

# **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**

**PUBLISHED BY AUTHORITY  
Effective**

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## **Volume IV**

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Published by:  
**AMERICAN LEGAL PUBLISHING CORPORATION**  
525 Vine Street ✧ Suite 310 ✧ Cincinnati, Ohio 45202  
1-800-445-5588 ✧ [www.amlegal.com](http://www.amlegal.com)

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**Honolulu Ordinances, etc.**

Revised Ordinances of Honolulu, 2021, comprising the ordinances of the City and County of Honolulu.  
Ordinance No. 88- through Ordinance No. 20-35.

I. Ordinances, Municipal-Honolulu.

RefKFX1512.A35 2021

(Pub. No. 38641)

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## **Honolulu - Land Use**

## ARTICLE 1: GENERAL PROVISIONS

### Sections

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#### § 25-1.1 Authority.

Pursuant to authority conferred by HRS Chapter 205A, the regulations and procedures hereinafter contained are established and shall apply to all lands within the special management area of the City and County of Honolulu. (Sec. 33-1.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 1, § 25-1.1)

#### § 25-1.2 Purpose.

It is the city's policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii. Special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and foreclosure of management options, and to insure that adequate public access is provided to public owned or used beaches, recreation areas, and natural reserves, by dedication or other means. It is also the policy of the city to avoid or minimize damage to natural or historic special management area wetlands wherever prudent or feasible; to require that activities not dependent upon a wetland location be located at upland sites; to allow wetland losses only where all practicable measures have been applied to reduce those losses that are unavoidable and in the public interest. (Sec. 33-1.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 1, § 25-1.2) (Am. Ord. 93-74)

#### § 25-1.3 Definitions.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning. These definitions are intended to clarify but not replace or negate the definitions used in HRS Chapter 205A.

**Agency.** The department of planning and permitting of the City and County of Honolulu.

**Applicant.** Includes any individual, organization, partnership, firm, association, trust, estate, or corporation including any utility, and any agency of federal, State, and county government.

**City and County.** The City and County of Honolulu.

**Council.** The city council of the City and County of Honolulu, which body shall act as the "authority" under HRS Chapter 205A.

**Crops.** Agricultural produce or parts of plants or trees cultivated for commercial or personal use.

**Development.** Any of the uses, activities or operations on land; in or under water, within the special management area that are included below, but not those uses, activities, or operations excluded in subdivision (2).

(1) Development includes but is not limited to the following:

- (A) The placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste;
- (B) Grading, removing, dredging, mining, or extraction of any materials;
- (C) Change in the density or intensity of use of land, including but not limited to the division or subdivision of land;
- (D) Change in the intensity of use of water, ecology related thereto, or of access thereto; and
- (E) Construction, reconstruction, demolition, or alteration of the size of any structure.

(2) Development does not include the following:

- (A) Construction or reconstruction of a single-family residence that is less than 7,500 square feet of floor area and is not part of a larger development; provided that for the purposes of this definition, “floor area” means floor area as defined under § 21-10.1;
- (B) Repair or maintenance of roads and highways within existing rights-of-way;
- (C) Routine maintenance dredging of existing streams, channels, and drainageways;
- (D) The repair and maintenance of underground utility lines, including but not limited to water, sewer, power and telephone, and minor appurtenant structures, such as pad mounted transformers and sewer pump stations;
- (E) Zoning variances, except for height, density, parking, and shoreline setback;
- (F) Repair, maintenance, or interior alterations to existing structures;
- (G) Demolition or removal of structures, except those structures located on any historic site as designated in national or State registers;
- (H) The use of any land for the purpose of cultivating, planting, growing, and harvesting of plants, crops, trees, and other agricultural, horticultural, or forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes subject to review by the authority in accordance with subdivision (3);
- (I) The transfer of title to land;
- (J) The creation or termination of easements, covenants, or other rights in structures or land;

- (K) Final subdivision approval;
  - (L) The subdivision of land into lots greater than 20 acres in size;
  - (M) The subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed; provided that any such land which is so subdivided shall not thereafter qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels;
  - (N) Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors;
  - (O) Structural and nonstructural improvements to existing single-family residences including additional dwelling units, where otherwise permissible;
  - (P) Nonstructural improvements to existing commercial structures; and
  - (Q) Construction, installation, maintenance, repair, and replacement of civil defense warning or signal devices and sirens.
- (3) *Cumulative impact.* Whenever the authority finds that any use, activity, or operation excluded in subdivision (2) is or may become part of a larger project, the cumulative impact of which may have a significant environmental or ecological effect on the special management area, that use, activity, or operation shall be defined as development for the purpose of this chapter.
- (4) *Significant effect.* Whenever the authority finds that a use, activity, or operation excluded in subdivision (2) may have a significant environmental or ecological effect on the special management area or special wetlands areas, that use, activity, or operation shall be defined as development for the purposes of this chapter.

**Director.** The director of planning and permitting of the City and County of Honolulu, or authorized subordinate.

**EIS.** An informational document prepared in compliance with the environmental quality commission's rules implementing HRS Chapter 343.

**Emergency Permit.** Special management area emergency permit as defined in HRS § 205A-22.

**Finding of No Significant Impact.** A determination based on an environmental assessment that the subject action will not have a significant effect and, therefore, will not require the preparation of an environmental impact statement.

**Historic Wetlands.** Wetlands that have been in existence for 50 years or longer.

**Minor Permit.** Special management area minor permit as defined in HRS § 205A-22.

**Natural Wetlands.** Those wetlands not created by a human activity.

**Person.** Any individual, organization, partnership, firm, association, trust, estate, public or private corporation, the State or any of its political subdivisions, or any other legal entity.

**Restoration.** A human activity that returns a wetland or former wetland from a disturbed or altered condition with lesser acreage or functions.

**Shoreline.** The upper reaches of the wash of the waves, other than storm and tidal waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edges of vegetation growth or the upper limit of debris left by the wash of the waves.

**Shoreline Lot.** Has the same meaning as defined in Chapter 26.

**Shoreline Management Permit.** Has the same meaning as “special management area use permit.”

**Shoreline Survey.** A survey map showing the shoreline as determined by the State board of land and natural resources in accordance with HRS § 205A-42 and the rules adopted pursuant thereto.

**Special Management Area.** The land extending inland from the shoreline, as established in this chapter and delineated on the maps established by the council and filed with the council and agency pursuant to HRS § 205A-23.

**Special Management Area Minor Permit.** An action by the agency authorizing development, the valuation of which is not in excess of \$500,000 and which has no substantial adverse environmental or ecological effect, taking into account potential cumulative effects.

**Special Management Area Use Permit.** An action by the authority authorizing development, the valuation of which exceeds \$500,000 or which may have a substantial adverse environmental or ecological effect, taking into account potential cumulative effects.

**Special Wetland Area.** That area that is both:

- (1) Within the SMA; and
- (2) In or within 300 feet of a natural or historic wetland.

**Structure.** Includes but is not limited to any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission tower, and distribution line.

**Valuation.** Shall be determined by the agency and means the estimated cost to replace the structure in kind, based on current replacement costs, or in the cases of other development, as defined in this section, the fair market value of the development.

**Wetland.** An area possessing three essential characteristics:

- (1) Hydrophytic vegetation;
- (2) Hydric soils; and
- (3) Wetland hydrology;

as defined in the “Corps of Engineers Wetlands Delineation Manual,” January 1987. Wetlands shall also include ponds and mudflats, which while possessing hydric soils and wetland hydrology, may not have the commonly required hydrophytic vegetation. For the purposes of this chapter, only natural or historic wetlands are included within the protected group of wetlands.

(Sec. 33-1.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 1, § 25-1.3) (Am. Ords. 93-74, 96-58, 00-11, 10-32, 11-28)

## **Honolulu - Land Use**

## ARTICLE 2: SPECIAL MANAGEMENT AREA

### Sections

- 25-2.1 Adoption
- 25-2.2 Included area
- 25-2.3 Wetlands

#### **§ 25-2.1 Adoption.**

- (a) The special management area, as established by the council in this chapter and shown on the special management area maps, which maps are adopted and made a part of this chapter and filed with the council on the effective date of this chapter, shall be the city and county's official special management area to be administered and enforced by the director under this chapter.
- (b) This chapter shall apply to all development that would affect natural or historic wetlands in the City and County of Honolulu, regardless of the size of the wetland.  
(Sec. 33-2.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 2, § 25-2.1) (Am. Ord. 93-74)

#### **§ 25-2.2 Included area.**

The special management area shall include those areas of the island of Oahu so designated on the maps; the islands within three miles offshore of Oahu, including but not limited to those islands shown on the maps; and the northwestern Hawaiian Islands, which include Nihoa, Necker Island, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan Island, Lisianski Island, Pearl and Hermes Atoll and Kure Atoll.  
(Sec. 33-2.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 2, § 25-2.2)

#### **§ 25-2.3 Wetlands.**

- (a) The definition and delineation of wetlands shall be based upon:
  - (1) The "Corps of Engineers Wetlands Delineation Manual," January 1987. The definition shall incorporate the three essential technical criteria of wetlands:
    - (A) Hydrophytic vegetation;
    - (B) Hydric soils; and
    - (C) Wetland hydrology.

- (2) Also included within the city's definition of wetland areas are ponds and mudflats, which while possessing hydric soils and wetland hydrology may not have the commonly required hydrophytic vegetation.
- (b) Representatives of any one or more of the following: the department of land and natural resources, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, or other applicable agencies will be contacted for assistance in identifying the extent and functional values of wetlands.
- (c) The publication "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin et al., 1979) and the U.S. Fish and Wildlife Service National Wetlands Inventory Maps (1978), submergent aquatic vegetation inventories, infrared aerials, and property appraiser aerials shall be used for general identification of wetlands within the SMA. It is recognized, however, that such graphic sources do not depict the full extent of wetland delineations and function characteristics.

Wetlands shall be identified by survey by the applicant for a special management area permit at the time of the permit application on a site-by-site basis.

(1990 Code, Ch. 25, Art. 2, § 25-2.3) (Added by Ord. 93-74)

## **ARTICLE 3: OBJECTIVES AND POLICIES, REVIEW AND PROCEDURAL GUIDELINES**

### **Sections**

- 25-3.1 Objectives and policies
- 25-3.2 Review guidelines
- 25-3.3 Procedural guidelines

### **§ 25-3.1 Objectives and policies.**

The objectives and policies of this chapter shall be those contained in HRS § 205A-2. (Sec. 33-3.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 3, § 25-3.1)

### **§ 25-3.2 Review guidelines.**

The following guidelines shall be used by the council or its designated agency for the review of developments proposed in the special management area.

- (1) All development in the special management area shall be subject to reasonable terms and conditions set by the council to ensure that:
  - (A) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles;
  - (B) Adequate and properly located public recreation areas and wildlife preserves are reserved;
  - (C) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and
  - (D) Alterations to existing land forms and vegetation; except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.
- (2) No development shall be approved unless the council has first found that:
  - (A) The development will not have any substantial, adverse environmental, or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health and safety, or compelling public interest. Such adverse effect shall include but not be limited to the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options;

- (B) The development is consistent with the objectives and policies set forth in § 25-3.1 and area guidelines contained in HRS § 205A-26; and
- (C) The development is consistent with the county general plan, development plans, and zoning. Such a finding of consistency does not preclude concurrent processing where a development plan amendment or zone change may also be required.

(3) The council shall seek to minimize, where reasonable:

- (A) Dredging, filling, or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon;
- (B) Any development which would reduce the size of any beach or other area usable for public recreation;
- (C) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management area, and the mean high tide line where there is no beach;
- (D) Any development which would substantially interfere with or detract from the line of sight toward the sea from the State highway nearest the coast; and
- (E) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.

(Sec. 33-3.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 3, § 25-3.2) (Am. Ord. 93-74)

### **§ 25-3.3 Procedural guidelines.**

- (a) All development within the special management area shall be subject to review by the agency under this chapter. Such review shall be pursuant to the objectives, policies, and guidelines set forth herein.
- (b) *Consultation.* Any applicant contemplating development within the special management area is encouraged to contact the agency for information regarding procedures and general information, which may have a direct influence on the applicant's proposed development.
- (c) *Assessment requirements for special management area use permits.*
  - (1) Any proposed development within the special management area requiring a special management area use permit shall be subject to an assessment by the agency in accordance with the procedural steps set forth in HRS Chapter 343. The director may allow the assessment to be conducted concurrently with the processing of the application for a special management area use permit.
  - (2) The director may waive the requirements of subdivision (1) for any proposed development which has been assessed under the National Environmental Policy Act or under HRS Chapter 343, and for which a finding of no significant impact has been filed or a required EIS has been accepted.

(d) *Review criteria.* The director shall review the proposal based on the following criteria:

- (1) The valuation or fair market value of the development; and
- (2) The potential effects and the significance of each effect according to the significance criteria established by § 25-4.1.

(e) *Determination.*

- (1) For the purposes of this chapter, other than special requirements for shoreline lots as provided in § 25-6.3, the director shall declare a development proposal exempt where the director finds that the proposal is not defined as development under § 25-1.3. No shoreline lot shall be exempt from the special requirements for shoreline lots.
- (2) The director shall issue a special management area minor permit where the director finds that the development proposal:
  - (A) Has a valuation or fair market value not in excess of \$500,000; and
  - (B) Will not significantly affect the special management area or special wetland area, or both.

The director shall grant, grant with conditions, or deny an application for a minor permit within 45 days of receipt of a completed application.

(Sec. 33-3.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 3, § 25-3.3) (Am. Ords. 93-74, 00-11, 10-32, 11-28)

## **Honolulu - Land Use**

## **ARTICLE 4: SIGNIFICANCE CRITERIA AND PROCEDURES**

### Sections

- 25-4.1      Significance criteria
- 25-4.2      Procedures

#### **§ 25-4.1 Significance criteria.**

In reviewing and assessing the significance of a development, the director shall confine the director's criteria to the objectives, policies, and guidelines in Article 3.

(Sec. 33-4.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 4, § 25-4.1) (Am. Ord. 00-11)

#### **§ 25-4.2 Procedures.**

In processing an environmental assessment or environmental impact statement, the director shall adhere to the procedures set forth in HRS Chapter 343, and the rules adopted under that chapter by the State environmental quality council. If a development is not subject to the chapter, but the director requires an EIS, filing shall be with the agency.

(Sec. 33-4.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 4, § 25-4.2) (Am. Ord. 00-11)

## **Honolulu - Land Use**

## **ARTICLE 5: PERMIT PROCESSING PROCEDURES**

### **Sections**

- 25-5.1 Required materials
- 25-5.2 Acceptance
- 25-5.3 Public hearings
- 25-5.4 Agency recommendation
- 25-5.5 Action by council

### **§ 25-5.1 Required materials.**

- (a) When a proposed development requires a special management area minor permit, an applicant for development within the special management area will be responsible for submitting the following to the agency:
  - (1) A completed application form (to be obtained from the agency);
  - (2) A tax map key identification of the property on which the applicant proposes development;
  - (3) A plot plan of the property, drawn to scale;
  - (4) A written description of the proposed development, a statement of the objectives of the development, and an estimate of the valuation of the development;
  - (5) A shoreline survey if the parcel abuts the shoreline, unless the proposed development is located inland of the waiver line established as provided in rules adopted by the director pursuant to HRS Chapter 91;
  - (6) Any other relevant plans or information pertinent to the analysis of the development required by the agency; and
  - (7) An application fee according to the schedule set forth in subsection (c).
- (b) When a proposed development requires a special management area use permit, an applicant for development within the special management area will be responsible for submitting the following to the agency:
  - (1) A completed application form (to be obtained from the agency);
  - (2) The items set forth in subsections (a)(2) through (a)(7);
  - (3) A written description of the affected environment which addresses the development's technical and environmental characteristics;

- (4) Additional information that may be needed by the agency for determining the impacts of the proposed development on special wetland areas; and
- (5) (A) If the director allows concurrent processing of the assessment required by § 25-3.3(c)(1) and the application for the permit, a copy of either a draft environmental assessment or a draft environmental impact statement preparation notice; or
  - (B) If the director does not allow concurrent processing of the assessment required by § 25-3.3(c)(1) and the application for the permit, a copy of either the final environmental assessment for which a finding of no significant impact has been issued, or a completed and accepted EIS.
- (c) The application fee required by this section will be as set forth in the following schedule. Application fees are not refundable and shall be waived for city projects.
  - (1) When a (major) special management area use permit application is submitted for processing, the application fee will be \$2,400, plus an additional \$600 per acre or major fraction thereof, up to a maximum of \$30,000.
  - (2) When a special management area minor permit application is submitted for processing, the application fee will be \$1,200.
  - (3) When an environmental assessment or impact statement must be prepared as a prerequisite to a (major) special management area permit required by this chapter, and is submitted to the department of planning and permitting for processing as the accepting agency, there will be a processing fee of \$1,200 for an environmental assessment and \$2,400 for an environmental impact statement.
  - (4) When a (major) special management area use permit or minor permit application, or prerequisite environmental assessment or impact statement is submitted after the applicant's being cited for undertaking development without having obtained the necessary permit, the application fees, as specified in subdivisions (1), (2), and (3), will be doubled.
  - (5) When an application for a minor modification to a (major) special management area use permit is submitted, the application fee will be \$200.
  - (6) When an application for a (major) special management area use permit or minor permit, or a minor modification thereto, or a related environmental assessment or impact statement, is submitted for processing, there will be a nonrefundable application review fee to determine whether the application is complete or incomplete, as follows:
    - (A) Applications with a fee of \$2,400 or more will have an application review fee of \$400;
    - (B) Applications with a fee of \$1,200 will have an application review fee of \$200; and
    - (C) Applications with a fee of \$200 will have an application review fee of \$100.

When an application under this section has been accepted by the department of planning and permitting for processing, the application review fee for the submitted application will be counted as partial payment towards the total application fee for that submittal.

- (d) When a request for a special management area determination is submitted, a nonrefundable review fee of \$150 will apply.  
(Sec. 33-5.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 5, § 25-5.1) (Am. Ords. 99-31, 00-11, 03-12, 14-4, 20-18)

**§ 25-5.2 Acceptance.**

Upon compliance with the foregoing procedures, the director shall notify the applicant for a special management area use permit in writing within 10 working days of receipt of an application that either:

- (1) The application has been accepted; or
- (2) The application will be accepted within 10 working days of completion of the assessment required by § 25-3.3(c)(1), as determined by either the issuance of the finding of no significant impact or the acceptance of a final EIS.

If an application is incomplete, written notice from the director shall inform the applicant of the specific requirements necessary to complete the application. The application shall not be accepted unless it is complete. Upon acceptance of the application, the director shall also concurrently provide the council with written notice, including the date of acceptance of the application and a brief description of the proposal contained in the application.

(Sec. 33-5.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 5, § 25-5.2) (Am. Ords. 00-11, 10-32)

**§ 25-5.3 Public hearings.**

- (a) The agency, pursuant to powers of delegation given to the council under HRS Chapter 205A, shall hold a public hearing on the application for a special management area use permit at a date set no less than 21 nor more than 60 calendar days after the date on which the application is accepted, unless the 60-day period is waived by the applicant. The agency shall give adequate notice to the pertinent neighborhood boards, the owners of all property within 300 feet of the affected property as well as to all owners of all property described in the application. The agency shall give written notice, once in a newspaper of general circulation in the county and once in a newspaper of general circulation in the State, at least 20 calendar days in advance. The notice shall state the nature of the proposed development for which a permit application is made and of the time and place of public hearings.
- (b) The public hearing shall be held in the area in which the development is proposed. Whenever possible, the public hearing shall be held jointly and concurrently with any other hearing required for the same development.  
(Sec. 33-5.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 5, § 25-5.3) (Am. Ord. 00-11)

**§ 25-5.4 Agency recommendation.**

The agency shall transmit its findings and recommendations on the application for a special management area use permit to the council for its consideration and decision within 20 working days of the close of the public hearing, unless the assessment required by § 25-3.3(c)(1) has not been completed, in which case the deadline for transmitting the findings and recommendations to the council shall be within 10 working days of either the issuance of the finding of no significant impact or the acceptance of a final EIS. This transmittal deadline may be extended if agreed to by the applicant.

(Sec. 33-5.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 5, § 25-5.4) (Am. Ords. 00-11, 10-32)

**§ 25-5.5 Action by council.**

The council shall grant, grant with conditions, or deny any application for a special management area use permit within 60 calendar days after receipt of the agency's findings and recommendations thereon. If the council does not act on the application as provided in this section within such 60-day period, the application shall be deemed denied. The applicant may request, and the council may approve, an extension of time if the request is made in writing and approved before the requested effective date of the extension.

(Sec. 33-5.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 5, § 25-5.6) (Am. Ords. 00-11, 10-32)

## ARTICLE 6: PROHIBITIONS

### Sections

- 25-6.1 Permit required
- 25-6.2 Permit to precede other permits
- 25-6.3 Special requirements applicable to shoreline lots

#### **§ 25-6.1 Permit required.**

No development or structure shall be constructed within the special management area without first obtaining a special management area use permit, a minor permit or being exempted pursuant to this chapter.  
(Sec. 33-6.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 6, § 25-6.1)

#### **§ 25-6.2 Permit to precede other permits.**

No agency authorized to issue permits pertaining to any development within the special management area established by this chapter shall authorize any development, unless approval is first received pursuant to this chapter. For purposes of this section, county general plans, development plans, State land use district boundary amendments, and zoning changes are not permits.  
(Sec. 33-6.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 6, § 25-6.2)

#### **§ 25-6.3 Special requirements applicable to shoreline lots.**

The following requirements shall apply to all uses, structures, and improvements on any shoreline lot.

- (1) *Exterior lighting.* All exterior lighting on a shoreline lot shall be shielded to reduce the possibility that seabirds and other marine life forms may become disoriented and harmed by the lighting. Shielded exterior lighting shall be implemented both during and after any construction work on a shoreline lot. Any wall-mounted exterior lighting on buildings on a shoreline lot shall be shielded by wall directors or other acceptable shielding, and all shielding shall be specified on building permit plans. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes on a shoreline lot shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline or ocean waters, or both, except as may otherwise be permitted by HRS § 205A-71(b).
- (2) *Landscaping.* All landscaped areas, landscaping, and irrigation on or for any shoreline lot shall be contained and maintained within the property boundaries of the shoreline lot of origin, and shall under no circumstances extend:
  - (A) Seaward of the shoreline as depicted on the current shoreline survey for the shoreline lot; or, in the event there is no current shoreline survey for the lot, seaward of the presumed shoreline; and

(B) Into any adjoining beach access right-of-way, public, or private.  
(1990 Code, Ch. 25, Art. 6, § 25-6.3) (Added by Ord. 10-32)

## ARTICLE 7: EXEMPTIONS

### Section

#### 25-7.1 Emergency permits

#### **§ 25-7.1 Emergency permits.**

- (a) In cases of emergency repairs to existing public utilities including but not limited to flood control structures, water, sewer, gas and electric transmission lines and highways, the respective governmental agency or public utility company is exempt from obtaining a special management area use permit pursuant to the requirements of this chapter. Two reports on such repair projects shall be recorded with the agency, one within three days after the start of the project and the other upon its completion.
- (b) In the event an impending disaster or disaster has been declared under Chapter 2, Article 25A, as amended, or under HRS Chapters 127 and 128, the requirements of this chapter shall be waived.  
(Sec. 33-7.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 7, § 25-7.1) (Am. Ord. 00-11)

## **Honolulu - Land Use**

## **ARTICLE 8: PENALTIES**

### **Sections**

- 25-8.1 Civil fine
- 25-8.2 Additional fines
- 25-8.3 Additional penalties for special wetland areas

#### **§ 25-8.1 Civil fine.**

Any person who violates this chapter shall, upon notice issued pursuant to § 25-9.1, be deemed to have committed a civil violation and shall be subject to a civil fine not to exceed \$10,000.  
(Sec. 33-8.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 8, § 25-8.1)

#### **§ 25-8.2 Additional fines.**

In addition to any other penalties, any person who performs any development in violation of this chapter shall, upon notice issued pursuant to § 25-9.1, be deemed to have committed a civil violation and shall be subject to a civil fine not to exceed \$500 a day for each day in which such violation persists.  
(Sec. 33-8.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 8, § 25-8.2)

#### **§ 25-8.3 Additional penalties for special wetland areas.**

In the event of a violation of the wetlands rules adopted pursuant to this chapter, the director shall, when possible, and in consultation with U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, order wetland restoration and creation measures for the damaged or destroyed wetland areas.  
(1990 Code, Ch. 25, Art. 8, § 25-8.3) (Added by Ord. 93-74)

## **Honolulu - Land Use**

## ARTICLE 9: ENFORCEMENT

### Sections

- 25-9.1 Notice of violation and order
- 25-9.2 Effect of order—Right to hearing
- 25-9.3 Judicial enforcement of order
- 25-9.4 Judicial enforcement of chapter
- 25-9.5 Nonexclusiveness of remedies
- 25-9.6 Involuntary revocation or modification of permits
- 25-9.7 Voluntary revocation or modification of permits

### § 25-9.1 Notice of violation and order.

If the director determines that any person is violating this chapter, any rule adopted thereunder or any permit issued pursuant thereto, the director may have the person served, by mail or delivery, with a notice of violation and order. A notice of violation and 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 in the exercise of reasonable diligence and the director provides an affidavit to that effect, then a notice of violation and 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.

(a) *Contents of the notice of violation.* The notice shall include at least the following information:

- (1) Date of the notice;
- (2) The name and address of the person noticed;
- (3) The section number of the ordinance which has been violated;
- (4) The nature of the violation; and
- (5) The location and time of the violation.

(b) *Contents of the order.*

- (1) The order may require the person do any or all of the following:
  - (A) Cease and desist from the violation;
  - (B) Correct the violation at the person's own expense before a date specified in the order;

- (C) Pay a civil fine per recurring incident not to exceed \$10,000 each, in the manner, at the place, and before the date specified in the order;
- (D) 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, if the person has performed any development in violation of this chapter;
- (E) In the event of a violation of the wetlands rules adopted pursuant to this chapter, the director shall have the power to order wetland restoration and creation measures for the damaged or destroyed wetland area by the person or agent responsible for the violation. If the responsible party does not complete such measures within a reasonable time following the order, the city may restore the affected wetland to its prior condition and create or restore other wetlands for the purpose of offsetting losses sustained as a result of the violation. The person or agent responsible for the original violation shall be liable to the city for the cost of such actions.

To guide restoration and creation actions, the agency shall have the power to order the violator to develop a plan as described in the rules adopted pursuant to this chapter for the approval of the agency; or

- (F) Appear before the director at a time and place specified in the order and answer the charges specified in the notice of violation.

(2) The order shall advise the person of the finality of the order 20 days after the date of its mailing or delivery, unless written request for a hearing is mailed or delivered to the director within those 20 days. (Sec. 33-9.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 9, § 25-9.1) (Am. Ords. 93-74, 15-19)

### **§ 25-9.2 Effect of order—Right to hearing.**

- (a) The provisions of the order issued by the director under § 25-9.1 shall become final 20 days after the date of the mailing or delivery of the order, unless within those 20 days the person subject to the order requests in writing a hearing before the director. The request for hearing shall be considered timely if the written request is delivered or mailed and postmark dated to the director within those 20 days.
  - (b) Upon receipt of the written request for hearing, the director shall specify a time and place for the person subject to the order to appear and be heard. The hearing shall be conducted by the director in accordance with HRS Chapter 91. Following the hearing, the director may affirm, modify, or rescind the order as in the opinion of the director may be appropriate.
- (Sec. 33-9.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 9, § 25-9.2)

### **§ 25-9.3 Judicial enforcement of order.**

The director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to §§ 25-9.1 and 25-9.2. Where the civil action has been instituted to enforce the civil fine imposed by the order, the director need only show that notice of violation and order was served, a hearing was held or the

time granted for requesting a hearing had expired without such a request, the civil fine imposed, and that the fine imposed has not been paid.

(Sec. 33-9.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 9, § 25-9.3)

#### **§ 25-9.4 Judicial enforcement of chapter.**

The director may institute a civil action in any court of competent jurisdiction for injunctive relief to prevent violation of any provision of this chapter, any rule adopted thereunder or any permit issued pursuant thereto, in addition to any other remedy provided for under this chapter.

(Sec. 33-9.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 9, § 25-9.4)

#### **§ 25-9.5 Nonexclusiveness of remedies.**

The remedies provided in this chapter for enforcement of this chapter, any rule adopted thereunder or any permit issued pursuant thereto shall be in addition to any other remedy as may be provided by law.

(Sec. 33-9.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 9, § 25-9.5)

#### **§ 25-9.6 Involuntary revocation or modification of permits.**

(a) A special management area use permit or a special management area minor permit may be revoked or modified without the consent of the permittee for any of the following reasons:

- (1) The permit was granted in violation of HRS Chapter 205A or this chapter;
- (2) A material breach of the terms of the permit has occurred;
- (3) A material violation of HRS Chapter 205A or of this chapter following the granting of the permit has occurred;
- (4) A material mistake of fact or a material misrepresentation was made by the permit applicant in the application or otherwise made by the applicant to the agency or the council in relation to the permit application;
- (5) A material mistake of fact was made by the council in the issuance of the permit such that the findings required to be made by the council as a prerequisite to the issuance of a permit under HRS § 205A-26 and ROH § 25-3.2(2) were erroneous; or
- (6) A material change in circumstances has occurred following the issuance of the permit that would cause the development, as approved and conditioned in the permit, to pose a substantial threat to public health or safety, as determined by the State department of health, the State department of labor, the U.S. Army Corps of Engineers, the Surgeon General, the U.S. Environmental Protection Agency, the Occupational Safety and Health Administration, the U.S. Coast Guard, or any other State or federal agency having jurisdiction over the development or with respect to the type of health or safety threat posed by the development.

- (b) The revocation or modification of a special management area minor permit shall be processed in accordance with rules adopted by the agency.
- (c) The revocation or modification of a special management area use permit without the consent of the permittee may be initiated by the agency pursuant to this subsection or by the council pursuant to subsection (d), and, in the case of a revocation or modification proposed by the agency, shall be processed as follows.
  - (1) Upon determining that adequate reasons may exist under subsection (a) for the revocation or modification of a special management area use permit, the agency shall hold a public hearing on the proposed revocation or modification on a date set no less than 21 nor more than 60 days following the date of sending the notice to the permittee pursuant to subdivision (2).
  - (2) The permittee and any disclosed owner of record of the property that is subject to the permit shall be given written notice by the agency of the permit proposed to be revoked or modified (by council resolution number and title, if any); the date, time, place, and nature of the hearing; the reasons for the proposed revocation or modification; and in the case of a proposed modification, the nature of the modification proposed. The notice shall also contain such other matters as are prescribed in HRS § 91-9 with respect to notice of contested case hearings. This notice shall be sent by registered or certified mail with return receipt requested addressed to the permittee and disclosed owners of record at the addresses stated in the application for a special management area use permit or at addresses otherwise specified in a written request to the agency from the permittee or such owners.
  - (3) The agency shall give written notice, once in a newspaper of general circulation in the city and once in a newspaper of general circulation in the State, at least 20, but not more than 60, calendar days in advance of the hearing. The notice shall state the location of the affected property by tax map parcel number or street address, or if neither exists, by a general statement of its location. The notice shall also state the permit being proposed to be revoked or modified (by council resolution number and title, if any); the date, time, place, and nature of the hearing; and the reasons for the proposed revocation or modification; and, in the case of a proposed modification, the nature of the modification proposed.
  - (4) Notice of the proposed permit revocation or modification containing the information set forth in subdivision (3) shall be given by the agency to any pertinent neighborhood boards and a good faith effort shall be made to give such notice to the owners of all property within 300 feet of the affected property; provided that if any such property is subject to condominium property regime, notice shall be adequate if it is given to the association of apartment owners of the condominium project.
  - (5) In conducting the hearing, the agency shall provide an opportunity to all parties to provide evidence and argument on all issues involved. The agency may adopt rules pursuant to HRS Chapter 91 with respect to the conduct of hearings under this subsection.
  - (6) Following the hearing, the agency shall prepare a report thereon with its findings and recommendations and, if the report recommends revocation or modification, submit the report and a draft of a resolution to implement the recommendations of the report to the council within 30 calendar days of the close of the public hearing. For each of the reasons for proposed revocation or modification included in the notice given under subdivision (2), the report shall state whether the evidence presented at the hearing supported or did not support revocation or modification for that reason. The report shall include a recommendation that the permit be revoked, that the permit not be revoked, or that the permit be modified, and, in the case of a proposed modification, the nature of the proposed modification.

- (d) (1) The council may initiate the modification or revocation of a special management area use permit by resolution.
- (2) The resolution shall set forth the following:
  - (A) The permit being proposed to be modified or revoked, by council resolution number and title, if any;
  - (B) The reasons for the proposed modification or revocation, stated in terms giving notice as to which of the permissible reasons for modification or revocation set forth in subsection (a) are applicable;
  - (C) In the case of a proposed modification, the nature of the proposed modification; and
  - (D) A direction to the agency to process the proposed modification or revocation in accordance with this section.
- (3) After adoption of the resolution, the clerk shall transmit the resolution to the agency for processing.
- (4) Upon receiving the resolution, the agency shall conduct an initial investigation into the reasons set forth in the resolution for modification or revocation of the special management area use permit and, within 60 days of receipt of the resolution, the agency shall give the permittee and any disclosed owner of record of the property that is subject to the permit, written notice of a hearing on the proposed modification or revocation. The notice shall meet the notice requirements of subsection (c)(2). The written notice shall include the reasons for the proposed modification or revocation set forth in the resolution and, in addition, any other or further reasons for modification or revocation the agency may have discovered, either during its initial investigation or otherwise.
- (5) The agency shall hold a public hearing on the proposed revocation or modification on a date set no less than 21 nor more than 60 days following the date of sending the notice to the permittee and others pursuant to subdivision (4).
- (6) The agency shall give written notice of the hearing, conduct the hearing, and prepare a report on the hearing, all in accordance with subsections (c)(3), (c)(4), (c)(5), and (c)(6). Notwithstanding subsection (c)(6), the agency shall transmit with the report a draft of a resolution to implement the recommendation of the report, whether the report recommends revocation or modification of the permit.
- (e) The council may, by resolution, revoke, refuse or decline to revoke, or modify the special management area use permit within 90 calendar days of receipt of the agency's report and draft resolution; provided that any resolution for revocation or modification of the special management area use permit shall require for its adoption the affirmative vote of at least two-thirds of the entire membership of the council. If the council fails to act within 90 calendar days of receipt of the report and draft resolution, the permit shall be deemed not to have been revoked or modified and the resolution shall be deemed to have been filed; provided that pursuant to a written request from the permittee, the council may extend this 90-day period.

Following the filing or deemed filing of a resolution proposing the revocation or modification of a special management area use permit, no further resolution may be introduced proposing the revocation or modification of the same permit for the same reasons that were stated in the resolution that has been filed, except that a further resolution may be introduced, no earlier than six months following the filing of the initial resolution, if a substantial change in circumstances has occurred following the filing of the initial resolution that would

cause the development, as approved and conditioned in the permit, to pose a substantial threat to public health or safety, as determined by the State department of health, the State department of labor, the U.S. Army Corps of Engineers, the Surgeon General, the U.S. Environmental Protection Agency, the Occupational Safety and Health Administration, the U.S. Coast Guard, or any other State or federal agency having jurisdiction over the development or the type of health or safety threat posed by the development.

- (f) The council may revoke or modify a permit pursuant to this section only for one or more of the reasons specified in subsection (a). The council shall, before revocation or modification of the permit, set forth written findings of fact and conclusions of law justifying the revocation or modification. If the council revokes a permit without the consent of the permittee based upon a material mistake of fact or a material change in circumstances, it must first find that the mistake or change in circumstances cannot be adequately addressed by a reasonable modification to the permit. The findings and conclusions required under this subsection may be incorporated into either the final resolution or a separate document adopted by the council.
- (g) Before a permit may be revoked or modified pursuant to this section, the council must first have held a public hearing on the proposed revocation or modification at which it has provided the permittee, any disclosed owner of the subject property, and the agency an opportunity to provide oral testimony of not less than one-half hour apiece. All other interested parties shall also be given an opportunity to provide oral testimony in accordance with council rules. The permittee, the agency, and other interested parties may provide additional oral testimony in accordance with council rules at any council or council committee meetings at which the revocation or modification may be considered. Written testimony may also be provided by any interested party.
- (h) In conjunction with the written notice of agency hearing, or by written request from the council sent by registered or certified mail with postage prepaid and return receipt requested sent at least 10 days in advance of the date of the council public hearing, the agency or the council may request the permittee to provide information at or before the agency hearing or the council public hearing, respectively, relating to:
  - (1) The current status of all other permits or governmental approvals necessary for the development approved by the special management area use permit;
  - (2) The status of the permittee's compliance with or progress toward compliance with any conditions of the permit; and
  - (3) The level and timing of expenditures made by the permittee or others with respect to various phases or aspects of the development.

The agency and the council shall be entitled to, but need not, rely upon the accuracy of the information provided by the permittee in any action or proceeding to modify or revoke the special management area use permit. If the permittee fails or refuses to provide requested information, the agency or the council, as the case may be, shall be entitled to find that there has been no progress towards compliance with permit conditions or that no expenditures have been made on the development.

- (i) The corporation counsel shall, upon request of the agency or the council, advise the agency or the council with respect to the extent to which the permittee's rights to construct the development or a portion of the development may be vested under law.

- (j) Any expenditures made by the permittee or others on a development for which a special management area use permit or a special management area minor permit has been issued following:
- (1) The receipt, by the party making the expenditure, of notice of the proposed modification or revocation of the special management area use permit for the development; or
  - (2) The first published notice of the agency hearing;
- whichever first occurs, and before the adoption, filing, or deemed filing of the resolution proposing the modification or revocation, shall not be deemed an expenditure made in good faith reliance upon the issuance of the permit for purposes of determining whether development rights are vested.
- (k) For purposes of this section, a “modification” to a permit includes but is not limited to a modification to the plans for the development or a modification to the conditions imposed upon the development in the permit.
- (l) An owner of record of property shall be deemed to have been disclosed if a permit applicant, permittee, or the owner gave notice to the agency of the owner’s status either at the time of the permit application or through a formal written notice to the agency of such ownership status at least one week before the date on which the agency is required to give notice to disclosed owners of record.
- (1990 Code, Ch. 25, Art. 9, § 25-9.6) (Added by Ord. 95-12)

**§ 25-9.7 Voluntary revocation or modification of permits.**

- (a) A special management area use permit or a special management area minor permit may be revoked or modified at the request of the permittee in accordance with this section.
- (b) An application for the modification or revocation of a special management area minor permit shall be processed in the same manner as an application for the granting of a special management area minor permit; provided that the agency may adopt rules pursuant to HRS Chapter 91 providing for processing of the application for modification or revocation in a different manner.
- (c) An application for the modification or revocation of a special management area use permit initiated by the permittee shall be processed in the same manner as an application for the granting of a special management area use permit; provided that if a permit proposed for modification provides a different process for minor modifications to the permit, that process may be followed for minor modifications.
- (1990 Code, Ch. 25, Art. 9, § 25-9.7) (Added by Ord. 95-12)

## **Honolulu - Land Use**

## **ARTICLE 10: APPEALS**

### Section

25-10.1      Appeal in accordance with State statute

#### **§ 25-10.1 Appeal in accordance with State statute.**

If any person is aggrieved by the order issued by the director pursuant to §§ 25-9.1 and 25-9.2, the person may appeal the order in the manner provided in HRS Chapter 91; provided that no provision of such order shall be stayed on appeal, unless specifically ordered by a court of competent jurisdiction.

(Sec. 33-10.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 25, Art. 10, § 25-10.1)

## **Honolulu - Land Use**

## **ARTICLE 11: RULES**

### Section

#### 25-11.1 Wetlands rules

##### **§ 25-11.1 Wetlands rules.**

The director may adopt rules pursuant to HRS Chapter 91 and not inconsistent with this chapter, relating to wetlands within the special management area, including but not limited to rules establishing standards for development and for permits for development in special wetland areas; additional special management area permit application requirements and review criteria relating to wetlands standards for nonconforming activities in special wetland areas; standards for determining the existence and boundaries of special wetland areas; additional penalties and enforcement provisions relating to violations of the wetlands rules or special management area use permit conditions relating to wetlands, including standards for requiring wetlands restoration or creation and alternatives thereto; and standards for inclusion of wetlands conditions in special management area use permits.

(1990 Code, Ch. 25, Art. 11, § 25-11.1) (Added by Ord. 93-74)

## **Honolulu - Land Use**

## **ARTICLE 12: SEVERABILITY**

### Section

#### 25-12.1 Invalid provisions

#### **§ 25-12.1 Invalid provisions.**

If this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of conditions of this chapter, which can be given effect without the invalid provision or application, and to this end, this chapter is severable.

(Sec. 33-11.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Sec. 25-11.1, R.O. 1990) (1990 Code, Ch. 25, Art. 12, § 25-12.1) (Am. Ord. 93-74)

## **Honolulu - Land Use**

## APPENDIX 25-1: SPECIAL MANAGEMENT AREA USE PERMIT AND SHORELINE VARIANCE RESOLUTIONS

***Editor's note:***

*\* Only those special management area use permits and shoreline setback variances granted by city council resolutions are included in this appendix.*

*Resolutions adopted before 1988 may be found in Appendix C to Chapter 21, Revised Ordinances of Honolulu 1978 (1983 Ed.) and in Appendix 1 to Chapter 33, Revised Ordinances of Honolulu 1978 (1983 Ed.), 1987 Supp.*

<b><i>Res. No.</i></b>	<b><i>Date</i></b>	<b><i>Description</i></b>
88-102	4-13-1988	Issued to State department of transportation, a special management area use permit to install an aviation fuel dispensing facility at Dillingham Airfield in Mokeleia.
88-119	4-13-1988	Issued to Hotel Kaimana, Inc., a special management area use permit to perform exterior renovations to the existing hotel buildings located at 2863 Kalakaua Ave., in Diamond Head.
89-152	7-21-1989	Granting a special management area use permit to State department of accounting and general services for Phases IV and V of the Kapiolani Community College master plan.
89-206	7-12-1989	Granting a special management area use permit for Maunalua Bay Estates, consolidation/resubdivision, and construction of four single-family dwelling units. (Amended by Res. 90-193.)
89-225	7-21-1989	Granting a special management area use permit for cluster housing project on Kaneohe Bay to Thomas Metcalf, et al.
89-233	6-21-1989	Granting a special management area use permit for a batch treatment tank at Kahe Generating Station to Hawaii Electric Co., Ltd.
89-264	7-12-1989	Granting a special management area use permit and a shoreline setback variance for the Sand Island shore protection project to the State department of land and natural resources. 88/SV-7.
89-337	8-9-1989	Granting a special management area use permit for structures at Sunset Beach elementary school to State department of accounting and general services.
89-354	8-9-1989	Granting a special management area use permit for petroleum pipeline facilities at Barber's Point harbor to Pacific Resources, Inc., Texaco Refining & Marketing, Inc., and Chevron USA, Inc.
89-374	9-20-1989	Granting a special management area use permit for a Chevron gas station and convenience store in Laie to Chevron USA.
89-375	9-20-1989	Granting a special management area use permit for an eight-lot subdivision at Pounder's Bluff to Jeffrey R. Stone.

**Honolulu - Land Use**

<i><b>Res. No.</b></i>	<i><b>Date</b></i>	<i><b>Description</b></i>
89-440	10-11-1989	Granting a special management area use permit to Donald W. and Judith A. Moody to construct an eight-unit apartment building located at 715 Wailepo Place, Kailua.
89-442	10-11-1989	Granting a special management area use permit to Hawaii Pacific Industries to construct a bulk cargo unloading and loading system at Pier 6, and a closed conveyor system near Pier 6 at Barber's Point.
89-443	10-11-1989	Granting a special management area use permit to AES Barber's Point, Inc., to construct approximately 1,000 linear feet of overland pipe conveyor adjacent to Barber's Point harbor in Ewa.
89-464	10-11-1989	Granting a special management area use permit to Mr. and Mrs. Rudy Brilhante to construct a cluster housing project located at 44-291 Kaneohe Bay Drive.
89-491	11-8-1989	Granting a special management area use permit to Kuilima Development Company to construct a wedding pavilion at the Kuilima Resort in Kahuku.
89-551	1-31-1990	Granting a special management area use permit and shoreline variance to Hawaii community development authority to develop park facilities, at Kewalo Basin. TMK: 2-1-58: 57, 61, 62, 70, 71, 75, 76, 87, pors. 1, 64, 77.
89-570	1-31-1990	Granting a special management area use permit to City and County of Honolulu, department of public works, to construct a wastewater collection system within the Kahaluu sewerage subdistrict. TMK: 4-7-var.
90-9	1-31-1990	Granting a special management area use permit to Hawaiian Electric Company, Inc., to construct an overhead facilities training center at Kahe Generating Station. 92-200 Farrington Highway, Waianae.
90-10	2-14-1990	Granting a special management area use permit to Maili Business Plaza, Inc., to construct a self-service car wash facility at 87-800 Farrington Highway in Waianae. TMK: 8-7-23: 57.
90-11	1-31-1990	Granting a special management area use permit to Kaneohe Yacht Club to renovate the existing yacht clubhouse in Kaneohe.
90-90	6-26-1990	Granting a special management area use permit to State department of transportation to construct a 2.3-mile-long, two-lane highway to bypass Haleiwa Town.
90-140	4-25-1990	Granting a special management area use permit to State department of transportation, harbors division, to construct a new comfort station and a trailer boat launching area at Ala Wai Boat Harbor.
90-147	4-25-1990	Granting a special management area use permit and shoreline setback variance to city department of public works to construct four overflow swales on beach rights-of-way along Mokulua Drive in Lanikai.
90-153	4-25-1990	Granting a special management area use permit to Teruya Brothers, Ltd., to demolish an abandoned service station and a neighborhood market and construct a new FASTOP convenience store in Makaha.
90-154	4-25-1990	Granting a special management area use permit to State department of transportation to fill and raise the northern portion of Keehi Boat Harbor; construct a floating dock pathway connecting Piers 800, 900, and 1,000; raise the shoreward portions of Piers 700, 800, 900, and 1,000; and pave the gravel parking areas located at #4 Sand Island Access Road in Honolulu.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
90-193	12-5-1990	Amending Res. 89-206 to delete Condition F thereof and replace it with a new Condition F.
90-218	5-23-1990	Granting a special management area use permit to city department of parks and recreation to develop a park at the old CYO Camp site, including a parking lot, comfort station, and other improvements in Laie.
90-219	9-12-1990	Granting a special management area use permit to Con-Fab Corporation to develop a manufacturing and storage site for concrete products at Campbell Industrial Park.
90-220	5-23-1990	Granting a special management area use permit to Waianae Coast Comprehensive Health Center to construct a new one-story mental health center adjacent to the existing Waianae Coast Comprehensive Health Center in Waianae.
90-224	5-23-1990	Granting a special management area use permit to State department of Hawaiian home lands to construct a gravity sewer collection system and a sewage pumping station for Hawaiian home lands in Waimanalo.
90-302	7-25-1990	Granting a special management area use permit to Hans Reicke, FAIA, to construct a 12,000-square-foot addition to an existing warehouse in Kalihi.
90-303	10-3-1990	Granting a special management area use permit to Chevron USA, Inc., to construct a new maintenance workshop at Campbell Industrial Park.
90-304	12-5-1990	Granting a special management area use permit and shoreline setback variance to Keen Jun Enterprises to construct a cluster housing development located at Waikalua.
90-331	7-25-1990	Granting a special management area use permit to Bridgestone/Firestone, Inc., for an automobile tire store and repair shop in Pearl Kai.
90-356	8-8-1990	Granting a special management area use permit to Matson Terminals, Inc., for Matson container yard improvements, including new cranes, located at Piers 52 and 53, Sand Island Access Road.
90-386	10-3-1990	Granting a special management area use permit to State department of accounting and general services for expansion of existing film facility located at Diamond Head.
90-388	1-30-1991	Granting a special management area use permit to Thomas Square Development, Inc., to demolish an existing structure and develop a neighborhood convenience shopping center consisting of four commercial buildings and parking located in Makaha.
90-405	9-12-1990	Granting a special management area use permit and shoreline setback variance to State department of transportation to construct a canoe racing facility, including a raised judge's pavilion, elevated spectators' area, additional parking, etc., at Keehi Lagoon Park in Kalihi.
90-408	12-5-1990	Granting a special management area use permit to Windward Park, Inc., to construct a 35-tee golf driving range with chipping and putting areas, snack bar/pro shop, and supporting infrastructure located at the corner of Kalaniana'ole Highway and Kapaa Quarry Road in Kailua.
90-418	10-3-1990	Granting a special management area use permit to city department of parks and recreation to construct a lanai addition to an existing bathhouse/recreation building located at Swanzy Beach Park in Kaaawa.

