFE ROOM

Sections

- 16-13.1 Performance-based design criteria
- 16-13.2 Intent and scope
- 16-13.3 Alternative standards
- 16-13.4 Site criteria
- 16-13.5 Maximum occupancy
- 16-13.6 Provisions for exiting
- 16-13.7 Design for dead, live, wind, rain, and impact loads
- 16-13.8 Ventilation
- 16-13.9 Communications
- 16-13.10 Construction documents
- 16-13.11 Notification
- 16-13.12 Special inspection

§ 16-13.1 Performance-based design criteria.

The residential safe room shall meet the minimum performance specifications of this article.
(1990 Code, Ch. 16, Art. 13, § 16-13.1) (Added by Ord. 12-34)

§ 16-13.2 Intent and scope.

The intent of the residential safe room is to temporarily provide an enhanced protection area, fully enclosed within a dwelling or within an accessory structure to a residence, which is designed and constructed to withstand the wind pressures, windborne debris impacts, and other requirements of this section.
(1990 Code, Ch. 16, Art. 13, § 16-13.2) (Added by Ord. 12-34)

§ 16-13.3 Alternative standards.

- (a) *Manufactured safe room designs subject to approval.* A manufactured safe room or safe room kit may be substituted if documentation is submitted and approved by the building official. The safe room shall be engineered, tested, and manufactured to meet or exceed the criteria of this section.
 - (b) *FEMA in-residence shelter designs permitted.* It shall be permissible to build FEMA In-Residence Shelters of up to 64 square feet of floor area with walls up to 8 feet long that are built in accordance with construction details of FEMA 320.
- (1990 Code, Ch. 16, Art. 13, § 16-13.3) (Added by Ord. 12-34)

§ 16-13.4 Site criteria.

Residential safe rooms shall not be constructed within areas subject to stream flooding, coastal flooding, or dam failure inundation within any of the following areas:

- (a) FEMA Special Flood Hazard Areas (SFHA) subject to rainfall runoff flooding or stream or flash flooding;
- (b) Coastal zones “V” or “A” identified in the Flood Insurance Rate Map (FIRM) issued by FEMA for floodplain management purposes, in which the flood hazard are tides, storm surge, waves, tsunamis, or a combination of these hazards; and
- (c) Areas subject to dam failure inundation as determined by the Department of Land and Natural Resources. (1990 Code, Ch. 16, Art. 13, § 16-13.4) (Added by Ord. 12-34)

§ 16-13.5 Maximum occupancy.

The safe room is permitted to be used for a maximum occupancy based on at least 15 square feet per person with a maximum of eight persons in a room of up to 128 square feet of floor area. (1990 Code, Ch. 16, Art. 13, § 16-13.5) (Added by Ord. 12-34)

§ 16-13.6 Provisions for exiting.

The room shall be equipped with an inward-swinging door and an impact-protected operable window suitable for a means of alternative exiting in an emergency. (1990 Code, Ch. 16, Art. 13, § 16-13.6) (Added by Ord. 12-34)

§ 16-13.7 Design for dead, live, wind, rain, and impact loads.

(a) *Structural integrity criteria.*

- (1) The safe room shall be built with a complete structural system and a complete load path for vertical and lateral loads caused by gravity and wind.
- (2) The building that the safe room is built within shall be assumed to be destroyed by the storm and shall not be taken as offering any protective shielding to the safe room enclosure.
- (3) The ceiling structure and wall shall be capable of supporting a superimposed debris load of the full weight of any building floors and roof above, but not less than 125 psf.
- (4) The safe room enclosure shall be capable of simultaneously resisting lateral and uplift wind pressures corresponding to a 160 mph 3-second peak gust, determined in accordance with ASCE Standard 7, Minimum Design Loads for Buildings and Other Structures, calculated using load and importance factors of 1.0. The site exposure factor shall be based on exposure C. The gust factor and the directionality

factor shall be taken as 0.85. Topographic wind amplification caused by mountainous terrain shall be considered in accordance with the building code. Internal pressure shall be determined in accordance with ASCE-7.

(5) The safe room shall be anchored to a foundation system capable of resisting the above loading conditions.

(b) *Windborne debris impact protection of building enclosure elements.*

The entire enclosure of the safe room, including all walls, ceilings, and openings, fixed or operable windows, and all entry doors into the safe room, shall meet or exceed Level D requirements of ASTM E 1996 (Table 16.5-1). Any wall or ceiling penetration greater than 4 square inches shall be considered an opening.

Exception: Electrical outlet boxes and interior lighting switches not penetrating more than 2.5 inches into the interior wall surface and a plumbing piping or conduit not greater than 1.5 inches in diameter shall be exempted from this requirement.

Approved debris impact resistant wall assemblies. Wall assemblies constructed in accordance with Table 16-13.7(b) comply with the Level D windborne debris impact protection of building-enclosure elements.

Table 16-13.7(b) Wall Assemblies Complying with Level D Windborne Debris Requirements
Wall Assemblage
3/4-inch plywood on wood studs at 16-inches on-center with #8 x 3-inch wood screws at 6-inches o.c.
3/4-inch plywood attached to double studs at 16-inches o.c. with #8 x 3-inch wood screws at 6-inches o.c.
8-1/4-inch cementitious lap siding over 22 ga sheet metal attached to 350S162-33 studs at 24 inch or 16 inch o.c.
8-1/4 inch cementitious lap siding attached to 350S162-33 studs at 24 inch o.c. studs with interior 3/4 inch ply interior sheathing
8-1/4-inch cementitious lap siding attached to 35US1b2-33 studs at 24 inch o.c. with 1/2 inch interior 22-gage sheet metal composite gypsum wallboard
8-1/4-inch cementitious lap siding attached to 2 x 4 wood studs at 16 inch o.c. with 1/2 inch interior 22-gage sheet metal composite gypsum wallboard
8-1/4-inch cementitious lap siding attached to 2 x 4 wood studs at 16 inch o.c. with 22-gage sheet metal and 1/2 inch interior gypsum wallboard
Cementitious lap siding attached to 5/8 inch structural plywood on 2 x 4 wood studs @16 inches a/c.
Cementitious-panel siding attached to 5/8 inch structural plywood on 2 x 4 or 362S-137-43 steel studs @ 16 inches o.c.
EFS with 1/2-inch dens-glass gold exterior sheathing on 362S-137-43 steel studs @ 16 inches and 1/2-inch interior gypboard
Interior or Exterior wall with laterally braced (sheathed) 2 x 4 wood studs at 16 inch o.c. with 22-gage sheet metal on either side attached directly to the studs
Interior or Exterior wall with laterally braced (sheathed) 2 x 4 wood studs at 16 inch o.c. with 1/2 inch interior 22-gage sheet metal composite gypsum wallboard on either side attached directly to the studs
24 gage steel sheet (50 ksi) on girts

<i>Table 16-13.7(b) Wall Assemblies Complying with Level D Windborne Debris Requirements</i>	
4-inch-thick concrete with reinforcing	
6-inch CMU with partial grouting at reinforcing spaced at 24 inches o.c.	
8-inch CMU with partial grouting at reinforcing spaced at 24 inches o.c.	
Notes:	Sheathing shall be attached to studs at 6-inches on center edge and field fastening. 22 gage sheet metal shall be galvanized and attached to studs with screws

(c) *Cyclic pressure loading of glazing and protective systems.*

Impact protective systems shall meet the ASTM E 1996 cyclic pressure requirement for the loading given in Table 16.13-1.

<i>Table 16.13-1: Windborne Debris Protection and Cyclic Pressure Criteria for</i>			
<i>Residential Safe Rooms</i>			
ASTM E 1996 Missile Level Rating	Debris Missile Size	Debris Impact Speed	Enclosure Wall Ceiling, and Floor Cyclic Air Pressure Testing— maximum inward and maximum outward pressures
D	2 x 4 weighing 9.0 lb. +/- 0.25 lb., and with min. length 8 ft. +/- 4-inch	50 ft./sec. or at least 34 mph	35 psf inward 45 psf outward

(1990 Code, Ch. 16, Art. 13, § 16-13.7) (Added by Ord. 12-34)

§ 16-13.8 Ventilation.

The room shall be naturally ventilated to allow the enclosure to have approximately one air change every two hours. This requirement may be satisfied by 12 square inches of venting per occupant. There shall be at least two operable vents. The vents shall be protected by a cowl or other device that shall be impact tested to comply with ASTM E 1996 Level D. Alternatively, the room shall be evaluated to determine if the openings are of sufficient area to constitute an open or partially enclosed condition as defined in ASCE 7.

(1990 Code, Ch. 16, Art. 13, § 16-13.8) (Added by Ord. 12-34)

§ 16-13.9 Communications.

The safe room shall be equipped with a phone line and telephone that does not rely on a separate electrical power outlet. Alternatively, a wireless telephone shall be permitted to rely on an uninterruptible power supply (UPS) battery device.

(1990 Code, Ch. 16, Art. 13, § 16-13.9) (Added by Ord. 12-34)

§ 16-13.10 Construction documents.

Construction documents for the residential safe room shall be directly prepared by a Hawaii licensed professional structural engineer.

(1990 Code, Ch. 16, Art. 13, § 16-13.10) (Added by Ord. 12-34)

§ 16-13.11 Notification.

The owner of the safe room shall notify the State department of defense and county civil defense agency of the property's Tax Map Key or Global Positioning System coordinates.

(1990 Code, Ch. 16, Art. 13, § 16-13.11) (Added by Ord. 12-34)

§ 16-13.12 Special inspection.

The construction or installation of the safe room shall be verified for conformance to the drawings in accordance with International Building Code Chapter 17.

(1990 Code, Ch. 16, Art. 13, § 16-13.12) (Added by Ord. 12-34)

Honolulu - Building and Construction Codes

ARTICLE 14: STATE- AND CITY-OWNED HIGH OCCUPANCY BUILDINGS—DESIGN CRITERIA FOR ENHANCED HURRICANE PROTECTION AREAS

Sections

- 16-14.1 Intent and scope
- 16-14.2 Site criteria
- 16-14.3 Enhanced hurricane protection area program requirements
- 16-14.4 Design wind, rain, and impact loads
- 16-14.5 Ventilation
- 16-14.6 Standby electrical system capability
- 16-14.7 Quality assurance
- 16-14.8 Maintenance
- 16-14.9 Compliance re-certification if altered, deteriorated, or damaged

§ 16-14.1 Intent and scope.

The purpose of this article is to establish minimum life safety design criteria for enhanced hurricane protection areas within high occupancy State- or county-owned buildings permitted to be occupied during hurricanes of up to Saffir Simpson Category 3. This article shall apply to Occupancy Category III and IV buildings defined by Table 1604.5.

(1990 Code, Ch. 16, Art. 14, § 16-14.1) (Added by Ord. 12-34, Am. Ord. 20-7)

§ 16-14.2 Site criteria.

- (a) *Flood and tsunami zones.* Comply with ASCE 24-05, Flood Resistant Design and Construction, based on provisions for Occupancy Category III.
- (1) Floor slab on grade shall be 1.5 feet above the base flood elevation of the county's flood hazard map, or at higher elevation as determined by a modeling methodology that predicts the maximum envelope and depth of inundation, including the combined effects of storm surge and wave actions with respect to a Category 3 hurricane.
 - (2) Locate outside of V and Coastal A flood zones, unless justified by site-specific analysis or designed for vertical evacuation in accordance with a method approved by the building official. When a building within a V or Coastal A zone is approved, the bottom of the lowest structural framing member of any elevated first floor space shall be 2 feet above the base flood elevation of the county's flood hazard map, or at a higher elevation as determined by a modeling methodology that predicts the maximum envelope and depth of inundation, including the combined effects of storm surge and wave actions with respect to a Category 3 hurricane.

- (3) Locate outside of tsunami evacuation zones, unless justified by site-specific analysis or designed for vertical evacuation in accordance with a method approved by the building official.
 - (b) *Emergency vehicle access.* Provide at least one route for emergency vehicle access. The portion of the emergency route within the site shall be above the 100-year flood elevation.
 - (c) *Landscaping and utility laydown impact hazards.* Landscaping around the building shall be designed to provide standoff separation sufficient to maintain emergency vehicle access in the event of mature tree blowdown. Trees shall not interfere with the functioning of overhead or underground utility lines, nor cause laydown or falling impact hazard to the building envelope or utility lines.
 - (d) *Adjacent buildings.* The building shall not be located within 1,000 feet of any hazardous material facilities defined by § 16-1.1(173), Table 1604.5. Unanchored light-framed portable structures shall not be permitted within 300 feet of the building.
- (1990 Code, Ch. 16, Art. 14, § 16-14.2) (Added by Ord. 12-34)

§ 16-14.3 Enhanced hurricane protection area program requirements.

- (a) *Applicable net area.* At least 50 percent of the net square feet of a facility shall be constructed to qualify as an enhanced hurricane protection area. The net floor area shall be determined by subtracting from the gross square feet the floor area of excluded spaces, exterior walls, columns, fixed or movable objects, equipment, or other features that, under probable conditions, cannot be removed or stored during use as a storm shelter.
 - (b) *Excluded spaces.* Spaces such as mechanical and electrical rooms, storage rooms, attic and crawl spaces, shall not be considered as net floor area permitted to be occupied during a hurricane.
 - (c) *Occupancy capacity.* The occupancy capacity shall be determined by dividing the net area of the enhanced hurricane protection area by 15 square feet net floor area per person.
 - (d) *Toilets and hand washing facilities.* Provide minimum water closets and lavatories as required by International Building Code Chapter 29, these facilities shall be accessed within the building and located within the perimeter of the enhanced hurricane protection area.
 - (e) *Accessibility.* Where the refuge occupancy accommodates more than 50 persons, provide an ADA-accessible route to a shelter area at each facility with a minimum of one wheelchair space for every 200 enhanced hurricane protection area occupants determined per § 16-14.3(c).
- (1990 Code, Ch. 16, Art. 14, § 16-14.3) (Added by Ord. 12-34)

§ 16-14.4 Design wind, rain, and impact loads.

- (a) *Structural design criteria.* The building main wind force resisting system and structural components shall be designed per ASCE 7 for a 115 mph minimum peak three-second gust design speed with a load factor of 1.6, and an importance factor for occupancy Category III. Topographic and directionality factors shall be the site-specific values determined per Article 1, § 1609. Design for interior pressure based on the largest opening in any exterior facade or roof surface.

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- (b) *Windborne debris missile impact for building enclosure elements.* Exterior glazing and glazed openings, louvers, roof openings and doors shall be provided with windborne debris impact resistance or protection systems conforming to ASTM E1996-05 Level D, i.e., 9 lb. 2 x 4 @ 50 fps (34 mph).
 - (c) *Cyclic pressure loading of impact resistive glazing or windborne impact protective systems.* Resistance to the calculated maximum inward and outward pressure shall be designed to conform to ASTM E1996-05.
 - (d) *Windows.* All unprotected window assemblies and their anchoring systems shall be designed and installed to meet the wind load and missile impact criteria of this section.
 - (e) *Window protective systems.* Windows may be provided with permanent or deployable protective systems, provided the protective system is designed and installed to meet the wind load and missile impact criteria and completely covers the window assembly and anchoring system.
 - (f) All exterior and interior doors subject to possible wind exposure or missile impact, or both, shall have doors, frames, anchoring devices, and vision panels designed and installed to resist the wind load and missile impact criteria or such doors, frames, anchoring devices, and vision panels shall be provided with impact protective systems designed and installed to resist the wind load and missile impact criteria of this section.
 - (g) The building enclosure, including walls, roofs, glazed openings, louvers, and doors, shall not be perforated or penetrated by windborne debris, as determined by compliance with ASTM E1996-05 Level D.
 - (h) Parapets shall satisfy the wind load and missile impact criteria of the exterior envelope.
 - (i) *Roofs.*
 - (1) *Roof openings.* Roof openings (e.g., HVAC fans, ducts, skylights) shall be provided with protection for the wind load and missile impact criteria of subsections (b) and (c).
 - (2) *High wind roof coverings.* Roof coverings shall be specified and designed according to the latest ASTM standards for high wind uplift forces.
 - (3) *Roof drainage.* Roofs shall have adequate slope, drains, and overflow drains or scuppers sized to accommodate 100-year hourly rainfall rates in accordance with § 16-1.1 (181), but not less than 2 inches per hour for six continuous hours.
- (1990 Code, Ch. 16, Art. 14, § 16-14.4) (Added by Ord. 12-34)

§ 16-14.5 Ventilation.

- (a) *Mechanical ventilation.* Mechanical ventilation as required per the International Mechanical Code. Air intakes and exhausts shall be designed and installed to meet the wind load and missile impact criteria of § 16-14.4(b).
 - (b) *HVAC equipment anchorage.* HVAC equipment mounted on roofs and anchoring systems shall be designed and installed to meet the wind load criteria. Roof openings for roof-mounted HVAC equipment shall have a 12-inch-high curb designed to prevent the entry of rain water.
- (1990 Code, Ch. 16, Art. 14, § 16-14.5) (Added by Ord. 12-34)

§ 16-14.6 Standby electrical system capability.

- (a) Provide a standby emergency electrical power system per International Building Code Chapter 27 and NFPA 70 Article 700 Emergency Systems and Article 701 Legally Required Standby Systems, which shall have the capability of being connected to an emergency generator or other temporary power source. The emergency system capabilities shall include:
- (1) An emergency lighting system;
 - (2) Illuminated exit signs;
 - (3) Fire protection systems, alarm, and sprinkler; and
 - (4) Minimum mechanical ventilation for health/safety purposes.
- (b) *Emergency generator.* When emergency generators are pre-installed, the facility housing the generator, permanent or portable, shall be an enclosed area designed to protect the generators from wind and missile impact. Generators hardened by the manufacturer to withstand the area's design wind and missile impact criteria shall be exempt from the enclosed area criteria requirement.
- (1990 Code, Ch. 16, Art. 14, § 16-14.6) (Added by Ord. 12-34)

§ 16-14.7 Quality assurance.

- (a) *Information on construction documents.* Construction documents shall include design criteria, the occupancy capacity of the enhanced hurricane protective area, and project specifications shall include opening protection devices. Floor plans shall indicate all enhanced hurricane protection area portions of the facility and exiting routes therefrom. The latitude and longitude coordinates of the building shall be recorded on the construction documents.
- (b) *Special inspection.* In addition to the requirements of International Building Code Chapter 17, special inspections shall include at least the following systems and components:
- (1) Roof cladding and roof framing connections;
 - (2) Wall connections to roof and floor diaphragms and framing;
 - (3) Roof and floor diaphragm systems, including collectors, drag struts, and boundary elements;
 - (4) Vertical wind force-resisting systems, including braced frames, moment frames, and shear walls;
 - (5) Wind force-resisting system connections to the foundation; and
 - (6) Fabrication and installation of systems or components required to meet the impact-resistance requirements of § 16-1.1 (177).

Exception: Fabrication of manufactured systems or components that have a label indicating compliance with the wind-load and impact-resistance requirements of this code.

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- (c) *Quality assurance plan.* A construction quality assurance program shall be included in the construction documents, including:
- (1) The materials, systems, components, and work required to have special inspection or testing by the building official or by the registered design professional responsible for each portion of the work;
 - (2) The type and extent of each special inspection;
 - (3) The type and extent of each test;
 - (4) Additional requirements for special inspection or testing for seismic or wind resistance; and
 - (5) For each type of special inspection, identification as to whether it will be continuous special inspection or periodic special inspection.
- (d) *Peer review.* Construction documents shall be independently reviewed by a Hawaii-licensed structural engineer. A written opinion report of compliance shall be submitted to the State civil defense, building official, and owner.
- (1990 Code, Ch. 16, Art. 14, § 16-14.7) (Added by Ord. 12-34)

§ 16-14.8 Maintenance.

The building shall be periodically inspected every three years and maintained by the owner to ensure structural integrity and compliance with this section. A report of inspection shall be furnished to the State civil defense.

(1990 Code, Ch. 16, Art. 14, § 16-14.8) (Added by Ord. 12-34)

§ 16-14.9 Compliance re-certification if altered, deteriorated, or damaged.

Alterations shall be reviewed by a Hawaii-licensed structural engineer to determine whether any alterations would cause a violation of this section. Deterioration or damage to any component of the building shall require an evaluation by a Hawaii-licensed structural engineer to determine repairs necessary to maintain compliance with this section.

(1990 Code, Ch. 16, Art. 14, § 16-14.9) (Added by Ord. 12-34)

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ARTICLE 15: BABY DIAPER-CHANGING ACCOMMODATIONS

Sections

- 16-15.1 Definitions
- 16-15.2 Requirement to provide accommodations
- 16-15.3 Construction documents
- 16-15.4 Hardship exemption
- 16-15.5 Violations–Penalty

Editor's note:

**Article 15, Chapter 16 is not applicable to new construction or renovation projects for which building permit applications were filed with the city before August 19, 2015.*

§ 16-15.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Baby Diaper-Changing Accommodation. A safe, sanitary and convenient baby diaper-changing station, deck, table, or similar amenity that is installed or placed in a separate, designated location in an establishment or use subject to this article. Such accommodations may include but are not limited to stations, decks, and tables in women's and men's restrooms or unisex/family restrooms.

New Establishment or Use. The following establishments or uses that are instituted or substantially modified after the effective date of this article:

- (1) Airports;
- (2) Art galleries and museums;
- (3) Automobile sales and rentals;
- (4) Automobile service stations as defined in § 21-10.1;
- (5) Day-care facilities as defined in § 21-10.1;
- (6) Eating establishments;
- (7) Financial institutions as defined in § 21-10.1;
- (8) Home improvement centers as defined in § 21-10.1;
- (9) Hospitals as defined in § 21-10.1;

- (10) Hotels as defined in § 21-10.1;
- (11) Indoor amusement and recreation facilities as defined in § 21-10.1;
- (12) Medical clinics as defined in § 21-10.1;
- (13) Meeting facilities as defined in § 21-10.1;
- (14) Neighborhood grocery stores as defined in § 21-10.1;
- (15) Office buildings;
- (16) Photography studios;
- (17) Public uses and structures as defined in § 21-10.1;
- (18) Retail establishments as defined in § 21-10.1;
- (19) Theaters as defined in § 21-10.1; and
- (20) Trade or convention centers as defined in § 21-10.1.

A “new establishment or use” shall be instituted on the date a certificate of occupancy is issued, or if the establishment or use has unlawfully failed to obtain such certification before occupancy, upon the first date of occupancy for its present use.

An “establishment or use” shall be substantially modified so as to require compliance with this article upon any reconstruction, rehabilitation, addition, or other improvement of the existing building or facility occupied by the establishment or use, if:

- (1) Such reconstruction, rehabilitation, addition, or other improvement requires more than 50 percent of the gross floor area occupied by the establishment or use to be rebuilt;
- (2) The estimated cost of the reconstruction, rehabilitation, addition, or other improvement as set forth in the applicable building permit is at least \$50,000; or
- (3) The estimated cost of the new construction or renovation of any restroom or restrooms as set forth in the applicable building permit is at least \$10,000.

It is provided that no establishment or use shall be substantially modified if no structural changes are made to any existing restroom in the building or facility occupied by the establishment or use.

Restroom for Public Use. A restroom that is accessible to persons other than employees of the establishment in which the restroom is located.

(1990 Code, Ch. 16, Art. 15, § 16-15.1) (Added by Ord. 15-38)

§ 16-15.2 Requirement to provide accommodations.

Every new establishment or use as defined herein shall be required to provide baby diaper-changing accommodations in accordance with the requirements of this article. Each such establishment or use shall be required to provide, at each floor level containing restrooms for public use, at least one accommodation that is accessible to women and one that is accessible to men, or a single accommodation accessible to both. Each such establishment shall provide signage indicating the location of the baby diaper-changing accommodations.

(1990 Code, Ch. 16, Art. 15, § 16-15.2) (Added by Ord. 15-38)

§ 16-15.3 Construction documents.

Construction documents for new establishments or uses shall show whether a restroom is a restroom for public use as defined in § 16-15.1 and the location of each baby diaper-changing accommodation within such restroom. If a restroom is not shown as a restroom for public use on the construction documents and, after the issuance of the building permit authorizing the construction or renovation of the restroom, there is a change in the designation of the restroom to a restroom for public use, then a baby diaper-changing accommodation shall be provided in such restroom.

(1990 Code, Ch. 16, Art. 15, § 16-15.3) (Added by Ord. 15-38)

§ 16-15.4 Hardship exemption.

A new establishment or use shall not be subject to this article if compliance would create a hardship. Under this article, a “hardship” means that:

- (1) No reasonable physical alternative exists for providing baby diaper-changing accommodations; or
- (2) The cost of providing such accommodations exceeds 10 percent of the cost of constructing, purchasing, or substantially modifying the building or facility occupied by the establishment or use.

(1990 Code, Ch. 16, Art. 15, § 16-15.4) (Added by Ord. 15-38)

§ 16-15.5 Violations–Penalty.

For violation and penalty provisions of this article, see Article 10.

(1990 Code, Ch. 16, Art. 15, § 16-15.5) (Added by Ord. 15-38)

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ARTICLE 16: AUTOMATED EXTERNAL DEFIBRILLATORS*

Sections

- 16-16.1 Definitions
- 16-16.2 Requirement to provide automated external defibrillators
- 16-16.3 Administering agency
- 16-16.4 Notification
- 16-16.5 Liability
- 16-16.6 Maintenance

Editor's note:

** Article 16, Chapter 16, added by Ord. 17-5, is effective January 1, 2018.*

§ 16-16.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Automated External Defibrillator. A portable electronic device, approved by the United States Food and Drug Administration, that is capable of diagnosing cardiac arrhythmias and that uses defibrillation to reestablish an effective cardiac rhythm.

City Building. Any building or portion thereof that is owned or leased by the city and is occupied by city employees.

Newly Constructed Building. Any building constructed on or after January 1, 2018 and that has an occupant load of 50 or more. For purposes of this definition, a building will have been constructed on the earlier of:

- (1) The date of issuance of a certificate of occupancy for the building; or
- (2) The date of its first occupancy.

(1990 Code, Ch. 16, Art. 16, § 16-16.1) (Added by Ord. 17-5)

§ 16-16.2 Requirement to provide automated external defibrillators.

Every city building and newly constructed building, as defined in this article, must have installed and maintained therein automated external defibrillators in accordance with the requirements of this article. At least one automated external defibrillator that is accessible to residents, employees, and the public, as applicable, must be placed on each floor level. Appropriate signage must be posted to indicate the location of the automated external defibrillators.

(1990 Code, Ch. 16, Art. 16, § 16-16.2) (Added by Ord. 17-5)

§ 16-16.3 Administering agency.

The mayor shall designate a city agency to administer this article.
(1990 Code, Ch. 16, Art. 16, § 16-16.3) (Added by Ord. 17-5)

§ 16-16.4 Notification.

The mayor's designated agency shall notify the Honolulu emergency services department, emergency medical services division, of the existence, location, and type of automated external defibrillator installed in each city building or newly constructed building.
(1990 Code, Ch. 16, Art. 16, § 16-16.4) (Added by Ord. 17-5)

§ 16-16.5 Liability.

Any person, including a building owner, who uses or provides for an automated external defibrillator pursuant to this article is subject to HRS § 663-1.5(e).
(1990 Code, Ch. 16, Art. 16, § 16-16.5) (Added by Ord. 17-5)

§ 16-16.6 Maintenance.

The mayor's designated agency and building owners shall conduct periodic inspections of all automated external defibrillators in their respective buildings to ensure that they are maintained in an operative condition, and are replaced or repaired where defective, all according to the operation and maintenance guidelines set forth by the manufacturer.
(1990 Code, Ch. 16, Art. 16, § 16-16.6) (Added by Ord. 17-5)

ARTICLE 17: SHOWER FACILITIES

Sections

- 16-17.1 Definitions
- 16-17.2 Shower facilities required for converted and new office building
- 16-17.3 Minimum requirements for shower facilities
- 16-17.4 Violations–Penalty

§ 16-17.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Converted Office Building. An office building:

- (1) That was not an office building on May 26, 2017*; but
- (2) That becomes an office building after May 26, 2017* because of an increase in Group B occupancy floor area of 40,000 square feet due to additions, alterations, or change to its use or character of occupancy.

New Office Building. An office building that did not exist on May 26, 2017.*

Office Building. A building classified as “Business Group B” by the Building Code and having a floor area of at least 40,000 square feet. The term also includes a building or a development of buildings that contains Business Group B occupancies among a mix of uses, if that portion of the building or development of buildings that is classified as “Business Group B” has a floor area of at least 40,000 square feet.

Owner. The fee simple owner, lessee of record, property management agent, or any other individual who has control or possession of the property.

Shower Facility. A facility with a shower compartment and locker at which persons may shower and change clothing after commuting by other than motor vehicle to a converted or new office building.

TOD Zone. Has the same meaning as defined in § 21-9.100.
(1990 Code, Ch. 16, Art. 17, § 16-17.1) (Added by Ord. 17-19)

Editor’s note:

* “May 26, 2017” is substituted for “the effective date of this ordinance.”

§ 16-17.2 Shower facilities required for converted and new office building.

The owner of each new or converted office building in a TOD zone shall provide and maintain shower facilities as required under this article. The shower facilities must be made available to persons who are employed in the new

or converted office building and who commute by other than motor vehicle to the building. Nothing in this article is to be construed as preventing the owner from allowing other persons to use the shower facilities.
(1990 Code, Ch. 16, Art. 17, § 16-17.2) (Added by Ord. 17-19)

§ 16-17.3 Minimum requirements for shower facilities.

- (a) Each new or converted office building must have two separate shower facilities, of similar size, one for the exclusive use of females and the other for the exclusive use of males.
- (b) Each required shower facility must comply with the following requirements:
 - (1) At least two shower compartments and lockers must be provided in each shower facility. Two additional shower compartments and lockers must be provided in each shower facility for each additional 30,000 square feet of floor area of office space greater than 40,000 square feet; provided that the maximum number of shower compartments and lockers required per shower facility is 10; and
 - (2) Lockers for the temporary storage of possessions for persons showering must be provided in each shower facility.

(1990 Code, Ch. 16, Art. 17, § 16-17.3) (Added by Ord. 17-19)

§ 16-17.4 Violations–Penalty.

For violation and penalty provisions, see Article 10.
(1990 Code, Ch. 16, Art. 17, § 16-17.4) (Added by Ord. 17-19)

CHAPTER 16A: HOUSING CODE

Articles

1. General Provisions
2. Definitions
3. Inspections
4. Space and Occupancy Standards
5. Structural Requirements
6. Mechanical Requirements
7. Exits
8. Fire Protection
9. Violations
10. Enforcement
11. Severability

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ARTICLE 1: GENERAL PROVISIONS

Sections

- 16A-1.1 Findings—Intent
- 16A-1.2 Short title
- 16A-1.3 Application—Compliance required

§ 16A-1.1 Findings—Intent.

- (a) *Findings.* The council finds that there are buildings, structures, properties, and portions thereof within the city that are used or designed or intended to be used for human habitation that are unfit for such habitation due to dilapidation; disrepair; structural defects; defects increasing the hazards of fire, accidents, or other calamities; lack of adequate ventilation, light or sanitary facilities; uncleanness; overcrowding; inadequate ingress and egress; inadequate drainage; violations of the health and fire regulations; and violations of other laws, regulations, and ordinances relating to the use of land and the use and occupancy of buildings and improvements. The council further finds that such unsafe and unsanitary conditions affect their surrounding areas and threaten the health, safety, and welfare of the public by creating unsafe living conditions; fire hazards; breeding grounds for insects, rodents, and vermin; and public nuisances.
- (b) *Declaration of intent.* In view of the foregoing findings, the council declares that:
 - (1) The purpose of this code is to provide minimum standards regarding the use, occupancy, location, and maintenance of all buildings and properties that are used or intended to be used for human habitation, and properties and structures that may affect the use of buildings or properties for human habitation within the city; and
 - (2) All property owners and persons in possession of real property shall keep their property free from unsafe or unsanitary conditions that harm or threaten to harm the lawful use of property for human habitation or that may prevent, impair, or otherwise unreasonably interfere with the quiet enjoyment of residential property within the city.

(Sec. 25-1.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 1, § 27-1.1) (Am. Ords. 97-50, 14-36)

§ 16A-1.2 Short title.

This chapter shall be known as the “housing code,” may be cited as such, and will be referred to in this chapter as “this code.”

(Sec. 25-1.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 1, § 27-1.2) (Am. Ord. 97-50)

§ 16A-1.3 Application—Compliance required.

(a) *Application.*

- (1) This code applies in the City and County of Honolulu to any building, as defined in this code, and to any parcel of real property located within 30 feet of any building governed by this code.
- (2) Where any building is used or intended to be used as a combination apartment house-hotel, the provisions of this code relative to each part of such combination applies to such part as if it were a separate building.
- (3) Every rooming house, congregate residence, or lodging house must comply with all the requirements of this code for dwellings.

(b) *Alteration.* When alterations, additions, or repairs are made to an existing building, such alterations, additions, or repairs must conform to this code.

(c) *Relocation.* Buildings or structures moved into or within the city must comply with the requirements in the building code for new buildings and structures.

(Sec. 25-1.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 1, § 27-1.3) (Am. Ords. 97-50, 14-36)

ARTICLE 2: DEFINITIONS

Section

16A-2.1 Definitions

§ 16A-2.1 Definitions.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning. For the purpose of this code, all terms, phrases, words, and their derivatives have the meanings respectively ascribed to them in this article. Terms that are not defined in this article have the meanings ascribed to them in the building code or Chapter 21, as appropriate under the context in which such terms are used. Where terms are not defined by this article, the building code, or Chapter 21, they have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

Building. Any structure, or portion thereof, which is used, or designed or intended to be used for lawful human habitation and includes any appurtenances belonging thereto or usually enjoyed therewith. The term includes, without limiting the generality of the foregoing, any structure mounted on wheels or otherwise, such as a trailer, wagon or powered vehicle that is parked and stationary and used for living purposes. The term does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home, or other institution in which human beings are housed and detained under legal restraint.

Building Code. The building code of the City and County of Honolulu, as amended.

Building Official. The director of planning and permitting or the director's duly authorized representative or agent.

Ceiling Height. The clear vertical distance from the finished floor to the finished ceiling.

Chapter 21. The land use ordinance of the city.

Family. Has the same meaning as defined in Chapter 21.

Hot Water. Water at a temperature of not less than 110°F.

Human Habitation. The use or occupancy of a property or structure as a dwelling, place of residence, abode, hotel, or place of overnight accommodation. The presence of a kitchen, bathroom, personal hygienic products, toiletries, shower, personal mail, bed, couch, or other domestic furnishings in a structure creates a rebuttable presumption that it is used for human habitation. However, the term does not apply to tents or temporary structures that are used for permitted camping activities.

Kitchen. Has the same meaning as defined in Chapter 21.

Nuisance. Any public or private nuisance as defined by this code located on property governed by this code.

Nuisance in Fact. An otherwise lawful use or condition on property that unreasonably interferes with the quiet enjoyment of private property or the use of public property for its intended purposes.

Person. Any natural person, corporation, limited liability company, partnership, limited partnership, registered business entity, trust, firm, joint venture, association, club, organization, or other entity, and may include any officer, agent, servant, or employee thereof that is responsible for the use or condition of any property governed by this code.

Private Nuisance. A nuisance in fact that does not affect the health, safety, or welfare of the general public.

Property. Real property that is used or intended to be used for human habitation or residential purposes. The term also includes real property that is located within 30 feet of real property that is used or intended to be used for human habitation or residential purposes, and includes all improvements on and appurtenances to real property governed by this code. Where appropriate, “property” also refers to personal property that is located on real property that is governed by this code.

Public Nuisance. Any unsafe or unsanitary use or condition on real property that harms or threatens to harm the health, safety, or welfare of the general public and includes, without limitation, the following uses and conditions:

- (1) Any use or condition of real property that creates a fire hazard, as determined by the fire chief or the fire chief’s duly authorized representative or agent pursuant to an enforcement order or declaratory ruling;
- (2) Any use or condition of real property that is determined to be detrimental to the public health, safety or welfare by the State director of the department of health, or the director’s duly authorized representative or agent pursuant to an enforcement order or declaratory ruling;
- (3) Any structure that is determined to be a substandard building by the building official pursuant to an enforcement order or a declaratory ruling;
- (4) Uncultivated, flammable weeds in excess of 18 inches in height located within 30 feet of any building:
 - (A) In the apartment, apartment mixed use, or residential zoning districts; or
 - (B) In a housing project developed in another zoning district pursuant to exemptions authorized by State law;
- (5) Items or materials that may impede, interfere with, or obstruct entry or exit points to a building or driveway;
- (6) Accumulations of leaves, needles, vines, or other dead vegetation on the roof of any building;

- (7) Dead trees or deadwood overhanging the roof of any building;
- (8) Any substance, item, material, building, place or structure that emits or causes offensive, disagreeable, or nauseous odor detectable from a public place;
- (9) Stagnant ponds or pools of water;
- (10) An infestation of insects, vermin, or rodents found in the country, residential, apartment, or apartment mixed use zoning district, or in a housing project developed in another zoning district pursuant to exemptions authorized by State law;
- (11) The human habitation of structures or vehicles that are not designed or intended for living, sleeping, cooking, or dining;
- (12) The occupancy or habitation of a building in excess of permitted occupancy limits;
- (13) The storage of accumulated personal property covering 30 percent or more of any required yard unless fully enclosed in a lawful structure;
- (14) Abandoned, inoperable, or unused iceboxes or refrigerators, unless the door, opening or lid thereof is closed and secured by a lock or restraint;
- (15) One or more junked vehicles, defined as an inoperable vehicle that is at least three years old and subject to extensive damages, including but not limited to: a broken or missing window, broken or missing wheels or tires, or broken or missing motor or transmission; and
- (16) Any building or structure that presents a reasonable risk of harm to its occupants or the public by reason of hazardous, dilapidated, or improper wiring, weather protection, plumbing, or mechanical equipment, as defined by this code.