**Honolulu - Land Use**

<i><b>Res. No.</b></i>	<i><b>Date</b></i>	<i><b>Description</b></i>
90-426	10-3-1990	Granting a special management area use permit to Oceanic Institute to construct a center for applied aquaculture located in Waimanalo.
90-432	10-3-1990	Granting a special management area use permit to Marisco, Ltd., to construct a ship repair facility at Barber's Point Harbor in Ewa.
90-433	10-3-1990	Granting a special management area use permit and shoreline setback variance to Pacific Atlas (Hawaii), Inc., to construct Phase 1 of Bay View Golf Course improvements, consisting of work on golf fairways and clubhouse and realignment of Kawa Stream at Waikalua, Kaneohe.
90-452	10-17-1990	Granting a special management area use permit to city department of public works to open a 10,000-foot waterway in the interior of Kawai Nui Marsh and construct a vegetation/sediment handling area located at Kawai Nui Marsh in Kailua.
90-484	12-5-1990	Granting a special management area use permit to Chevron USA, Inc., to demolish an existing service station and construct a new service station and car wash facility in Aiea.
90-518	12-5-1990	Granting a special management area use permit and a shoreline setback variance to Hawaii Property Management, Inc., to remove mounds of debris, construct two drainage ditches, and establish two new plant sanctuaries at Campbell Industrial Park.
90-524	1-30-1991	Granting a special management area use permit to F. T. Opperman, et al., to construct a new 16-lot subdivision and 32-foot-wide road right-of-way in Waialua.
90-526	12-5-1990	Granting a special management area use permit to State department of land and natural resources to construct infrastructure improvements located at Sand Island.
90-558	1-30-1991	Granting a special management area use permit to city department of parks and recreation to construct a parking lot, landscaping, irrigation systems, walkways, and vehicular barriers located at Ehukai Beach Park.
90-559	8-7-1991	Granting a special management area use permit to Pohakapu Partners to develop a subdivision on a 2.627-acre parcel into 15 residential lots and to construct a roadway access located in Kailua.
90-560	1-30-1991	Granting a special management area use permit to Kihapai Partners for demolition of two residential structures and construction of a four-story, 11-unit apartment building located in Kailua.
90-561	1-30-1991	Granting a special management area use permit to Hawaiian Electric Company, Inc., to construct a 46,000 kilovolt (kV) alternating current transmission substation in Kalihi.
91-07	1-30-1991	Granting a special management area use permit and shoreline setback variance to State department of transportation to expand the general aviation area, realign Lagoon Drive, extend the existing water, sewer, and drainage systems and develop an airport training center at Honolulu International Airport.
91-08	1-30-1991	Granting a special management area use permit to Hanumantha Sanjeevi to establish a seven-lot residential subdivision along Kamehameha Highway in Hauula.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
91-22	8-7-1991	Granting a special management area use permit to Hawaiian Electric Company, Inc., to construct 4.5 miles of 138 kilovolt (kV) electric transmission lines and new steel poles and other related work between the Waiau Power Plant and the Makalapa Substation.
91-85	4-10-1991	Granting a special management area use permit to State department of transportation to construct two perimeter service roads located on runway grounds of Honolulu International Airport.
91-91	4-10-1991	Granting a special management area use permit to Sea-Land Service, Inc., to construct improvements to Sea-Land Service, Inc., including a new office building, gate house, and guardhouse, at Pier 51-A in Honolulu.
91-148	7-24-1991	Granting a special management area use permit to city department of housing and community development to expand the existing Kahuku Wastewater Treatment Plant by constructing a new secondary treatment unit and other improvements in Kahuku.
91-149	8-7-1991	Granting a special management area use permit to Craig Kobayashi for construction of two additional dwelling units, for a total of four single-family dwellings located on a lot in Waialua.
91-162	9-11-1991	Granting a special management area use permit to Mr. and Mrs. David Cole to construct a five-unit cluster housing development in Kailua.
91-164	9-11-1991	Granting a special management area use permit to Shell Oil Company to demolish an existing service station and construct a new service station and car wash at 98-135 Kamehameha Highway located in Waimalu.
91-169	8-7-1991	Granting a special management area use permit to State department of transportation for improvements and expansion of existing fire fighting station, construction of a new truck reservicing facility and parking lot located at the end of Lagoon Drive within the Honolulu International Airport.
91-170	8-7-1991	Granting a special management area use permit to city department of public works to construct improvements to the wastewater collection system for the Heeia sewage tributary area.
91-177	9-11-1991	Granting a special management area use permit to city department of parks and recreation to construct improvements to Kalama Beach Park located in Kailua.
91-209	10-23-1991	Granting a special management area use permit to Brewer Environmental Industries to demolish several buildings, renovate one building, and construct a new warehouse and office with parking and landscaping located at Kaomi Loop in Ewa.
91-250	11-13-1991	Granting a special management area use permit to State department of accounting and general services to construct a two-story, eight-classroom building and connecting walkway at Waialua Elementary School in Waialua.
91-271	2-12-1992	Granting a special management area use permit to State department of human services to construct transitional housing units consisting of 35 family units, 20 single/couple units, five administration/child-care units, three laundry units, and 60 parking stalls for the Malaekahana Weinberg Villages located in Kahuku.

**Honolulu - Land Use**

<i><b>Res. No.</b></i>	<i><b>Date</b></i>	<i><b>Description</b></i>
91-300	2-12-1992	Granting a special management area use permit to the city department of parks and recreation to construct a pedestrian bridge located in Haleiwa.
92-60	3-25-1992	Granting a special management area use permit and shoreline setback variance to American Telephone and Telegraph Company to install two new transpacific submarine communications fiber optic cables and construct a new cable easement and ocean ground bed located in Keawaula.
92-68	4-15-1992	Granting a special management area use permit to Daniel Siu to construct a 12,000 square-foot, one-story warehouse located in Waipahu.
92-94	5-6-1992	Granting a special management area use permit to State department of accounting and general services to construct an athletic locker/shower facility for Kalaheo High School.
92-96	5-27-1992	Granting a special management area use permit to Sen Plex Corporation to create a 24-lot industrial subdivision and access road located in Kalihi.
92-100	5-6-1992	Granting a special management area use permit and shoreline setback variance to city department of parks and recreation to replace 590 feet of concrete sidewalk with tile pavers on the makai side of Kalakaua Avenue; replace almost all concrete pavement between the food concession/comfort station building and the Diamond Head side of the banyan arbor, and make other improvements to Kuhio Beach Park in Waikiki.
92-114	5-27-1992	Granting a special management area use permit to State department of accounting and general services to construct an enclosure outside of the State emergency operating center to house a 300-KVA supplementary generator and to install an above-ground 8,000-gallon fuel storage tank with a containment wall erected around it, located at Diamond Head.
92-131	6-17-1992	Granting a special management area use permit to Palisades Community Chapel Assembly of God to construct a new chapel church complex located in Waianae.
92-144	7-8-1992	Granting a special management area use permit to city department of parks and recreation to construct park improvements at Tracks Beach in Waianae.
92-146	7-8-1992	Granting a special management area use permit to State department of accounting and general services to demolish an existing administration building, to construct a new administration building, and to convert an existing playcourt to a 31-stall parking area at Waipahu Intermediate School in Waipahu.
92-152	7-8-1992	Granting a special management area use permit to Disabled American Veterans (DAV) Keehi Lagoon Memorial Management Committee to demolish the existing memorial hall, construct a new one-story memorial hall building, and install a new parking area located at Moanalua.
92-156	7-8-1992	Granting a special management area use permit to Waialae Country Club to grade topsoil to form mounds ranging from 2 to 5 feet in height at the Waialae Country Club.
92-185	9-23-1992	Granting a special management area use permit to city department of parks and recreation to develop a park at the former Mormon Church campgrounds and make other improvements, located in Laie.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
92-223	10-14-1992	Granting a special management area use permit to the city building department to demolish the existing fire station and construct a new one-story fire station and accessory structures, located in Pupukea.
92-227	10-14-1992	Granting a special management area use permit to A. L. Kilgo to construct a five-story parking garage and expand the existing home improvement establishment located at Sand Island Access Road in Honolulu.
92-268	12-2-1992	Granting a special management area use permit and shoreline setback variance to GTE Hawaiian Tel to install a submarine fiber optic cable landing site located in Maunalua (Sandy Beach).
92-272	12-2-1992	Granting a special management area use permit and shoreline setback variance to GTE Hawaiian Tel to install a submarine fiber optic cable landing site located in Honouliuli (Kahe Point).
92-281	12-2-1992	Granting a special management area use permit and shoreline setback variance to State department of land and natural resources to rehabilitate the existing seawall walkway located at Diamond Head.
92-282	12-2-1992	Granting a special management area use permit and shoreline setback variance to State department of business, economic development and tourism to develop a marine education and training center and public boat launching facility at Sand Island.
92-283	12-2-1992	Granting a special management area use permit to Attractions Hawaii, dba Waimea Falls Park, to permit (retain) four concrete bridges located in Waimea.
92-296	1-27-1993	Granting a special management area use permit to the city building department to construct an office building and automotive equipment storage shed located in Kaneohe.
92-307	2-17-1993	Granting a special management area use permit to Hawaiian Electric Company, Inc., to construct approximately 4,600 feet of 138 kilovolt (kV) electrical transmission lines and new steel poles west of the Waiiau Power Plant, and to relocate existing 46 kV lines, and other related work west of the Waiiau Power Plant in Pearl City.
92-312	1-27-1993	Granting a special management area use permit to Mitchell Nowicki to construct two wooden commercial buildings and a parking lot located in Haleiwa.
93-58	3-10-1993	Granting a special management area use permit to Mr. and Mrs. Hal Schatz to construct an eight-unit apartment addition and parking facilities to an existing 10-unit apartment building located in Kailua.
93-59	3-10-1993	Granting a special management area use permit to Mr. Don W. Moody and Mr. James S. Dial to construct a 24-unit condominium apartment building with parking and loading facilities located in Kailua.
93-68	3-10-1993	Granting a special management area use permit to Nanakuli Investment Company, Ltd., to construct commercial structures located in Nanakuli.
93-87	3-31-1993	Granting a special management area use permit to State department of accounting and general services to permit construction of a new weight room building, a broadcast booth, a 10-classroom building, and other improvements to Waianae High School.

**Honolulu - Land Use**

<i><b>Res. No.</b></i>	<i><b>Date</b></i>	<i><b>Description</b></i>
93-88	3-31-1993	Granting a special management area use permit to city building department to construct an automotive equipment service building, caretaker's cottage and carport, office/covered parking shed, parking lot, and wall located at Waianae Corporation Yard and a portion of the Waianae Wastewater Treatment Plant.
93-108	4-21-1993	Granting a special management area use permit to Hilton Hawaiian Village Joint Venture to replace an existing auditorium with a new 400-unit hotel structure and health-sports clinic and spa, including retail and restaurant space, a lagoon, and waterfall, located in Waikiki.
93-110	4-21-1993	Granting a special management area use permit to KFC Hawaii to permit the construction of a new Kentucky Fried Chicken (KFC) retail outlet in Nanakuli.
93-132	5-26-1993	Granting a special management area use permit to city department of parks and recreation to relocate the skeet and combat/MPPL ranges, and to construct an American trap range, a 2700 pistol range, a range master residence, comfort station, and parking lot located in Koko Head.
93-134	5-26-1993	Granting a special management area use permit to city department of parks and recreation to construct master plan improvements, including demolition of various structures, renovation of a pavilion/concession building, and other improvements at Kailua Beach Park.
93-137	6-23-1993	Granting a special management area use permit to Shirley A. Lipman to permit the construction of a new apartment complex in Waialua.
93-150	5-26-1993	Granting a special management area use permit to city department of public works to permit the construction of an interim chemical treatment facility at the existing Sand Island Wastewater Treatment Plant on Sand Island.
93-213	7-14-1993	Granting a special management area use permit and shoreline setback variance to city department of parks and recreation to permit the construction of various park improvements at the Hanauma Bay Nature Park in East Oahu.
93-215	7-14-1993	Granting a special management area use permit to the city building department to permit the construction of a radio communications facility at the Keaau Beach Park in Makaha.
93-219	7-14-1993	Granting a special management area use permit to the Waianae Coast Comprehensive Health Center to permit the construction of a new medical/dental lab and other improvements to the existing health center in Waianae.
93-223	8-11-1993	Granting a special management area use permit to Dale and Patricia Moore to permit the construction of two additional single-family dwellings, for a total of four single-family dwelling units, on a parcel of land in Waialua.
93-225	9-29-1993	Granting a special management area use permit to Blue Mountain, Inc., to permit the construction of five single-family dwellings on land zoned A-1 low-density apartment district in Waialua.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
93-235	8-11-1993	Granting a special management area use permit to city building department to permit the construction of improvements to an existing radio communications facility at the Koko Head Regional Park in East Honolulu.
93-244	10-20-1993	Granting a special management area use permit and shoreline setback variance to State department of transportation, harbors division, to construct a parking lot with lighting and planter boxes, a washdown area, a rock revetment, and line an existing drainage ditch located at Maunalua Bay launching ramp in Hawaii Kai.
93-251	8-11-1993	Granting a special management area use permit to State department of accounting and general services to permit the relocation of an existing portable building, construction of a new cafetorium, and reconstruction of the existing parking lot on a parcel of land in Sunset Beach.
93-259	9-29-1993	Granting a special management area use permit and shoreline setback variance to the Estate of James Campbell to permit the construction of a drainage channel in Ewa.
93-272	9-29-1993	Granting a special management area use permit to the department of public works to permit the restoration of a portion of the mauka bank of Kahaluu Lagoon in Kahaluu.
93-284	9-29-1993	Granting a special management area use permit to the department of public works to construct a flood control project and wetland mitigation within the Kawai Nui Marsh located in Kailua.
93-286	12-1-1993	Granting a special management area use permit to Haseko (Ewa), Inc., to develop a master-planned marina, including a 120-acre marina, commercial and marina support facilities, and residential community, located in Ewa.
93-292	11-10-1993	Granting a special management area use permit to the Hawaii housing authority to construct transitional housing and a parking lot for homeless families located in Waimanalo.
93-305	10-20-1993	Granting a special management area use permit to the city department of wastewater management to permit the construction of new secondary treatment facilities at the existing Waianae Wastewater Treatment Plant.
93-316	12-1-1993	Granting a special management area use permit to Hawaiian Electric Company, Inc., to permit the construction of a demineralizer system at the existing Kahe generating system in Ewa.
93-318	10-20-1993	Granting a special management area use permit to West Beach Estates to redevelop and expand the existing commercial facilities and uses at Paradise Cove located at West Beach in Honouliuli.
93-339	10-12-1994	Granting a special management area use permit to building department to permit the construction of improvements to the existing Waikiki Shell complex located at Diamond Head.
93-354	1-26-1994	Granting a special management area use permit to Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints to construct a chapel facility and parking lot located in Haleiwa.

**Honolulu - Land Use**

<i><b>Res. No.</b></i>	<i><b>Date</b></i>	<i><b>Description</b></i>
93-376	1-26-1994	Granting a special management area use permit to department of transportation services to construct a 3.5-mile-long bikeway and pedestrian path located on the makai side of Kamehameha Highway between Kapuhi Street (Waimea) and Oopuola Street (Waialeale).
94-31	3-9-1994	Granting a special management area use permit to State department of land and natural resources to expand the existing administration building located at Keehi Boat Harbor in Kapalama.
94-49	3-9-1994	Granting a special management area use permit to State department of land and natural resources to redevelop 111 industrial lots within Sand Island Industrial Park located at Sand Island.
94-69	4-13-1994	Granting a special management area use permit to Midas Muffler Shops of Hawaii to construct a commercial center located at Waipahu.
94-85	4-13-1994	Granting a special management area use permit to department of parks and recreation to construct various park improvements at Ala Moana Regional Park located at Honolulu.
94-122	9-21-1994	Granting a special management area use permit to Pacific Atlas (Hawaii), Inc., to expand and develop an 18-hole executive golf course, including a clubhouse, driving range, practice greens, sand bunkers and chipping areas, and a putting course located at Waikalua, Kaneohe.
94-125	6-22-1994	Granting a special management area use permit to board of water supply to construct a two-story concrete masonry unit office and storeroom complex, a temporary office trailer, and a parking lot for employees and visitors located at Kaneohe.
94-160	6-22-1994	Granting a special management area use permit to Robert and Judith Bailey to reconstruct six dwelling units, replace the existing cesspools with septic tanks and leaching fields, install a chain link fence, fire hydrant, water main, check flow meter and water lines located at Punaluu.
94-164	6-22-1994	Granting a special management area use permit to State department of transportation to replace 4 existing wooden bridges with four new 42-foot-wide concrete bridges located at Makaha.
94-177	8-31-1994	Granting a special management area use permit to Melville and Blake to permit the construction of a new two-story commercial building in Maili.
94-180	12-1-1994	Granting a special management area use permit to department of transportation services to place a new bikeway from Hahani Street to Kaneapu Place, and a pedestrian/bicycle bridge approximately 3 feet makai of Kawailoa Bridge located in Kailua.
94-202	9-21-1994	Granting a special management area use permit to department of wastewater management to permit the construction of a septage handling facility located at Sand Island.
94-209	8-31-1994	Granting a special management area use permit to GTE Hawaiian Tel to permit the installation of a new fiber optic telecommunication system in Keawaula and Mokuleia.
94-212	9-21-1994	Granting a special management area use permit to department of wastewater management to permit the construction of a septage handling facility located in Kahuku.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
94-231	9-21-1994	Granting a special management area use permit to Kahala Hotel Associates, Limited Partnership, to permit the renovation and expansion of an existing hotel complex located in Kahala.
94-232	5-24-1995	Granting a special management area use permit to Obayashi Hawaii Corporation to construct elderly housing units and a Y.M.C.A. facility and appurtenant infrastructure, including sewerage infrastructure, located in Pupukea.
94-266	10-12-1994	Granting a special management area use permit to Young Men's Christian Association of Honolulu to construct new buildings, add a parking lot, erect chain link fences, and repair existing structures at Camp Erdman located at Mokuleia.
94-280	3-8-1995	Granting a special management area use permit to city building department to construct a vehicle maintenance shop and storeroom facility, and add an employee parking lot located in Waipahu.
94-322	12-1-1994	Granting a special management area use permit to State department of accounting and general services to construct a new administration building and other improvements at Laie Elementary School, including additional parking, renovation of an existing building, and installation of a septic tank and leaching field located in Laie.
95-10	1-25-1995	Granting a special management area use permit to Bridgestone/Firestone, Inc., to construct an automobile tire store/repair shop and parking lot located in Waimalu.
95-72	3-8-1995	Granting a special management area use permit to State department of land and natural resources to permit the construction of a roadway, parking lot, comfort station, picnic tables, and landscaping located in Aiea.
95-92	4-12-1995	Granting a special management area use permit to Ehukai Homes, a Hawaii partnership, to construct four single-family homes, an aerobic wastewater treatment plant and a soil absorption system located in Waialua.
95-120	5-3-1995	Granting a special management area use permit to department of parks and recreation to construct a new building, covered parking area, parking lot, wash area and chain link fence located in Waianae.
95-154	6-20-1995	Granting a special management area use permit to State department of accounting and general services to construct a new classroom building and multipurpose outdoor playcourt at Waipahu Intermediate School.
95-190	6-20-1995	Granting a special management area use permit to Waialae Country Club to permit the replacement of the existing golf maintenance facility with two new buildings and other improvements located in Kahala.
95-250	8-16-1995	Granting a special management area use permit to the city building department to permit the construction of improvements to the existing Waialua Corporation Yard in Waialua.
95-251	8-16-1995	Granting a special management area use permit to the State department of accounting and general services to permit the expansion of the existing Iroquois Point Elementary School Library in Ewa.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
95-288	9-20-1995	Granting a special management area use permit to the city department of transportation services to construct a new bike path from Waipio Point Access Road to Lehua Avenue located within the former Oahu Railway and Land Company right-of-way in Pearl City.
95-345	6-26-1996	Granting a special management area use permit to Waianae Coast Comprehensive Health Center to permit the implementation of a facilities master plan for the existing health center. (Res. 08-195 granted an SMP to Waianae Comprehensive Health Center to modify SMP No. 94/SMA-1, 9-24-2008)
95-347	12-6-1995	Granting a special management area use permit to La Pietra/Hawaii School for Girls to permit the construction of a new two-story, three-classroom building on Diamond Head.
95-379	5-1-1996	Granting a special management area use permit to department of parks and recreation to construct a comfort station, outdoor shower, parking lot and other improvements at Sunset Beach Support Park.
95-380	1-24-1996	Granting a special management area use permit to Clement/May Hung to construct two additional single-family dwellings, for a total of four single-family dwellings, and accessory structures located in Waialua.
95-381	1-24-1996	Granting a special management area use permit to Hawaiian Electric Company, Inc., to construct a sandblast enclosure and storage shed located in Waianae.
96-03	1-24-1996	Granting a special management area use permit to Hilton Hawaiian Village Joint Venture and the EnterOcean Group, Inc., to construct an aquatic recreational facility and other improvements located at the Duke Kahanamoku Lagoon located in Waikiki.
96-47	2-14-1996	Granting a special management area use permit to the department of wastewater management to construct a wastewater pump station and for other improvements located in Kaneohe.
96-66	5-1-1996	Granting a special management area use permit to building department to demolish the existing Kaaawa Fire Station and construct a replacement fire station in Kaaawa.
96-68	8-7-1996	Granting a special management area use permit to the city department of parks and recreation to demolish various structures at Kailua Beach Park; construct an open pavilion, canoe halau, new picnic area, and pedestrian walkway; realign a bikeway; and modify existing facilities to provide equal accessibility to the park.
96-72	3-13-1996	Granting a special management area use permit to Gentry Homes, Ltd., to construct a grass-lined drainage channel with supportive detention basin and outlet works at Ewa.
96-75	3-13-1996	Granting a special management area use permit to Foodland Supermarkets, Ltd., for a ground floor and second floor addition, asphalt-concrete parking lot and a chain link fence or solid wall located in Pupukea.
96-114	5-1-1996	Granting a special management area use permit to James Campbell Estate to construct various improvements, including a 264-stall paved parking area located in Koolina.
96-158	6-26-1996	Granting a special management area use permit to the city department of public works to construct a dewatering facility, access road and chain link fence located at 16-1 Sand Island Parkway.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
96-162	6-26-1996	Granting a special management area use permit to the city department of public works to construct a dewatering facility located at the Pearl City Wastewater Treatment Plant.
96-218	9-25-1996	Granting a special management area use permit to Flynn Learner Company to construct four industrial buildings, concrete masonry unit walls, asphalt concrete parking, and an irrigation system located at 120 Sand Island Access Road.
96-219	10-16-1996	Granting a special management area use permit to 7-Eleven Hawaii Inc. to construct a new 7-Eleven Store and parking lot located at 85-010 Farrington Highway.
96-220	10-16-1996	Granting a special management area use permit to Maunalua Associates to construct a one-million-gallon water reservoir located at 7381 Kalanianaʻole Highway at Koko Head.
96-271	12-4-1996	Granting a special management area use permit to Pacific Atlas (Hawaii), Inc., to modify and expand the existing Bayview Golf Course located in Waikalau, Kaneohe.
96-273	12-4-1996	Granting a special management area use permit to Pacific Atlas (Hawaii), Inc., to construct a 4.3-acre residential subdivision located along Kaneohe Bay Drive.
96-276	12-4-1996	Granting a special management area use permit to Le Jardin Academy to construct a new school campus located at 917 Kalanianaʻole Highway in Kailua.
96-287	1-29-1997	Granting a special management area use permit to King Food Service to construct a one-story cold storage building located at Pupuole Street in Waipahu.
96-341	1-29-1997	Granting a special management area use permit to Hawaii Institute of Marine Biology to modify and expand the Hawaii Institute of Marine Biology located on Coconut Island in Kaneohe.
97-48	2-19-1997	Granting a special management area use permit to BHP Petroleum Americas Refining, Inc., to further develop an existing fuel terminal facility for truck park and storage located at Two Sand Island Access Road.
97-49	3-12-1997	Granting a special management area use permit to department of parks and recreation for implementation of a fee system pursuant to Ord. 96-19, siting of two booths for collecting admission and parking fees, and improvements for a new pedestrian pathway and shuttle turnaround located at Hanauma Bay Nature Preserve.
97-64	3-12-1997	Granting a special management area use permit to Dale and Patricia Moore to construct two additional single-family dwellings, for a total of four single-family dwellings, on an apartment-zoned lot located in Waialua.
97-143	5-28-1997	Granting a special management area use permit to Gedatsu Church of Hawaii to construct a new church building located at Summer Street in Kuliouou.
97-177	6-18-1997	Granting a special management area use permit to Ronald K. C. Kang to construct a new two-story office/retail building and accessory infrastructure located in Maili.
97-230	8-6-1997	Granting a special management area use permit to BHP Petroleum Americas (Hawaii) Inc. to develop a new gas dispensary, convenience store with internal food specialty retailer, and car wash, and to replace three underground fuel storage tanks located in Nanakuli.

**Honolulu - Land Use**

<b><i>Res. No.</i></b>	<b><i>Date</i></b>	<b><i>Description</i></b>
97-276	10-15-1997	Granting a special management area use permit to Takao Building Development Company to construct a new two-story office building and other improvements located at 2571 Lemon Road.
97-293	10-15-1997	Granting a special management area use permit to World of Aloha, Inc., to construct a wedding chapel and support structures located at 47-507 Kamehameha Highway.
97-198	12-3-1997	Granting a special management area use permit to the board of water supply to construct a water pump booster station located at Kaluanui in Hauula.
97-336	12-3-1997	Granting a special management area use permit to the department of parks and recreation to construct a new comfort station and other improvements at Makaha Beach Park.
97-342	12-3-1997	Granting a special management area use permit to the Mitsuyasu Family to construct a residential development and accessory structures located in Ewa Beach.
98-54	4-8-1998	Granting a special management area use permit to the State department of transportation to demolish the existing bridge and construct a new bridge and riprap revetments located at Malaekahana Stream Bridge in Kahuku.
98-246	10-14-1998	Granting a special management area use permit to the department of design and construction to construct two new temporary classrooms at the Honolulu Police Academy training facility in Waipahu.
98-259	11-10-1998	Granting a special management area use permit to the department of design and construction to construct improvements to Kuhio Beach Park.
98-265	12-2-1998	Granting a special management area use permit to the building department to restore the war memorial and ocean recreation swimming pool (Natatorium) including improvements to driveways, parking, play court, landscaping, and other accessory uses.
98-272	1-27-1999	Granting a special management area use permit and shoreline setback variance to Haseko (Ewa), Inc., to construct a private recreation facility located at 91-329 and 91-333 Papipi Road in Ewa.
98-306	12-2-1998	Granting a special management area use permit to the department of design and construction to construct a pavilion, comfort station, parking lot, and other improvements to Hauula Beach Park.
98-307	12-2-1998	Granting a special management area use permit to the department of design and construction to construct improvements at the existing Kuliouou Beach Park.
98-316	6-9-1999	Granting a special management area use permit and shoreline setback variance to the department of design and construction to construct a comfort station, basketball court, and other improvements for Aweoweo Beach Park.
99-41	3-17-1999	Granting a special management area use permit to McDonald's of Hawaii to construct a new fast food restaurant and parking lot in Aiea.
99-74	6-30-1999	Granting a special management area use permit to the department of design and construction to modify the existing Waipahu wastewater pump station located on the Waipio Peninsula.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
99-145	6-30-1999	Granting a special management area use permit and shoreline setback variance to the department of design and construction to implement a park master plan to construct various park improvements, including landscaping, parking areas, walls, picnic facilities, showers and a comfort station at the existing Ulehawa Beach Park.
99-233	9-22-1999	Granting a special management area use permit to the State department of transportation to demolish the existing baseyard and construct a new baseyard located at 54-307 Hauula Homestead Road.
99-256	11-10-1999	Granting a special management area use permit to the city department of design and construction to make improvements to the Hanauma Bay Nature Preserve and demolish the abandoned Hawaii Job Corps site.
99-356	12-1-1999	Granting a special management area use permit to GTE Hawaiian Tel International, Inc., to construct a submarine fiber optics cable landing facility and support structures.
00-21	3-15-2000	Granting a special management area use permit to Hawaiian Cement to develop a new cement import and transshipment terminal at the recently expanded Barber's Point Harbor.
00-68	4-26-2000	Granting a special management area use permit and shoreline setback variance to the State department of transportation to install or replace, or both, street lights along Farrington Highway from Ala Hema Street to Piliokoe Bridge in Waianae and Nanakuli.
00-73	4-26-2000	Granting a special management area use permit to the department of land and natural resources, division of forestry and wildlife, to restore Pouhala Marsh, including vegetation and trash removal, removal and stockpiling of fill, wetland basin sculpting, installation of water control devices and perimeter fencing.
00-98	6-14-2000	Granting a special management area use permit to the Queen Liliuokalani Trust for the Queen Liliuokalani Children's Center and accessory structures in Haleiwa.
00-104	1-24-2001	Granting a special management area use permit to the board of water supply for two under-stream crossings of a 36-inch water transmission main, one makai of Kamehameha Highway Bridge No. 9 and the other at Bridge No. 10, located in Punaluu.
00-105	10-18-2000	Granting a special management area use permit to Campers Villages, LLC, to construct an outdoor recreation facility and accessory structures at Puaena, Haleiwa.
00-120	7-12-2000	Granting a special management area use permit to St. Rita Catholic Church to construct a new open parking lot in Nanakuli.
00-144	8-9-2000	Granting a special management area use permit to Hawaiian Electric Company for a new water storage tank located at the existing Kahe Power Plant.
00-169	9-27-2000	Granting a special management area use permit to Castle Family Limited Partnership for redevelopment of a retail/commercial property located in Kailua Town.
00-186	10-18-2000	Granting a special management area use permit to the department of design and construction to construct a viewing deck, outdoor shower, vehicle barriers, landscaping, and other improvements at Sunset Beach.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
00-199	10-18-2000	Granting a special management area use permit to the department of design and construction to construct a new 2,500-square-foot canoe and equipment storage facility, trailer parking, five-station fitness equipment and new landscaping at Maunalua Bay Beach Park.
00-215	11-15-2000	Granting a special management area use permit to the department of design and construction to construct beach park improvements and implement a master plan at Laie Beach Park.
00-216	11-15-2000	Granting a special management area use permit to the department of design and construction to construct a bathhouse, parking lot, and other improvements at the existing Haleiwa Alii Beach Park.
00-217	11-15-2000	Granting a special management area use permit to the department of design and construction to construct a disinfection facility, effluent pump station and electrical substation at the Sand Island Wastewater Treatment Plant.
00-218	11-15-2000	Granting a special management area use permit to the department of design and construction to construct a new 1,364-square-foot multipurpose building, additional parking and walkway at the existing Hauula Community Park.
00-219	11-15-2000	Granting a special management area use permit to the department of design and construction to replace the existing gravel parking lot with asphalt concrete and landscape improvements for a passive park at the Kawai Nui Community Park.
01-42	3-14-2001	Granting a special management area use permit to the department of design and construction to demolish the existing caretaker's cottage and construct a caretaker's cottage detached from the main dwelling, expand the existing parking lot, construct new walkways and a wooden boardwalk, implement dune restoration and other improvements at Kalama Beach Park (Boettcher Estate).
01-58	12-12-2001	Granting a special management area use permit to the State department of land and natural resources, land division, for Kawai Nui Marsh management plan improvements.
01-84	4-4-2001	Granting a special management area use permit to Phoenician, LLC, to develop new waterfront industrial facilities: a small boat repair facility, boat launch ramp, and parking, and a liquefied petroleum gas storage terminal facility near Kalaeloa Barber's Point Deep Draft Harbor.
01-141	5-30-2001	Granting a special management area use permit to the department of design and construction to develop a portion of the Kahaluu Park master plan, including sports fields, comfort stations, parking areas, canoe storage building, landscaping, and other accessory structures.
01-155	6-20-2001	Granting a special management area use permit to the Kahala Mandarin Oriental Hawaii Hotel to expand the existing spa and fitness center, add five beach suites as a partial third floor addition, add an open-air second floor to the existing poolside snack bar, construct an elevated outdoor tennis court for daytime play at the rear of the hotel with receiving offices and delivery area underneath, and expand the existing swimming pool at the Kahala Mandarin Oriental Hawaii Hotel.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
01-185	7-11-2001	Granting a special management area use permit to the State department of accounting and general services for construction of the Nanakuli IV Elementary School.
01-189	7-11-2001	Granting a special management area use permit to the department of design and construction to allow expansion and modifications of the existing Sand Island Wastewater Treatment Plant and other miscellaneous site and facility improvements.
01-190	7-11-2001	Granting a special management area use permit to the department of design and construction to develop the Kahua O Waikalua Neighborhood Park in Kaneohe.
01-212	8-1-2001	Granting a special management area use permit to the department of design and construction to install fiber optic cables, new manholes, and ductlines at Lualualei and Kahe Point Beach Parks and along Farrington Highway.
01-228	9-11-2001	Granting a special management area use permit to the department of design and construction for master plan improvements at Oneula Beach Park; and denying a shoreline setback variance to retain and maintain the existing unpaved parking area within the 40-foot shoreline setback.
01-241	9-11-2001	Granting a special management area use permit to the department of land and natural resources, State parks division, for construction of public improvements related to the Ka Iwi Scenic Shoreline and Makapuu Lookout, Phase I, Increment 2.
01-250	9-11-2001	Granting a special management area use permit to Kaunala Beach Estates, LLC, to consolidate and re-subdivide 19.1 acres of land into 33 parcels: 29 single-family residential parcels, a private roadway, a sewage treatment plant parcel, and a parcel to be dedicated to the city for park use, a remnant parcel, and the dedication of a separate public pedestrian shoreline access easement at Kaunala.
01-258	10-17-2001	Granting a special management area use permit to the department of transportation services for the Pearl Harbor Bikeway Extension located in Waipahu (Middle Loch).
01-323	12-12-2001	Granting a special management area use permit to the department of design and construction to allow expansion and modification of the existing Public Baths wastewater pump station.
02-03	1-30-2002	Granting a special management area use permit to the department of transportation services for the Waialae-Kahala bicycle staging area located on the Kapiolani Community College Diamond Head Campus.
02-10	02-20-2002	Granting a special management area use permit to the State department of accounting and general services for construction of an addition to the existing cafeteria building and other improvements at Laie Elementary School.
02-16	02-20-2002	Granting a special management area use permit to the department of design and construction for the construction of the Banzai Rock Beach Support Park skateboard facility in Pupukea.
02-24	2-20-2002	Granting a special management area use permit to the department of design and construction for retention of a second-floor addition and other improvements at Kalili Surf Center, Haleiwa Ali'i Beach Park.
02-133	6-26-2002	Granting a special management area use permit to Pahounui DP LLC for construction of a new warehouse facility located at 120 Sand Island Access Road.

**Honolulu - Land Use**

<b><i>Res. No.</i></b>	<b><i>Date</i></b>	<b><i>Description</i></b>
02-211	8-7-2002	Granting a special management area use permit to Edward and Sylvia Ing for a 12-lot agricultural subdivision, including roadway, water, and drainage improvements in Pupukea.
02-220	8-7-2002	Granting a special management area use permit to the department of design and construction to construct the Sunset Beach Recreation Center located in Pupukea.
02-221	8-7-2002	Granting a special management area use permit to the State department of accounting and general services and the department of education for the Waianae High School Media Center.
02-225	8-7-2002	Granting a special management area use permit to Hilton Hotels Corporation for construction of a high-rise tower and other improvements at Hilton Hawaiian Village in Waikiki.
02-271	11-13-2002	Granting a special management area use permit to Outrigger Enterprises to construct an above-grade pedestrian bridge and frontage modifications at the Outrigger Reef on the Beach Hotel.
02-307	12-4-2002	Granting a special management area use permit to the department of design and construction for various master plan improvements to Koko Head District Park and safety improvements to the Koko Head shooting complex.
02-310	12-4-2002	Granting a special management area use permit to the department of design and construction to construct a new skateboard facility located along Kamehameha Highway across from Haleiwa Beach Park.
02-339	1-29-2003	Granting a special management area use permit to the department of design and construction for a master plan for the 13.3-acre Kawai Nui Gateway Park in Kailua.
03-25	2-26-2003	Granting a special management area use permit to the department of transportation services to construct the Nanakuli Makai connector roadway of the Waianae Coast Emergency Access Road.
03-80	4-16-2003	Granting a special management area use permit to Chevron Products to construct replacement acid pump tanks at the Chevron Refinery.
03-92	5-7-2003	Granting a special management area use permit to the State department of transportation for the Kamehameha Highway drainage improvements at Kii Bridge and the Kahuku Hospital Ditch drainage culvert.
03-116	7-2-2003	Granting a special management area use permit to Kuilima Resort Company to renovate, modify, and expand the existing Turtle Bay Resort.
03-123	6-4-2003	Granting a special management area use permit to the department of design and construction to construct a new canoe halau located at Keehi Lagoon Beach Park.
03-193	1-28-2004	Granting a special management area use permit to Synagro-WWT to construct and operate an In-Vessel Bioconversion Facility at Sand Island Wastewater Treatment Plant.
03-218	9-24-2003	Granting a special management area use permit to Leo J. Noecker to construct two additional single-family dwellings, for a total of four single-family dwellings, and accessory structures in Waialua (Waialua Ocean Villas).

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
03-235	5-12-2004	Granting a special management area use permit to Hawaii Intergenerational Community Development Association to construct the Nanaikeola Senior Apartments and mixed use project located in Nanakuli.
03-237	9-24-2003	Granting a special management area use permit to the department of design and construction to construct a new canoe halau at Waimanalo Beach Park.
03-238	9-24-2003	Granting a special management area use permit to Jas. W. Glover Holding Company, Ltd., to create a 5-lot subdivision and construct a hot-mix asphalt plant and base yard for a trucking and construction operation at Sand Island Access Road.
03-262	10-15-2003	Granting a special management area use permit to Hawaii Reserves, Inc., to construct various improvements along Hale Laa Boulevard, including Temple Gardens and parking area in Laie.
03-274	11-5-2003	Granting a special management area use permit to the department of design and construction to construct repairs, upgrades, minor amenities, and a new canoe halau at Nanakuli Beach Park.
03-297	12-3-2003	Granting a special management area use permit to the department of design and construction for the Hauula Skate Park facility at the existing Hauula Community Park.
03-333	5-12-2004	Granting a special management area use permit to Waialae Country Club to construct various improvements at the existing Waialae Country Club Golf Course.
03-348	1-28-2004	Granting a special management area use permit to the State department of transportation to demolish an existing bridge over Kokololio Stream and construct a new bridge and a temporary detour road in Hauula.
04-04	2-18-2004	Granting a special management area use permit to the Hawaii Yacht Club to allow additions to the meeting facility, including a new hydraulic elevator and lobby, renovation of the rest room/shower rooms to comply with ADA requirements, relocation of lockers, a new trellis, and modification to the outdoor terrace area at the Hawaii Yacht Club.
04-11	2-18-2004	Granting a special management area use permit to the department of design and construction to construct a new bathhouse, outdoor showers, septic tank, leach field, and other improvements located at Kaiona Beach Park.
04-13	2-18-2004	Granting a special management area use permit to the department of design and construction to construct a new canoe halau at Pokai Bay Beach Park.
04-49	3-24-2004	Granting a special management area use permit to St. Joseph Church and School to expand the existing meeting facility (church) and school and construct various other improvements in Waipahu.
04-57	3-24-2004	Granting a special management area use permit to the department of design and construction for the construction of the Kaaawa Beach Park comfort station.
04-64	4-14-2004	Granting a special management area use permit to Best Buy Purchasing for a one-story retail establishment and an upper-level parking structure in Waimalu.
04-174	7-14-2004	Granting a special management area use permit to Hawaiian Electric Company to re-grade two former wastewater discharge ponds in Waiau.

**Honolulu - Land Use**

<b><i>Res. No.</i></b>	<b><i>Date</i></b>	<b><i>Description</i></b>
04-241	9-22-2004	Granting a special management area use permit to St. John Lutheran Church to construct a new sanctuary and ancillary church uses in Kailua.
04-247	9-22-2004	Granting a special management area use permit to Hawaiian Electric Company to construct an individual wastewater system, earthwork, and drainage improvements and a new water storage tank at Kahe Point Power Plant.
04-251	9-22-2004	Granting a special management area use permit to the department of design and construction to construct parking lot improvements at Maili Beach Park.
04-355	1-26-2005	Granting a special management area use permit to La Pietra/Hawaii School for Girls to construct building improvements at La Pietra/Hawaii School for Girls.
04-391	1-26-2005	Granting a special management area use permit to the department of environmental services for the Waipahu ash landfill closure project.
05-001	1-26-2005	Granting a special management area use permit to the State department of accounting and general services to construct a new classroom building at Waianae High School.
05-056	3-16-2005	Granting a special management area use permit to the State department of accounting and general services to construct a telecommunications facility at Hanauma Nature Preserve.
05-074	4-6-2005	Granting a special management area use permit to the department of design and construction for the East Honolulu Police Station.
05-116	5-11-2005	Granting a special management area use permit to the State department of land and natural resources for the Ka Iwi Shoreline and Makapuu Lookout improvements project.
05-213	7-6-2005	Granting a special management area use permit to Evans and Barbara Yim to construct a new commercial building at 74 Kihapai Street, Kailua.
05-241	1-25-2006	Granting a special management area use permit and shoreline variance to the State department of transportation for Punaluu Bridge replacement.
05-242	8-10-2005	Granting a special management area use permit to the State department of transportation, highways division, for the North Kahana Bridge replacement project.
05-251	9-28-2005	Granting a special management area use permit to the department of design and construction for construction of a new canoe halau at Ala Moana Regional Beach Park.
05-269	9-28-2005	Granting a special management area use permit to RKL Beachside, LLC, for the Royal Kai Lani project.
05-310	10-19-2005	Granting a special management area use permit to Haseko (Ewa) for the Papipi Road drainage improvements project.
05-314	10-19-2005	Granting a special management area use permit to Red Cross - Hawaii for renovation of the Red Cross - Hawaii headquarters.
05-316	10-19-2005	Granting a special management area use permit to Hawaiian Electric Company for renovations and modifications relating to the Hawaiian Electric Company's Waiau power plant.
05-338	11-9-2005	Granting a special management area use permit to Dennis Almendares for the Ohana Pili Kai project.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
05-351	12-7-2005	Granting a special management area use permit to Tesoro, Hawaii, for the Sand Island terminal expansion project.
05-408	1-25-2006	Granting a special management area use permit to the department of design and construction for the Sand Island Wastewater Treatment Plant elevator project.
05-416	1-25-2006	Granting a special management area use permit to Juliana Simone for the Anahulu Centre.
06-022	3-1-2006	Granting a special management area use permit and shoreline variance to the State department of land and natural resources for Keehi small boat harbor and the Sand Island boat launch facility.
06-048	3-1-2006	Granting a special management area use permit to the department of design and construction for soil management at the Sand Island Wastewater Treatment Plant.
06-054	3-1-2006	Granting a special management area use permit to the department of design and construction for the Kawai Nui model airplane park.
06-069	4-12-2006	Granting a special management area use permit and shoreline variance to the Hawaii Institute of Marine Biology for Coconut Island.
06-106	4-12-2006	Granting a special management area use permit to Hilton Hotels Corporation for the restoration of the Duke Kahanamoku Lagoon and landside improvements.
06-183	7-19-2006	Granting a special management area use permit to Robert A. Paranhos Lopes for the construction of new single-family dwellings (North Shore Villas).
06-239	7-19-2006	Granting a special management area use permit to Edward and Sylvia Ing for Sunset Beach agricultural subdivision (extension of time - original Res. 02-211).
06-345	12-13-2006	Granting a special management area use permit to Kaneohe Ranch Company, LLC, to develop a new two-story commercial building, parking, and other improvements (2006/SMA-33).
07-001	1-24-2007	Granting a special management area use permit to the State department of transportation for construction of Kalanianaʻole Highway improvements at Makapuu Point.
07-072	4-11-2007	Granting a special management area use permit to the State department of education to construct an administration building and other improvements at Sunset Beach Elementary School.
07-118	6-6-2007	Granting a special management area use permit and shoreline setback variance to Haseko (Ewa) Inc., to construct drainage improvements to the Kaloi Gulch drainage channel at Oneula Beach Park.
07-221	8-15-2007	Granting a special management area use permit to the State department of transportation for improvements to Kalanianaʻole Highway.
07-247	9-19-2007	Granting a special management area use permit to GLP Asphalt LLC to construct an asphalt cement terminal at Barber's Point Harbor.
07-252	9-19-2007	Granting a special management area use permit to Imperium Renewables Hawaii LLC to construct and operate a biodiesel production facility at Barber's Point Harbor.

**Honolulu - Land Use**

<i><b>Res. No.</b></i>	<i><b>Date</b></i>	<i><b>Description</b></i>
07-278	10-17-2007	Granting a special management area use permit to the State department of transportation for construction of a new bridge over Kaipapau Stream at Hauula, Oahu.
07-293	10-17-2007	Granting a special management area use permit to Burger Project Management LLC to consolidate and subdivide two lots into 24 residential lots.
07-317	11-7-2007	Granting a special management area use permit to the department of design and construction to repair and renovate the Halona Blowhole lookout.
07-318	3-19-2008	Granting a special management area use permit and shoreline setback variance to Hawaii Institute of Marine Biology for four near-term improvement projects in the Coconut Island Long Range Development Plan and after-the-fact approval of various unauthorized improvements.
07-350	12-12-2007	Granting a special management area use permit to the department of design and construction to construct the Kapolei Corporation Yard.
07-368	12-12-2007	Granting a special management area use permit to Mid-Pacific Country Club to construct two support structures at Mid-Pacific Country Club.
07-383	1-23-2008	Granting a special management area use permit to Hawaiian Electric Company, Inc., for the Kahe Power Plant reclaimed water storage improvement project.
08-16	2-20-2008	Granting a special management area use permit to Chevron Products Company for the Chevron Port Security Grant project.
08-21	2-20-2008	Granting a special management area use permit and shoreline setback variance to Kyo-Ya Hotels & Resorts, LP, for portions of master planned improvements and renovations to the Royal Hawaiian Hotel and Sheraton Waikiki Hotel.
08-27	3-19-2008	Granting a special management area use permit to Dennis A. Almendares for the construction of new single-family dwellings (Au Kai Hale Mauka).
08-195	9-24-2008	Granting a special management area use permit to the Waianae Coast Comprehensive Health Center to modify SMP No.94/SMA-1 (Res. 95-345, CD1) for construction of the Harry and Jeanette Weinberg Family Medical Building.
08-229	11-12-2008	Granting a special management area use permit to Honolulu Marine, LLC, for the Honolulu Marine Commercial Shipyard facility.
08-234	11-12-2008	Granting a special management area use permit to Walgreen Company for construction of a new drugstore (Walgreens).
08-244	12-3-2008	Granting a special management area use permit to Green Homes at Lualualei, LLC, for a portion of a proposed cluster housing project.
08-266	1-28-2009	Granting a special management area use permit to the department of design and construction to update the master plan for Kapiolani Regional Park.
08-276	1-28-2009	Granting a special management area use permit to the Honolulu Community Action Program for renovation and expansion of a nonconforming meeting facility building in Waianae.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
09-133	5-27-2009	Granting a special management area use permit to the Waialae Country Club for the Waialae Country Club clubhouse renovation project.
09-213	8-26-2009	Granting a special management area use permit to St. John Lutheran Church for the removal of an existing church office and a new fellowship hall and church office located in Kailua.
09-240	8-26-2009	Granting a special management area use permit to PB & Ches, LLC, for the demolition of an existing building and construction of a new commercial building in Pearl City.
09-251	9-16-2009	Granting a special management area use permit to Sause Bros., Inc., for the construction of a storage yard facility and accessory office building at Kalaeloa Barber's Point harbor.
09-253	9-16-2009	Granting a special management area use permit to the department of design and construction to install a 72-inch sewer tunnel and 48-inch high density polyethylene (HDPE) pipeline on land located near the eastern entrance to Ala Moana Beach Park.
09-254	9-16-2009	Granting a special management area use permit and a shoreline setback variance to REIT Management & Research, LLC, for a soil remediation and containment project and the construction of a subsurface concrete containment wall along the shoreline at James Campbell Industrial Park.
09-265	10-27-2009	Granting a special management area use permit to Juliana Simone to construct a new three-story building with ground level parking, two upper floors of commercial uses, and appurtenant site improvements in Haleiwa. (Amended by Res. 12-273, 13-233)
09-276	10-27-2009	Granting a special management area use permit to the State department of business, economic development and tourism for the demolition of a one-story soundstage and four one-story office buildings, construction of a two-story film and digital media center and a two-story parking structure, and appurtenant site improvements at Diamond Head Road/Kilauea.
09-277	10-27-2009	Granting a special management area use permit to the Windward Retreat Center for construction of a meeting facility and caretaker's dwelling at Kaaawa.
09-278	10-27-2009	Granting a special management area use permit to the department of design and construction for various site improvements at the existing Sunset Beach Neighborhood Park.
09-302	11-18-2009	Granting a special management area use permit to Unitek Solvent Services, Inc., for the expansion of an existing petroleum waste and tire recycling facility in the Campbell Industrial Park.
09-307	11-18-2009	Granting a special management area use permit and shoreline setback variance to the State department of land and natural resources for construction of a predator fence at Kaena Point.
09-309	11-18-2009	Granting a special management area use permit to Sasada International, LLC, for major exterior renovations and landscaping improvements to the Park Shore Waikiki Hotel.
09-347	1-27-2010	Granting a special management area use permit to the Doris Duke Foundation for Islamic Art for construction of a maintenance/landscaping building at Black Point.

**Honolulu - Land Use**

<i><b>Res. No.</b></i>	<i><b>Date</b></i>	<i><b>Description</b></i>
09-365	1-27-2010	Granting a special management area use permit to the State department of transportation for construction of a new bridge over Kawela Stream at Sunset Beach.
10-144	7-14-2010	Granting a special management area use permit to Kapiolani Community College, University of Hawaii, for a new culinary facility on the former Fort Ruger Cannon Club site.
10-185	7-14-2010	Granting a special management area use permit and shoreline setback variance to Kyo-ya Hotels and Resorts, LP, for the development of the Moana Surfrider Diamond Head Tower.
10-199	8-18-2010	Granting a special management area use permit to Frederick E. Hanby, Jr., and Vicky Dagen-Hanby to construct two additional single-family dwellings, for a total of four dwellings, and accessory structures (Au Kai Hale Makai).
10-203	8-18-2010	Granting a special management area use permit to 7-Eleven Hawaii to demolish an existing automobile service station and construct a one-story convenience store and open parking lot, accessory gas dispensing island, and appurtenant site improvements in Haleiwa.
10-209	8-18-2010	Granting a special management area use permit to the department of design and construction to install a dual 60-inch wastewater force main system.
10-210	8-18-2010	Granting a special management area use permit to the department of design and construction to allow various site improvements at the Ted Makalena Golf Course.
10-294	11-22-2010	Granting a special management area use permit to Hawaiian Electric Company, Inc., for construction of a new utility bridge at the Waiau Power Plant.
10-338	1-26-2011	Granting a special management area use permit for the construction of improvements to Samuel Wilder King Intermediate School.
10-339	1-26-2011	Granting a special management area use permit for development of a dewatering facility at the Pearl City base yard.
11-7	1-26-2011	Granting a special management area use permit to the department of transportation services for construction of portions of the Honolulu High-Capacity Transit Corridor (HHCTC) Project.
11-48	3-16-2011	Granting a special management area use permit for the expansion of the Queen Liliuokalani Children's Center Meeting Facility (Community Center).
11-170	8-17-2011	Granting a special management area use permit for the construction of two new single-family dwellings (Au Kai Hale Mauka).
11-174	8-17-2011	Granting a special management area use permit for redevelopment or replacement of the Waianae Police Station.
11-211	8-17-2011	Granting a special management area use permit for the construction of improvements to Farrington Highway.
11-84	9-16-2011	Granting a special management area use permit for development of a hotel, restaurant, and commercial building in Laie, Oahu.
11-221	9-16-2011	Granting a special management area use permit to construct a fifth wet sludge storage tank at the Sand Island Wastewater Treatment Plant.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
11-277	12-7-2011	Granting a special management area use permit for the Hilton Hawaiian Village Master Plan Improvements.
11-282	4-3-2012	Granting special management area use permits for construction of new bridges over Makaha and West Makaha streams at Makaha Beach, Oahu. (Applicant: State department of transportation)
12-47	4-25-2012	Granting a special management area use permit for development of the Kamehameha Schools school facility. (Applicant: Trustees of the Estate of Bernice Pauahi Bishop - Kamehameha Schools)
12-112	6-6-2012	Granting a special management area use permit and shoreline variance for development of the Keehi Lagoon Memorial. (Applicant: Keehi Memorial Organization)
12-114	6-6-2012	Granting a special management area use permit to construct a solids handling return lift station (RLS) at the Sand Island Wastewater Treatment Plant. (Applicant: department of design and construction)
12-142	7-11-2012	Granting a special management area use permit for the construction of improvements to the Maili Beach Park. (Applicant: department of design and construction)
12-165	8-15-2012	Granting a special management area use permit for development of a new one-story commercial building, at-grade parking lot, and appurtenant site improvements. (Applicant: Kaneohe Ranch Management Limited)
12-167	8-15-2012	Granting a special management area use permit for the Kahe Generating Station 2011 Project Improvements. (Applicant: Hawaiian Electric Company, Inc.)
12-195	9-12-2012	Granting a special management area use permit for St. Augustine By-the-Sea Church to construct a St. Damien Museum; demolish and replace an existing parish hall (including a new multi-purpose building with parking, parish hall, offices, and storage spaces); and appurtenant site improvements. (Applicant: St. Augustine By-the-Sea Church)
12-221	9-12-2012	Granting a special management area use permit to allow the development of four single-family dwellings on a single residential lot, and associated improvements. (Applicant: Westgate Enterprises, Inc.)
12-292	12-5-2012	Granting a special management area use permit for development of a convenience store. (Applicant: 7-Eleven Hawaii, Inc.)
12-335	1-30-2013	Granting a special management area use permit for the Kualoa Regional Park wastewater system improvements. (Applicant: department of design and construction)
12-336	1-30-2013	Granting a special management area use permit for development of a new two-story mixed use commercial building, at-grade parking lot, and appurtenant site improvements in Nanakuli. (Applicant: Sungho (Andy) Kim)
12-337	1-30-2013	Granting a special management area use permit for restoration improvements to a portion of the Kawainui Marsh. (Applicant: department of land and natural resources, division of forestry and wildlife)

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<i><b>Res. No.</b></i>	<i><b>Date</b></i>	<i><b>Description</b></i>
13-65	5-8-2013	Granting a special management area use permit to allow the development of the second egg-shaped digester, sludge storage tank, biogas holding tank, and gas flare assembly, as a component of the existing in-vessel bioconversion facility at the Sand Island Wastewater Treatment Plant. (Applicant: department of design and construction)
13-68	5-8-2013	Granting a special management area use permit for Waimanalo Bay Beach Park Master Plan improvements to the existing park, including sports fields, comfort stations, and picnic areas, and increasing camp sites and walking trails. (Applicant: department of design and construction)
13-136	7-10-2013	Granting a special management area use permit for the Kaneohe/Kailua Wastewater Conveyance (Tunnel) and Treatment Facilities Improvement Project. (Applicant: department of design and construction)
13-150	8-7-2013	Granting a special management area use permit and shoreline setback variance to construct a drainage outlet as a component of the Western Kapolei regional drainage system. (Applicant: Aina Nui Corporation)
13-208	9-11-2013	Granting a Special Management Area Use Permit and shoreline setback variance to construct portions of the Honolulu Rail Transit Project (HRTTP). (Applicant: Honolulu Authority for Rapid Transportation)
13-261	12-11-2013	Granting a special management area use permit for the development of a library. (Applicant: State of Hawaii)
14-165	8-13-2014	Granting a special management area use permit and shoreline setback variance for the Coconut Island Infrastructure Rehabilitation and Replacement Project.
14-222	11-12-2014	Granting a special management area use permit for construction of portions of the Kapaa Light Industrial Park.
14-279	12-10-2014	Approving an extension of time to obtain a development permit for the replacement of the Moana Surfrider Diamond Head Tower with a new tower, including the construction of a new retaining wall, fill, swimming pool and deck, stairway, and lateral walkway, which may encroach up to 40 feet into the shoreline setback area, under the special management area use permit and shoreline setback variance granted by Res. 10-185, CD1.
15-039	3-11-2015	Granting a special management area use permit and shoreline setback variance for the Lee Residence and new shoreline protection structures.
15-117	6-3-2015	Granting a special management area use permit to renovate the existing Waikiki Parc Hotel including landscaping and streetscape improvements.
15-130	7-8-2015	Granting a special management area use permit for the development of improvements to the three-level hotel podium (including basement) of the Hyatt Regency Waikiki Beach Resort and Spa.
15-247	10-7-2015	Granting a special management area use permit for construction of an outpatient health care facility.
16-74	5-4-2016	Granting a special management area use permit for St. Augustine By-the-Sea Church to construct a new St. Damien and St. Marianne Cope Museum, demolish and replace the existing parish hall, and appurtenant site improvements.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
16-127	8-3-2016	Granting a special management area use permit for the former Henry J. Kaiser Estate renovations.
16-130	7-6-2016	Granting a special management area use permit for flood mitigation measures, the restoration of Punaluu Stream, and the enhancement of surrounding ecosystem.
16-133	7-6-2016	Granting a special management area use permit for a new single-story retail structure, individual wastewater system, parking lot, sidewalk, and appurtenant site improvements.
16-180	10-5-2016	Granting a special management area use permit and shoreline variance for the Hoakalei master plan update improvements project.
16-203	9-7-2016	Granting a special management area use permit for Kalaheo High School athletic field and complex renovation and expansion.
16-242	11-2-2016	Granting a special management area use permit for the construction of three two-story, two-family dwelling units, landscaping, swimming pools, a concrete masonry unit wall, and guest parking areas within the special management area along with minor structures within the 40-foot shoreline setback area.
16-265	11-2-2016	Granting a special management area use permit for the Kihapai Place apartment project.
16-319	1-25-2017	Granting a special management area use permit to install upgrades to the Waikapoki wastewater pump station.
16-325	1-25-2017	Granting a special management area use permit for the St. Rita Catholic Church.
17-060	4-26-2017	Granting a special management area use permit and shoreline setback variance for the redevelopment of the Outrigger Reef Waikiki Beach Resort.
17-069	3-22-2017	Granting a special management area use permit and shoreline setback variance to install upgrades to the Kahanahou wastewater pump station.
17-118	6-7-2017	Granting a special management area use permit for Waianae High School athletic field improvements.
17-228	9-6-2017	Granting a special management area use permit and shoreline setback variance for the Hawaiiki submarine fiber-optic cable landing at Kapolei.
17-248	10-11-2017	Granting a special management area use permit for the Sunset Beach Elementary School portable buildings, administration building, and improvements.
17-273	11-1-2017	Granting a special management area use permit to allow the construction of a new two-story workshop and classroom building, triangular open courtyard, and paved parking lot at Waianae High School.
18-19	2-28-2018	Granting a special management area use permit to the Hawaiian Electric Company, Inc. for a variety of minor projects at its Waiiau generating station.
18-36	2-28-2018	Granting a special management area use permit to the department of environmental services, for a new sewer force main.

<i>Res. No.</i>	<i>Date</i>	<i>Description</i>
18-110	6-6-2018	Granting a special management area use permit to allow the installation of an SO <sub>2</sub> scrubbing system and the replacement of karbate gas coolers at the Island Energy Kapolei oil refinery.
18-123	7-11-2018	Granting a special management area use permit to replace an existing communications tower and accessory equipment, and make improvements to accessory structures at the Kaaawa fire station.
18-124	7-11-2018	Granting a special management area use permit to allow the installation of a radio broadcast antenna tower located Makai of Nimitz Highway and west of Kalihi Stream.
18-148	8-15-2018	Granting a special management area use permit to allow for the construction of a convenience store in Hauula.
18-166	9-12-2018	Granting a special management area use permit for the expansion of a parking lot and improvement of drainage from the parking lot and maintenance yard at the Ted Makalena golf course in Waipahu.
18-238	12-5-2018	Granting a special management area (SMA) use permit to allow the development of three single-family dwelling units on the site.
18-245	11-14-2018	Granting a special management area use permit to allow the development of a rural community commercial center and associated improvements in Pupukea, Oahu.
18-288	1-30-2019	Granting a special management area use permit for the Malaekahana State Recreational Area, Kahuku section park improvements.

(1990 Code, Ch. 25, Appendix 25-1)

## APPENDIX 25-2: SPECIAL MANAGEMENT AREA MAPS\*

***Editor's note:***

*\* The Special Management Area maps were initially adopted in Ord. 84-4 and adopted in amended form in Ord. 85-105.*

<b><i>Ord. No.</i></b>	<b><i>Approval Date</i></b>	
89-110	8-15-1989	Exhibit A (amending portions of the special management area map for Koolaupoko by changing the mauka boundary of the special management area to include Kaiwa Ridge, Lanikai). CCL
94-63	9-15-1994	Exhibit A (amending portions of the boundaries of the special management area map for Ewa to recognize the currently proposed configuration of the Ewa Marina community). DLU (Amended by Ord. 07-34)
07-34	7-20-2007	Exhibit A (amending portions of the boundaries of the special management area map for Ewa to conform the SMA boundary to the current configuration of the Hoakalei Marina (Ewa Marina). DPP (Amends Ord. 94-63)
16-28	10-21-2016	Exhibit A (amending portions of the boundaries of the special management area map for Ewa to reflect the proposed development of an enclosed lagoon rather than a marina with direct access to the Pacific Ocean). DPP (Amends Ord. 07-34)

(1990 Code, Ch. 25, Appendix 25-2)

## **Honolulu - Land Use**

## **CHAPTER 26: SHORELINE SETBACKS**

### Article

#### 1. Shoreline Setbacks

## **Honolulu - Land Use**

## ARTICLE 1: SHORELINE SETBACKS

### Sections

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#### § 26-1.1 Authority.

Pursuant to the authority conferred by HRS Chapter 205A, the standards and procedures contained in this chapter are established and shall apply to all lands within the shoreline area of the city.  
(1990 Code, Ch. 23, Art. 1, § 23-1.1) (Added by Ord. 92-34)

#### § 26-1.2 Purpose.

- (a) It is a primary policy of the city to protect and preserve the natural shoreline, especially sandy beaches; to protect and preserve public pedestrian access laterally along the shoreline and to the sea; and to protect and preserve open space along the shoreline. It is also a secondary policy of the city to reduce hazards to property from coastal floods.
- (b) To carry out these policies and to comply with the mandate stated in HRS Chapter 205A, it is the specific purpose of this chapter to establish standards and to authorize the department of planning and permitting to adopt rules pursuant to HRS Chapter 91, that generally prohibit within the shoreline area any construction or activity which may adversely affect beach processes, public access along the shoreline, or shoreline open space.
- (c) Finally, it is the purpose of this chapter to name the director of planning and permitting as the council's designee to exercise some of the powers and functions granted, and duties imposed, pursuant to HRS Chapter 205A, Part III.

(1990 Code, Ch. 23, Art. 1, § 23-1.2) (Added by Ord. 92-34)

**§ 26-1.3 Definitions.**

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

**Activity.** Any grubbing or any grading or stockpiling of earth materials.

**Applicant.** Any individual, organization, partnership, firm, association, trust, estate, or corporation and any agency of the federal, the State, or any county government.

**Buildable Area.** That portion of a zoning lot excluding the shoreline setback, required yards, street setbacks, stream setbacks, easements, and flag stems.

**Certified Shoreline or Certified Shoreline Survey.** The shoreline as marked on the ground and as shown on a shoreline survey which has been certified by the State department of land and natural resources under Hawaii Administrative Rules, Title 13, Chapter 222, entitled “Shoreline Certification.”

**Council.** The city council of the City and County of Honolulu.

**Department.** The department of planning and permitting, which agency shall act as the “county planning department” under HRS § 205A-41.

**Director.** The director of planning and permitting.

**Earth Material.** Any sand, coral, or coral rubble, rocks, soil, fill, or marine deposits.

**Excavation or Cut.** Any act by which earth material is cut into, dug or moved, and any condition resulting therefrom.

**Fill.** Any act by which earth material is placed or deposited by artificial means and any condition resulting therefrom.

**Grading.** Any excavation or fill or any combination thereof.

**Grubbing.** Any act by which vegetation, including trees, shrubs, or other plants, is dislodged or uprooted from the surface of the ground.

**HRS.** The Hawaii Revised Statutes.

**Nonconforming Structure.** A structure or portion of a structure which was previously lawful but which is located within the shoreline setback as a result of subsequent beach erosion, or as a result of changes in the law relating to the shoreline setback.

**Practicable Alternative.** An alternative to the proposed project which is available and capable of being done, taking into consideration existing technology and logistics, and which would accomplish the basic purpose of the project while avoiding or having less adverse impact on the shoreline area.

**Shoreline.** The upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves.

**Shoreline Area.** All of the land area between the shoreline and the shoreline setback line.

**Shoreline Lot.** A zoning lot of record, any portion of which lies within the shoreline area, or when there is no certified shoreline survey any portion of which lies within 55 feet inland of the natural vegetation line. A lot may be determined to be a shoreline lot notwithstanding the existence of a second lot between the lot and the shoreline.

**Shoreline Setback Line.** That line established by this chapter which runs inland from and parallel to the certified shoreline at the horizontal plane.

**Shoreline Survey.** A survey performed by a registered land surveyor for the purpose of determining the location of the shoreline, in accordance with Hawaii Administrative Rules, Title 13, Chapter 222, entitled "Shoreline Certification."

**Shore Protection Structure.** A structure which may artificially fix the location of the shoreline including but not limited to a groin, seawall, or revetment.

**Stockpiling.** The temporary open storage of earth materials.

**Structure.** Any portion of any building, pavement, road, pipe, flume, utility line, fence, groin, wall, or revetment; or anything constructed or erected with a fixed location at or under the ground, or requiring a fixed location on or under the ground, or attached to something having or requiring a fixed location on or below the ground.

(1990 Code, Ch. 23, Art. 1, § 23-1.3) (Added by Ord. 92-34)

#### § 26-1.4 Shoreline setback line.

- (a) *General rule.* Except as otherwise provided in this section, the shoreline setback line shall be established 40 feet inland from the certified shoreline.
- (b) *Adjustment of shoreline setback line on shallow lots.* Where the depth of the buildable area of a lot, as measured seaward from its inland edge, is reduced to less than 30 feet, the shoreline setback line shall be adjusted to allow a minimum depth of buildable area of 30 feet; provided that the adjusted shoreline setback line shall be no less than 20 feet from the certified shoreline.
- (c) *Adjustment of shoreline setback line related to the construction of a shore protection structure.* Once a shoreline has been certified from which a shoreline setback line can be established, no shoreline setback line shall be established farther seaward as the result of a subsequent certified shoreline survey following the construction of a shore protection structure. On a lot where the certified shoreline is permanently fixed by a shore protection structure, the shoreline setback line shall be established by measuring inland from the shoreline, as it was located before the construction of the shoreline protection structure.

Where the shore protection structure was constructed without a shoreline survey first being made and certified by the State department of land and natural resources, the director shall determine the prior location of the shoreline solely for the purpose of establishing the shoreline setback line. In so doing, the director shall

consider the actual location of the high wash of the waves during the year and the location of the shoreline and the shoreline setback line on adjacent properties.

The resulting shoreline setback line may be further than 40 feet from the shoreline established by the department of planning and permitting following construction of the shore protection structure.

(1990 Code, Ch. 23, Art. 1, § 23-1.4) (Added by Ord. 92-34)

**§ 26-1.5 Prohibitions within the shoreline area.**

(a) The mining or taking of any earth material from the shoreline area is prohibited, with the following exceptions:

- (1) The taking of materials, not in excess of 1 gallon per person per day, for reasonable, personal, noncommercial use, provided that it does not result cumulatively in changing the topography of the shoreline area;
- (2) Where the mining or taking is authorized by a variance granted pursuant to this chapter;
- (3) The clearing of materials from existing drainage pipes, canals, and the mouths of streams, including clearing for purposes allowed under HRS § 46-11.5; provided that sand removed shall be placed on adjacent areas unless the placement would result in significant turbidity; or
- (4) The clearing of the shoreline area for State or city maintenance purposes, including clearing for purposes under HRS § 46-12; provided that sand removed shall be placed on adjacent areas, unless the placement would result in significant turbidity.

(b) Structures and activities are prohibited within the shoreline area, with the following exceptions:

- (1) Minor structures and activities permitted under rules adopted by the department which do not affect beach processes or artificially fix the shoreline and do not interfere with public access, public views, or open space along the shoreline. If, due to beach erosion or other cause, the director determines that a minor structure permitted under this section may affect beach processes or public access or has become located seaward of the shoreline, the director or other governmental agency having jurisdiction may order its removal;
- (2) Minor structures and activities necessary for or ancillary to continuation, but not expansion, of agriculture or aquaculture in the shoreline area on June 16, 1989;
- (3) Maintenance, repair, reconstruction, and minor additions to or alterations of legal, publicly owned boating, maritime, or ocean sports recreational facilities, which result in little or no interference with natural shoreline processes. Privately owned boating, maritime, or ocean sports recreational facilities are specifically excluded from this exception;
- (4) Nonconforming structures or structures that have received a shoreline setback variance; and
- (5) Construction, installation, maintenance, repair, and replacement of civil defense warning or signal devices and sirens.

(1990 Code, Ch. 23, Art. 1, § 23-1.5) (Added by Ord. 92-34; Am. Ord. 10-32)

**§ 26-1.6 Nonconforming structures.**

- (a) Any nonconforming structure may be repaired or altered in any manner which does not increase its nonconformity.
  - (b) If a nonconforming structure is destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this chapter and the shoreline setback rules or successor regulations. Reconstruction of such a structure within the shoreline area shall require a variance.
- (1990 Code, Ch. 23, Art. 1, § 23-1.6) (Added by Ord. 92-34)

**§ 26-1.7 Subdivision actions.**

- (a) Except as provided in this chapter, no new subdivision action, including the subdivision or consolidation of land, for an existing shoreline lot to create new lots may be approved, unless each new lot:
  - (1) Can accommodate a 60-foot shoreline setback, except for:
    - (A) Areas that are not within the coastal high hazard district and where the entire shoreline for the new lot is characterized by either:
      - (i) An authorized shoreline protection structure; or
      - (ii) A fixed, rocky shoreline;
 In which case the department may approve new shoreline lots that will accommodate a 40-foot shoreline setback.
    - (B) Minor subdivision actions involving the subdivision or consolidation of land only for the purpose of creating easements or adjusting lot lines, and which will not result in any increase in the number of permitted dwelling units, nonresidential structures, or lots.
  - (2) Has a buildable area adequate to accommodate the proposed development, including appurtenant uses and structures, such as parking.

Accreted lands obtained from the State pursuant to HRS § 501-33 shall not be included as part of the land area when making calculations of the lot size available for subdivision.

- (b) Subdivision of existing shoreline lots for the purpose of widening roadways designated on the public infrastructure maps adopted pursuant to Chapter 4, Article 8, may be permitted, upon review and approval of the director.
- (c) New residential lots may not be approved, unless each new lot:
  - (1) Has a buildable area of at least 3,000 square feet; and

- (2) Has a buildable area with a minimum depth and width of at least 50 feet.  
(1990 Code, Ch. 23, Art. 1, § 23-1.7) (Added by Ord. 92-34; Am. Ord. 10-32)

**§ 26-1.8 Criteria for granting a variance.**

- (a) The director, as provided in § 26-1.10, may grant a variance upon finding that, based upon the record presented, the proposed structure or activity is necessary for or ancillary to:
- (1) Cultivation of crops;
  - (2) Aquaculture;
  - (3) Landscaping; provided that the proposed structure or activity will not adversely affect beach processes and will not artificially fix the shoreline; and
  - (4) Moving of sand from one location seaward of the shoreline to another location seaward of the shoreline; provided that the director also finds that the moving of sand will not adversely affect beach processes, will not diminish the size of a public beach and will be necessary to stabilize an eroding shoreline.
- (b) The director may also grant a variance upon finding that, based upon the record presented, the proposed structure or activity meets one of the following standards of this section.
- (1) *Shoreline-dependent facility standard.* A variance may be granted for an activity or structure that is necessary for or ancillary to a shoreline-dependent facility or improvement, including drainage facilities and boating, maritime or ocean sports recreational facilities; provided that the proposal is the practicable alternative which best conforms to the purpose of the shoreline setback rules.
  - (2) *Public interest standard.* A variance may be granted for an activity or structure that is necessary for or ancillary to facilities or improvements by a public agency or by a public utility regulated under HRS Chapter 269, or necessary for or ancillary to private facilities or improvements that are clearly in the public interest; provided that the proposal is the practicable alternative which best conforms to the purpose of this chapter and the shoreline setback rules.

Public interest means principally of benefit to the general public, as determined by the director.

- (3) *Hardship standard.*
  - (A) A variance may be granted for an activity or structure that is necessary or ancillary to the following private facilities or improvements, if hardship will result to the applicant if the facilities or improvements are not allowed within the shoreline area:
    - (i) Private facilities or improvements which will neither adversely affect beach processes nor artificially fix the shoreline; and
    - (ii) Private facilities or improvements that may artificially fix the shoreline, but only if hardship is likely to be caused by shoreline erosion and conditions are imposed prohibiting any such structure seaward of the existing shoreline unless it is clearly in the public interest.
  - (B) For the purposes of this subsection, hardship may be found only if:

- (i) The applicant would be deprived of reasonable use of the land if required to comply fully with the shoreline setback ordinance and the shoreline setback rules;
- (ii) The applicant's proposal is due to unique circumstances and does not draw into question the reasonableness of this chapter and the shoreline setback rules; and
- (iii) The proposal is the practicable alternative which best conforms to the purpose of this chapter and the shoreline setback rules.

(C) Before granting a hardship variance, the director must determine that the applicant's proposal is a reasonable use of the land. Because of the dynamic nature of the shoreline environment, inappropriate development may easily pose a risk to individuals or to the public health and safety. For this reason, the determination of the reasonableness of the use of land may properly consider factors such as shoreline conditions, erosion, surf, and flood conditions and the geography of the lot.

(D) Hardship shall not be determined as a result of a zone change, plan review use approval, subdivision approval, cluster housing approval, planned development housing approval, conditional use permit, or any other discretionary land use permit granted after June 16, 1989.

(1990 Code, Ch. 23, Art. 1, § 23-1.8) (Added by Ord. 92-34; Am. Ord. 10-32)

#### **§ 26-1.9 Conditions on variances.**

No variance shall be granted unless appropriate conditions are imposed:

- (1) To maintain safe access to and along the shoreline or adequately compensate for its loss;
- (2) To minimize risk of adverse impacts on beach processes;
- (3) To minimize risk of existing legal or proposed structures falling and becoming loose rocks or rubble on public property; and
- (4) To minimize adverse impacts on public views to, from and along the shoreline.

(1990 Code, Ch. 23, Art. 1, § 23-1.9) (Added by Ord. 92-34)

#### **§ 26-1.10 Authority to act on variance applications—Notice of application.**

- (a) The director shall act upon all variance applications according to the criteria contained in this chapter.
- (b) The director shall give notice of an application for a variance under this chapter to abutting property owners, to affected neighborhood boards and community associations and to persons who have requested notice.

(1990 Code, Ch. 23, Art. 1, § 23-1.10) (Added by Ord. 92-34)

#### **§ 26-1.11 Public hearings on variance applications.**

- (a) The director shall hold a public hearing on each variance application, except that the director may waive the hearing on variances for the following:

- (1) Stabilization of shoreline erosion involving the movement of sand entirely on public lands;
  - (2) Application for shore protection where a legal habitable structure is at risk of immediate damage from shoreline erosion as determined by the director;
  - (3) Other structures or activities; provided that no person or agency has requested a public hearing within 25 calendar days after public notice of the application;
  - (4) Application qualifying for an emergency permit under Chapter 25; or
  - (5) Maintenance, repair, reconstruction, and minor additions to or alterations of legal boating, maritime, or water sports recreational facilities, which result in little or no interference with natural shoreline processes.
- (b) The director shall give reasonable notice of the public hearing on any variance application to the applicant, to any person or agency that requested the public hearing, and to abutting property owners and any other person who requested notice.
- (1990 Code, Ch. 23, Art. 1, § 23-1.11) (Added by Ord. 92-34)

**§ 26-1.12 Variance application fee.**

- (a) The application fee for a variance under this chapter will be \$2,400, which will not be refundable; provided that the fee will be waived for city projects.
- (b) When a shoreline setback variance or minor shoreline structure permit application, or a related environmental assessment or impact statement is submitted after the applicant's having completed the activity or structure for which the variance or minor shoreline structure permit is sought, or having been cited for the activity or construction without having obtained a variance or minor shoreline structure permit, the application or processing fee will be doubled.
- (c) When a request for a written clearance regarding compliance with the shoreline setback ordinance or confirmation regarding the nonconforming status of a shoreline structure is submitted for processing, the fee will be \$600 per tax map key.
- (d) When a minor shoreline structure permit application is submitted for processing, the application fee will be \$600.
- (e) When an environmental assessment or impact statement must be prepared as a prerequisite to a variance required by this chapter, and is submitted to the department of planning and permitting for processing as the accepting agency, there will be a processing fee of \$1,200 for an environmental assessment and \$2,400 for an environmental impact statement.
- (f) When a shoreline setback variance, minor shoreline structure permit, or prerequisite environmental assessment or impact statement is submitted for processing, there will be a nonrefundable application review fee to determine whether the application is complete or incomplete, as follows:
  - (1) Applications with a fee of \$2,400 or more will have an application review fee of \$400;

- (2) Applications with a fee of \$1,200 will have an application review fee of \$200; and
- (3) Minor shoreline structure permits will have an application review fee of \$100.

When an application under this section has been accepted by the department of planning and permitting for processing, the application review fee for the submitted application will be counted as partial payment towards the total application fee for that submittal.

(1990 Code, Ch. 23, Art. 1, § 23-1.12) (Added by Ord. 92-34; Am. Ords. 03-12, 13-16, 14-4, 20-18)

#### § 26-1.13 Civil fines.

- (a) Any person who violates this chapter, any rule adopted pursuant thereto, any permit issued pursuant thereto, or any condition of a shoreline variance shall, upon notice issued pursuant to § 26-1.14, be deemed to have committed a civil violation and shall be subject to an initial civil fine not to exceed \$10,000 per violation and a maximum daily fine of \$1,000 until the violation is corrected or a variance is granted.
- (b) A variance application submitted after an applicant's having completed the activity or structure, or having been cited for the activity or the construction without having obtained a variance, shall not stay any order to pay civil fines.

(1990 Code, Ch. 23, Art. 1, § 23-1.13) (Added by Ord. 92-34)

#### § 26-1.14 Enforcement.

- (a) *Issuance of notice of violation and order.* If the director determines that any person is violating this chapter, any rule adopted thereunder, any permit issued pursuant thereto, or any condition of a shoreline setback variance, the director may have the person served, by registered or certified mail, delivery, or publication, with a written notice of violation and order.

- (1) *Contents of the notice of violation.* The notice shall include at least the following information:

- (A) Date of notice;
- (B) The name and address of the person given notice;
- (C) The section number of the ordinance or rule which has been violated;
- (D) The nature of the violation; and
- (E) The location and the time that the violation was discovered.

- (2) *Contents of the order.* The order may require the person to do any or all of the following:

- (A) Cease and desist from the violation;
- (B) Correct the violation at the person's own expense, which may include removal of any structure and restoration of land to previous conditions;

- (C) Pay a civil fine not to exceed \$10,000 in the manner, at the place and before the date specified in the order;
- (D) Pay a civil fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner, at the place and before the date specified in the order; and
- (E) Appear before the director at a time and place specified in the order and answer the charges specified in the notice of violation.

The order shall advise the person that the order shall become final 30 days after the date of its mailing, delivery, or publication, unless written request for a hearing is mailed or delivered to the director within 30 days.

- (b) *Effect of order-right to hearing.* The order issued by the director under this section shall become final 30 days after the date of the mailing, delivery, or publication of the order. The person to whom the notice is directed may request a hearing before the director. A request for a hearing shall not stay any provision of the order.

The request for a hearing shall be considered timely if a written request is delivered or mailed and postmark dated to the director within 30 days.

Upon receipt of a request for a hearing, the director shall specify a time and place for the person subject to the order to appear and be heard. The hearing shall be conducted by the director or the director's designee in accordance with HRS Chapter 91. Following the hearing, the director may affirm, modify, or rescind the order as in the opinion of the director may be appropriate.

- (c) *Judicial enforcement of order.* The director 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 director need only show that a notice of violation and order was served, a hearing was held or the time allowed for requesting a hearing had expired without such a request, that a civil fine was imposed and that the fine imposed has not been paid.

The director may institute a civil action in any court of competent jurisdiction for injunctive relief to prevent violation of this chapter, any rule adopted thereunder, any permit issued pursuant thereto or any condition of any shoreline setback variance in addition to any other remedy provided for under this chapter.

- (d) *Nonexclusiveness of remedies.* The remedies provided in this chapter for enforcement of this chapter, any rule adopted thereunder, any permit issued pursuant thereto, or any condition of any shoreline setback variance shall be in addition to any other remedy as may be provided by law.
- (e) *Appeal in accordance with statute.* If any person is aggrieved by the order issued by the director pursuant to this section, the person may appeal the order in the manner provided in HRS Chapter 91; provided that no provision of such order shall be stayed on appeal, unless specifically ordered by a court of competent jurisdiction.

(1990 Code, Ch. 23, Art. 1, § 23-1.14) (Added by Ord. 92-34)

**§ 26-1.15 Illegal shore protection structures.**

Where the shoreline is affected by a man-made structure that has not been authorized with government agency permits required by law:

- (1) If any part of the structure lies within the current tax map boundaries of a privately owned parcel, then for purposes of enforcement of this chapter, the structure shall be construed to be entirely within the shoreline area; and
- (2) No building permit or grading permit shall be granted on a shoreline lot until the illegal structure is removed or corrected; except, however, that such permits may be granted where the director determines it necessary to protect public health and safety.

(1990 Code, Ch. 23, Art. 1, § 23-1.15) (Added by Ord. 92-34)

**§ 26-1.16 Rules.**

The department shall adopt rules pursuant to HRS Chapter 91 to implement this chapter and HRS Chapter 205A, Part III. The rules may designate high quality sandy beaches which should be preserved and may include guidelines or prohibitions relating to the types of shore protection structures which may or may not be allowed on these and other beaches.

(1990 Code, Ch. 23, Art. 1, § 23-1.16) (Added by Ord. 92-34)

## **Honolulu - Land Use**

## **CHAPTER 27: COMMUNITY FACILITIES DISTRICTS**

### Articles

1. General Provisions
2. Proceedings
3. Special Tax
4. Changes in Term of District, Authorized Special Improvement, and Special Tax
5. Early Termination of District
6. Annexation of Territory
7. Bonds

## **Honolulu - Land Use**

## ARTICLE 1: GENERAL PROVISIONS

### Sections

27-1.1	Definitions
27-1.2	Provision of alternate method of financing special improvements
27-1.3	Superiority over conflicting provision of other ordinance
27-1.4	Limitation on challenges
27-1.5	Types of special improvements
27-1.6	Payment of existing assessments or debt service
27-1.7	Advances of funds, work, or property in-kind
27-1.8	Construction of chapter
27-1.9	Validity of proceedings

### § 27-1.1 Definitions.

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

***Bond Ordinance.*** An ordinance which authorizes the issuance of community facilities district bonds.

***Bonds.*** Community facilities district bonds (including refunding bonds) issued pursuant to this chapter.

***City Clerk.*** The city clerk of the City and County of Honolulu.

***Community Facilities District* or *District.*** A district of land established by the city pursuant to this chapter for financing special improvements.

***Cost of a Special Improvement.*** Includes the following:

- (1) Cost of acquiring, constructing, installing, improving, or rehabilitating a special improvement;
- (2) Cost of acquiring real property or right-of-way for a special improvement;
- (3) Payment of water, sewer, or other utility connection fee necessary for a special improvement;
- (4) Payment of a planning, architectural, engineering, inspection, legal, financial, or other consultant fee for a special improvement;
- (5) Reimbursement of an advance of funds for acquiring, constructing, installing, improving, or rehabilitating a special improvement or administrative proceedings to establish a district;

- (6) Contribution to a reserve fund for the payment of debt service on bonds issued for a special improvement;
- (7) Not more than two years' worth of interest on bonds for a special improvement; or
- (8) Cost of issuance of bonds for a special improvement, including but not limited to payment of bond counsel or other legal fee, trustee fee, bond insurance premium, or letter of credit or other credit enhancement cost.

**Debt.** Any binding obligation to repay a sum of money, including obligations in the form of bonds, certificates of participation, long-term leases, or loans from government agencies, banks, other financial institutions, private businesses, or individuals.

**Financing Special Improvements by a District or Financing Special Improvements.** Paying for the following:

- (1) The costs of special improvements through the special taxes levied within a district or community facilities district bond proceeds; or
- (2) The debt service on community facilities district bonds, the proceeds of which have been used to pay for special improvements.

**Improvement Area.** An area within a district designated in accordance with § 27-2.15.

**Incidental Expense of a District.** Includes the following:

- (1) Administrative expense of the city associated with the proceedings undertaken pursuant to this chapter, collection of special taxes, or payment of debt service on bonds; or
- (2) Any other expense incidental to the creation or operation of a district.

**Landowner or Owner of Land.** Is subject to the following:

- (1) The term means the owner of land as shown on the real property tax assessment list, except as otherwise provided under subdivision (2) or (3);
- (2) The term means a lessee of land who is not shown as the owner on the list, unless the fee simple owner files with the council either of the following before the close of the public hearing on the establishment of a district or annexation of land to an existing district, as applicable:
  - (A) A written statement that the lease does not require the lessee to pay any proposed special tax and a written undertaking by the owner to pay any special tax and to refrain from imposing the obligation to pay any special tax upon any successor lessee; or
  - (B) A written waiver of any requirement in the lease that the lessee pay any special tax and a written undertaking by the owner to pay any proposed special tax and to refrain from imposing the obligation to pay any special tax upon any successor lessee.

If the fee simple owner files either with the council, the fee simple owner shall be deemed the “landowner”; and

- (3) The term does not include an entity of the federal, State, or city government. Such an entity shall have no right to petition under § 27-2.1, 27-2.7, 27-2.10, 27-4.3, or 27-5.3 or to protest under § 27-2.9, 27-4.8, 27-5.8, or 27-6.6. The entity and its land shall be disregarded when computing the total number of landowners and amount of land eligible for petition or protest purposes.

Each parcel of land shall be deemed to have one owner, even if owned by a corporation, partnership, joint tenancy, tenancy by the entirety, tenancy in common, or other group of persons.

***Ordinance of Annexation.*** An ordinance which annexes additional land to a district.

***Ordinance of Consideration.*** An ordinance which changes the term of a district, special improvements to be financed, or rate or method of apportionment of a special tax or an ordinance, which levies a new special tax within an existing district.

***Ordinance of Early Termination.*** An ordinance which terminates a district before the expiration of the term specified in the ordinance of formation.

***Ordinance of Formation.*** An ordinance which establishes a district.

***Resolution of Intention.*** A resolution, the adoption of which institutes proceedings to establish a district.

***Special Improvement.*** A special improvement referred to in § 27-1.5.  
(1990 Code, Ch. 34, Art. 1, § 34-1.1) (Added by Ord. 96-18)

#### **§ 27-1.2 Provision of alternate method of financing special improvements.**

This chapter is established pursuant to HRS § 46-80.1. The council may use this chapter in addition to, in combination with, or instead of any other law for or related to the creation of improvement districts, the levying, assessment, and collection of special assessments, the financing of improvements, the issuance of bonds, or other matters covered by this chapter.

(1990 Code, Ch. 34, Art. 1, § 34-1.2) (Added by Ord. 96-18)

#### **§ 27-1.3 Superiority over conflicting provision of other ordinance.**

When this chapter conflicts with any other provision of an ordinance, this chapter shall prevail.  
(1990 Code, Ch. 34, Art. 1, § 34-1.3) (Added by Ord. 96-18)

#### **§ 27-1.4 Limitation on challenges.**

Pursuant to HRS § 46-80.1, no action or proceeding to question the validity of or enjoin any ordinance, action, or proceeding undertaken pursuant to this chapter (including the determination of the amount of any special tax

levied with respect to any property or the levy or assessment thereof) or any bonds issued or to be issued under this chapter shall be maintained, unless begun within 30 days of the effective date of the ordinance, determination, levy, assessment, or other act, as the case may be.

(1990 Code, Ch. 34, Art. 1, § 34-1.4) (Added by Ord. 96-18)

#### **§ 27-1.5 Types of special improvements.**

A district may be established to finance the acquisition, planning, design, construction, installation, improvement, or rehabilitation of any real property or structure with a useful life estimated by the council to be five years or longer. Special improvements may be physically located within or outside a district and may benefit land within or outside the district.

Special improvements which may be financed by a district include but are not limited to the following:

- (1) Streets, roads, highways, bikeways, pedestrian malls, sidewalks, or alleyways, including grading, paving, or otherwise improving the foregoing;
- (2) Public parking facilities;
- (3) Lighting systems, including traffic signals, for any public right-of-way;
- (4) Local park, recreation, child care, parkway, and open-space facilities;
- (5) Libraries, museums, and other cultural facilities;
- (6) The undergrounding of natural gas pipeline facilities, telephone lines, facilities for the transmission or distribution of electrical energy, cable television lines, and other utility facilities. The city may enter into an agreement with a public utility to use those facilities to provide a particular service and for the conveyance of those facilities to the public utility. If the facilities are conveyed to the public utility, the agreement may provide for a refund by the public utility to the district or improvement area thereof for the cost of the facilities. Any reimbursement made to the district shall be used to reduce the special tax levied within the district or improvement area or construct or acquire additional special improvements within the district or improvement area, as specified in the ordinance of formation. For the purpose of this subdivision only, a cable television company shall be deemed a "public utility";
- (7) Water systems;
- (8) Police, criminal justice (including jails), fire suppression (including fire stations), and paramedic facilities;
- (9) Wastewater, storm drainage, sewage removal or treatment, solid waste disposal, and recycling or resource recovery systems or facilities;
- (10) Transit or transportation systems;
- (11) Telecommunications systems; and

- (12) Any other facilities which the city is authorized by law to contribute revenue to or construct, own, maintain, or operate.

(1990 Code, Ch. 34, Art. 1, § 34-1.5) (Added by Ord. 96-18)

**§ 27-1.6 Payment of existing assessments or debt service.**

The district may pay in full all amounts necessary to eliminate or reduce any assessment liens, repay, or defease in whole or in part any indebtedness secured by any tax, fee, charge, or assessment levied within a district, or pay debt service on that indebtedness.

(1990 Code, Ch. 34, Art. 1, § 34-1.6) (Added by Ord. 96-18)

**§ 27-1.7 Advances of funds, work, or property in-kind.**

After the formation of a district, the council may accept advances of funds, work, or property in-kind from any source. The council may enter into an agreement, by resolution, with the person or entity advancing the funds, work, or property in-kind to repay all or a portion of the funds advanced or to reimburse the person or entity for the value or cost, whichever is less, of the work or property in-kind, as determined by the council, with or without interest; provided that the proposal to repay the funds or reimburse the value or cost of the work or property in-kind is included in the ordinance of formation for the district. Any such agreement shall not constitute a debt or liability of the city or be payable from sources other than the proceeds of the special taxes levied or proceeds of bonds issued pursuant to this chapter.

(1990 Code, Ch. 34, Art. 1, § 34-1.7) (Added by Ord. 96-18)

**§ 27-1.8 Construction of chapter.**

This chapter shall be liberally construed to effectuate its purposes. No error, irregularity, or informality and no neglect or omission of any officer in any procedure taken under this chapter, which does not directly affect the jurisdiction of the city to order the provision of a special improvement shall void or invalidate such proceeding or any levy for the costs of such improvement.

(1990 Code, Ch. 34, Art. 1, § 34-1.8) (Added by Ord. 96-18)

**§ 27-1.9 Validity of proceedings.**

The failure of any person to receive a notice, resolution, ordinance, order, or other matter shall not affect in any way the validity of any proceedings taken under this chapter or prevent the council from proceeding with any hearing so noticed or other action.

(1990 Code, Ch. 34, Art. 1, § 34-1.9) (Added by Ord. 96-18)

## **Honolulu - Land Use**

## ARTICLE 2: PROCEEDINGS

### Sections

- 27-2.1 Institution of proceedings
- 27-2.2 Petition requesting institution of proceedings
- 27-2.3 Adoption of resolution of intention
- 27-2.4 Report on special improvements
- 27-2.5 Notice of public hearing on proposed district
- 27-2.6 Mailed notice of hearing
- 27-2.7 Waiver of hearing
- 27-2.8 Protests against establishment of district
- 27-2.9 Protest by more than 55 percent
- 27-2.10 Duration of hearing—Determination
- 27-2.11 Approval of ordinance of formation
- 27-2.12 District boundaries
- 27-2.13 District term
- 27-2.14 Financing of special improvements and payment of incidental expenses identified in ordinance of formation
- 27-2.15 Designation of improvement area
- 27-2.16 Property owners' election to perform work

### § 27-2.1 Institution of proceedings.

- (a) Proceedings for the establishment of a district may be instituted by the council on its own initiative.
- (b) Proceedings for the establishment of a district shall be instituted by the council after receipt by the city clerk of the following:
  - (1) A petition requesting the institution of the proceedings signed by the owners of at least 25 percent of the land in the proposed district; and
  - (2) A fee which the council determines is necessary to compensate the city for the costs of proceedings to establish the proposed district.

When required to institute proceedings after the receipt of a petition and fee, the council shall do so at the first regular meeting for which notice of a resolution of intention may be posted pursuant to HRS Chapter 92. The fee shall be nonrefundable, even if the council does not establish the proposed district.

(1990 Code, Ch. 34, Art. 2, § 34-2.1) (Added by Ord. 96-18)

**§ 27-2.2 Petition requesting institution of proceedings.**

A petition requesting the institution of proceedings for the establishment of a district shall include all of the following:

- (1) A request that the council institute proceedings to establish a district pursuant to this chapter;
- (2) A description of the boundaries of the proposed district;
- (3) A description of the special improvements to be financed by the proposed district; and
- (4) The signatures of the owners of land comprising at least the minimum percentage required under § 27-2.1. If the council finds that the petition is signed by the owners of the requisite percentage of land, the finding shall be final and conclusive.