Public Place. A place, structure, or area open and accessible to the general public and includes all city roads, courts, malls, and paved areas, unless otherwise indicated by signage.

Responsible Person or Responsible Persons. Any property owner, tenant, or person with an interest in real property governed by this code and also includes all persons with an interest in or right to use or possess personal property governed by this code.

Rooming House. A lodging house.

Service Room. Any room used for storage, bath, or utility purposes, and not included in the definition of habitable rooms.

Structure. Anything above existing grade constructed or erected with a fixed location on the ground, or requiring a fixed location on the ground, or attached to something having a fixed location on the ground. The term structure includes the term “building” as defined in this code.

Substandard Building. Any building or portion thereof that is determined to be an unsafe building in accordance with the building code or that endangers the life, limb, health, property, safety, or welfare of the public or its occupants due to one or more violations of this code.

Superficial Floor Area. The net floor area within the enclosing walls of a room in which the ceiling height is not less than 5 feet, excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures.

Used. Used or designed or intended to be used.

Vent Shaft. A court used only to ventilate or light a water closet, bath, toilet, utility room, or other service room.

Window. A fixed or operable glazed opening or a shuttered opening using transparent or translucent materials.

Yard. Has the same meaning as defined in Chapter 21.
(Sec. 25-2.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 2, § 27-2.1) (Am. Ords. 97-50, 14-36, 17-22)

ARTICLE 3: INSPECTIONS

Section

16A-3.1 Inspections

§ 16A-3.1 Inspections.

All property, buildings, and structures within the scope of this code shall be subject to inspection by the building official as provided in § 16A-10.1(b).
(Sec. 25-3.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 3, § 27-3.1) (Am. Ords. 97-50, 14-36)

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ARTICLE 4: SPACE AND OCCUPANCY STANDARDS

Sections

- 16A-4.1 Location on property
- 16A-4.2 Yards and courts
- 16A-4.3 Room dimensions
- 16A-4.4 Light—Ventilation
- 16A-4.5 Sanitation

§ 16A-4.1 Location on property.

Access to public property: all buildings shall be located with respect to property lines and to other buildings on the same property as required by this code, the building code, and all statutes, regulations, and ordinances applicable to buildings. Each dwelling unit and each guest room in a dwelling or a lodging house or a congregate residence shall have access to a passageway, not less than 3 feet in width, leading to a public street or alley. Each apartment house or hotel shall have access to a public street by means of a passageway not less than 44 inches in width and 7 feet in height.

(Sec. 25-4.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 4, § 27-4.1) (Am. Ord. 97-50)

§ 16A-4.2 Yards and courts.

- (a) *Scope.* This section shall apply to all spacing between buildings or structures and lot boundaries, between buildings or structures on the same lot and between the walls of a court.
- (b) *Spacing.* Minimum horizontal spacing shall be provided as follows:
 - (1) Between a wall of a building or structure with required windows and a vertical plane through a lot boundary, the spacing shall be as follows:
 - (A) For buildings or structures not more than 15 feet in height, not less than 5 feet;
 - (B) For buildings or structures not more than 25 feet in height, 5 feet plus 1 foot for each 2 feet in height for that portion in excess of 15 feet in height; and
 - (C) For buildings or structures more than 25 feet in height, 10 feet plus 1 foot for each 10 feet in height for that portion in excess of 25 feet in height, up to a maximum of 20 feet.
 - (2) Between the walls of a building or structure and between exterior walls of same structure on the same lot, minimum horizontal spacing shall be provided in accordance with subdivision (1) from a vertical plane

through an assumed lot boundary located between, but not necessarily equidistant from the walls if there is a required window in one or both of the walls; and

- (3) If the spacing required by subdivision (1) or (2), or by any other provision of law is reduced through a change or establishment of a boundary line, the building or structure shall be moved or altered, or both, to meet all the appropriate provisions stated above.

(c) *Courts.*

- (1) Courts having windows opening on any side shall be not less than 10 feet in width. Courts shall be not less than 10 feet in length, unless bounded on one end by a street or yard. At least 50 percent of the required width or length shall be clear of any projections and unobstructed to the sky. Spacing shall also be provided in accordance with subsection (b).
- (2) Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two stories in height shall be provided with horizontal air intake at the bottom not less than 10 square feet in area and leading to the exterior of the building, unless abutting a yard or public way. The construction of the air intake shall be as required for the court walls of the building, but in no case shall it be less than one hour fire-resistive.

(d) *Projection into spacing.* Allowable projections into horizontal spacing between the walls of buildings or structures and between exterior walls of same building or structure of the same lot shall be as follows:

- (1) Projections may extend to the assumed lot boundary from walls without required windows; and
- (2) Projections may extend no more than one-half the distance to the assumed lot boundary from walls with required windows.

(Sec. 25-4.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 4, § 27-4.2) (Am. Ord. 97-50)

§ 16A-4.3 Room dimensions.

(a) *Ceiling heights.*

- (1) Habitable space shall have a ceiling height of not less than 7 feet 6 inches except as otherwise permitted in this section. Kitchens, halls, bathrooms, and toilet compartments may have a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than 7 feet above the floor.
- (2) If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.
- (3) If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet.

- (4) Projections may be permitted to project below the ceiling provided the clearance is not less than 6 feet 6 inches.
- (b) *Floor area.* Every dwelling unit and congregate residence shall have at least one room for living purposes that shall have not less than 120 square feet of floor area. Other habitable rooms except kitchens shall have a floor area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

Exception: nothing in this section shall prohibit the use of an efficiency dwelling unit meeting the following requirements.

- (1) The unit shall have a living room of not less than 220 square feet of floor area. An additional 100 square feet of floor area shall be provided for each occupant of such unit in excess of two.
 - (2) The unit shall be provided with a separate closet.
 - (3) The unit shall be provided with a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.
 - (4) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
- (c) *Width.* Habitable rooms, other than kitchens, shall not be less than 7 feet in any dimension. No water closet space shall be less than 30 inches in width. There shall be not less than 24 inches of clear space in front of each water closet stool and when sliding doors are not used, a door swing of not less than 90 degrees shall be provided for in front of each water closet stool.
- (Sec. 25-4.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 4, § 27-4.3) (Am. Ord. 97-50)

§ 16A-4.4 Light—Ventilation.

(a) *Natural light and ventilation.*

- (1) All guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural light by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms with a minimum of 10 square feet. Not less than one-half of the required window or skylight area shall be openable to provide natural ventilation.
- (2) All bathrooms, water closet compartments, laundry rooms, and similar rooms shall be provided with natural ventilation by means of windows with an openable area not less than one-twentieth of the floor area of such rooms with a minimum of 1.5 square feet.

(b) *Origin.*

- (1) Required windows shall open directly onto the public way or a yard or court located on the same lot as the building.

Exception: required windows may open into a roofed porch or lanai where the porch or lanai:

- (A) Abuts a public way, yard, or court;
 - (B) Has a ceiling height of not less than 7 feet; and
 - (C) Has the longer side at least 50 percent open and unobstructed. The area of fixed openings in open guardrails of minimum height may be credited for this requirement.
- (2) A required window in a service room may open into a vent shaft that is open and unobstructed to the sky and not less than 4 feet in least dimension. No vent shaft shall extend through more than two stories.
 - (3) For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

(c) *Mechanical ventilation.*

- (1) In lieu of required openable windows for natural ventilation, a mechanical ventilation system may be provided for all spaces except bedrooms.
- (2) Mechanical ventilation systems for bathrooms containing a bathtub or shower or combination thereof, laundry rooms, and similar rooms, shall provide not less than five air changes per hour and shall be connected directly to the outside. The point of discharge of exhaust air shall be at least 3 feet from any opening which allows air entry into occupied portions of the building.
- (3) Mechanical ventilation systems for all habitable rooms, except bedrooms, and public corridors shall be capable of providing not less than two air changes per hour. At least one-fifth of the air supply shall be taken from the outside.
- (4) All bathrooms, lavatories and toilet compartments that are ventilated by mechanical ventilation shall have fixed openings, from adjacent rooms or corridors or from other approved sources, which are sufficient to provide an inflow of air necessary to make exhaust ventilation effective. The exhaust air from bathrooms, lavatories, and toilet compartments shall not be recirculated. Exhaust duct systems for toilet compartments and bathrooms shall be separate from the exhaust duct systems for other portions of a building.
- (5) Toilet compartments, bathrooms, and kitchens ventilated in accordance with this subsection may be provided with artificial light. When a water closet in a bathroom or toilet compartment is completely enclosed by partitions, such enclosure shall be separately lighted and ventilated.
- (6) Systems of mechanical ventilation installed to comply with this code shall be kept in good working order and in continuous operation at all times during occupancy of the room served by such system. All openings to ventilators shall be ratproofed.

- (d) *Hallways.* All public hallways, stairs, and other exitways shall be adequately lighted at all times in accordance with the building code.
(Sec. 25-4.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 4, § 27-4.4) (Am. Ord. 97-50)

§ 16A-4.5 Sanitation.

- (a) *Dwelling units, lodging houses, and congregate residences.* Every dwelling unit, lodging house and congregate residence shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.
- (b) *Hotels.* Where private water closets, lavatories, and baths are not provided, there shall be provided on each floor for each sex at least one water closet and lavatory and one bath accessible from a public hallway. Additional water closets shall be provided on each floor for each sex at the rate of one for every additional 10 guests, or fractional number thereof, in excess of 10. Such facilities shall be clearly marked to designate the sex.
- (c) *Kitchen.* Every dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. No wooden sink or sink of similarly absorbent material shall be permitted.
- (d) *Fixtures.*
- (1) All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.
 - (2) All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.
- (e) *Water closet compartments.* Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with the building code.
- (f) *Room separations.* Every water closet, bathtub, or shower required by this code shall be installed in a room that will afford privacy to the occupant.
- (g) *Installation and maintenance.* All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with all applicable requirements of the plumbing code.
(Sec. 25-4.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 4, § 27-4.5) (Am. Ord. 97-50)

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ARTICLE 5: STRUCTURAL REQUIREMENTS

Section

16A-5.1 Structural requirements

§ 16A-5.1 Structural requirements.

- (a) *Generally.* Buildings or structures may be of any type of construction permitted by the building code. Roofs, floors, walls, foundations, and all other structural components of buildings shall be capable of resisting the forces and loads required by the building code. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the building code. Buildings of every permitted type of construction shall comply with the applicable requirements of the building code.
 - (b) *Shelter.* Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.
- (Sec. 25-5.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 5, § 27-5.1) (Rec. Ord. 97-50)

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ARTICLE 6: MECHANICAL REQUIREMENTS

Section

16A-6.1 Mechanical requirements

§ 16A-6.1 Mechanical requirements.

- (a) *Heating facilities.* When provided, heating facilities in dwelling units, guest rooms, and congregate residences shall be installed and maintained in a safe condition and in accordance with all applicable laws. No unvented fuel-burning heaters shall be permitted. All heating devices or appliances shall be of an approved type.
- (b) *Electrical equipment.* All electrical equipment, wiring and appliances shall be installed and maintained in a safe condition and in accordance with all applicable laws. All electrical equipment shall be of an approved type. Where there is electrical power available within 300 feet of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two electrical convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room, and public hallway shall contain at least one electric light fixture.
- (c) *Ventilation.* Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in accordance with all applicable laws and in this code. Ventilating equipment shall be of approved types, installed and maintained in a safe condition and in accordance with all applicable laws. Where mechanical ventilation is provided in lieu of the natural ventilation required by § 16A-4.4, such mechanical ventilation system shall be maintained in operation during the occupancy of any building or portion thereof.
- (d) *Domestic clothes dryers.*

- (1) Where clothes dryer ducts are installed, moisture exhaust ducts shall have a minimum 4-inch diameter. The duct shall be of metal and shall have smooth interior surfaces.

Exception: approved flexible duct connectors not more than 6 feet in length may be used in connection with domestic dryer exhausts. Flexible duct connectors shall not be concealed within construction.

- (2) Moisture exhaust ducts and plenums shall terminate on the outside of the building and shall be equipped with a back-draft damper. In no case shall the moisture exhaust duct or plenum terminate beneath the building or in the attic. Screens shall not be installed at the duct termination. Ducts for exhausting clothes dryers shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the flow. Moisture exhaust ducts shall not be connected to a gas vent connector, gas vent, or chimney and shall not extend into or through ducts or plenums serving other appliances or fixtures.
 - (3) Unless otherwise permitted or required by the dryer manufacturer's installation instructions and approved by the building official, moisture exhaust ducts shall not exceed a total combined horizontal and vertical length of 14 feet, including two 90-degree elbows. Two feet shall be deducted for each 90-degree elbow in excess of two elbows. Plenums receiving discharge from two or more moisture exhaust ducts shall not

be installed, unless designed by a registered professional engineer or architect and approved by the building official.

- (4) When a closet is designed for the installation of a clothes dryer, a minimum opening of 100 square inches for makeup air shall be provided in the door or by other approved means.

(Sec. 25-6.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 6, § 27-6.1) (Am. Ord. 97-50)

ARTICLE 7: EXITS

Section

16A-7.1 Exits

§ 16A-7.1 Exits.

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways, and appurtenances as required by the building code. (Sec. 25-7.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 7, § 27-7.1) (Ree. Ord. 97-50)

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ARTICLE 8: FIRE PROTECTION

Section

16A-8.1 Fire protection

§ 16A-8.1 Fire protection.

All buildings, or portions thereof, shall be provided with the degree of fire-resistive construction as required by the building code, for the appropriate occupancy, type of construction, and location on property, and shall be provided with the appropriate fire-extinguishing systems or equipment required by the building code.
(Sec. 25-8.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 8, § 27-8.1) (Am. Ord. 97-50)

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ARTICLE 9: VIOLATIONS

Section

16A-9.1 Violations

§ 16A-9.1 Violations.

- (a) It is unlawful for any person to permit or maintain any use or condition on property that does not meet the requirements of this code or to maintain or permit any public nuisance on property governed by this code.
 - (b) *Responsibilities defined.* The owner of a building, structure, or real property governed by this code shall be liable for violations of this code. The duty to comply with this code also extends to the occupants of any building and persons in possession of real property governed by this code. However, the imposition of liability for violations of this code against the occupants of a building or structure or persons in possession of real property does not relieve the owner of a building, structure, or real property from the responsibility to comply with this code or any penalties imposed by this code.
 - (c) This code is not intended to create a procedure for the elimination of private nuisances by the city. All members of the public shall be responsible for resolving disputes arising from private nuisances through the appropriate legal process.
- (1990 Code, Ch. 27, Art. 9, § 27-9.1) (Added by Ord. 14-36)

Honolulu - Building and Construction Codes

ARTICLE 10: ENFORCEMENT

Sections

- 16A-10.1 Authority—Responsibilities
- 16A-10.2 Substandard buildings declared public nuisance
- 16A-10.3 Complaints inquiry and inspection
- 16A-10.4 Building board of appeals
- 16A-10.5 Enforcement—Penalty
- 16A-10.6 Placement of “housing code violator” sign

§ 16A-10.1 Authority—Responsibilities.

- (a) *Authority.* The building official is authorized and directed to administer and enforce all of this code.
- (b) *Right of entry.* Upon presentation of proper credentials, the building official may enter at reasonable times any building, structure or property in the city to perform any duty imposed upon such person by this code.
- (c) *Administrative warrant.* If the building official is unable to obtain the consent of a property owner or person in possession of real property to carry out any duty required of this code, or if such consent is denied, the building official may obtain an administrative warrant issued by any circuit or district court judge within the jurisdiction upon:
 - (1) Proper oath or affirmation showing probable cause that a violation of this code exists on the property; or
 - (2) An order issued by a court of competent jurisdiction that authorizes the building official to enter private property to abate a public nuisance by seizing, removing, repairing, altering, demolishing, or otherwise destroying private property pursuant to this code.

(Sec. 25-11.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 10, § 27-10.1) (Am. Ords. 97-50, 14-36)

§ 16A-10.2 Substandard buildings declared public nuisance.

Buildings that are substandard, as defined by this code, are declared to be public nuisances.

(Sec. 25-11.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 10, § 27-10.2) (Am. Ord. 97-50)

§ 16A-10.3 Complaints inquiry and inspection.

- (a) Any person may submit a written complaint to the building official reporting a violation of this code. The complainant shall sign the complaint and describe the suspected violation, the property on which it is occurring, its location on the property, and any reports, documents, or citations that support a finding of violation.

- (b) If the building official receives a complaint that contains sufficient facts or allegations to support a determination that a violation of this code exists, the building official shall make inquiry or take up an investigation of the complaint.
 - (c) Nothing in this code precludes the building official from initiating an investigation into potential violations of this code that are not reported by a written complaint.
- (Sec. 25-11.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 10, § 27-10.3) (Am. Ords. 97-50, 14-36)

§ 16A-10.4 Building board of appeals.

- (a) *Definition.* For the purpose of this code “building board of appeals” or “board” means the board of appeals as specified in the building code.
 - (b) *Powers and duties.* In addition to those powers and duties specified in the building code, the building board of appeals:
 - (1) Shall conduct hearings in conformity with HRS Chapter 91 and the rules of the building board of appeals; and
 - (2) May recommend amendments to or revisions of this code consistent with the purpose of this code.
- (Sec. 25-11.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 10, § 27-10.4) (Am. Ord. 97-50)

§ 16A-10.5 Enforcement—Penalty.

- (a) *Notice of violation.* Whenever any person violates this code, the building official shall serve a notice of violation upon the responsible person or persons. The notice of violation must require that the responsible person or persons bring the property, building, or structure or any noncompliant portion of the same into compliance with the requirements of this code. Notices of violation must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons is unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence and the building official provides an affidavit to that effect, then a notice of violation may be issued by publishing the same in accordance with HRS § 1-28.5, or if that provision no longer applies, by publication once each week for two consecutive weeks in a newspaper of general circulation in the city.

Notices of violation must include at least the following information:

- (1) Date of the notice;
- (2) The name and address of the person noticed and the location of the violation;
- (3) The section number of the ordinance, code, or rule that has been violated;
- (4) The nature of the violation or a description of the same; and

- (5) The deadline for compliance with the notice.

(b) *Criminal prosecution.*

- (1) *General.* Any person violating this code shall be guilty of a misdemeanor, and each such person is guilty of a separate offense for each and every day or portion thereof during which such violation is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.
- (2) Any officer or inspector designated by the building official, who has been deputized by the chief of police as a special officer for the purpose of enforcing the building, plumbing, electrical, or housing code (hereinafter referred to as “authorized personnel”), may arrest without warrant alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by warrant or such other judicial process as is permitted by statute or rule of court.
- (3) Any authorized personnel designated by the building official, upon making an arrest for a violation of the building, plumbing, electrical, or housing code, may take the name and address of the alleged violator and shall issue to the violator in writing a summons or citation hereinafter described, notifying the violator to answer the complaint to be entered against the violator at a place and at a time provided in the summons or citation.
- (4) Where the circumstances do not mandate the physical arrest of violators of the building, plumbing, electrical, or housing code, authorized personnel shall use a form of summons or citation to cite such violators. The administrative judge of the district court shall adopt or prescribe the form and content of the summons or citation. The summons or citation must be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid under the laws and regulations of the State and the city.
- (5) In every case when a citation is issued, the original of the same must be given to the violator; provided that the administrative judge of the district court may prescribe that the violator be given a carbon copy of the citation and provide for the disposition of the original and any other copies.
- (6) Every citation must be consecutively numbered and each carbon copy must bear the number of its respective original.

(c) *Administrative enforcement.* In lieu of or in addition to enforcement pursuant to subsection (b), if the building official determines that any person is not complying with a notice of violation, the building official may have the responsible person or persons served with a notice of order.

(1) *Contents of order.*

- (A) The order may require the responsible person or persons to do any or all of the following:

- (i) Correct the violation within the time specified in the order;

- (ii) Pay a civil fine not to exceed \$1,000 in the manner, at the place and before the date specified in the order; or
 - (iii) Pay a civil fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.
 - (B) The order must advise the responsible person or persons that the fines, if unpaid within the prescribed time period, can be added to specified fees, taxes, or charges collected by the city.
 - (C) The order must advise the responsible person or persons that the order becomes final 30 calendar days after the date of its delivery. The order must also advise that the building official's action may be appealed to the building board of appeals.
- (2) *Service of notices of order.* A notice of order issued pursuant to this section must be served upon the responsible person or persons either personally or by certified mail. However, if the whereabouts of one or more responsible persons is unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence, and the building official provides an affidavit to that effect, a notice of order may be served by publishing the same in accordance with HRS § 1-28.5, or if that provision no longer applies, by publication once each week for two consecutive weeks in a newspaper of general circulation in the city. A copy of the notice of order must also be posted in a conspicuous place on the property affected by the complaint or order and may be recorded in the State bureau of conveyances or the land court. If so recorded, a notice of order shall have the same force and effect as other lis pendens or other legal notices provided by law.
- (3) *Effect of order; right to appeal.* The order issued by the building official under this section becomes final 30 calendar days after the date of the delivery of the order. The responsible person or persons may appeal the order to the building board of appeals as provided by the building code. The appeal must be received in writing on or before the date the order becomes final. However, an appeal to the building board of appeals does not stay any provision of the order.
- (d) *Judicial enforcement.*
- (1) *Injunctive relief.* The corporation counsel is authorized to bring an action to enjoin any public nuisance, as defined by this code, at the request of the building official. An injunction sought by the corporation counsel may request any appropriate relief, including but not limited to an order requiring a responsible person to remove, demolish, destroy, or otherwise abate a public nuisance or city authorization to enter private property and seize, remove, demolish, destroy, or otherwise abate a public nuisance.
 - (2) The corporation counsel may seek an injunction from a court under subsection (a) if it appears that:
 - (A) The public nuisance complained of was cited by the building official pursuant to a notice of violation and notice of order and remains unabated after all rights to appeal the notice of order have exhausted or expired; or
 - (B) A building, use of real property, or conditions on real property governed by this code present an unreasonable risk of harm to the public health, safety, or welfare, and the public interests favor the

removal of such unsafe or unsanitary condition over the property owner's interest in maintaining the current use of condition of the property.

- (3) Where the city enters private property to abate a public nuisance, all costs of correction, including legal costs and attorney fees, may be reduced to a judgment or recorded as a lien against the property on which such abatement occurs. A lien recorded against the property that is registered in the bureau of conveyances or land court is enforceable in the same manner as any mortgage or other lien on real property. The interest secured by the city lien is senior to any lien recorded or registered after the city lien is recorded and subordinate to any lien recorded before the city lien.

- (4) Any person aggrieved by a private nuisance may bring a civil action for damages or for injunctive relief to enjoin such private nuisance.

(Sec. 25-11.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 10, § 27-10.5) (Am. Ords. 97-50, 14-36)

§ 16A-10.6 Placement of “housing code violator” sign.

- (a) The building official may place a “housing code violator” sign on the city right-of-way fronting a building, structure, or premises with multiple violations of this code. The building official shall establish criteria and standards for determining the circumstances warranting the placement of a sign. The building official shall establish the criteria and standards by rule adopted in accordance with HRS Chapter 91.
- (b) A sign placed pursuant to this section shall set forth the words “housing code violator” in capital letters and the name, address, and telephone number of the party responsible for the violations at the subject building, structure, or premises.

(1990 Code, Ch. 27, Art. 10, § 27-10.6) (Added by Ord. 97-50)

Honolulu - Building and Construction Codes

ARTICLE 11: SEVERABILITY

Section

16A-11.1 Severability

§ 16A-11.1 Severability.

If any part of this code is for any reason declared unconstitutional or invalid, the other separable parts thereof shall not be affected thereby.
(Sec. 25-12.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 27, Art. 11, § 27-11.1) (Am. Ord. 97-50)

Honolulu - Building and Construction Codes

CHAPTER 16B: BUILDING ENERGY CONSERVATION CODE

Article

1. Building Energy Conservation Code

Honolulu - Building and Construction Codes

ARTICLE 1: BUILDING ENERGY CONSERVATION CODE

Section

16B-1.1 Adoption of the State Energy Conservation Code

§ 16B-1.1 Adoption of the State Energy Conservation Code.

The State Energy Conservation Code (SECC), as adopted by the State of Hawaii on February 14, 2017, which adopts, with modifications, the International Energy Conservation Code, 2015 edition (IECC), as copyrighted by the International Code Council, is adopted by reference and made a part hereof, subject to the following amendments, which, unless stated otherwise, are in the form of amendments to the IECC 2015 edition:

- (1) Amending Section C101.1. Section C101.1 is amended to read:

C101.1 Title

This code shall be known as the Building Energy Conservation Code (BECC) of the City and County of Honolulu (CCH) or the CCH BECC. It is referred to herein as “this code.”

- (2) Amending Section C103.1 Section C103.1 is amended to read:

C103.1 General. When the requirements in this code apply to a building as specified in Section C101.4, plans, specifications, or other construction documents submitted for a building, electrical, or plumbing permit required by the jurisdiction must comply with this code and will be prepared, designed, approved, and observed by a design professional. The responsible design professional shall provide on the plans a signed statement certifying that the project is in compliance with this code.

Exception: Any building, electrical or plumbing work that is not required to be prepared, designed, approved or observed by a licensed professional architect or engineer pursuant to Chapter 464, Hawaii Revised Statutes (HRS).

- (3) Amending Subsection C103.2. Subsection C103.2 is amended to read:

C103.2. Information on construction documents. Construction documents must be drawn to scale upon suitable material or submitted in an electronic form acceptable to the code official. Construction documents must be of sufficient clarity to indicate the location, nature, and extent of work proposed and show, in sufficient detail, pertinent data, and features of the building, systems, and equipment as herein governed. Details must include, but are not limited to the following, as applicable:

1. Insulation materials and their thermal resistance (R-values);
2. Fenestration U-Factors and solar heat gain coefficients (SHGCs);
3. Area-weighted U-factor and SHGC calculations;
4. Mechanical system design criteria and power requirements;

5. Mechanical and service water heating system and equipment types, sizes and efficiencies;
6. Economizer description;
7. Equipment and system controls;
8. Fan motor horsepower (hp) and controls;
9. Duct sealing, duct and pipe insulation and location;
10. Lighting fixtures schedule with wattage and control narrative;
11. Location of daylight zones on floor plans; and
12. Air sealing details.

All plans, reports, and documents must be certified by the project design professional or engineer, using the appropriate form shown below and submitted to the code official certifying that the plans and documents conform to the requirements of this code.

CITY AND COUNTY OF HONOLULU REVISED ORDINANCES OF HONOLULU 1990 CHAPTER 32	
To the best of my knowledge, this project's design substantially conforms to the Building Energy Conservation Code for:	
<input type="checkbox"/> Building Component Systems <input type="checkbox"/> Electrical Component Systems <input type="checkbox"/> Mechanical Component Systems	
Signature: _____	Date: _____
Name: _____	
Title: _____	
License No.: _____	

Include only those items that the signator is responsible for. This block shall be on the first sheet of the pertinent plan, e.g. architectural, electrical, and mechanical. The above may be submitted separately to the Code Official in a letter including the identification of the building.

- (4) Amending Subsection C104. Subsection C104 is amended to read:

C104.2 Required inspections. Inspections must comply with ROH Chapter 16.

- (5) Amending Subsection C104.2.6. Subsection C104.2.6 is amended to read:

C104.2.6 Final inspection. The building must have a final inspection and cannot be occupied until approved. The final inspection must include verification of the installation of and proper operation of all required building controls, and documentation verifying activities associated with required building commissioning have been conducted and any findings of noncompliance corrected.

- (6) Amending Subsection C104.6. Subsection C104.6 is amended to read:

C104.6 Re-inspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections must be made to achieve compliance with this code. The work or installation must then be resubmitted to the responsible code official for inspection and testing as required by this code.

- (7) Amending Subsection C104.7. Subsection 104.7 is amended to read:

C104.7 Approval. After a building passes all tests and inspections required by this code, the responsible design professional must submit a confirmation letter to the code official certifying that the building has passed all of the tests and inspections required and stating that the building owner has received the Preliminary Commissioning Report, as required by IECC Section C408.2.4.

- (8) Amending Subsection C107.1. Subsection C107.1 is amended to read:

C107.1 Fees. Prescribed fees must comply with ROH Chapter 18.

- (9) Amending Subsection C108.1. Subsection C108.1 is amended to read:

C108.1 Authority. Stop work order must comply with ROH Chapter 18.

- (10) Amending Subsection C109.1. Subsection C109.1 is amended to read:

C109.1 General. Board of Appeals must comply with ROH Chapter 16.

- (11) Amending Section C202. Section C202 is amended by:

- (a) Amending the definition of “CODE OFFICIAL” to read:

CODE OFFICIAL means the Director of Planning and Permitting or the director’s authorized representative.

- (b) Amending the definition of “DWELLING UNIT” to read:

DWELLING UNIT means a building or portion thereof that contains living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation, as required by this code, for not more than one family, or a congregate residence for 16 or fewer persons.

- (c) Adding the following definition of “RENEWABLE ENERGY” immediately before the definition of “REPAIR:”

RENEWABLE ENERGY by reference to HRS § 269-91, renewable energy means energy generated or produced using the following sources:

1. Wind;
2. Sun;
3. Falling water;
4. Biogas, including landfill and sewage-based digester gas;
5. Geothermal;
6. Ocean water, currents and waves, including ocean thermal energy conversion;
7. Biomass, including biomass crops, agricultural, and animal residues and waste and municipal solid waste and other solid waste;
8. Biofuels; and
9. Hydrogen produced from renewable energy sources.

- (12) Amending Subsection C402.2.3. Subsection C402.2.3 is amended to read:

C402.2.3 Thermal resistance of above-grade walls. The minimum R-value of materials installed in the wall cavity between framing members and continuously on the wall shall be as specified in Table C402.1.3, based on framing type and construction materials used in the wall assembly.

Exception: Continuous insulation for wood-framed, metal-framed, and mass walls are not required when one of the following conditions are met:

1. Walls have a covering with a reflectance of equal to or greater than 0.64;
2. Walls have overhangs with a projection factor equal to or greater than 0.3. The projection factor is the horizontal distance from the surface of the wall to the farthest most point of the overhang divided by the vertical distance from the first floor level to the bottom-most point of the overhang; or
3. Concrete, concrete masonry units (CMU), and similar mass walls are six inches or greater in thickness.

The R-value of integral insulation installed in CMUs shall not be used in determining compliance with Table C402.1.3. Mass walls must include walls:

1. Weighing not less than 35 psf (170 kg/m²) of wall surface area.
2. Weighing not less than 25 psf (120 kg/m²) of wall surface area where the material weight is not more than 120 psf (1900 kg/m³).
3. Having a heat capacity exceeding 7 Btu/ft²°F (144 kJ/m²•K).
4. Having a heat capacity exceeding 5 Btu/ft²°F (103 kJ/m²•K), where the material weight is not more than 120 pcf (1900 kg/m³).

- (13) Amending Table C402.4. Table C402.4 (“Building Envelope Fenestration Maximum U-Factor and SHGC Requirements”) is amended by amending Exception “b” to read:

- b. Jalousie windows are excepted from SHGC requirements.

- (14) Amending Subsection C402.4.1.2. Subsection C402.4.1.2 is amended to read:

C402.4.1.2 Increased skylight area with daylight responsive controls. The skylight area shall be permitted to be not more than five percent of the roof area provided *daylight responsive controls* complying with Section C405.2.3.1 are installed in *daylight zones* under skylights.

Exception: Spaces where the designed general lighting power densities are equal to or less than 60 percent of the lighting power densities specified in Table C405.2(1) or C405.4.2(2) are exempt from the daylighting requirements.

- (15) Amending Subsection C402.4.3.5. Subsection C402.4.3.5 is amended to read:

C402.4.5 Area-Weighted SHGC. In commercial buildings, an area-weighted average of fenestration products will be permitted to satisfy SHGC requirements.

Exception: Jalousie windows are excepted from SHGC requirements.

- (16) Adding Subsection C403.2.4.2.4. Subsection C403.2.4.2.4 is added to read:

C403.2.4.2.4 Door switches. Opaque and glass doors opening to the outdoors in hotel and motel sleeping units, guest suites, and timeshare condominiums must be provided with controls that disable the mechanical cooling or reset the cooling setpoint to 90 degrees Fahrenheit or greater within five minutes of the door opening. Mechanical cooling may remain enabled if the outdoor air temperature is below the space temperature.

- (17) Amending Subsection C405.2. Subsection C405.2 is amended by amending the exceptions to read:

Exception: Spaces that use 60 percent or less of designated watts per square foot are exempt from Sections C405.2.2 (Time switch controls) and C405.2.3 (Daylight-responsive controls).

- (18) Amending Subsection C406.1. Subsection C406.1 is amended to read:

C406.1 Requirements. In addition to the requirements specified in Subsection C406.8 (“Electric vehicle infrastructure”), buildings must comply with at least one of the following:

1. More efficient HVAC performance in accordance with Subsection C406.2;
2. Reduced lighting power density system in accordance with Subsection C406.3;
3. Enhanced lighting controls in accordance with Subsection C406.4;
4. On-site supply of renewable energy in accordance with Subsection C406.5;
5. Provision of a dedicated outdoor air system for certain HVAC equipment in accordance with Subsection C406.6; or
6. High-efficiency service water heating in accordance with Subsection C406.7.

- (19) Amending Subsection C406.3. Subsection C406.3 is amended to read:

C406.3 Reduced lighting power density. The total interior lighting power (watts) of the building shall be determined by using 80 percent of the lighting power values specified in Table C405.4.2(1) times the floor area for the building types, or by using 80 percent of the lighting power values specified in Table C405.4.2(2) times the floor area for the building type, or by using 80 percent of the interior lighting power allowance calculated by the Space-by-Space Method in Section C405.4.2.

- (20) Adding Subsection C406.8, Subsection C406.8.1, Table C406.8.1, Subsection C406.8.2, and Table C406.8.2. Subsection C406.8, Subsection C406.8.1, Table C406.8.1, Subsection C406.8.2, and Table C406.8.2 are added to read:

C406.8 Electric vehicle infrastructure. All newly-created parking stalls for newly-constructed residential multi-unit and commercial buildings must comply with one of the electric vehicle readiness compliance pathways specified in Subsection C406.8.1 or Subsection C406.8.2.

For purposes of Subsection C406.8.1, Subsection C406.8.2, and Table C406.8.2, the following apply:

1. “Common area” stall means any parking stall that is not intended to be assigned, sold, leased, or attached contractually to a specific dwelling unit or commercial establishment;
2. “Dedicated” stall means any parking stall that is intended to be assigned, sold, leased, or attached contractually to a specific dwelling unit or commercial establishment; and

3. When computation of the number of required vehicle charger ready stalls results in a fractional number with a fraction of 0.5 or greater, the number of required vehicle charger ready stalls required will be the next highest whole number.

C406.8.1 Baseline percentage electric vehicle readiness compliance path. Newly-constructed parking stalls for newly-constructed residential multi-unit buildings that add eight or more new parking stalls must be electric vehicle charger ready for at least 25 percent of the newly-added parking stalls. Newly-constructed parking stalls for newly-constructed commercial buildings that add 12 or more new parking stalls must be electric vehicle charger ready for at least 25 percent of the newly-added parking stalls. As used in this section, “electric vehicle charger ready” means that sufficient wire, conduit, electrical panel service capacity, overcurrent protection devices, and suitable termination points are provided to connect to a charging station capable of providing simultaneously an AC Level 2 charge per required parking stall. Charge method electrical ratings are provided in Table C406.8.1.

Exceptions:

1. For retail establishments, as defined in ROH Chapter 21, the total number of newly-added parking stalls that would otherwise be required to be electric vehicle charger ready to comply with the baseline requirements under this subsection will be reduced by 20 percent.
2. For affordable housing units offered for sale or rent to households earning more than 100 percent of the area median income for Honolulu, up to 140 percent of the area median income for Honolulu, the total number of newly-added parking stalls that would otherwise be required to be electric vehicle charger ready to comply with the baseline requirements under this subsection will be reduced by 20 percent.
3. For affordable housing units offered for sale or rent to households earning 100 percent or below of the area median income for Honolulu, none of the total number of newly-added parking stalls that would otherwise be required to be electric vehicle charger ready to comply with the baseline requirements under this subsection will be required.