(1990 Code, Ch. 34, Art. 2, § 34-2.2) (Added by Ord. 96-18)

**§ 27-2.3 Adoption of resolution of intention.**

Proceedings for the establishment of a district shall be instituted by the adoption of a resolution of intention to establish the district. The resolution shall do all of the following:

- (1) State that a district is proposed to be established under the terms of this chapter;
- (2) State the name of the proposed district in substantially the following form: “City and County of Honolulu Community Facilities District No. \_\_\_\_\_”. One or more additional descriptive words may be used in the name of the proposed district to indicate its geographic area;
- (3) State the term of the proposed district. The term shall be a specified calendar period and shall not expire until all debt service on bonds and incidental expenses related thereto are due to be fully paid;
- (4) Describe the boundaries of the proposed district. The boundaries may be described by reference to a map on file in the office of the city clerk showing the proposed district;
- (5) Identify the special improvements to be financed by the proposed district. If the purchase of completed special improvements or the incurring of incidental expenses is proposed, the resolution shall identify the improvements or expenses, as the case may be;
- (6) Identify the incidental expenses to be paid from special taxes;
- (7) State that, except when funds are otherwise available, a special tax sufficient to pay for the costs of the special improvements and incidental expenses shall be annually levied within the proposed district. The resolution shall describe the estimated rate and proposed method of apportionment of the special tax in sufficient detail to allow each landowner within the proposed district to estimate the maximum annual amount that the landowner will have to pay;

- (8) Specify the principal amount of bonds proposed to be issued to finance the special improvements;
- (9) Fix a time and place for a public hearing on the establishment of the proposed district, which shall not be less than 30 or more than 60 days from the adoption of the resolution of intention; and
- (10) Describe the protest procedure.

If an improvement area is proposed to be established, the resolution of intention shall also so state and describe the boundaries of the proposed improvement area, the name proposed for the improvement area, the special improvements proposed to be financed by the improvement area, and whether and to what extent it is proposed that special taxes shall be levied in the improvement area for purposes of financing such improvements.

(1990 Code, Ch. 34, Art. 2, § 34-2.3) (Added by Ord. 96-18)

#### **§ 27-2.4 Report on special improvements.**

At the time of the adoption of the resolution of intention to establish a district, the council shall direct the chief engineer to study the proposed district. The council also shall direct the chief engineer to file with the council a report on the study at least 10 days before the public hearing on the proposed district. The report shall include but not be limited to an estimate of the cost of providing the proposed special improvements. In preparing the report, which may be general and preliminary and need not be based on detailed plans and specifications, the chief engineer may consult with or rely on reports and materials prepared by other city or State officers or any financial feasibility or other consultant retained by the city or any landowner to assist in the proceeding.

For the purpose of this section, “chief engineer” means the director of facility maintenance or, as designated by the director of budget and fiscal services, such other appropriate department director responsible for one or more of the special improvements in the proposed district.

(1990 Code, Ch. 34, Art. 2, § 34-2.4) (Added by Ord. 96-18; Am. Ord. 00-22)

#### **§ 27-2.5 Notice of public hearing on proposed district.**

- (a) The city clerk shall publish a notice of the public hearing on a proposed district twice, at least one week apart, in a newspaper of general circulation in the city. Publication shall be completed at least 10 days before the date of the hearing.
- (b) The notice shall contain all of the following information:
  - (1) A summary of the resolution of intention to establish the district and the name, address, and telephone number of a city department or officer from whom a copy of the resolution of intention can be obtained (alternatively, the notice may contain the full text of the resolution);
  - (2) The time and place of the hearing on the establishment of the district; and
  - (3) A statement that, at the hearing, the testimony of all interested persons and landowners for or against the establishment of the district, the extent of the district, the financing of specified special improvements, or the levy of a special tax will be heard. The notice shall also summarize the protest procedure, including the respective rights of an owner and the effect of protests against the establishment of the district, the

extent of the district, the financing of specified special improvements, or the levy of a specified special tax.

(1990 Code, Ch. 34, Art. 2, § 34-2.5) (Added by Ord. 96-18)

**§ 27-2.6 Mailed notice of hearing.**

In addition to publishing notice as provided in § 27-2.5, the city clerk shall give notice of the hearing by first-class mail to each owner of land within the proposed district which the city clerk has identified. The notice shall be mailed at least 15 days before the hearing and shall contain the same information as required in the published notice pursuant to § 27-2.5. Failure to give notice to any owner or failure of any owner to receive such notice shall not affect the validity or effectiveness of the hearing or any other proceedings taken under this chapter or any special tax levied under this chapter if the council determines that a reasonable effort was made to give such notice. The council's determination shall be final and conclusive.

(1990 Code, Ch. 34, Art. 2, § 34-2.6) (Added by Ord. 96-18)

**§ 27-2.7 Waiver of hearing.**

The owners of land proposed to be included in a district may petition for the waiver of the public hearing required under this article on the establishment of a district. Waiver petitions shall be submitted in writing to the city clerk.

If the owners of 100 percent of the land proposed to be included in a district submit waiver petitions at least 10 days before the hearing, the council shall not hold the hearing. If a hearing is not held because of the petitions, the owners shall be deemed to have waived the right to protest under § 27-2.8.

(1990 Code, Ch. 34, Art. 2, § 34-2.7) (Added by Ord. 96-18)

**§ 27-2.8 Protests against establishment of district.**

Protests against the establishment of the district, the extent of the district, the financing of specified special improvements, or the levy of the special tax may be made in writing by landowners. All written protests shall be filed with the city clerk before or at the hearing. The council may waive any irregularities in the form or content of any written protest. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

(1990 Code, Ch. 34, Art. 2, § 34-2.8) (Added by Ord. 96-18)

**§ 27-2.9 Protest by more than 55 percent.**

If the owners of more than 55 percent of the land or if more than 55 percent of the owners of the land proposed to be included in the district file written protests with the council before or at the hearing against the establishment of the district and if protests are not withdrawn so as to reduce the amount of the protests to 55 percent or less, the proceedings to create the specified district shall cease. No proceedings to create the district shall again be undertaken for a period of one year from the close of the hearing.

If the more than 55 percent protests are only against the furnishing of a specified special improvement or against levying a specified special tax, then proceedings to create the district may continue, but the specified special improvement or special tax shall not be part of the applicable ordinance of formation (if approved).  
(1990 Code, Ch. 34, Art. 2, § 34-2.9) (Added by Ord. 96-18)

**§ 27-2.10 Duration of hearing—Determination.**

The hearing may be continued from time to time, but shall be completed within 30 days; except that, if the council finds that the complexity of the proposed district or the need for public participation requires additional time, the hearing may be continued from time to time for a period not to exceed six months.

The council may eliminate proposed special improvements, change the rate or method of apportionment of the proposed special tax, or remove land from the proposed district. Or, the council may add land to the proposed district, but only upon petition of the owners of 100 percent of the additional land.

After the hearing, the council may abandon the proposed establishment of the district or, after considering all protests and such other relevant factors (such as the general plan or development plan) as it deems appropriate, may proceed with establishing the district.  
(1990 Code, Ch. 34, Art. 2, § 34-2.10) (Added by Ord. 96-18)

**§ 27-2.11 Approval of ordinance of formation.**

- (a) If the council determines to establish the district, it shall approve an ordinance of formation. The ordinance of formation shall contain the following, but no provision which was successfully protested pursuant to § 27-2.9 shall be included:
  - (1) The name of the district;
  - (2) The term of the district;
  - (3) The boundaries of the district;
  - (4) The special improvements to be financed by the district;
  - (5) The incidental expenses to be paid from the special tax;
  - (6) The rate and method of apportionment of the special tax levied within the district;
  - (7) The principal amount of bonds to be issued for financing the special improvements of the district; and
  - (8) Any other information required by this chapter.

- (b) When the ordinance of formation is passed on third reading, the council shall determine whether all proceedings were valid and in conformity with the requirements of this chapter. If the council so determines, it shall make a finding to that effect. The finding shall be final and conclusive.  
(1990 Code, Ch. 34, Art. 2, § 34-2.11) (Added by Ord. 96-18)

**§ 27-2.12 District boundaries.**

- (a) A community facilities district may include areas of land that are not contiguous.
- (b) Land may be included in more than one community facilities district.  
(1990 Code, Ch. 34, Art. 2, § 34-2.12) (Added by Ord. 96-18)

**§ 27-2.13 District term.**

The term of a district shall be a specified calendar period. Under an ordinance of formation, the expiration of the term shall not be earlier than the date on which all outstanding debt service on bonds and incidental expenses for the district are due to be fully paid.  
(1990 Code, Ch. 34, Art. 2, § 34-2.13) (Added by Ord. 96-18)

**§ 27-2.14 Financing of special improvements and payment of incidental expenses identified in ordinance of formation.**

- (a) Only the special improvements identified in the ordinance of formation for a district may be financed by the district under the authority of this chapter.
- (b) Only the incidental expenses identified in the ordinance of formation may be paid from the special taxes levied within a district.  
(1990 Code, Ch. 34, Art. 2, § 34-2.14) (Added by Ord. 96-18)

**§ 27-2.15 Designation of improvement area.**

For the purpose of financing specified special improvements, the council may designate a portion of a district as an improvement area. The designation shall be made in the ordinance of formation for the district. An improvement area shall be known as "Improvement Area No. \_\_\_\_\_ of City and County of Honolulu Community Facilities District No. \_\_\_\_\_." After the designation of an improvement area, all proceedings to levy special taxes for the financing of the specified special improvements shall apply only to the improvement area, except to the extent otherwise provided in the ordinance of formation.  
(1990 Code, Ch. 34, Art. 2, § 34-2.15) (Added by Ord. 96-18)

**§ 27-2.16 Property owners' election to perform work.**

- (a) Subsection (b) shall not apply to any contract for the acquisition of special improvements, and shall apply to contracts other than contracts for the acquisition of special improvements only if permissible under HRS Chapter 103D, the Hawaii Public Procurement Code.
- (b) The owners of three-fourths of the area of land subject to a special tax shall not be required to present sealed proposals or bids when the director of budget and fiscal services calls for bids preparatory to letting a contract to do work financed pursuant to this chapter, but may, within 10 days after the publication of the notice of the award of the contract, elect to perform the work and enter into a written contract to do the whole work at a price not exceeding the bid price of the bidder to whom the contract would otherwise have been awarded. All work done under the contract shall be subject to any conditions as may be prescribed by the council.

If, within the 10-day period, the owners elect not to perform the work, a contract may be entered into by the director of budget and fiscal services with the bidder to whom the contract was awarded at the price specified in the bid.

If, in the opinion of the council, the public interest will not be served by allowing the landowners to enter into a contract in accordance with this subsection, the council may prohibit such a contract in the applicable ordinance of formation.

(1990 Code, Ch. 34, Art. 2, § 34-2.16) (Added by Ord. 96-18; Am. Ord. 00-22)

## **Honolulu - Land Use**

## **ARTICLE 3: SPECIAL TAX**

### **Sections**

- 27-3.1 Special tax apportionment
- 27-3.2 Special tax levy
- 27-3.3 Minimum special taxes for payment of bond principal and interest
- 27-3.4 Prepayment of special taxes
- 27-3.5 Exemptions
- 27-3.6 Special tax maximum for residential parcel
- 27-3.7 Special tax collection
- 27-3.8 Special tax lien
- 27-3.9 Special tax notice to owners of land
- 27-3.10 Special tax notice to prospective buyer or lessee of parcel of land
- 27-3.11 Special tax obligation for parcel acquired by city

### **§ 27-3.1 Special tax apportionment.**

- (a) There is no requirement that the special tax levied pursuant to this chapter be fixed in amount or apportioned on the basis of special benefit to a parcel of land in the district or that the special improvement financed convey a special benefit to the parcel. The only requirement is that the special tax benefit the parcel in a general manner.
- (b) A special tax levied pursuant to this chapter may be based on benefit received by a parcel, the cost of making a special improvement available to a parcel, the stage or type of development or use of a parcel, the happening of one or more specified events related to the development or improvement of all or certain parcels, or any other reasonable basis or formula as determined by the council. Any determination of the reasonableness of any special tax or the rate or method of the apportionment thereof by the council shall be final and conclusive. (1990 Code, Ch. 34, Art. 3, § 34-3.1) (Added by Ord. 96-18)

### **§ 27-3.2 Special tax levy.**

Special taxes shall be levied and apportioned pursuant to the rate and method specified in the ordinance of formation. The director of budget and fiscal services shall be delegated the authority to:

- (1) Determine the annual amount due from each landowner subject to the special tax; and
- (2) Make an adjustment to the annual amount due when required by the special tax base or formula in the applicable ordinance of formation.

Special taxes shall only be used to pay for the costs of special improvements, debt service on bonds issued to pay the costs, and incidental expenses permitted under this chapter. Special taxes shall be levied only as long as needed to pay the costs, debt service, and incidental expenses.

(1990 Code, Ch. 34, Art. 3, § 34-3.2) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-3.3 Minimum special taxes for payment of bond principal and interest.**

Annual special taxes from a district shall at least equal the required annual bond principal and interest payments for the district. In addition, the special taxes may generate an amount sufficient to accumulate or replenish bond reserve funds, reimburse credit enhancement expenses or prior debt service contributions, or pay other costs or incidental expenses related to the bonds.

(1990 Code, Ch. 34, Art. 3, § 34-3.3) (Added by Ord. 96-18)

**§ 27-3.4 Prepayment of special taxes.**

The council may prohibit the prepayment of special taxes or specify conditions under which special taxes may be prepaid and permanently satisfied. The conditions may include periods during which prepayment shall not be permitted or a requirement that a premium be paid upon prepayment.

If the council has specified conditions under which special taxes may be prepaid and permanently satisfied and if the special taxes are so prepaid and permanently satisfied as to a particular parcel of land, the director of budget and fiscal services shall prepare a notice of cancellation of the special taxes for the parcel. The director of budget and fiscal services shall transmit a copy of the notice to the owner, who may file it with the bureau of conveyances or land court. The director of budget and fiscal services may charge a fee for preparation of the notice.

(1990 Code, Ch. 34, Art. 3, § 34-3.4) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-3.5 Exemptions.**

- (a) Properties of entities of the federal, State, or city governments shall be exempt from the special tax, except as otherwise provided by subsection (b). No other properties or entities within a district shall be exempt from the special tax, unless expressly exempted in the ordinance of formation.
- (b) If a federal, State, or city entity owning property, including property held in trust for any beneficiary, grants a leasehold or other possessory interest in the property to a nonexempt person or entity, the special tax shall, notwithstanding subsection (a), be levied on the leasehold or possessory interest and shall be payable by the owner of the leasehold or possessory interest.

When entering into a lease or other written contract creating a possessory interest for a nonexempt person or entity, the federal, State, or city entity shall include in the contract a statement that the property interest shall be subject to special taxation pursuant to this chapter. Failure to comply with the requirement shall not, however, invalidate the contract or affect the special tax or the obligation of the nonexempt person or entity to pay the special tax.

(1990 Code, Ch. 34, Art. 3, § 34-3.5) (Added by Ord. 96-18)

**§ 27-3.6 Special tax maximum for residential parcel.**

- (a) The special tax on a residential parcel in a district shall be levied in a manner which complies with the following:
  - (1) A maximum annual special tax amount for the residential parcel shall be established and expressed in dollars;
  - (2) The special tax amount for the residential parcel shall not be increased by more than 2 percent annually, unless a greater increase is required because of a change in use, development, improvement, subdivision, or consolidation of the parcel; and
  - (3) The special tax amount for the residential parcel in any year shall not be more than that established or calculated under subdivision (1) or (2), unless a higher amount is warranted because of a change in use, development, improvement, subdivision, or consolidation of the parcel. If the change in use, development, improvement, subdivision, or consolidation of the parcel warrants a higher special tax amount for a year than that established or calculated under subdivision (1) or (2), then the higher amount shall be collected for that year. After that year, however, the special tax amount shall not be increased by more than 2 percent annually, unless the parcel is again subject to a change in use, development, improvement, subdivision, or consolidation.

This subsection shall be included in the applicable ordinance of formation.

- (b) For the purposes of this section, “residential parcel” means a parcel classified as residential for real property tax purposes.  
(1990 Code, Ch. 34, Art. 3, § 34-3.6) (Added by Ord. 96-18; Am. Ord. 07-10)

**§ 27-3.7 Special tax collection.**

Special taxes shall be collected by the director of budget and fiscal services on a monthly, semiannual, or annual basis. Except as otherwise provided by the council, the same penalties provided for delinquent payment of improvement district assessments shall apply to special tax delinquencies. The director of budget and fiscal services shall deduct from special taxes collected the administrative expenses incurred in collection.  
(1990 Code, Ch. 34, Art. 3, § 34-3.7) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-3.8 Special tax lien.**

- (a) The special tax levied on a parcel shall be a lien against the land and improvements of the parcel. The lien shall attach from the effective date of the ordinance levying the special tax and shall be extinguished when the special tax is fully paid or terminated.
- (b) The lien of the special tax shall have priority over all other liens, except the lien of general real property taxes and the lien of assessments levied under HRS § 46-80. The lien of the special tax shall be on a parity with the lien of general real property taxes and the lien of assessments levied under HRS § 46-80, unless otherwise provided by law or ordinance. All liens of special taxes made pursuant to this chapter shall be on a parity without regard to when made or for what purpose.

- (c) If any special tax is not paid when due, the department of budget and fiscal services may, after not less than two months of delinquency, foreclose the lien of the special tax to collect the delinquent amount and any penalty, interest, and costs. Foreclosure shall be by way of advertisement and sale without suit, and shall be made by the director of budget and fiscal services in the same manner, except as otherwise approved by the council, under the same conditions and penalties, and with the same effect as provided by general law for sales of real property pursuant to default in payment of property taxes.

In any event, the department of budget and fiscal services shall foreclose the lien before the end of the sixth year of a delinquency.

(1990 Code, Ch. 34, Art. 3, § 34-3.8) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-3.9 Special tax notice to owners of land.**

Within 30 days after the effective date of the ordinance of formation levying a special tax, the director of budget and fiscal services shall notify all owners of parcels of land subject to the special tax. Notices shall be sent by certified mail or registered mail with request for return receipt. Each of the notices shall set forth the amount of the special tax levied, the rate and method of apportionment of the special tax, and the date when the special tax is due. Failure to give or receive such notice to or by any landowner shall not affect the validity of the special tax nor entitle the landowner to an extension of time within which to pay the special tax.

(1990 Code, Ch. 34, Art. 3, § 34-3.9) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-3.10 Special tax notice to prospective buyer or lessee of parcel of land.**

Before entering into an agreement to sell or lease a parcel of land subject to a special tax levy and lien, the parcel owner shall notify the prospective buyer or lessee of the existence of the levy and lien.

(1990 Code, Ch. 34, Art. 3, § 34-3.10) (Added by Ord. 96-18)

**§ 27-3.11 Special tax obligation for parcel acquired by city.**

- (a) If a parcel subject to a special tax is acquired by the city through a negotiated transaction or eminent domain proceeding, the conveyer shall pay the special tax out of the purchase price or eminent domain award in an amount sufficient to pay the bond principal and interest that would have been payable from the special tax on the parcel.
- (b) If a parcel subject to a special tax is acquired by the city by foreclosure or gift or devise, the parcel shall be sold as soon as practicable, and either:
  - (1) The special tax shall be paid from the sales price in an amount equaling the bond principal and interest that would have been payable from the special tax on the parcel; or
  - (2) The purchaser of the parcel shall take title subject to the lien of the special tax and shall be required to pay the special taxes becoming due from and after the sale date.

(1990 Code, Ch. 34, Art. 3, § 34-3.11) (Added by Ord. 96-18)

## **ARTICLE 4: CHANGES IN TERM OF DISTRICT, AUTHORIZED SPECIAL IMPROVEMENT, AND SPECIAL TAX**

### Sections

- 27-4.1 Authorization to change term, special improvement, or special tax
- 27-4.2 Ordinance of consideration
- 27-4.3 Petition for changes in term, special improvement, or special tax
- 27-4.4 Director of budget and fiscal services' recommendation to change rate or method of apportionment of an existing special tax
- 27-4.5 Contents of proposed ordinance of consideration
- 27-4.6 Notice of hearing on proposed ordinance of consideration
- 27-4.7 Protests against the proposed ordinance of consideration
- 27-4.8 Protest by more than 55 percent
- 27-4.9 Duration of hearing—Determination
- 27-4.10 Filing of notice

### **§ 27-4.1 Authorization to change term, special improvement, or special tax.**

The council may change the term of an established district, the authorized special improvements, or the rate or method of apportionment of a special tax or require the levy of a new special tax. The change or new levy shall be accomplished in accordance with this article.

(1990 Code, Ch. 34, Art. 4, § 34-4.1) (Added by Ord. 96-18)

### **§ 27-4.2 Ordinance of consideration.**

- (a) Except as provided in subsection (b), if the council determines that the public convenience and necessity require a change permitted under § 27-4.1 or require the levy of a new special tax, the council may approve an ordinance of consideration to do so. The council shall have the full discretion to commence proceedings to make the change or new levy when deemed appropriate. The receipt of a petition under § 27-4.3 shall not require or obligate the council to commence the proceedings.
- (b) The council shall not approve an ordinance of consideration to reduce the term of a district, reduce the realization from a special tax, or terminate the levy of a special tax if doing so will jeopardize the payment of debt service on bonds issued for the district or impair the security for the bonds.
- (c) An ordinance of consideration for a district shall be an amendment of the ordinance of formation for the district. The ordinance of consideration shall contain the pertinent information required by § 27-4.5.

(1990 Code, Ch. 34, Art. 4, § 34-4.2) (Added by Ord. 96-18)

**§ 27-4.3 Petition for changes in term, special improvement, or special tax.**

The council may commence proceedings to approve an ordinance of consideration if receiving the following:

- (1) A petition signed by the owners of at least 25 percent of the land within the district requesting a change permitted under § 27-4.1 or the levy of a new special tax; and
- (2) A fee which the council determines is necessary to compensate the city for the costs of proceedings to review the requested change or new levy.

The fee shall be nonrefundable, even if the council does not make the change or levy.

(1990 Code, Ch. 34, Art. 4, § 34-4.3) (Added by Ord. 96-18)

**§ 27-4.4 Director of budget and fiscal services' recommendation to change rate or method of apportionment of an existing special tax.**

- (a) The director of budget and fiscal services may recommend to the council a change to the rate or method of apportionment of an existing special tax for a district when:

- (1) The annual special taxes from the district are in excess of the annual debt service and reserve requirements for and incidental expenses of the district; and
- (2) The excess of annual special taxes is projected to continue in each year until expiration of the district.

The recommended change shall result in a rate or method of apportionment which reduces the annual special taxes from the district to an amount not less than the annual debt service and reserve requirements for and incidental expenses of the district.

The recommendation shall be accompanied by a justification and proposed ordinance of consideration.

- (b) The council shall review and may approve the ordinance of consideration in accordance with this article.

(1990 Code, Ch. 34, Art. 4, § 34-4.4) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-4.5 Contents of proposed ordinance of consideration.**

A proposed ordinance of consideration shall do all of the following:

- (1) State the name of the district;
- (2) Describe the boundaries of the district;
- (3) Specify the proposed change to the term of the district or special improvements to be financed;
- (4) Specify any proposed new special tax which will be levied to finance new or existing special improvements; and

(5) Specify the proposed change to the rate or method of apportionment of an existing special tax.  
(1990 Code, Ch. 34, Art. 4, § 34-4.5) (Added by Ord. 96-18)

**§ 27-4.6 Notice of hearing on proposed ordinance of consideration.**

The council shall fix the time and place for a hearing on the proposed ordinance of consideration. The date of the hearing shall not be less than 30 or more than 60 days from the date of introduction of the proposed ordinance.

The city clerk shall publish notice of the hearing in the same manner as required under § 27-2.5 for notice of a hearing on a resolution of intention. In addition, the city clerk shall mail the notice to each owner of land in the district at least 15 days before the hearing.

The notice shall contain all of the following information:

- (1) A summary of the proposed ordinance and the name, address, and telephone number of a city department or officer from whom a copy of the proposed ordinance can be obtained (alternatively, the notice may contain the full text of the proposed ordinance);
  - (2) The time and place of the hearing; and
  - (3) A statement that, at the hearing, the testimony of all interested persons and landowners for or against the proposed changes will be heard. The notice shall also summarize the protest procedure, including the respective rights of an owner and the effect of protests made against the proposed changes.
- (1990 Code, Ch. 34, Art. 4, § 34-4.6) (Added by Ord. 96-18)

**§ 27-4.7 Protests against the proposed ordinance of consideration.**

Protests against the proposed ordinance of consideration may be made in writing by landowners. All written protests shall be filed with the city clerk before or at the hearing. The council may waive any irregularities in the form or content of any written protest. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

(1990 Code, Ch. 34, Art. 4, § 34-4.7) (Added by Ord. 96-18)

**§ 27-4.8 Protest by more than 55 percent.**

If the owners of more than 55 percent of the land or if more than 55 percent of the owners of the land in the district file written protests with the council before or at the hearing against a provision in the proposed ordinance of consideration and if protests are not withdrawn so as to reduce the amount of the protests to 55 percent or less, the provision specified in the written protests shall not be in the approved ordinance of consideration. No proceedings to include the provision in another ordinance of consideration shall again be undertaken for a period of one year from the close of the hearing.

(1990 Code, Ch. 34, Art. 4, § 34-4.8) (Added by Ord. 96-18)

**§ 27-4.9 Duration of hearing—Determination.**

The hearing may be continued from time to time, but shall be completed within 30 days; except that, if the council finds that the complexity of the proposed changes or the need for public participation requires additional time, the hearing may be continued from time to time for a period not to exceed six months. At the conclusion of the hearing, the council may abandon the proceedings or, after considering all protests and such other relevant factors (such as the general plan or development plan) as it deems appropriate, may approve the ordinance of consideration (in the form in which it was introduced or with such changes as determined by council). The approved ordinance shall not contain provisions successfully protested in accordance with § 27-4.8.  
(1990 Code, Ch. 34, Art. 4, § 34-4.9) (Added by Ord. 96-18)

**§ 27-4.10 Filing of notice.**

After the effective date of an ordinance of consideration, the director of budget and fiscal services shall provide notice of any special tax change or levy in the manner specified under § 27-3.9.  
(1990 Code, Ch. 34, Art. 4, § 34-4.10) (Added by Ord. 96-18; Am. Ord. 00-22)

## **ARTICLE 5: EARLY TERMINATION OF DISTRICT**

### **Sections**

- 27-5.1 Authorization to terminate district before expiration of term specified in ordinance of formation
- 27-5.2 Ordinance of early termination
- 27-5.3 Petition for early termination
- 27-5.4 Director of budget and fiscal services' recommendation on early termination
- 27-5.5 Contents of proposed ordinance of early termination
- 27-5.6 Notice of hearing on proposed ordinance of early termination
- 27-5.7 Protests against the proposed ordinance of early termination
- 27-5.8 Protest by more than 55 percent
- 27-5.9 Duration of hearing—Determination
- 27-5.10 Construction of article

### **§ 27-5.1 Authorization to terminate district before expiration of term specified in ordinance of formation.**

The council may terminate a district before the expiration of the term specified in the ordinance of formation. An early termination shall be accomplished in accordance with this article.  
(1990 Code, Ch. 34, Art. 5, § 34-5.1) (Added by Ord. 96-18)

### **§ 27-5.2 Ordinance of early termination.**

- (a) Except as provided in subsection (b), if the council determines that the public convenience and necessity will be promoted by terminating a district before the expiration of the term specified in the applicable ordinance of formation, the council may approve an ordinance of early termination. The council shall have the full discretion to commence proceedings for the early termination of a district when deemed appropriate. The receipt of a petition under § 27-5.3 shall not require or obligate the council to commence the proceedings.
- (b) The council shall not approve an ordinance of early termination for a district, unless provisions are included to assure the payment of the following from the special taxes or accumulated reserves of the district:
  - (1) All outstanding debt service on bonds issued for the district; and
  - (2) All outstanding incidental expenses accrued for the district.
- (c) An ordinance of early termination of a district shall amend the term of the district as specified in the ordinance of formation.

(1990 Code, Ch. 34, Art. 5, § 34-5.2) (Added by Ord. 96-18)

**§ 27-5.3 Petition for early termination.**

The council may commence proceedings to approve an ordinance of early termination if receiving the following:

- (1) A petition signed by the owners of at least 25 percent of the land within a district requesting the early termination of the district; and
- (2) A fee which the council determines is necessary to compensate the city for the costs of proceedings to review the proposed early termination of the district.

The fee shall be nonrefundable, even if the council does not approve the early termination.  
(1990 Code, Ch. 34, Art. 5, § 34-5.3) (Added by Ord. 96-18)

**§ 27-5.4 Director of budget and fiscal services' recommendation on early termination.**

The director of budget and fiscal services may recommend to the council that a district be terminated before the expiration of the term specified in the ordinance of formation. The recommendation shall be made if the director determines that the public convenience and necessity will be promoted by the early termination. A recommendation shall be accompanied by a proposed ordinance of early termination.  
(1990 Code, Ch. 34, Art. 5, § 34-5.4) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-5.5 Contents of proposed ordinance of early termination.**

A proposed ordinance of early termination shall do all of the following:

- (1) State the name of the district;
- (2) Describe the boundaries of the district;
- (3) Identify the proposed early termination date of the district;
- (4) Give a narrative justification for the proposed early termination;
- (5) With respect to the debt service on bonds issued for the district:
  - (A) Specify the method by which the debt service will be fully paid before the early termination of the district; or
  - (B) Establish a trust or other fund in the city treasury with a balance sufficient to pay the debt service outstanding after the early termination of the district; and
- (6) With respect to incidental expenses accrued for the district:

(A) Guarantee the payment of the incidental expenses before the early termination of the district; or

(B) Establish a method by which incidental expenses, if any, will be paid after the early termination of the district.

(1990 Code, Ch. 34, Art. 5, § 34-5.5) (Added by Ord. 96-18)

**§ 27-5.6 Notice of hearing on proposed ordinance of early termination.**

The council shall fix the time and place for a hearing on the proposed ordinance of early termination. The date of the hearing shall not be less than 30 or more than 60 days from the date of introduction of the proposed ordinance.

The city clerk shall publish notice of the hearing in the same manner as required under § 27-2.5 for notice of a hearing on a resolution of intention. In addition, the city clerk shall mail the notice to each owner of land in the district at least 15 days before the hearing.

The notice shall contain all of the following information:

- (1) A summary of the proposed ordinance and the name, address, and telephone number of a city department or officer from whom a copy of the proposed ordinance can be obtained (alternatively, the notice may contain the full text of the proposed ordinance);
- (2) The time and place of the hearing; and
- (3) A statement that, at the hearing, the testimony of all interested persons and landowners for or against the proposed early termination will be heard. The notice shall also summarize the protest procedure, including the respective rights of an owner and the effect of protests made against the proposed early termination.

(1990 Code, Ch. 34, Art. 5, § 34-5.6) (Added by Ord. 96-18)

**§ 27-5.7 Protests against the proposed ordinance of early termination.**

Protests against the proposed ordinance of early termination may be made in writing by landowners. All written protests shall be filed with the city clerk before or at the hearing. The council may waive any irregularities in the form or content of any written protest. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

(1990 Code, Ch. 34, Art. 5, § 34-5.7) (Added by Ord. 96-18)

**§ 27-5.8 Protest by more than 55 percent.**

If the owners of more than 55 percent of the land or if more than 55 percent of the owners of the land in the district file written protests with the council before or at the hearing against a provision in the proposed ordinance of early termination and if protests are not withdrawn so as to reduce the amount of the protests to 55 percent or less, the provision specified in the written protests shall not be in the approved ordinance of early termination. No

proceedings to again include the provision in another ordinance of early termination shall be undertaken for a period of one year from the close of the hearing.

(1990 Code, Ch. 34, Art. 5, § 34-5.8) (Added by Ord. 96-18)

**§ 27-5.9 Duration of hearing—Determination.**

The hearing may be continued from time to time, but shall be completed within 30 days; except that, if the council finds that the complexity of the proposed early termination or the need for public participation requires additional time, the hearing may be continued from time to time for a period not to exceed six months. At the conclusion of the hearing, the council may abandon the proceedings or, after considering all protests and such other relevant factors as it deems appropriate, may approve the ordinance of early termination. The approved ordinance shall not contain any provision which is contrary to this article.

(1990 Code, Ch. 34, Art. 5, § 34-5.9) (Added by Ord. 96-18)

**§ 27-5.10 Construction of article.**

This article shall not be construed as requiring an ordinance to effectuate the termination of each district. A district shall automatically terminate upon reaching the expiration of the term specified in the ordinance of formation.

This article applies only if the council desires to terminate a district earlier than the expiration date specified in the ordinance of formation.

(1990 Code, Ch. 34, Art. 5, § 34-5.10) (Added by Ord. 96-18)

## **ARTICLE 6: ANNEXATION OF TERRITORY**

### **Sections**

- 27-6.1 Authorization to annex—Contiguity not required
- 27-6.2 Ordinance of annexation
- 27-6.3 Contents of proposed ordinance of annexation
- 27-6.4 Notice of hearing on proposed ordinance of annexation
- 27-6.5 Protests against proposed ordinance of annexation
- 27-6.6 Protest by more than 55 percent
- 27-6.7 Duration of hearing—Determination
- 27-6.8 Filing of notice

### **§ 27-6.1 Authorization to annex—Contiguity not required.**

The council may annex an area of land to an existing district in accordance with this article. The annexed land need not be contiguous to the existing district.

(1990 Code, Ch. 34, Art. 6, § 34-6.1) (Added by Ord. 96-18)

### **§ 27-6.2 Ordinance of annexation.**

If the council determines that the public convenience and necessity require the addition of land to an existing district, the council may approve an ordinance of annexation adding the land. The ordinance of annexation adding land to an existing district shall be deemed an amendment of the ordinance of formation for that district.

The council shall have the full discretion to commence proceedings for the annexation of land when deemed appropriate.

(1990 Code, Ch. 34, Art. 6, § 34-6.2) (Added by Ord. 96-18)

### **§ 27-6.3 Contents of proposed ordinance of annexation.**

A proposed ordinance of annexation shall do all of the following:

- (1) State the name and term of the existing district;
- (2) Describe the boundaries of the existing district and the area proposed to be annexed;
- (3) Identify the special improvements financed by the existing district, the special improvements to be financed by the area proposed to be annexed, and the special improvements to be financed in common by both;

(4) Specify the proposed new special tax which will be levied within the area proposed to be annexed; and

(5) Specify any proposed change to the special tax within the existing district as a result of the proposed annexation. The special tax rate in the existing district shall not be increased as a result of annexation proceedings pursuant to this article.

(1990 Code, Ch. 34, Art. 6, § 34-6.3) (Added by Ord. 96-18)

**§ 27-6.4 Notice of hearing on proposed ordinance of annexation.**

The council shall fix the time and place for a hearing on the proposed ordinance of annexation. The date of the hearing shall not be less than 30 or more than 60 days from the date of introduction of the proposed ordinance.

The city clerk shall publish notice of the hearing in the same manner as required under § 27-2.5 for notice of a hearing on a resolution of intention. In addition, the city clerk shall mail the notice to each owner of land in the existing district and area proposed to be annexed. The notice shall be mailed at least 15 days before the hearing.

The notice shall contain all of the following information:

(1) A summary of the proposed ordinance and the name, address, and telephone number of a city department or officer from whom a copy of the proposed ordinance can be obtained (alternatively, the notice may contain the full text of the proposed ordinance);

(2) The time and place of the hearing; and

(3) A statement that, at the hearing, the testimony of all interested persons and landowners for or against the proposed annexation will be heard. The notice shall also summarize the protest procedure, including the respective rights of an owner and the effect of protests made against the proposed annexation.

(1990 Code, Ch. 34, Art. 6, § 34-6.4) (Added by Ord. 96-18)

**§ 27-6.5 Protests against proposed ordinance of annexation.**

Protests against the proposed ordinance of annexation may be made in writing by landowners. All written protests shall be filed with the city clerk before or at the hearing. The council may waive any irregularities in the form or content of any written protest. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

(1990 Code, Ch. 34, Art. 6, § 34-6.5) (Added by Ord. 96-18)

**§ 27-6.6 Protest by more than 55 percent.**

(a) If the owners of more than 55 percent of the applicable land or if more than 55 percent of the owners of the applicable land file written protests with the council before or at the hearing against the proposed annexation and if protests are not withdrawn so as to reduce the amount of the protests to 55 percent or less, the annexation proceedings shall cease. No proceedings to again annex the land shall be undertaken for a period of one year from the close of the hearing.

- (b) For the purpose of this section, “applicable land” means land in the existing district, land in the area proposed to be annexed, or land in both the existing district and area proposed to be annexed.  
(1990 Code, Ch. 34, Art. 6, § 34-6.6) (Added by Ord. 96-18)

**§ 27-6.7 Duration of hearing—Determination.**

The hearing may be continued from time to time, but shall be completed within 30 days; except that, if the council finds that the complexity of the proposed annexation or the need for public participation requires additional time, the hearing may be continued from time to time for a period not to exceed six months. At the conclusion of the hearing, the council may abandon the proceedings or, after considering all protests and such other relevant factors (such as the general plan or development plan) as it deems appropriate, may approve the ordinance of annexation (in the form in which it was introduced or with such changes as determined by the council and permitted by this part). Thereafter, the city may levy the special tax on the annexed land.  
(1990 Code, Ch. 34, Art. 6, § 34-6.7) (Added by Ord. 96-18)

**§ 27-6.8 Filing of notice.**

After the effective date of an ordinance of annexation, the director of budget and fiscal services shall provide notice of any special tax change or levy in the manner specified under § 27-3.9.  
(1990 Code, Ch. 34, Art. 6, § 34-6.8) (Added by Ord. 96-18; Am. Ord. 00-22)

## **Honolulu - Land Use**

## **ARTICLE 7: BONDS**

### **Sections**

- 27-7.1 Bond ordinance
- 27-7.2 Costs includable in bond principal
- 27-7.3 Minimum value-to-lien ratio
- 27-7.4 Covenant to pursue foreclosure sale to collect delinquent special taxes
- 27-7.5 Signing of bonds
- 27-7.6 Manner of sale
- 27-7.7 Bond fund
- 27-7.8 Refunding bonds
- 27-7.9 Prohibition on issuance of general obligation bonds secured by general credit
- 27-7.10 Debt limit calculation

### **§ 27-7.1 Bond ordinance.**

- (a) Whenever the council deems it necessary or appropriate that community facilities district bonds be issued to finance the cost of special improvements or to reimburse the cost thereof previously paid, the council may authorize the issuance of bonds. The issuance shall be authorized by a bond ordinance approved with or after the approval of the ordinance of formation levying the special tax to finance the special improvements. The bond ordinance shall provide for the following:
  - (1) The issuance of the bonds in one or more series;
  - (2) The date the bonds shall bear;
  - (3) The maturity date or dates of the bonds, which shall not be more than 30 years after the issuance date of the bonds;
  - (4) The rate or maximum rate of interest on the bonds, which shall not exceed the maximum rate permitted by law and which may be fixed or variable and simple or compound;
  - (5) The time or times at which interest shall be payable;
  - (6) The denomination of the bonds;
  - (7) The form of the bonds;
  - (8) The conversion or registration privileges carried by the bonds;
  - (9) The rank or priority of the bonds;
  - (10) The manner of execution of the bonds;

- (11) The medium of payment of the bonds;
  - (12) The place or places of payment;
  - (13) The terms of redemption and the redemption price or prices to which the bonds are subject;
  - (14) The pledge or assignment of all or part of the special taxes collected from the district or improvement area thereof, the liens securing such special taxes, or any other funds which are intended by the council to secure payment of the bonds. The pledge shall be superior to all other claims on the special taxes (except to the extent otherwise provided in the bond ordinance);
  - (15) The establishment and handling of a separate special fund or funds to pay or secure the bonds or to pay for the special improvements or incidental expenses;
  - (16) The obligations in which may be invested the proceeds of the bonds and any other funds (including special taxes) pledged to secure payment of the bonds; and
  - (17) Any other provisions for the issuance, payment, security, credit enhancement, handling of funds, default, remedy, or other matter related to the bonds which the council deems appropriate.
- (b) The bond ordinance may provide that any or all of the terms listed in this section or elsewhere in this article may be fixed by or set out in a certificate signed by the director of budget and fiscal services at or before the delivery of the bonds or in an indenture, trust agreement, or fiscal agent agreement between the city and a corporate trustee or fiscal agent located within or without the State.
- (1990 Code, Ch. 34, Art. 7, § 34-7.1) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-7.2 Costs includable in bond principal.**

The principal amount of bonds authorized to be issued may include all costs and estimated costs of special improvements and incidental expenses associated with issuing the bonds.

(1990 Code, Ch. 34, Art. 7, § 34-7.2) (Added by Ord. 96-18)

**§ 27-7.3 Minimum value-to-lien ratio.**

The principal amount of bonds issued and outstanding under an indenture or certificate pursuant to which such bonds are issued for a district shall not exceed one-third of the value of the real property upon which a special tax is levied for payment of the debt service on the bonds. The “value of the real property” shall be the fair market value of the land and special improvements, within the meaning of § 27-1.5, to be constructed within the district, as shown upon an appraisal of the subject property made by an M.A.I. real estate appraiser.

(1990 Code, Ch. 34, Art. 7, § 34-7.3) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-7.4 Covenant to pursue foreclosure sale to collect delinquent special taxes.**

The director of budget and fiscal services may covenant, for the benefit of bond owners, to commence and diligently pursue to completion any foreclosure by advertisement and sale regarding delinquent special taxes. The

covenant may specify a deadline for commencement of the foreclosure sale and any other terms and conditions the director of budget and fiscal services determines reasonable regarding the foreclosure sale.  
(1990 Code, Ch. 34, Art. 7, § 34-7.4) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-7.5 Signing of bonds.**

Unless otherwise specified in the bond ordinance, the bonds shall be signed by the mayor and countersigned by the director of budget and fiscal services or the director's deputy. Signatures on the bonds may be manual or facsimile. If any officer whose signature appears on the bonds vacates the office before the delivery of the bonds, the signature shall be as effective as if the officer had remained in office.  
(1990 Code, Ch. 34, Art. 7, § 34-7.5) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-7.6 Manner of sale.**

The director of budget and fiscal services may sell bonds at public or private sale at the times, for the price or prices, and in the manner the council determines to be appropriate and in the public interest (such determination being final and conclusive).  
(1990 Code, Ch. 34, Art. 7, § 34-7.6) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-7.7 Bond fund.**

All of the collections for payment of principal of and interest on bonds and incidental expenses shall be paid into a district bond or reserve fund and shall be used solely for the payment of the principal of and interest on the outstanding bonds of the district and incidental expenses, all as provided in the bond ordinance.  
(1990 Code, Ch. 34, Art. 7, § 34-7.7) (Added by Ord. 96-18)

**§ 27-7.8 Refunding bonds.**

- (a) The council may authorize the issuance of bonds to refund any or all of the district bonds outstanding that have been issued pursuant to this article. The refunding bonds shall be authorized by a bond ordinance.
- (b) Except as otherwise approved by the council, refunding bonds shall not be issued if the total net interest cost to maturity on the refunding bonds plus the principal amount of the refunding bonds exceeds the total net interest cost to maturity on the bonds to be refunded plus the principal amount of the bonds to be refunded. Subject to such limitations, the principal amount of the refunding bonds may be more than, less than, or the same as the principal amount of the bonds to be refunded. The principal amount of such refunding bonds shall not count against any maximum amount of bonds authorized in the original bond ordinance.
- (c) The designated costs of issuing refunding bonds shall be paid from proceeds of the refunding bonds, interest earned on those proceeds, or special taxes from the district. However, any interest or special taxes paid for the designated costs shall be added to the total net interest costs to maturity on the refunding bonds in determining whether the issuance of the refunding bonds complies with subsection (b).

“Designated costs of issuing the refunding bonds” means any of the following costs and expenses designated by the council in the bond ordinance authorizing the issuance of the refunding bonds:

- (1) All expenses incident to the calling, retiring, or paying of the bonds to be refunded and incident to the issuance of refunding bonds, including the charges of any agent in connection with the issuance of the refunding bonds or the redemption or retirement of the bonds to be refunded;
  - (2) The interest upon the refunding bonds from the date of sale of the refunding bonds to the date of payment of the bonds to be refunded or the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of the bonds;
  - (3) Any premium necessary in the calling or retiring of the bonds to be refunded;
  - (4) Any insurance premium or fee payable to the issuer of a bond insurance policy or letter of credit insuring all or part of the principal or interest, or both, due on the refunding bonds; and
  - (5) Any other incidental expense related to the issuance or carrying of the refunding bonds or the redemption or refunding of the bonds to be refunded.
- (d) The saving achieved through the issuance of refunding bonds shall be used by the council to reduce:
- (1) The special taxes levied in the district; or
  - (2) The term of the district within which the special taxes are levied.

When the council authorizes the issuance of refunding bonds, the council also shall reduce the special taxes levied in or term of the district. The reduction shall be made through an ordinance of consideration.  
(1990 Code, Ch. 34, Art. 7, § 34-7.8) (Added by Ord. 96-18; Am. Ord. 00-22)

**§ 27-7.9 Prohibition on issuance of general obligation bonds secured by general credit.**

No general obligation bonds secured by the city’s general credit shall be issued to finance special improvements identified in an ordinance of formation or pay for the incidental expenses of a district.  
(1990 Code, Ch. 34, Art. 7, § 34-7.9) (Added by Ord. 96-18)

**§ 27-7.10 Debt limit calculation.**

Bonds issued under this article, when the only security is the special tax levy or lien in a district, shall be excluded from any determination of the power of the city to issue general obligation bonds or funded debt for purposes of § 13 of Article VII of the State Constitution.  
(1990 Code, Ch. 34, Art. 7, § 34-7.10) (Added by Ord. 96-18)

## CHAPTER 28: SPECIAL IMPROVEMENT DISTRICTS

### ***Editor's note:***

*\* The Waikiki special improvement district No. 1, also known as the City and County of Honolulu business improvement district No. 1 (Waikiki), was established by Ord. 00-40. Section 3 of Ord. 00-40 and § 9(c) of Exhibit A of that ordinance were amended by Ord. 01-22.*

*The Fort Street Mall special improvement district No. 2 was established by Ord. 02-48.*

*Ord. 07-44 amended the Fort Street Mall special improvement district plan, designated as Exhibit A in Ord. 02-48, by revising the boundaries.*

*The Waikiki Beach special improvement district No. 3 was established by Ord. 15-11.*

### Articles

1. General Provisions
2. Proceedings
3. Special Assessment
4. Changes in Authorized Supplemental Services, Improvements, and Special Assessment
5. Annexation of Territory
6. Termination of District
7. Bonds

Appendix 28-A: Specific Special Improvement District Ordinances

## **Honolulu - Land Use**

## ARTICLE 1: GENERAL PROVISIONS

### Sections

28-1.1	Definitions
28-1.2	Provision of alternate method of financing supplemental services and improvements
28-1.3	Superiority over conflicting provision of other ordinance
28-1.4	Limitation on challenges
28-1.5	Types of supplemental services and improvements
28-1.6	Payment of existing special assessments
28-1.7	Advances of funds, work, or property in-kind
28-1.8	Construction of chapter
28-1.9	Validity of proceedings

### § 28-1.1 Definitions.

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

***Assessed Value of Real Property.*** The gross value of a parcel of land, as defined below, as assessed by the real property tax office of the city, including the assessed value of any improvements thereon.

***Bonds.*** Special improvement district bonds (including refunding bonds) issued pursuant to this chapter.

***Bond Ordinance.*** An ordinance of the council which authorizes bonds.

***City.*** The City and County of Honolulu, Hawaii.

***City Clerk.*** The city clerk of the city.

***Costs of Supplemental Improvements.*** Includes the following:

- (1) Cost of acquiring, constructing, installing, improving, or rehabilitating supplemental improvements;
- (2) Cost of acquiring land or right-of-way for supplemental improvements;
- (3) Payment of any water, sewer, or other utility connection fee necessary for supplemental improvements;
- (4) Payment of fees and expenses for planning, architectural, engineering, inspection, legal, financial, or other consultants for supplemental improvements;
- (5) Reimbursement of an advance of funds for acquiring, constructing, installing, improving, or rehabilitating supplemental improvements;

- (6) Contribution to a reserve fund for the payment of debt service on bonds issued to finance the costs of supplemental improvements;
- (7) Not more than two years of interest on bonds issued to finance the costs of supplemental improvements; or
- (8) Costs of issuance related to the issuance of bonds issued to finance the costs of supplemental improvements, including but not limited to payment of legal fees and expenses (including bond counsel), trustee fees and expenses, bond insurance premium, letter of credit, or other credit enhancement fees and expenses.