Table C406.8.1			
CHARGE METHODS ELECTRICAL RATING			
Charge Method	Normal Supply Voltage (Volts)	Maximum Current (Amps - Continuous)	Supply power
AC Level 2 (enclosed attached residential garages only)	208 to 240V AC, 1-phase	Minimum 16A	208/240VAC/20-100A (16A-80A continuous)
AC Level 2	208 to 240V AC, 1-phase	Minimum 32A	208/240VAC/40-100A (32A-80A continuous)

C406.8.2 Points-based electric vehicle readiness compliance path. Newly-constructed parking stalls for newly constructed residential multi-unit buildings that add eight or more newly-added parking stalls must be equipped to achieve no less than one point for every four parking stalls based on the EV charger capacity requirements and values listed in Table C406.8.2. Newly-constructed parking stalls for newly-constructed commercial buildings that add twelve or more newly-added parking stalls must be equipped to achieve no less than one point for every four parking stalls based on the capacity requirements and values listed in Table C406.8.2.

Retail establishments, as defined in ROH Chapter 21, may only qualify for compliance points under Table C406.8.2 in the following two categories: (1) Dedicated EV Ready Stalls, or (2) Common Area Stall with EV Charging Equipment Installed.

For purposes of compliance under this subsection, building developers may aggregate points across multiple projects and phases; provided that each individual project achieves no less than 10 percent compliance or adds a minimum of one electric vehicle charger ready parking space per project, whichever is greater. All aggregation plans under this subsection must be identified and verified by a certified design professional and the building official at the time of permitting.

Exceptions:

1. For retail establishments, as defined in ROH Chapter 21, the total number of points that would otherwise be required to comply with the points-based requirements under this subsection will be reduced by 20 percent.
2. For affordable housing units offered for sale or rent to households earning more than 100 percent of the area median income for Honolulu, up to 140 percent of the area median income for Honolulu, the total number of points that would otherwise be required to comply with the points-based requirements under this subsection will be reduced by 20 percent.
3. For affordable housing units offered for sale or rent to households earning 100 percent or below of the area median income for Honolulu, none of the total number of points that would otherwise be required to comply with the points-based requirements under this subsection will be required.

Table C406.8.2					
ELECTRIC VEHICLE READINESS POINTS-BASED COMPLIANCE VALUES					
			Compliance Points		
Electric Vehicle Charger Capacity Level	Charging Rate (kW) at 208 Vac	Time to charge 50 kW battery (hrs)	Dedicated EV Ready Stalls	Common Area EV Ready Stalls	Common Area Stall w/ EV Charging Equipment Installed
Level 2, Minimum 16A	3.4	15	1 (in enclosed attached garage)	N/A	N/A
Level 2, Minimum 32A	6.7	7.5	1	4	7
Level 2, 64A to 80A	13.3	3.8	1	7	14
DCFC 50 kW (480/277 Vac 3-phase)	50.0	1.0	1	25	50

(21) Amending Subsection C408.2.4.1. Subsection C408.2.4.1 is amended to read:

C408.2.4.1 Acceptance of reports. Buildings, or portions thereof, shall not be considered acceptable for a certificate of occupancy until the *code official* has received a letter of transmittal from the building owner acknowledging that the building owner or owner's authorized agent has received the Preliminary Commissioning Report.

(22) Amending Subsection C408.3.1. Subsection C408.3.1 is amended to read:

C408.3.1 Functional testing. Prior to issuance of a certificate of occupancy, the *licensed design professional* shall provide evidence that the lighting control systems have been tested to ensure that control hardware and software are calibrated, adjusted, programmed and in proper working condition in accordance with the *construction documents* and manufacturer's instruction. Functional testing must be in accordance with Sections C408.3.1.1 and C408.3.1.2 for the applicable control type.

(23) Amending Subsection C501.4. Subsection C501.4 is amended to read:

C501.4 Compliance. *Alterations, repairs, additions* and changes of occupancy to, or relocation of, existing buildings and structures must comply with the provisions and regulations for *alterations, repairs, additions* and changes of occupancy to, or relocation of, respectively, required by this code.

(24) Amending Subsection C503.3.1. Subsection C503.3.1 is amended to read:

C503.3.1 Roof replacement. *Roof replacements* must comply with Table C402.1.3 or C402.1.4 where the existing roof assembly is part of the *building thermal envelope* and contains insulation entirely above the roof deck.

Exception: The following alterations need not comply with the requirements for new construction; provided that the energy use of the building is not increased. When uninsulated roof sheathing is exposed during alteration, either the roof coating must have a minimum initial reflectance of 0.85 and a minimum aged reflectance of 0.75, or two of the following must be installed:

1. Table C402.3 (solar reflectance); Energy Star compliant roof covering;
2. Radiant barrier;
3. Attic ventilation via solar attic fans or ridge ventilation or gable ventilation;
4. Two or more of the exceptions listed in Table C402.3; or

(25) Amending Subsection R103.1. Subsection R103.1 is amended to read:

R103.1 General. Construction documents and other supporting data must be submitted to indicate compliance with this code. The construction documents shall be prepared, designed, approved and observed by a duly licensed design professional, as required by HRS Chapter 464. The responsible design professional must provide on the plans a signed statement certifying that the project is in compliance with this code.

Exception: Any building, electrical or plumbing work that is not required to be prepared, designed, approved or observed by a licensed professional architect or engineer, pursuant to HRS Chapter 464. Specifications and necessary computations need not be submitted when authorized by the *Code Official*.

(26) Amending Subsection R401.2. Subsection R401.2 is amended to read:

R401.2 Compliance. Projects must comply with one of the following:

1. Sections R401.3 through R404;
2. Section R405 and the provisions of Sections R401 through R404 labeled "mandatory;"

3. An energy rating index (ERI) approach in Section R406; or
4. The Tropical Zone requirements in Section R401.2.1.

(27) Amending Subsection R401.2.1. Subsection R401.2.1 is amended to read:

R401.2.1 Tropical zone. *Residential buildings* in the tropical zone at elevations below 2,400 feet (731.5 m) above sea level must comply with this chapter by satisfying the following conditions:

1. Not more than one-half of the area of the *dwelling unit* is air conditioned.
2. The *dwelling unit* is not heated.
3. Solar, wind, or another renewable energy source supplies not less than 90 percent of the energy for service water heating.
4. Glazing in conditioned space must have a maximum *solar heat gain coefficient* as specified in Table R402.2.1.
5. Skylights in dwelling units must have a maximum Thermal Transmittance (U-factor), as specified in Table R402.1.2.
6. Permanently installed lighting is in accordance with Section R404.
7. The roof/ceiling complies with one of the following options:
 - a. Comply with one of the roof surface options in Table C402.3 and install R-13 insulation or greater; or
 - b. Install R-19 insulation or greater.

If present, attics above the insulation are vented and attics below the insulation are unvented.

Exception: The roof/ceiling assembly are permitted to comply with Section R407.

8. Roof surfaces have a minimum slope of one fourth inch per foot of run. The finished roof does not have water accumulation areas.
9. Operable fenestration provides ventilation area equal to not less than 14 percent of the floor area in each room. Alternatively, equivalent ventilation is provided by a ventilation fan.
10. Bedrooms with exterior walls facing two different direction have operable fenestration or exterior walls facing two different directions.
11. Interior doors to bedrooms are capable of being secured in the open position.
12. Ceiling fans or whole house fans are provided for bedrooms and the largest space that is not used as bedroom.
13. Walls, floors and ceilings separating air conditioned spaces from non-air conditioned spaces shall be constructed to limit air leakage in accordance with the requirements in Table R402.4.1.1.

(28) Amending Table R402.1.2. Table R402.1.2 is amended to read:

Table R402.1.2
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{a,c,k}	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ⁱ	FLOOR R-VALUE	BASEMENT ^e WALL R-VALUE	SLAB ^d R-VALUE & DEPTH	CRAWL SPACE ^e WALL R-VALUE
1	NR	0.75	0.25	30	13	N or NR ^f	13	0	0	0
2	0.40	0.65	0.25	38	13	4/6	13	0	0	0
3	0.35	0.55	0.25	38	20 or 13+5 ^h	8/13	19	5/13 ^f	0	5/13
4 except Marine	0.35	0.55	0.40	49	20 or 13+5 ^h	8/13	19	10/13	10, 2 ft	10/13
5 and Marine 4	0.32	0.55	NR	49	20 or 13+5 ^h	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.32	0.55	NR	49	20+5 or 13+10 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19
7 and 8	0.32	0.55	NR	49	20+5 or 13+10 ^h	19/21	38 ^g	15/19	10, 4 ft	15/19

For SI: 1 foot = 304.8 mm.

- a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration. Exception: Skylights may be excluded from glazed fenestration SHGC requirements in climate zones 1 through 3 where the SHGC for such skylights does not exceed 0.30.
- c. "15/19" means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.
- d. R-5 shall be added to the required slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Climate Zones 1 through 3 for heated slabs.
- e. There are no SHGC requirements in the Marine Zone.
- f. Basement wall insulation is not required in warm-humid locations as defined by Figure R301.1 and Table R301.1.
- g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- h. The first value is cavity insulation, the second value is continuous insulation, so "13+5" means R-13 cavity insulation plus R-5 continuous insulation.
- i. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- j. Exception: R-value for mass walls are not required if mass walls meet one of the following requirements: (1) have a reflectance ≥ 0.64 ; (2) have overhangs with a projection factor ≥ 0.3 ; or (3) are ≥ 6 inches in thickness.
- k. Exception: Jalousie windows are excepted from SHGC requirements.

(29) Amending Table R402.2.1. Table R402.2.1 is amended to read:

Table R402.2.1.	
WINDOW SHGC REQUIREMENTS	
Projection Factor of overhang from base of average window sill	SHGC
< 0.30	0.25
0.30 - 0.50	0.40
≥ 0.50	N/A

- a. **Exception:** North-facing windows with pf > 0.20 are exempt from the SHGC requirement. Overhangs shall extend two feet on each side of window or to nearest wall, whichever is less.
- b. **Exception:** Jalousie windows are excepted from SHGC requirements.

(30) Amending Subsection R402.2.5. Subsection R402.2.5 is amended to read:

R.402.2.2.5 Mass walls. Mass walls for the purposes of this chapter will be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth), solid timber/logs, or any other wall having a heat capacity equal to or exceeding 6 Btu/ft² x °F (123 kJ/m² x K). The minimum thermal resistance (R-value) of mass walls must be as specified in Table R402.1.2.

Exception: Insulation or r-value for mass walls, indicated in Table R402.1.2, is not required when one or more of the following conditions is met:

1. Walls have a covering with a reflectance of ≥ 0.64;
2. Walls have overhangs with a projection factor equal to or greater than 0.3. The projection factor is the horizontal distance from the surface of the wall to the farthest most point of the overhang divided by the vertical distance from the first floor level to the bottom most point of the overhang; or
3. Concrete, concrete masonry units (CMU), and similar mass walls are 6 inches or greater in thickness.

(31) Amending Subsection R402.3.2. Subsection R402.3.2 is amended to read:

R402.3.2 Glazed fenestration SHGC. Fenestration must have a maximum *solar heat gain coefficient* as specified in Table R402.1.2. An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the SHGC requirements.

Exception: *Dynamic glazing* is not required to comply with this section when both the lower and higher labeled SHGC already comply with the requirements of Table R402.1.2.

Exception: Jalousie windows are excepted from SHGC requirements.

- (32) Adding Subsection R402.4.1.3. Subsection R402.1.3 is added to read:

R402.1.3 Sampling. For builders of multiple single homes and multi-family units of similar construction type and envelope systems (i.e. production home building), air infiltration/duct testing may be completed by following Chapter 6 (“Standard for Sampled Ratings”), of the current Residential Energy Service Network (RESNET) National Home Energy Rating System Standards.

- (33) Adding Subsection R403.5.5. Subsection R403.5.5 is added to read:

R403.5.5 Solar water heating. New single-family dwellings must comply with the solar water heater system standards established by HRS § 269-44, unless a variance is approved pursuant to HRS § 196-6.5.

- (34) Adding Subsection R403.6.2. Subsection R403.6.2 is added to read:

R403.6.2 Ceiling fans (Mandatory). A ceiling fan or whole house fan is provided for bedrooms and the largest space that is not used as bedroom; provided that the whole house mechanical ventilation system complies with the efficacy requirements of Table R403.6.1.

Exception: For production home building, ceiling fan junction boxes must be provided for bedrooms and the largest interior space that is not used as a bedroom, and ceiling fan equipment must be provided as a buyer’s option.

- (35) Adding Subsection R404.2. Subsection R404.2 is added to read:

R404.2 Solar conduit and electrical panel readiness. Construction documents must indicate a location for inverters, metering equipment, battery equipment, energy storage equipment, and other equipment necessary to interconnect a residence with on-site solar energy generation facilities with the electrical grid in compliance with applicable laws, statutes, and utility tariffs. Construction documents must indicate a pathway for routing of conduit from the solar panel location to the point of interconnection with electrical service. New single-family detached dwellings, two-family detached dwellings, and duplexes must install for each residence an electrical panel with reserved space to accommodate not less than a five Kilowatt (AC) photovoltaic system. New multi-family dwellings must install an electrical panel that includes space reserved to accommodate a photovoltaic system: (1) sized to serve common area electrical loads, or (2) sized to the roof space available. The reserved space must be clearly labeled as solar PV ready. All feeders and electrical distribution equipment, including switchgear, switchboards, and panelboards, that will be fed simultaneously by the electrical grid and other power sources must be sized to support the installation of future solar energy generation systems per the interconnection requirements of the Electrical Code. New residential buildings must also install conduit not less than one and one-half inches to provide a pathway from the electrical panel to the inverter location and from the inverter location to the underside of the roof sufficient to allow future installation of solar equipment. If conduits are to be installed between separate buildings or other structures, construction documents must provide sufficient details to show that compliance with the Electrical Code’s restrictions on the number of power supplies to each building or other structure has been examined.

- (36) Adding Subsection R404.3. Subsection R404.3 is added to read:

R404.3 Electric Vehicle Readiness. In addition to what is required by the Electrical Code, if a building permit application involves the installation of an electrical panel and parking area for either a multifamily dwelling of three stories or less or a detached dwelling or duplex, a dedicated receptacle for an electric vehicle must be provided with a minimum AC Level 2 charge in each enclosed attached garage, as defined in this code.

- (37) Amending Table R405.5.2(1). Table R405.5.2(1) is amended to read:

Table R405.5.2(1)		
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS		
BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Heating Systems	Fuel type: Same as proposed design	As proposed
	<u>Efficiencies</u>	
	Electric: Air-source heat pump with prevailing federal minimum standards	As proposed
	Nonelectric furnaces: Natural gas furnace with prevailing federal minimum standards	As proposed
	Nonelectric boilers: Natural gas boiler with prevailing federal minimum standards	As proposed
	Capacity: Sized in accordance with Section R403.7	As proposed
Cooling systems	Fuel type: Electric Efficiency: In accordance with prevailing federal minimum standards	As proposed
	Capacity: Sized in accordance with Section R403.7	As proposed
Service water heating	Fuel type: Same as proposed design	As proposed
	Efficiency: In accordance with prevailing federal minimum standards	As proposed
	Use: Same as proposed design	gal/day=30+(10x Nbr)

(38) Amending Table R407.1. Table R407.1 is amended to read:

Table R407.1 POINTS OPTION			
Walls		Standard Home Points	Tropical Home Points
Wood Framed			
	R-13 Cavity Wall Insulation	0	1
	R-19 Roof Insulation	-1	0
	R-19 Roof Insulation + Cool roof membrane ¹ or Radiant Barrier ³	0	1
	R-19 Roof Insulation + Attic Venting ²	0	1
	R-30 Roof Insulation	0	1

Table R407.1 POINTS OPTION			
Walls		Standard Home Points	Tropical Home Points
	R-13 Wall Insulation + high reflectance walls ⁴	1	2
	R-13 Wall insulation + 90% high efficacy lighting and Energy Star Appliances ⁵	1	2
	R-13 Wall insulation + exterior shading wpf=0.3 ^b	1	2
	Ductless Air Conditioner ⁷	1	1
	1.071 X Federal Minimum SEER for Air Conditioner	1	1
	1.142 X Federal Minimum SEER for Air Conditioner	2	2
	No air conditioning installed	Not applicable	2
	House floor area $\leq 1,000$ ft ²	1	1
	House floor area $\geq 2,500$ ft ²	-1	-1
	Energy Star Fans ⁸	1	1
	Install 1 kw or greater of solar electric	1	1
Metal Framed			
	R-13 + R-3 Wall Insulation	0	1
	R-13 Cavity Wall insulation + R-0	-1	0
	R-13 Wall Insulation + high reflectance walls ⁴	0	1
	R-13 Wall Insulation + 90% high efficacy lighting and Energy Star Appliances ⁵	1	2
	R-13 Wall Insulation + exterior shading wpf=0.3 ⁶	0	1
	R-30 Roof Insulation	0	1
	R-19 Roof Insulation	-1	0
	R-19 + Cool roof membrane ¹ or Radiant Barrier ³	0	1
	R-19 Roof Insulation + Attic Ventilation	0	1
	Ductless Air Conditioner ⁷	1	1
	1.071 X Federal Minimum SEER for Air Conditioner	1	1

Table R407.1 POINTS OPTION			
Walls		Standard Home Points	Tropical Home Points
	1.142 X Federal Minimum SEER for Air Conditioner	2	2
	No air conditioning installed	Not Applicable	2
	House floor area \leq 1,000 ft ²	1	1
	House floor area \geq 2,500 ft ²	-1	-1
	Energy Star Fans ⁷	1	1
	Install 1 kw or greater of solar electric	1	1
Mass Walls			
	R-3/4 Wall Insulation	0	1
	R-0 Wall Insulation	-1	0
	R-0 Wall Insulation + high reflectance walls ⁴	0	1
	R-0 Wall Insulation + 90% high efficacy lighting and Energy Star Appliances ⁵	1	2
	R-0 Wall Insulation + exterior shading WPF = 0.3 ⁶	0	1
	R-19 Roof Insulation	-1	0
	R-19 Roof Insulation + Cool roof membrane ¹ or Radiant Barrier ³	0	1
	R-19 Roof Insulation + Attic Venting	0	1
	R-30 Roof Insulation	0	1
	Ductless Air Conditioner ⁷	1	1
	1.071 X Federal Minimum SEER for Air Conditioner	1	1
	1.142 X Federal Minimum SEER for Air Conditioner	2	2
	No air conditioning installed	Not Applicable	2
	House floor area \leq 1,000 ft ²	1	1
	House floor area \geq 2,500 ft ²	-1	-1
	Energy Star Fans ⁷	1	1
	Install 1 kW or greater of solar electric	1	1

- 1 Cool roof with three-year aged solar reflectance of 0.55 and 3-year aged thermal emittance of 0.75 or 3-year aged solar reflectance index of 64.
- 2 One cfm/ft² attic venting.
- 3 Radiant barrier shall have an emissivity of no greater than 0.05 as tested in accordance with ASTM E-408. The radiant barrier shall be installed in accordance with the manufacturer's installation instructions.
- 4 Walls with covering with a reflectance of ≥ 0.64 .
- 5 Energy Star rated appliances include refrigerators, dishwashers, and clothes washers and must be installed for the Certificate of Occupancy.
- 6 The wall projection factor is equal to the horizontal distance from the surface of the wall to the farthest most point of the overhang divided by the vertical distance from the first floor level to the bottom most point of the overhang.
- 7 All air conditioning systems in the house must be ductless to qualify for this credit.
- 8 Install ceiling fans or whole-house fans in all bedrooms and the largest space that is not used as a bedroom.

(39) Amending Subsection R501.4. Subsection R501.4 is amended to read:

R501.4 Compliance. Alterations, repairs, additions, and changes of occupancy to, or relocation of, existing buildings and structures must comply with the provisions and regulations for alterations, repairs, additions, and changes of occupancy to, or relocation of, respectively required by this code.

(40) Amending Subsection R503.1.1. Subsection R503.1.1 is amended by adding the following exception and footnote to the exception to read:

7. When uninsulated roof sheathing is exposed during alteration, at least two of the following must be installed:
 - a. Energy Star compliant roof covering;
 - b. Radiant barrier;
 - c. Attic ventilation via solar attic fans or ridge ventilation or gable ventilation; or
 - d. A minimum of two exceptions listed in C402.3.

Footnote to exception: Shake roofs on battens must be replaced with materials that result in equal or improved energy efficiency.

(1990 Code, Ch. 32, Art. 4) (Added by Ord. 09-30; Am. Ord. 20-10)

CHAPTER 17: ELECTRICAL CODE

Articles

1. Electrical Code

Honolulu - Building and Construction Codes

ARTICLE 1: ELECTRICAL CODE

Sections

17-1.1 Adoption of the State Electrical Code

§ 17-1.1 Adoption of the State Electrical Code.

The State Electrical Code, as adopted by the State of Hawaii on August 21, 2018, which adopts, with modifications, the National Electrical Code (NEC), NFPA 70, 2017 edition, as published and copyrighted by the National Fire Protection Association, is adopted by reference and made a part hereof, subject to the following amendments which, unless stated otherwise, are in the form of amendments to the NEC 2017 edition:

(1) Amending Section 90.2(B). Section 90.2(B) is amended by adding Subsection 90.2(B)(6) to read:

- (6) *Scope.* The provisions of this code shall apply to all electrical work and installations in the City and County of Honolulu except the following:
- a. Electrical work on buildings or premises owned by or under the direct control of the United States or the State of Hawaii.
 - b. Electrical work by a public telephone or telegraph communication system subject to regulation by the public utilities commission of the State of Hawaii.
 - c. The physical placement and reassembly of an electric sign, X-ray equipment or household appliance.
 - d. Existing electrical installations, which complied with the laws, ordinances, and regulations in effect when the electrical work thereon was performed, provided that such installations shall be subject to the provisions of Section 90.4.1(d).
 - e. Electrical work in accordance with the laws, ordinances, and regulations in effect prior to the effective date of this code under a permit therefor issued prior to such date.
 - f. Electrical work related to work regulated by HRS Chapter 397, as amended, relating to the Elevator Code, but not including electrical work for the supply of power to the control panels of elevators, dumbwaiters, escalators, moving walks and man lifts.
 - g. Replacement or repair of devices and apparatus of air conditioning and refrigeration systems, except electrical work on overcurrent devices which are not physically attached to, or physically mounted on, such systems.
 - h. Electrical work on any streetlight or traffic signal light owned by or under the direct control of the City and County of Honolulu.
 - i. Work performed by an electric utility on electrical installations and equipment owned by or under the direct control of the electric utility, and located on real property provided by the electric utility's customers pursuant to rules established by the public utilities commission of the State of Hawaii.

- (2) Amending 90.2. Section 90.2 is amended by adding Section 90.2(D) to read:

(D) Interpretation-Same Subject Matter and Compliance. If there are two or more provisions in this code or any other ordinances or statutes, covering the same subject matter, the provisions which provide the greater safety to life or limb, property or public welfare shall prevail as determined by the Authority Having Jurisdiction (AHJ).

Compliance Required. No person shall do or cause to be done any electrical work which does not comply with the provisions of this code.

Compliance with state statutes. No person shall perform any work covered by this code in violation of the provisions of HRS Chapter 448E.

- (3) Amending Article 90. Article 90 is amended by adding Section 90.10 to read:

90.10 General Provisions and Procedures.

- (a) *Authority.* The AHJ shall administer and enforce the provisions of this code.
- (b) *Right of Entry.* Upon presentation of proper credentials, the AHJ may enter, at reasonable times, any building, structure, or premises in the City and County of Honolulu to perform any duty imposed upon the AHJ by this code.
- (c) *Administrative Warrant.* If the AHJ is unable to obtain the consent of a property owner or person in possession of real property to carry out any duty required of this code, or if such consent is denied, the AHJ may obtain an administrative warrant issued by any circuit or district court judge within the jurisdiction upon presenting the judge with an affidavit, confirmed by proper oath or affirmation, showing probable cause to believe that a violation of this code exists on the property. As an alternative, the AHJ may obtain an order issued by a court of competent jurisdiction that authorizes the AHJ to enter private property to abate a public nuisance by seizing, removing, repairing, altering, demolishing, or otherwise destroying private property pursuant to this code.
- (d) *Defective Electrical Installations.*
 - (1) Whenever any electrical installation is found to have been installed, altered, changed, or reconstructed contrary to the provisions of this code or any other law; whenever any electrical installation is found to be in use contrary to the provisions of this code or any other law; or whenever any electrical installation, which complied with the existing laws, ordinances, and regulations in effect when the electrical work thereon was performed, is found to be unsafe or dangerous to persons or property, the AHJ may give the owner or the person in control of such installation a written notice stating the findings with respect to such installation or use and order the owner or such other person to make the corrections to be set forth in such written notice within ten days from the date of service of such notice or within such further time as the AHJ may allow.
 - (2) In addition, the AHJ may disconnect such installation from its source of electrical energy and order the supplying of electrical energy to such installation to be stopped. Thereafter, no person shall use or supply electrical energy to such installation before the corrections set forth in the notice have been made.
- (e) *Final Inspection Required.*
 - (1) No person shall use or supply electrical energy to any electrical installation on which electrical work was or is being performed under a permit, before the AHJ has completed all inspections, provided, that the AHJ may authorize the use of, and the supply of electrical energy to, such installation before completion of such inspections when the use of, and the supply of electrical energy to, such installation will not endanger life or property and there is good cause for making such exception.

- (2) No notice of completion shall be issued unless such installation has been inspected and approved in accordance with the following:
 - (A) The AHJ inspected and approved the roughing-in of the installation and the completed installation in the company of the duly licensed electrician performing the electrical work thereon;
 - (B) The AHJ inspected and approved the completed installation after all piping and tubing, including gas, steam, water, sewer, and furnace piping and tubing, located near such installation were in place, and in the case of an installation that is to be concealed, after all lathing strips, furring, bridging, backing, and headers were in place; and
 - (C) The AHJ inspection of the completed installation was not impaired by obstructions or concealments.
- (f) *Request for Inspection.* Whenever any electric wiring, or portion thereof, is ready for inspection, the permittee shall notify the AHJ not less than 48 working hours before such inspection is desired, excluding Saturdays, Sundays, and holidays.
- (g) *No Concealment from Inspection.* No person shall conceal, enclose, or cover, or cause or permit to be concealed, enclosed, or covered, any portion of any electrical wiring in any manner which will interfere with or prevent the inspection thereof, except when the AHJ having received a request for inspection fails to appear for the inspection without notification.
- (h) Nothing in this code precludes the AHJ from initiating an investigation into potential violations of this code that are not reported.

- (4) Amending Article 90. Article 90 is amended by adding Section 90.11 to read:

90.11 Non-liability for damages. The building official or any other officer or employee of the City and County of Honolulu charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of or by reason of any act or omission in the discharge of such duties. A suit brought against the building official or such officer or employee because of such act or omission of the building official or such officer or employee in the enforcement of any provision of this code, or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the building official or such officer or employee, shall be defended by the City and County of Honolulu until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the City and County of Honolulu.

This code shall not be construed to relieve any person owning or operating any electrical installation or any person performing electrical work from liability for damages to anyone injured by any defect in such installation or such performance; however, the City and County of Honolulu, the building official, and any other agent, officer, or employee of the City and County of Honolulu shall not be held liable for such damages by reason of the issuance of any permit, performance of any inspection, or issuance of a certificate certifying that an electrical installation has been inspected and approved.

- (5) Amending Article 90. Article 90 is amended by adding Section 90.12 to read:

90.12 Appeals. The discretionary decisions of the AHJ in the administration of this code and enforcement orders issued by the AHJ in the enforcement of this code may be appealed to the City and County of Honolulu building board of appeals, pursuant to ROH Chapter 16.

- (6) Amending Article 90. Article 90 is amended by adding a new Section 90.13 to read:

90.13 Electrically charged fences or structures. No electrically charged fences or structures shall be installed, maintained, or used, except for insecticidal or agricultural purposes for which the AHJ may grant approval thereto in writing upon finding that measures adequate to protect the safety of the public have been taken by the person installing, maintaining, or using such fence or structure.

- (7) Amending Article 90. Article 90 is amended by adding Section 90.14 to read:

90.14 Meter installation.

- (a) Electric watt-hour meters shall not be installed to serve illegal dwelling units. No more than one electric watt-hour meter shall be installed to serve a legal dwelling unit, except as provided herein.
- (b) One additional electric watt-hour meter may be installed to serve a legal dwelling unit, provided that:
 - (1) The meter measures electricity used solely for the purpose of charging an electric vehicle; and
 - (2) A permit is issued for the installation of the meter by the director of planning and permitting pursuant to ROH Chapter 18.
- (c) In addition to any other information required to be provided under ROH Chapter 18, the applicant for the additional electric watt-hour meter permitted under subsection (b) shall provide the director of planning and permitting with the following information along with the permit application:
 - (1) For each electric vehicle to be charged by electricity measured by the meter, a current certificate of motor vehicle registration issued to the applicant or an occupant of the applicant's dwelling unit to verify that the applicant or occupant is the registered owner of the electric vehicle; and
 - (2) A copy of a sales contract or a lease agreement for the electric vehicle.
- (d) Within 15 days after either:
 - (1) An electric vehicle ceases to be under the registered ownership of the permittee or a resident of the permittee's dwelling unit; or
 - (2) The permittee no longer resides at the dwelling unit;

the permittee shall notify the director of planning and permitting and the utility company responsible for the installation of the electric meter of the occurrence of the event described in subdivision (1) or (2).
- (e) Any person who violates the provisions of this section shall be subject to the penalties established in this code.

- (8) Amending Article 90. Article 90 is amended by adding Section 90.15 to read:

90.15 Meter to measure created energy.

- (a) One additional electric watt-hour meter or net metering informational meter may be installed in a legal dwelling unit, provided that:

- (1) The meter is used solely for the purpose of measuring energy produced by a solar photovoltaic or other alternative energy system;
 - (2) The solar photovoltaic or other alternative energy system has been preapproved by the AHJ; and
 - (3) A permit is issued for the installation of the meter by the director of planning and permitting pursuant to ROH Chapter 18.
- (b) The applicant for an additional electric watt-hour or net-energy metering informational meter shall provide the director of planning and permitting and the applicable public utility company with a copy of the net-energy metering agreement within 60 days after completion of the permit.
- (c) Within 15 days after the permittee no longer resides at the dwelling unit where the meter is installed, the permittee shall notify the director of planning and permitting and remove or cause the removal of the meter from the dwelling.
- (d) Any person who violates the provisions of this section shall be subject to the penalties provided in Section 90.16.
- (e) For the purposes of this section “alternative energy system” includes any system that produces energy from a source other than fossil fuels, or uses a process which does not use fossil fuels. The source or process may include the sun, wind, or hydroelectric power.
- (9) Amending Article 90. Article 90 is amended by adding a new Section 90.16 to read:

90.16 Violation—Penalties—Notice—Enforcement.

- (a) *General.* It is unlawful for any person, firm, or corporation to perform any electrical work, or cause the same to be done, contrary to or in violation of any of the provisions of this code.
- (b) *Notice of Violation.* Whenever any person, firm, or corporation violates any provision of this chapter, the AHJ may serve a notice of violation to the party responsible for the violation to make the building or structure or portion thereof comply with the requirements of this chapter. A notice of violation must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the AHJ in the exercise of reasonable diligence and the AHJ makes an affidavit to that effect, then a notice of violation may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the City and County of Honolulu pursuant to HRS § 1-28.5.

The notice of violation shall include at least the following information:

- (1) Date of the notice;
 - (2) The name and address of the person noticed and the location of the violation;
 - (3) The section number of the ordinance, code or rule which has been violated;
 - (4) The nature of the violation; and
 - (5) The deadline for compliance with the notice.
- (c) *Criminal Prosecution.*
- (1) Any person, firm, or corporation violating any of the provisions of this code is deemed guilty of a misdemeanor, and each such person is deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this code is committed, continued, or permitted, and upon conviction

of any such violation such person is subject to punishment by a fine of not more than \$1,000.00, or by imprisonment for not more than one year, or by both such fine and imprisonment.

- (2) Any officer or inspector designated by the AHJ who has been deputized by the chief of police as a special officer for the purpose of enforcing the provisions of the building, plumbing, electrical, or housing codes (hereinafter referred to as “authorized personnel”), may arrest without warrant alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by warrant or such other judicial process as is permitted by statute or rule of court.
 - (3) Any authorized personnel designated by the AHJ, upon making an arrest for a violation of the building, plumbing, electrical, or housing codes, may take the name and address of the alleged violator and shall issue to such person in writing a summons or citation hereinafter described, notifying such person to answer the complaint to be entered against such person at a place and at a time provided in the summons or citation.
 - (4) There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of the building, plumbing, electrical, or housing codes which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.
 - (5) In every case when a citation is issued, the original of the same shall be given to the violator; provided, that the administrative judge of the district court may prescribe giving to the violator a copy of the citation and provide for the disposition of the original and any other copies.
 - (6) Every citation shall be consecutively numbered and each copy shall bear the number of its respective original.
- (d) *Administrative Enforcement.* In lieu of or in addition to enforcement pursuant to subsection (c), if the AHJ determines that any person, firm, or corporation is not complying with a notice of violation issued pursuant to subsection (b), the AHJ may have the party responsible for the violation served, by mail or delivery, with an order pursuant to this subsection. A notice of order must be served upon responsible parties either personally or by certified mail. However, if the whereabouts of such parties are unknown and the same cannot be ascertained by the AHJ in the exercise of reasonable diligence and the AHJ makes an affidavit to that effect, then a notice of order may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the City and County of Honolulu pursuant to HRS § 1-28.5.
- (1) *Contents of the Order.*
 - (A) The order may require the party responsible for the violation to do any or all of the following:
 - (i) Correct the violation within the time specified in the order;
 - (ii) Pay a civil fine not to exceed \$10,000 in the manner, at the place and before the date specified in the order; or
 - (iii) Pay a civil fine not to exceed \$2,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.
 - (B) The order shall advise the party responsible for the violation that the order shall become final 30 calendar days after the date of its delivery. The order shall also advise that the AHJ’s action may be appealed to the building board of appeals.

- (2) *Effect of Order–Right to Appeal.* The provisions of the order issued by the AHJ under this section shall become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals as provided in ROH Chapter 16. The appeal must be received in writing on or before the date the order becomes final. However, an appeal to the building board of appeals shall not stay any provision of the order.
- (3) *Judicial Enforcement of Order.* The AHJ may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by the order, the AHJ need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been paid.

(10) Amending Article 90. Article 90 is amended by adding Section 90.17 to read:

90.17 Permits and Inspection Fees

90.17.1 Permit required.

A building permit is required to perform work covered by this code as provided under ROH Chapter 18.

90.17.2 Charge for extra inspection.

- (a) *Extra Inspections.* If, after notice to a permit holder, more than one inspection is necessary to ensure that deficient or defective electrical work under the permit has been corrected, the holder of the permit shall pay the City and County of Honolulu \$200.00 for each additional inspection.
- (b) *Miscellaneous Inspections.* For the inspection of any electrical installation not covered by a fee specified in this code, the person requesting the inspection shall pay the City and County of Honolulu \$50.00 for each hour or portion thereof that is required to make the inspection and travel to and from the installation.
- (c) *Inspections Outside of Normal Business Hours.* For a requested inspection of an electrical installation under a permit outside of normal business hours, the holder of the permit shall be charged at an hourly rate of \$75.00 for a minimum of three hours. Eligibility for such inspection shall be as determined by the AHJ based upon the nature of the inspection requested and the availability of personnel to perform the inspection.

(11) Amending Article 90. Article 90 is amended by adding Section 90.18 to read:

90.18 Electrical Work within Flood Hazard Areas and Development Adjacent to Drainage Facilities

(a) *General.*

- (1) The provisions contained in this section are applicable to the construction of all new electrical systems, and all renovations to and major alterations, additions, or reconstruction of existing electrical systems within the flood area district as delineated on the flood boundary and floodway maps and flood insurance rate maps, and any amendments by the Federal Emergency Management Agency, on file with the department.
- (2) These provisions shall also apply to developments adjacent to drainage facilities outside the flood hazard area which are determined to be within a floodway area or a flood fringe area in accordance with the Flood Hazard Areas, ROH Chapter 21A.
- (b) *Existing Electrical Systems.* Any electrical system thereof which was lawful before the effective date of this article but which is not in conformity with the provisions of this article may be continued subject to the provisions of the Flood Hazard Areas, ROH Chapter 21A.