***Costs of Supplemental Services and Improvements.*** Includes the following:

- (1) Cost of obtaining the supplemental services and improvements other than costs of supplemental improvements financed from the proceeds of bonds;
- (2) Payment of any water, sewer, or other utility connection fee necessary for supplemental services and improvements;
- (3) Payment of fees and expenses for planning, architectural, engineering, inspection, legal, financial, or other consultants for supplemental services and improvements; and
- (4) Reimbursement of an advance of funds for the costs of obtaining supplemental services and improvements.

***District.*** Has the same meaning as special improvement district.

***District Association.*** An association established pursuant to § 28-2.9.

***District Board.*** The board of directors of a district association.

***Financing Supplemental Services and Improvements by a District or Financing Supplemental Services and Improvements.*** Paying for the costs of supplemental services and improvements through the special assessment levied within a district or paying the costs of supplemental improvements from the proceeds of bonds.

***Incidental Expenses of a District.*** Includes the following:

- (1) Administrative expenses of the city associated with the proceedings undertaken pursuant to this chapter or collection of special assessments;
- (2) Management and administrative costs incurred by the district association; and
- (3) Any other expense incidental to the creation or operation of a district.

***Land or Parcel of Land.*** The real property identified by a tax map key parcel number within the district. For purposes of §§ 28-2.4, 28-4.7, and 28-5.6, apartments of a condominium property regime shall be one parcel of land.

***Landowner or Owner of Land.*** The owner to whom the real property tax is assessed as shown on the real property tax assessment list, which may be the fee simple owner or the lessee of land, or both, regardless of whether such owner is exempt from the payment of such tax. Each parcel of land shall be deemed to have one fee simple owner and one lessee of land, if any, even if owned by a corporation, partnership, joint tenancy, tenancy by the entirety, tenancy in common, or other group of persons. The real property tax assessed value of such parcel of land shall be counted once for purposes of determining the aggregate value of all land in a district or proposed district as provided in §§ 28-2.4, 28-4.7, and 28-5.6, even if there is a fee simple owner and a lessee of land for a parcel of land.

***Ordinance of Annexation.*** An ordinance which annexes additional land to a district.

***Ordinance of Consideration.*** An ordinance which changes the authorized supplemental services and improvements, the supplemental improvements to be financed, the rate or apportionment of a special assessment, or the boundaries of the district other than an annexation provided in Article 5, or which requires the levy of a new special assessment.

***Ordinance Terminating the District.*** An ordinance which terminates a district at the expiration of the then-occurring five-year term.

***Special Improvement District or District.*** A district of land established by the city pursuant to this chapter for providing and financing supplemental services and improvements.

***Supplemental Improvements.*** Any of the undertakings itemized in § 28-1.5(b).

***Supplemental Services and Improvement Area.*** An area within a district as set forth in § 28-2.2(a).

***Supplemental Services and Improvements.*** A supplemental service or improvement, or both, referred to in § 28-1.5.  
(1990 Code, Ch. 36, Art. 1, § 36-1.1) (Added by Ord. 00-13)

## **§ 28-1.2 Provision of alternate method of financing supplemental services and improvements.**

Pursuant to HRS § 46-80.5, the council may use this chapter in addition to, in combination with, or instead of any other law for or related to the creation of improvement districts, the levying, assessment, and collection of special assessments, the financing of supplemental services and improvements, the issuance of bonds, or other matters covered by this chapter.

(1990 Code, Ch. 36, Art. 1, § 36-1.2) (Added by Ord. 00-13)

## **§ 28-1.3 Superiority over conflicting provision of other ordinance.**

When this chapter conflicts with any other provision or ordinance, this chapter shall prevail.  
(1990 Code, Ch. 36, Art. 1, § 36-1.3) (Added by Ord. 00-13)

**§ 28-1.4 Limitation on challenges.**

Pursuant to HRS § 46-80.5, no action or proceeding to object to or question the validity of or enjoin any ordinance, action, or proceeding undertaken pursuant to this chapter (including the liability for or the determination of the amount of any special assessment levied with respect to any property or the levy or assessment thereof) shall be maintained, unless begun within 30 days of the effective date of the ordinance, determination, levy, assessment, or other act, as the case may be.

(1990 Code, Ch. 36, Art. 1, § 36-1.4) (Added by Ord. 00-13)

**§ 28-1.5 Types of supplemental services and improvements.**

A district may be established to provide and finance supplemental services and improvements as follows:

- (a) A district may be established to provide for and finance additional maintenance, security, or other additional services required for the enjoyment and protection of the public and the promotion and enhancement of such district, whether in conjunction with improvements authorized by this section, including:
  - (1) Services to enhance the security of persons and property within the district;
  - (2) Landscaping services;
  - (3) Enhanced sanitation services;
  - (4) Services promoting and advertising activities within the district;
  - (5) Marketing education for businesses within the district;
  - (6) Decorations and lighting for seasonal and holiday purposes; and
  - (7) Delegable transportation management services, including traffic operations, parking control and supply development, mobility enhancements for all modes of travel, physical and operational access improvements, information displays and the installation and maintenance of related electronic devices.
- (b) A district may be established to provide and finance, to the extent permitted by law, supplemental improvements located on or within the city or the district, which will restore or promote business activity in the district, including:
  - (1) Construction and installation of landscaping, planting and park areas;
  - (2) Construction of lighting facilities;
  - (3) Construction of physically aesthetic and decorative safety fixtures, equipment and facilities;
  - (4) Construction of improvements to enhance security of persons and property within the district;
  - (5) Construction of pedestrian overpasses and underpasses and connections between buildings;

- (6) Closing, opening, widening or narrowing of existing streets;
  - (7) Construction of ramps, sidewalks, plazas, and pedestrian malls;
  - (8) Rehabilitation or removal of existing structures as required;
  - (9) Removal and relocation of utilities and utility vaults as required;
  - (10) Construction of parking lot and parking garage facilities;
  - (11) Construction of fixtures, equipment, facilities and appurtenances as may enhance the movement, convenience, and enjoyment of the public and be of economic benefit to district properties, such as: bus stop shelters; benches and street furniture; booths, kiosks, display cases and exhibits; signs; receptacles; canopies; pedestrian shelters; and fountains; and
  - (12) Construction of shoreline improvement, restoration, and protection projects.
- (c) A district may be established to provide for the operation, maintenance, removal and replacement of any supplemental service or improvement.
- (d) Any supplemental service or improvement undertaken by a district shall conform with all applicable laws and rules.
- (e) It is the intent of the council that the level of services being provided by the city in a district as of the effective date of the ordinance establishing such district not be affected by that ordinance or the levying of the special assessments. The ordinance establishing such district shall describe such level of services.
- (1990 Code, Ch. 36, Art. 1, § 36-1.5) (Added by Ord. 00-13; Am. Ords. 15-10, 17-57)

**§ 28-1.6 Payment of existing special assessments.**

A district may pay in full all amounts necessary to eliminate or reduce any special assessment liens.  
(1990 Code, Ch. 36, Art. 1, § 36-1.6) (Added by Ord. 00-13)

**§ 28-1.7 Advances of funds, work, or property in-kind.**

After the formation of a district, the district board may accept advances of funds, work, or property in-kind from any source. The district board may enter into an agreement with the person or entity advancing the funds, work, or property in-kind to repay all or a portion of the funds advanced or to reimburse the person or entity for the value or cost, whichever is less, of the work or property in-kind, as determined by the district board, with or without interest; provided that the proposal to repay the funds or reimburse the value or cost of the work or property in kind is included in the ordinance of formation for the district. Any such agreement shall not constitute a debt or liability of the city or be payable from sources other than the proceeds of the special assessments levied pursuant to this chapter.

(1990 Code, Ch. 36, Art. 1, § 36-1.7) (Added by Ord. 00-13)

**§ 28-1.8 Construction of chapter.**

This chapter shall be liberally construed to effectuate its purposes. No error, irregularity, or informality and no neglect or omission of any officer in any procedure taken under this chapter which does not directly affect the jurisdiction of the city to create a district for the provision of supplemental services and improvements shall void or invalidate such proceeding or any levy for the costs of such services or improvements.  
(1990 Code, Ch. 36, Art. 1, § 36-1.8) (Added by Ord. 00-13)

**§ 28-1.9 Validity of proceedings.**

The failure of any person to receive a notice, ordinance, order, or other matter shall not affect in any way the validity of any proceedings taken under this chapter or prevent the council from proceeding with any hearing so noticed or other action.  
(1990 Code, Ch. 36, Art. 1, § 36-1.9) (Added by Ord. 00-13)

## ARTICLE 2: PROCEEDINGS

### Sections

- 28-2.1 Institution of proceedings
- 28-2.2 Ordinance establishing the district
- 28-2.3 Mailed notice of hearing
- 28-2.4 Protest by more than 51 percent
- 28-2.5 District boundaries
- 28-2.6 District term
- 28-2.7 Financing of supplemental services and improvements—Payment of debt service on any bonds issued to finance improvements—Payment of incidental expenses identified in ordinance establishing the district
- 28-2.8 Designation of supplemental service and improvement area
- 28-2.9 District association
- 28-2.10 Financial records

#### **§ 28-2.1 Institution of proceedings.**

- (a) Proceedings for the establishment of a district may be instituted by the council on its own initiative or shall be instituted by the council at the request of the mayor.
  - (b) Proceedings for the establishment of a district shall be instituted by the council after receipt by the city clerk of a petition requesting the institution of the proceedings signed by landowners owning lands within the proposed district that have a real property tax assessed value of at least 25 percent of the total real property tax assessed value of all land in the proposed district.
- (1990 Code, Ch. 36, Art. 2, § 36-2.1) (Added by Ord. 00-13)

#### **§ 28-2.2 Ordinance establishing the district.**

- (a) If the council determines to establish a district, it shall do so by ordinance. The ordinance establishing the district shall at least do all of the following:
  - (1) State that a district is established under the terms of this chapter;
  - (2) State the name of the district in substantially the following form: “City and County of Honolulu Business Improvement District No. \_\_\_\_.” One or more additional descriptive words may be used in the name of the district to indicate its geographic area;
  - (3) State that the initial term of the proposed district is for five years, which is automatically renewed, unless an ordinance of termination is adopted, in which case operations of the district shall cease although the

term shall not expire until all debt service on bonds and incidental expenses and supplemental services expenses related thereto are fully paid or irrevocable provision for such payment has been made;

- (4) List the parcels of land to be assessed within the district identified by tax key number;
  - (5) State the general boundaries of the district or provide a map generally showing the same, or both. Should any discrepancy exist between the map and the description of the boundaries of the district, the map shall control;
  - (6) State the supplemental services and improvements to be provided and financed by the district and the total annual amount proposed to be expended for the supplemental services and improvements in the first operating year. If the incurring of incidental expenses is proposed, the ordinance shall identify the estimated expenses;
  - (7) Specify the principal amount of bonds to be issued, if any, to finance supplemental improvements in the district;
  - (8) State the incidental expenses to be paid from the special assessment;
  - (9) If a service area within the district is proposed to be established, state and describe the boundaries of the proposed service area, the name proposed for the service area, the supplemental services and improvements proposed to be financed by the district for the service area, and to what extent it is proposed that the district special assessments will be used in the service area for purposes of financing such services and improvements;
  - (10) State the rate and method of apportionment pursuant to which the first year's special assessment is to be levied;
  - (11) Prescribe the procedures for approval by the appropriate agency of the city for the design, plans, and specifications of any supplemental improvements to be undertaken in a district; and
  - (12) Include any other information required by HRS § 46-80.5 or this chapter.
- (b) When the ordinance establishing the district is passed on third reading, the council shall determine whether all proceedings were valid and in conformity with the requirements of this chapter. If the council so determines, it shall make a finding to that effect. The finding shall be final and conclusive.
- (1990 Code, Ch. 36, Art. 2, § 36-2.2) (Added by Ord. 00-13)

**§ 28-2.3 Mailed notice of hearing.**

- (a) The council shall fix the time and place for a hearing on the proposed ordinance establishing the district. The date of the hearing shall not be less than 30 or more than 90 days from the date of introduction of the proposed ordinance.

- (b) In addition to the public notice given pursuant to applicable law, the city clerk shall also send by first-class mail notice of the council public hearing to each owner of land proposed to be included and assessed in the proposed district. The notice shall be sent to the same address to which the real property tax assessment notice is sent. When more than one person is listed as fee owner or as lessee, one notice sent to one fee owner and to one lessee, as applicable, shall be sufficient for this subsection. The notice shall be mailed at least 15 days before the council public hearing and shall contain the following information:
    - (1) A summary of the ordinance establishing the district and the fact that the ordinance and the district plan are on file in the city clerk's office for public inspection;
    - (2) The time and place of the first public hearing on the establishment of the district;
    - (3) A statement that, at the hearing, the testimony of all interested persons and landowners for or against the establishment of the district, the extent of the district, and the levy of a special assessment will be heard; and
    - (4) A summary of the protest procedure and the form of any protests.
  - (c) Failure to give notice to any owner or failure of any owner to receive such notice shall not affect the validity or effectiveness of the hearing or any other proceedings taken under this chapter or any special assessment levied under this chapter if the council determines that a reasonable effort was made to give such notice. The council's determination shall be final and conclusive.
  - (d) The hearing may be continued from time to time, but shall be completed within 30 days; except that, if the council finds that the complexity of the proposed changes or the need for public participation requires additional time, the hearing may be continued from time to time for a period not to exceed 90 days from the date of the original hearing. At the conclusion of the hearing, the council, after considering all protests and such other relevant factors (such as the general plan or development plan) as it deems appropriate, may approve the ordinance establishing the district.
- (1990 Code, Ch. 36, Art. 2, § 36-2.3) (Added by Ord. 00-13)

**§ 28-2.4 Protest by more than 51 percent.**

- (a) Protests against the proposed ordinance establishing the district may be made in writing by landowners and if made shall be in such form as may be prescribed by the city clerk. All written protests shall be filed with the city clerk before or at the hearing. The council may waive any irregularities in the form or content of any written protest. Written protests may be withdrawn in writing by the owner who protested at any time before the conclusion of the hearing.
- (b) If the landowners owning lands proposed to be assessed within the district that have a real property tax assessed value of more than 51 percent of the total real property tax assessed value of all land proposed to be assessed in the district or if more than 51 percent of the owners of land proposed to be assessed in the district file written protests with the council before or at the public hearing against the proposed ordinance establishing the district and if protests are not withdrawn so as to reduce the amount of the protests to 51 percent or less, the proceedings to create the specified district shall cease. No proceedings to create the district shall again be undertaken for a period of 90 days from the date on which proceedings cease.

Council may continue the public hearing or recess the meeting to provide the city clerk time to count the protests and any withdrawals.

- (c) For the purpose of determining whether 51 percent of the owners of land have filed protests, the owner of each apartment in a condominium property regime that is specially assessed or proposed to be specially assessed shall have a vote equal to the following fraction: 1/the number of apartments in the condominium property regime which are, or are proposed to be, specially assessed.
  - (d) For the purpose of a protest regarding a parcel of land for which a fee owner and lessee appear on the real property assessment list, a protest by the fee owner, or the lessee, or both, shall be counted as a protest for that parcel of land.
- (1990 Code, Ch. 36, Art. 2, § 36-2.4) (Added by Ord. 00-13 )

**§ 28-2.5 District boundaries.**

- (a) A special improvement district may include areas of land that are not contiguous.
  - (b) Land may be included in more than one special improvement district.
- (1990 Code, Ch. 36, Art. 2, § 36-2.5) (Added by Ord. 00-13)

**§ 28-2.6 District term.**

The initial term of a district shall be for five years unless earlier terminated under Article 6. The term shall automatically renew for additional five-year terms, unless an ordinance terminating the district is adopted, in which case the operations of the district shall cease except for payment, or providing irrevocably for payment, of all debt service on bonds, supplemental services expenses, and incidental expenses related thereto.

(1990 Code, Ch. 36, Art. 2, § 36-2.6) (Added by Ord. 00-13)

**§ 28-2.7 Financing of supplemental services and improvements—Payment of debt service on any bonds issued to finance improvements—Payment of incidental expenses identified in ordinance establishing the district.**

- (a) Only the expenses of supplemental services and improvements identified in the ordinance establishing a district may be paid from the special assessments levied within a district.
  - (b) Only the debt service on any bonds issued to finance costs of supplemental improvements within the district and identified in the ordinance establishing the district may be paid from the special assessments levied within a district.
  - (c) Only the incidental expenses identified in the ordinance establishing the district may be paid from the special assessments levied within a district.
- (1990 Code, Ch. 36, Art. 2, § 36-2.7) (Added by Ord. 00-13)

**§ 28-2.8 Designation of supplemental service and improvement area.**

For the purpose of financing specified supplemental services and improvements, the council may designate a portion of a special improvement district as a supplemental service and improvement area. The designation shall be made in the ordinance establishing the district or an amendment thereto. A specified supplemental service and improvement area shall be known as “Service Area No. \_\_\_\_\_ of City and County of Honolulu Business Improvement District No. \_\_\_\_\_.” After the designation of a service area, all proceedings to levy special assessments for the financing of the specified supplemental services and improvements shall apply only to the service area, except to the extent otherwise provided in the ordinance establishing the district.  
(1990 Code, Ch. 36, Art. 2, § 36-2.8) (Added by Ord. 00-13)

**§ 28-2.9 District association.**

- (a) There shall be a district association for each special improvement district established pursuant to this chapter. The district association shall be a nonprofit corporation and shall have one or more classes of membership, voting or nonvoting. The purpose of the association shall be the carrying out of such activities as may be prescribed in the district plan. The articles of incorporation or bylaws of such association shall provide for voting representation of fee simple owners and lessees of land within the district and may provide that the votes of members who are owners of land be weighted in proportion to the special assessment levied or to be levied against the parcels of land within the district, and that members whose properties are exempt from the special assessment are nonvoting members. Alternatively, if no special assessment is imposed upon any property under the provisions of Article 3 of this chapter, the voting representation shall be established by the district board in accordance with the provisions of the ordinance establishing the district.
- (b) The district board shall be composed of representatives of fee simple owners, lessees of land, and tenants of commercial space within the district; provided, however, that not less than a majority of the district board members shall represent fee simple owners and lessees of land; and provided further, that tenants of commercial space within the district shall also be represented on the district board. The district board shall also include the following, all of whom shall serve as the incorporators of the association pursuant to the Hawaii Nonprofit Corporation Act:
  - (1) The chief engineer of the department of facility maintenance or the director’s designated representative, who shall be nonvoting member;
  - (2) The director of budget and fiscal services or the director’s designated representative, who shall be a nonvoting member;
  - (3) The mayor or the mayor’s designee, who shall be a voting member; and
  - (4) The councilmember of the district within which the majority of the land area within which the district is located or the councilmember’s designated representative, who shall be a voting member.

The district association may be incorporated prior to the effective date of any district established pursuant to this chapter. If no special assessment is imposed upon any property under the ordinance establishing the district, the voting and non-voting representation shall be established by the district board in accordance with the ordinance establishing the district.

- (c) In addition to such other powers as are conferred to it by law or this chapter, the district board shall have the power to carry out the activities prescribed in the district plan including but not limited to:
- (1) Determining the scope and specifications for the performance standards;
  - (2) Letting contracts for the supplemental services or for the management of operations of the district;
  - (3) Entering into contracts for any one or more of the following: the development of plans, design, construction or renovation of supplemental improvements; and
  - (4) Adopting the annual budget for the district.
- (1990 Code, Ch. 36, Art. 2, § 36-2.9) (Added by Ord. 00-13; Am. Ord. 17-57)

**§ 28-2.10 Financial records.**

The district board shall maintain financial records regarding the operation of the district and the contracts for supplemental services and improvements.

The district board shall make such financial records available to the public during regular business hours upon reasonable notice to the district board.

If required by the ordinance establishing the district, such financial records shall be audited by a certified public accountant and the audit report made available to the council and the public.  
(1990 Code, Ch. 36, Art. 2, § 36-2.10) (Added by Ord. 00-13)

## ARTICLE 3: SPECIAL ASSESSMENT

### Sections

- 28-3.1 Special assessment apportionment
- 28-3.2 Special assessment levy
- 28-3.3 Exemptions
- 28-3.4 Special assessment payment and collection
- 28-3.5 Special assessment lien
- 28-3.6 Special assessment notice to owners of land
- 28-3.7 Special assessment notice to prospective buyer or lessee of parcel of land
- 28-3.8 Special assessment obligation for parcel of land acquired by city

### **§ 28-3.1 Special assessment apportionment.**

A special assessment levied pursuant to this chapter may be based on benefit received by a parcel of land, the cost of making a supplemental service available to a parcel of land, the cost of supplemental services and improvements benefitting a parcel of land, the stage or type of development or use of a parcel of land, the happening of one or more specified events related to the development or improvement of all or certain parcels of land, or any other reasonable basis or formula as determined by the council. Any determination of the reasonableness of any special assessment or the rate or method of the apportionment thereof by the council in the ordinance establishing the district shall be final and conclusive.

(1990 Code, Ch. 36, Art. 3, § 36-3.1) (Added by Ord. 00-13)

### **§ 28-3.2 Special assessment levy.**

- (a) During the first special assessment year, special assessments shall be levied and apportioned pursuant to the rate and method specified in the ordinance establishing the district. Prior to the commencement of the second and each subsequent special assessment year, the district board shall prepare and submit a report to the council that shall include the anticipated surplus or deficit from the preceding special assessment year as well as any proposed new rate or method of special assessment for the next special assessment year. The report shall be due by the date set in the ordinance establishing the district or, if the ordinance does not include such a date, the 30th day preceding the commencement of the next special assessment year.
  - (1) If the proposed special assessment for a special assessment year does not exceed 110 percent of the preceding special assessment year's total annual special assessment, the new rate based upon the method of special assessment specified in the ordinance establishing the district shall take effect upon the new special assessment year.
  - (2) If the proposed special assessment for a special assessment year exceeds 110 percent of the preceding special assessment year's total annual special assessment, the district board may recommend to the council

a change to the rate or method of apportionment of an existing special assessment for a district and the recommendation shall be accompanied by a justification and proposed ordinance of consideration.

- (3) The council shall review and may approve the ordinance of consideration in accordance with this article.
  - (b) The district board shall have the power to:
    - (1) Determine the annual amount due from each landowner subject to the special assessment; and
    - (2) Make an adjustment to the annual amount due when required by the special assessment base or formula in the applicable ordinance establishing the district.
  - (c) An owner of land who was not entitled to protest a proposed ordinance under §§ 28-2.4, 28-4.7, or 28-5.6 shall not be subject to a special assessment levied on that owner's land pursuant to such ordinance.
  - (d) Special assessments shall be levied only as long as needed to pay costs of supplemental services and improvements, debt service, and incidental expenses.
- (1990 Code, Ch. 36, Art. 3, § 36-3.2) (Added by Ord. 00-13; Am. Ord. 01-02)

### **§ 28-3.3 Exemptions.**

The properties owned by the United States except for property and leases of government property subject to real property taxation under §§ 8-10.14, 8-10.15, and 8-10.16, shall be exempt from any special assessment. The properties owned by the State and the city, except for property and leases of government property subject to real property taxation under §§ 8-10.14, 8-10.15, and 8-10.16, may be exempt from any special assessment. No other properties or entities within a district shall be exempt from the special assessment, unless expressly exempted in the ordinance establishing the district.

(1990 Code, Ch. 36, Art. 3, § 36-3.3) (Added by Ord. 00-13)

### **§ 28-3.4 Special assessment payment and collection.**

- (a) The director of budget and fiscal services shall collect the special assessment for a district on a basis to be agreed upon by the city, through its director of budget and fiscal services and the district board. The director of budget and fiscal services shall deposit all moneys so collected in an account for the district in the general trust fund, unless another city fund is identified as the depository in the ordinance establishing the district.
- (b) All special assessments levied shall be due and payable according to terms established by the district board.
- (c) Failure to pay the amount assessed when due shall thereafter bear penalty and interest at rates and terms determined by the district board. Any penalties and interest collected shall be deposited in that district's fund.
- (d) The director of budget and fiscal services may deduct from special assessments collected the administrative expenses directly incurred in collection.

- (e) Special assessments collected shall be transmitted to the district within 15 days after the date that they are due and payable to the city.
- (f) By a date set in the ordinance establishing the district or written agreement between the district board and city, the director of budget and fiscal services shall prepare and submit a report to the district board summarizing the special assessments collected or that remain unpaid by parcel of land and landowner, the amount of interest and penalties collected, the amount of moneys paid out for district purposes, and the amount of administrative expenses directly incurred in the collection of special assessments, that were deducted from the amounts collected.

(1990 Code, Ch. 36, Art. 3, § 36-3.4) (Added by Ord. 00-13; Am. Ord. 01-02)

### **§ 28-3.5 Special assessment lien.**

- (a) The special assessment levied on a parcel of land and the applicable penalty, interest, and costs of collection shall be a lien against the land and improvements of the parcel of land. The lien shall attach from the effective date of the ordinance establishing a district and levying the special assessment on the parcel of land and shall be extinguished when the special assessment and any applicable penalty, interest, and costs of collection are fully paid or terminated.
- (b) The lien of the special assessment shall have priority over all other liens, except the lien of general real property taxes and shall be on a parity with the lien of assessments levied under HRS §§ 46-80 and 46-80.1 and Chapter 27 herein. All liens of special assessments made pursuant to this chapter shall be on a parity as to each other without regard to when made or for what purpose.
- (c) If any special assessment is not paid when due, the department of budget and fiscal services may, after not less than two months of delinquency, foreclose the lien of special assessment to collect the delinquent amount and any penalty, interest, and costs, in the same manner as the foreclosure of the lien of real property taxes.
- (d) In any event, the department of budget and fiscal services shall foreclose the lien before the end of the 6th year of a delinquency.

(1990 Code, Ch. 36, Art. 3, § 36-3.5) (Added by Ord. 00-13)

### **§ 28-3.6 Special assessment notice to owners of land.**

For the first special assessment year of a district, notices of the special assessments shall be sent to all assessed landowners at the address shown on the real property tax assessment list. The notice shall be sent by the date set in the ordinance establishing the district or, if the ordinance does not include such a date, by the date agreed to by the district board and city. Each notice shall set forth the amount of the special assessment levied, the rate and method of apportionment of the special assessment, and the date when the special assessment is due. Failure to give or receive such notice to or by any landowner shall not affect the validity of the special assessment, nor entitle the landowner to an extension of time within which to pay the special assessment.

After the first special assessment year, notice of special assessments may be sent annually to the assessed landowners; provided that the date of such annual notice may be adjusted by the city in accordance with the ordinance establishing the district.

The notices of special assessment for the first year and any subsequent year shall be sent by the director of budget and fiscal services or by the district association on behalf of the director if so agreed to by the director and district board.

(1990 Code, Ch. 36, Art. 3, § 36-3.6) (Added by Ord. 00-13; Am. Ord. 01-02, 02-49)

**§ 28-3.7 Special assessment notice to prospective buyer or lessee of parcel of land.**

Before entering into an agreement to sell or lease a parcel of land subject to a special assessment levy and lien, the landowner shall notify the prospective buyer or lessee of the existence of the levy and lien in writing. Failure to give or receive such notice to or by any landowner shall not affect the validity of the special assessment nor entitle the landowner to an extension of time within which to pay the special assessment.

(1990 Code, Ch. 36, Art. 3, § 36-3.7) (Added by Ord. 00-13)

**§ 28-3.8 Special assessment obligation for parcel of land acquired by city.**

If a parcel of land subject to a special assessment is acquired by the city by foreclosure or gift or devise, the parcel of land shall be sold as soon as practicable, and the purchaser of the parcel of land shall take title subject to the lien of the special assessment and shall be required to pay the special assessments then due as part of the purchase price and the special assessments becoming due from and after the sale date.

(1990 Code, Ch. 36, Art. 3, § 36-3.8) (Added by Ord. 00-13)

## **ARTICLE 4: CHANGES IN AUTHORIZED SUPPLEMENTAL SERVICES, IMPROVEMENTS, AND SPECIAL ASSESSMENT**

### Sections

- 28-4.1 Authorization to change supplemental service and improvements or special assessment
- 28-4.2 Ordinance of consideration
- 28-4.3 Request for changes
- 28-4.4 Contents of proposed ordinance of consideration
- 28-4.5 Notice of hearing on proposed ordinance of consideration
- 28-4.6 Protests against the proposed ordinance of consideration
- 28-4.7 Protest by more than 51 percent
- 28-4.8 Duration of hearing—Determination
- 28-4.9 Filing of notice

### **§ 28-4.1 Authorization to change supplemental service and improvements or special assessment.**

- (a) Upon request of the district board, the council may change the authorized supplemental services and improvements, the supplemental services and improvements to be financed, the rate or method of apportionment of a special assessment, or the boundaries of the district other than an annexation provided in Article 5, or the council may require the levy of a new special assessment. Such change or new levy shall be accomplished in accordance with this article.
- (b) Any other amendments to the ordinance establishing the district not specifically controlled by this chapter may be accomplished by ordinance but need not comply with this article, Article 5, or Article 6.  
(1990 Code, Ch. 36, Art. 4, § 36-4.1) (Added by Ord. 00-13; Am. Ord. 01-10)

### **§ 28-4.2 Ordinance of consideration.**

- (a) If the council determines that the public convenience and necessity require a change permitted under § 28-4.1(a) or require the levy of a new special assessment, the council may approve an ordinance of consideration to do so.

The council shall commence proceedings only upon receipt of a request from the board directors.

- (b) An ordinance of consideration for a district shall be an amendment of the ordinance establishing the district.  
The ordinance of consideration shall contain the pertinent information required by § 28-4.4.  
(1990 Code, Ch. 36, Art. 4, § 36-4.2) (Added by Ord. 00-13; Am. Ord. 01-10)

**§ 28-4.3 Request for changes.**

The council may commence proceedings to approve an ordinance of consideration if receiving a request from the district board requesting a change permitted under § 28-4.1(a) or the levy of a new special assessment. (1990 Code, Ch. 36, Art. 4, § 36-4.3) (Added by Ord. 00-13; Am. Ord. 01-10)

**§ 28-4.4 Contents of proposed ordinance of consideration.**

A proposed ordinance of consideration shall do all of the following:

- (1) State the name of the district;
  - (2) Describe the boundaries of the district;
  - (3) Specify the proposed change to the supplemental services or improvements, the supplemental services or improvements to be financed or the boundaries;
  - (4) Specify whether the issuance and sale of bonds to finance any supplemental improvements is required;
  - (5) Specify any proposed new special assessment which will be levied to finance new or existing supplemental services and improvements or payment of debt service for supplemental improvements; and
  - (6) Specify any proposed change to the rate or method of apportionment of an existing special assessment.
- (1990 Code, Ch. 36, Art. 4, § 36-4.4) (Added by Ord. 00-13)

**§ 28-4.5 Notice of hearing on proposed ordinance of consideration.**

- (a) The council shall fix the time and place for a hearing on the proposed ordinance of consideration. The date of the hearing shall not be less than 30 or more than 90 days from the date of introduction of the proposed ordinance.
- (b) The city clerk shall publish notice of the hearing in the same manner as required under § 28-2.3 for notice of a hearing to owners of land within a proposed district. In addition, the city clerk shall mail the notice to each owner of land assessed or proposed to be assessed in the district at least 15 days before the hearing in the manner described in § 28-2.3.
- (c) The notice shall contain all of the following information:
  - (1) A summary of the proposed ordinance and a statement that the proposed ordinance is on file in the city clerk's office for public inspection (alternatively, the notice may contain the full text of the proposed ordinance);
  - (2) The time and place of the hearing;
  - (3) A statement that, at the hearing, the testimony of all interested persons and landowners for or against the proposed changes will be heard; and

## **Changes in Authorized Supplemental Services, Improvements, and Special Assessment § 28-4.9**

- (4) A summary of the protest procedure and the form of any protest, including the respective rights of an owner and the effect of protests made against the proposed changes.

(1990 Code, Ch. 36, Art. 4, § 36-4.5) (Added by Ord. 00-13)

### **§ 28-4.6 Protests against the proposed ordinance of consideration.**

Protests against the proposed ordinance of consideration may be made in writing by landowners and if made shall be in such form as may be prescribed by the city clerk. All written protests shall be filed with the city clerk before or at the hearing. The council may waive any irregularities in the form or content of any written protest. Written protests may be withdrawn in writing by the owner who protested at any time before the conclusion of the hearing.

(1990 Code, Ch. 36, Art. 4, § 36-4.6) (Added by Ord. 00-13)

### **§ 28-4.7 Protest by more than 51 percent.**

If the landowners owning lands which are assessed or proposed to be assessed within the district that have a real property tax assessed value of more than 51 percent of the total real property tax assessed value of all land assessed or proposed to be assessed in the district, or if more than 51 percent of the owners of land assessed or proposed to be assessed in the district file written protests with the council before or at the public hearing against the proposed ordinance of consideration, and if protests are not withdrawn so as to reduce the amount of the protests to 51 percent or less, the ordinance of consideration shall not be approved. No proceedings to include the provision in another ordinance of consideration shall again be undertaken for a period of 90 days from the close of the hearing.

Section 28-2.4(c) and (d) shall apply to protests under this section.

(1990 Code, Ch. 36, Art. 4, § 36-4.7) (Added by Ord. 00-13)

### **§ 28-4.8 Duration of hearing—Determination.**

The hearing may be continued from time to time, but shall be completed within 30 days; except that, if the council finds that the complexity of the proposed changes or the need for public participation requires additional time, the hearing may be continued from time to time for a period not to exceed 90 days from the date of the original hearing. At the conclusion of the hearing, the council, after considering all protests and such other relevant factors (such as the general plan or development plan) as it deems appropriate, may approve the ordinance of consideration.

(1990 Code, Ch. 36, Art. 4, § 36-4.8) (Added by Ord. 00-13)

### **§ 28-4.9 Filing of notice.**

After the effective date of an ordinance of consideration, the director of budget and fiscal services shall provide notice of any change in the district or the special assessment or levy in the manner specified under § 28-3.6.

(1990 Code, Ch. 36, Art. 4, § 36-4.9) (Added by Ord. 00-13)

## **Honolulu - Land Use**

## **ARTICLE 5: ANNEXATION OF TERRITORY**

### **Sections**

- 28-5.1 Authorization to annex—Contiguity not required
- 28-5.2 Ordinance of annexation
- 28-5.3 Contents of proposed ordinance of annexation
- 28-5.4 Notice of hearing on proposed ordinance of annexation
- 28-5.5 Protests against proposed ordinance of annexation
- 28-5.6 Protest by more than 51 percent
- 28-5.7 Duration of hearing—Determination
- 28-5.8 Filing of notice

#### **§ 28-5.1 Authorization to annex—Contiguity not required.**

The council may annex an area of land to an existing district in accordance with this article. The annexed land need not be contiguous to the existing district.

(1990 Code, Ch. 36, Art. 5, § 36-5.1) (Added by Ord. 00-13)

#### **§ 28-5.2 Ordinance of annexation.**

Upon request of the district board, if the council determines that the public convenience and necessity require the addition of land to an existing district, the council may approve an ordinance of annexation adding the land. The ordinance of annexation adding land to an existing district shall be deemed an amendment of the ordinance of formation for that district.

(1990 Code, Ch. 36, Art. 5, § 36-5.2) (Added by Ord. 00-13)

#### **§ 28-5.3 Contents of proposed ordinance of annexation.**

(a) A proposed ordinance of annexation shall do all of the following:

- (1) State the name and term of the existing district;
- (2) Describe the boundaries of the existing district and the area proposed to be annexed;
- (3) Identify the supplemental services and improvements provided and financed by the existing district, the supplemental services and improvements to be provided and financed by the area proposed to be annexed, and the supplemental services and improvements to be provided and financed in common by both;
- (4) Specify the proposed new special assessment which will be levied within the area proposed to be annexed; and

- (5) Specify any proposed change to the special assessment within the existing district as a result of the proposed annexation.

- (b) The special assessment rate in the existing district shall not be increased as a result of annexation proceedings pursuant to this article.

(1990 Code, Ch. 36, Art. 5, § 36-5.3) (Added by Ord. 00-13)

**§ 28-5.4 Notice of hearing on proposed ordinance of annexation.**

- (a) The council shall fix the time and place for a hearing on the proposed ordinance of annexation. The date of the hearing shall not be less than 30 or more than 90 days from the date of introduction of the proposed ordinance.

- (b) The city clerk shall publish notice of the hearing in the same manner as required under § 28-2.3 for notice of a hearing to owners of land within a proposed district. In addition, the city clerk shall mail the notice to each owner of land assessed or proposed to be assessed in the existing district and area proposed to be annexed. The notice shall be mailed at least 15 days before the hearing in the manner described in § 28-2.3.

- (c) The notice shall contain all of the following information:

- (1) A summary of the proposed ordinance and a statement that the proposed ordinance is on file in the city clerk's office for public inspection (alternatively, the notice may contain the full text of the proposed ordinance);

- (2) The time and place of the hearing;

- (3) A statement that, at the hearing, the testimony of all interested persons and landowners for or against the proposed annexation will be heard; and

- (4) A summary of the protest procedure and the form of any protests, including the rights of an owner of land and the effect of protests made against the proposed annexation.

(1990 Code, Ch. 36, Art. 5, § 36-5.4) (Added by Ord. 00-13)

**§ 28-5.5 Protests against proposed ordinance of annexation.**

Protests against the proposed ordinance of annexation may be made in writing by landowners of land in the existing district or by landowners of land in the area proposed to be annexed and, if made, shall be in such form as may be prescribed by the city clerk. All written protests shall be filed with the city clerk before or at the hearing. The council may waive any irregularities in the form or content of any written protest. Written protests may be withdrawn in writing by the owner who protested at any time before the conclusion of the hearing.

(1990 Code, Ch. 36, Art. 5, § 36-5.5) (Added by Ord. 00-13)

**§ 28-5.6 Protest by more than 51 percent.**

- (a) If either:

- (1) The landowners owning lands which are specially assessed in the existing district that have a real property tax assessed value of more than 51 percent of the total real property tax assessed value of land specially assessed in the existing district;
- (2) The landowners owning lands which are proposed to be annexed and specially assessed that have a real property tax assessed value of more than 51 percent of the total real property tax assessed value of land proposed to be annexed and specially assessed;
- (3) More than 51 percent of the owners of lands which are specially assessed in the existing district; or
- (4) More than 51 percent of the owners of land which are proposed to be annexed and specially assessed;

file written protests with the council before or at the public hearing against the proposed annexation and if protests are not withdrawn so as to reduce the amount of the protests to 51 percent or less, the annexation proceedings shall cease.

Section 28-2.4(c) and (d) shall apply to protests under this section.

- (b) If the annexation proceedings cease pursuant to subsection (a), no proceedings to annex the land shall be undertaken for a period of 90 days from the close of the hearing.  
(1990 Code, Ch. 36, Art. 5, § 36-5.6) (Added by Ord. 00-13)

**§ 28-5.7 Duration of hearing—Determination.**

The hearing may be continued from time to time, but shall be completed within 30 days; except that, if the council finds that the complexity of the proposed annexation or the need for public participation requires additional time, the hearing may be continued from time to time for a period not to exceed 90 days from the date of the original hearing. At the conclusion of the hearing, the council, after considering all protests and such other relevant factors (such as the general plan or development plan) as it deems appropriate, may approve or disapprove the ordinance of annexation (in the form in which it was introduced or with such changes as determined by the council and permitted by this part). Thereafter, the city may levy the special assessment on the annexed land.  
(1990 Code, Ch. 36, Art. 5, § 36-5.7) (Added by Ord. 00-13)

**§ 28-5.8 Filing of notice.**

After the effective date of an ordinance of annexation, the director of budget and fiscal services shall provide notice of any special assessment change or levy in the manner specified under § 28-3.6.  
(1990 Code, Ch. 36, Art. 5, § 36-5.8) (Added by Ord. 00-13)

## **Honolulu - Land Use**

## **ARTICLE 6: TERMINATION OF DISTRICT**

### Sections

- 28-6.1 Authorization to terminate the district
- 28-6.2 Ordinance terminating the district
- 28-6.3 Contents of proposed ordinance terminating the district
- 28-6.4 Notice of hearing on proposed ordinance terminating the district

### **§ 28-6.1 Authorization to terminate the district.**

- (a) The council may terminate a district at any time for cause due to the wilful misconduct or gross negligence on the part of the district board. The council shall initiate proceedings to terminate the district for cause by a resolution and shall terminate the district by an ordinance.
- (b) The council, on its own initiative, may terminate a district at the expiration of the then-occurring five-year term in accordance with this article. The council shall initiate proceedings to terminate a district at the expiration of the then-occurring five-year term by a resolution and shall terminate the district by an ordinance.
- (c) The council may terminate a district at any time upon request from the district board. A termination shall be accomplished in accordance with this article.
- (d) Except as set forth herein, the council may not initiate proceedings to terminate a district.  
(1990 Code, Ch. 36, Art. 6, § 36-6.1) (Added by Ord. 00-13)

### **§ 28-6.2 Ordinance terminating the district.**

- (a) Upon its own initiative or receipt of the request from the district board, both as set forth in § 28-6.1, if the council determines that the public convenience and necessity will be promoted by terminating a district, the council may approve an ordinance terminating the district.
  - (b) The council shall not approve an ordinance terminating a district, unless:
    - (1) Provisions are included to assure the payment of all outstanding debt service on any bonds issued to finance improvements within the district from the special assessments or accumulated reserves of the district or as council otherwise deems necessary; and
    - (2) Provisions are included to assure the payment of all outstanding incidental expenses and supplemental services expenses accrued for the district from the special assessments or accumulated reserves of the district or as council otherwise deems necessary.
- (1990 Code, Ch. 36, Art. 6, § 36-6.2) (Added by Ord. 00-13)

**§ 28-6.3 Contents of proposed ordinance terminating the district.**

A proposed ordinance terminating the district shall do all of the following:

- (1) State the name of the district;
- (2) Describe the boundaries of the district;
- (3) Identify the proposed termination date of the district;
- (4) Give a narrative justification for the proposed termination;
- (5) With respect to bonds issued to finance improvements for the district:
  - (A) Guarantee the payment of the bonds before the termination of the district; or
  - (B) Establish a method by which the bonds will be paid after the termination of the district;
- (6) With respect to incidental expenses accrued for the district:
  - (A) Guarantee the payment of the incidental expenses before the termination of the district; or
  - (B) Establish a method by which incidental expenses, if any, will be paid after the termination of the district; and
- (7) With respect to supplemental services expenses accrued for the district:
  - (A) Guarantee the payment of the supplemental services expenses before the termination of the district; or
  - (B) Establish a method by which supplemental services expenses, if any, will be paid after the termination of the district.

(1990 Code, Ch. 36, Art. 6, § 36-6.3) (Added by Ord. 00-13)

**§ 28-6.4 Notice of hearing on proposed ordinance terminating the district.**

The council shall fix the time and place for a hearing on the proposed ordinance terminating the district. The date of the hearing shall not be less than 30 or more than 90 days from the date of introduction of the proposed ordinance.

The city clerk shall publish notice of the hearing in the same manner as required under § 28-2.3 for notice of a hearing to institute proceedings. In addition, the city clerk shall mail the notice to each owner of land assessed in the district at least 15 days before the hearing.

The notice shall contain all of the following information:

## **Termination of District**

§ 28-6.4

- (1) A summary of the proposed ordinance and the fact that the proposed ordinance is on file in the city clerk's office for public inspection (alternatively, the notice may contain the full text of the proposed ordinance);
- (2) The time and place of the hearing; and
- (3) A statement that, at the hearing, the testimony of all interested persons and landowners for or against the proposed termination will be heard.

(1990 Code, Ch. 36, Art. 6, § 36-6.4) (Added by Ord. 00-13)

## **Honolulu - Land Use**

## ARTICLE 7: BONDS

### Sections

- 28-7.1 Bond ordinance
- 28-7.2 Costs includable in bond principal
- 28-7.3 Minimum value-to-lien ratio
- 28-7.4 Covenant to pursue foreclosure action to collect delinquent special assessments
- 28-7.5 Signing of bonds
- 28-7.6 Manner of sale
- 28-7.7 Bond fund
- 28-7.8 Refunding bonds
- 28-7.9 Prohibition on issuance of general obligation bonds secured by general credit
- 28-7.10 Debt limit calculation

### § 28-7.1 Bond ordinance.

- (a) Whenever the council deems it necessary or appropriate that special improvement district bonds be issued to finance the cost of supplemental improvements or to reimburse the cost thereof previously paid, the council may authorize the issuance of bonds. The issuance shall be authorized by a bond ordinance approved with or after the approval of the ordinance establishing the district and levying the special assessment to finance the costs of supplemental improvements. The bond ordinance shall provide for the following:
- (1) The issuance of the bonds in one or more series;
  - (2) The date the bonds shall bear;
  - (3) The maturity date or dates of the bonds, which shall not be more than 30 years after the issuance date of the bonds;
  - (4) The rate or maximum rate of interest on the bonds, which shall not exceed the maximum rate permitted by law and which may be fixed or variable and simple or compound;
  - (5) The time or times at which interest shall be payable;
  - (6) The denomination of the bonds;
  - (7) The form of the bonds;
  - (8) The conversion or registration privileges carried by the bonds;
  - (9) The rank or priority of the bonds;

- (10) The manner of execution of the bonds;
  - (11) The medium of payment of the bonds;
  - (12) The place or places of payment;
  - (13) The terms of redemption and the redemption price or prices to which the bonds are subject;
  - (14) The pledge or assignment of all or part of the special assessments collected from the district thereof, the liens securing such special assessments, or any other funds which are intended by the council to secure payment of the bonds. The pledge shall be superior to all other claims on the special assessments (except to the extent otherwise provided in this chapter and the bond ordinance);
  - (15) The establishment and handling of a separate special fund or funds to pay or secure the bonds or to pay for the costs of supplemental improvements or incidental expenses;
  - (16) The obligations in which may be invested the proceeds of the bonds and any other funds (including special assessments) pledged to secure payment of the bonds; and
  - (17) Any other provisions for the issuance, payment, security, credit enhancement, handling of funds, default, remedy, or other matter related to the bonds which the council deems appropriate.
- (b) The bond ordinance may provide that any or all of the terms listed in this section or elsewhere in this article may be determined and fixed by the director of budget and fiscal services at or before the delivery of the bonds or in an indenture, trust agreement, or fiscal agent agreement between the city and a corporate trustee or fiscal agent located within or without the State.
- (1990 Code, Ch. 36, Art. 7, § 36-7.1) (Added by Ord. 00-13)

**§ 28-7.2 Costs includable in bond principal.**

The principal amount of bonds authorized to be issued may include all costs and estimated costs of supplemental improvements and related expenses.

(1990 Code, Ch. 36, Art. 7, § 36-7.2) (Added by Ord. 00-13)

**§ 28-7.3 Minimum value-to-lien ratio.**

The principal amount of bonds authorized to be issued for a district shall not exceed one-third of the value of the real property upon which a special assessment is levied for payment of the debt service on the bonds. The “value of the real property” shall be the fair market value of the land, the improvements thereon and the improvements, within the meaning of § 28-1.5, to be constructed within the district, as shown by the real property tax assessed values of the subject property.

(1990 Code, Ch. 36, Art. 7, § 36-7.3) (Added by Ord. 00-13)

**§ 28-7.4 Covenant to pursue foreclosure action to collect delinquent special assessments.**

The director of budget and fiscal services may covenant, for the benefit of bond owners, to commence and diligently pursue to completion any foreclosure action regarding delinquent special assessments. The covenant may specify a deadline for commencement of the foreclosure action and any other terms and conditions the director of budget and fiscal services determines reasonable regarding the foreclosure action.

(1990 Code, Ch. 36, Art. 7, § 36-7.4) (Added by Ord. 00-13)

**§ 28-7.5 Signing of bonds.**

Unless otherwise specified in the bond ordinance, the bonds shall be signed by the mayor and countersigned by the director of budget and fiscal services or the director's deputy. Signatures on the bonds may be manual or facsimile. If any officer whose signature appears on the bonds vacates the office before the delivery of the bonds, the signature shall be as effective as if the officer had remained in office.

(1990 Code, Ch. 36, Art. 7, § 36-7.5) (Added by Ord. 00-13)

**§ 28-7.6 Manner of sale.**

The director of budget and fiscal services may sell bonds at public or private sale at the times, for the price or prices, and in the manner the council determines to be appropriate and in the public interest (such determination being final and conclusive).

(1990 Code, Ch. 36, Art. 7, § 36-7.6) (Added by Ord. 00-13)

**§ 28-7.7 Bond fund.**

All of the collections for payment of principal of and interest on bonds and related expenses shall be paid into a district bond or reserve fund and shall be used solely for the payment of the principal of and interest on the outstanding bonds of the district and related expenses, all as provided in the bond ordinance.

(1990 Code, Ch. 36, Art. 7, § 36-7.7) (Added by Ord. 00-13)

**§ 28-7.8 Refunding bonds.**

- (a) The council may authorize the issuance of bonds to refund any or all of the district bonds outstanding that have been issued pursuant to this article. The refunding bonds shall be authorized by a bond ordinance.
- (b) Refunding bonds shall not be issued if the total net interest cost to maturity on the refunding bonds plus the principal amount of the refunding bonds exceeds the total net interest cost to maturity on the bonds to be refunded plus the principal amount of the bonds to be refunded. Subject to such limitations, the principal amount of the refunding bonds may be more than, less than, or the same as the principal amount of the bonds to be refunded. The principal amount of such refunding bonds shall not count against any maximum amount of bonds authorized in the original bond ordinance.
- (c) The designated costs of issuing refunding bonds shall be paid from proceeds of the refunding bonds, interest earned on such proceeds, or special assessments from the district. However, any interest or special assessments

paid for the designated costs shall be added to the total net interest costs to maturity on the refunding bonds in determining whether the issuance of the refunding bonds complies with subsection (b).

“Designated costs of issuing the refunding bonds” means any of the following costs and expenses designated by the council in the bond ordinance authorizing the issuance of the refunding bonds:

- (1) All expenses incident to the calling, retiring, or paying of the bonds to be refunded and incident to the issuance of refunding bonds, including the charges of any agent in connection with the issuance of the refunding bonds or the redemption or retirement of the bonds to be refunded;
  - (2) The interest upon the refunding bonds from the date of sale of the refunding bonds to the date of payment of the bonds to be refunded or the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of the bonds;
  - (3) Any premium necessary in the calling or retiring of the bonds to be refunded;
  - (4) Any insurance premium or fee payable to the issuer of a bond insurance policy or letter of credit insuring all or part of the principal or interest, or both, due on the refunding bonds; and
  - (5) Any other incidental expense related to the issuance or carrying of the refunding bonds or the redemption or refunding of the bonds to be refunded.
- (d) The saving achieved through the issuance of refunding bonds shall be used by the council to reduce the special assessment levied in the district.

At the time the council authorizes the issuance of refunding bonds, the council also shall reduce the special assessments levied in the district. The reduction shall be made through an ordinance of consideration pursuant to Article 4.

(1990 Code, Ch. 36, Art. 7, § 36-7.8) (Added by Ord. 00-13)

#### **§ 28-7.9 Prohibition on issuance of general obligation bonds secured by general credit.**

No general obligation bonds secured by the city’s general credit shall be issued to finance the costs of improvements identified in an ordinance establishing a district or pay for the incidental expenses of a district.

(1990 Code, Ch. 36, Art. 7, § 36-7.9) (Added by Ord. 00-13)

#### **§ 28-7.10 Debt limit calculation.**

Bonds issued under this article, when the only security is the special assessments levy or lien in a district, shall be excluded from any determination of the power of the city to issue general obligation bonds or funded debt for purposes of § 13 of Article VII of the State constitution.

(1990 Code, Ch. 36, Art. 7, § 36-7.10) (Added by Ord. 00-13)

## APPENDIX 28-A: SPECIFIC SPECIAL IMPROVEMENT DISTRICT ORDINANCES

<i>Ord. No.</i>	<i>Approval Date</i>	
00-40	6-20-2000	Establishes Waikiki special improvement district No. 1 (eff. 7-1-2000)
01-22	5-9-2001	Section 3 of Ord. 00-40 and § 9(c) of Exhibit A amended by Ord. 01-22
02-48	10-10-2002	Establishes the Fort Street Mall special improvement district No. 2 (amended by Ord. 07-44)
07-44	10-29-2007	Amends the Fort Street Mall special improvement district plan, designated as Exhibit A in Ord. 02-48, by revising the boundaries
15-11	5-18-2015	Establishes Waikiki special improvement district No. 3

(1990 Code, Ch. 36, Appendix 36-A)

## **Honolulu - Land Use**

## **CHAPTER 29: AFFORDABLE HOUSING REQUIREMENTS**

### Article

1. General Affordable Housing Requirements

## **Honolulu - Land Use**

## ARTICLE 1: GENERAL AFFORDABLE HOUSING REQUIREMENTS

### Section

- 29-1.1 Purpose
- 29-1.2 Definitions
- 29-1.3 Applicability
- 29-1.4 Affordable housing requirement
- 29-1.5 Affordability period
- 29-1.6 Marketing period
- 29-1.7 Appeals
- 29-1.8 Procedures
- 29-1.9 Violation
- 29-1.10 Administration and fees
- 29-1.11 Rules

#### § 29-1.1 Purpose.

This chapter establishes a regulatory scheme for the development and use of real property within the city to promote the public welfare. It requires certain projects intended for residential use to contribute to the affordable housing supply by either constructing new dwelling units, substantially rehabilitating existing dwelling units, or providing improved land for affordable housing.

(Added by Ord. 18-10)

#### § 29-1.2 Definitions.

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

**Area Median Income** or **AMI**. The median income determined by HUD annually for the Honolulu Metropolitan Statistical Area as adjusted for household size.

**Common Entrance**. Any area regularly used by any resident for ingress to and egress from a multifamily dwelling.

**Declarant**. The person executing the affordable housing agreement and the declaration of restrictive covenants required by § 29-1.8.

**Department**. The department of planning and permitting.

**Development Agreement**. Has the same meaning as described and authorized under Chapter 33.

**Development Plan Area.** The area specified within the city’s approved development/sustainable communities plan for that specific region of Oahu.

**Director.** The director of planning and permitting or the director’s authorized representative.

**First Marketing Period.** The first 120 days during which an affordable dwelling is marketed, and may be rented or sold, as applicable, to households earning the applicable AMI.

**Hotel.** Has the same meaning as defined in § 21-10.1, and also includes condo-hotels owned under a condominium property regime.

**HUD.** The United States Department of Housing and Urban Development.

**HUD AMI Income Limit.** The maximum household income limit for a household to be eligible for HUD assisted housing programs, as published annually by HUD.

**Interim Planned Development-Transit Project or IPD-T Project.** A project for which an application for a permit is submitted pursuant to § 21-9.100-5.

**Legal Obligation.** An obligation or duty that is enforceable by a court of law, including but not limited to requirements or conditions imposed by unilateral agreements, development agreements, HRS Chapter 201H, or the State of Hawaii’s low-income housing tax credit program.

**Micro-Unit.** A dwelling unit totaling 300 square feet or less of floor area.

**Off-Site.** Construction or other activities that occur on a zoning lot other than the project site.

**On-Site.** Construction or other activities that occur on the project site.

**Person.** An individual, partnership, association, corporation, limited liability company, or any other form of legal entity.

**Planned Development-Transit Project or PD-T Project.** A project for which an application is submitted pursuant to § 21-9.100-10.

**Principal Project.** A project containing a building or group of buildings with dwelling units and as to which the requirement to provide affordable dwelling units is imposed pursuant to this chapter.

**Project Site.** One or more zoning lots that are developed under a single or unified project concept.

**Rail Transit Station Area.** The TOD special district, as defined in § 21-9.100. Where there is no adopted boundary under Chapter 21, then the boundaries reflected in the adopted neighborhood TOD plan will apply. Where there is no adopted neighborhood TOD plan, then the boundaries reflected in the draft neighborhood TOD plan at the time the application for the principal project is submitted to the department and accepted as complete will apply. As used herein, “draft neighborhood TOD plan” means the most current version of the plan then under consideration by the department or the council, commencing with the first public review draft released by the director to the community for review and comment. Council committee drafts of a plan are deemed under consideration by the council after they have been placed on a full council agenda for public hearing or adoption. Council floor drafts

of a plan are deemed under consideration by the council after the council has amended the plan to the floor draft version. Where there is no neighborhood TOD plan that has been adopted or that is under consideration, then the area within, including properties intersecting, a one-half mile radius of a future rail transit station identified in the Honolulu High Capacity Transit Corridor Project Environmental Impact Statement, accepted by the Governor of the State of Hawaii on December 16, 2010, and any future amendments or supplements thereto, will apply.

***Rental or For-Rental.*** A dwelling unit that is leased or rented for a term of between 30 days and 30 years in length.

***Sale or For-Sale.*** A dwelling unit that is for sale in fee simple or in leasehold with a term of 30 years or more.

***Second Marketing Period.*** The 120-day period immediately following the first marketing period, during which an affordable dwelling is marketed, and may be rented or sold, as applicable, to households earning the applicable AMI.

***Special Needs Housing.*** Housing that is used to provide living accommodations and, in some cases, care services for certain segments of the population with special living requirements, which include the elderly; persons with physical, mental, or behavioral disabilities; persons with human immunodeficiency virus/acquired immune deficiency syndrome; or persons with alcohol or drug addiction. Often such housing includes special features, such as congregate dining and social rooms; laundry, housekeeping, and personal assistance services; shuttle bus services for project residents; and skilled nursing beds or physical therapy clinics.

***Substantial Rehabilitation.*** Including:

- (1) Improvement of a property to a decent, safe, and sanitary condition that requires more than routine or minor repairs or improvements. It may include but is not limited to gutting and extensive reconstruction of a dwelling unit, or cosmetic improvements coupled with the curing of a substantial accumulation of deferred maintenance; or
- (2) Renovation, alteration, or remodeling to convert or adapt structurally sound property to the design and condition required for a specific use, such as conversion of a hotel to housing for elders.

***Third Marketing Period.*** The 120-day period immediately following the second marketing period, during which an affordable dwelling is marketed, and may be rented or sold, as applicable, to households earning the applicable AMI.

***TOD.*** Transit-oriented development.

***TOD Special District Project.*** A project for which an application for a major TOD special district permit is submitted pursuant to § 21-9.100-9.

***Unilateral Agreement.*** Has the same meaning as defined in § 21-2.80.

For purposes of this chapter, the following terms have the meanings given to such terms as set forth in § 21-10.1: “accessory dwelling unit,” “development,” “dwelling unit,” “dwelling, multifamily,” “floor area,” “group living facilities,” “ohana dwelling unit,” “time share unit,” and “zoning lot.”

(Added by Ord. 18-10)

**§ 29-1.3 Applicability.**

(a) This chapter applies to any of the following:

- (1) New construction of ten or more for-sale dwelling units developed under a single or unified project concept, on one or more zoning lots;
- (2) Any subdivision of land creating ten or more zoning lots for residential use in residential, apartment, apartment mixed use, business mixed use, country, or agricultural zoning districts;
- (3) Conversion of hotels, offices, or other uses into multifamily dwellings containing ten or more total for-sale dwelling units; or conversion of rental dwelling units into for-sale dwelling units containing ten or more total for-sale dwelling units; or
- (4) Any of the following that include ten or more for-sale dwelling units:
  - (A) Cluster housing permits;
  - (B) Planned development housing permits; or
  - (C) Multi-family dwelling units.

(b) This chapter does not apply to any of the following:

- (1) Any development subject to a unilateral agreement or development agreement approved by the city and recorded prior to April 3, 2018;
- (2) Any subdivision granted tentative approval of the preliminary subdivision map prior to April 3, 2018;
- (3) Any building permit, cluster housing permit, or planned development housing permit application submitted and accepted as complete prior to April 3, 2018;
- (4) Any development that meets or exceeds all aspects of the applicable affordable housing requirements of this chapter pursuant to affordable housing requirements imposed by a legal obligation;
- (5) Micro-units;
- (6) Accessory dwelling units;
- (7) Ohana dwelling units;
- (8) Group living facilities;
- (9) Special needs housing;
- (10) Time share units; or
- (11) Any development for which:

- (A) At least 75 percent of the total number of dwelling units in the development are sold to households earning 120 percent and below of the AMI; or
- (B) All of the dwelling units in the development are sold to households earning no more than the HUD AMI income limit, and at least 20 percent of those units are sold to households earning 100 percent and below of the AMI.

(Added by Ord. 18-10)

**§ 29-1.4 Affordable housing requirement.**

- (a) The affordable housing requirements set forth in Table 29-1.4 of this subsection apply to all projects subject to this chapter pursuant to § 29-1.3. The requirements must be met by satisfying one or a combination of the options in this section subject to the director's approval. If a combination of options is used, the declarant shall designate the proportionate share of the affordable housing requirement that each option will fulfill, and the sum of the proportionate shares must equal or exceed one. Fulfillment of the requirement may account for varying unit sizes, lower income ranges, rounding, or other factors, subject to the director's approval, as established in rules adopted pursuant to § 29-1.11. Affordable for-sale dwelling units must be owner occupied.

<b>TABLE 29-1.4</b> <b>AFFORDABLE HOUSING REQUIREMENT PROVISIONS, AS A PERCENTAGE OF THE TOTAL</b> <b>NUMBER OF DWELLING UNITS IN THE PRINCIPAL PROJECT</b>				
Principal Project Location	For Sale <sup>1</sup> or For Rental <sup>2</sup>	On-Site Production <sup>3</sup>	Off-Site Production <sup>3</sup>	Conveyance of Land
The following requirements take effect on April 3, 2018.				
IPD-T projects, PD-T projects, or TOD special district projects seeking bonus height or density, or both <sup>4</sup>	For Sale	30 percent <sup>5</sup>	30 percent <sup>8,5</sup>	Conveyance of land <sup>12</sup>
			35 percent <sup>9,5</sup>	
		20 percent <sup>6</sup>	20 percent <sup>8,6</sup>	
			25 percent <sup>9,6</sup>	
		10 percent <sup>7</sup>	10 percent <sup>8,7</sup>	
			15 percent <sup>9,7</sup>	
	For Rental	15 percent		
All areas, excluding IPD-T projects, PD-T projects, or TOD special district projects seeking bonus height or density, or both	For Sale	15 percent <sup>5</sup>	15 percent <sup>10,5</sup>	Conveyance of land <sup>12</sup>
			20 percent <sup>11,5</sup>	
		10 percent <sup>6</sup>	10 percent <sup>10,6</sup>	
			15 percent <sup>11,6</sup>	
		5 percent <sup>7</sup>	5 percent <sup>10,7</sup>	
			10 percent <sup>11,7</sup>	
	For Rental	5 percent		

**TABLE 29-1.4**  
**AFFORDABLE HOUSING REQUIREMENT PROVISIONS, AS A PERCENTAGE OF THE TOTAL NUMBER**  
**OF DWELLING UNITS IN THE PRINCIPAL PROJECT**

<b>Principal Project Location</b>	<b>For Sale<sup>1</sup> or For Rental<sup>2</sup></b>	<b>On-Site Production<sup>3</sup></b>	<b>Off-Site Production<sup>3</sup></b>	<b>Conveyance of Land</b>
<p>(1) For-sale affordable dwelling units must be sold to households earning 120 percent and below of the AMI. At least one-half of those units must be sold to households earning 100 percent and below of the AMI.</p> <p>(2) For-rental affordable dwelling units must be rented to households earning 80 percent and below of the AMI.</p> <p>(3) Any on-site or off-site affordable dwelling unit provided through substantial rehabilitation will count as one unit.</p> <p>(4) The affordable housing requirements for IPD-T projects, PD-T projects, or TOD special district projects seeking bonus height or density, or both, are base affordable housing requirements. If affordable dwelling units are being provided as a community benefit to justify increased height or density, or both, the affordable dwelling units being provided as a community benefit must be in addition to the base affordable housing requirements for IPD-T, PD-T, or TOD special district projects.</p> <p>(5) For-sale affordable dwelling units must remain affordable for not less than five years after the date when the unit is initially sold to a qualified buyer.</p> <p>(6) For-sale affordable dwelling units must remain affordable for not less than 10 years after the date when the unit is initially sold to a qualified buyer.</p> <p>(7) For-sale affordable dwelling units must remain affordable for not less than 30 years after the date when the unit is initially sold to a qualified buyer.</p> <p>(8) Applies to off-site production of affordable housing that is located within the same rail transit station area as the principal project.</p> <p>(9) Applies to off-site production of affordable housing that is located outside of rail transit station area in which the principal project is located.</p> <p>(10) Applies to off-site production of affordable housing that is located within the same rail transit station area as the principal project; or, if the principal project is not located in a rail transit station area, the off-site production of affordable housing that is located within the same development plan area as the principal project.</p> <p>(11) Applies to off-site production of affordable housing that is located outside of rail transit station area in which the principal project is located; or, if the principal project is not located in a rail transit station area, the off-site production of affordable housing that is located outside of the development plan area in which the principal project is located.</p> <p>(12) The appraised value of the real property conveyed must, at a minimum, be equal to an amount that will be established and may be periodically adjusted by rules adopted by the director pursuant to Section 38-1.11.</p>				

(b) *On-site production.* Affordable dwelling units, for-rental or for-sale, are constructed on the same project site as the principal project. The required number of affordable dwelling units constructed on-site is specified in Table 29-1.4. Affordable units and market-rate units in the same multifamily dwelling must share common entrances.

(c) *Off-site production.* Affordable dwelling units, for-rental or for-sale, are constructed off-site from the project site on which the principal project is located. The required number of affordable dwelling units constructed off-site is specified in Table 29-1.4.

(1) Off-site production of for-rental dwelling units to satisfy the affordable housing requirement for principal projects located within a rail transit station area must be satisfied within the same rail transit station area in which the principal project is located; provided that upon a showing of good cause, and subject to terms and conditions approved by the director, the director shall have the discretion to allow the satisfaction of off-site production in other areas of the city.

(2) Off-site production of for-rental dwelling units to satisfy the affordable housing requirement for principal projects located outside of any rail transit station area must be satisfied within the same development plan area in which the principal project is located; provided that upon a showing of good cause, and subject to terms and conditions approved by the director, the director shall have the discretion to allow the satisfaction of off-site production in other areas of the city.

- (3) Off-site production of for-sale dwelling units to satisfy the affordable housing requirement for principal projects located within a rail transit station area may be satisfied within or outside of the same rail transit station area in which the principal project is located, in accordance with the required percentage amounts in Table 29-1.4.
- (4) Off-site production of for-sale dwelling units to satisfy the affordable housing requirement for principal projects located outside of any rail transit station area may be satisfied within or outside of the same development plan area in which the principal project is located, in accordance with the required percentage amounts in Table 29-1.4.
- (d) *Conveyance of land.* The provision of on-site or off-site units are the preferred options for the affordable housing requirements established by this section, and the conveyance of land is only allowed if no suitable on-site or off-site location is available, or if the developer's financing arrangements preclude the developer's participation in off-site projects. Under the foregoing circumstances, the director may approve the conveyance of improved land in fee simple to the city or a third party. Such land may be located on-site or off-site of the project site at a location approved by the director, must be zoned and suitable for the construction of affordable dwelling units, and must be improved with all necessary off-site infrastructure completed to city standards to the property boundary line.

The appraised value of the real property conveyed must, at a minimum, be equal to an amount that will be established and may be periodically adjusted by rules adopted by the director pursuant to § 29-1.11; provided that effective January 1 of each year, the director shall adjust the amount by a factor equal to the most recently published Consumer Price Index for All Urban Consumers (CPI-U), with the base year established as of April 3, 2018. The city may refuse to accept any real property if it requires the payment by the city for any market value in excess of the foregoing specified amount. The director, with the advice and consent of the director of land management, shall determine whether to accept and approve such land to satisfy the affordable housing requirement.

(Added by Ord. 18-10)

#### § 29-1.5 Affordability period.

- (a) For-rental affordable dwelling units created in compliance with this chapter must be rented to households earning the percentage of the AMI specified in Table 29-1.4, at prices affordable to such households, and must remain affordable for not less than 30 years after the date when the unit is initially rented to a qualified renter.
- (b) For-sale affordable dwelling units created in compliance with this chapter must be offered for sale to households earning the percentage of the AMI specified in Table 29-1.4, at prices affordable to such households, and must remain affordable for not less than the period specified in Table 29-1.4, based on the applicable percentage of the total number of dwelling units in the principal project being provided as affordable dwelling units.

(Added by Ord. 18-10)

#### § 29-1.6 Marketing period.

For-rental and for-sale affordable dwelling units created in compliance with this chapter must be marketed as follows:

- (a) During the first marketing period, affordable dwelling units must be marketed, and may be rented or sold, as applicable, to households earning the percentage of the AMI specified in Table 29-1.4, at prices affordable to such households.
  - (b) If, at the end of the first marketing period, the declarant has been unable to obtain a contract for the rental or sale of an affordable dwelling unit to a qualified renter or purchaser, then during the second marketing period, the affordable dwelling unit may be marketed, and rented or sold, as applicable, to households earning the percentage of the AMI that is 20 percent higher than the percentage of the AMI specified in the first marketing period, provided that the percentage of the AMI cannot exceed the HUD AMI income limit; but at prices affordable to households earning the percentage of the AMI specified in Table 29-1.4.
  - (c) If, at the end of the second marketing period, the declarant has been unable to obtain a contract for the rental or sale of an affordable dwelling unit to a qualified renter or purchaser, then during the third marketing period, the affordable dwelling unit may be marketed, and rented or sold, as applicable, to households earning the percentage of the AMI that is 20 percent higher than the percentage of the AMI specified in the second marketing period, provided that the percentage of AMI cannot exceed the HUD AMI income limit; but at prices affordable to households earning the percentage of the AMI specified in Table 29-1.4.
  - (d) If, at the end of the third marketing period, the declarant has been unable to obtain a contract for the rental or sale of an affordable dwelling unit to a qualified renter or purchaser, then the affordable dwelling unit may be marketed, and rented or sold, as applicable, to households earning not more than the HUD AMI income limit; but at prices affordable to households earning the percentage of the AMI specified in Table 29-1.4.
- (Added by Ord. 18-10)

#### **§ 29-1.7 Appeals.**

Appeals from the decision of the director must be filed within 30 days of the mailing or service of the director's decision.

(Added by Ord. 18-10)

#### **§ 29-1.8 Procedures.**

- (a) As a condition of and prior to final approval of any permit or approval for a project that contains ten or more for-sale dwelling units or lots, including without limitation subdivision applications, cluster housing permits, planned development housing permits, or building permits, the permit applicants shall execute an affordable housing agreement acceptable to the director and execute and record a declaration of restrictive covenants that encumbers the project site and any off-site zoning lot that is used to satisfy the affordable housing requirement imposed in connection with the principal project and that describes the affordable housing requirements acceptable to the director, including without limitation, the enforcement of such requirements. If the permit applicants are not the fee owners of the project site and any applicable off-site zoning lot used to satisfy the affordable housing requirement, the affordable housing agreement and the declaration of restrictive covenants must also be executed by all of the fee owners of those parcels. The director may defer the requirement to record the declaration of restrictive covenants until a time not later than issuance of the first building permit for a dwelling unit or as otherwise acceptable to the director. The form and content of the declaration will be subject to the director's approval and the city must be a party. The declaration must be recorded in the bureau of conveyances (regular system) or the office of the assistant registrar of the land court of the State of Hawaii,

or both, as appropriate. The term of the declaration of restrictive covenants must be for the period of affordability and shall run with the land and bind and give notice to all subsequent grantees, assignees, mortgagees, lienors, and any other person who claims an interest in the project site or any zoning lot on which the affordable housing requirement is being satisfied.

- (b) On an annual basis, the declarant shall submit a written status report to the director documenting the declarant's compliance with the affordable housing requirement of this article. The status report must be submitted to the director by December 31 of each year until such time as the term of the declaration of restrictive covenants expires.

(Added by Ord. 18-10)

#### **§ 29-1.9 Violation.**

A breach of the restrictive covenants recorded under § 29-1.8 with respect to a project may result in civil enforcement and the city may seek to enforce the terms of the restrictive covenants by appropriate action at law or suit in equity against the parties and their successors and assigns. The director may take appropriate action to terminate or stop the project until applicable conditions are met, including but not limited to revoking any permits issued for the project and withholding issuance of other permits related to the project.

(Added by Ord. 18-10)

#### **§ 29-1.10 Administration and fees.**

- (a) The director shall administer this chapter.
- (b) Fees for the administration and implementation of this chapter will be assessed on the owners of for-sale affordable dwelling units and the occupants of for-rental affordable dwelling units subject to this chapter.
- (c) *Applicable fees.*
  - (1) For-sale affordable dwelling units will be subject to an annual monitoring fee of \$50 per unit.
  - (2) For-sale affordable dwelling units will be subject to a fee of \$600 per unit each and every time the real property title of the unit changes pursuant to § 29-1.5.
  - (3) For-rental affordable dwelling units will be subject to annual monitoring by a private compliance monitoring service, the fees for which will be paid by the owner of an affordable rental dwelling unit directly to the private compliance monitoring service. For-rental affordable dwelling units will also be subject to an annual monitoring fee of \$50.00 per unit.
  - (4) An applicant eligibility certification fee of \$75 will be assessed for each application reviewed by the city.
  - (5) Applicable fees identified in this subsection may be imposed by the city on other affordable housing projects to which this chapter does not apply; provided that the fees will only apply to those affordable housing units needed to fulfill a city requirement.
  - (6) Resale of for-sale affordable dwelling units will be subject to a \$600 fee per transaction.

- (d) The director may take action to refer delinquent payments of fees pursuant to this section to a debt collector on behalf of the city.
  - (e) All monies collected from fees pursuant to this section will be deposited into a special account within the general fund, and may only be used for the administration and implementation of this chapter.
- (Added by Ord. 18-10; Am. Ord. 20-18)

**§ 29-1.11 Rules.**

- (a) The director shall adopt rules pursuant to HRS Chapter 91 to implement, administer, and enforce this chapter.
- (b) At a minimum, the director shall adopt rules to:
  - (1) Regulate the resale of affordable dwelling units under § 29-1.5 to ensure the units remain within the same AMI range, as adjusted from time-to-time; and
  - (2) Establish an affordable housing compliance monitoring program, to be administered by a third party, to manage and implement the for-rental and for-sale affordable dwelling units created in compliance with this chapter, for purposes of ensuring compliance with affordability requirements and periods. At a minimum, the affordable housing compliance monitoring program must address the performance of the following functions:
    - (a) Maintenance of an affordable housing database;
    - (b) Compliance investigations;
    - (c) Responses to inquiries; and
    - (d) Income verifications.

(Added by Ord. 18-10)

## **CHAPTER 30: WATER MANAGEMENT**

### Articles

1. General Provisions
2. Oahu Water Management Policies and Strategies
- 2A. Waianae Watershed Management Plan
- 2B. Koolau Loa Watershed Management Plan
- 2C. Koolau Poko Watershed Management Plan
- 2D. North Shore Watershed Management Plan
3. Severability
4. Water Conservation Measures
5. Medication in Drinking Water

## **Honolulu - Land Use**

## ARTICLE 1: GENERAL PROVISIONS

### Sections

30-1.1	Purpose
30-1.2	Definitions
30-1.3	Consistency requirements
30-1.4	Preparation and adoption of regional watershed management plans
30-1.5	Interim plan in areas not yet subject to a regional watershed management plan
30-1.6	Revisions

#### § 30-1.1 Purpose.

- (a) The State water code (HRS Chapter 174C) mandates the preparation and adoption of a water use and development plan by each county as part of the Hawaii water plan. In adopting the plan, the City and County of Honolulu recognizes that water is a limited resource, the development and use of which must be carefully planned.
  - (b) The water use and development plan for the City and County of Honolulu, which is called the Oahu water management plan (OWMP), is intended to fulfill the requirements set forth by the State water code.
  - (c) The OWMP consists of overall policies and strategies and regional watershed management plans, which guide the activities of the City and County of Honolulu and advises the State commission on water resource management in the areas of planning, management, water development, and use and allocation of Oahu's limited water resources.
- (1990 Code, Ch. 30, Art. 1, § 30-1.1) (Added by Ord. 90-62; Am. Ord. 10-17)

#### § 30-1.2 Definitions.

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

**Board.** The board of water supply of the City and County of Honolulu.

**City.** The City and County of Honolulu.

**Commission.** The commission on water resource management.

**Department.** The department of planning and permitting of the City and County of Honolulu.

**Development Plans.** The development plans of the City and County of Honolulu as defined by Charter § 6-1509.

***Domestic Use.*** Any use of water for individual personal needs and for household purposes such as drinking, bathing, heating, cooking, noncommercial gardening, and sanitation.

***General Plan.*** The general plan of the City and County of Honolulu as defined by Charter § 6-1508.

***Groundwater.*** Any water found beneath the surface of the earth, whether in perched, dike-confined, or basal supply; in underground channels or streams; in standing, percolating, or flowing condition; or under artesian pressure.

***Hawaii Water Plan.*** The integrated program of the commission for the protection, conservation, and management of the waters of the State, with such amendments, supplements, and additions as may be necessary, mandated by the State water code.

***Municipal Use.*** The domestic, industrial, and commercial use of water through public services available to persons of a county for the promotion and protection of their health, comfort, and safety, for the protection of property from fire, and for domestic use.

***Oahu Water Management Plan (OWMP).*** The water use and development plan mandated by the State water code and collectively reflected in islandwide water management policies and strategies in Article 2, and regional watershed management plans in Article 2A and thereafter.

***State Water Code.*** HRS Chapter 174C.  
(1990 Code, Ch. 30, Art. 1, § 30-1.2) (Added by Ord. 90-62; Am. Ords. 96-58, 10-17)

### **§ 30-1.3 Consistency requirements.**

The Oahu water management plan shall be consistent with:

- (1) The water resource protection and water quality plans of the Hawaii water plan;
- (2) City land use plans and policies including the general plan, development plans, and zoning; and
- (3) State land use classification and policies.

(1990 Code, Ch. 30, Art. 1, § 30-1.3) (Added by Ord. 90-62; Am. Ord. 10-17)

### **§ 30-1.4 Preparation and adoption of regional watershed management plans.**

In conjunction with the board, the department shall be responsible for the preparation of the regional watershed management plans for the Oahu water management plan. The regional watershed management plans shall be adopted by ordinance.

(1990 Code, Ch. 30, Art. 1, § 30-1.4) (Added by Ord. 90-62; Am. Ord. 10-17)

**§ 30-1.5 Interim plan in areas not yet subject to a regional watershed management plan.**

In areas where a regional watershed plan has not been adopted, Articles 1, 2, and 3 of this chapter and the Technical Reference Document for the Oahu Water Management Plan, dated March 1990, shall serve as the water use and development plan.

(1990 Code, Ch. 30, Art. 1, § 30-1.5) (Added by Ord. 90-62; Am. Ord. 10-17)

**§ 30-1.6 Revisions.**

The department, working in conjunction with the board, shall be responsible for the preparation of updates to the regional watershed management plans. Each regional watershed management plan shall be updated, at a minimum, in tandem with the respective development plan/sustainable communities plan. Updates shall be adopted by ordinance.

(1990 Code, Ch. 30, Art. 1, § 30-1.6) (Added by Ord. 90-62; Am. Ords. 91-61, 10-17)

## **Honolulu - Land Use**

## ARTICLE 2: OAHU WATER MANAGEMENT POLICIES AND STRATEGIES

### Sections

- 30-2.1 Intent
- 30-2.2 Water management policies
- 30-2.3 Water management strategies

#### § 30-2.1 Intent.

The Oahu water management plan is intended to ensure:

- (1) The optimum utilization of the existing water supply to minimize the need for the development of additional potable groundwater sources;
- (2) The preservation of the aquifers for the benefit of future generations, in perpetuity, by proper management of Oahu's groundwater sources;
- (3) The timely development of additional potable groundwater sources and alternative sources to provide for additional consumer demand; and
- (4) That growth in consumer demand will be compatible with available water supply.

(1990 Code, Ch. 30, Art. 2, § 30-2.1) (Added by Ord. 90-62)

#### § 30-2.2 Water management policies.

- (a) This section sets forth the policies for water use and development within each development plan area. These are established in recognition of the vital role of water in supporting land use activities on the island of Oahu. Potable groundwater is the premium water resource on Oahu because over the long term, it is the most economical to develop and requires no treatment, but this resource is finite in nature and the limit of feasibly developed potable water sources is rapidly being approached.
- (b) These policies shall apply to all city agencies in the performance of their powers, duties, and functions as related to both public and private development.
- (c) In addition, all city actions in regard to the use and commitment of water resources to meet existing or projected demands on the public water system on the island of Oahu shall be guided by the board of water supply's Oahu water plan.
  - (1) *Policy one.* Facilities for the provision of water shall be based on the general plan population projections and the land use policies contained in the development plans and depicted on the development plan land use maps.

- (2) *Policy two.* System flexibility shall be maintained to facilitate the provision of an adequate supply of water consistent with planned land uses. The municipal water system shall be developed and operated substantially as an integrated islandwide water system.
- (3) *Policy three.* Close coordination shall be maintained between federal, State, and county agencies which are involved in the provision or management of water to ensure optimal distribution of the available water supply.
- (4) *Policy four.* The quality and integrity of the water supply shall be maintained by providing for the monitoring and protection of the water supply in accordance with the requirements of the State water code.
- (5) *Policy five.* The development and use of nonpotable water sources shall be maximized in a manner consistent with the protection of the groundwater quality.
- (6) *Policy six.* Water conservation shall be strongly encouraged.
- (7) *Policy seven.* Alternative water sources shall be developed wherever feasible to ensure an adequate supply of water for planned uses on Oahu.

(1990 Code, Ch. 30, Art. 2, § 30-2.2) (Added by Ord. 90-62)

**§ 30-2.3 Water management strategies.**

- (a) Based on the findings and projections in the Oahu water management plan, provisions for an adequate supply of water to meet islandwide needs for at least 20 years shall be addressed. This shall be determined after evaluating the anticipated demand for water use from municipal, agricultural, military, and private users; the available remaining groundwater which can be safely developed; the planned and proposed water source development projects; and alternative water development projects underway.
- (b) Based on these findings, the plan or strategy for water management shall be to continue to develop available groundwater sources but to preserve as much of the groundwater supply as possible, through the more efficient use of the existing water supply, an ongoing water conservation program, and by the continued development of alternative sources of water.
- (c) The following strategies shall be applied in the development and use of water resources on Oahu:
  - (1) *Strategy one.* Develop water resources in consonance with the general plan population projections and the land use policies contained in the development plans and depicted on the development plan land use maps. Priority shall be given to affordable housing projects shown on the development plan land use maps or processed under HRS Chapter 201H;
  - (2) *Strategy two.* Continue to safely develop the remaining available groundwater in accordance with the requirements of the State water code.
    - (A) *Substrategy A.* The commission may continue to refine the accuracy of the sustainable yields in the water resources protection plan at the aquifer level to better guide decisions regarding future exploration and development of water sources.

- (B) *Substrategy B.* The commission, in consultation with the board, may formulate a plan for the future exploration, monitoring, and development of groundwater resources based on the identified sustainable yields.
  - (3) *Strategy three.* Use surface water more effectively and efficiently.
    - (A) *Substrategy A.* The commission may compile an inventory of surface water use on Oahu for the purpose of determining existing use and projecting future use, given the present lack of information.
    - (B) *Substrategy B.* The commission may certify the unreported and undetermined quantities of surface water use in windward Oahu as part of its water registration program.
  - (4) *Strategy four.* Continue to refine the near and long-term projections of agriculture on the island to more accurately project the future net release of water currently committed to agricultural use.
    - (A) *Substrategy A.* The State department of agriculture may inventory and project diversified agriculture including the irrigated acreage, method of irrigation, source of water, and the quantity and quality of water use.
    - (B) *Substrategy B.* The commission may seek to establish the necessary commission procedures to more readily transfer water allocations from agricultural to municipal use, especially where urban or other agricultural uses replace sugarcane lands.
  - (5) *Strategy five.* Maintain an ongoing water conservation program through the board, using such approaches as pricing, public information, educational programs, water-saving devices, and use restrictions and allocations;
  - (6) *Strategy six.* Develop and use nonpotable water sources, wherever feasible, for the irrigation of agricultural crops, parks and golf courses, landscaping, and for certain industrial uses.
    - (A) *Substrategy A.* Support the exchange of nonpotable water, wherever feasible, for potable water, which is being used for irrigation to preserve more of Oahu's potable supply for domestic use.
    - (B) *Substrategy B.* Pursue opportunities to blend brackish water with potable water to produce a greater supply of potable water.
    - (C) *Substrategy C.* Support and pursue the reuse of treated wastewater effluent for irrigation or groundwater recharge wherever feasible.
  - (7) *Strategy seven.* Continue efforts to develop economical methods of demineralizing brackish water and desalting seawater.
    - (A) *Substrategy A.* Support the demonstration and expansion of the State's desalinization pilot project.
    - (B) *Substrategy B.* Continue research to develop more economical methods for desalting seawater for municipal purposes (e.g., an open cycle method of ocean thermal energy conversion or OTEC).
- (1990 Code, Ch. 30, Art. 2, § 30-2.3) (Added by Ord. 90-62; Am. Ord. 10-17)

## **Honolulu - Land Use**

## **ARTICLE 2A: WAIANAE WATERSHED MANAGEMENT PLAN**

### Sections

- 30-2A.1    Applicability
- 30-2A.2    Adoption of the Waianae watershed management plan
- 30-2A.3    Conflicting provisions

#### **§ 30-2A.1 Applicability.**

This article applies to the Waianae district, which is described in the Waianae watershed management plan. This article supplements Article 2 with respect to the Waianae district.  
(1990 Code, Ch. 30, Art. 2A, § 30-2A.1) (Added by Ord. 10-17)

#### **§ 30-2A.2 Adoption of the Waianae watershed management plan.**

Pursuant to HRS Chapter 174C, the plan entitled “Waianae Watershed Management Plan,” dated August 2009, attached to Ordinance 10-17 as Exhibit A-1, is adopted and by reference is incorporated herein as a regional watershed management plan for Oahu. Exhibit A-1 need not be included in this code.  
(1990 Code, Ch. 30, Art. 2A, § 30-2A.2) (Added by Ord. 10-17)

#### **§ 30-2A.3 Conflicting provisions.**

This article shall, with respect to the Waianae district, prevail should there be any conflict with Articles 1 or 2.  
(1990 Code, Ch. 30, Art. 2A, § 30-2A.3) (Added by Ord. 10-17)

## **Honolulu - Land Use**

## **ARTICLE 2B: KOOLAU LOA WATERSHED MANAGEMENT PLAN**

### Sections

- 30-2B.1    Applicability
- 30-2B.2    Adoption of the Koolau Loa watershed management plan
- 30-2B.3    Conflicting provisions

#### **§ 30-2B.1 Applicability.**

This article applies to the Koolau Loa district, which is described in the Koolau Loa watershed management plan. This article supplements Article 2 with respect to the Koolau Loa district.  
(1990 Code, Ch. 30, Art. 2B, § 30-2B.1) (Added by Ord. 10-18)

#### **§ 30-2B.2 Adoption of the Koolau Loa watershed management plan.**

Pursuant to HRS Chapter 174C, the plan entitled “Koolau Loa Watershed Management Plan,” dated August 2009, attached to Ordinance 10-18 as Exhibit A-1, is adopted and by reference is incorporated herein as a regional watershed management plan for Oahu. Exhibit A-1 need not be included in this code.  
(1990 Code, Ch. 30, Art. 2B, § 30-2B.2) (Added by Ord. 10-18)

#### **§ 30-2B.3 Conflicting provisions.**

This article shall, with respect to the Koolau Loa district, prevail should there be any conflict with Articles 1 or 2.  
(1990 Code, Ch. 30, Art. 2B, § 30-2B.3) (Added by Ord. 10-18)

## **Honolulu - Land Use**

## **ARTICLE 2C: KOOLAU POKO WATERSHED MANAGEMENT PLAN**

### Sections

- 30-2C.1    Applicability
- 30-2C.2    Adoption of the Koolau Poko watershed management plan
- 30-2C.3    Conflicting provisions

#### **§ 30-2C.1 Applicability.**

This article applies to the Koolau Poko district, which is described in the Koolau Poko watershed management plan. This article supplements Article 2 with respect to the Koolau Poko district.  
(1990 Code, Ch. 30, Art. 2C, § 30-2C.1) (Added by Ord. 12-30)

#### **§ 30-2C.2 Adoption of the Koolau Poko watershed management plan.**

Pursuant to HRS Chapter 174C, the plan entitled “Koolau Poko Watershed Management Plan,” dated February 2012, attached to Ordinance 12-30 as Exhibit A, is adopted and by reference is incorporated herein as a regional watershed management plan for Oahu. Exhibit A need not be included in this code.  
(1990 Code, Ch. 30, Art. 2C, § 30-2C.2) (Added by Ord. 12-30)

#### **§ 30-2C.3 Conflicting provisions.**

This article shall, with respect to the Koolau Poko district, prevail should there be any conflict with Articles 1 or 2.  
(1990 Code, Ch. 30, Art. 2C, § 30-2C.3) (Added by Ord. 12-30)

## **Honolulu - Land Use**

## **ARTICLE 2D: NORTH SHORE WATERSHED MANAGEMENT PLAN**

### Sections

- 30-2D.1    Applicability
- 30-2D.2    Adoption of the North Shore watershed management plan
- 30-2D.3    Conflicting provisions

#### **§ 30-2D.1 Applicability.**

This article applies to the North Shore District, which is described in the North Shore Watershed Management Plan. This article supplements Article 2 with respect to the North Shore District.  
(1990 Code, Ch. 30, Art. 2D, § 30-2D.1) (Added by Ord. 16-31)

#### **§ 30-2D.2 Adoption of the North Shore watershed management plan.**

Pursuant to HRS Chapter 174C, the plan entitled “North Shore Watershed Management Plan,” dated June 2016, attached to Ordinance 16-31 as Exhibit A, is adopted and by reference is incorporated herein as a regional watershed management plan for Oahu. Exhibit A need not be included in this code.  
(1990 Code, Ch. 30, Art. 2D, § 30-2D.2) (Added by Ord. 16-31)

#### **§ 30-2D.3 Conflicting provisions.**

This article shall, with respect to the North Shore District, prevail should there be any conflict with Articles 1 or 2.  
(1990 Code, Ch. 30, Art. 2D, § 30-2D.3) (Added by Ord. 16-31)

## **Honolulu - Land Use**

## **ARTICLE 3: SEVERABILITY**

### Section

#### 30-3.1 Severability

#### **§ 30-3.1 Severability.**

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts. (1990 Code, Ch. 30, Art. 3, § 30-3.1) (Added by Ord. 90-62)

## **Honolulu - Land Use**

## ARTICLE 4: WATER CONSERVATION MEASURES

### Sections

30-4.1	Definitions
30-4.2	Water closets and showerhead requirements
30-4.3	Exception
30-4.4	Enforcement
30-4.5	Rules
30-4.6	Exemption for low-consumption properties

### § 30-4.1 Definitions.

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

***Administrative Authority.*** Has the same meaning as defined in § 19-2.1.

***Authorized Agent.*** A person who is authorized to act on behalf of the owner of residential property.

***Director.*** The director of budget and fiscal services.

***Hotel.*** Has the same meaning as defined in Article 9 of Chapter 21.

***Low-Flow Kitchen Faucet, Lavatory Faucet, and Showerhead.*** A kitchen faucet or showerhead with flow control devices that limit the faucet's or showerhead's maximum flow rate to 2.5 gallons per minute and a lavatory faucet with flow control devices that limit the lavatory faucet's maximum flow rate to 2.0 gallons per minute.

***Low-Flush Urinal.*** A urinal with volume limiting devices or methods which limit the discharge to 1.0 gallon per flush.

***Nonresidential Property or Nonresidential Properties.*** Property improved with hotels or with industrial or commercial buildings.

***Residential Property or Residential Properties.*** Property other than nonresidential property or nonresidential properties.

***Ultra-Low Flush Toilet.*** A tank-type water closet or a flushometer valve toilet with volume-limiting devices or methods that limit the discharge to 1.6 gallons per flush.

***Water-Saving Toilets.*** Ultra-low flush toilets and low-flush urinals.  
(1990 Code, Ch. 30, Art. 4, § 30-4.1) (Added by Ord. 92-01; Am. Ords. 92-109, 94-32, 00-05)

**§ 30-4.2 Water closets and showerhead requirements.**

- (a) All nonresidential properties shall be equipped with low-flow kitchen faucets, lavatory faucets, and showerheads within one year of January 16, 1992.\*
- (b) Except as provided in § 30-4.3, and unless granted an extension of time by the building board of appeals pursuant to subsection (d), all nonresidential properties shall be equipped with ultra-low flush toilets by January 1, 1998, and low-flush urinals within two years of January 16, 1992;\* provided that if a nonresidential property is equipped with wall-mounted flushometer toilets with blowout action, such toilets need not be replaced with ultra-low flush toilets; and provided further, that nonresidential properties shall be exempt from the requirement to be equipped with ultra-low flush toilets if they qualify for an exemption under § 30-4.6.
- (c) The administrative authority shall allow extensions of time for good cause shown. A nonresidential property may be granted an extension of time to install low-flow kitchen faucets, lavatory faucets, and showerheads of up to six months after the deadline specified in subsection (a), and may be granted an extension to install ultra-low flush toilets and low-flush urinals of up to six months after the deadline specified in subsection (b).
- (d) The owner or operator of a nonresidential property may appeal a decision of the administrative authority:
  - (1) Denying any extension of time for the installation of low-flow kitchen faucets, lavatory faucets, and showerheads or ultra-low flush toilets and low-flush urinals; or
  - (2) Granting an extension that is less than what the owner or operator had requested.

Appeals by an owner or operator shall be to the building board of appeals. The board may grant an extension of time if it finds that the time period appealed from poses an undue hardship; provided that the total time of compliance shall not exceed two years for low-flow kitchen faucets, lavatory faucets, and showerheads and three years for low-flush urinals; and provided further, that for ultra-low flush toilets, the total time for compliance shall not extend beyond January 1, 1999.

- (e) Owners or operators of nonresidential properties which, before January 16, 1992,\* have already installed low-flow kitchen faucets, lavatory faucets, and showerheads and ultra-low flush toilets and low-flush urinals which meet the water flow standards of this article, and dual-flush mechanisms for toilets which accomplish the purpose and objective of this article, as determined by the board of water supply, shall be exempt from the application of this article. The board of water supply shall adopt rules governing such exemptions in accordance with HRS Chapter 91.

(1990 Code, Ch. 30, Art. 4, § 30-4.2) (Added by Ord. 92-01; Am. Ords. 92-109, 94-28)

**Editor's note:**

\* "January 16, 1992" is substituted for "the effective date of this article" and "the effective date of this section." (Ord. 92-01)

**§ 30-4.3 Exception.**

- (a) A nonresidential property shall not be required to comply with the requirements of § 30-4.2(b) if the administrative authority determines, upon application of the property owner or operator, that the age, condition, or type of plumbing system of such nonresidential property would prevent the proper functioning of water-saving toilets. Should the administrative authority determine that the applicant's plumbing system does

not prevent the proper functioning of water-saving toilets, the applicant may appeal that decision in accordance with subsection (c). In the event the owner or operator does not appeal the decision, water-saving toilets shall be installed on such owner's or operator's nonresidential property within the time period provided in § 30-4.2(b) or within six months of the administrative authority's decision, whichever is later.