- (c) *Exemption.* The provisions contained herein shall not apply:
 - (1) To electrical systems serving buildings and structures exempted from the flood hazard area provisions of the Flood Hazard Areas, ROH Chapter 21A; and
 - (2) To electrical systems serving buildings and structures which have been granted a flood hazard variance under the provisions of the Flood Hazard Areas, ROH Chapter 21A.
- (d) For the purpose of this article, the following terms shall be as defined in the Flood Hazard Areas, ROH Chapter 21A:
 - “Base flood elevation;”
 - “Flood fringe;”
 - “Flood Hazard Area;”
 - “Flood proof;” and
 - “Floodway.”
- (e) For electrical work on projects subject to the provisions of this article, the provisions of this section shall supplement the requirements of Section 90.2(D).
 - (1) *Main Power Service.* The incoming main commercial power service equipment, including all metering equipment, shall be located above the base flood elevation or in a waterproof enclosure or barrier with GFP on the main disconnecting means.
 - (2) *Stationary and Portable Equipment.* Switchgear, control centers, transformers, distribution and power or lighting panels shall be located above the base flood elevation or in a waterproof enclosure or barrier, with the ground fault protector (GFP) on the main disconnecting means. Stationary and portable electrical equipment shall be permitted to be located below the base flood elevation provided that the circuit and equipment shall be protected with the ground-fault circuit interrupter (GFCI), except a sump pump and its circuit may be without GFCI. In cases where GFCI cannot be installed because of amperage size or usage, GFP shall be installed.
 - (3) *Normal and Emergency Lighting Circuits.* All normal lighting circuits extending into areas below the base flood elevation shall be energized from a common distribution panel located above the base flood elevation or in a waterproof enclosure or barrier with GFP. All emergency lighting circuits into areas below the base flood elevation shall be energized from an independent distribution panel also located above the base flood elevation or in a waterproof enclosure or barrier with GFP.
 - (4) *Emergency Lighting Requirements.* All components of emergency lighting systems installed below the base flood elevation shall be so located that no component of the emergency lighting system is within reach of personnel working at floor level in the areas where emergency lighting systems are utilized unless the emergency lighting circuits are provided with GFCI. The emergency lighting may be furnished by a storage battery, prime mover generator system, a separate commercial power supply system, the same commercial power system, or a combination thereof, subject to the following provisions:
 - (i) *Storage Battery (including battery operated lighting units).* Battery operated lighting units shall be completely self-contained and shall indicate the state of charge of the battery at all times. Lighting units shall automatically provide light when the normal source of lighting in the areas is de-energized.
 - (ii) *Separate Commercial Power Supply System.* This source of energy shall have a degree of reliability satisfactory to the AHJ. A system fed from a transformer other than that used for the regular supply and not on the same poles (except service pole) as the regular supply is deemed to have the required degree of reliability. A secondary circuit fed from the same primary circuit as the regular supply shall be regarded as a separate system.

(iii) *Separate Commercial Power Supply System.* The system shall be an underground secondary system and a separate service shall be connected on the line side of that service switch or breaker of the regular service.

(5) *Receptacle circuits below base flood elevation.* Receptacle circuits shall be permitted to be installed below the base flood elevation, provided that these circuits shall be protected with GFCI.

(12) Amending Article 100. Article 100 is amended by amending the definition of “Authority having jurisdiction” and adding definitions of “Department,” “Duly licensed electrician,” “Electrical wiring,” “Electrical work,” “Emergency electrical work,” “Ground fault protector (GFP),” and “Maintenance work” to read:

“Authority Having Jurisdiction” or **“AHJ”** means the director of planning and permitting of the City and County of Honolulu or the director’s authorized representative.

“Department” means the department of planning and permitting of the City and County of Honolulu.

“Duly licensed electrician” means any person licensed as an electrician under the provisions of HRS Chapter 448E.

“Electrical wiring” means any conductor, material, device, fitting, apparatus, appliance, fixture or equipment, constituting a part of or connected to any electrical installation, attached or fastened to any building, structure, or premises and which installation or portion thereof is designed, intended, or used to generate, transmit, transform, or utilize electrical energy within the scope and purpose of the SEC of this chapter.

“Electrical work” means the installation, alteration, reconstruction, or repair of electrical wiring.

“Emergency electrical work” means repair of electrical wiring to restore electrical service to a building following a fire, remedy a power failure, and protect persons and property against short circuiting and open circuits.

“Ground fault protector (GFP)” means a device or equipment which disconnects all ungrounded conductors of the faulted circuit to protect wiring and equipment from damage.

“Maintenance work” means the keeping in repair and operation of any electrical installation, apparatus, fixtures, appliance, or equipment.

(13) Amending Section 101.1. Section 101.1 is amended to read:

This chapter shall be known as the “Electrical Code of the City and County of Honolulu” and is referred to in this chapter as “this code.”

(14) Amending Section 220.12. Exception No. 2 of Section 220.12 is amended to read:

Exception No. 2: Where a building is designed and constructed to comply with an energy code adopted by the local authority and specifying an overall lighting density of less than 13.5 volt-amperes/m² (1.2 volt-amperes/ft²), the unit lighting loads in Table 220.12 for office and bank areas within the building shall be permitted to be reduced by 11 volt-amperes/m² (1 volt-amperes/ft²).

(15) Amending Section 336.10(9). Section 336.10(9) is amended to read:

(9) In one- and two-family dwelling units, Type TC-ER cable containing both power and control conductors that is identified for pulling through structural members shall be permitted. Type TC-ER cable used as interior wiring shall

be installed per the requirements of Part II of Article 334 and, where installed as exterior wiring, shall be installed per the requirements of Part II of Article 340.

Exception: Where used to connect a generator and associated equipment having terminals rated 75°C (140°F) or higher, the cable shall not be limited in ampacity by 334.80 or 340.80.

- (16) Amending Section 406.4(D)(4). Exception No. 2 of Section 406.4(D)(4) is amended to read:

Exception No. 2: Section 210.12(D), Exception shall not apply to replacement of receptacles.

- (17) Amending Section 505.9(E)(2). Section 505.9(E)(2) is amended by amending the second paragraph to read:

Metric threaded fittings installed into explosion-proof or flameproof equipment entries shall have a class of fit of at least 6g/6H and be made up with at least five threads fully engaged

- (18) Amending Section 590.4(G). Section 590.4(G) is amended to read:

590.4(G) Splices. A box, conduit body, or other enclosure, with a cover installed, shall be required for all splices.

Exception: On construction sites, a box, conduit body, or other enclosure shall not be required for either of the following conditions:

- (1) The circuit conductors being spliced are all comprised entirely of nonmetallic multi-conductor cord or cable assemblies and the equipment grounding continuity is maintained with or without the box.
- (2) The circuit conductors being spliced are all comprised entirely of metal sheathed cable assemblies terminated in listed fittings that mechanically secure the cable sheath to maintain effective electrical continuity.

- (19) Amending Section 625.17(B). Section 625.17(B) is amended to read:

(B) Output Cable to the Electric Vehicle. The output cable to the electric vehicle shall be one of the following:

- (1) Listed Type EV, EVJ, EVE, EVJE, EVT, or EVJT flexible cable as specified in Table 400.4.
- (2) An integral part of listed electric vehicle supply equipment

Informational Note: For information and listing requirements for electric vehicle supply equipment, see UL Standards 2594-2016, *Standard for Electric Vehicle Supply Equipment*, and UL 2202-2009, *Standard for Electric Vehicle (EV) Charging System Equipment*.

- (20) Amending Section 625.44(A). Section 625.44(A) is amended to read:

625.44(A) Portable Equipment. Portable equipment shall be connected to the premises wiring systems by one or more of the following methods:

- (1) A nonlocking, 2-pole, 3-wire grounding-type receptacle outlet rated at 125 volts, single phase, 15 or 20 amperes
- (2) A nonlocking, 2-pole, 3-wire grounding-type receptacle outlet rated at 250 volts, single phase, 15 or 20 amperes
- (3) A nonlocking, 2-pole, 3-wire or 3-pole, 4-wire grounding-type receptacle outlet rated at 250 volts, single phase, 30 or 50 amperes

- (4) A nonlocking, 2-pole, 3-wire grounding-type receptacle outlet rated at 60 volts dc maximum, 15 or 20 amperes

The length of the power supply cord, if provided, between the receptacle outlet and the equipment shall be in accordance with 625.17(A)(3).

- (21) Amending Section 625. Section 625 is amended by adding Section 625.54 to read:

625.54 Ground-Fault Circuit-Interrupter Protection for Personnel. All single-phase receptacles installed for the connection of electric vehicle charging that are rated 150 volts to ground or less, and 50 amperes or less shall have ground-fault circuit-interrupter protection for personnel.

- (22) Amending Section 625. Section 625 is amended by adding Section 625.56 to read:

625.56 Receptacle Enclosures. All receptacles installed in a wet location for electric vehicle charging shall have an enclosure that is weatherproof with the attachment plug cap inserted or removed.

- (23) Amending Section 682.2. Section 682.2 is amended by adding a definition of “Pier” to read:

Pier. A structure extending over the water and supported on a fixed foundation, or on flotation, that provides access to the water.

- (24) Amending Section 682.15. Section 682.15 is amended to read:

682.15 Ground-Fault Circuit-Interrupter (GFCI) Protection. Ground-fault protection shall be provided in accordance with (A) and (B).

(A) Receptacles. Fifteen- and 20-ampere single-phase, 125-volt through 250-volt receptacles installed outdoors and in or on floating buildings or structures within the electrical datum plane area shall be provided with GFCI protection for personnel. The GFCI protection device shall be located not less than 300 mm (12 in.) above the established electrical datum plane.

(B) Feeder and Branch Circuit Conductors. Feeder and branch circuit conductors that are installed on piers shall be provided with ground-fault protection set to open at currents exceeding 30 mA. Coordination with downstream groundfault protection shall be permitted at the feeder overcurrent protective device.

Exception: Transformer secondary conductors of a separately derived system that do not exceed 3 m (10 ft) and are installed in a raceway shall be permitted to be installed without ground-fault protection. This exception shall also apply to the supply terminals of the equipment supplied by the transformer secondary conductors.

- (25) Amending Section 690.56(C). Section 690.56(C) is amended to read:

690.56(C) Buildings with Rapid Shutdown. Buildings with PV systems shall have permanent labels as described in 690.56(C)(1) through (C)(3).

- (26) Amending Section 695.14(F). Section 695.14(F) of the SEC is amended to read:

695.14(F) Generator Control Wiring Methods. Control conductors installed between the fire pump power transfer switch and the standby generator supplying the fire pump during normal power loss shall be kept entirely independent of all other wiring. The integrity of the generator remote start circuit shall be monitored for broken, disconnected, or shorted wires. Loss of integrity shall start the generator(s).

(27) Amending Section 700.10(D). Section 700.10(D) is amended to read:

(D) Fire Protection. Emergency systems shall meet the additional requirements in (D)(1) through (D)(3) in the following occupancies:

- (1) Assembly occupancies for not less than 1000 persons
- (2) Buildings above 23 m (75 ft) in height
- (3) Educational occupancies with more than 300 occupants

(1) Feeder-Circuit Wiring. Feeder-circuit wiring shall meet one of the following conditions:

- (1) The cable or raceway is installed in spaces or areas that are fully protected by an approved automatic fire suppression system.
- (2) The cable or raceway is protected by a listed electrical circuit protective system with a minimum 2-hour fire rating.

Informational Note No. 1: Electrical circuit protective systems could include but not be limited to thermal barriers or a protective shaft and are tested to UL 1724, *Fire Tests for Electrical Circuit Protection Systems*.

Informational Note No. 2: The listing organization provides information for electrical circuit protective systems on proper installation requirements to maintain the fire rating.

- (3) The cable or raceway is a listed fire-resistive cable system with a minimum 2-hour fire rating.

Informational Note No. 1: Fire-resistive cables are tested to ANSI/UL 2196, *Tests for Fire Resistive Cables*.

Informational Note No. 2: The listing organization provides information for fire-resistive cable systems on proper installation requirements to maintain the fire rating.

- (4) The cable or raceway is protected by a listed fire-rated assembly that has a minimum fire rating of 2 hours and contains only emergency circuits.
- (5) The cable or raceway is encased in a minimum of 50 mm (2 in.) of concrete.

(28) Amending Section 700.10(D)(3). Section 700.10(D)(3) is amended to read:

700.10(D)(3) Generator Control Wiring. Control conductors installed between the transfer equipment and the emergency generator shall be kept entirely independent of all other wiring and shall meet the conditions of 700.10(D)(1). The integrity of the generator remote start circuit shall be monitored for broken, disconnected, or shorted wires. Loss of integrity shall start the generator(s).

(29) Amending Section 725.2. Section 725.2 is amended by adding a definition of “Nominal current” to read:

Nominal Current. The designated current per conductor as specified by equipment design.

Informational Note: One example of nominal current is 4-pair Power over Ethernet (PoE) applications based on IEEE 802.3-2015, IEEE Standard for Ethernet, that supplies current over 2 or 4 twisted pairs. The nominal current for 60-watt PoE power-sourcing equipment is 0.3 amperes per conductor, where the current in one conductor can be 0.36 amperes and another conductor can be 0.24 amperes.

- (30) Amending Section 725.121(C). Section 725.121(C) is amended to read:

725.121(C) Marking. The power sources for limited power circuits in 725.121(A)(3) and limited power circuits for listed audio/video, information, and communications technology (equipment), and listed industrial equipment in 725.121(A)(4) shall have a label indicating the maximum voltage and maximum current or maximum voltage and nominal current output for each connection point. Where multiple connection points have the same rating, a single label shall be permitted to be used. The effective date shall be January 1, 2018.

Exception: Marking shall not be required for power sources providing 0.3 amperes nominal current or less per conductor.

- (31) Amending Section 725.144(A). Section 725.144(A) is amended to read:

725.144(A) Use of Class 2 or Class 3 Cables to Transmit Power and Data. Where Types CL3P, CL2P, CL3R, CL2R, CL3, or CL2 transmit power and data, the ampacity ratings in Table 725.144 shall apply to the nominal current at an ambient temperature of 30°C (86°F). For ambient temperatures above 30°C (86°F), the correction factors of 310.15(B)(2) shall apply.

Exception: Compliance with Table 725.144 shall not be required for installations where the nominal current does not exceed 0.3 amperes in any conductor.

- (32) Amending Section 725.144(B). The first paragraph of Section 725.144(B) is amended to read:

725.144(B) Use of Class 2-LP or Class 3-LP Cables to Transmit Power and Data. Types CL3PLP, CL2P-LP, CL3R-LP, CL2R-LP, CL3-LP, or CL2-LP shall be permitted to supply power to equipment at a current level up to the marked ampere limit located immediately following the suffix LP and shall be permitted to transmit data to the equipment. For ambient temperatures above 30°C (86°F), the correction factors of 310.15(B)(2) shall apply. The Class 2-LP and Class 3-LP cables shall comply with the following, as applicable:

- (33) Amending Section 770.110(A)(2). Section 770.110(A)(2) is amended to read:

770.110(A)(2) Communications Raceways. Optical fiber cables shall be permitted to be installed in plenum communications raceways, riser communications raceways, and general-purpose communications raceways selected in accordance with Table 800.154(b), listed in accordance with 800.182, and installed in accordance with 800.113 and, 362.24 through 362.56, where the requirements applicable to electrical nonmetallic tubing (ENT) apply.

- (34) Amending Section 840.2. Section 840.2 is amended by adding a definition of “Nominal current” to read:

Nominal Current. The designated current per conductor as specified by equipment design.

Informational Note: One example of nominal current is 4-pair Power over Ethernet (PoE) applications based on IEEE 802.3-2015, *IEEE Standard for Ethernet*, that supplies current over 2 or 4 twisted pairs. The nominal current for 60-watt PoE power-sourcing equipment is 0.3 amperes per conductor, where the current in one conductor can be 0.36 amperes and another conductor can be 0.24 amperes.

- (35) Amending Section 840.160. Section 840.160 is amended to read:

840.160 Powering Circuits. Communications cables, in addition to carrying the communications circuit, shall also be permitted to carry circuits for powering communications equipment. Installations of listed communications cables shall comply with 725.144 where listed communications cables are used in place of Class 2 and Class 3 cables.

Exception: Compliance with 725.144 shall not be required for installations of listed 4-pair communications cables where the nominal current does not exceed 0.3 amperes in any conductor.

(Added by Ord. 19-20)

CHAPTER 18: FEES AND PERMITS FOR BUILDING, ELECTRICAL, PLUMBING, AND SIDEWALK CODES

Articles

1. Purpose
2. General Provisions
3. Permits
4. Permit Application
5. Permit Issuance
6. Fees
7. Violation and Penalty

Honolulu - Building and Construction Codes

ARTICLE 1: PURPOSE

Section

18-1.1 Purpose and intent

§ 18-1.1 Purpose and intent.

- (a) The purpose of this chapter is to consolidate the building, electrical, and plumbing permits, including permits for the construction of sidewalks, curbs, and driveways, into a single permit and to assess fees based on the value of the work to be performed.
- (b) The foregoing consolidation is intended to expedite the issuance of a permit and for better administration of the building, electrical, and plumbing codes by the department of planing and permitting, including the administration of the sidewalks, curbs, and driveways codes by the departments of facility maintenance and planning and permitting.

(Sec. 18-1.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 1, § 18-1.1) (Am. Ord. 93-59)

Honolulu - Building and Construction Codes

ARTICLE 2: GENERAL PROVISIONS

Section

18-2.1 Definitions

§ 18-2.1 Definitions.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Building Official. The director of planning and permitting of the city or the director's authorized deputy.

Building Permit* and *Permit. A consolidated permit governing work performed under the building, electrical, plumbing, and sidewalk codes.

This Code. The building (Chapter 16, as amended), electrical (Chapter 17), plumbing (Chapter 19), and sidewalk (Chapter 14, Article 13) codes.
(Sec. 18-2.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 2, § 18-2.1) (Am. Ords. 93-59, 18-41)

Honolulu - Building and Construction Codes

ARTICLE 3: PERMITS

Sections

- 18-3.1 Required
- 18-3.2 Separate building permit required
- 18-3.3 Emergency work
- 18-3.4 Temporary permit required

§ 18-3.1 Required.

- (a) No person shall perform any of the following or cause any of the following to be performed without first obtaining a building permit therefor as prescribed in this section:
 - (1) Erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure;
 - (2) Any electrical work;
 - (3) Install, remove, alter, repair, or replace any plumbing, fire sprinkler, gas, or drainage piping work, or any fixture, gas appliance, or water heating or treating equipment; or
 - (4) Construct, reconstruct, or improve any sidewalk, curb, or driveway in any public street right-of-way.
- (b) *Exceptions.* A permit is not required for the types of work listed below. Exemption from the permit requirements of this code do not grant authorization for any work to be done in violation of the technical codes or any other laws or ordinances of this jurisdiction:
 - (1) Work exempted from building code provisions under Chapter 16. Work on sidewalks, curbs, or driveways regulated under Chapter 14, Article 3, is not exempt from permit requirements;
 - (2) Temporary construction sheds and temporary construction fences;
 - (3) Reroofing work that will not adversely affect the structural components for Groups R-3 and U occupancies;
 - (4) Installation of siding to existing exterior walls that will not adversely affect the structural components or fire protection of the walls of Groups R-3 and U occupancies;
 - (5) Temporary tents or other coverings, for periods not to exceed 14 consecutive days, used for private family parties or for camping; or temporary structures that have obtained a lawful permit from another City agency.

- (6) Retaining walls, fences, and planter boxes that are not more than 30 inches (762 mm) in height, walkways, riprap walls, and outside paving within private property.
- (7) Individual residential television wireless cable, and radio antennas, and dish-type antennas that are less than 39.37 inches (one meter) in diameter or diagonal dimension.
- (8) Window awnings supported by the exterior walls of Groups R-3 or U occupancies, when projecting not more than 4 feet 6 inches (1372 mm).
- (9) Installation of wallpaper or wall covering that is exempted under Chapter 16.
- (10) Repairs valued at \$5,000 or less in the aggregate in any 12-month period.
- (11) Painting, installation of floor covering, or counter tops, cabinet work, and similar finish work without limit as to valuation; provided that the values thereof must be included as part of the value of any new construction for which a permit is required by this code, for the purpose of determining the amount of the fee to be paid for such permit.
- (12) Work located on federal property, except when permits are specifically requested by the federal agency with administrative authority over the property.
- (13) Work performed for any government agency, except where permits are specifically requested by the agency.
- (14) Playground equipment, monuments, statues, ornamental ponds less than 24 inches in depth, and golf course pedestrian and golf cart bridges.
- (15) Temporary motion picture, television, and theater stage sets and scenery.
- (16) One-story detached buildings:
 - (A) Accessory to Group R-3 occupancies and used as tool and storage sheds, playhouses, and similar uses; or
 - (B) Accessory to crop production in AG-1 Restricted Agricultural or AG-2 General Agricultural zoning districts and used as storage sheds or for water catchment and not used as dwelling or lodging units; provided that the aggregate floor area does not exceed 120 square feet (11 m²);
- (17) Nonfixed and movable cases, counters, racks, and partitions that do not exceed 5 feet 9 inches (1753 mm) in height.
- (18) The following electrical work:
 - (A) Electrical work and installation to which the provisions of the electrical code are expressly not applicable;

- (B) Installation of any portable motor or other portable appliance energized by means of a cord or cable having an attachment plug, if the cord or cable is permitted by the electrical code;
 - (C) Repair of any fixed motor or other appliance, or replacement of any fixed motor with another motor having the same horsepower rating and situated at the same location;
 - (D) Maintenance work for commercial and industrial processing equipment performed by a duly licensed electrician;
 - (E) Electronic equipment, sound public address systems, cable television, and communication systems for a single-family or two-family detached dwelling;
 - (F) Radio and television receiving antenna systems other than master or community systems;
 - (G) Sound recording systems for a single-family or two-family detached dwelling;
 - (H) Interior telephone work subject to regulation by the State public utilities commission and wiring of interconnecting cable for data processing equipment; and
 - (I) Repair work performed by a licensed electrical contractor valued at \$500 or less in the aggregate in any 12-month period, and that does not involve service entrance equipment;
- (19) The following work by a public utility supplying gas:
- (A) Disconnecting defective gas piping or equipment when authorized under Chapter 19; and
 - (B) Disconnecting or reconnecting existing gas piping or equipment for repair, servicing, replacement, or removal;
- (20) The following plumbing work:
- (A) Repair work in plumbing systems when the work does not involve or require the replacement or rearrangement of valves, pipes, or fixtures; and
 - (B) Repair work performed by a licensed plumbing contractor valued at \$1,000 or less in the aggregate in any 12-month period, and which involves or requires only the replacement of valves, pipes, or fixtures;
- (21) All structures, other than buildings, that are constructed in conjunction with board of water supply projects or public works projects undertaken by or on behalf of the city;
- (22) All structures, other than buildings, that are constructed in conjunction with the subdivision of lands and in accordance with plans approved by the city under its subdivision rules;
- (23) Sidewalks, curbs, and driveways in public street rights-of-way that are:
- (A) Constructed in conjunction with public works projects undertaken by or on behalf of the city;

- (B) Constructed in conjunction with the subdivision of land and in accordance with plans approved by the city under its subdivision rules; or
- (C) Subject to compliance with Chapter 14, Article 3; and
- (24) Minor repairs to sidewalks, curbs, or driveways in public street rights-of-way; provided that reconstruction or replacement of any portion of sidewalks, curbs, or driveways will not be construed as a repair that is exempt under this subdivision;
- (25) Weather-protected outdoor storage regulated under Chapter 20;
- (26) Temporary tents used for commercial purposes or other purposes of assembly, including rallies, festivals, amusements, and sideshows, for periods not to exceed three consecutive days; and
- (27) Exterior screen doors for R-3 dwellings or individual residential units of R-2 occupancies, except when openings are required to be fire-rated.
- (c) *Special assignment inspection.* The building official may allow construction to proceed prior to the issuance of a building permit required under subsection (a) if the building permit applicant submits to the building official a request for a special assignment inspection and all of the following requirements are satisfied with respect to the project for which the building permit is sought:
 - (1) A building permit application has been accepted as complete, and the application has been under review for at least 30 days;
 - (2) All applicable discretionary permits have been obtained; provided that if the only applicable discretionary permits are those issued by the building official and applications for the permits are pending with the building official, then the requirement of this subdivision may be met if the building official determines that the pending discretionary permits are achievable;
 - (3) Adequate documentation has been submitted showing the satisfaction of, or the intent to satisfy, all applicable requirements for flood hazard certification, stormwater quality compliance, and outstanding conditions of approval associated with discretionary permits;
 - (4) Except for notices of violation and notices of order that will be corrected by the building permit issued pursuant to the application, there must be no outstanding notices of violation, notices of order, or unpaid civil fines for the subject property;
 - (5) The building permit application must not involve a single-family or two-family detached dwelling;
 - (6) The work allowed to proceed must not involve work in a public right-of-way;
 - (7) The nonrefundable special assignment inspection fee specified in Table No. 18-A must be paid at the time the request for a special assignment inspection is made;
 - (8) The drawings used for the special assignment inspection, including the jobsite copy, must be identical to the drawings submitted with the building permit application, and the applicant shall ensure that all sets of drawings are consistent throughout the review period and construction phases;

- (9) The building official shall find that:
- (A) It is reasonably likely that the building permit application, including all documents and materials submitted with or attached to the application, will be approved and the building permit issued;
 - (B) The construction poses no threat to public health and safety; and
 - (C) There is a sense of urgency to commence construction in a timely manner; examples include but are not limited to the impending lapse of funding, federal compliance deadlines, financing obligations, or lease obligations;
- (10) Special assignment inspections will be conducted as soon as practicable after the approval date of the initial request; if a building permit is not issued within an 18-month period, the applicant may submit a new request for a special assignment inspection, subject to the building official's approval; and
- (11) Special assignment inspections must not be used for purposes of obtaining a certificate of occupancy.

The building official may waive any or all of the requirements of this subsection if the building permit applicant demonstrates good cause; provided that the building official shall not approve a waiver that would result in any conflict with other requirements of this chapter.

A building permit applicant requesting to proceed with construction under a special assignment inspection proceeds at the applicant's risk without assurance that a building permit will ultimately be issued. Violations discovered during the special assignment inspection may result in suspension of the special assignment inspection, a notice of violation, a stop work order, or suspension of the review of the building permit application.

(Sec. 18-3.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 3, § 18-3.1) (Am. Ords. 93-59, 96-50, 96-58, 97-47, 00-39, 19-21, 20-29)

§ 18-3.2 Separate building permit required.

A separate building permit shall be required for each building or structure, provided that one permit may be obtained for:

- (1) A dwelling and its accessories, such as fence, wall, pool, and garage without living quarters;
- (2) *For electrical work only.* Electrical work for main building and electrical work for a private garage, shed, or accessory building located on the same premises as the main building, and supplied electrical power by a feeder or circuit from the main building;
- (3) *For plumbing work only.* Plumbing work for main building and plumbing work for a private garage, shed, or accessory building located on the same premises as the main building and served by the same building water supply and building sewer as that serving the main building; and
- (4) Sidewalks, curbs, and driveways in public street rights-of-way and any building or structure together with which they constitute all or part of a construction project.

(Sec. 18-3.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 3, § 18-3.2) (Am. Ord. 93-59)

§ 18-3.3 Emergency work.

Emergency work may commence without a permit. However, an application for a permit for the work shall be submitted on the working day immediately following the day work is commenced.

(Sec. 18-3.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 3, § 18-3.3) (Am. Ord. 93-59)

§ 18-3.4 Temporary permit required.

No person, firm, or corporation shall erect any tent or similar structure that is to be used for commercial or religious purposes, such as rallies, festivals, amusements, and sideshows, without first obtaining a temporary permit therefor from the building official. To secure such permit, approval may be required from the chief of the fire department. Such permits for tents and similar structures shall be limited to a period of not more than 30 consecutive days, unless regulated by the fire code and may be canceled for cause by the building official or the fire department at any time before expiration of the time stated in the permit. Upon such cancellation or upon the expiration of the time stated therein, the structure or structures shall be promptly removed. Such tent of canvas, plastic, or similar material shall not be used as residence.

(Sec. 18-3.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 3, § 18-3.4) (Am. Ord. 93-59)

ARTICLE 4: PERMIT APPLICATION

Sections

- 18-4.1 Application
- 18-4.2 Plans, specifications, and other data
- 18-4.3 Information on plans and specifications
- 18-4.4 Requirement for affidavit
- 18-4.5 Applications made before subsequent ordinances or regulations
- 18-4.6 Construction inspection

§ 18-4.1 Application.

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose by the building official. Every application must:

- (1) Identify and describe the work to be covered by the permit for which application is made, including a list of each and every phase of electrical and plumbing work;
- (2) Describe the land on which the proposed work is to be done, by tax map key number, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
- (3) Indicate the use or occupancy for which the proposed work is intended;
- (4) Be accompanied by plans, specifications, calculations, and construction inspection requirements as required in § 18-4.2;
- (5) State the valuation of the proposed work;
- (6) Provide the name and license of all specialty contractors involved in the project, in compliance with HRS Chapter 444;
- (7) State the following information for each contractor or subcontractor engaged to do electrical or plumbing work upon the building, structure, or project:
 - (A) Name;
 - (B) Address;
 - (C) Contractor's license number; and
 - (D) Particular phase or phases of work to be performed;

- (8) Be signed by the responsible managing employee or authorized employee of each contractor designated in subsection (7);
- (9) For applications contemplating the demolition of any building constructed as a residential dwelling and occupied in any habitable unit thereof, be accompanied by a duly notarized affidavit stating that the applicant has a proprietary interest in the subject property or has the written authorization of a person or entity with a proprietary interest in the subject property to submit the application. If the interest of the applicant or of the person or entity authorizing the applicant to submit the application is not a fee simple interest in the property, the affidavit must state the nature and the remaining term of the interest.

For purposes of this subsection, a person or entity has a proprietary interest if the person or entity has the right of control and dominion of the property being demolished, and a person or entity has "right of control and dominion" if the person or entity holds, possesses, and retains control of 51 percent or more of the property interest. If a person or entity holds, possesses, and retains less than 51 percent of the property interest, other persons or entities with an interest in the property must consent to the demolition of the building, such that the combined interests of the person or entity claiming the right of control and dominion and of the consenting persons or entities equal or exceed 51 percent;

- (10) For applications for the construction of a one-family or two-family detached dwelling, duplex, or multifamily dwelling, be accompanied by a duly notarized affidavit executed by a person with a proprietary interest in the subject property, stating that:
 - (A) The proposed construction complies with all restrictive covenants relating to the maximum number of dwelling units permitted on the zoning lot, and the minimum yard (setback) requirements for the zoning lot; and
 - (B) The proposed use complies with this code and Chapter 21;

provided that an affidavit is not required for applications for construction of new one-family or two-family detached dwellings, duplexes, or multifamily dwellings that are part of a residential tract development. For purposes of this subsection, "residential tract development" means a project with three or more one-family or two-family detached dwellings or duplexes, or more than one multi-family dwelling, that is constructed or is to be constructed as a single development; and

- (11) Give such other information as reasonably may be required by the building official. If the application proposes excavation and backfill work that does not require a grading permit under § 18A-1.5(2), the building official, if deemed necessary to protect or promote public safety, may require the submittal of an engineering slope hazard report. An engineering slope hazard report means the same as defined under § 18A-1.3. The report shall have the same information as that required for an engineering slope hazard report under § 18A-2.2(d)(2).

(Sec. 18-4.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 4, § 18-4.1) (Am. Ords. 92-107, 93-59, 96-50, 00-39, 04-27, 20-28)

§ 18-4.2 Plans, specifications, and other data.

- (a) With each application for a building permit, three sets of plans, specifications, calculations, construction inspection requirements, and other data shall be submitted. One set of plans shall be submitted to and left with the State department of health. Construction inspection requirements are as defined in § 18-4.6.

Exception: the building official may waive the submission of plans, specifications, calculations, construction inspection requirements, etc., if the building official finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

- (b) No plans or specifications are required for repair or replacement work, unless requested by the building official.
 - (c) Plans for single- or two-family dwellings are not required to show plumbing piping plans or diagrams unless requested by the building official.
 - (d) All plans and specifications relating to work that affects the public safety or health and for which a building permit is required shall be prepared by or under the supervision of a duly licensed professional engineer or architect as required by HRS Chapter 464.
 - (e) All plans for retaining walls 5 feet or more in height shall be prepared, designed, or approved by a duly licensed architect or engineer in the structural or civil branches.
 - (f) Electrical plans and specifications shall bear the approval of either a duly licensed electrical engineer, or a duly licensed architect or engineer qualified in such work by experience; provided that if the demand load of the proposed installation is less than 30 kilovolt-amperes, the approval of an engineer or architect shall be required only if the building official so directs.
- (Sec. 18-4.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 4, § 18-4.2) (Am. Ords. 93-59, 96-50)

§ 18-4.3 Information on plans and specifications.

- (a) Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to this code and all relevant laws, ordinances, and rules. The first sheet of each set of plans shall give the house and street address of the work and the name and address of the owner and person who prepared them. Plans shall include a plot plan showing the location of the proposed building and of every existing building on the property. In lieu of detailed specifications, the building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.
- (b) For projects that include construction of driveways in public street rights-of-way, plans shall show the entire lot and improvements thereon, the location of the new and existing driveways, street trees, utility poles, fire hydrants, catch basins, parking stalls, and any other features in the sidewalk area that may affect the construction or use of the driveway, or both. For reconstruction of a driveway, the applicant may submit a sketch with dimensions showing the location of the driveway.
- (c) Where the building permit application is for the erection, construction, enlargement, alteration, movement, improvement, or conversion of any building or structure, the building official shall also require, on behalf of

the real property tax assessment division, department of budget and fiscal services, a plot plan with a sketch of the proposed building, to be submitted on such forms as shall be prescribed by the department of budget and fiscal services and shall be prepared and certified to by the applicant. In lieu of the sketch, an additional set of plans may be submitted. The completed forms or plans shall be submitted to the building official for transmittal to the department of budget and fiscal services, real property tax assessment division.

(Sec. 18-4.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 4, § 18-4.3) (Am. Ords. 88-20, 93-59)

§ 18-4.4 Requirement for affidavit.

- (a) Where, in the opinion of the building official, the layout or proposed use of a building can readily be converted to some other layout or use that, upon conversion, would constitute a violation of the land use ordinance or the building code, or both, the building official may require the building owner or owners to file with the bureau of conveyances or in the case of land court parcels with the building department, a sworn affidavit:
 - (1) That the layout or use of the building will not be converted at a future date to some other layout or use that is illegal; and
 - (2) That this restriction shall also be binding upon any tenant or lessee or any subsequent owners of the building for as long as the building is in use, or unless otherwise released by authority of the building official.
- (b) A certified copy of the document as issued by the bureau of conveyances shall be presented to the building department as evidence of recordation, before the issuance of building permit.
- (c) Any person who makes a false statement in such person's sworn affidavit or files a false affidavit has committed perjury and is thereby subject to HRS § 710-1060 (Penal Code), and be punished as provided in the section.

(Sec. 18-4.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 4, § 18-4.4) (Am. Ord. 93-59)

§ 18-4.5 Applications made before subsequent ordinances or regulations.

An applicant for a building permit who has filed an application with the building department before the effective date of a subsequent ordinance or regulation shall be required to obtain the permit no later than 12 months after the effective date of such ordinance or regulation. If the permit has not been obtained within 12 months after the effective date of the subsequent ordinance or regulation, the application and plans shall comply with the requirements set forth in the subsequent ordinance or regulation. Where the subsequent ordinance or regulation specifies a time period for obtaining a building permit other than the 12-month period stated above, the time period specified in the subsequent ordinance or regulation shall govern.

(Sec. 18-4.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 4, § 18-4.5) (Am. Ord. 93-59)

§ 18-4.6 Construction inspection.

The engineer or architect in responsible charge of the structural design work shall include in the construction documents the special inspections required in Chapter 16.

(1990 Code, Ch. 18, Art. 4, § 18-4.6) (Added by Ord. 93-59; Am. Ord. 96-50)

ARTICLE 5: PERMIT ISSUANCE

Sections

- 18-5.1 Issuance—Posting—Transfer
- 18-5.2 Retention of plans
- 18-5.3 Validity
- 18-5.4 Suspension or revocation of building permits—Notice—Hearing—Appeal
- 18-5.5 Compliance with State statutes
- 18-5.6 Transferability of building permit
- 18-5.7 Nonliability of city for damages
- 18-5.8 Permit for accessory dwelling unit
- 18-5.9 Expedited permit processing for one- and two-family dwellings

§ 18-5.1 Issuance—Posting—Transfer.

- (a) The application, plans, specifications, computations, and other data filed by an applicant for a permit shall be reviewed by the building official. The building official shall cause such plans to be reviewed by any other appropriate department of the city and the State to review compliance with laws and ordinances under their jurisdiction. If the work described in an application for permit and the plans filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and the fee specified in § 18-6.1 has been paid, the building official shall issue a permit therefor to the applicant; provided that no permit shall be granted for the moving of any building or structure or portion thereof that has deteriorated or been damaged to an extent greater than 50 percent of the cost of replacement (new) of such building or structure.
- (b) When the building official issues the permit, the building official shall affix an official stamp of approval to the specifications and each sheet of the job site copy of the plans. Such approved plans and specifications shall not be changed, modified, or altered without authorization from the building official, and all work regulated by this code shall be done in accordance with the approved plans.
- (c) The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at such person's own risk without assurance that the permit for the entire building or structure will be granted.
- (d) The building permit shall be posted in a conspicuous place on the site during the progress of work.
- (e) No permit issued shall authorize any person or contractor to do work upon any phase of the building, structure, or project, unless specifically identified in the permit application, including any attachments or amendments thereto, as the contractor or subcontractor designated to do that particular phase of work.