- (b) If the administrative authority determines that the applicant's plumbing system does prevent the proper functioning of water-saving toilets, the nonresidential property owner or operator shall prepare a water conservation plan within six months of the date of that determination. That plan shall provide for the conservation of water by the nonresidential property in an amount not less than the amount of water that would be conserved, over an equal period of time, through the installation of water-saving toilets on such nonresidential property. The plan shall be submitted to the administrative authority for approval. The administrative authority, in consultation with the board of water supply, shall either approve or deny the water conservation plan. If the administrative authority approves the plan, the plan shall be in lieu of compliance with § 30-4.2(b) and the nonresidential property owner or operator shall implement the plan within the time period provided in § 30-4.2(b), or within six months of the administrative authority's decision, whichever is later. If the administrative authority denies the water conservation plan, the nonresidential property owner or operator may appeal the decision in accordance with subsection (c). In the event the owner or operator does not appeal the administrative authority's decision, water-saving toilets shall be installed on such owner's or operator's property within the time period provided in § 30-4.2(b) or within six months of the administrative authority's decision, whichever is later.
- (c) Any appeal from the decision of the administrative authority shall be made to the building board of appeals within 30 days of the date of the administrative authority's decision. The building board of appeals shall render a decision within 120 days of the date of the appeal. If the building board of appeals does not render a decision on an appeal made pursuant to subsection (a) or (b) within 120 days, the nonresidential property owner or operator shall prepare and implement a water conservation plan in lieu of installing water-saving toilets, or, if a plan has already been prepared, the owner or operator shall implement such plan. The nonresidential property owner or operator shall prepare or implement, or both, the plan within six months after the end of such 120-day period, or, if the board decides in favor of such owner or operator, within the time period specified in § 30-4.2(b) or within six months after the date of the board of appeal's decision, whichever is later.

If the building board of appeals denies the appeal, the owner or operator shall install water-saving toilets on the owner's or operator's nonresidential property within the time period specified in § 30-4.2(b) or within six months of the board's decision, whichever is later.

(1990 Code, Ch. 30, Art. 4, § 30-4.3) (Added by Ord. 92-01)

#### **§ 30-4.4 Enforcement.**

- (a) The administrative authority shall have the same right of entry as provided in § 19-2.3 to enforce the requirements of this article.
- (b) All violations of this article shall constitute violations under Chapter 19, Article 6, and shall be enforced in the same manner as provided therein.

(1990 Code, Ch. 30, Art. 4, § 30-4.4) (Added by Ord. 92-01)

**§ 30-4.5 Rules.**

Subject to HRS Chapter 91, the administrative authority may adopt rules having the force and effect of law for the implementation, administration, and enforcement of this article.

(1990 Code, Ch. 30, Art. 4, § 30-4.5) (Added by Ord. 92-01)

**§ 30-4.6 Exemption for low-consumption properties.**

- (a) Nonresidential properties that consume an average of 15,000 gallons of water per month or less in calendar year 1996 shall be exempted from the requirement to be equipped with ultra-low flush toilets under § 30-4.2(b).
- (b) If a nonresidential property with an exemption under subsection (a) consumes more than 15,000 gallons of water per month, on the average, during any calendar year after 1996, that nonresidential property shall be equipped with ultra-low flush toilets within the calendar year following the year in which the property's water consumption exceeded 15,000 gallons per month.
- (c) The building department shall annually determine if nonresidential properties granted an exemption under subsection (a) still qualify for that exemption.

(1990 Code, Ch. 30, Art. 4, § 30-4.6) (Added by Ord. 94-28; Am. Ord. 94-67)

***Editor's note:***

*Reference to the rebate program was removed because the program terminated on July 1, 2008.*

## **ARTICLE 5: MEDICATION IN DRINKING WATER**

### **Sections**

- 30-5.1 Prohibition
- 30-5.2 Product safety

#### **§ 30-5.1 Prohibition.**

No person shall add any product, substance, or chemical to the public water supply, except federally owned and operated water systems, such as military facilities, for the purpose of treating or affecting the physical or mental functions of the body of any person, rather than to make the water safe or potable. This prohibition shall not apply to water treatment chemicals used to make the water potable and safe to drink, such as chlorination and anticorrosion chemical to reduce lead.

(1990 Code, Ch. 30, Art. 5, § 30-5.1) (Added by Ord. 04-01)

#### **§ 30-5.2 Product safety.**

Should any State law mandate using the drinking water system to dispense medication for treating the physical or mental function of a person's body, the chemical additive used shall meet the following quality control and safety requirements.

- (a) All chemical additives purchased shall be pharmaceutical grade or equivalent; industrial grade chemical additives shall not be used.
- (b) The chemical additive shall not contain any contaminants which would exceed the maximum contaminant level goals established by:
  - (1) The U.S. Environmental Protection Agency; or
  - (2) The State department of health, whichever is lower.
- (c) The chemical additive shall not increase corrosion of the water piping system material components or increase leaching of heavy metals such that another chemical additive will be required to minimize corrosion.
- (d) The chemical additive shall have been tested and approved for safety and effectiveness by the U.S. Food and Drug Administration.
- (e) The chemical additive shall have been tested using the following additional safety tests if not already done by the U.S. Food and Drug Administration.
  - (1) The chemical additive shall have been tested for safety using worst-case conditions for any contaminants allowed by specifications with a safety factor to cover all ranges of unrestricted consumption.

- (2) If the chemical additive, in combination with body minerals, becomes a thermoluminescent phosphor material, which is known to become electrically charged when exposed to radiation and X-rays, testing shall have been done to determine any adverse effects. Thermoluminescent phosphor material examples are calcium fluoride, lithium fluoride, lithium bromide, and calcium sulphate.

(1990 Code, Ch. 30, Art. 5, § 30-5.2) (Added by Ord. 04-01)

## **CHAPTER 31: COMMUNITY ECONOMIC DEVELOPMENT**

### Articles

1. Enterprise Zone
2. Enterprise Zone—Real Property Tax Rebate
3. Enterprise Zones—Exemptions from Development Requirements

## **Honolulu - Land Use**

## ARTICLE 1: ENTERPRISE ZONE

### Sections

- 31-1.1 Definitions
- 31-1.2 Designation of enterprise zones
- 31-1.3 Amendment or termination of zones
- 31-1.4 Provision of city incentives
- 31-1.5 Penalties

#### § 31-1.1 Definitions.

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

**City.** The City and County of Honolulu.

**Enterprise Zone.** An area within the City and County of Honolulu which has been declared an enterprise zone in accordance with HRS § 209E-4(a) and this chapter.

**Qualified Business.** Has the same meaning as defined in HRS Chapter 209E.  
(1990 Code, Ch. 31, Art. 1, § 31-1.1) (Added by Ord. 94-38; Am. Ord. 97-65)

#### § 31-1.2 Designation of enterprise zones.

The mayor, with the concurrence of the council, or the council, with the concurrence of the mayor, may initiate an application to have an area declared by the State to be an enterprise zone; provided that such application may only be submitted to the State upon its approval by the council by resolution. The resolution shall expressly set forth the area to be included in the enterprise zone and those incentives which the city proposes to offer in the enterprise zone as delineated by the city. The application shall comply with the requirements of Hawaii Administrative Rules § 15-6-4.

(1990 Code, Ch. 31, Art. 1, § 31-1.2) (Added by Ord. 94-38; Am. Ord. 97-65)

#### § 31-1.3 Amendment or termination of zones.

- (a) The mayor, with the concurrence of the council, or the council, with the concurrence of the mayor, may initiate a request to the State to amend an application for an enterprise zone.
- (b) (1) The mayor, with the concurrence of the council, or the council, with the concurrence of the mayor, may initiate a request to the State to terminate an enterprise zone when there is evidence of lack of reasonable

progress toward implementation of the zone. Lack of reasonable progress shall be determined by the council after review of the status report and recommendation submitted in accordance with subdivision (2).

- (2) By June 30 of each year, the director of community services shall submit to the council a status report on the designated enterprise zones. For each designated enterprise zone, the status report shall include the name and type of each business receiving enterprise zone benefits, the name and type of new businesses attracted to the enterprise zone after enterprise zone designation, and the number and type of jobs created in the zone by each business receiving enterprise zone benefits. The status report shall also assess the progress made toward implementation of each designated enterprise zone, and shall make a recommendation regarding continuance or termination of each zone.

- (c) A request to amend or terminate an enterprise zone may only be submitted to the State upon its approval by the council by resolution.

(1990 Code, Ch. 31, Art. 1, § 31-1.3) (Added by Ord. 94-38; Am. Ords. 95-63, 97-65)

**§ 31-1.4 Provision of city incentives.**

- (a) The city may provide incentives and allow regulatory flexibility as permitted by HRS § 209E-12 only in those enterprise zones delineated by the council pursuant to HRS § 209E-4(a).
- (b) Local incentives may include, but need not be limited to:
  - (1) Reduction of permit fees;
  - (2) Reduction of user fees; and
  - (3) Reduction of real property taxes.
- (c) Regulatory flexibility may include but need not be limited to:
  - (1) Special zoning districts; plan review use approvals; zoning district variances, conditional use permits, and special use permits;
  - (2) Permit process reform;
  - (3) Exemptions from local ordinances; and
  - (4) Other public incentives.
- (d) City incentives for an enterprise zone may apply retroactively; provided that the council authorizes retroactive application of the benefits by resolution.
- (e) City incentives proposed in an application to the State for an enterprise zone may only be provided upon approval of the application by the governor and provided in accordance with this chapter. Upon approval of

a zone and provision of city incentives, such incentives shall continue in effect for any qualified business, subsequent city action to amend or terminate that zone notwithstanding.  
(1990 Code, Ch. 31, Art. 1, § 31-1.4) (Added by Ord. 94-38; Am. Ord. 97-65)

**§ 31-1.5 Penalties.**

Any person who files a fraudulent claim or attests to any false statement with intent to defraud the city or to evade the payment of taxes or any part thereof, or who in any manner intentionally deceives or attempts to deceive the city, shall be fined not more than \$2,000, imprisoned for not more than one year, or both.  
(1990 Code, Ch. 31, Art. 1, § 31-1.5) (Added by Ord. 94-38)

## **Honolulu - Land Use**

## ARTICLE 2: ENTERPRISE ZONE—REAL PROPERTY TAX REBATE

### Sections

- 31-2.1 Definitions
- 31-2.2 Rebate established
- 31-2.3 Administration
- 31-2.4 Appeal
- 31-2.5 Rules

### § 31-2.1 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 budget and fiscal services.

**Property Owner.** Has the same meaning as defined in § 8-6.3, as modified as follows:

- (1) Property owner includes a lessee holding real property, as defined in § 8-1.2, for a stated term of seven years or more, provided the lease:
  - (A) Has been duly entered into and recorded in the bureau of conveyances or filed in the office of the assistant registrar of the land court; and
  - (B) Provides that the lessee shall pay all taxes levied on the property during the term of the lease.
- (2) Property owner excludes a lessee under a government lease whose stated term is less than seven years.

**Tax Year.** Has the same meaning as defined in § 8-6.2.  
(1990 Code, Ch. 31, Art. 2, § 31-2.1) (Added by Ord. 94-38)

### § 31-2.2 Rebate established.

Where a property tax rebate has been authorized by council resolution pursuant to § 31-1.2 or 31-1.3, upon proper application, any owner of a qualified business located within the enterprise zone delineated in the council resolution who owned the property used by that business on the date of the business's first certification by the State pursuant to HRS Chapter 209E shall be entitled to a rebate from the city as set forth in the resolution.

A claim for a real property tax rebate may be filed for excess taxes paid during a tax year at any time during the succeeding tax year only, except where the council has approved retroactive application of incentives as provided for in § 31-1.4(d). The first claim for a rebate shall be made during the tax year when the rebate is first

available to the qualified business; the claim for retroactive application of an incentive shall be made during the first tax year after council authorization of the retroactive application.

The rebate shall apply to real property which is held by the qualified business within the enterprise zone, as delineated in the council resolution, and which is used for the activities of the qualified business.  
(1990 Code, Ch. 31, Art. 2, § 31-2.2) (Added by Ord. 94-38; Am. Ord. 97-65)

### § 31-2.3 Administration.

- (a) The director shall prescribe the appropriate form or forms for rebate claims. For each tax year in which a claim is filed, the director shall require proof of the applicant's certification by the State department of business, economic development, and tourism that the qualified business is exempt from the payment of the general excise tax in that tax year, and shall require proof of the applicant's status as a property owner as of the date of the certification. The director shall request such proof as the director shall deem necessary to verify the applicant's qualification for the rebate, including but not limited to proof that the real property for which the claim for rebate of taxes is made is used for the activities of the qualified business, and that the applicant paid the taxes for which the claim for rebate is made.
- (b) The applicant may refuse to provide any such proof requested by the director; provided that the director may deny the claim for rebate upon such refusal. Notwithstanding any other provision to the contrary, there shall be no appeal from the director's denial of the claim due to such refusal of the applicant.
- (c) Where the applicant is qualified for rebate of only a portion of the taxes paid for a tax map key parcel, the sum rebated shall be the lesser of either:
  - (1) The excess taxes actually paid by the applicant; or
  - (2) An allocation made by the director of the excess taxes attributable to:
    - (A) The floor space of a building held and used by the applicant, including an allocation of the taxes for the land thereunder and the appurtenant premises, where only a portion of a building is held and used by the applicant;
    - (B) The portion of the land held and used by the applicant, where only unimproved land is held and used by the applicant; or
    - (C) The entire structure and the land thereunder that is held and used by the applicant, where the entire structure is held and used by the applicant, but only a portion of the land is held and used by the applicant.
- (d) Upon review and verification of each claim, the director shall determine eligibility for rebate within 45 days of the director's receipt of a duly submitted claim. If an applicant is found ineligible, the director shall notify the applicant and the council within 45 days after the applicant has been found ineligible by the director. If an applicant's claim is approved, the rebate shall be made by warrant in the name of the applicant and shall

be issued within 45 days after the applicant has been found eligible by the director. All warrants issued shall be subject to audit.

(1990 Code, Ch. 31, Art. 2, § 31-2.3) (Added by Ord. 94-38)

**§ 31-2.4 Appeal.**

(a) An applicant may appeal the director's denial of a claim to the council. The appeal shall be filed with the council within 30 days of the applicant's receipt of the notification of ineligibility from the director. The council shall establish the procedure for an appeal.

(b) This section shall not be construed as superior to § 31-2.3(b). A claim denied under that subsection shall not be appealable under this section.

(1990 Code, Ch. 31, Art. 2, § 31-2.4) (Added by Ord. 94-38)

**§ 31-2.5 Rules.**

In accordance with HRS Chapter 91, the director may adopt rules having the force and effect of law as deemed necessary to accomplish the purposes of this article.

(1990 Code, Ch. 31, Art. 2, § 31-2.5) (Added by Ord. 94-38)

## **Honolulu - Land Use**

## **ARTICLE 3: ENTERPRISE ZONES—EXEMPTIONS FROM DEVELOPMENT REQUIREMENTS**

### **Sections**

31-3.1	Definitions
31-3.2	Exemption established
31-3.3	Administration
31-3.4	Appeal
31-3.5	Rules

### **§ 31-3.1 Definitions.**

As used in this article, “director” means the director of planning and permitting.  
(1990 Code, Ch. 31, Art. 3, § 31-3.1) (Added by Ord. 94-38)

### **§ 31-3.2 Exemption established.**

Where an exemption has been authorized by council resolution pursuant to § 31-1.2 or 31-1.3, a qualified business located within the enterprise zone delineated in the council resolution which is seeking to construct a new facility or to expand, renovate, or re-equip an existing facility in the enterprise zone may apply to the director for an exemption from city ordinances, resolutions, or rules relating to planning, zoning, subdivision, or construction standards or for one or more approvals under city ordinances, resolutions, or rules relating to planning, zoning, subdivision, or construction standards as authorized in the resolution; notwithstanding the proposed new facility or expansion, renovation, or re-equipment of an existing facility would not comply in all respects with all of such standards.

(1990 Code, Ch. 31, Art. 3, § 31-3.2) (Added by Ord. 94-38; Am. Ord. 97-65)

### **§ 31-3.3 Administration.**

The director shall review applications for exemption based on the following criteria:

- (1) The proposed expansion, renovation, or re-equipment or new facility is consistent with the purpose and intent of the establishment of the enterprise zone to stimulate business and industrial growth and foster neighborhood revitalization;
- (2) The proposed expansion, renovation, or re-equipment or new facility is consistent with the policies and objectives of HRS Chapter 205A and the general plan of the City and County of Honolulu; and
- (3) The proposed exemption for the expansion, renovation, or re-equipment or new facility meets minimum requirements of health and safety, upon consultation by the director with the appropriate public agencies.

The director may recommend approval of the application only upon finding that all of the above criteria are met.

If the director recommends approval of the application, the director shall submit the application together with the director's findings and recommendation within 45 days of the director's receipt of a duly submitted application to the council for consideration of approval by resolution. The exemption shall take effect only if approved by the council by resolution.

(1990 Code, Ch. 31, Art. 3, § 31-3.3) (Added by Ord. 94-38)

**§ 31-3.4 Appeal.**

The function performed by the director under this article shall not be considered action in the administration of the zoning and subdivision ordinances, or rules adopted pursuant thereto, for the purposes of Charter § 6-1516.

(1990 Code, Ch. 31, Art. 3, § 31-3.4) (Added by Ord. 94-38)

**§ 31-3.5 Rules.**

In accordance with HRS Chapter 91, the director may adopt rules, with the concurrence of the council, having the force and effect of law as deemed necessary to accomplish the purposes of this article.

(1990 Code, Ch. 31, Art. 3, § 31-3.5) (Added by Ord. 94-38)

## CHAPTER 32: AFFORDABLE RENTAL HOUSING

### Article

1. General Provisions
2. Permitted Uses, Development Standards, and Other Requirements
3. Building Construction Standards

### ***Editor's note:***

*In accordance with Ordinance 19-8: Chapter 32 will be repealed on May 21, 2024; and, upon the repeal of Chapter 32, affordable rental housing projects developed thereunder will be deemed a non-conforming multi-family dwelling use and must comply with the applicable non-conforming provisions of § 21-4.110.*

## **Honolulu - Land Use**

## ARTICLE 1: GENERAL PROVISIONS

### Section

- 32-1.1 Definitions
- 32-1.2 Regulation of affordable rental housing projects
- 32-1.3 Prohibitions
- 32-1.4 Declaration of restrictive covenants
- 32-1.5 Building permit processing
- 32-1.6 Violation—Penalty

### § 32-1.1 Definitions.

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

***Affordable Rental Housing Project.*** A multifamily dwelling containing only dwelling units that meet all of the following criteria:

- (1) (A) At least 80 percent of the total units are rented to households earning 100 percent and below of the AMI; and
  - (B) 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;
- (2) No more than 20 percent of the total units in the affordable rental housing project are occupied by the property owners or individuals who are related by blood, marriage, or adoption to the property owners;
- (3) Households occupying affordable rental housing units must have a lease for the unit with a minimum six month term, and a prohibition against subleasing;
- (4) All leases for dwelling units must allow the lessee to terminate the lease early if the lessee or any member of the lessee's family residing with the lessee is rendered unable to access the unit by reason of an accident or medical condition;
- (5) The fee owners of the land on which an affordable rental housing project is situated shall execute a declaration of restrictive covenants, and shall file a copy thereof with the department of planning and permitting prior to the issuance of a building permit for the affordable rental housing project; and
- (6) A certification must be filed annually with the director of budget and fiscal services using a form provided by the director of budget and fiscal services, affirming that at least 80 percent of the total units in the affordable rental housing are affordable rental housing units and no more than 20 percent of the total units in the

affordable rental housing are occupied by the property owners or individuals who are related by blood, marriage, or adoption to the property owners.

***Affordable Rental Housing Unit.*** A unit in an affordable rental housing project that:

- (1) Is rented to a household 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.

***Area Median Income or AMI.*** The current AMI determined by the United States Department of Housing and Urban Development annually for the Honolulu Metropolitan Statistical area, as adjusted for household size.

***Bathroom.*** A room, or combination of adjoining rooms that provide access to one another, that is equipped for taking a bath or shower, and that includes either a sink or toilet, or both. A 0.5 bathroom means any room, or combination of adjoining rooms that provide access to one another, that is equipped with a sink or toilet, or both, but is not equipped with a bath or shower.

***Bed and Breakfast Home.*** Has the same meaning as defined in Chapter 21, Article 10.

***Building Code.*** The building code of the City and County of Honolulu, as amended.

***Building Official.*** Has the same meaning as defined in § 18-2.1.

***Declaration of Restrictive Covenants.*** The declaration of covenants, conditions, and restrictions in a form approved by the director of budget and fiscal services and executed by the fee owners of the land on which an affordable rental housing project is situated, which at a minimum provides that:

- (1) The land and all improvements thereon are subject to the affordable rental housing requirements of this chapter;
- (2) The land or a portion thereof may qualify for a real property tax exemption during the exemption period;
  - (A) If rented to households earning 80 percent or below of the AMI; and
  - (B) 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 80 percent of the AMI for the applicable household size;
- (3) Excluding any portion of the ground floor of the affordable rental housing project that is designated for commercial use if commercial use is otherwise permitted by the underlying zoning, mixed use projects are prohibited;

- (4) The property on which an affordable rental housing project is situated may only be submitted to a condominium property regime pursuant to HRS Chapter 514B or any successor statute if it contains a ground floor commercial use that is permitted by the underlying zoning of the property; provided further that the only condominium units created are one condominium unit for the ground floor commercial portion of the project and one condominium unit for the residential portion of the project, and the one condominium unit for the residential portion of the project must not be further divided into separate condominium units; and
- (5) Violation of the declaration of restrictive covenants is subject to the enforcement provisions of Chapters 8 and 21.

**Floor Area Ratio or FAR.** Has the same meaning as defined in § 21-10.1.

**Dwelling Unit.** Has the same meaning as defined in § 21-10.1.

**Heavy Timber Construction.** Has the same meaning as defined by the National Fire Protection Association.

**Multifamily Dwelling.** Has the same meaning as defined in § 21-10.1.

**Transient Vacation Unit.** Has the same meaning as defined in Chapter 21, Article 10.

(Added by Ord. 19-8; Am. Ord. 20-13)

## § 32-1.2 Regulation of affordable rental housing projects.

This chapter regulates affordable rental housing projects.

(Added by Ord. 19-8)

## § 32-1.3 Prohibitions.

- (a) Excluding the ground floor if commercial use is otherwise permitted by the underlying zoning, mixed use affordable rental housing projects are prohibited.
- (b) The property on which an affordable rental housing project is situated may only be submitted to a condominium property regime pursuant to HRS Chapter 514B or any successor statute if it contains a ground floor commercial use that is permitted by the underlying zoning of the property; provided further that the only condominium units created are one condominium unit for the ground floor commercial portion of the project and one condominium unit for the residential portion of the project, and the one condominium unit for the residential portion of the project must not be further divided into separate condominium units.
- (c) Units in an affordable rental housing project must not be used as a bed and breakfast home or transient vacation unit.

(Added by Ord. 19-8)

**§ 32-1.4 Declaration of restrictive covenants.**

- (a) The owner of the zoning lot on which an affordable rental housing project is situated shall execute a declaration of restrictive covenants, as required under this chapter.
  - (b) Upon the sale, transfer, or demise of title to the property, or any portion thereof, on which an affordable rental housing project is situated, the owner shall disclose the declaration of restrictive covenants to the prospective transferee, and upon the transfer of title, the new owner shall execute a declaration of restrictive covenants in substantially the same form as the declaration of restrictive covenant executed by the prior owner, and file a copy of the executed declaration of restrictive covenants with the department of planning and permitting.
- (Added by Ord. 19-8)

**§ 32-1.5 Building permit processing.**

- (a) The declaration of restrictive covenants that has been executed by the owner of the zoning lot on which an affordable rental housing project is situated, must be filed with any building permit application for the affordable rental housing project, along with any additional documents determined by the director to be necessary to supplement the application.
  - (b) Upon acceptance of a complete application for a building permit to construct an affordable rental housing project, the building official shall approve or disapprove the application within 90 calendar days. If the building official fails to approve or disapprove a building permit application for an affordable rental housing project within 90 days after acceptance of a complete application, the building permit application will be deemed approved.
- (Added by Ord. 19-8)

**§ 32-1.6 Violation—Penalty.**

- (a) If the director of planning and permitting determines that the use of the affordable rental housing project is abandoned; or that an owner, or the heir, successor, or assign of the owner is violating Article 2, 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 following amounts:
  - (1) The differences in the amount of taxes that were paid and those that would have been due but for the exemption for affordable rental housing units pursuant to § 8-10.33(b)(4);
  - (2) The differences in the amount of taxes that were paid and those that would have been due but for the exemption for qualifying construction work pursuant to § 8-10.34(a)(2);
  - (3) The amount of wastewater system facility charges waived for affordable rental housing units pursuant to § 14-10.8(a)(4);
  - (4) The amount of plan review and building permit fees waived for the affordable rental housing units pursuant to § 18-6.5(i); and

- (5) The value of the park dedication requirements waived for the affordable rental housing units pursuant to § 22-7.3(j)(4);

together with a penalty in the form of interest at 10 percent per annum on the amounts imposed under subdivisions (1), (2), (3), (4), and (5), from the dates that the respective payments would have been due, but for the exemption or waiver.

- (b) If the building official determines that the affordable rental housing project violates the building code or any provision of Article 3, the violator will be subject to the violations and penalty provisions of Chapter 16, Article 10.
- (c) From time to time, or upon receipt of a complaint, the director of budget and fiscal services, or the director of planning and permitting, or both, may conduct an audit of an affordable rental housing project to determine compliance with the requirements of this chapter.

(Added by Ord. 19-8; Am. Ord. 20-13)

## **Honolulu - Land Use**

## **ARTICLE 2. PERMITTED USES, DEVELOPMENT STANDARDS, AND OTHER REQUIREMENTS**

### Section

32-2.1	Administration
32-2.2	Permitted uses
32-2.3	Development standards
32-2.4	Parking
32-2.5	Bicycle parking
32-2.6	Examples of maximum building area and yards
32-2.7	Examples of maximum building height
32-2.8	Maximum number of units
32-2.9	Maximum size of units
32-2.10	Compliance with applicable laws

### **§ 32-2.1 Administration.**

The director of planning and permitting, or the director's duly appointed representative, shall administer this article. Unless specifically modified in this article, the permitted uses, development standards, and other requirements of Chapters 21, 21A, 22, 23, and 25 apply to affordable rental housing projects; provided that the special district requirements pursuant to §§ 21-9.20 through 21-9.90-6 and related exhibits do not apply to affordable rental housing projects if the assessed value of the existing buildings on the proposed affordable rental housing project site does not exceed 30 percent of the assessed value of the land. In the event of a conflict between applicable provisions, the provisions of this article will prevail.

(Added by Ord. 19-8; Am. Ord. 20-13)

### **§ 32-2.2 Permitted uses.**

Affordable rental housing projects are a permitted use in the apartment, apartment mixed use, and business mixed use zoning districts, and in the apartment precinct, including the apartment mixed use subprecinct, of the Waikiki special district, pursuant to Chapter 21.

(Added by Ord. 19-8; Am. Ord. 20-13)

### **§ 32-2.3 Development standards.**

Affordable rental housing projects are subject to the following development standards and off-street parking and loading requirements, as illustrated in Figures 32-2.6 and 32-2.7:

Development Standard	Requirement
Maximum lot area	20,000 square feet
Minimum front yard	10 feet, or the minimum front yard required by the underlying zoning, whichever is less
Minimum side and rear yards	5 feet, or the minimum side and rear yards required by the underlying zoning, whichever is less
Maximum building area	80% of the zoning lot
Maximum building height	60 feet
Maximum density	4.0 FAR
Height setbacks	None
Off-street parking	None
Bicycle parking	None
Off-street loading	None, provided that loading and garbage storage must be accommodated on site.
Yard encroachments	Parking, including bicycle parking, is allowed in the side and rear yards. One loading space may encroach a maximum of 5 feet into the front yard. Required fire exit stairwells and fire corridors may encroach into the front yard by a maximum of 5 feet.

(Added by Ord. 19-8)

#### § 32-2.4 Parking.

Parking, including bicycle parking, may extend into side and rear yards, provided that a solid wall, with a minimum height of 4 feet and a maximum height of 6 feet, is built along the applicable side or rear property boundary.

(Added by Ord. 19-8)

#### § 32-2.5 Bicycle parking.

The bicycle parking requirements of § 21-6.150 do not apply to affordable rental housing projects; however, if the affordable rental housing project provides short- or long-term bicycle parking onsite, the bicycle parking may encroach into required yards.

(Added by Ord. 19-8)

#### § 32-2.6 Examples of maximum building area and yards.

The following figures illustrate possible configurations of maximum building area and required yards; however, they do not necessarily reflect acceptable parking configurations or compliance with all other development standards:

Figure 32-2.6  
5,000 SQUARE FOOT LOT

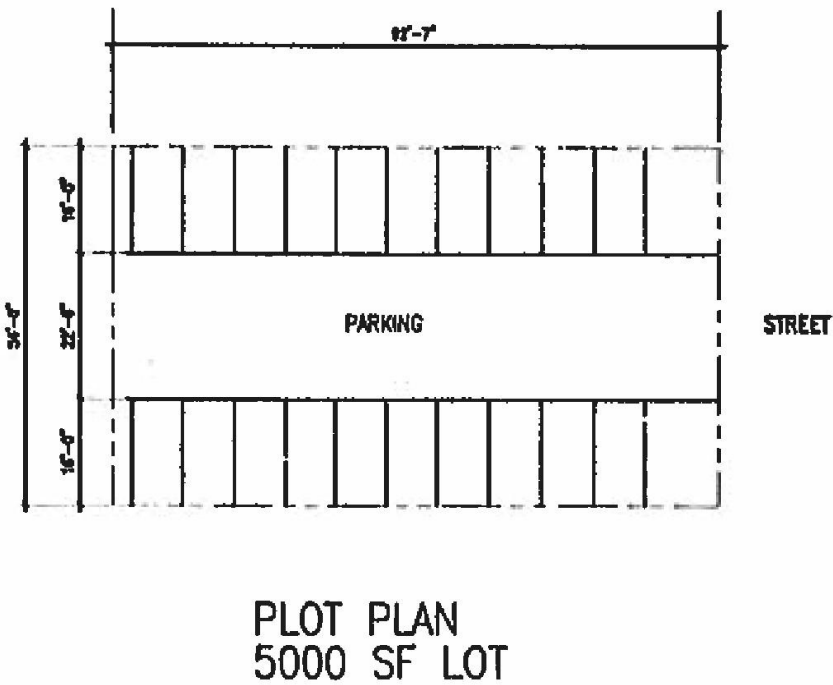
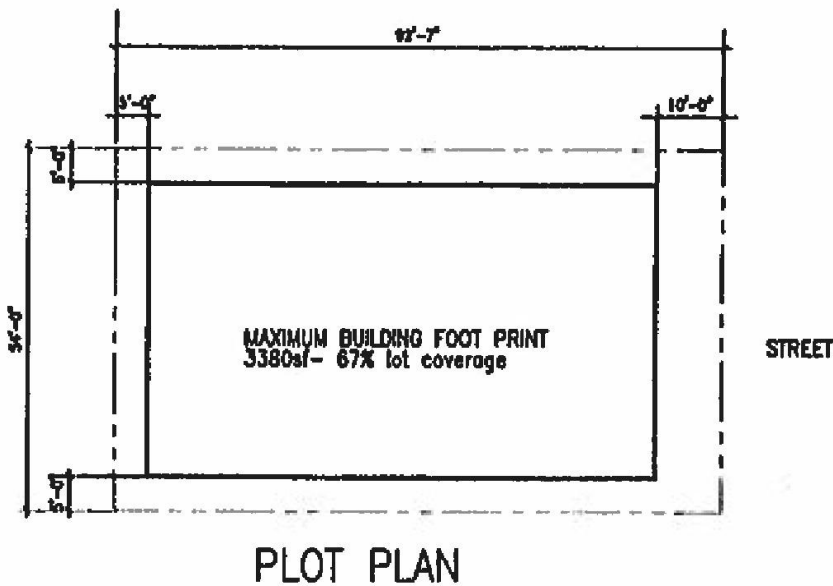
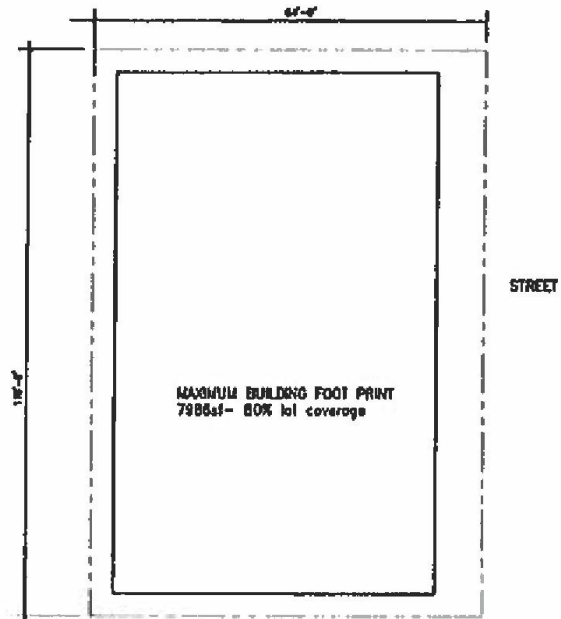
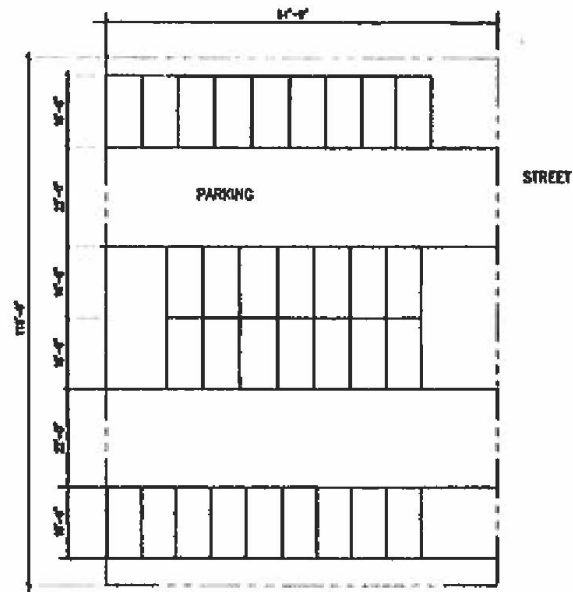


Figure 32-2.6  
10,000 SQUARE FOOT LOT

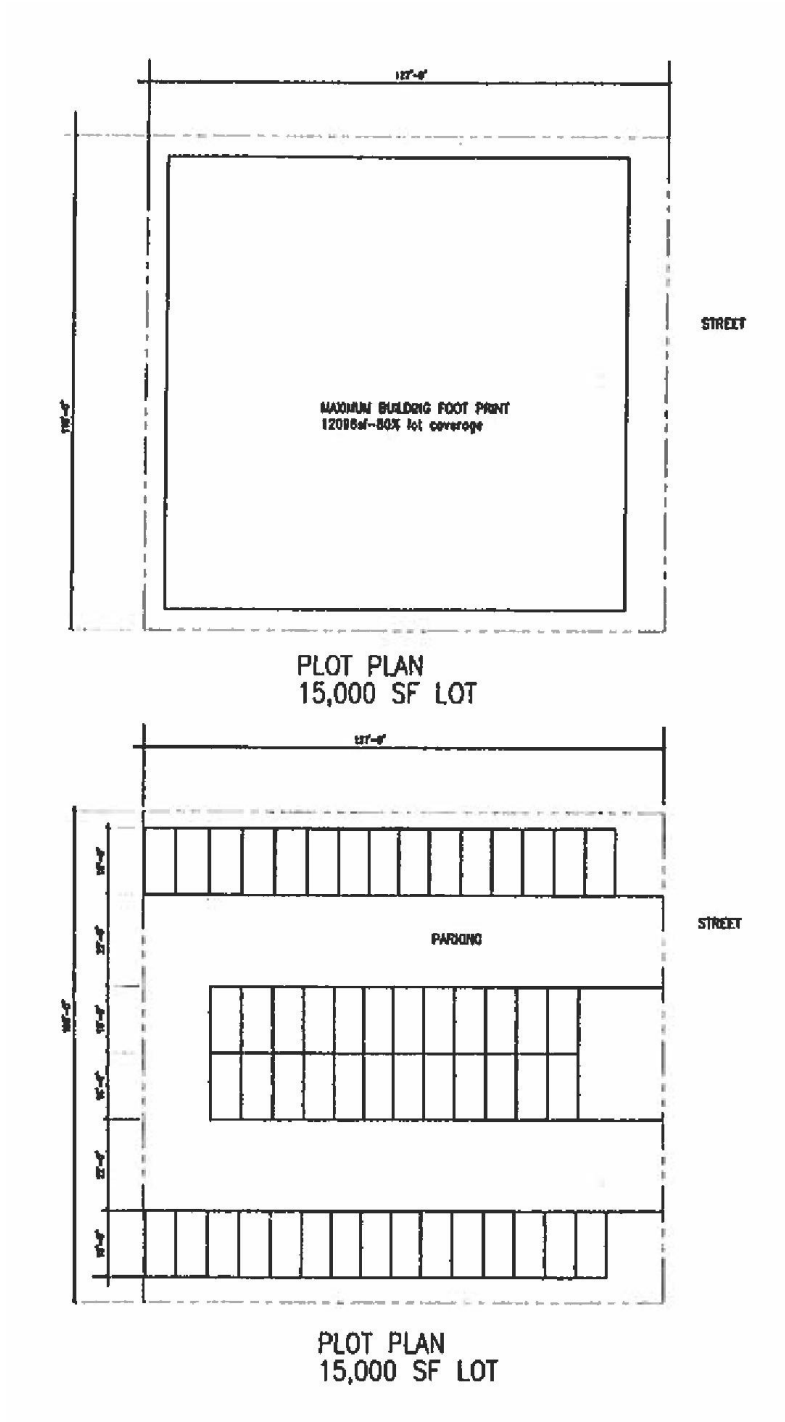


PLOT PLAN  
10,000 SF LOT

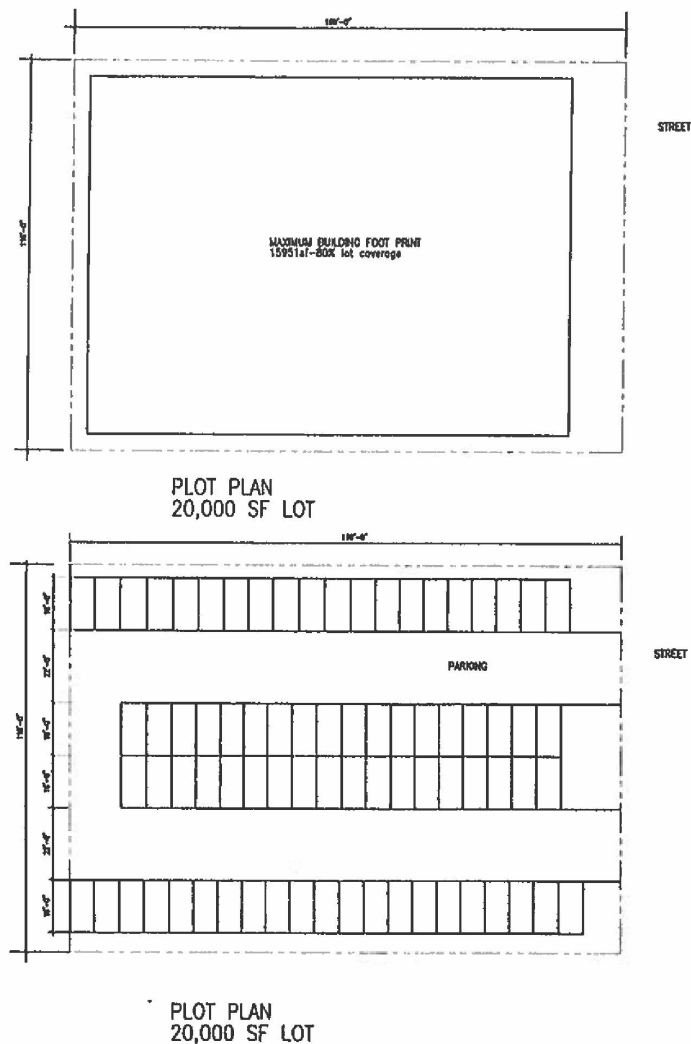


PLOT PLAN  
10,000 SF LOT

Figure 32-2.6  
15,000 SQUARE FOOT LOT



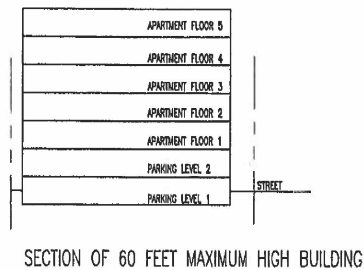
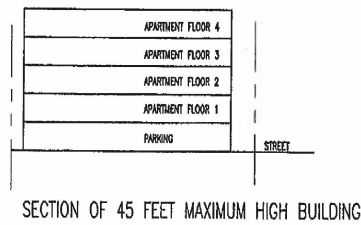
**Figure 32-2.6**  
**20,000 SQUARE FOOT LOT**



(Added by Ord. 19-8)

### § 32-2.7 Examples of maximum building height.

The following figures illustrate possible configurations of building height; however, they do not necessarily reflect acceptable parking configurations or compliance with all other development standards:



(Added by Ord. 19-8)

### § 32-2.8 Maximum number of units.

The maximum number of affordable rental housing units for each zoning lot is determined by dividing the square footage equivalent of the maximum allowable FAR for that zoning lot, excluding any public open space bonus FAR, by a factor of 800, and rounding down to the nearest whole number.

(Added by Ord. 19-8)

### § 32-2.9 Maximum size of units.

The maximum size of an affordable rental housing unit in an affordable rental housing project is as follows:

Number of Bedrooms and Bathrooms	Maximum Floor Area (square feet)
Studio with 1 bathroom	500
One bedroom with 1 bathroom	650
One bedroom with 1.5 bathrooms	700
One bedroom with 2 bathrooms	750
Two bedrooms with 1 bathroom	800
Two bedrooms with 1.5 bathrooms	900
Two bedrooms with 2 bathrooms	1,000
Three bedrooms with 1.5 bathrooms	1,100
Three bedrooms with 2 bathrooms	1,200

<b>Number of Bedrooms and Bathrooms</b>	<b>Maximum Floor Area (square feet)</b>
Three bedrooms with 2.5 bathrooms	1,250
Four bedrooms with 2 bathrooms	1,300
Four bedrooms with 2.5 bathrooms	1,350

(Added by Ord. 19-8)

**§ 32-2.10 Compliance with applicable laws.**

Affordable rental housing projects must comply with all applicable laws, including but not limited to the federal Fair Housing Act, the Americans with Disabilities Act, and § 504 of the Rehabilitation Act of 1973.

(Added by Ord. 19-8)

## ARTICLE 3. BUILDING CONSTRUCTION STANDARDS

### Section

- 32-3.1 Administration
- 32-3.2 Standards

#### § 32-3.1 Administration.

The building official, or the building official's duly appointed representative, shall administer this article. Unless specifically modified herein, the building and housing code requirements of Chapters 16 and 27, respectively, apply to affordable rental housing projects. In the event of a conflict between applicable provisions, the provisions of this article prevail.

(Added by Ord. 19-8)

#### § 32-3.2 Standards.

- (a) *Building heights and areas.* The building height permitted by Table 32-A will be increased in accordance with Section 504 of the building code. The building area of a one-story building must not exceed the limitations set forth in Table 32-A, except as provided in Section 506 of the building code.

TABLE 32-A					
TYPE OF CONSTRUCTION	ALLOWABLE HEIGHT AND BUILDING AREAS FOR MID-RISE MULTI-FAMILY RESIDENTIAL BUILDINGS.				
	Height Limitations shown as stories and feet above grade plane. Area limitations as determined by the definition of Area, building, per story				
	IB	IIA	IIIA	HT	VA
	MAXIMUM HEIGHT (feet)				
Height/Area	60	60	60	60	50
Height/Area	Maximum Height (stories) and Maximum Area (sq. ft.)				
H	7	7	7	7	5
A	80% of land area	80% of land area	80% of land area	80% of land area	80% of land area

- (b) *Type of construction.* The minimum type of construction must comply with Chapter 6 of the building code and Table 32-A.
- (c) *Fire-resistance rated construction and requirements.* The following requirements apply to affordable rental housing projects:

- (1) Where an exterior wall is less than 10 feet from the property line, one-hour fire-rated exterior walls with no greater than 25 percent openings per wall surface; provided that windows in the openings may be unrated;
  - (2) One-hour fire-rated corridor walls for double loaded corridors and demising walls between units;
  - (3) Twenty-minute fire-rated entry doors to units with automatic closure mechanisms;
  - (4) Unrated interior walls within each unit;
  - (5) One-hour fire-rated floors and roof, or heavy timber floors and roof;
  - (6) Two-hour fire-rated walls between units and building stairs or passenger elevators;
  - (7) Two-hour fire-rated walls and 90-minute fire-rated door in the booster pump room described in subsection (d)(5); and
  - (8) All domestic water and fire sprinkler piping must be made of noncombustible material.
- (d) *Fire protection system.* The installation of automatic sprinkler systems for protection against fire hazards must be designed and installed in compliance with section 903 of the building code; or, for residential occupancies of seven or fewer stories in buildings not exceeding 60 feet in height above grade, an automatic sprinkler system must be provided as follows:
- (1) A common sprinkler/domestic main must be installed throughout the building;
  - (2) Vertical risers must be provided with a secured shutoff valve locked in the open position. All required outages must be provided with a fire watch;
  - (3) All sprinkler heads must be installed prior to the last plumbing fixture served within the unit. All sprinkler piping serving a sprinkler head must be kept to a minimum and no greater than 16 inches in length;
  - (4) The discharge density must be 0.05 gallons per minute per square-foot with a maximum of four sprinkler heads within each compartment;
  - (5) A booster pump must be provided to accommodate the domestic water and greatest hydraulic demanding sprinklers within a unit. The booster pump must provide a minimum of 40 pounds per square inch at the top of the riser;
  - (6) A manual wet stand pipe must be precharged from a domestic water supply tap. The stand pipe must be located in an exterior open stairwell with two-hour rated walls;
  - (7) For exterior walls that are between five and ten feet from the property line with a wall opening greater than a 10 percent, there must be a sprinkler head at all wall openings to provide a water curtain when the sprinkler head is activated;
  - (8) For buildings over 40 feet in height with type VA construction, a National Fire Protection Association 13 sprinkler system is required; and

- (9) A mechanical engineer licensed in the State of Hawaii shall prepare the plans for the automatic sprinkler system required by this section.
- (e) *Means of egress.* Exterior corridors and balconies that are open with guards of a minimum one-hour fire-rated construction, or composed of other noncombustible fascia surfaces may be constructed up to five feet from the property line.
- (f) *Fire escape stairs.*
  - (1) All fire stair exits may be open; provided that the walls adjoining any unit are two-hour fire-rated walls.
  - (2) Except as provided in subdivision (3), at least one fire exit stairwell must be a minimum width of 36 inches, and if no elevator is provided, a second fire exit stairwell with a minimum width of 36 inches must be provided.
  - (3) Buildings with 35 or fewer units may have a single fire exit stairwell that is a minimum width of 48 inches and constructed of non-combustible material or heavy timber construction; provided that the total length of the building must not exceed 100 feet. The stairwell must exit to the ground floor.
  - (4) The fire chief may, at the fire chief's discretion, approve of alternative fire exits in lieu of a second fire exit stairwell, including a drop ladder system or a narrower second fire exit stairwell.
- (g) *Exterior glass.* Exterior glass in an affordable rental housing project will be exempt from the requirements of Chapter 32 (the Building Energy Conservation Code).
- (h) *Accessibility.* Design of building and facilities must comply with the federal Fair Housing Act, 42 USC §§ 3601 et seq. Elevators are not required unless mandated by Section 1007.2.1 of the building code, or required by applicable federal accessibility laws. Elevators may be provided in affordable rental housing projects, even though not required.
- (i) *Fire and smoke alarm systems.* Smoke detectors with audio alarms that are electronically powered must be installed in all bedrooms. An alarm pull box that is electronically connected to set off an audio alarm must be installed on each floor.