- (f) If there is a change in the designation of any contractor for any phase of work after the issuance of a permit and before the commencement of work, the permittee shall submit the change in writing to the building department and request approval of the change.

(Sec. 18-5.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 5, § 18-5.1) (Am. Ord. 93-59)

§ 18-5.2 Retention of plans.

One set of approved plans, specifications, and computations shall be retained by the building official for a period of not less than 90 days from date of completion of the work covered therein, and one set of approved plans shall be returned to the applicant, and the set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

(Sec. 18-5.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 5, § 18-5.2) (Am. Ord. 93-59)

§ 18-5.3 Validity.

- (a) The issuance under this section of any permit or approval of plans, specifications, and other data shall not be construed to be a permit for, or an approval of, any violation of this code or of any other law.
- (b) The issuance of a permit shall not prevent the building official from thereafter requiring the correction of errors in the plans and specifications or from halting building operations when in violation of the provisions of the chapters and this chapter or of any other law; nor shall it prevent the institution of criminal action and the imposition of penalty as prescribed under § 18-7.1 hereof for violation of the chapters and this chapter.
- (c) Every permit shall be valid for a period of three years from the date of its issuance, subject to satisfactory work progress as contained in § 18-5.4; provided that wherever time limit and appeal provisions are specified by other ordinances or regulations, such ordinances or regulations shall govern. Any building or structure that is not completed within the period of validity shall fall within the purview of unfinished buildings or structures.

(Sec. 18-5.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 5, § 18-5.3) (Am. Ords. 93-59, 96-50, 09-8)

§ 18-5.4 Suspension or revocation of building permits—Notice—Hearing—Appeal.

- (a) *Definitions.* For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

Causes Beyond the Control of the Building Contractor or Owner. Includes but is not limited to:

- (1) Pending litigation where the validity of the building permit is itself at issue;
- (2) Public insurrection or devastating physical calamity such as tsunami or earthquake;
- (3) Unavailability of materials or equipment necessary for work to progress, where all reasonable efforts have been made to secure the materials or equipment;

- (4) Unusually severe weather or muddy ground conditions requiring cessation of all work on the building or structure. However, no extension of time shall be granted unless a written application therefor stating in detail the causes, the effect on the performance of work, the time during which the performance of work was actually suspended, and the portion or portions of the project affected, is filed by the contractor or owner with the building official within seven calendar days after the commencement of the delay; or
- (5) Lack of financing shall qualify under this definition only where an existing agreement for financing is unilaterally revoked by the lender because of the lending agency's financial insolvency. Where the lack of financing prevents accomplishment of work, the building official may extend the permit deadline for a period not to exceed six months.

Nonwork. Any of the following:

- (1) Clearing and grubbing after the initial clearing, or movement of equipment where nothing of substance is added to the building or structure;
- (2) Excavation and backfilling without putting any parts or components of the intended structure into place;
- (3) Financing activities of any kind;
- (4) Soil or other testing that does not meet the requirements of paragraph (H) under the definition of "work"; and
- (5) Preparation of environmental impact statements, applications for other permits, and reports submitted thereto.

Suspension or Abandonment. A slowdown or cessation of the activity of putting construction into place to the extent that construction of the building or structure cannot be completed within the time specified in § 18-5.3.

Work. Any of the following:

- (1) Demolition of buildings and structures and the removal of material from the area where the building or structure authorized by the building permit is to be located;
- (2) Initial clearing and grubbing;
- (3) Fencing job site;
- (4) Construction of pedestrian protection;
- (5) Surveying to locate construction;
- (6) Surcharging and load testing of foundations;

- (7) Construction, installation, or fabrication of parts or components that are or will become part of the completed structure, such as driving piles or pouring concrete. This paragraph shall also include off-site activity, such as prefabrication of building components where the product of the activity will constitute at least 1 percent of the total cost of the contemplated project, or \$10,000, whichever is less;
- (8) Soil or other testing, where:
 - (A) Ordered in writing by any agency of the government of the United States, the State of Hawaii or the City and County of Honolulu, after the issuance of the building permit; or
 - (B) Unforeseen geological or physical conditions require additional testing to assure compliance with existing safety requirements.
- (9) Any other substantial overt act that has taken place on the premises material to the effectuation of the project and that clearly indicates upon inspection that the project is going forward.

(b) *Deadlines for construction.*

- (1) After a building permit has been issued under this chapter, work thereof shall commence within 180 days after the date of issuance of the building permit.
- (2) After the building or work authorized by a building permit has commenced, such building or work shall not be suspended or abandoned for a period of 120 days.
- (3) *Foundation.* At the end of two years after a building permit is issued, all foundation and structural work for the building or structure up to the ground floor level shall be completed.
- (4) In any case, all work shall be completed within three years, as prescribed in § 18-5.3, subject to the exceptions mentioned therein.

(c) *Extension of time.* When there is a strike or other causes beyond the control of the contractor or the owner, the building official may in writing extend the deadlines for construction specified in subsection (b) for such periods of time as the building official deems necessary, subject to the following conditions.

- (1) Under no circumstances shall an extension of time exceed the amount of time work has been halted by strikes or other causes beyond the control of the owner or contractor. The building official shall maintain accurate records of all requests for extension and their subsequent disposition. The records shall contain the name of the applicant, location of the project, and a detailed explanation of the reasons for granting or denying the request for extension. Any denial of extension may be appealed to the building board of appeals.
- (2) The findings of the building official shall be conclusive with any facts that were the basis of the extension of time granted or denied by the building official, except where the building official's findings are determined by the building board of appeals to be clearly erroneous and not supported by the evidence of facts, arbitrary or capricious.

- (3) No extension of time may be granted by the building official or the building board of appeals, unless application for extension has been made to the building official before the deadlines specified in subsection (b) or of any such deadlines previously extended in accordance with this section.
- (4) Any extension of time granted on the 180-day or 120-day period by the building official or the building board of appeals shall also effect a corresponding extension of deadlines imposed by § 18-5.3 and subsection (b)(3).

(d) *Suspension or revocation for noncompliance.*

- (1) The building official may issue a notice to suspend or revoke a permit pursuant to the requirements of subsection (e) whenever the permit is issued under this chapter:
 - (A) In error;
 - (B) On the basis of incorrect information supplied; or
 - (C) In violation of the building, electrical, or plumbing codes or any other code, ordinance or regulation.
- (2) No suspension imposed pursuant to this section shall constitute a cause beyond the control of the building contractor or owner, as defined in this section, for which extensions may be received under subsection (c), unless the suspension is found by the appellate authority to be arbitrary, capricious, characterized by an abuse of discretion, or based upon a clearly erroneous finding of a material fact.
- (3) The building official may issue a notice to revoke a permit pursuant to the requirements of subsection (e) if the building or work authorized by the permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended, or abandoned at any time after the work is commenced for a period of 120 days.
- (4) The building official may issue a notice to revoke a permit pursuant to the requirements of subsection (e) when a building or structure is not completed within the time specified in subsection (b)(3) and (b)(4).

(e) *Notice of suspension or revocation of permit.*

- (1) The building official shall issue to the permittee a written notice to show cause why the building permit should not be suspended or revoked and set forth specific grounds for the suspension or revocation of the permit. The notice shall state that the permittee may apply in writing for a hearing before the building board of appeals; that such application shall be submitted within 10 working days of receipt of the notice.
- (2) Service of such notice may be made by:
 - (A) Personal delivery to the permittee, which means:
 - (i) Showing the original notice to the permittee and leaving a copy thereof with the permittee;

- (ii) Leaving a copy of the notice at permittee's place of business with an employee, partner, or agent of the permittee, all of whom shall be mentally competent to understand the contents of the notice; or
- (iii) Leaving a copy of the notice at the permittee's usual place of abode with the permittee's spouse or an adult child, parent, or other blood relative of the permittee or of the permittee's spouse, all of whom shall be residing with the permittee and be mentally competent to understand the contents of the notice; or

(B) Certified or registered mail.

- (3) To signify that personal service has been made upon the permittee as prescribed in this subsection, the original of any notice shall have the signature of the permittee or other individual prescribed in subdivision (2)(A) affixed to the original.
- (4) In computing the 10 working days specified in subdivision (1) in which the permittee shall indicate whether the permittee desires a hearing, the day on which the permittee receives the building official's notice shall be omitted and the 10 working days shall be calculated from the next working day. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a holiday, in which event the period runs until the end of the next day that is not a Saturday, a Sunday, or a holiday. As used in this subsection, "holiday" includes any day designated as such pursuant to HRS § 8-1.

(f) *Hearing by the building board of appeals.*

- (1) Upon receipt of a written notice indicating that the permittee desires a hearing before the building board of appeals, the building official shall notify the permittee in writing of the date of such hearing.
- (2) Upon service of the notice by the building official as prescribed herein, any work in progress shall be suspended and stayed until a favorable written decision of the building board of appeals is served upon the permittee. If an unfavorable written decision is served upon the permittee, any work under the permit shall be stayed until the judge of the court in which an appeal has been filed pursuant to HRS Chapter 91 rules otherwise.
- (3) Every hearing held pursuant to this section shall be conducted in conformity with HRS Chapter 91.

(g) *Waiver.* If the permittee indicates that such person does not desire a hearing before the building board of appeals or fails to apply for a hearing within the time specified in subsection (e)(1), the suspension or the revocation shall become effective from the date of service of such notice or the date noted on the return receipt for the certified or registered mail.

(h) *Permit revocation not appealed—compliance.*

- (1) Where a permit has been revoked in accordance with this section and the permittee does not appeal the revocation to the circuit court as provided in HRS § 91-14, the permittee shall:

- (A) Remove or demolish the building or structure within 180 days from the date of such written notice; or
 - (B) Obtain a new building permit to complete the required work in compliance with current laws and regulations and diligently pursue the work to completion. The fee for the new permit to complete construction of a project after revocation of a permit under this subsection shall be as provided in § 18-6.2(c).
- (2) Where changes in applicable laws and regulations preclude obtaining a new permit under subsection (h)(1)(B), the owner may:
- (A) Finish the building up to the highest point of construction having a completed roof or floor slab. All structural walls, frames, and exterior walls below such roof or floor slab level shall be completed. Elevator machinery rooms, mechanical equipment rooms, other similar rooms and stairshafts located above the roof in the original plans and specifications may be installed above such completed roof or floor slab and finished together with the building. Other portions of the structure above the completed roof or floor slab shall be removed; or
 - (B) Continue work according to approved plans and specifications upon payment of a “deadline extension” fee to the city that shall be 0.0005 times the original building valuation for each day of work estimated beyond the project completion deadline, up to a maximum of \$1,000 per day to complete the structural walls and frames, exterior walls, and slabs. Where the structural walls, frames, exterior walls, and slabs are not completed within the estimated number of days covered by the deadline extension fee, an additional deadline extension fee shall be paid to the city based on an estimate of additional number of days to complete such work before work can again proceed. No refund shall be made where such work is completed in less than the number of days for which a deadline extension fee has been paid.

Paragraphs (A) and (B) shall not apply to foundation and structural work for a building or structure up to the ground floor level.

- (i) This section shall not be construed to affect in any manner the authority of the building official to issue a stop work order pursuant to Chapter 16.
- (Sec. 18-5.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 5, § 18-5.4) (Am. Ords. 91-28, 93-59, 96-50, 96-58)

§ 18-5.5 Compliance with State statutes.

It is unlawful for any permittee to perform, or allow to be performed, any work covered by the permit issued under this chapter in violation of HRS Chapter 444 relating to the licensing of contractors and HRS Chapter 448E relating to licensing of electricians and plumbers.

(Sec. 18-5.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 5, § 18-5.5) (Am. Ord. 93-59)

§ 18-5.6 Transferability of building permit.

- (a) Any assignment or transfer, or both, of a valid building permit for which construction has not started shall be subject to the approval and consent of the council. Such approval and consent shall not be unreasonably withheld; provided that the assignee or transferee, or both, agrees in writing to the following:
 - (1) To comply with the plans and specifications upon which the building permit was issued in the absence of any subsequent amendments to any applicable existing laws and ordinances as indicated in subdivision (2); or
 - (2) To comply with the terms of any subsequent amendments to the land use ordinance, building code, as well as all other relevant laws, ordinances, and rules that would affect any one or more of the following: the development's height, floor area, lot coverage, fire safety, or land use.
- (b) The stricter requirements prescribed in subsection (a)(2) shall not be applicable in situations in which the permit holder can offer documented evidence to the council that the permit holder has made, in good faith, a substantial and material change in position in reliance upon the issuance of the building permit.
- (c) This section shall not apply to:
 - (1) One- and two-family dwellings that are not part of a larger development; or
 - (2) Projects that do not exceed \$500,000 in valuation.

(Sec. 18-5.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 5, § 18-5.6) (Am. Ords. 93-59, 96-50, 00-39)

§ 18-5.7 Nonliability of city for damages.

Any permit issued under this chapter shall not be construed to relieve any person doing any work authorized under any permit issued under this chapter from liability for damages for any injury or death to anyone caused by any defect in such work or performing such work; nor shall the city, including its officers and employees or any other agents of the city, be held liable for such injury or death by reason of the issuance of any permit under this chapter, or the performance of any inspection by the city or the issuance of a certificate certifying that such work has been inspected and approved by the city.

(Sec. 18-5.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 5, § 18-5.7) (Am. Ord. 93-59)

§ 18-5.8 Permit for accessory dwelling unit.

- (a) Upon receipt of an application for a permit for construction of an accessory dwelling unit or conversion of an existing structure to an accessory dwelling unit, the building official will have a maximum of 60 calendar days to do both of the following:
 - (1) Notify the applicant in writing whether the application is complete or incomplete, and if the application is found incomplete, the written notice must state the corrective action necessary to complete the application; and

- (2) Review and approve or deny an accepted permit application for construction of an accessory dwelling unit, or conversion of an existing structure to an accessory dwelling unit. If the application is denied, the building official shall provide written notice of the reason for denial and state the necessary corrective action, if any.

If the building official fails to complete the actions specified in both subdivisions (1) and (2) within 60 calendar days, the permit is approved; provided that the days between the notification of the applicant that an application is incomplete and the resubmittal of the application will be excluded.

- (b) The applicant shall be responsible for ensuring that the plans for the project deemed approved comply with all applicable regulations, governmental provisions, and requirements.
 - (c) The building official may suspend or revoke a permit deemed approved for noncompliance as provided under § 18-5.4(d).
- (1990 Code, Ch. 18, Art. 5, § 18-5.8) (Added by Ord. 16-19)

§ 18-5.9 Expedited permit processing for one- and two-family dwellings.

- (a) Under the following conditions, the building official shall process applications for building permits for one- and two-family dwellings within 60 days of acceptance of the application:
 - (1) The applicant utilizes a one-time review process, as defined in subsection (c); and
 - (2) The application is prepared and stamped by a duly licensed professional engineer or architect who has not had either a building permit application or plans prepared for submission with a building permit application rejected by the building official more than twice within the previous 12 months.
- (b) Any work performed under a permit issued pursuant to this section that does not meet the applicable code at final inspection must be corrected within 30 days of issuance of a notice of violation. If the violation is not corrected within the 30-day period, the director shall suspend or revoke the permit as provided in this article.
- (c) As used in this section, “one-time review process” means a process and requirements established by the building official by rule, providing for the issuance of a building permit after only one review by the building official.

(Added by Ord. 18-41)

Honolulu - Building and Construction Codes

ARTICLE 6: FEES

Sections

- 18-6.1 Plan review fees
- 18-6.2 Building permit fees
- 18-6.3 Refund
- 18-6.4 Expiration of plan review
- 18-6.5 Exemptions
- 18-6.6 Development agreement required for projects seeking waivers of fees for affordable housing

§ 18-6.1 Plan review fees.

- (a) When a plan or other data is required to be submitted by § 18-4.2, a plan review fee shall be paid when submitting plans and specifications for review. Such plan review fee shall be 20 percent of a tentative building permit fee established from Table No. 18-A, set out at the end of this chapter, based upon a preliminary estimated valuation of work, but not greater than \$25,000. Plan review fees shall be in addition to the building permit fee.
- (b) *Exception.* Plan review fees shall not be required for building permit applications for fences, retaining walls, swimming pools, driveways, or for any similar work performed for any city agency.
(Sec. 18-6.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 18, Art. 6, § 18-6.1) (Am. Ord. 93-59, 96-50, 13-16)

§ 18-6.2 Building permit fees.

- (a) (1) A fee for each building permit and other fees associated with the administration of the building codes shall be paid to the building official as set forth in Table No. 18-A, set out at the end of this chapter.
- (2) Where a plan review fee has been paid before June 17, 2013 as set forth in § 18-6.1, the plan review fee payment shall be credited toward payment of the building permit fee.
- (b) The determination of value or valuation under this code or this chapter shall be made by the building official. The valuation to be used in computing the permit fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent work or permanent equipment.
- (c) Where a new permit is obtained to complete construction of a project after revocation of permit under § 18-5.4(h), the fee therefor shall be based on the valuation of one-half the amount of work remaining to be done, provided:
 - (1) No change has been made or will be made in the original plans and specifications for such work;

- (2) That immediately before applying for this permit the work on the property has not been abandoned or suspended for a period of more than one year; and
 - (3) No refund has been made under § 18-6.3(b).
 - (d) Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining such permit, the fees specified will be tripled, but the payment of such triple fee will not relieve any persons from fully complying with the requirements of this code or this chapter in the execution of the work, nor from any other penalties prescribed in this code or in this chapter.
- (Sec. 18-6.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 18, Art. 6, § 18-6.2) (Am. Ords. 93-59, 96-50, 14-4, 20-18)

§ 18-6.3 Refund.

- (a) The building official shall refund 75 percent of the plan review fee when it is found, after the plan review fee has been paid but before a building permit for which the plan review fee has been paid is issued, that:
 - (1) The application for a permit is withdrawn or canceled before any plan reviewing is done; or
 - (2) The construction of the project will be prevented by a material change in circumstances or financial difficulties that include but are not limited to:
 - (A) Pending litigation where the validity of the project is at issue;
 - (B) Public insurrection or devastating physical calamity such as tsunami or earthquake;
 - (C) Unavailability of materials or equipment necessary for construction of project within the coming six-month period; and
 - (D) Lack of financing shall qualify under this paragraph only where an existing agreement for financing is unilaterally revoked by the lender because of lending agency's financial insolvency.
- (b) (1) The building official shall refund an amount equal to 50 percent of the permit fee paid under the provisions of this chapter where a permittee, due to a material change in circumstances or financial difficulties, is unable to commence work authorized by the permit issued therefor; provided that a written application for a refund shall be made on forms furnished by the building official not later than 15 days after the revocation date of such permit.
- (2) Notwithstanding the foregoing provisions, no refund shall be made in any case where a new permit has been obtained under the provisions of § 18-5.4, for the purpose of recommencing the same work, or where the amount to be refunded is less than \$100.
- (3) All permits upon which refunds have been made in accordance with the foregoing provisions will thereafter be null and void.

- (c) Where more than one permit has been erroneously procured by the permittee or the permittee's agent, or both, for the same construction or work, the building official shall approve one permit and refund the total amount of fees paid for the other permits upon the surrender thereof; provided that no refund will be made on any permit that has been surrendered after 90 days from the date of issuance of such permit, or where the amount to be refunded is less than \$100.
- (Sec. 18-6.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 18, Art. 6, § 18-6.3) (Am. Ords. 93-59, 96-50, 18-21)

§ 18-6.4 Expiration of plan review.

Applications for which plan review fees have been paid and for which no permit is issued within 365 days following the date of application shall expire, unless extended by the building official, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. To renew action on an application after its expiration, the applicant shall resubmit plans and pay a new plan review fee.

(Sec. 18-6.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 18, Art. 6, § 18-6.4) (Am. Ords. 93-59, 96-50)

§ 18-6.5 Exemptions.

- (a) The city, all agencies thereof, and contractors therewith will be exempt from the requirement of paying plan review and permit fees.
- (b) The building official may grant an exemption from the requirement of paying plan review and permit fees for any person seeking to restore or reconstruct a structure damaged or destroyed as a result of a major disaster.

For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

- (1) **Major Disaster.** Any hurricane, tornado, storm, flood, high water, tsunami, earthquake, volcanic eruption, landslide, mud slide, fire, explosion or other catastrophe occurring in any part of the city that causes damage, suffering, and loss to such a degree that:
- (A) The President of the United States has declared, pursuant to the Disaster Relief Act of 1974, P.L. 93-288, that a major disaster exists such that the city or any part thereof is eligible for federal disaster assistance programs;
 - (B) The governor of the State of Hawaii has declared pursuant to HRS Chapter 209 that a major disaster has occurred;
 - (C) The mayor has issued a proclamation declaring the existence of a major disaster; or
 - (D) The council has adopted a resolution declaring the existence of a major disaster.
- (2) **Restore and Reconstruct.** Any repair or other work performed to return a structure to its former condition that does not increase the floor area of the structure beyond that of the structure prior to the major disaster,

is in conformance with the building code, flood hazard regulations, land use ordinance, and other applicable laws, and is started within two years of the major disaster.

The burden of proof that work to be performed qualifies for an exemption from the payment of building permit fees due to a major disaster will be on the owner of the structure. An applicant filing for such exemption must certify in writing that the work to be performed will be in conformance with the requirements of this section.

- (c) All owners and their contractors will be exempt from paying that portion of any building permit fee for permits issued after September 15, 1994, attributable to the installation of ultra-low flush toilets that they install on their properties to replace existing non-ultra-low flush toilets.
- (d) The building official shall waive the collection of any building permit fee for a period of three years where the business has been certified to be a qualified business pursuant to § 35-1.3.
- (e) The building official shall waive the collection of any building permit fee for any person seeking to replace a dilapidated dwelling unit located on homestead land leased under the Hawaiian Homes Commission Act of 1920. For the purposes of this section:
 - (1) ***Dilapidated Dwelling Unit.*** Any residential home that has significantly deteriorated because of age, termites, or other causes, which make the home unsafe, uninhabitable, or unhealthy;
 - (2) The burden of proof that a dwelling unit is dilapidated and qualifies for an exemption from the payment of building permit fees will be on the owner of the unit. An applicant filing for such exemption shall attach acceptable proof that the dwelling unit is dilapidated to the building permit application; and
 - (3) The replacement home may increase the floor area of the originally demolished or removed structure.
- (f) The building official shall waive the collection of any plan review and building permit fees exclusively for the creation of an “accessory dwelling unit,” as defined in § 21-10.1. The plan review and building permit fees that were collected for the creation of “accessory dwelling units” after September 14, 2015, will be reimbursed if requested by the permittee. Building permit fees and plan review fees will not be waived where a permit was required and work started or proceeded without obtaining a permit. In these cases, fees will be required pursuant to § 18-6.2(d).
- (g) The building official shall waive the collection of the plan review and building permit fees for the residential portion of a project equal to:
 - (1) The percentage of affordable dwelling units as defined in and as provided within the project pursuant to Chapter 38A;
 - (2) The percentage of affordable dwelling units provided pursuant to a planned development-transit permit pursuant to § 21-9.100-10, or an interim planned development-transit permit pursuant to § 21-9.100-5; or
 - (3) The percentage of affordable dwelling units sold to households earning 100 percent and below of the AMI; provided that at least 75 percent of the dwelling units in the project are sold to households earning 120 and below of the AMI.

- (h) The building official shall waive the collection of the plan review and building permit fees for the residential portion of a project that is in compliance with HRS § 201H-36(a)(5).
- (i) The building official shall waive the collection of the plan review and building permit fees for the portion of an affordable rental housing project equal to the percentage of affordable rental housing units that:
 - (1) Are rented to households earning 100 percent and below of the AMI; and
 - (2) For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size;

pursuant to Chapter 38B.

- (j) The building official shall waive the collection of that portion of any plan review and building permit fee attributable to the installation of automatic fire sprinkler systems for the suppression of fire in existing high-rise residential buildings. For the purposes of this section, “existing high-rise residential building” means any building that has floors used for human occupancy located more than 75 feet above the highest grade, contains dwelling units, and was erected prior to 1993.

(Sec. 18-6.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 18, Art. 6, § 18-6.5) (Am. Ords. 88-41, 93-59, 94-28, 94-67, 96-58, 98-54, 06-16, 08-1, 13-1, 16-19, 18-1, 18-8, 19-8, 20-11, 20-13)

Editor’s note:

** Amendments made to Section 18-6.5 in Ord. 16-19, as amended by Ord. 17-30, including Section 18-6.5(f) will be repealed on June 30, 2020, in accordance with Ord. 16-19. Section 18-6.5(g) and Section 18-6.5(h) will be repealed on June 30, 2027, in accordance with Ord. 18-1. Section 18-6.5(i) will be repealed on June 30, 2027, in accordance with Ords. 18-1 and 19-8.*

§ 18-6.6 Development agreement required for projects seeking waivers of fees for affordable housing.

- (a) The developer of an affordable housing project, as defined by the department of planning and permitting by rule, requesting waivers of plan review and building permit fees for affordable dwelling units pursuant to § 18-6.5(g)(3), shall execute a development agreement with and acceptable to the director of planning and permitting, to be recorded with the State of Hawaii bureau of conveyances or the office of the assistant registrar of the land court of the State of Hawaii, or both, as appropriate, that encumbers the project site and at a minimum:
 - (1) Describes the proposed project;
 - (2) Specifies the percentage of the total project dwelling units to be sold to households earning 120 percent and below of the AMI;
 - (3) Specifies the percentage of the total project dwelling units to be sold to households earning 100 percent and below of the AMI; and
 - (4) Includes as an attachment a schedule of all units and proposed pricing.

For the purposes of this section, “AMI” means the current area median income determined by the United States Department of Housing and Urban Development annually for the Honolulu Metropolitan Statistical Area, as adjusted for household size.

- (b) Prior to the developer being issued a certificate of occupancy for the affordable housing project, the developer shall submit to the department of planning and permitting a schedule of all housing units in the project, including actual sales price, buyer income group, and percentage of affordable housing units in the project sold to households earning (i) 120 percent and below and (ii) 100 percent and below of the AMI.
- (c) If the director of planning and permitting determines at any time that the developer is in violation of the development agreement, the violator will be subject to the administrative enforcement provisions of § 21-2.150-2; provided that in addition to the civil fines specified in § 21-2.150-2(b)(1)(C) and § 21-2.150-2(b)(1)(D), the violator will be subject to penalties equal to the amount of plan review and building permit fees waived for the proportion of affordable units sold to households earning 100 percent and below of the AMI.

(Added by Ord. 20-11)

ARTICLE 7: VIOLATION AND PENALTY

Sections

- 18-7.1 Generally
- 18-7.2 Notice of violation—Contents
- 18-7.3 Criminal prosecution
- 18-7.4 Administrative enforcement
- 18-7.5 Stop work order

§ 18-7.1 Generally.

No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, or perform any electrical work, or install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture, gas appliance or water heating or treating equipment, or construct, reconstruct, or improve any sidewalk, curb, or driveway in public street rights-of-way, or cause the same to be done, contrary to or in violation of this chapter.

(Sec. 18-7.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 7, § 18-7.1) (Am. Ords. 89-135, 93-59)

§ 18-7.2 Notice of violation—Contents.

- (a) Whenever any person, firm, or corporation violates this chapter, the building official shall serve a notice of violation to the party responsible for the violation to make the building or structure or portion thereof comply with the requirements of this chapter. A notice of violation must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence and the building official provides an affidavit to that effect, then a notice of violation may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS § 1-28.5.
- (b) The notice of violation shall include at least the following information:
 - (1) Date of the notice;
 - (2) The name and address of the person noticed, and the location of the violation;
 - (3) The section number of the ordinance, code, or rule that has been violated;
 - (4) The nature of the violation; and
 - (5) The deadline for compliance with the notice.

(1990 Code, Ch. 18, Art. 7, § 18-7.2) (Added by Ord. 89-135; Am. Ords. 93-59, 15-18)

§ 18-7.3 Criminal prosecution.

- (a) *General.* Any person, firm, or corporation violating this chapter is guilty of a misdemeanor, and each such person is guilty of a separate offense for each and every day or portion thereof during which any violation of this chapter is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$2,000 or by imprisonment for not more than one year, or by both fine and imprisonment.
- (b) *Procedure on arrest—summons or citation.*
- (1) Any officer or inspector designated by the building official, who has been deputized by the chief of police as a special officer for the purpose of enforcing the building, plumbing, electrical, or housing codes (hereinafter referred to as “authorized personnel”), may arrest without warrant alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by warrant or such other judicial process as is permitted by statute or rule of court.
 - (2) *Procedure on arrest.* Any authorized personnel designated by the building official, upon making an arrest for a violation of the building, plumbing, electrical, or housing codes, may take the name and address of the alleged violator and shall issue to such person in writing a summons or citation hereinafter described, notifying such person to answer the complaint to be entered against the person at a place and at a time provided in the summons or citation.
- (c) *Summons or citation.*
- (1) There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of the building, plumbing, electrical, or housing codes that does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.
 - (2) In every case when a citation is issued, the original of the same shall be given to the violator; provided that the administrative judge of the district court may prescribe the giving to the violator of a carbon copy of the citation and provide for the disposition of the original and any other copies.
 - (3) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

(Sec. 18-7.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Art. 7, § 18-7.3) (Am. Ord. 89-135, 93-59, 96-58, 10-6)

§ 18-7.4 Administrative enforcement.

In lieu of or in addition to enforcement pursuant to § 18-7.3, if the building official determines that any person, firm, or corporation is not complying with a notice of violation, the building official may have the party responsible for the violation served, by mail or delivery, with an order pursuant to this section.

(a) *Contents of the order.*

(1) The order may require the party responsible for the violation to do any or all of the following:

(A) Correct the violation within the time specified in the order;

(B) Pay a civil fine not to exceed \$2,000 in the manner, at the place and before the date specified in the order; and

(C) Pay a civil fine not to exceed \$2,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

(2) The order shall advise the party responsible for the violation that the order shall become final 30 calendar days after the date of its delivery. The order shall also advise that the building official's action may be appealed to the building board of appeals.

(b) *Service of notice of order.* A notice of order must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence and the building official provides an affidavit to that effect, then a notice of order may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS § 1-28.5.

(c) *Effect of order—right to appeal.* The order issued by the building official under this section shall become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals as provided in Chapter 16. The appeal must be received in writing on or before the date on which the order becomes final. However, an appeal to the building board of appeals shall not stay any provision of the order.

(d) *Judicial enforcement of order.* The building official may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by the order, the building official need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been paid.

(1990 Code, Ch. 18, Art. 7, § 18-7.4) (Added by Ord. 89-135; Am. Ords. 93-59, 96-50, 10-6, 15-18)

§ 18-7.5 Stop work order.

(a) If the building official determines that work must stop, whether pursuant to violation of requirements of any permit issued under this chapter, or for failure to obtain a required permit, the building official shall issue a stop work order to the owner of the property and shall concurrently notify and transmit a copy of the order to the chief of police who shall have the power to enforce the stop work order pursuant to Charter § 6-1604.

(b) Any person, firm, or corporation violating a stop work order issued pursuant to subsection (a) shall be:

(1) Deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which the violation is committed, continued, or permitted;

- (2) Subject to punishment by a fine of not more than \$2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment, upon conviction of any such violation; and
- (3) Prohibited from applying for any permit required by this chapter until all the violations that caused the issuance of the stop work order are cured, and all related fines and penalties are satisfied in full; provided that if the stop work order was issued for failure to obtain a permit, this prohibition does not apply to the application for that permit.

The building official may enforce subdivisions (1) and (2) pursuant to § 18-7.3 and shall notify the prosecuting attorney of the violation. Prosecution for the violation pursuant to subdivisions (1) and (2) shall be as provided by law for the prosecution of misdemeanors.

(1990 Code, Ch. 18, Art. 7, § 18-7.5) (Added by Ord. 91-28; Am. Ords. 93-59, 18-38)

<i>Table No. 18-A</i>	
<i>Fees for Permits</i>	
The fees for the issuance of building permits will be computed in accordance with the following schedule:	
<i>Total Estimated Valuation of Work</i>	<i>Fee to Be Charged</i>
From \$0.01 to \$500	\$20
From \$500.01 to \$1,000	\$8 + \$2.50 per \$100 or fraction thereof of the total estimated valuation of work
From \$1,000.01 to \$20,000	\$12 + \$2.20 per \$100 or fraction thereof of the total estimated valuation of work
From \$20,000.01 to \$50,000	\$82 + \$18 per \$1,000 or fraction thereof of the total estimated valuation of work
From \$50,000.01 to \$100,000	\$286 + \$14 per \$1,000 or fraction thereof of the total estimated valuation of work
From \$100,000.01 to \$500,000	\$700 + \$10 per \$1,000 or fraction thereof of the total estimated valuation of work
From \$500,000.01 to \$2,000,000	\$3,200 + \$5 per \$1,000 or fraction thereof of the total estimated valuation of work
From \$2,000,000.01 and above	\$4,300 + \$4.50 per \$1,000 or fraction thereof of the total estimated valuation of work
<i>Other Fees</i>	
Inspection fees outside of normal business hours will be in accordance with Chapter 1, Article 23.	
(1) Renewal of applications for material methods of approvals	\$100
(2) Review of master tract model	\$500
(3) Change of contractor designation	\$50
(4) Applications for material methods of approvals	\$300
(5) Special assignment inspection fee	\$1,000
(6) Plan review of revisions	\$200 or 10% of the original building permit fee, whichever is greater
(7) Temporary certificate of occupancy	\$200
(8) Third party initial certification	\$500
(9) Third party certification renewal (2 years)	\$1,000

(Table 18-A, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 18, Table 18-A) (Am. Ords. 92-74, 93-59, 95-28, 99-30, 03-12, 14-4, 18-21, 19-21, 20-18)

Honolulu - Building and Construction Codes

CHAPTER 18A: GRADING, SOIL EROSION, AND SEDIMENT CONTROL

Articles

1. General Provisions for Grading, Soil Erosion, and Sediment Control
2. Permits, Bonds, and Inspection for Grading, Soil Erosion, and Sediment Control
3. Grading, Grubbing, and Stockpiling
4. Violations, Penalties, and Liabilities for Grading, Grubbing, and Stockpiling

Honolulu - Building and Construction Codes

ARTICLE 1: GENERAL PROVISIONS FOR GRADING, SOIL EROSION, AND SEDIMENT CONTROL

Sections

- 18A-1.1 Purposes
- 18A-1.2 Scope
- 18A-1.3 Definitions
- 18A-1.4 Hazardous conditions—Stop work order
- 18A-1.5 Exclusions
- 18A-1.6 Erosion and sediment control plans

§ 18A-1.1 Purposes.

The purposes of this chapter are to provide standards to protect property and to promote the public health, safety, and welfare by regulating and controlling grading, grubbing, stockpiling, soil erosion, sedimentation, and land disturbing development within the city. The public health, safety, and welfare require that environmental considerations contribute to the determination of these standards insofar as they relate to protecting against erosion and pollution.

(Sec. 23-1.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 13, § 14-13.1) (Am. Ord. 17-28)

§ 18A-1.2 Scope.

This chapter sets forth the rules for the control of land disturbing development activities, grading, grubbing, stockpiling, soil erosion, and sedimentation; establish the administrative procedure and minimum requirements for issuance of permits; and provide for the enforcement of such rules.

(Sec. 23-1.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 13, § 14-13.2) (Am. Ord. 17-28)

§ 18A-1.3 Definitions.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Best Management Practices or **BMPs**. Structural devices or nonstructural practices employed at construction sites that are designed to contain stormwater on-site and prevent the discharge of pollutants from entering any drainage facility or any State waters or to redirect storm runoff flow. **BMPs** may include a schedule of activities, the prohibition of practices, maintenance procedures, and other management practices to accomplish the same.

Chief Engineer. The director and chief engineer of the department of facility maintenance, City and County of Honolulu, or such person's duly authorized representative.

Conservation Program. A document submitted by a land user containing information for the conservation of soil, water, vegetation, and other applicable natural resources for an area of land currently being implemented and maintained.

Director. The director of planning and permitting or the director's duly authorized representative.

Earth Material. Any one or more of the following: rock, coral, sand, gravel, soil or fill, or any combination thereof.

Engineer. A person duly registered as a professional engineer in the State of Hawaii.

Engineer's Soils Report. A report on soils conditions prepared by an engineer qualified in the practice of soils mechanics and foundations engineering.

Engineering Slope Hazard Report. A report that uses the application of engineering and geologic knowledge and principles in the investigation, evaluation, and mitigation of hazards posed by potential rock, soil, or other slope movement.

Erosion. Wearing away of the ground surface as a result of action by wind or water, or both.

Excavation or Cut. Any act by which earth material is cut into, dug, or moved, and shall include the conditions resulting therefrom.

Fill. Any act by which earth materials are placed or deposited by artificial means, and shall include the resulting deposit of earth material.

Grading. Any excavation or fill or any combination thereof.

Grubbing. Any act by which vegetation, including tree, timber, shrubbery, and plant, is dislodged or uprooted from the surface of the ground.

Maximum Extent Practicable or MEP. Economically achievable measures for the control of the addition of pollutants from existing and new categories and classes of nonpoint sources of pollution, which reflect the greatest degree of pollutant reduction achievable through the application of the best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives.

National Pollutant Discharge Elimination System Permit or NPDES Permit. The permit issued to a permittee pursuant to 40 CFR Part 122, Subpart B, § 122.26(a)(1)(ii), for construction activity including clearing, grading, and excavation activities; or a permit issued to a permittee pursuant to Hawaii Administrative Rules, Chapter 11-55, "Water Pollution Control" for construction dewatering activity; or a permit issued to the city pursuant to 40 CFR Part 122, Subpart B, § 122.26(a)(1)(iii), for stormwater discharges from the city's separate storm sewer systems.

Permittee. The person or party to whom the permit is issued and shall be the owner or developer of the property whether it is a person, firm, corporation, partnership, or other legal entity responsible for the work.

Soil and Water Conservation Districts. The legal subdivisions of the State of Hawaii authorized under HRS Chapter 180.

State Waters. Has the same meaning as defined in HRS § 342D-1.

Stockpiling. The temporary open storage of earth materials in excess of 100 cubic yards upon any premises except the premises upon which a grading permit has been issued for the purpose of using the material as fill material at some other premises at a future time.

Surveyor. A person duly registered as a professional land surveyor in the State of Hawaii.

Wetland. Has the same meaning as defined in Chapter 25.
(Sec. 23-1.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 13, § 14-13.3) (Am. Ords. 92-122, 96-34, 04-27, 17-28)

§ 18A-1.4 Hazardous conditions—Stop work order.

- (a) Whenever the chief engineer determines that any existing grading, grubbing, or stockpiling is or will become a hazard to life and limb, endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of the property, upon receipt of notice in writing from the chief engineer shall abate the hazard and shall conform with the requirements of this chapter. When there are reasonable grounds to believe that hazardous conditions may exist, the chief engineer or an authorized representative may obtain a warrant and shall enter upon the property to investigate or to enforce the provisions stated of this section, or both.
 - (b) If the chief engineer determines that work must stop due to hazardous conditions, the chief engineer shall issue a stop work order to the owner of the property and shall concurrently notify and transmit a copy of the order to the chief of police who shall have the power to enforce the stop work order pursuant to Charter § 6-1604, as amended.
- (Sec. 23-1.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 13, § 14-13.4) (Am. Ord. 91-07)

§ 18A-1.5 Exclusions.

This chapter shall not apply to the following:

- (1) Mining or quarrying operations regulated by other city ordinances;
- (2) Excavation and backfill for the construction of basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made outside the building lines or the placing of fill material obtained from the excavations on other premises;
- (3) Grading and grubbing individual cemetery plots;
- (4) Land which is being managed in accordance with soil conservation practices acceptable to the applicable soil and water conservation district directors, and that a comprehensive conservation program is being actively pursued for the entire area in the program and that the conservation program with appropriate modification is reviewed and accepted by the soil and water conservation district directors periodically

but not less than once every five years and shall be made available to the city; provided that no grading which, in the opinion of the chief engineer, endangers abutting properties or which alters the general drainage pattern with respect to abutting properties shall be commenced or performed without a grading permit;

- (5) Excavation which does not alter the general drainage pattern with respect to abutting properties, which does not exceed 50 cubic yards of material on any one site, and does not exceed 3 feet in vertical height at its deepest point; provided that the cut meets the cut slopes and the distance from property lines requirements in § 18A-3.1;
- (6) Fill which does not alter the general drainage pattern with respect to abutting properties, which does not exceed 50 cubic yards of material on any one site and does not exceed 3 feet in vertical depth at its deepest point; provided that the fill meets the fill slopes and distance from property lines requirements in § 18A-3.1;
- (7) Grubbing which does not alter the general drainage pattern with respect to abutting properties and does not exceed a total area of 15,000 square feet; and
- (8) Exploratory excavations not to exceed 50 cubic yards under the direction of an engineer for the purpose of subsurface investigation; provided that these excavations will be filled in if required by the chief engineer and provided that the chief engineer has been advised in writing before the start of such excavations.

(Sec. 23-1.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 13, § 14-13.5)

§ 18A-1.6 Erosion and sediment control plans.

- (a) Notwithstanding any other law to the contrary, it is unlawful for any person to perform, participate in, or allow any development or land disturbing activity that requires a building permit, grading permit, stockpiling permit, or trenching permit without an erosion and sediment control plan that is approved the director.
- (b) All development and land disturbing activities that require a building permit, grading permit, stockpiling permit, or trenching permit must be performed in compliance with erosion and sediment control plan approved by the director. All project sites subject to an erosion and sediment control plan must be maintained in compliance with the erosion and sediment control plan approved by the director.
- (c) Erosion and sediment control plans approved by the director must effectively prohibit the discharge of pollutants from construction sites and land disturbing activities to the municipal separate storm sewer system and State waters to the maximum extent practicable. The director may condition the approval of an erosion and sediment control plan on the implementation and maintenance of any best management practices that are intended or designed to address erosion control, run-on control, run-off control, sediment control, pollution control, post-construction pollutant control, low impact development standard or objectives, and water quality.
- (d) Before accepting an erosion and sediment control plan for review, the director must collect an erosion and sediment plan review fee of \$250. If the director requires revisions or alterations to a proposed erosion and sediment control plan, a separate plan review fee of \$100 must be collected before review of the revised or amended erosion and sediment control plan. If development or land disturbing activities are commenced before

approval of the related erosion and sediment control plan, the director must collect a double plan review fee for each erosion and sediment control plan reviewed by the department. All fees for erosion and sediment control plan review are to be deposited into the general fund.

- (e) The director may adopt and enforce administrative rules to implement the requirements of this section.
- (f) Compliance with this section will not relieve a person of responsibility for complying with any other law, including but not limited to ordinances and statutes that prohibit the discharge of pollutants to the municipal separate storm sewer system.

(1990 Code, Ch. 14, Art. 13, § 14-13.6) (Added by Ord. 17-28)

Honolulu - Building and Construction Codes

**ARTICLE 2: PERMITS, BONDS, AND INSPECTION FOR GRADING, SOIL EROSION,
AND SEDIMENT CONTROL**

Sections

- 18A-2.1 Permit
- 18A-2.1A Application for permit
- 18A-2.2 Application for a grading permit
- 18A-2.2A Application for a grubbing permit
- 18A-2.2B Application for a stockpiling permit
- 18A-2.3 Grading permit limitations
- 18A-2.4 Permit fees
- 18A-2.4A Grading without a permit
- 18A-2.5 Expiration of permit
- 18A-2.6 Denial of permit
- 18A-2.7 Suspension or revocation of permit
- 18A-2.8 Bond
- 18A-2.9 Inspection

§ 18A-2.1 Permit.

Except as excluded in § 18A-1.5 of this chapter:

- (1) No person shall commence or perform any grading without a grading permit;
 - (2) No person shall commence or perform any grubbing without a grubbing permit, except where grubbing concerns land for which a grading permit has been issued; and
 - (3) No person shall commence or perform any stockpiling without a stockpiling permit.
- (Sec. 23-2.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 14, § 14-14.1)

§ 18A-2.1A Application for permit.

- (a) Before commencing or performing any grading, grubbing, or stockpiling, a person shall file an application for a permit with the chief engineer on forms prescribed by the chief engineer.
 - (b) The chief engineer may adopt rules pursuant to HRS Chapter 91 for expediting processing of a permit application.
- (1990 Code, Ch. 14, Art. 14, § 14-14.1A) (Added by Ord. 96-34)

§ 18A-2.2 Application for a grading permit.

- (a) An applicant for a grading permit shall file a written application which shall:
- (1) Describe, by tax map key number or street address, the land on which the proposed work is to be done;
 - (2) State the estimated dates for the starting and completion of the proposed work;
 - (3) Show the names and addresses of the owner or owners of the property;
 - (4) Show the names of the permittee, the person who shall be responsible for the work to be performed and that person's contractors or employees, or both, and any person responsible for requesting the inspection required herein. A person signing the application for the permittee shall present evidence that the person is authorized to act for the permittee;
 - (5) Include a vicinity sketch map or plan adequately indicating the site location; property lines, easements, and setbacks of the property on which the work is to be performed; location of any buildings, structures, and improvements on the property where the work is to be performed and location of any building or structure on adjacent property which is within 15 feet of the property to be graded when the grading may affect the building or structure; elevations, dimensions, location, extent, and the slopes of all proposed grading shown by contours or other means, or both; the area in square feet of the land to be graded; the quantities of excavation and fill involved; and the locations of any streams, waterways, and wetlands;
 - (6) State the current development plan land use map designation and zoning designation of any property that will be subject to the permit;
 - (7) Include a copy of any environmental impact statement or environmental assessment required by the United States or by any State or city agency;
 - (8) State the purpose of the grading work in terms of a use or structure permitted on the zoning lot under Chapter 21;
 - (9) If the use or structure for which the grading work is being done requires a conditional use permit, plan review use resolution, planned development approval, site plan review permit, special district permit, special management area use permit or special management area minor permit, the applicant shall include a copy of the applicable permits, approvals, and resolutions; and
 - (10) If the use or structure for which the grading work is being done requires an amendment to any permit, resolution or approval referred to in subdivision (9), the applicant shall include a copy of the amendment.
- (b) In the event the area of the zoning lot or portion thereof subject to the permit is 15,000 square feet or more for single-family or two-family dwelling uses or 7,500 square feet or more for other uses, or in the event the total area to be developed is more than 15,000 square feet for single-family or two-family dwelling uses or 7,500 square feet for other uses and grading is being done in increments of less than that square footage, the applicant shall:

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- (1) Include a contour map, prepared by a surveyor or an engineer, which shall show the location and type of existing trees with a trunk diameter larger than 12 inches, prominent visible rock outcroppings, utility lines, structures, dimensions, and azimuths of property lines, easements, and setbacks, and the name and location of streets, roadways, and rights-of-way; and
 - (2) Include a grading plan and specifications prepared by an engineer, which plan shall show the contours of the land before grading and the finished conditions to be achieved by the proposed grading, to be shown by contours, cross-sections, spot elevations, or other means. The grading plan shall provide information regarding the location and source of imported fill material and the location where excess excavation material is to be disposed of when the application is made. The borrow or disposal sites, or both, must also fulfill the requirements of this chapter. Where the area is proposed to be graded in increments, the grading plan shall also include the plan for the future development of the area and the proposed grading work for the future increments. The chief engineer may also require submittal of a plan showing the location of proposed structures, buildings, streets, utilities, easements, permanent engineering measures to control soil erosion and storm runoff, and other improvements where the grading work is to be performed. One of the purposes of the grading plan is to show that only the minimum grading necessary to develop the area in conformity with zoning will be performed, and hence the natural contours and topography will be retained wherever feasible, and exposed or finished cuts or fills will be rounded off in a natural manner and sharp angles will be avoided. The grading plan shall provide that exposed finished soil surfaces shall be covered with vegetation or matting immediately to control soil erosion.
- (c) (1) In the event the total area including any areas developed incrementally that is to be graded is 15,000 square feet or more for single-family or two-family dwelling uses or 7,500 square feet or more for other uses, or in the event a proposed cut or fill is greater than 15 feet in height for single-family or two-family dwelling uses or 7.5 feet in height for other uses, in addition to the foregoing, a drainage and erosion control plan shall be included in the application. The objective of the drainage and erosion control plan is to employ best management practices to the maximum extent practicable at the construction site. BMPs shall be specified on all erosion control plans.

The drainage and erosion control plan shall:

- (A) Be prepared by an engineer in accordance with the soil erosion standards and guidelines approved by the chief engineer, a copy of which shall be on file in the division of engineering, department of facility maintenance, which is incorporated herein by reference and made a part of this article;
 - (B) Show the general scheme for controlling soil erosion and disposal of stormwater runoff, including but not limited to structural best management practices (BMPs) such as terraces, berms, ditches, culverts, subsurface drains, dams, sediment traps, dikes, detention/retention ponds, and nonstructural BMPs such as seeding and planting, mulching, sprigging, sodding, or temporary covering; and
 - (C) Show the acreage of the areas served by each drain and drainage structure.
- (2) The permittee shall submit temporary erosion control plans and procedures for the chief engineer's approval before grading, which shall include a statement of the schedules and sequence of construction operations. The limits of the area to be graded shall be delineated by flagging before the commencement of the grading work. Where construction equipment will make frequent crossings of a natural drainage course, plans shall provide for temporary culverts or bridge structures to be installed. Where any operations are delayed for any reason, a revised schedule shall be submitted to the chief engineer together

with such modifications of the temporary drainage and erosion control plan as the chief engineer may require. Plans shall provide that the area of bare soil exposed at any one time by construction operations shall be held to a minimum. No drainage structure shall discharge onto a fill slope in such a manner as to cause erosion or gulying. Temporary erosion controls shall not be removed before permanent erosion controls are in place and established;

- (3) The permittee and the permittee's contractor shall be responsible for construction, installation, and maintenance of structural and nonstructural BMPs at construction sites in accordance with the approved drainage and erosion control plan. The adequacy of any BMPs employed or any corrective action that needs to be taken at the construction site is the responsibility of the permittee, the permittee's engineer, and the permittee's contractor, and the cost of any corrective action or work shall be borne by the permittee; and
 - (4) In addition to temporary erosion control plans for construction activities, the chief engineer may require the permittee to prepare and submit permanent erosion control BMPs for the control of storm runoff pollutants and erosion after construction has been completed.
- (d) (1) If a proposed cut or fill is greater than 15 feet in height for single-family or two-family dwelling uses or 7.5 feet in height for other uses; the proposed grading is on land with slopes exceeding 15 percent; any fill is to be placed over a gully, or a swamp, pond, lake, waterway, or wetland; the fill material will be a highly plastic clay; or the fill is to be used to support foundations for residential or other buildings, an engineer's soils report shall be submitted. The soils report shall include data regarding the nature, distribution, and engineering characteristics of existing soils, the surface and subsurface conditions at the site or the presence of groundwater when detected, and shall recommend the limits for the proposed grading, the fill material to be used and the manner of placing it, including the height and slopes of cut and fill sections.
- (2) If the proposed grading includes modification to an existing slope with a cut greater than 15 feet in height and a grade steeper than 40 percent, an evaluation of slope hazards is required and the findings of the evaluation shall be included in a report. The slope hazard evaluation shall, at a minimum, include an evaluation of hazards posed by potential rock, soil, or other slope movement to the proposed development, and an evaluation of the hazard posed to adjacent existing properties or buildings by the proposed grading. The engineering slope hazard report and construction plans shall include mitigative measures to minimize the hazards posed by potential rock, soil, and other slope movement, as well as the threat the development poses to properties adjacent to the proposed grading.

(Sec. 23-2.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 14, § 14-14.2) (Am. Ords. 91-08, 96-34, 04-27)

§ 18A-2.2A Application for a grubbing permit.

- (a) An applicant for a grubbing permit shall file a written application, which shall:
 - (1) Describe, by tax map key number or street address, the land on which the proposed work is to be done;
 - (2) State the estimated dates for starting and completion of the proposed work;

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- (3) Show the name and addresses of the owner or owners of the property;
 - (4) Show the names of the permittee, and the person who shall be responsible for the work to be performed and of that person's contractors or employees, or both, responsible for requesting the inspections required herein. A person signing the application for the permittee shall present evidence that the person is authorized to act for the permittee; and
 - (5) Contain a statement of the purpose for which the grubbing is required; a plot plan showing the location and property boundaries, easements and setbacks; a soil erosion and sediment control plan; and other pertinent information as may be required by the chief engineer.
- (b) Grubbing of land for the purpose of making topographic surveys shall not be permitted. This does not prohibit the cutting of trails for survey lines and access for soil exploration equipment.
(1990 Code, Ch. 14, Art. 14, § 14-14.2A) (Added by Ord. 96-34)

§ 18A-2.2B Application for a stockpiling permit.

- (a) An applicant for a stockpiling permit shall file a written application, which shall:
- (1) Describe, by tax map key number or street address, the land on which the proposed work is to be done;
 - (2) State the estimated dates for the starting and completion of the proposed work;
 - (3) Show the names and addresses of the owner or owners of the property;
 - (4) Show the names of the permittee, and the person who shall be responsible for the work to be performed and of that person's contractors or employees, or both, and of any person responsible for requesting the inspection required herein. A person signing the application for the permittee shall present evidence that the person is authorized to act for the permittee; and
 - (5) Furnish a plot plan showing the property lines, easements and setbacks, topography, and the location of the proposed stockpile, quantities, height of stockpile, life of stockpile, and source of the material to be stockpiled and furnish any other information as may be required by the chief engineer to control the emission of air-borne dust, drainage runoff, or erosion problems. The plot plan for stockpiling shall be approved by the chief engineer.
- (b) Where stockpiling is for the purpose of surcharging to stabilize or consolidate an area, the chief engineer shall require the permittee to submit an engineer's soils report, which shall include data on the effect such surcharging will have on adjacent buildings or structures.
- (c) Where stockpiling is to occur on lands within the AG-1 Restricted Agricultural or AG-2 General Agricultural zoning districts, the stockpiling and the materials generated, used, or stored on the land must comply with all other requirements established by federal, State, or city law, ordinance, or regulation, and any applicable permits issued thereunder.
(1990 Code, Ch. 14, Art. 14, § 14-14.2B) (Added by Ord. 96-34; Am. Ord. 14-34)

§ 18A-2.3 Grading permit limitations.

- (a) In the event the plan for the development of the area to be graded or the stated purpose of the grading work requires a conditional use permit, special district permit, planned development approval, a site plan review permit, a plan review use approval or a rezoning under Chapter 21, or requires a special management area use or special management area minor permit under Chapter 25, approval of any such permit or rezoning for the development, or any necessary amendment to any such approval, permit, or rezoning, shall be obtained before approval of the grading permit application, and the grading permit application shall conform to the conditions of the approval, the approved permit or the rezoning.
 - (b) In the event the plan for the development of the area to be graded is to be subdivided, tentative approval of the subdivision pursuant to the subdivision rules shall be obtained before the approval of the grading permit application.
 - (c) In the event the area to be graded requires an NPDES permit, approval of the NPDES permit may be obtained after the approval of the grading application; however, the grading application, including any drainage and erosion control plans, shall conform to the conditions of the approved NPDES permit. In case of conflicting requirements, the most restrictive shall apply.
 - (d) In the event the grading work involves contaminated soil, then all grading work shall be done in conformance with applicable State and federal requirements.
 - (e) The chief engineer may attach such conditions as may be reasonably necessary to ensure that any grading work is for a use or structure permitted in the zoning district and to prevent creation of a nuisance or hazard to public or private property, health, or welfare. Such conditions may include, but shall not be limited to:
 - (1) Improvement of any existing grading to bring it up to the standards under this chapter;
 - (2) Requirements for fencing of excavation or fills which otherwise would be hazardous;
 - (3) The requirement of retaining walls adequate to prevent loss of support to, erosion of, and interference with natural drainage patterns on adjacent properties;
 - (4) Cleaning up the area;
 - (5) Limitations on the days and hours of operation; and
 - (6) Increasing the effectiveness of the erosion control plan as required.
 - (f) The issuance of a grading permit shall constitute an authorization to do only that work which is described on the permit and in the plans and specifications approved by the chief engineer.
 - (g) Permits issued under the requirements of this chapter shall not relieve the permittee of responsibility for securing required permits or approvals for work to be done which is regulated by any other federal, State, and city codes or regulations, department, or division of the governing agency.
- (Sec. 23-2.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 14, § 14-14.3) (Am. Ords. 91-08, 92-122, 96-34)

§ 18A-2.4 Permit fees.

- (a) Before issuance of a grading permit, a permit fee for grading on the same site based on the volume of excavation or fill measured in place, whichever is greater, will be collected according to the following schedule:

<i>Volume of Material</i>	<i>Permit Fee</i>
1,000 cubic yards or less	\$505 plus \$55 for each 100 cubic yards or fraction thereof
More than 1,000 to less than 10,000 cubic yards	\$1,000 for the first 1,000 cubic yards plus \$55 for each additional 1,000 cubic yards or fraction thereof
10,000 cubic yards or more	\$1,480 for the first 10,000 cubic yards plus \$35 for each additional 1,000 cubic yards or fraction thereof

The fee for a permit authorizing work additional to that under a valid permit will equal the difference between the fee paid for the original permit and the fee computed for the entire project.

- (b) Before issuance of a grubbing permit, a permit fee of \$110 for grubbing areas up to 15,000 square feet plus \$15 for each additional 1,000 square feet or fraction thereof will be collected.
- (c) Before issuance of a stockpiling permit, a permit fee of \$55 for stockpiling in excess of the first 100 cubic yards plus \$15 for each additional 1,000 cubic yards or fraction thereof will be collected.
- (d) When grading, grubbing, or stockpiling is performed by or on behalf of the city, State, or federal government, the chief engineer shall waive the collection of any permit fee required in subsections (a), (b), and (c).
- (e) When a business is certified as a qualified business pursuant to § 35-1.3, the chief engineer shall waive the collection of any permit fee required in subsections (a), (b), and (c) for the qualified business for a period of three years.
- (f) All permit fees are to be deposited into the highway fund.
- (g) When grading, grubbing, or stockpiling permits are processed in conjunction with a building permit for the creation of an “accessory dwelling unit”, as defined in § 21-10.1, the chief engineer shall waive the collection of the permit fees required in subsections (a), (b), and (c). The grading, grubbing and stockpiling permit fees that were collected for the creation of “accessory dwelling units” from the effective date of Ordinance 15-41 (September 14, 2015), will be reimbursed if requested by the permittee.*
(Sec. 23-2.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 14, Art. 14, § 14-14.4) (Am. Ords. 96-34, 98-54, 03-12, 14-4, 16-19, 17-28)

Editor’s note:

** Section 18A-2.4(g) will be repealed on June 30, 2020, in accordance with Ord. 17-30.*

§ 18A-2.4A Grading without a permit.

- (a) Where work for which a grading permit is required by this chapter has been commenced or has been accomplished without a permit, a permit shall be obtained, and double the fees specified in § 18A-2.4 shall be assessed, provided that such work complies with or may be made to comply with this chapter.
- (1) If the grading work accomplished or commenced cannot be made to comply with this chapter, the owner and developer of the property or person or persons responsible for the initiation or accomplishment of such grading work shall restore the land to its original condition and shall obtain a certificate of completion therefor from the director.
 - (2) Any filling performed without a permit is not a structural fill.
 - (3) Any owner and developer of the property or person or persons responsible for the initiation or accomplishment of grading work in violation of § 18A-2.1 may, at the discretion of the director, not be issued a grading permit, and the director may issue an order requiring the owner and developer of the property or person or persons responsible for the initiation or accomplishment of the grading work to restore the land to its original condition. This prohibition and requirement applies whether such person is able to make the grading compliant with this chapter.
 - (4) Exception—at the discretion of the director, the owner and developer of the property or person or persons responsible for such grading will not have violated this chapter by grading without a permit in cases of natural or man-made disasters.

For the purposes of this section, a “natural disaster” includes disasters caused by fire, flood, tidal waves, hurricanes, tsunamis, volcanic eruptions, earthquakes, or other natural causes; and a “man-made disaster” includes disasters caused by enemy attacks, sabotage, other hostile actions, or disasters to individual homes, or other disasters manufactured, created, or constructed by mankind.
 - (5) Notwithstanding the above, the owner and developer of the property or person or persons responsible for such grading will have violated this chapter by grading without a permit.
- (b) The owner and developer of the property or the person or persons responsible for the initiation of grading shall be responsible for correcting any damages done by the grading on-site or off-site.
- (1) Off-site corrections and restoration shall include but not be limited to damages to improvements within the public right-of-way, any portions of the city-owned separate storm sewer systems, or private drain systems, and the removal of any sediment and debris from the public right-of-way and any drainage facility.
 - (2) On-site corrections and restoration shall include covering of exposed soil surfaces with planting, correction of improper excavation or fills, and drainage.
- (c) Where the grading work accomplished or commenced cannot be made to comply with this chapter, the person or persons responsible shall post a performance bond in an amount sufficient, as determined by the director, to ensure payment of all costs of restoring the land to its original condition, and any damages which have occurred to any improvements in the public right-of-way if the person or persons responsible do not satisfactorily perform the restoration. Such performance bond shall be maintained in force for a period of one

year after the restoration work has been completed, and no certificate of completion for the work shall be issued by the director until one year has elapsed after the physical work of restoration has been completed. (1990 Code, Ch. 14, Art. 14, § 14-14.4A) (Added by Ord. 96-34; Am. Ord. 14-31)

§ 18A-2.5 Expiration of permit.

- (a) Every grading or grubbing permit shall expire and become void by limitation, unless the work permitted therein is started within 90 days after the date of issuance; if the work is suspended or abandoned at any time after the work is commenced for a period of 60 days; or one year after the date of issuance of the permit. Before such work can be recommenced, a new permit shall first be obtained to do so and the fee therefor shall be the fee as specified in § 18A-2.4. Permit fees for an expired permit even if no work has commenced shall not be refunded.
 - (b) Every stockpiling permit shall expire and become void one year after the date of issuance and all stockpiled material temporarily stored on the premises shall be removed from the premises or used on the premises as fill material under a grading permit for fill before the expiration date. Upon written application, the chief engineer may grant extension or renewal for an expired stockpiling permit. In granting such extension or renewal, the chief engineer may attach such conditions as deemed appropriate to prevent the creation and maintenance of a nuisance or hazard to individuals and property. Permit fee for extension or renewal shall be the fee as specified above.
- (Sec. 23-2.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 14, § 14-14.5)

§ 18A-2.6 Denial of permit.

If the chief engineer finds that the work as proposed by the applicant is likely to endanger any property or public way or structure or endanger the public health or welfare through environmental damage, the chief engineer shall deny the grading, grubbing, or stockpiling permit. Factors to be considered in determining probability of hazardous conditions shall include but not be limited to possible saturation of the ground by rains, earth movements, dangerous geological conditions or flood hazards, undesirable surface water run-off, subsurface conditions such as the stratification and faulting of rock, nature and type of soil or rock. Failure of the chief engineer to observe or recognize hazardous conditions or the chief engineer's failure to deny the grading, grubbing, or stockpiling permit shall not relieve the permittee or the permittee's agent from being responsible, nor cause the city, its officers or agents, to be held responsible for the conditions or damages resulting therefrom.

(Sec. 23-2.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 14, § 14-14.6)

§ 18A-2.7 Suspension or revocation of permit.

- (a) All permittees shall be required to comply with provisions of the NPDES permit if applicable including measures to control pollutants in stormwater discharges during construction, and with all applicable laws, ordinances, rules or regulations of the State of Hawaii or of the City and County of Honolulu. The chief engineer shall, in writing, suspend or revoke a permit issued under this chapter whenever the permit has been issued on the basis of incorrect information supplied by the permittee; whenever the grading, grubbing, or stockpiling is not being performed in accordance with the terms and provisions of the permit; whenever it is determined that the permittee has not complied with any provision of the NPDES permit if applicable and any other applicable law, ordinance, rule or regulation of the State of Hawaii or the City and County of Honolulu;

or whenever the grading, grubbing, or stockpiling discloses conditions that are objectionable or unsafe. Where a permit is revoked for any reason, there shall be no refund of any permit fees.

- (b) When a permit has been suspended, the permittee may submit detailed plans and proposals for compliance with this chapter, and the NPDES permit if applicable, and any other applicable laws, ordinances, rules, or regulations of the State of Hawaii or the City and County of Honolulu, and for correcting the objectionable or unsafe conditions. Upon approval of such plans and proposals by the chief engineer, the chief engineer may authorize the permittee, in writing, to proceed with the work.
 - (c) When a permit has been suspended and the permittee fails to take corrective action specified above within 30 days following the suspension, the chief engineer may correct the objectionable or unsafe conditions and the permittee shall be liable for the cost thereof, or, where a bond required by § 18A-2.8 has been filed with the city, from the surety executing such bond, or shall be deducted from the cash which has been deposited with the city in lieu of filing a bond.
- (Sec. 23-2.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 14, § 14-14.7) (Am. Ord. 92-122)

§ 18A-2.8 Bond.

- (a) *Bond required.* A grading permit or stockpiling permit shall not be issued for any cut, fill, or stockpiling involving quantities more than 500 cubic yards or for excavations or fills over 15 feet in vertical height, or for work being done in increments of 500 cubic yards or less, which is part of a larger development, unless the permittee shall first file a bond for the benefit of the city; provided that if the proposed grading or stockpiling is to be performed under an approved subdivision final map and a subdivision agreement, or bond or other security has been approved and accepted by the city under the subdivision rules of the city, or a contractor's performance bond accepted by the city, then the chief engineer shall not require a bond for grading or stockpiling. A copy of the approved and accepted subdivision bond or other security shall be presented as evidence by the applicant for a grading or stockpiling permit. At the option of the applicant, the applicant may either file a bond guaranteed by a surety company duly authorized to transact business within the State of Hawaii, or the applicant may deposit cash or letter of credit in lieu of a bond. No interest shall be paid by the city on such cash deposit. The provisions herein relating to a surety bond shall be equally applicable to a cash deposit pledged as a bond.
- (b) *Amount of bond.* The amount of the bond shall be based upon the number of cubic yards of material in either excavation, fill, or stockpiling, whichever is the greatest volume. The amount of the bond shall be computed as set forth in the following schedule:

<i>Volume of Material</i>	<i>Permit Bond</i>
10,000 cubic yards or less	\$8 per cubic yard
Over 10,000 to 100,000 cubic yards	\$80,000 plus \$3 per cubic yard for each additional cubic yard in excess of 10,000
Over 100,000 cubic yards	\$350,000 plus \$1 per cubic yard in excess of 100,000

At the option of the applicant, the applicant may file a bond in an amount equal to the cost of all work and services required to complete all of the work under the grading or stockpiling permit as approved by the chief

Permits, Bonds, and Inspection for Grading, Soil Erosion, and Sediment Control § 18A-2.9

engineer. Cost estimates prepared by the permittee shall be subject to approval of the chief engineer to determine the exact amount of the bond.

- (c) *Conditions.* The bond shall be conditioned to be payable to the chief engineer, and upon failure of the permittee to complete all of the required work within the specified time, the chief engineer shall collect the moneys from the bond and complete the necessary work to control soil erosion and sedimentation or all unfinished work required by the permit. The parties executing the bond shall be firmly bound to pay for this entire cost.
 - (d) *Additional conditions.* Each bond shall provide that the surety shall be held and firmly bound unto the city for so long as the following conditions have not been met:
 - (1) The permittee shall comply with all of the terms and conditions of the permit to the satisfaction of the chief engineer;
 - (2) The permittee shall complete all of the work authorized under the permit within the time limit specified in the permit; and
 - (3) The surety company shall not terminate or cancel the bond until notified in writing by the chief engineer of any termination or cancellation.
 - (e) *Period and termination of bond.* The term of each bond shall begin upon the date of issuance of the permit and shall remain in effect for a period of one year after the date of completion of the work to the satisfaction of the chief engineer. Such completion shall be evidenced by a certificate signed by the chief engineer. In the event of failure to complete the work or failure to comply with all of the conditions and terms of the permit, the chief engineer may order the work to be completed as required by the permit and to the satisfaction of the chief engineer. The surety executing such bond or the cash depositor, shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the city, in causing any and all of such required work to be done, and the surety and the permittee assents to the completion of the work even though it is performed after the time allowed in the permit. Upon completion of such work by the city, the bond shall be terminated. In the case of a cash deposit, such a deposit or any unused portion thereof not required to complete the work authorized by the permit shall be refunded to the permittee.
- (Sec. 23-2.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 14, § 14-14.8) (Am. Ord. 96-34)

§ 18A-2.9 Inspection.

- (a) Each permit issued under this chapter includes the right to the chief engineer or the chief engineer's authorized representatives to enter upon and to inspect the grading, grubbing, or stockpiling operations and if applicable, the erosion control plan and provisions and measures to control pollutants in stormwater discharges during construction.
- (b) The permittee shall notify the chief engineer at least two days before the permittee or the permittee's agent begins any grading, grubbing, or stockpiling. Where applicable and feasible, the measures to control erosion and other pollutants shall be in place before any earth moving phase of the grading is initiated. A copy of the permit, the erosion control plans, and the NPDES permit where applicable, plans and specifications for grading, grubbing, or stockpiling shall be maintained at the site during the progress of any work.

- (c) If the chief engineer or the chief engineer's representative finds that the work is not being done in conformance with this chapter; or the plans; or the erosion control plans; or in accordance with accepted practices, the chief engineer shall immediately notify the person in charge of the grading work of the nonconformity and of the corrective measures to be taken. Grading operations shall cease until corrective measures satisfactory to the chief engineer have been taken. In addition, whenever the work is not being done in conformance with an NPDES permit, the State department of health will be notified.
- (Sec. 23-2.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 14, § 14-14.9) (Am. Ord. 92-122)

ARTICLE 3: GRADING, GRUBBING, AND STOCKPILING

Sections

- 18A-3.1 Conditions of permit
- 18A-3.2 Special requirements

§ 18A-3.1 Conditions of permit.

The requirements of subsections (a), (b), and (c) may be modified by the director of planning and permitting based on the engineer's soils report and engineering slope hazard report.

- (a) *Height.* Where a cut or fill is greater than 15 feet in height, terraces or benches shall be constructed at vertical intervals of 15 feet, except that where only one bench is required, it shall be at the midpoint. The minimum width of such terraces or benches shall be at least 8 feet and provided with drainage provisions to control erosion on the slope face and bench surface.
- (b) *Cut slopes.* Under the following soil conditions, no cut may be steeper in slope than the ratio of its horizontal to its vertical distance as shown below:
 - (1) One-half horizontal to one vertical in unweathered rock or mudrock;
 - (2) One horizontal to one vertical in decomposed rock; and
 - (3) One and one-half horizontal to one vertical in soils of low plasticity, cuts of any height in highly plastic soils shall be as recommended in the applicable report.
- (c) *Fill slopes.* Fills shall not be steeper than a ratio of two horizontal to one vertical, except that fill using highly plastic clays shall have slopes as recommended in the applicable report.
- (d) *Distance from property line.* The horizontal distance from the top of a cut slope or the bottom of a fill slope to the adjoining property line shall not be less than as follows:

<i>Height of Cut or Fill</i>	<i>Distance from Property Line (in feet)</i>
Zero feet to 4 feet	2
More than 4 feet to 8 feet	4
More than 8 feet to 15 feet	6
More than 15 feet	8

These requirements may be modified by the director of planning and permitting when cuts or fills are supported by retaining walls or when the permittee submits an engineer's soils report or engineering slope hazard report stating that the soil conditions will permit a lesser horizontal distance without causing damage or danger to the adjoining property.

- (e) *Area opened.* The maximum-sized parcel of land that may be opened for grading or grubbing is 15 acres. Noncontiguous increments may be worked concurrently provided no single parcel exceeds 15 acres, provided the work is in conformance with the NPDES permit. The area of land that may be opened may be reduced by the director of planning and permitting to control pollution and minimize storm damage. However, if soils, hydrologic, climatic and construction conditions warrant, and adequate erosion prevention measures have been taken, the director of planning and permitting may authorize additional area to be opened. Additional area may not be opened for grading or grubbing until measures to prevent dust or erosion problems in the area already graded or grubbed have been undertaken to the satisfaction of the director.
- (f) *Fills.* The requirements of subdivisions (1), (2), and (3) may be modified by the director of planning and permitting if the permittee submits an engineer's soils report recommending criteria for the proposed fill for its intended use.
 - (1) Fill material shall be selected to meet the requirements and conditions of the particular fill for which it is to be used. The fill material shall not contain vegetation or organic matter. Where rocks, concrete, or similar materials of greater than 8 inches in diameter are incorporated into the fill, they shall be placed in accordance with the recommendation of a soils engineer.
 - (2) *Preparation of ground surface.* Before placing or stockpiling, the natural ground surface shall be prepared by removing the vegetation and, if required by the director of planning and permitting, shall be notched by a series of benches or subsurface drains, or both, installed. No fill shall be placed over any water spring, marsh, refuse dump, nor upon a soft, soggy, or springy foundation; provided that this requirement may be waived by the director of planning and permitting if the permittee submits an engineer's soils report recommending criteria for the fill.
 - (3) *Placement and compaction.* Fill materials shall be spread and compacted in a series of 8-inch to 10-inch layers when compacted, unless otherwise recommended by the soils engineer. Except for slopes, the fill shall be compacted to 90 percent of maximum density as determined by the most recent ASTM soil compaction test D1557 unless the engineer's soils report justifies a lesser degree of compaction, or unless otherwise recommended by the soils engineer.
- (g) *Vegetation.* Whenever feasible, natural vegetation should be retained by becoming part of the erosion control plan during construction or part of the permanent landscaping plan, if applicable. If it is necessary that vegetation be removed, trees, timber, plants, shrubbery, and other woody vegetation, after being uprooted, displaced, or dislodged from the ground by excavation, clearing, or grubbing, shall not be stored or deposited along the banks of any stream, river, or natural watercourse. After being uprooted, displaced, or dislodged, such vegetation shall be disposed of by means approved in writing by the director of planning and permitting or removed from the site within a reasonable time, but not to exceed three months.
- (h) *Drainage provisions.* Adequate provisions shall be made to prevent surface waters from damaging the cut face of an excavation or the sloped surfaces of a fill. Positive drainage shall be provided to prevent the accumulation or retention of surface water in pits, gullies, holes or similar depressions. All drainage facilities shall be designed to carry surface waters to a street, storm drain inlet, or natural watercourse and shall include

an erosion and sedimentation control plan to prevent sediment-laden runoff from leaving the site, either during or following construction. The director of planning and permitting may require such detention or retention drainage structures and pipes to be constructed or installed, which in the director's opinion, are necessary to prevent erosion damage, prevent sediment-laden runoff from leaving the site, and to satisfactorily carry off surface waters. The flow of any existing and known natural underground drainage shall not be impeded or changed so as to cause damage to adjoining property.

- (i) *Debris prohibited.* No person shall perform any grading operation so as to cause falling rocks, soil, or debris in any form to fall, slide, or flow onto adjoining properties, streets, or natural watercourses.
- (j) *Work days.* No grading work shall be done on Saturdays, Sundays, and holidays at any time without prior notice to the director of planning and permitting, provided such grading work is also in conformance with Hawaii Administrative Rules Chapter 11-43, "Community Noise Control for Oahu."
- (k) *Dust control.* All work areas within and without the actual grading area shall be maintained free from dust which will cause a nuisance or hazard to others and in conformance with the air pollution control standards contained in Hawaii Administrative Rules Chapter 11-60, "Air Pollution Control."
- (l) *Water quality standards.* All grading operations authorized under this chapter shall be performed in conformance with the water pollution control and water quality standards contained in Hawaii Administrative Rules Chapter 11-55, "Water Pollution Control" and Chapter 11-54, "Water Quality Standards" and if applicable, the NPDES permit for the project. Any dewatering discharge into State waters will require an NPDES permit from the State department of health under Chapter 11-55, "Water Pollution Control". Any dewatering discharge into the city-owned storm sewer system will require a construction dewatering permit from the director of planning and permitting and an NPDES permit for the discharge of any pollutant into State waters through the city-owned storm sewer system from the State department of health.
- (m) *Notification of completion.* The permittee or the permittee's agent shall notify the director of planning and permitting or the director's representative when the grading operation is ready for final inspection. Final approval shall not be given until completion of all work including installation of all drainage structures and their protective devices, completion of all planting showing a healthy growth in conformance with the approved plans and specifications, and the required reports have been submitted.
- (n) *Report after grading.*
 - (1) When grading involves cuts or fills for which an engineer's soils report was required, the permittee shall submit a final report, prepared by an engineer, upon the completion of such work. This report shall contain:
 - (A) A description of materials used in the fill and its moisture content at the time of compaction, the procedure used in depositing and compacting the fill, the preparation of original ground surface before making the fill, but not limited to benching and subsurface drainage, and a plan or tabulation showing the general location and elevation of compaction tests made in the fill together with a tabulation of relative compaction densities obtained at each location, the location of subdrains and other pertinent features of the fill necessary for its stability; and
 - (B) A certification that the work was done in conformity to this chapter, the approved plans and specifications, and the engineer's soils report.

- (2) Where a slope hazard evaluation and mitigation plan was required to be submitted with a grading permit application, the permittee shall submit a final assessment report, prepared by an engineer, upon the completion of site work, before building construction. The assessment report shall contain a verification that the prevention measures and any stabilization measures called for in the engineering slope hazard report or construction plans were done in conformity with this chapter, and the approved plans and specifications.
 - (o) *As-graded plan.* Upon completion of grading areas over 1 acre or areas graded under subdivision rules, an as-graded plan prepared by an engineer or land surveyor shall be submitted if required by the director of planning and permitting.
- (Sec. 23-3.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 15, § 14-15.1) (Am. Ords. 92-122, 04-27)

§ 18A-3.2 Special requirements.

- (a) Any person performing or causing to be performed any excavation or fill shall, at such person's own expense, provide the necessary means to prevent the movement of earth of the adjoining properties, to protect the improvements thereon, and to maintain the existing natural grade of adjoining properties.
- (b) Any person performing or causing to be performed, any excavation or fill shall be responsible for the maintenance or restoration of street pavements, sidewalks, and curbs, and improvements of public utilities which may be affected. The maintenance or restoration of street pavements, sidewalks, and curbs shall be performed in accordance with the requirements of the city and the maintenance and restoration of improvements of public utilities shall be in conformity with the standards of the public utility companies affected. At cuts fronting any street, a suitable and adequate barrier shall be installed to provide protection to the public.
- (c) Any person depositing or causing to be deposited, any silt or other debris in ditches, watercourses, drainage facilities, and public roadways, shall remove such silt or other debris. If such person shall fail, neglect, or refuse to comply with this section within 48 hours after written notice, served upon such person, either by mail or by personal service, the chief engineer may proceed to remove the silt and other debris or to take any other action the chief engineer deems appropriate. The costs incurred for any action taken by the chief engineer shall be payable by such person.
- (d) At any stage of the grading, grubbing, or stockpiling work, if the chief engineer finds that further work as authorized by an existing permit is likely to create soil erosion problems or to endanger any life, limb, or property, the chief engineer may require safety precautions, which may include but shall not be limited to the construction of flatter exposed slopes, the construction of additional silting or sediment basins, drainage facilities, or benches; the removal of rocks, boulders, debris, and other dangerous objects which, if dislodged, are likely to cause injury or damage; the construction of fences or other suitable protective barriers; or may refer to the local soil and water conservation district for advice from the soil conservation service or other appropriate agencies on the planting or sodding of slopes and bare areas. All planted or sodded areas shall be maintained. An irrigation system or watering facilities may be required by the chief engineer.
- (e) At any stage of the grading, grubbing, or stockpiling operations, if the chief engineer finds that further work as authorized by an existing permit is likely to create dust problems which may jeopardize health, property, or the public welfare, the chief engineer may require additional dust control precautions and, if these additional precautions are not effective in controlling dust, may stop all operations. These additional dust control

measures may include such items as sprinkling water, applying mulch treated with bituminous material, or applying hydro mulch.

- (f) Hillside lots shall be graded in such a manner that any parcels which may be created therefrom, including all separate building sites which may be contained within the parcels, can be satisfactorily graded and developed as individual building sites.

(Sec. 23-3.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 15, § 14-15.2)

Honolulu - Building and Construction Codes

ARTICLE 4: VIOLATIONS, PENALTIES, AND LIABILITIES FOR GRADING, GRUBBING, AND STOCKPILING

Sections

- 18A-4.1 General
- 18A-4.2 Notice of violation—Stop work
- 18A-4.3 Criminal prosecution
- 18A-4.4 Administrative enforcement
- 18A-4.5 Liability
- 18A-4.6 Rule-making powers
- 18A-4.7 Decisions of the director of planning and permitting
- 18A-4.8 Depository of civil penalties

§ 18A-4.1 General.

It is unlawful for any person to do any act forbidden, or to fail to perform any act required, by this chapter. Whenever a corporation violates this chapter, the violation shall be also that of the individual directors, officers, or agents of the corporation who, in their capacity as directors, officers, or agents of such corporation have authorized, ordered, or done any of the acts constituting in whole or in part such violation.
(Sec. 23-4.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 16, § 14-16.1) (Am. Ord. 90-71)

§ 18A-4.2 Notice of violation—Stop work.

- (a) Whenever any person, firm or corporation violates this chapter, the director of planning and permitting shall serve the person, firm, or corporation with a notice of violation, which shall require the person, firm, or corporation responsible to correct the violation. A notice of violation must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the director of planning and permitting in the exercise of reasonable diligence and the director provides an affidavit to that effect, then a notice of violation may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS § 1-28.5.
- (b) The notice of violation shall include but not be limited to the following information:
 - (1) The date of issuance of the notice;
 - (2) The name and address of the person or entity notified and the location of the violation;
 - (3) The section number of the ordinance, code, or rule which has been violated;
 - (4) The nature of the violation;

- (5) An order to stop work if deemed necessary by the director of planning and permitting; and
 - (6) The deadline for correction of the violation.
 - (c) If the director of planning and permitting deems it necessary for work to stop, the work shall cease upon receipt of the notice and shall not resume until corrective measures satisfactory to the director have been taken. If the notice includes a stop work order, the director shall notify and transmit a copy to the chief of police concurrently with the issuance of the notice. The chief of police shall have the power to enforce the stop work order pursuant to Charter § 6-1604.
- (1990 Code, Ch. 14, Art. 16, § 14-16.2) (Added by Ord. 90-71; Am. Ords. 91-07, 15-15)

§ 18A-4.3 Criminal prosecution.

Any person, firm, or corporation violating this chapter is guilty of a misdemeanor for each and every day or portion thereof during which any violation of this chapter is committed and, upon conviction of any such violation, such person shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both fine and imprisonment.

(1990 Code, Ch. 14, Art. 16, § 14-16.3) (Added by Ord. 90-71)

§ 18A-4.4 Administrative enforcement.

- (a) In lieu of or in addition to enforcement pursuant to § 29-4.3, if the director of planning and permitting determines that any person, firm, or corporation is not complying with a notice of violation, the director of planning and permitting may issue an order to the person or entity responsible for the violation, pursuant to this section.
- (b) *Contents of order.*
 - (1) The order may require the party responsible for the violation to do any or all of the following:
 - (A) Correct the violation within the time specified in the order;
 - (B) Upon compliance with HRS Chapter 91, pay a civil fine not to exceed \$5,000 in the manner, at the place and time specified in the order;
 - (C) Upon compliance with HRS Chapter 91, pay a civil fine not to exceed \$5,000 per day for each day in which the violation occurs, in the manner and at the time and place specified in the order; and
 - (D) Restore the land affected by the violation to its original condition and obtain a certificate of completion from the director of planning and permitting. Restoration of the land must be completed within 30 days of the order becoming final.
 - (2) The order shall advise the party responsible for the violation that the order shall become final 30 calendar days after the date of its delivery.

(c) *Recurring violations.*

- (1) Persons who have previously committed a violation under this chapter, in a five-year period, may be required to pay initial and daily civil fines under subsection (b) in amounts up to two times the fine amounts previously imposed by the director of planning and permitting for the immediately preceding violation.
- (2) Where a person commits a violation under this chapter, at the same location, more than one time in a 12-month period, the director of planning and permitting shall refer the finding of violation to the prosecuting attorney for initiation of a criminal prosecution pursuant to § 18A-4.3.

(d) *Service of notice of order.* A notice of order must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the director of planning and permitting in the exercise of reasonable diligence and the director provides an affidavit to that effect, then a notice of order may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS § 1-28.5.

(e) *Judicial enforcement of order.* The director of planning and permitting may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. If a violator does not pay the civil penalty assessed by the director of planning and permitting within 30 days after it is due, or does not request an administrative hearing to contest the violation within the time provided by the order, the director of planning and permitting shall request the corporation counsel to institute a civil action to recover the amount of the assessment. Where the civil action has been instituted to enforce the civil fine imposed by the order, the director of planning and permitting need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid.

(f) *Injunctive relief.* The director of planning and permitting may institute a civil action in any court of competent jurisdiction to enjoin any violation, or threatened violation of this chapter. The institution of an action for injunctive relief does not relieve any person from liability under the civil and criminal penalties for violations of this chapter.

(g) Exception—at the discretion of the director, the owner and developer of the property or person or persons responsible for such grading has not violated this chapter by grading without a permit in cases of natural or man-made disasters.

For the purposes of this section, a “natural disaster” includes disasters caused by fire, flood, tidal waves, hurricanes, tsunamis, volcanic eruptions, earthquakes, or other natural causes; and a “man-made disaster” includes disasters caused by enemy attacks, sabotage, other hostile actions, or disasters to individual homes, or other disasters manufactured, created, or constructed by mankind.

(1990 Code, Ch. 14, Art. 16, § 14-16.4) (Added by Ord. 90-71; Am. Ords. 14-30, 15-15)

§ 18A-4.5 Liability.

This chapter shall not be construed to relieve or alleviate the liability of any person for damages resulting from performing, or causing to be performed, any grading, grubbing, or stockpiling operation. The city, its officers, and

employees shall be free from any liability, cost, or damage which may accrue from any grading, grubbing, or stockpiling or any work connected therewith, authorized by this chapter.
(Sec. 23-4.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 16, § 14-16.5) (Am. Ord. 90-71)

§ 18A-4.6 Rule-making powers.

The director of planning and permitting shall be empowered to adopt rules pursuant to HRS Chapter 91, for the implementation of this chapter.
(Sec. 23-4.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 16, § 14-16.6) (Am. Ords. 90-71, 15-15)

§ 18A-4.7 Decisions of the director of planning and permitting.

Decisions of the director of planning and permitting made in accordance with this chapter, and decisions involving variations from the standards referred to herein, or both, shall be made a matter of record in the permit file.
(Sec. 23-4.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 16, § 14-16.7) (Am. Ords. 90-71, 15-15)

§ 18A-4.8 Depository of civil penalties.

Payments of civil penalties are to be deposited into a special account of the general fund, to be appropriately named by the department of budget and fiscal services, and shall be used for expenses related to enforcement activities of the department of planning and permitting.
(1990 Code, Ch. 14, Art. 16, § 14-16.8) (Added by Ord. 14-30)

CHAPTER 19: PLUMBING CODE

Articles

1. General Provisions
2. Administration and Enforcement
3. Qualification of Performers of Work Under Plumbing Code
4. Installation Requirements
5. Plumbing Work Within Flood Hazard Districts and Developments Adjacent to Drainage Facilities
6. Violations and Penalties

Honolulu - Building and Construction Codes

ARTICLE 1: GENERAL PROVISIONS

Sections

- 19-1.1 Title and purpose
- 19-1.2 Scope
- 19-1.3 Existing installations

§ 19-1.1 Title and purpose.

- (a) *Title.* This chapter shall be known as the “plumbing code,” may be cited as such, and will be referred to herein as “this code.”
 - (b) *Purpose.* The purpose of this code is to provide for the protection of the public health and safety by establishing minimum regulations for the design, installation, alteration, or repair of plumbing and drainage systems and the inspection thereof.
- (1990 Code, Ch. 19, Art. 1, § 19-1.1) (Added by Ord. 99-73)

§ 19-1.2 Scope.

This code shall apply to all new construction, relocated buildings, and to any alterations, repairs, or reconstruction within the property lines of the premises, except as provided for otherwise in this code.

(1990 Code, Ch. 19, Art. 1, § 19-1.2) (Added by Ord. 99-73)

§ 19-1.3 Existing installations.

- (a) Any plumbing system lawfully installed before February 14, 2000* may have its existing use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to the public health, safety, or welfare has been created by such system; provided that showerheads, kitchen faucets, lavatory faucets, toilets, and urinals shall conform to the water conservation requirements in Chapter 30, Article 4.
 - (b) The owner or the owner’s designated agent shall be responsible for the maintenance of the plumbing system in a safe and sanitary condition.
- (1990 Code, Ch. 19, Art. 1, § 19-1.3) (Added by Ord. 99-73)

Editor’s note:

* “February 14, 2000” is substituted for “the effective date of this code”.

Honolulu - Building and Construction Codes

ARTICLE 2: ADMINISTRATION AND ENFORCEMENT

Sections

- 19-2.1 Authority
- 19-2.2 Duties of the administrative authority
- 19-2.3 Right of entry
- 19-2.4 Dangerous and insanitary construction
- 19-2.5 Permit required
- 19-2.6 Inspection—Compliance
- 19-2.7 Notification
- 19-2.8 Liability
- 19-2.9 Unconstitutionality

§ 19-2.1 Authority.

- (a) *Administrative authority.* Whenever the term “administrative authority” is used in this code, it means the director or the director’s authorized representative.
 - (b) *Assistants.* Whenever the term “assistants” is used in this code, it means the authorized representatives of the administrative authority.
- (1990 Code, Ch. 19, Art. 2, § 19-2.1) (Added by Ord. 99-73)

§ 19-2.2 Duties of the administrative authority.

The administrative authority shall maintain public office hours necessary to efficiently administer this code and amendments thereto and shall perform the following duties:

- (1) Require submission of, examine and check any one or more of the following: plans and specifications, drawings, descriptions or diagrams necessary to show clearly the character, kind, and extent of work covered by applications for a permit; and upon approval thereof, issue the permit applied for;
- (2) Administer and enforce this code in a manner consistent with the intent thereof, and inspect all plumbing and drainage work authorized by any permit to assure compliance with this code or amendments thereto, approving or condemning such work in whole or in part as conditions require;
- (3) Issue, upon request, a notice of plumbing inspection for any work approved;
- (4) Condemn and reject all work done or being done, or materials used or being used, which do not in all respects comply with this code and amendments thereto;

(5) Order changes in workmanship or materials, or both, essential to obtain compliance with this code;

(6) Investigate any construction or work regulated by this code and issue such notices and orders as provided in § 19-2.4; and

(7) Keep a complete record of all the essential transactions of the department.

(1990 Code, Ch. 19, Art. 2, § 19-2.2) (Added by Ord. 99-73)

§ 19-2.3 Right of entry.

Upon presentation of proper credentials, the administrative authority may enter at reasonable times any building or premises in the city to perform any duty imposed upon the administrative authority by this code; provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and provided further, that an order of a court authorizing such entry shall be obtained in the event such entry is denied or resisted.

(1990 Code, Ch. 19, Art. 2, § 19-2.3) (Added by Ord. 99-73)

§ 19-2.4 Dangerous and insanitary construction.

(a) Any portion of a plumbing system found by the administrative authority to be insanitary as defined herein is declared to be a nuisance.

(b) Whenever it is brought to the attention of the department having jurisdiction that any insanitary conditions exist or that any construction or work regulated by this code is dangerous, unsafe, insanitary, a nuisance, or a menace to life, health, or property or otherwise in violation of this code, the department may request an investigation by the administrative authority, who, upon determining such information to be fact, shall order any person, firm, or corporation using or maintaining any such construction or work in such condition or responsible for the use or maintenance thereof to discontinue the use or maintenance thereof or to repair, alter, change, remove, or demolish same as the administrative authority may consider necessary for the proper protection of life, health, or property; and in the case of any gas piping or gas appliance, the department may order any person, firm, or corporation supplying gas to such piping or appliance to discontinue supplying gas thereto until such piping or appliance is made safe to life, health, or property.

Every such order shall be in writing, addressed to the owner, agent, or person responsible for the premises in which such condition exists, and shall specify the date or time for compliance with such order.

(c) Refusal, failure, or neglect to comply with such notice or order shall be considered a violation of this code.

(d) When any plumbing system is maintained in violation of this code and in violation of any notice issued pursuant to this section, or where a nuisance exists in any building or on a lot on which a building is situated, the administrative authority may institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct, or abate the violation or nuisance.

(1990 Code, Ch. 19, Art. 2, § 19-2.4) (Added by Ord. 99-73)

§ 19-2.5 Permit required.

A building permit is required to perform work covered by this code as provided in Chapter 18.
(1990 Code, Ch. 19, Art. 2, § 19-2.5) (Added by Ord. 99-73)

§ 19-2.6 Inspection—Compliance.

All plumbing and drainage systems shall be inspected by the administrative authority to ensure compliance with the requirements of this code.
(1990 Code, Ch. 19, Art. 2, § 19-2.6) (Added by Ord. 99-73)

§ 19-2.7 Notification.

- (a) It shall be the duty of the person doing the work authorized by the permit to notify the administrative authority, orally or in writing, that such work is ready for inspection. Such notification shall be given not less than 48 hours before the work is to be inspected.
- (b) It shall be the duty of the person doing the work authorized by the permit to ensure that the work will withstand the tests prescribed elsewhere in this code, before giving the above notification.
(1990 Code, Ch. 19, Art. 2, § 19-2.7) (Added by Ord. 99-73)

§ 19-2.8 Liability.

The administrative authority, acting in good faith and without malice in the discharge of official duties, shall not be personally liable; and the administrative authority is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of official duties. Any suit brought against the administrative authority because of such act or omission performed in the enforcement of this code shall be defended by the corporation counsel or its authorized representative until final termination of the proceedings.
(1990 Code, Ch. 19, Art. 2, § 19-2.8) (Added by Ord. 99-73)

§ 19-2.9 Unconstitutionality.

If any section, subsection, sentence, clause, or phrase of this chapter is, for any reason, held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this chapter. The legislative body declares that it would have passed this chapter, and each section, subsection, subdivision, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more of such provisions be declared unconstitutional.
(1990 Code, Ch. 19, Art. 2, § 19-2.9) (Added by Ord. 99-73)

Honolulu - Building and Construction Codes

ARTICLE 3: QUALIFICATION OF PERFORMERS OF WORK UNDER PLUMBING CODE

Section

19-3.1 General provisions

§ 19-3.1 General provisions.

- (a) It is unlawful for any person to perform any work covered by this code in violation of the Hawaii Revised Statutes relating to the licensing of electricians and plumbers.
 - (b) Unlicensed persons may perform work covered by this code; provided that such work performance is not in violation of HRS Chapter 444.
- (1990 Code, Ch. 19, Art. 3, § 19-3.1) (Added by Ord. 99-73)

Honolulu - Building and Construction Codes

ARTICLE 4: INSTALLATION REQUIREMENTS

Section

19-4.1 Uniform Plumbing Code

§ 19-4.1 Uniform Plumbing Code.

The Uniform Plumbing Code, 1997 Edition, as copyrighted and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789-2825, including its appendices, is adopted by reference and made a part of this chapter, subject to the amendments hereinafter set forth, as the standard for plumbing work covered by this code.

- (1) Amending Section 101.3. The first paragraph of Section 101.3 is amended to read:

Plans and specifications shall be required prior to issuance of a building permit to perform work covered by this code as provided in Chapter 18, Revised Ordinances of Honolulu 1990, as amended.

- (2) Amending Section 101.4.1.3, Existing Construction. Section 101.4.1.3 is amended to read:

See Article 1, Sec. 19-1.3.

- (3) Amending Section 101.5.3, Existing Installation. Section 101.5.3 is amended to read:

See Article 1, Sec. 19-1.3.

- (4) Amending Section 102.0, Organization and Enforcement. Section 102.0 is amended by adding:

See also Article 2, Administration and Enforcement.

- (5) Adding Section 102.2.7, Modifications. Section 102.2.7 is added to read:

102.2.7 Modifications.

Modifications: Where there are practical difficulties involved in carrying out the provisions of this code, the administrative authority shall have the right to vary or modify such provisions upon application by the owner or the owner's representative, provided that the spirit and intent of the law are observed and that the public health, safety and welfare are assured. The details of action granting modifications shall be recorded and entered in the files of the department.

- (6) Amending Section 102.3, Violations and Penalties. Section 102.3 is amended by deleting Sections 102.3.1 and 102.3.2 and inserting:

For violation and penalty provisions, see Article 6.

- (7) Amending Section 103.1.1, Permits Required. Section 103.1.1 is amended to read:

A building permit is required to perform work covered by this code as provided in Chapter 18, Revised Ordinances of Honolulu 1990, as amended.

- (8) Deleting Sections 103.1.2 through 103.4.5.3.

Sections 103.1.2 through 103.4.5.3 are deleted.

- (9) Amending Section 103.5.4, Inspection Requests. Section 103.5.4 is amended to read:

Inspection Requests. It shall be the duty of the person doing the work authorized by the permit to notify the administrative authority, orally or in writing, that such work is ready for inspection. Such notification shall be given not less than 48 hours before the work is to be inspected.

It shall be the duty of the person doing the work authorized by the permit to make sure that the work will stand the tests prescribed elsewhere in this code, before giving the above notification.

- (10) Deleting Sections 103.5.4.1 and 103.5.4.2.

Sections 103.5.4.1 and 103.5.4.2 are deleted.

- (11) Deleting Table 1-1, Plumbing Permit Fees.

Table 1-1 is deleted.

- (12) Adding Section 104. Section 104 is added to read:

Section 104. Appeals and Petitions.

Any appeal from the decision of the administrative authority in the administration of the City and County of Honolulu plumbing code involving any denial of the use of new or alternate materials, types of construction, equipment, fixtures, devices, or appliances, or any petition for varying the application of the plumbing code may be submitted to the building board of appeals for hearing and determination as specified in Section 105, Uniform Building Code, as amended, pursuant to § 16-1.1, Revised Ordinances of Honolulu 1990, as amended.

- (13) Amending Section 202.0, Definition of Terms. The following definitions are amended or added:

- (i) Building Drain, is amended by deleting “two (2) feet (.6 m)” and inserting in lieu thereof “five feet (1.5 m)”.
- (ii) Add “Control Valve (Water) - A control valve is any type of valve which can change the flow rate of water, which includes compression stop valves.”
- (iii) Add “Health Officer - Health officer shall mean the director of health of the department of health, State of Hawaii, or the director’s authorized agent.”
- (iv) Add “Single-stack System - A single-stack system is a specially designed plumbing system wherein a common stack serves as a drainage pipe as well as a vent pipe.”

- (14) Adding Section 301.3. Section 301.3 is added to read:

Section 301.3 International Plumbing Code. The 1997 edition of the International Plumbing Code (IPC) may be used in lieu of the Uniform Plumbing Code when approved by the administrative authority. A written request by a Hawaii licensed mechanical engineer with the concurrence of the building or project owner must be made to the administrative authority. The details of this approval shall be recorded and entered in the files of the department. Plans submitted shall be stamped by the Hawaii licensed mechanical engineer. This section shall apply only to a new building or project and shall not be applied in conjunction with an existing building. Provisions of the Uniform Plumbing Code and the International Plumbing Code shall not be combined or interchanged unless approved by the administrative authority. Plans submitted shall clearly state on the plumbing and/or mechanical sheets that the International Plumbing Code was used as the basis of design.

- (15) Adding Section 307.3. Section 307.3 is added to read:

307.3 Industrial Waste Discharge Permits. All sanitary sewer systems connected to the city's wastewater collection system shall comply with the requirements of ROH Chapter 14, Public Works Infrastructure Requirements Including Fees and Services, § 14-1.9 Use of Public Sewers Restrictions. An industrial wastewater discharge permit may be required by the Department of Environmental Services Regulatory Control Branch.

- (16) Amending Section 311.4. Section 311.4 is amended by deleting the last sentence:

Also, single stack drainage and venting systems, with unvented branch lines are prohibited.

- (17) Deleting Section 311.6. Section 311.6 is deleted.

- (18) Amending Section 313.2. Section 313.2 is amended by changing the second sentence to read:

No piping shall be directly embedded in concrete or masonry unless provisions are made to protect the piping from damage resulting from expansion, contraction and structural settlement.

- (19) Amending Section 313.4. Section 313.4 is amended to read:

313.4 No building sewer or other drainage piping or part thereof, constructed of materials other than those approved for use under or within a building, shall be installed under or within five (5) feet (1.5m) of any building or structure, or less than one (1) foot (.3m) below the surface of the ground or as approved by the administrative authority.

- (20) Deleting Section 314.8.

Section 314.8 is deleted. (See Table 3-2, which requires only one support within eighteen inches of the joint.)

- (21) Adding Section 314.9. Section 314.9 is added to read:

314.9 Seismic Supports. Where earthquake loads are applicable in accordance with the building code, plumbing piping supports shall be designed and installed for the seismic forces in accordance with the building code.

- (22) Deleting Sections 318 and 319.

Sections 318 and 319 are deleted. (The requirements of Section 318 are covered in DOH Chapter 12, Food Establishment Sanitation 11-12-21.)

- (23) Amending Section 402.1. Section 402.1 is amended by adding to the end of the sentence “but shall not exceed the requirements of Section 402.3.”
- (24) Deleting Section 402.2. Section 402.2 is deleted.
- (25) Adding Section 402.3. Section 402.3 is added to read:

Section 402.3. Water Conservation.

402.3.1 Water supply faucets or valves shall be provided with approved flow control devices which limit flow to a maximum three gallons per minute; provided that shower heads and kitchen faucets shall be provided with approved flow control devices which limit flow to a maximum of 2.5 gallons per minute at 80 psi and lavatory faucets shall be provided with such flow control devices which limit flow to a maximum of 2.5 gallons per minute at 80 psi.

Exceptions:

- (1) Hose bibbs or valves not used for a designated fixture or equipment.
- (2) Hose bibbs, faucets, or valves serving fixed demand, timing or water level control appliances, equipment or holding structures such as pools, automatic washers and other similar equipment.
- (3) Emergency showers.

402.3.2 Tank-type water closets and flushometer valve toilets shall have volume limiting devices or methods which will limit the discharge to 1.6 gallons per flush and urinals shall have volume limiting devices or methods which will limit the discharge to 1 gallon per flush. When a satisfactory performance of the water closet or urinal cannot be obtained with 1.6 gallons or less per flush, or 1 gallon or less per flush, respectively, the administrative authority may approve a larger discharge if hardship circumstances exist. For those places where toilets are heavily used by the public, as determined by the administrative authority, including but not limited to arenas, airports, shopping centers and malls, auditoriums, theaters, convention halls, and the public areas of hotels, flushometer toilets with blowout action may be used and need not comply with the 1.6 gallons per flush requirement herein.

402.3.3 Any new installation using potable water for cooling equipment at a rate exceeding one gallon per minute, or operating more than 10 hours in a twenty-four-hour period, shall be designed to recirculate or reuse the cooling water.

402.3.4 Any new decorative water feature using potable water shall be designed to recirculate the water used for the feature.

- (26) Deleting Section 412.2. Section 412.2 Location of Floor Drains is deleted.
- (27) Deleting Sections 413.0 through 413.7.

Sections 413.0 through 413.7 are deleted. Table 4-1 may be used as a guide only. See department of health Chapter 11, Sanitation, Paragraph 11-11-9 Minimum sanitary facilities for assembly, school, dorms, restaurant and liquor dispenser type occupancies. See state department of labor and industrial relations, Division of Occupational Safety and Health, Chapter 67 Sanitation, paragraph 12-76-4, Toilet facilities and lavatories for the required toilet facilities for employees. (See also UBC amendments Section 303.5 which requires Group A Occupancy (assembly) area to have two female water closets for every male water closet.)

- (28) Amending Section 420.0. Section 420.0 is amended by adding:

Exception: Tub-mounted hand-held shower heads do not require an anti-scald valve.

- (29) Amending Section 501.0. Section 501.0 is amended by adding a second paragraph to read:

Provisions in NFPA (National Fire Protection Association) Standard No. 211-1996, Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, and Part 7, Venting of Equipment, in the National Fuel Gas Code, NFPA 54-1996, may be used in lieu of provisions in this chapter covering the same subject and as guidelines for design, construction and workmanship.

- (30) Deleting Section 503.0. Section 503.0 is deleted.

- (31) Adding Section 505.4. Section 505.4 is added to read:

505.4 A vacuum relief valve, dip tube with perforated inlet or an approved method shall be provided to prevent siphoning in any water heater tank or hot water boiler tank.

- (32) Adding Section 506.3. Section 506.3 is added to read:

506.3 A vacuum relief valve, dip tube with perforated inlet or an approved method shall be provided to prevent siphoning in any water heater tank or hot water boiler tank.

- (33) Amending Section 507.3.1. Section 507.3.1 is amended by adding to the end thereof:

The upper combustion air duct shall extend horizontally or upwards to the outside of the enclosure.

- (34) Amending Section 507.3.3. Section 507.3.3 is amended by changing the first word “Openings” to “Ducts”.

- (35) Amending Section 507.3.5. Section 507.3.5 is amended by changing the first word “Openings” to “Ducts”.

- (36) Amending Section 510.1. Section 510.1 is amended by adding an exception note at the end thereof to read:

Exception:

- (1) Water heaters may be installed at floor level in carports having 100% opening on one side and 50% net opening on another side or the equivalent of such openings on two or more sides, provided the adjacent ground level is at or below the floor level of the carport.

- (2) Fuel burning water heaters having sealed combustion chambers may be installed at floor level.

- (3) Electric water heaters in garages may be installed at floor level.

- (37) Amending Section 510.5. Section 510.5 is amended by adding:

Oahu is in Seismic zone 2A.

- (38) Amending Section 511.2. Section 511.2 is amended by changing the first sentence to read:

Every attic, roof, mezzanine, or platform more than 16 feet (4.9 meters) above the ground or floor level shall be accessible by a stairway or ladder permanently fastened to the building.

- (39) Amending Section 511.4. Section 511.4 is amended by deleting the second and third sentences.

(40) Adding Sections 512.9 and 512.10. Sections 512.9 and 512.10 are added to read:

512.9 Listed gas fired water heaters need not be provided with a vent to the exterior when installed in an open parking garage or carport under the following conditions:

- (1) Such a garage shall comply with the openings provisions of the Building Code for open parking garages or carports.
- (2) Floor mounted heaters shall be installed in the garage so that the bottom of the combustion chamber is at least eighteen inches above the floor and outside grade level.
- (3) Heaters shall be protected against mechanical damage as provided in Section 510.3.
- (4) An acceptable vent cap shall be provided unless not required by the heater's listing or the manufacturer's instructions.
- (5) When location of the heater may result in unsatisfactory dispersions of combustion products, venting by means of a mechanical draft system to the exterior wall line or to other approved point of termination shall be provided.
- (6) Installation of heaters under these provisions shall be approved by the administrative authority and the serving gas supplier.

512.10 Listed single and two-family gas fired water heaters rated at less than 55,000 Btuhs need not be provided with a vent extended through the roof of the building or enclosure when installed outside of the exterior walls of the building unenclosed or in approved enclosures. Protection of such water heaters from the weather shall be provided either by the appliance design itself or by an approved enclosure, when climatic or safety conditions warrant. In addition, such installations shall meet the following:

- (1) Adequate openings and clearances shall be provided by the enclosure in accordance with Sections 507 and 508.
- (2) Enclosure openings or vent caps shall be located in accordance with Section 517.5.
- (3) Section 517.2 is not applicable unless required by the heater manufacturer.
- (4) Vents extending through the roof of an enclosure adjacent to a one or two-family dwelling must comply with Table 5-2 but may be located less than 8 feet from an adjacent vertical wall.

(41) Adding Section 601.4 Section 601.4 is added to read:

601.4. Private water systems. Owners of private water systems are responsible for maintaining the potability of their water systems.

Note: Public water systems must meet the requirements of department of health. See department of health, Chapter 20, Rules Relating to Potable Water Systems.

"Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any such collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system may be privately or publicly owned or operated.

(42) Amending Section 603.0. Section 603.0 is amended by adding a third paragraph under "Approval of Devices or Assemblies" thereof to read:

All installations treating, handling, manufacturing or using liquids, chemicals, or waste products which may be pollutional, dangerous to health or toxic, or having a non-potable auxiliary water supply shall obtain from the board of water supply the requirements for an approval of the backflow prevention assembly to be installed after the water meters and prior to any branches or tees. It shall be the duty of the person or persons having control of such assemblies to obtain from the board of water supply the requirements for approved devices before the preliminary plans, specifications, and drawings are prepared.

- (43) Amending Section 603.3.2. Section 603.3.2 is amended to read:

603.3.2 The premise owner or responsible person shall have the backflow prevention assembly tested by a certified backflow assembly tester at the time of installation, repair, or relocation or when required by the administrative authority. See the board of water supply and the department of health regulations for annual testing and reporting requirements.

- (44) Amending Section 603.3.3. Section 603.3.3 is amended by deleting the last sentence:

Installations elevated more than five (5) feet (1.52 m) above the floor or grade shall be provided with a permanent platform capable of supporting a tester or maintenance person.

(NOTE: Section 603.4.6 Protection from Lawn Sprinklers and Irrigation Systems does not allow a double check valve assembly to be an approved device.)

- (45) Amending Section 603.4.4.1. Section 603.4.4.1 is amended to read:

603.4.4.1 Heat exchangers. Heat exchangers utilizing an essentially toxic transfer fluid shall be separated from the potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls. Heat exchangers utilizing an essentially nontoxic transfer fluid shall be permitted to be of single-wall construction.

On every heat exchanger or heat pump, there shall be posted a readily visible, durable sign stating: "Potable water heating system. Check heat exchanger for leaks before adding refrigerant."

603.4.4.1.1. Essentially Nontoxic Transfer Fluids. Fluids having a Gosselin rating of 1, including: propylene glycol; mineral oil; polydimethylsiloxane, hydrochlorofluorocarbon, chlorofluorocarbon and hydrofluorocarbon refrigerants; and FDA-approved boiler water additives for steam boilers.

603.4.4.1.2. Essentially Toxic Transfer Fluids. Soil, waste or gray water and fluids having a Gosselin rating of 2 or more including ethylene glycol, hydrocarbon oils, ammonia refrigerants and hydrazine.

- (46) Adding Section 603.4.12.1 Section 603.4.12.1 is added to read:

603.4.12.1 Labeling of nonpotable water pipes. When nonpotable water is furnished to a property, the pipes shall be labeled "nonpotable water" above and below ground and at all outlets. Above ground piping shall be labeled at 8-foot maximum intervals. Below ground piping shall be continuously labeled except for irrigation piping.

- (47) Amending Section 603.4.13 Section 603.4.13 is amended to read:

603.4.13 Potable water supply to carbonators shall be protected by a listed reduced pressure principle backflow preventer or double check valve with intermediate atmospheric vent as approved by the administrative authority for the specific use.

- (48) Amending Section 603.4.18.1. Section 603.4.18.1 is amended to read:

603.4.18.1 Except as provided under Sections 603.4.18.2 and 603.4.18.3 below, potable water supply to fire protection systems, including but not limited to standpipes and automatic sprinkler systems, shall be protected from back-pressure and back-siphonage by a double check valve assembly or a reduced pressure backflow preventer.

Exceptions:

- (1) Systems with alarm check valve assembly
- (2) Systems with detector check assembly
- (3) One and two family dwellings and mobile homes
- (4) Systems with booster pumps and check valve assembly

(49) Amending Section 604.1. Section 604.1 is amended to read:

604.1 Water pipe and fittings shall be of brass, copper, cast iron, galvanized steel or other approved materials. Asbestos-cement, CPVC, PB, PE, PEX, PEX-AL-PEX, or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. CPVC, PB, PEX and PEX-AL-PEX water pipe and tubing may be used for hot and cold water distribution systems within a building. All materials used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the administrative authority.

(50) Amending Section 605.3. Section 605.3 is amended by deleting the last sentence of the paragraph and adding at the end of the paragraph:

Exception: When a supply riser serves not more than one plumbing fixture in each dwelling unit, the fixture supply stop may be used in lieu of the fullway valve as its isolating shutoff valve. In such an installation, the supply riser shall be properly located and provided with an accessible fullway valve at the foot or the top of the riser so that the valves will isolate not more than twenty dwelling units. The fixture supply stop shall be an angle valve or stop, straightway stop, screw stop, ball valve, corporation cock, butterfly valve, plug valve or similar valve. Valves shall not have slip joints on the valve inlet side.

(51) Adding Section 606.2.4. Section 606.2.4 is added to read:

606.2.4 Copper or copper-alloy tubing to galvanized steel pipe. Joints between copper or copper-alloy tubing and galvanized steel pipe shall be made with a brass converter fitting or dielectric fitting. The copper tubing shall be soldered to the fitting in an approved manner, and the fitting shall be screwed to the threaded pipe. When dielectric fittings are located below grade, they shall be wrapped as provided under Section 609.3.1.

(52) Adding Section 607.1. Section 607.1 is added to read:

No gravity tank shall be directly connected to the city water main, but shall be provided with an over-the-rim-filler, the orifice or outlet of which must be elevated a distance of six inches (152.4 mm) above the overflow. A drain shall be provided at the bottom of the tank.

(53) Amending Section 608.1. Section 608.1 is amended by adding a new sentence at the end to read:

The tank and pump installations shall be in accordance with provisions of Sections 603 and 607 of this code and with pertinent rules and regulations of the health officer, the board of water supply or any other department having jurisdiction.

(54) Amending Section 608.3. Section 608.3 is amended by deleting the following third paragraph:

In addition to the required pressure or combination pressure and temperature relief valve, an approved, listed expansion tank or other device designed for intermittent operation for thermal expansion control shall be installed whenever the building supply pressure is greater than the required relief valve pressure setting or when any device is installed that prevents pressure relief through the building supply. The tank or device shall be sized in accordance with the manufacturer's recommendation.

- (55) Amending Section 609.1. Section 609.1 is amended by deleting the last two sentences of the section and adding at the end a paragraph to read:

The minimum cover shall be 12 inches below finish grade or as approved by the administrative authority.

- (56) Amending Section 609.2. Section 609.2 is amended by changing "as" to "with" in the first line.

- (57) Amending Section 609.2.2. Section 609.2.2 is amended by adding to the last sentence:

unless the sewer line is jacketed with reinforced concrete for a minimum of five feet on both sides of the point of crossing. Concrete jacket shall conform to Standard Detail S-5 of the Standard Details for Public Works Construction, City and County of Honolulu. See also Design Standard of the Department of Wastewater Management, Volume I, July, 1993, Section 24.11, Protection of Water Systems.

- (58) Amending Section 609.3.2. Section 609.3.2 is amended by adding at the end of the first sentence: "or soldered with 95-5 Tin Antimony solder".

- (59) Amending Section 609.6. Section 609.6 is amended by changing "609.6" to "609.7" in the text.

- (60) Amending Table 6-4 Water Supply Fixture Units (WSFU) and Minimum Fixture Branch Pipe Sizes. Table 6-4 is amended as follows:

- (1) Delete the figures under "3 or more Dwellings" and "Heavy-Use Assembly".

- (2) Change the values for the individual fixtures listed:

<i>Individual Fixture</i>	<i>Private Individual Dwelling</i>	<i>Public General Use</i>
Bathtub or Combination Bath/Shower	2.5	
Clothes Washer	2.0	4.0
Kitchen Sink	1.6	3.2
Lavatory	0.6	1.2
Shower	1.6	3.2
Urinal, 1.0 GPF	1.7	2.8
Water Closet, 1.6 GPF Value Gravity Tank	1.7	2.8
Water Closet, 1.6 GPF Flushometer Tank	1.7	2.8
Water Closet, 1.6 GPF Flushometer Valve	3.4	5.6
Whirlpool Bath or Combination Bath/Shower	2.5	

- (61) Amending Section 610.8. Section 610.8 is amended by adding at the end of the first paragraph a sentence to read:

Meter and water service sizes shall be subject to approval of the board of water supply under their rules and regulations.

- (62) Amending Table 6-5. Table 6-5 is amended by adding a footnote to read:

Final sizes to be governed by rules and regulations of the board of water supply.

- (63) Amending Section 609.10 Water Hammer. Section 609.10 is amended by changing the first sentence to read:

All building water supply systems in which quick-acting valves are installed should be provided with devices to absorb high pressures resulting from the quick closing of these valves.

- (64) [Reserved.]

- (65) Deleting Section 701.1.2.

Section 701.1.2 is deleted. (Plastic DWV piping has no height restrictions.)

- (66) Amending Section 701.3. Section 701.3 is amended by changing the third sentence to read:

For flashings or vent terminals -- not less than 2.5 pounds per square foot (12.2 Kg/square meter).

- (67) Amending Table 7-3 Drainage Fixture Unit Values (DFU). Table 7-3 is amended as follows:

- (1) Delete figures under “3 or more Dwellings” and “Heavy-Use Assembly”.
- (2) Change the value for the Individual Fixtures as listed:

<i>Individual Fixture</i>	<i>Private Individual Dwelling</i>	<i>Public General Use</i>
Bathtub or Combination Bath/Shower	2.0	
Urinal, 1.0 GPF		2.0
Urinal, greater than 1.0 GPF		3.0
Urinal, 1-1/2 in. trap		2.0

- (68) Amending Section 703.2. Section 703.2 is amended by adding an exception provision to read:

Exception: When approved by the administrative authority, other tables of loading limits based on engineered studies and testings may be used in the sizing of drainage and vent piping. The administrative authority may require supporting data, prepared and stamped by a registered professional engineer or architect, submitted for each project. The use of higher loading limits extracted from different tables for the same project or drainage system is not permitted.

- (69) Deleting Section 704.3. Section 704.3 is deleted.

- (70) Amending Table 7-5. Table 7-5 is amended by adding at the end of Note 4: “or four 1.6 gallons per flush water closets on any horizontal branch or drain.”

- (71) Amending Section 707.4. Section 707.4 Exceptions: (1) is amended to read:

(1) Cleanouts may be omitted on a horizontal drain line less than five (5) feet (1.5 m) in length.

- (72) Adding Section 707.15. Section 707.15 is added to read:

707.15 All cleanouts located on the ground floor within any residential occupancy shall be extended outside of or below the building or shall be extended above the floor at least six inches (152.4 mm) above the flood level rim of the lowest fixture.

- (73) Amending Section 710.1. Section 710.1 is amended to read:

710.1 Drainage piping serving fixtures which have flood level rims located below the elevation of the next upstream manhole cover of the public or private sewer serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Where such upstream manhole cover does not exist, an approved backwater valve shall be installed if the fixtures have flood level rims below the connecting manhole cover. Fixtures above such elevation shall not discharge through the backwater valve.

- (74) Adding Section 710.3.4. Section 710.3.4 is added to read.

710.3.4 Macerating or grinder type sump pumps shall have a minimum pipe size of 1-1/4 inches.

- (75) Amending Section 710.6. Section 710.6 is amended by adding to the end of the last sentence of the first paragraph:

or other approved compartment.

- (76) Amending Section 711.0. Section 711.0 is amended by deleting “Bathtubs”, from the second sentence and capitalizing the initial letter of “laundries” therein.

- (77) Amending Section 713.6. Section 713.6 is amended by deleting the “Exception”.

- (78) Adding Section 713.7. Section 713.7 is added to read:

713.7 It is unlawful for any person to connect to or to aid another in connecting to, or to cause a connection to be made to, or to make use of, the public sewer system of the City and County of Honolulu without first having filed an application in writing and having obtained the written approval of the administrative authority.

(79) Adding Section 713.8. Section 713.8 is added to read:

713.8 Building sewer construction shall conform to the requirements for main line sewers as set forth in the department of wastewater management DESIGN STANDARDS, and in Chapter 14, Revised Ordinances of Honolulu 1990, as amended, when either of the following conditions exists:

- (1) Where the administrative authority requires such construction because of the character or quantity of the sewage or industrial waste to be discharged.
- (2) Where the sewer will be dedicated to the City and County of Honolulu.

(80) Adding Section 713.9. Section 713.9 is added to read:

713.9 Sewer lateral connections shall be installed in accordance with Section 14-1.8, Revised Ordinances of Honolulu 1990, as amended. A 4-inch or appropriate size cast iron long radius 90 degree bend shall be connected to the lateral from which shall extend the cast iron, PVC or ABS (Schedule 40) riser and cleanout vertically to at least one inch above ground except in a sidewalk and driveway area. In sidewalk and driveway areas, the cleanout shall be flush with the surface and shall be made of cast iron or brass body with brass plug.

(81) Amending Section 715.1. Section 715.1 is amended by deleting “two (2) feet (.6 m)” and inserting in lieu thereof “five feet (1.5 m)”.

(82) Deleting Section 716.0. Section 716.0 is deleted.

(83) Amending Section 717.0. Section 717.0 is amended to read:

Section 717.0. Size of Building Sewers.

The minimum size of any building sewer shall be determined on the basis of the total number of fixture units drained by such sewer, in accordance with Table 7-8, except that collection sewers under applicable conditions may be sized by recognized engineering design practices when approved by the administrative authority. No building sewer shall be smaller than the building drain unless approved by the administrative authority.

(84) Amending Section 718.1. Section 718.1 is amended to read:

718.1 Building sewers shall run in practical alignment and at a uniform slope of not less than one fourth of an inch per foot (20.9 mm per m) toward the point of disposal. Where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of one fourth of an inch per foot (20.9 mm per m), any such pipe or piping four inches (101.6 mm) or larger may have a lesser slope when approved engineering methods have been used to design the system and when such a system has first been approved by the administrative authority.

(85) Amending Section 718.3. Section 718.3 is amended by deleting “two (2) feet (.6 m)” and inserting in lieu thereof “five feet (1.5 m)”. At the end of the last sentence add: “or as approved by the administrative authority”.

(86) Amending Section 719.1. Section 719.1 is amended to read:

719.1 Cleanouts shall be placed inside the building near the connection between the building drain and building sewer or installed between the exterior wall line and five feet (1.5m) outside the building at the lower end of a building drain and

extended to grade. An approved type of two-way cleanout fitting installed outside a building or a sewer manhole may be substituted for this cleanout requirement.

Additional building sewer cleanouts shall be installed at intervals not to exceed one hundred feet in straight runs and for each aggregate change in direction exceeding one hundred and thirty-five (135) degrees.

- (87) Adding Section 719.7. Section 719.7 is added to read:

719.7 Cleanouts shall be installed immediately upstream of the connection of the city sanitary sewer system in accordance with the rules and regulations of the department of environmental services. Cleanouts in sidewalk and driveway areas shall be flush with the surface and shall be of cast iron or brass body with brass plug. The entire cleanout shall be installed within the private property and at the expense of the property owner.

- (88) Amending Section 720.0. Section 720.0 is amended by changing “as” to “with” in the third line.

- (89) Amending Section 720.0. Section 720.0 is amended by adding to the last sentence thereof, excluding the note thereto, following the words “drain pipe”:

unless the sewer line is jacketed with reinforced concrete for a minimum of five feet on both sides of the point of crossing. Concrete jacket shall conform to Standard Detail S-5 of the Standard Details for Public Works Construction, City and County of Honolulu. See also Design Standard of the Department of Wastewater Management, Volume I, July, 1993, Section 24.11, Protection of Water Systems.

- (90) Amending Section 721.1. Section 721.1 is amended to read:

No building sewer or private sewage disposal system or parts thereof shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private disposal system. Provided, however, a building sewer or private disposal system may be located on an abutting lot when specifically required by the health officer or other department having jurisdiction over sewage disposal and provided further that a legal easement over the abutting lot is first obtained and the plans are approved by the administrative authority.

- (91) Amending Section 722.2. Section 722.2 is amended by adding at its end:

Exception: An abandoned cesspool may be used as an overflow receptor for a sewage sump with pump discharge when approved by the administrative authority.

- (92) Amending Section 722.3. Section 722.3 is amended to read:

722.3 The top cover, access cover or arch over the cesspool, septic tank, or seepage pit shall be removed before filling and the filling shall not extend above the top of the vertical portions of the sidewalls or above the level of any outlet pipe until inspection has been called and the cesspool, septic tank, or seepage pit has been inspected. After such inspection, the cesspool, septic tank, or seepage pit shall be filled to the level of the top of the ground.

- (93) Adding Section 724.0. Section 724.0 is added to read:

724.0 Private Sewage Disposal (General).

Where permitted by Section 713.0, the building sewer or private sewer may be connected to a private sewage disposal system complying with the requirements of the state health officer and all city regulations governing private sewage disposal systems. (See State Department of Health, Chapter 62, Wastewater Systems.)

- (94) Deleting Table 7-7. Table 7-7 is deleted.
- (95) Amending Section 801.2.1. Section 801.2.1 is amended by deleting the last clause of the first sentence:
and the maximum developed length shall not exceed fifteen (15) feet (4572 mm).
- (96) Amending Section 801.2.3. Section 801.2.3 is amended by deleting the word “airbreak” at the end of the first sentence.
- (97) Amending Section 801.3. Section 801.3 is amended by deleting the last sentence: “The developed length from the fixture outlet to the receptor shall not exceed five (5) feet (1524 mm).”
- (98) Amending Section 801.5. Section 801.5 is amended by deleting the last clause of the second sentence: “and shall not exceed fifteen (15) feet (4572 mm)”.
- (99) Deleting Section 801.7. Section 801.7 is deleted.
- (100) Amending Section 803. Section 803 is amended by adding after the last sentence:
Indirect waste piping shall be limited to 15 feet unless approved by the administrative authority.
- (101) Amending Section 804.1. Section 804.1 is amended by adding at the end thereof:
Indirect drains for air conditioning condensate may be installed in toilet or bathroom areas.
- (102) Amending Section 811.0. Section 811.0 is amended by adding the following to the first paragraph:
An industrial wastewater discharge permit may be required by the Department of Environmental Services’ Regulatory Control Branch. See Section 307.3.
- (103) Deleting Section 814.0 Refrigeration Wastes. Section 814.0 is deleted.
- (104) Deleting Section 815.1 Size. Section 815.1 is deleted.
- (105) Adding Section 815.2.3. Section 815.2.3 is added to read:
815.2.3 Condensate wastes shall not drain over a public way.
- (106) Deleting Section 903.1.2. Section 903.1.2 is deleted. (ABS and PVC DWV piping are approved without limitations of building height.)
- (107) Amending Section 905.3. Section 905.3 is amended by changing the last sentence to read:
Vents less than six (6) inches (152.4 mm) above the flood level rim of the fixture shall be installed with sanitary tees or approved drainage fittings, material and grade to the drain.
- (108) Amending Section 906.6. Section 906.6 is amended by adding:
For pre-fabricated flashings Sheet lead shall be at least 2.5 pounds per square foot.

- (109) Amending Section 910.6. Section 910.6 is amended by changing the last sentence to read:

An accessible cleanout shall be installed in the above-floor portion of each vent for the combination waste and vent system.

- (110) Adding Section 911.0. Section 911.0 is added to read:

Section 911.0 Single-stack System.

When approved by the administrative authority, a single-stack system based on engineered studies and testings may be used in lieu of other related provisions in this code. Plans and specifications of such systems shall be prepared and stamped by a licensed professional engineer or architect. Plans shall be submitted for microfilming.

- (111) Amending Section 1009.1. Section 1009.1 is amended by adding to the last sentence:

See Section 307.3 Industrial Waste Discharge Permits.

- (112) Amending Section 1014.1. Section 1014.1 is amended by adding to the last sentence:

See Section 307.3. Industrial Waste Discharge Permits. See also the Department of Environmental Service Division of Environmental Quality, Regulatory Control Branch, "Policy for Grease Interceptor Program Compliance, June 1999". Note that this policy may be more stringent than Uniform Plumbing Code requirements.

- (113) Deleting Sections 1014.8 and 1014.9. Sections 1014.8 and 1014.9 are deleted.

- (114) Amending Section 1014.10. Section 1014.10 is amended by adding:

See Section 1014.1.

- (115) Adding Section 1014.11. Section 1014.11 is added to read:

Each grease trap or interceptor shall have at least twelve inches clearance above the cover for inspection and maintenance.

- (116) Deleting Chapter 11.

Chapter 11 Storm Drainage is deleted. (See Uniform Building Code Section 1506 and Public Works requirements.)

- (117) Amending Section 1201.0. Section 1201.0 is amended by adding at the end thereof:

Compliance with the National Fire Protection Association (NFPA) Standard No. 54-1996, National Fuel Gas Code will be deemed equivalent to meeting requirements of the Uniform Plumbing Code.

- (118) Amending Section 1204.3.2. Section 1204.3.2 is amended by adding at the end thereof a sentence to read:

The administrative authority may accept the use of any testing apparatus which has been approved by a nationally recognized testing laboratory in lieu of the foregoing air pressure test.

- (119) Adding Section 1204.3.3. Section 1204.3.3 is added to read:

1204.3.3 Gas Appliance Installation Inspection:

This inspection shall be made after all gas piping in the system as authorized has been inspected and approved and the connections of such gas fixtures and appliances as authorized by permit have been made to the piping system. This inspection shall include a soap solution test or other approved testing method of detecting any gas leakage occurring in the connection or attachment and shall include a determination that the installation meets the requirements and intent of this code.

(120) Amending Section 1209.1. Section 1209.1 is amended to read:

1209.1 All gas meter locations under the control of the gas supplier shall be approved by the supplier. All meter locations shall conform to local fire regulations.

(121) Amending Section 1210.0. Section 1210.0 is amended to read:

1210.0 Material for Gas Piping.

1210.1 Pipe: All pipe used for the installation, extension, alteration, or repair of any gas piping shall be standard weight wrought iron or steel (galvanized or black), threaded copper or brass pipe. Threaded copper or brass pipe is restricted to above ground only. Approved PE pipe may be used in exterior buried piping systems.

1210.2 Tubing: Seamless copper, aluminum alloy, brass or steel tubing may be used in lieu of pipe listed in Section 1210.1 for above ground installations only and shall not be installed in concealed spaces. Copper tubing shall be of type K or L, or equivalent, having a minimum wall thickness of 0.032 inch. Aluminum alloy shall not be used in exterior locations or where it is in contact with masonry, plaster or building insulation or is subject to corrosive wettings. Approved PE tubing may be used in exterior buried piping systems. Corrugated stainless steel tubing (CSST) shall be tested and listed as to compliance with construction, installation, and performance requirements for use in interior gas piping systems per ANSI/AGA LC1-1991, Interior Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing.

1210.3 All such pipe or tubing shall be either new, or shall previously have been used for no other purpose than conveying gas; it shall be in good condition and free from internal obstructions. Burred ends shall be reamed to the full bore of the pipe or tubing.

1210.4 Fittings, except stopcocks or valves, shall be malleable iron or steel or wrought iron, and shall be copper or brass when used with copper or brass pipe or tubing and shall be aluminum alloy when used with aluminum alloy pipe or tubing. PE fittings, mechanical connectors and transition fittings shall be of the approved types when used with PE piping or tubing.

1210.5 Valves: All valves and appurtenances used in connection with the above piping shall be of the type designed and approved for use with fuel gas.

(122) Amending Section 1211.1. Section 1211.1 is amended to read:

1211.1 All pipe joints in the piping system, unless welded, shall be screwed joints, having approved standard threads. Such screwed joints shall be made up with approved pipe joint material, insoluble in the presence of fuel gas and applied to the male threads only. Tubing joints shall either be made with approved flared gas tubing fittings, or be brazed with a material having a melting point in excess of 1,000 degrees F.

(123) Deleting Section 1211.2. Section 1211.2 is deleted.

(124) Amending Section 1211.3. Section 1211.3 is amended by amending the Exception note to read:

Exception: When necessary due to structural conditions, approved type gas piping may be installed in other locations when permission has first been obtained from the administrative authority. In non-industrial occupancies, approved machine-wrapped or coated ferrous piping as defined in Section 1211.5 and Section 1211.7 may be embedded in concrete ground floor when encased in at least 1-1/2 inches of concrete or may be encased in an independent concrete jacket with a minimum wall thickness of 1-1/2 inches. The protective coating shall extend at least one inch above the point of entry into the slab and above the point of exit from the slab for the appliance riser. Such piping shall not be in physical contact with other metallic objects such as reinforcing rods or electrical neutral conductors.

- (125) Amending Section 1211.5. Section 1211.5 is amended by changing the third sentence to read:

Plastic gas piping shall have at least 12 inches (.3 m) of earth cover or other equivalent protection.

- (126) Deleting Section 1211.6. Section 1211.6 is deleted.

- (127) Amending Section 1211.10. Section 1211.10 is amended to read:

1211.10. Ground-joint unions may only be used at exposed fixture, appliance, or equipment connections and in exposed exterior locations immediately on the discharge side of a building shutoff valve. Heavy duty flanged type unions may be used in special cases, when first approved by the administrative authority. Bushings shall not be used in concealed locations.

- (128) Amending Section 1212.0. Section 1212.0 is amended by adding to the end of Exception condition (5) the following sentence:

Semi-rigid aluminum tubing shall not be used as an appliance connector.

- (129) Amending Section 1214.1. Section 1214.1 is amended to read:

1214.1 Leaks in gas piping shall be located by applying soapy water to the exterior of the piping, or by use of approved or listed gas detecting devices.

- (130) Amending Section 1216.4. Section 1216.4 is amended to read:

1216.4 The size of the supply pipe outlet for any gas appliance shall be not less than the size of the inlet connection of that appliance.

The minimum size of any piping outlet shall be three-quarter inch for a freestanding gas range using synthetic natural gas and shall be one-half inch for a recessed oven section, a recessed top section, or for a freestanding range using L.P.G.

- (131) Amending Section 1217.3. Section 1217.3 is amended to read:

1217.3 For conditions other than those covered by Section 1217.1, such as commercial, industrial and multiple units which require longer runs or greater gas demands, the size of each gas piping system shall be determined by standard engineering methods acceptable to the administrative authority.

- (132) Amending Section 1218.6. Section 1218.6 is amended by amending the first sentence to read:

Approved engineering methods or Tables 12-5 and 12-6, when corrected for the specific gravity of the gas utilized, may be used to size gas piping systems carrying three to five psig (20.7 or 34.5 kPa) gas.

(133) Amending Section 1218.8. Section 1218.8 is amended by deleting “eighteen (18) inches (457.2 mm)” and inserting in lieu thereof “twelve inches (304.8 mm)”.

(134) Adding Section 1219.0. Section 1219.0 is added to read:

1219.0 Allowable Pressure Drop. The design pressure loss in any piping system under maximum probable flow conditions, from the point of delivery to the inlet connection of the gas utilization equipment, shall be such that the supply pressure at the equipment is greater than the minimum pressure required for proper equipment operation.

(135) Amending Table 12-1. Table 12-1 is amended to read:

TABLE 12-1		
<i>Demand of Typical Domestic Gas Appliances In Cubic Feet Per Hour</i>		
<i>Appliance</i>	<i>Demand in Cu. Ft./Hr.</i>	
	<i>SNG</i>	<i>LPG</i>
Bunsen Burner	3	2
Domestic Full Size Range	65	26
Domestic Apt. Size Range	60	24
Domestic Recessed Oven Section	22	9
Domestic Surface Unit	40	16
Domestic Storage Water Heater up to 30 Gal.	39	16
Domestic Storage Water Heater 40 and 50 Gal.	50	20
Domestic Clothes Dryer	35	14
Domestic Barbecue	50	20
Gas Refrigerator	3	2
Gas Luau Torch	24	10

(136) Amending Section 1303.1. Section 1303.1 is amended by adding:

Medical Gas Systems conforming to NFPA 99C-1993 Gas and Vacuum Systems shall be deemed equivalent to meeting the requirements of this chapter. (Medical Gas Systems are also governed by Uniform Fire Code Section 74-201.)

(137) Adding Section 1301.3. Section 1301.3 added to read:

Those facilities that do not provide 24 hour patient care shall not be required to provide alarm systems or multiple supply sources for air, vacuum and gas systems.

(138) Amending Section 1318.2. Section 1318.2 is amended to read:

1318.2 The medical air compressor shall take its source from the outside atmosphere and shall not add contaminants in the form of particulate matter, odor or other gases.

- (139) Amending Section 1322.2. Section 1322.2 is amended by changing “twenty-four (24) hours” to “forty-eight (48) hours”.

- (140) Amending Section 1323.3. Section 1323.3 is amended by adding:

The licensed mechanical engineer responsible for the design and observation of the system shall provide a statement that the certification tests of Section 1323.2.1 through 1323.2.10, as applicable, has been verified and to the best of his/her knowledge complies with the installation requirements.

- (141) Amending Chapter 14 Mandatory Referenced Standards.

Chapter 14 is amended by deleting the word “Mandatory”.

- (142) Deleting Appendix D, Rainwater Systems. Appendix D is deleted.

- (143) Deleting Appendix E, Mobile Home Parks. Appendix E is deleted.

- (144) Deleting Appendix G, Graywater Systems for Single Family Dwellings. Appendix G is deleted.

- (145) Amending Appendix H, Recommended Procedures for Design, Construction and Installation of Commercial Kitchen Grease Interceptors.

Appendix H is amended by adding at the end of H101.0 General, the following:

See Department of Environmental Services “Policy for Grease Interceptor Program Compliance, June 1999”, Attachment 2, Grease Interceptor Sizing Criteria.

- (146) Deleting Appendix I Installation Standards.

Appendix I Installation Standards are deleted and formally not adopted as part of the code but are included for the convenience of the users.

- (147) Deleting Appendix J Reclaimed Water Systems for Nonresidential Buildings.

Appendix J is deleted.

- (148) Deleting Appendix K, Private Sewage Disposal Systems.

Appendix K is deleted. (Private sewage disposal systems are governed by Hawaii Administrative Rules, Title 11, State Department of Health, Chapter 62, Wastewater Systems.)

- (1990 Code, Ch. 19, Art. 4, § 19-4.1) (Added by Ord. 99-73)

Honolulu - Building and Construction Codes

ARTICLE 5: PLUMBING WORK WITHIN FLOOD HAZARD DISTRICTS AND DEVELOPMENTS ADJACENT TO DRAINAGE FACILITIES

Sections

- 19-5.1 Applicability
- 19-5.2 Definitions
- 19-5.3 Drainage (plumbing) systems
- 19-5.4 Private sewage disposal/treatment
- 19-5.5 Water supply
- 19-5.6 Plumbing systems in special floodproofed conditions

§ 19-5.1 Applicability.

- (a) *General.* This article is applicable to the construction of all new plumbing systems, renovations, and major alterations, additions, or reconstruction of existing plumbing systems within the special flood hazard area as delineated on the flood boundary and floodway maps and flood insurance rate maps on file at the department of planning and permitting. These provisions shall also apply to developments adjacent to drainage facilities outside the special flood hazard area that are determined to be within a floodway area or a flood fringe area in accordance with Chapter 21A.
- (b) Floodproofing is required for all pipe openings through exterior walls below the base flood elevation to prevent infiltration of floodwater through spaces between pipes and wall construction materials by use of imbedded collars, sleeves, waterstops, or other means as may be approved by the administrative authority.
- (c) *Existing plumbing systems.* Any plumbing system that was lawful before August 13, 1996* but which is not in conformity with this article may be continued subject to Chapter 21A.
- (d) *Exemptions.* Sections 19-5.3 and 19-5.4 shall not apply:
 - (1) To plumbing systems serving buildings and structures exempted from the special flood hazard area provisions under Chapter 21A; and
 - (2) To plumbing systems serving buildings and structures which have been granted a flood hazard variance under Chapter 21A.

(1990 Code, Ch. 19, Art. 5, § 19-5.1) (Added by Ord. 99-73)

Editor's note:

* "August 13, 1996" is substituted for "the effective date of this ordinance" (Ord. 96-38).

§ 19-5.2 Definitions.

For the purposes of this article, the following terms have the same meanings as defined in § 21A-1.4:

- (1) Base flood;
 - (2) Base flood elevation;
 - (3) Flood or flooding;
 - (4) Flood fringe area;
 - (5) Floodproofing;
 - (6) Floodway; and
 - (7) Special flood hazard district;
- (1990 Code, Ch. 19, Art. 5, § 19-5.2) (Added by Ord. 99-73)

§ 19-5.3 Drainage (plumbing) systems.

- (a) Drainage systems that have openings below the base flood elevation shall be provided with an automatic backwater valve installed in each discharge line passing through a building exterior wall. Fixtures located at a floor level above the base flood elevation shall not discharge through the backwater valve.
 - (b) Drainage systems for emergency servicing facilities that are required to remain in operation during a flood shall be provided with a sealed holding tank and the necessary isolation and diversion piping and appurtenances to withhold or postpone sewage discharge to the sewer system during the flood. The holding tank shall be sized for storage of at least 150 percent of the anticipated demand for a 24-hour period. Vents provided for such holding tank shall terminate at an elevation of at least 1 foot above the base flood elevation.
 - (c) All pipes in a plumbing vent system shall terminate at an elevation of at least 1 foot above the base flood elevation.
- (1990 Code, Ch. 19, Art. 5, § 19-5.3) (Added by Ord. 99-73)

§ 19-5.4 Private sewage disposal/treatment.

Individual private sewage disposal systems or treatment facilities may be permitted in a special flood hazard area or in other floodway or flood fringe area when design and location of such systems are approved by the department of health. In addition to meeting the administrative rules of the State department of health, all such new and replacement sewage disposal systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

(1990 Code, Ch. 19, Art. 5, § 19-5.4) (Added by Ord. 99-73)

**Plumbing Work Within Flood Hazard Districts and
Developments Adjacent to Drainage Facilities**

§ 19-5.6

§ 19-5.5 Water supply.

Potable water supply systems that are located in a special flood hazard area or in other floodway or flood fringe area shall be designed and installed in such a manner as to prevent contamination from floodwaters up to the base flood elevation. Location and construction of private water supply wells shall comply with rules of the board of water supply and State department of health.

- (a) Potable water supply tanks, filters, softeners, heaters, and all water-supplied appliances and fixtures located below the base flood elevation shall be protected against contamination by covers, walls, copings, or castings. All vent pipes serving the water supply system shall terminate at an elevation of at least 1 foot above the base flood elevation.
- (b) When required, backflow preventers or assemblies approved by the board of water supply shall be installed on water service lines 1-foot minimum above the base flood elevation. Installations shall be after the water meter and before any tees or branches.
- (c) Air relief valves are permitted on private pipelines only when installed at least 1 foot above the base flood elevation.

(1990 Code, Ch. 19, Art. 5, § 19-5.5) (Added by Ord. 99-73)

§ 19-5.6 Plumbing systems in special floodproofed conditions.

Plumbing piping under buildings constructed on stilts shall be securely anchored against lateral movement and flotation and protected against damage by floodwater and debris. Protection shall be provided by the structural enclosure of such piping or by attaching such piping to the downstream side of structural members that are large enough to provide this protection.

(1990 Code, Ch. 19, Art. 5, § 19-5.6) (Added by Ord. 99-73)

Honolulu - Building and Construction Codes

ARTICLE 6: VIOLATIONS AND PENALTIES

Sections

- 19-6.1 General
- 19-6.2 Notice of violation
- 19-6.3 Criminal prosecution
- 19-6.4 Administrative enforcement

§ 19-6.1 General.

It is unlawful for any person, firm, or corporation to install, alter, repair, remove, replace, or maintain any plumbing, gas, or drainage piping work or any fixture, gas appliance, or water heating or treating equipment, or cause or permit the same to be done, in violation of this code.

(1990 Code, Ch. 19, Art. 6, § 19-6.1) (Added by Ord. 99-73)

§ 19-6.2 Notice of violation.

Whenever any person, firm, or corporation violates this code, the administrative authority shall serve a notice of violation to the parties responsible for the violation, including but not limited to the owner/lessee of the property where the violation is located, to make the building or structure or portion thereof comply with the requirements of this code. Such notice of violation shall include:

- (1) The date of the notice;
- (2) The name and address of the person noticed, and the location of the violation;
- (3) The section number of the ordinance, code, or rule that has been violated;
- (4) The nature of the violation; and
- (5) The deadline for compliance with the notice.

(1990 Code, Ch. 19, Art. 6, § 19-6.2) (Added by Ord. 99-73)

§ 19-6.3 Criminal prosecution.

- (a) *General.* Any person, firm, or corporation violating this code is guilty of a misdemeanor, and each such person is guilty of a separate offense for each and every day or portion thereof during which any violation of this code is committed, continued or permitted; and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

- (b) Any officer or inspector designated by the administrative authority, who has been deputized by the chief of police as a special officer for the purpose of enforcing the building, plumbing, electrical, or housing codes (hereinafter referred to as “authorized personnel”), may arrest without warrant alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by warrant or such other judicial process as is permitted by statute or rule of court.
 - (c) Any authorized personnel designated by the administrative authority, upon making an arrest for a violation of the building, plumbing, electrical, or housing codes, may take the name and address of the alleged violator and shall issue to the violator in writing a summons or citation hereinafter described, notifying the violator to answer the complaint to be entered against the violator at a place and at a time provided in the summons or citation.
 - (d) There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of the building, plumbing, electrical, or housing codes that does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.
 - (e) In every case when a citation is issued, the original of the same shall be given to the violator; provided that the administrative judge of the district court may prescribe that the violator be given a carbon copy of the citation and provide for the disposition of the original and any other copies.
 - (f) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.
- (1990 Code, Ch. 19, Art. 6, § 19-6.3) (Added by Ord. 99-73)

§ 19-6.4 Administrative enforcement.

In lieu of or in addition to enforcement pursuant to § 19-6.3, if the administrative authority determines that any person, firm, or corporation is not complying with a notice of violation, the administrative authority may have the party responsible for the violation served, by mail or delivery, with an order pursuant to this section.

- (a) *Contents of the order.*
 - (1) The order may require the parties responsible for the violation, including but not limited to the owner/lessee of the property where the violation is located, to do any or all of the following:
 - (A) Correct the violation within the time specified in the order;
 - (B) Pay a civil fine not to exceed \$1,000 in the manner, at the place and before the date specified in the order; and
 - (C) Pay a civil fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

- (2) The order shall advise the party responsible for the violation that the order shall become final 30 calendar days after the date of its delivery. The order shall also advise that the administrative authority's action may be appealed to the building board of appeals.
- (b) *Effect of order right to appeal.* The order issued by the administrative authority under this section shall become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals as provided by Chapter 16, Article 1 (Building Code). The appeal must be received in writing on or before the date the order becomes final. However, an appeal to the building board of appeals shall not stay any provision of the order.
- (c) *Judicial enforcement of order.* The administrative authority may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by such order, the administrative authority need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been paid.
- (1990 Code, Ch. 19, Art. 6, § 19-6.4) (Added by Ord. 99-73)

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