(Added by Ord. 19-8)

## **Honolulu - Land Use**

## **CHAPTER 33: DEVELOPMENT AGREEMENTS**

### Article

#### 1. General Provisions

## **Honolulu - Land Use**

## ARTICLE 1: GENERAL PROVISIONS

### Sections

33-1.1	Definitions—Execution
33-1.2	General authorization
33-1.3	Negotiation, approval, and execution of development agreements
33-1.4	Periodic review—Termination of agreement
33-1.5	Development agreement—Provisions
33-1.5A	Development agreement—Fees
33-1.6	Enforceability—Applicability
33-1.7	Administrative procedure
33-1.8	Effective date—Laws and rules applicable—Effect on zoning and permit requirements
33-1.9	Amendment or cancellation
33-1.10	Filing and recordation

### § 33-1.1 Definitions—Execution.

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

**Council.** The city council of the City and County of Honolulu.

**Designated Agency.** The department of planning and permitting.

**Development.** Includes but is not limited to the subdivision of land or change in the intensity of the use of the land or the construction of permanent structures thereon.

**Developer.** A person who has a legal or equitable right to effect the development of the subject real property.

**Discretionary Permit.** Includes any permit issuable by the council, including special management area use permits; any permit issuable by the designated agency, including conditional use permits and site plan review permits; any permit issuable as a matter of discretion by any federal, State, or county agency. Discretionary permit does not include grading permits, construction permits, or any permits issuable under the city building, plumbing, fire, or electrical codes.

**Lessee with Standing.** Any person having current lease rights in the property and from, or through which, directly or indirectly, the developer has leased the property or has obtained development rights in the property.

**Person.** An individual, group, partnership, firm, association, corporation, trust, governmental agency, governmental official, administrative body, or tribunal or any other legal form of business or legal entity.

**State.** The State of Hawaii.

- (b) For the purposes of this chapter, a development agreement shall be deemed to have been “executed” when it has been signed by all parties thereto.  
(1990 Code, Ch. 33, Art. 1, § 31-1.1) (Added by Ord. 96-09)

**§ 33-1.2 General authorization.**

- (a) Pursuant to HRS Chapter 46, Part VII, the city may enter into a development agreement with a developer. The agreement may be requested by either the city or by a developer, pursuant to § 33-1.7.
- (b) Pursuant to HRS § 46-131, each development agreement shall be deemed an administrative act of the government body made party to the agreement.
- (c) The designated agency is authorized to negotiate, prepare, and administer a development agreement, in accordance with this chapter, with any developer.
- (d) If after March 29, 1996,\* a statute is enacted by the State that provides that development agreements shall be subject to the exercise of county initiative power, either direct or indirect, or to county referendum, any development agreement entered into after such enactment shall be subject thereto.  
(1990 Code, Ch. 33, Art. 1, § 31-1.2) (Added by Ord. 96-09)

***Editor’s note:***

\* “March 29, 1996” is substituted for “the effective date of this ordinance.”

**§ 33-1.3 Negotiation, approval, and execution of development agreements.**

- (a) A proposed development agreement may be negotiated upon request by a developer, by the city, or, for State developments, by the State, by submitting an application in accordance with § 33-1.7. Negotiations by and among all parties may be pursued, provided that the development agreement shall not be executed by the mayor until the developer has obtained the approval of the council and all development plan land use map and zoning district designations necessary for the proposed development have been enacted and become effective. The mayor shall not execute the development agreement until all nongovernmental parties thereto have executed the development agreement. The council may, as a condition to its approval of a development agreement, require the prior execution thereof by all nongovernmental parties thereto. If a development agreement approved in connection with a rezoning ordinance is not executed by all parties within 30 days after the effective date of the ordinance, the director of planning and permitting shall immediately initiate action to rezone the affected property to the zoning that existed before the effective date of the rezoning ordinance.
- (b) The designated agency shall submit any proposed development agreement to the council for its approval, modification and approval as modified, or rejection, by resolution adopted by a majority of the council.  
(1990 Code, Ch. 33, Art. 1, § 31-1.3) (Added by Ord. 96-09)

**§ 33-1.4 Periodic review—Termination of agreement.**

- (a) In accordance with this section, the designated agency shall conduct periodic reviews of all development agreements to determine compliance with the terms and conditions thereof by the parties thereto.

- (b) Each development agreement shall specify requirements for periodic review thereof by the designated agency for compliance with the agreement; provided that such reviews shall be conducted at least once a year. The designated agency may conduct reviews at more frequent intervals, as specified in the development agreement, or if the designated agency has reason to believe the agreement is being or has been violated.
  - (c) If the designated agency finds that any party has committed a material breach of the terms or conditions of a development agreement, the following procedure shall be followed.
    - (1) The designated agency shall, within 15 days of its making such finding, notify the party in writing, setting forth the specific breach found and the evidence supporting the finding, and provide the party a reasonable time within which to cure the breach.
    - (2) The designated agency shall give the party the opportunity to request a hearing before the director of planning and permitting or the director's designee to rebut the findings of the designated agency, or if the designated agency finds that an amendment to the agreement would meet its concerns, an opportunity to consent to the amendment.
    - (3) If the party fails successfully to rebut the findings at the hearing or to cure the breach within the time provided, or if the designated agency, after obtaining the consent of the party found to be in breach, wishes to propose an amendment to the development agreement to meet the designated agency's concerns, it shall notify the council.
    - (4) The council thereafter may, but need not, take one of the following actions:
      - (A) Unilaterally terminate the agreement and impose any other penalties which are stated in the agreement; or
      - (B) Amend the agreement pursuant to § 33-1.9, so that the party is no longer in material breach thereof.
  - (d) The designated agency shall establish rules of procedure for any party found to be in material breach to rebut the finding. The hearing procedures shall conform to the requirements of HRS Chapter 91, relating to contested case hearings.
  - (e) Nothing in this article shall preclude the council, following termination of a development agreement, from taking action with respect to the subject land, including rezoning thereof, independent of the agreement.
- (1990 Code, Ch. 33, Art. 1, § 31-1.4) (Added by Ord. 96-09)

**§ 33-1.5 Development agreement—Provisions.**

- (a) A development agreement shall contain the following, when applicable:
  - (1) A description of the land that is the subject of the development agreement;
  - (2) Specifications of the permitted uses of the property, the density or intensity of use, and the design and the maximum height and size of proposed buildings permitted as of the date the development agreement is effective;

- (3) If required by the council, a master plan of the property subject to the development agreement, designating the permitted locations of uses or categories of uses and designating areas of the property that will be subject to the various specifications on density, intensity, building design, building height, and building size referred to in subdivision (2);
  - (4) A description of which city laws, ordinances, resolutions, rules, regulations, and policies governing the use of the land that is the subject of the development agreement shall apply to the development in accordance with § 33-1.6;
  - (5) Provisions, where appropriate, for reservation or dedication of land for public purposes as may be required or permitted pursuant to laws, ordinances, resolutions, rules, or policies in effect on the date the development agreement is effective; and
  - (6) A termination date, not to exceed 10 years from the effective date of the agreement; provided that the parties to the agreement shall not be precluded from extending the termination date by mutual agreement pursuant to § 33-1.9 for a period or periods not to exceed two years per extension, or from entering into subsequent development agreements.
- (b) A development agreement shall provide commencement dates and completion dates for any proposed development, including dates for commencement and completion of phases, if any, of the development; provided that such dates as may be set forth in the development agreement may be extended at the discretion of the city at the request of the developer upon good cause shown, subject to subsection (a)(6).
  - (c) A development agreement may include any other terms consistent with this chapter not prohibited by law. Such additional terms may, as appropriate, include maps, site plans, narrative, and any other documents or materials.
  - (d) In addition to the city and the developers, any federal, State, or local governmental agency or body may be included as a party to a development agreement. If more than one governmental body is made a party to a development agreement, the agreement shall specify that the designated agency shall be responsible for the overall administration of the agreement.
  - (e) Consent to the development agreement by the fee owner or owners and all lessees with standing shall be a part of each agreement.
  - (f) A development agreement shall include conditions imposed by the city on the proposed development; provided that further conditions may be imposed pursuant to any discretionary permit that is required for the proposed development as of the effective day of the agreement.
  - (g) No development agreement can preempt the need for a future discretionary permit, issued by the city, where such discretionary permit is required by law in effect as of the effective date of the agreement.
  - (h) The city may require a developer to obtain a bond, establish a letter of credit, provide collateral, or use any other adequate means to ensure compliance with a development agreement.
- (1990 Code, Ch. 33, Art. 1, § 31-1.5) (Added by Ord. 96-09; Am. Ord. 96-58)

**§ 33-1.5A Development agreement—Fees.**

Applications for development agreements shall be accompanied by a fee of \$10,000, plus \$1,000 per acre involved or any major fraction thereof, up to a maximum fee of \$30,000. Fees shall not be refundable.

(1990 Code, Ch. 33, Art. 1, § 31-1.5A) (Added by Ord. 14-4)

**§ 33-1.6 Enforceability—Applicability.**

- (a) Unless terminated pursuant to § 33-1.5(a)(6) or unless canceled pursuant to § 33-1.4(c), a development agreement, amended development agreement, or modified development agreement, once entered into, shall be enforceable by any party thereto, or their heirs, successors in interest, or permitted assigns.
- (b) All city laws, ordinances, resolutions, rules, regulations, and policies governing uses of the land that is the subject of a development agreement, including but not limited to those governing permitted uses, density, design, height, parking requirements, setbacks, size, and building specification of proposed buildings, construction standards and specifications, and water utilization requirements applicable to the development of the property subject to the development agreement, shall be those city laws, ordinances, resolutions, rules, regulations, and policies applicable to the development and in force at the time of the execution of the development agreement, notwithstanding any subsequent change adopted by the city that alters or amends the laws, ordinances, resolutions, rules, regulations, or policies specified in this section. Such subsequent change shall be void as applied to property subject to the development agreement to the extent that it changes any city law, ordinance, resolution, rule, regulation, or policy that the development agreement provides shall be maintained in force as written at the time of the development agreement's execution; provided that a development agreement shall not prevent the city from requiring any party or any party's heirs, successors, and permitted assigns to comply with city laws, ordinances, resolutions, rules, regulations, and policies of general applicability enacted after the execution date of the development agreement if the city finds it necessary to impose such requirement because a failure to do so would place the residents of the development or of the immediate community, or both, in a condition perilous to the residents' health or safety, or both.
- (c)
  - (1) If the State is a party to a development agreement, the development agreement may contain provisions relating to:
    - (A) The applicability of State statutes, resolutions, rules, regulations, and policies governing uses of the land that is the subject of the development agreement and amendments thereto; and
    - (B) Obligations of the developer to the State or of the State to the developer;provided that the inclusion of such provisions is permitted by law.
  - (2) Except as may be provided in a development agreement pursuant to subdivision (1), State statutes, resolutions, rules, regulations, and policies, and any amendments thereto, shall apply to the development.
- (d) The development agreement shall not affect the applicability of federal statutes, resolutions, rules, regulations, and policies, and any amendments thereto, to the development.

- (e) For the purposes of this section, improvement district, maintenance district, tax increment financing district and community facilities district laws, ordinances, resolutions, rules, regulations, and policies are laws, ordinances, resolutions, rules, regulations, and policies governing the financing of infrastructure construction and maintenance and not governing the uses of land.

(1990 Code, Ch. 33, Art. 1, § 31-1.6) (Added by Ord. 96-09; Am. Ord. 96-58)

**§ 33-1.7 Administrative procedure.**

- (a) A request for a development agreement may be initiated by a developer, by the city or, for State developments, by the State, by submitting an application and a preliminary proposal of the substance of the agreement to the designated agency. Within 30 days after receipt of the application, the designated agency shall publish notice of the substance of the proposed development agreement at least once in a newspaper of general circulation in the city and forward copies of the application to all affected agencies and neighborhood boards. As used in this section, “affected neighborhood board” means a neighborhood board whose geographic area contains all or any portion of the proposed development. Any affected agency, affected neighborhood board, or interested person shall make any comments on the application to the designated agency within 45 days of the date of the public notice.
- (b) The designated agency shall review all comments and hold a public hearing within 30 days of the expiration of the public comment period provided for in subsection (a). At the public hearing, the designated agency shall afford all interested persons an opportunity to testify on the proposed development agreement and shall recommend appropriate action to the council within 10 days of the completion of the public hearing. The public hearing may be held at the same time as public hearings held for related purposes. The designated agency may conduct more than one public hearing, if the agency deems it warranted. If more than one public hearing is deemed warranted by the designated agency, the 30-day limit may be extended by the designated agency for up to 30 days for each additional hearing conducted. The designated agency may adopt rules relating to its procedures for the processing of development agreement applications.
- (c) The council shall review the proposed development agreement and the recommendations thereon from the designated agency, hold a public hearing, and, by resolution, accept, modify and accept as modified, or reject the development agreement. The council’s public hearing may be held at the same time as other public hearings of the council. In addition to other notice requirements prescribed by law for the public hearing, notice of such public hearing shall be given to any affected neighborhood board, and may, but need not, be given to any other affected community organization.
- (d) When appropriate, a development agreement may be processed in conjunction with a proposal for the rezoning of or the issuance of a discretionary permit for all or a portion of the land that is the subject of the development agreement. The processing of the development agreement shall not preclude the imposition of conditions in connection with the rezoning pursuant to § 21-2.80.

(1990 Code, Ch. 33, Art. 1, § 31-1.7) (Added by Ord. 96-09)

**§ 33-1.8 Effective date—Laws and rules applicable—Effect on zoning and permit requirements.**

- (a) Upon completion of the negotiations and administrative process as provided in §§ 33-1.3 and 33-1.7, the council may adopt a resolution authorizing the city to enter into a development agreement and the agreement shall be effective immediately upon its execution by the mayor on behalf of the city and by all other parties to the agreement.
- (b) No development agreement shall be approved by the council, unless the council finds that the provisions of the proposed development agreement are consistent with:
  - (1) The city's general plan;
  - (2) Any applicable development plans; and
  - (3) The applicable zoning district designation or designations;

effective as of the date of execution of the development agreement. This subsection shall not preclude the council from finding that the provisions of a proposed development agreement are consistent with the applicable zoning district designation or designations if the council has passed on third reading a zoning district amendment ordinance with which the provisions of the development agreement would be consistent and the time period for the override of a mayoral veto has not lapsed as of the time of the finding.

- (c) The authorization or execution of a development agreement shall not be construed as a granting of any necessary discretionary permit.  
(1990 Code, Ch. 33, Art. 1, § 31-1.8) (Added by Ord. 96-09)

**§ 33-1.9 Amendment or cancellation.**

A request for amendment or cancellation of a development agreement may be initiated by any party to the agreement. A development agreement may be amended or canceled, in whole or in part, by mutual consent of all the parties to the agreement; provided that the amendment or cancellation shall be approved by resolution of the council; provided further, that a public hearing shall be held by the council before any amendment that the council determines would substantially alter the development agreement or any cancellation of a development agreement.  
(1990 Code, Ch. 33, Art. 1, § 31-1.9) (Added by Ord. 96-09)

**§ 33-1.10 Filing and recordation.**

The city shall be responsible for filing or recording the development agreement or any amendment to the development agreement in the office of the assistant registrar of the land court or in the bureau of conveyances of the State, whichever is appropriate, or both if both are appropriate, within 20 days after the city enters into a development agreement or an amendment to the development agreement. The burdens of the development agreement shall be binding upon, and the benefits of the development agreement shall inure to all successors in interest or permitted assigns of the parties to the development agreement.  
(1990 Code, Ch. 33, Art. 1, § 31-1.10) (Added by Ord. 96-09)

## **Honolulu - Land Use**

**CHAPTER 33A: IMPACT FEES FOR TRAFFIC AND ROADWAY  
IMPROVEMENTS IN EWA**

Article

1. General Provisions

## **Honolulu - Land Use**

## ARTICLE 1: GENERAL PROVISIONS

### Sections

33A-1.1	Purpose
33A-1.2	Definitions
33A-1.3	Impact fees
33A-1.4	Conformity with the Ewa development plan and the Ewa highway master plan
33A-1.5	Ewa highway impact fee program
33A-1.6	Ewa highway master plan impact fees
33A-1.7	Ewa highway improvement trust fund or account
33A-1.8	Hearing and appeal procedures
33A-1.9	Refund of fees
33A-1.10	Exemptions and credits

### § 33A-1.1 Purpose.

This chapter sets forth a regulatory scheme for the assessment and collection of impact fees to be borne on a pro rata share basis by landowners, developers, home builders, and others who directly contribute to expanding the population and increasing economic activity in the Ewa region through new land development activities. This chapter is intended to recover only a portion of the governmental expenditures related to growth and implements the Ewa development plan and the Ewa highway master plan.

(1990 Code, Ch. 33A, Art. 1, § 33A-1.1) (Added by Ord. 02-52)

### § 33A-1.2 Definitions.

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

***Applicant.*** An individual, partnership, corporation, trust, or agent having the requisite authority, who has applied to the City and County of Honolulu for a building permit.

***Building or Structure.*** Has the same meaning as defined in the uniform building code as adopted and amended in Chapter 16.

***Building Permit.*** An official document or certificate issued by the city authorizing the construction of any building or structure.

***Ewa Region.*** The geographical area defined in the Ewa development plan, plus the entire Royal Kunia and Village Park areas. The Village Park area is described by the following tax map key plats: 9-4-104, -106, -107, -113, -114, -120, -124, -131, -132, -133, -134, and -135; and by the following tax map key Nos: 9-4-002: 014 and 028.

The Royal Kunia area is described by the following tax map key plats: 9-4-136, -137, -146, -148, -149, -152, -153, -154, -155, -156, -157, -163, -164, -165; and by the following tax map key Nos.: 9-4-002: 049, 050, 064, 066, 068, 001, 052, 070, and 071.

***Ewa Highway Impact Fee Program.*** Refers collectively to:

- (1) The July 3, 2002 report entitled “Ewa Highway Impact Fee Program,” prepared by Kaku Associates, Inc., for the State department of transportation (“DOT”), which includes the Ewa highway master plan and which was submitted as miscellaneous communication No. 1965 (2002) to the council;
- (2) The letter from Kaku Associates, Inc., to the chair of the council’s zoning committee, submitted as miscellaneous communication No. 2440 (2002) to the council; and
- (3) The “Proportionate Share Study of the Ewa Highway Impact Fee Program” by SMS Research, dated October 2, 2002, and submitted as miscellaneous communication No. 2590 (2002) to the council.

***Ewa Highway Master Plan.*** Refers collectively to the August 28, 2001 report from Kaku Associates, Inc., to the director of the DOT on the Ewa highway master plan/Year 2010 highway plan, as modified by the May 31, 2002 report from Kaku Associates, Inc., to the director of the DOT on the Ewa highway master plan, both of the reports being included as part of miscellaneous communication No. 1965 (2002) to the council. The Year 2010 highway improvement plan contained in the Ewa highway master plan sets forth the six regional roadway projects improvements that form the basis for this impact fee ordinance.

***Ewa Highway Master Plan Impact Fees.*** The charges imposed on new land development that are designed to fund a pro rata share of the cost of traffic and roadway improvements set out and contained in the Ewa highway master plan.

***Hotel or Transient Vacation Unit.*** Buildings or structures that are designed or intended for temporary human habitation. The types of hotel or transient vacation unit identified in this chapter shall have the same meaning as in § 21-10.1.

***New Land Development.*** The carrying out of any building activity or the making of any material change in the use or appearance of any structure or land that attracts or produces vehicular trips over and above that produced or attracted by the existing use of the land.

***Square Feet.*** Are computed by determining the total floor area of a nonresidential structure or building under roof, with all of the same exclusions as set forth in the definition of “floor area” contained in § 21-10.1.

***Trip or Vehicular Trip.*** A one-way movement of vehicular travel from an origin point (one trip end) to a destination point (the other trip end). For the purposes of this chapter, “trip” shall have the meaning that it has in commonly accepted traffic engineering practice and that is substantially the same as that definition in the previous sentence.

***Trip Generation.*** The attraction or production of trips caused by a given new land development. (1990 Code, Ch. 33A, Art. 1, § 33A-1.2) (Added by Ord. 02-52)

**§ 33A-1.3 Impact fees.**

- (a) Ewa highway master plan impact fees shall be charged and assessed for all new land development activities that require a building permit in the Ewa region, except as otherwise provided in § 33A-1.10(a). Ewa highway master plan impact fees shall be assessed in accordance with § 33A-1.6, and shall be paid to the city before the issuance of any building permit.
  - (b) No building permit shall be issued if an Ewa highway master plan impact fee is due and the Ewa highway master plan impact fee has not been paid.
  - (c) Applications for refunds or waivers under the Ewa highway impact fee program shall be accompanied by a fee of \$50 which is not refundable.
- (1990 Code, Ch. 33A, Art. 1, § 33A-1.3) (Added by Ord. 02-52; Am. Ord. 14-4)

**§ 33A-1.4 Conformity with the Ewa development plan and the Ewa highway master plan.**

Section 4.1 of the Ewa development plan, adopted by Ordinance 97-49, as amended, lists the highway improvements needed to be built to accommodate the planned growth in Ewa. The roadways identified in the Ewa highway master plan are consistent with and implement § 4.1 of the Ewa development plan. The Ewa highway master plan is approved and adopted by the City and County of Honolulu. This plan contains the Year 2010 highway improvement plan, which lists a set of roadway improvements that are necessary to accommodate the anticipated development of the Ewa region with adequate roadway improvements while protecting the health, safety, and general welfare of the public.

The Ewa highway master plan impact fees set forth in § 33A-1.6 are in conformity with the Ewa highway master plan and are an essential component of implementing this plan.

(1990 Code, Ch. 33A, Art. 1, § 33A-1.4) (Added by Ord. 02-52)

**§ 33A-1.5 Ewa highway impact fee program.**

The Ewa highway impact fee program is approved as the “needs assessment study” required for enactment of this chapter and for purposes of HRS §§ 46-141 through 46-148. The Ewa highway impact fee program is comprised of the following parts:

- (1) *Ewa region development forecasts.* The land use development forecasts for the Ewa region through 2010 are shown in Table 33A-1.1.

<i>Table 33A-1.1: Ewa Region Development Forecasts through 2010</i>	
	<i>Units (square feet for Nonresidential)</i>
<b>Residential</b>	
SF residential dwelling unit	7,640
MF residential dwelling unit	7,640

<i>Table 33A-1.1: Ewa Region Development Forecasts through 2010</i>	
	<i>Units (square feet for Nonresidential)</i>
<b>Nonresidential</b>	
Retail	938,100
Office	852,200
Industrial/other	3,475,200
Hotel	1,100
Timeshare	1,000

- (2) *Roadway master plan for Ewa.* The estimated cost of Ewa highway master plan improvements for the Ewa region is shown in Table 33A-1.2.

Table 33A-1.2: Ewa Region Highway Improvement Program			
Estimated Cost of Improvements			
Facility	Segment	Improvement	Cost Estimate
H-1	Kapolei Interchange	New ramps, bridges	\$25,910,000
H-1	Makakilo Interchange	Extend ramp, new ramp	\$10,170,000
		Subtotal	\$36,080,000
Fort Barrette Road	Farrington to Franklin D. Roosevelt Ave.	Widen to 4 lanes	\$10,500,000
Fort Weaver Road	Farrington Hwy. to North Road	Widen to 6 lanes	\$33,500,000
Kapolei Parkway	Ko Olina to Kalaeloa Blvd.	New 4-lane roadway	\$14,400,000
	Kamokila Blvd. to Fort Barrette Rd.	New 4-lane roadway	\$10,400,000
	Kapolei Pkwy. Bridge to North-South Rd.	New 4-lane roadway	\$3,400,000
	North-South Road to Puamaeole	New 4-lane roadway	\$14,000,000
	Puuloa Road to Keoneula Blvd.	New 2-lane roadway	\$3,600,000
	Keonuela Blvd. to Kaileolea Dr.	New 2-lane roadway	\$2,424,000
	Kaimalie St. to Papipi Rd.	New 2-lane roadway	\$860,400
		Subtotal	\$49,084,400
North-South Road	H-1 to Kapolei Parkway	New 4-lane roadway	\$64,800,000
		New Interchange	
		GRAND TOTAL	\$193,964,400

Based upon the Ewa highway master plan, the Ewa highway impact fee program, the Oahu regional transportation (Top 2025) plan, the Ewa development plan, and other policy considerations, the portion of the estimated cost of Ewa highway master plan improvements attributable to new development and to be collected by this impact fee ordinance is \$38,792,880.

- (3) *Vehicular trip forecasts.* The forecasted new vehicular trips, per hour, for the Ewa region are shown in Table 33A-1.3.

<b>Table 33A-1.3: Ewa Region Trip Generation Estimate for New Development</b>					
<b>Land Use (1,000 square feet for Nonresidential; units for Residential, Hotel, and Timeshare)</b>	<b>Units (Increment 2002 to 2010)</b>	<b>Trip Generation Rate</b>		<b>Trip Generation</b>	
		<b>a.m. Peak</b>	<b>p.m. Peak</b>	<b>a.m. Peak</b>	<b>p.m. Peak</b>
<b>Residential</b>					
SF residential dwelling unit	7,640	0.78	0.52	5,959	3,973
MF residential dwelling unit	7,640	0.52	0.362	3,973	2,766
<b>Nonresidential</b>					
Retail	938	0.62	2.25	582	2,111
Office	852	1.23	1.18	1,048	1,006
Industrial/other	3,475	0.7	0.73	2,433	2,537
Hotel	1,100	0.34	0.37	374	407
Timeshare	1,000	0.17	0.185	170	185
<b>Total</b>				14,539	12,985

(1990 Code, Ch. 33A, Art. 1, § 33A-1.5) (Added by Ord. 02-52)

### § 33A-1.6 Ewa highway master plan impact fees.

Ewa highway master plan impact fees shall be based on the following factors.

- (a) *Impact of new development.* The measure of impact is the number of predicted vehicular trips generated by the new land development activity. The authority for the trip generation rates to be used in the calculation of vehicle trips is Table 33A-1.3 of § 33A-1.5.
- (b) *Assessment of cost.* A schedule for determining Ewa highway master plan impact fees is established. The fee rates by land use type are shown in Table 33A-1.4.

<i>Table 33A-1.4: Impact Fees by Land Use</i>			
<i>Category</i>	<i>Land Use</i>	<i>Impact Fee</i>	
		<i>Amount</i>	<i>Unit</i>
Residential	Single-family	\$1,836	Per dwelling unit
	Multi-family	\$1,245	Per dwelling unit
Nonresidential	Hotel	\$1,003	Per unit
	Timeshare	\$501	Per unit
	Retail	\$4,053	Per 1,000 square feet
	Office	\$3,403	Per 1,000 square feet
	Industrial/other	\$2,019	Per 1,000 square feet

The department of planning and permitting shall compute and collect Ewa highway master plan impact fees from applicants before issuance of building permits. The director of planning and permitting shall establish by rule such procedures as may be necessary to carry out the department's responsibilities under this section.

- (c) *Interpretation of fee schedule.* If the type of land use that is the subject of an application is in doubt, the applicant may request an interpretation from the department of planning and permitting as to the appropriate type of land development being undertaken and the applicable Ewa highway master plan impact fees that would be due. This interpretation may be appealed by following the procedures set out in § 33A-1.8.
- (d) *Expansion of a building or structure.* In the event of an expansion of a building or structure, Ewa highway master plan impact fees due would be the net positive difference between the Ewa highway master plan impact fees that would be due for the expanded building or structure and that which would have been due for the original building if constructed currently.
- (e) *Change of use.* In the event of a change of use of a building or structure, Ewa highway master plan impact fees due would be the net positive difference between the Ewa highway master plan impact fees that would be due for the new use of the building or structure and that which would have been due for the original use if constructed currently.
- (f) *Mixed use.* When a single building or structure will contain more than one type of land use, the Ewa highway master plan impact fees due will be based on the amount of space devoted to each type.
- (g) *Retail, office, and industrial/other impact fees.* Impact fees for land uses that are listed in units of 1,000 square feet in Table 33A-1.4 shall be computed by dividing the per-1,000-square-foot amount of the land use impact fee by 1,000 and then multiplying this amount by the actual square footage of the land use.
- (h) *Revisions to the Ewa highway master plan.* The director of transportation services, in consultation with the director of planning and permitting and the State director of transportation, shall review the Ewa highway master plan once every five years in terms of land uses, densities, highway improvements, and changes in costs and make appropriate changes thereto. This review and revision shall include consultation and input from the

Ewa region developers. The cost of this review may be funded out of the impact fees collected under this chapter. Based upon this review of the Ewa highway master plan, the directors may recommend to the council that the impact fee program contained in this chapter be modified by amending this chapter. As a matter of policy, the share of the costs attributable to new development for highway projects in the Ewa region and payable by impact fees shall remain in roughly the same proportion as the proportion set forth in this chapter.

- (i) *Compliance with unilateral agreement conditions.* The enactment of this chapter constitutes compliance with the various unilateral agreement conditional zoning conditions attached to project zoning conditions requiring participation in the implementation, funding, and construction of the six regional transportation projects contained in the Ewa highway master plan, or similar requirements to address regional transportation impacts in the Ewa area. Upon issuance of a building permit, the requirements for participation in the implementation, funding, and construction of the six regional transportation projects contained the Ewa highway master plan, or similar requirements to address regional transportation impacts in the Ewa area, shall be satisfied with respect to the development covered by that building permit. Any on-site or project-specific improvements, apart from those set forth in the Ewa highway master plan, remain subject to the requirements of the specific unilateral agreement conditions.

(1990 Code, Ch. 33A, Art. 1, § 33A-1.6) (Added by Ord. 02-52)

#### **§ 33A-1.7 Ewa highway improvement trust fund or account.**

- (a) The department of budget and fiscal services shall create a special trust fund, or interest-bearing account in the general trust fund or other appropriate fund, which shall serve as the exclusive depository of all funds collected as Ewa highway master plan impact fees pursuant to this chapter.
- (b) All funds collected as Ewa highway master plan impact fees shall promptly be deposited into and held in the special trust fund or account until expended or encumbered pursuant to this chapter. All interest earnings on the balances in the special trust fund or account shall be retained and used for the same purposes as Ewa highway master plan impact fees.
- (c) All funds deposited into the special trust fund or account are to be used exclusively for traffic and roadway improvements set out and contained in the Year 2010 highway improvement plan contained in the Ewa highway master plan, as that plan may be amended, and not for any other purpose, except that the city shall receive 2 percent of all funds deposited, deducted upon deposit, as reimbursement for the cost of administering this chapter.
- (d) Funds collected as Ewa highway master plan impact fees shall be made available to either the State for State highway or traffic improvements, or the city for city highway or traffic improvements, provided that the improvements are contained in the Year 2010 highway improvement plan contained in the Ewa highway master plan.

(1990 Code, Ch. 33A, Art. 1, § 33A-1.7) (Added by Ord. 02-52)

#### **§ 33A-1.8 Hearing and appeal procedures.**

The applicant may contest the amount of the impact fee assessed by petitioning the director of planning and permitting for a declaratory ruling pursuant to the practices and procedures of the department. The petition must

be submitted by the developer within 15 days of notification of the fee amount. Payment of the fee amount will not be a waiver of the applicant's right to request a declaratory ruling from the director. The declaratory ruling shall be considered a final decision and order by the department.

(1990 Code, Ch. 33A, Art. 1, § 33A-1.8) (Added by Ord. 02-52)

**§ 33A-1.9 Refund of fees.**

- (a) The fees collected pursuant to this chapter, less the administrative costs set forth in § 33A-1.7(c), shall be refunded to the applicants in the following situations, provided that the procedures set forth in subsection (b) shall be complied with:
  - (1) If they have not been spent or encumbered within six years from the date collected; or
  - (2) If the building permit is revoked or withdrawn and no work was initiated thereunder.
- (b) (1) The applicant shall petition the department of planning and permitting for the refund within the following time periods:
  - (A) For situations described in subsection (a)(1), within one year following the end of the 6th year from the date on which the fee was collected; or
  - (B) For situations described in subsection (a)(2), within 30 days of the revocation or withdrawal of the building permit.
- (2) The form of the petition shall be prescribed by the department of planning and permitting. The petition shall contain such information as the department deems necessary to establish that the petitioner is eligible for a refund.
- (3) Within one month from the date of receipt of a petition for refund, the department of planning and permitting shall advise the petitioner of the status of the request for refund. For the purposes of this section, fees collected shall be spent or encumbered on the basis of the first fee in shall be the first fee out. In other words, the first money placed in the special account shall be the first money taken out of that account when withdrawals have been made.

(1990 Code, Ch. 33A, Art. 1, § 33A-1.9) (Added by Ord. 02-52)

**§ 33A-1.10 Exemptions and credits.**

- (a) The following shall be exempted from payment of the Ewa highway master plan impact fee:
  - (1) Alterations or expansion of an existing residential dwelling unit where no additional dwelling or lodging units are created and the use is not changed;
  - (2) The construction of accessory buildings or structures, as defined in § 21-10.1, that will not increase the number of external vehicular trips beyond those produced or attracted by the primary buildings or structures;

- (3) The replacement of an existing building or structure with a new building or structure of the same size and use that will not increase the number of external vehicular trips beyond those produced or attracted by the original buildings or structures;
  - (4) Facilities that are part of water, sewer, electrical, telecommunication, or roadway system infrastructure and that do not attract or produce vehicular trips. This includes but is not limited to utility installations, as defined in § 21-10.1, that do not have regular on-site employees; and
  - (5) Mass transit centers or stops that promote a reduction in commuting by private vehicles.
- (b) The following credits shall be applied to payment of the Ewa highway master plan impact fee:
- (1) In lieu of paying the Ewa highway master plan impact fee, a landowner or developer may elect to construct all or a portion of one of the Ewa highway master plan Year 2010 highway improvements set forth in § 33A-1.5(2). If a landowner or developer does elect to construct all or a portion of one of the Ewa highway master plan Year 2010 highway improvements, then the landowner or developer shall receive a credit against Ewa highway master plan impact fees equal to the estimated cost set forth in § 33A-1.5(2) or a pro rata share thereof depending upon the portion of the improvement constructed. If a developer elects to oversize all or a portion of one of the Ewa highway master plan Year 2010 highway improvements, the developer shall receive a credit against Ewa highway master plan impact fees equal to the developer's actual cost of constructing the improvement if the oversized improvement subsequently is identified as a needed improvement in an Ewa highway master plan revision undertaken pursuant to § 33A-1.6(h). The credits received by a landowner or developer pursuant to this section may be transferred by the holder to other landowners or developers; and
  - (2) Credit for construction costs given to the landowner or developers may be repaid by the city from future new land development activities.
- (1990 Code, Ch. 33A, Art. 1, § 33A-1.10) (Added by Ord. 02-52)

## **Honolulu - Land Use**

## **TITLE VII: BUSINESS**

### **Chapters**

- 34. REGULATION OF BUSINESSES**
- 35. INCENTIVES FOR BUSINESS TO CREATE NEW JOBS**
- 36. COMMON CARRIERS**

## **Honolulu - Business**

## **CHAPTER 34: REGULATION OF BUSINESSES**

### Articles

1. Auctions
2. Hotels
3. Shooting Galleries
4. Operation of Certain Amusement Facilities
5. Regulations Governing Public Shows
6. Secondhand Dealers
7. Scrap Dealers
8. Panoram Business Regulation
9. Lap Dancing Establishments
10. Nightclubs
11. Sale of Toilets and Urinals
12. Sale of Showerheads and Faucets
13. Polystyrene Foam and Disposable Food Service Ware
14. Regulation of Bags Provided to Customers

## **Honolulu - Business**

## ARTICLE 1: AUCTIONS\*

### Sections

- 34-1.1 Definitions
- 34-1.2 Legislative intent
- 34-1.3 Exceptions
- 34-1.4 Applicability
- 34-1.5 License required
- 34-1.6 Fee
- 34-1.7 Authority to conduct auctions
- 34-1.8 Adverse interest in auctioneer prohibited
- 34-1.9 Restriction on property to be sold
- 34-1.10 Inventory and affidavit of ownership required
- 34-1.11 Receipts to purchasers required
- 34-1.12 Violation—Penalty

### **Editor's note:**

*\* The title of Article 1 was amended from "Auction Rooms" to "Auctions" by Ord. 95-04.*

### **§ 34-1.1 Definitions.**

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

**Auction.** A sale, offering for sale, or exposing for sale to the highest bidder of any goods, wares, merchandise, or other property in an auction room.

**Auctioneer.** Any person who is licensed by the director pursuant to HRS Chapter 445 and this article, as amended, to sell goods, wares, merchandise, or other property at auction.

**Director.** The director of budget and fiscal services or the director's duly authorized subordinates.

**Public Auction Room.** Has the same meaning as defined in HRS § 445-22.  
(Sec. 13-1.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 2, § 41-2.1) (Am. Ord. 95-04)

### **§ 34-1.2 Legislative intent.**

It is declared to be the legislative intent of the council to limit the use of public auctions to the sale of goods, wares, merchandise, or other property which cannot be disposed of through the usual channels of trade, and to prohibit the use of public auctions for disposal of other goods, wares, merchandise, or property to the public as an established merchandising practice.

(Sec. 13-1.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 2, § 41-2.2) (Am. Ord. 95-04)

**§ 34-1.3 Exceptions.**

Nothing contained in this article shall be construed to apply to any type of auction excepted from the requirements of HRS § 445-22.

(Sec. 13-1.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 2, § 41-2.3) (Ree. Ord. 95-04)

**§ 34-1.4 Applicability.**

Any auctioneer who is otherwise licensed shall comply with HRS Chapter 445 and this article as a condition of the auctioneer's license.

(1990 Code, Ch. 41, Art. 2, § 41-2.4) (Added by Ord. 95-04)

**§ 34-1.5 License required.**

It shall be unlawful for any person to sell, offer for sale, or expose for sale at public auction, any personal property without obtaining a license issued by the director in accordance with the terms, conditions, and penalties enumerated in HRS Chapter 445 and this article.

(1990 Code, Ch. 41, Art. 2, § 41-2.5) (Added by Ord. 95-04)

**§ 34-1.6 Fee.**

The annual fee for a license to sell, offer for sale, or expose for sale any property at auction, shall be \$100, payable to the director.

(1990 Code, Ch. 41, Art. 2, § 41-2.6) (Added by Ord. 95-04)

**§ 34-1.7 Authority to conduct auctions.**

It is unlawful for any person, other than the auctioneer who has obtained a license, to conduct an auction; provided that the auctioneer may appoint an agent or assistant who may conduct the auction in the auctioneer's presence. Where the licensee is a corporation, it shall appoint and designate a natural person to be its "auctioneer," within the meaning of this article.

(Sec. 13-1.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 2, § 41-2.7) (Am. Ord. 95-04)

**§ 34-1.8 Adverse interest in auctioneer prohibited.**

Every auctioneer conducting an auction shall, in accepting a bid from any person, become the agent of such bidder and remain so until a higher bid is accepted, or until the transaction involving the bid is completed. It is unlawful for the auctioneer to auction, or offer for auction, any goods, wares, or other property in which the auctioneer has a proprietary interest adverse to that of the bidder.

(Sec. 13-1.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 2, § 41-2.8) (Am. Ord. 95-04)

**§ 34-1.9 Restriction on property to be sold.**

It is unlawful for any person to sell, offer for sale, or expose for sale in a public auction, any goods, wares, merchandise, or other property, which were acquired for the purpose of resale by the owner thereof, unless the owner:

- (1) Has been continuously engaged in the business of selling such property through the channels of trade within the city, other than by auction for a period of not less than one year immediately preceding the commencement of the auction; and
  - (2) Has had the property in the owner's possession for a period of not less than six months.
- (Sec. 13-1.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 2, § 41-2.9) (Am. Ord. 95-04)

**§ 34-1.10 Inventory and affidavit of ownership required.**

- (a) Every auctioneer conducting an auction shall, before such sale, mark or tag each article to be offered at such sale with a distinctive number, and shall file with the chief of police an inventory, listing each article and its number. The property of each owner shall be listed separately. The inventory shall contain a sworn statement specifying the ownership of the property to be sold, and an affidavit signed and sworn to by the auctioneer that the auctioneer has no proprietary interest of any nature or degree in the articles listed for sale. A copy of such inventory and statement shall be kept on the premises of the auction room, available for inspection by any person. It is unlawful for any auctioneer to falsify or fail to file such inventory and statement.
  - (b) It is unlawful to sell, offer for sale, or expose for sale at public auction, any property which has not been listed in the inventory required under subsection (a), or any article or property which does not bear a number sufficient to identify it as a part of such inventory.
- (Sec. 13-1.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 2, § 41-2.10) (Am. Ord. 95-04)

**§ 34-1.11 Receipts to purchasers required.**

The auctioneer shall give each purchaser at an auction a receipt with each purchase setting forth:

- (1) The name and permanent address of the auctioneer;
  - (2) The date;
  - (3) The price paid for the article;
  - (4) The amount of tax paid; and
  - (5) A description of the article, and if a watch, the make and number of jewels.
- (Sec. 13-1.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 2, § 41-2.11) (Am. Ord. 95-04)

**§ 34-1.12 Violation—Penalty.**

Any person violating this article shall, upon conviction, be punished by a fine not exceeding \$500, and such person's license to conduct a public auction shall be subject to suspension or forfeiture.

(Sec. 13-1.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 2, § 41-2.12) (Am. Ord. 95-04)

## ARTICLE 2: HOTELS

### Section

#### 34-2.1 Register requirements

##### **§ 34-2.1 Register requirements.**

- (a) Every owner, keeper, or proprietor of any hotel shall keep a register in accordance with HRS Chapter 486K.
- (b) The owner, keeper, or proprietor shall at all times make the register available for inspection by the chief of police upon the chief's request.
- (c) A violation of subsection (a) shall be subject to punishment in accordance with State law. A violation of subsection (b) shall be subject to a fine of \$200, imprisonment for up to 30 days, or both.  
(Sec. 13-11.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 4, § 41-4.1) (Am. Ord. 01-09)

## **Honolulu - Business**

## ARTICLE 3: SHOOTING GALLERIES

### Sections

34-3.1	Definitions
34-3.2	Permit required—Fee
34-3.3	Application for permit
34-3.4	Qualifications of applicant
34-3.5	Conditions of permit
34-3.6	Display of permit
34-3.7	Permits—General provisions
34-3.8	Violation—Penalty

### § 34-3.1 Definitions.

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

***Crime of Violence.*** Any of the following crimes: murder, manslaughter, rape, kidnapping, robbery, burglary, and those certain crimes set forth in HRS Chapters 707 and 711, as amended.

***Shooting Gallery.*** Any place or premises where facilities or devices for target shooting for practice or amusement with any firearm (as defined in HRS § 134-1) are provided for the use of any person for a fee, pay, or compensation of any kind to be paid, directly or indirectly, by such person.  
(Sec. 13-15.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 6, § 41-6.1)

### § 34-3.2 Permit required—Fee.

- (a) It is unlawful for any person to establish, keep, conduct, or operate any shooting gallery without a permit, or to assist in the operation of such a shooting gallery.
- (b) The fee for each permit shall be \$5.  
(Sec. 13-15.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 6, § 41-6.2)

### § 34-3.3 Application for permit.

- (a) Application for a permit shall be made in writing to the chief of police and shall be signed and verified under oath by the applicant, and accompanied by the permit fee of \$5.
- (b) The application shall set forth:

- (1) The full name, age, and address of the applicant and of any persons, other than the applicant, who are to be in charge of and responsible for the operation of the shooting gallery, or who are to be employed in connection with such operation;
  - (2) The occupation of the applicant;
  - (3) A full and complete description of the place and location of the shooting gallery for which a permit is desired;
  - (4) The full name and address of the owner of the premises or of the person in control of the premises;
  - (5) The term for which the applicant desires a permit, that is, whether for one day, several days, a month, or a year; provided that in no case, shall the permit be valid for more than one year;
  - (6) A statement that neither the applicant, nor any agent or employee connected with the shooting gallery has been convicted in this State or elsewhere of having committed or attempted to commit any crime of violence; and
  - (7) The number of firearms and shooting lanes proposed to be used.
- (Sec. 13-15.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 6, § 41-6.3)

**§ 34-3.4 Qualifications of applicant.**

- (a) An applicant shall be 20 years of age or over, shall have been a resident of the city continuously for at least one year immediately preceding the date of application, and shall not have been convicted in this State or elsewhere of having committed or attempted to commit any crime of violence.
  - (b) Every corporation, firm, association, or club applying for a permit shall first appoint an agent who shall be given full authority and control of the premises and of all matters relating to the shooting gallery. Such authorization shall be evidenced in writing, duly executed. Such agent shall meet the qualifications set forth in subsection (a), and shall be personally responsible for compliance with all the terms and provisions of this article.
  - (c) No permit shall be issued to any person who has been convicted more than twice of violating this article.
- (Sec. 13-15.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 6, § 41-6.4)

**§ 34-3.5 Conditions of permit.**

All permits to operate a shooting gallery shall be subject to all applicable laws and ordinances and to the following conditions which shall be written and placed upon the permit.

- (a) The shooting gallery and its immediate vicinity shall be brightly lighted at all times when it is open for business.
- (b) No shooting gallery shall be operated on any week day between the hours of 2:00 a.m. and 8:00 a.m., nor on Sundays between the hours of 2:00 a.m. and 12:00 noon.

- (c) No person who is known to have been convicted in this State or elsewhere, of having committed or attempted to commit any crime of violence, shall be permitted to handle any firearm.
  - (d) No person under the age of 20 years shall be permitted to handle any firearm at the shooting gallery, except under the supervision of a responsible adult.
  - (e) No person under the influence of intoxicating liquor shall be permitted to handle any firearm or to be or remain upon the premises of any shooting gallery, and no intoxicating liquor shall be consumed in or around the premises of any shooting gallery.
  - (f) It is unlawful to employ in connection with the operation of any shooting gallery any person who is under the age of 20 years or any person who has been convicted in this State or elsewhere of having committed or attempted to commit any crime of violence.
  - (g) All firearms used for, in, or at the shooting gallery shall be securely chained or otherwise attached to the firing line counter, in such a manner as to prevent their removal by unauthorized persons or being pointed or aimed in any direction other than the direction of the target area.
  - (h) No firearm shall be used, kept, or discharged within the premises of the shooting gallery, which is larger than a .22 caliber rifle, and no ammunition larger than .22 caliber long rifle rim fire cartridge shall be used.
  - (i) The permit holder, or the permit holder's agent who is duly registered with the chief of police, shall be present within the premises of the shooting gallery at all times that it is open for business.
  - (j) No person other than the permit holder, or the permit holder's agent, who is duly registered with the chief of police, shall be permitted entry into the range area or the area situated between the firing line and targets, when any firing is in progress.
  - (k) The room, place, or enclosure wherein firing is to take place shall not be used for any other purpose when any firing is in progress.
  - (l) Reasonable precautions, as required or approved by the chief of police, shall be taken to prevent any injury to the public.
  - (m) The chief of police and any of the health, fire, and law enforcement officers or authorities of the city, the State, or of the United States, may at any time enter the premises of a shooting gallery for the purpose of inspecting the same and the conditions therein.
- (Sec. 13-15.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 6, § 41-6.5)

**§ 34-3.6 Display of permit.**

Any permit issued under this section shall be displayed in a conspicuous place upon the premises for which the permit had been issued.

(Sec. 13-15.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 6, § 41-6.6)

**§ 34-3.7 Permits—General provisions.**

- (a) If a permit holder discontinues the operation of a shooting gallery, notice of such discontinuance shall be given in writing to the chief of police and the permit surrendered to the chief of police.
  - (b) No permit shall be transferable.
  - (c) Nothing contained in this article shall be construed to lessen or abrogate any requirements prescribed by any other ordinance or statute.
- (Sec. 13-15.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 6, § 41-6.7)

**§ 34-3.8 Violation—Penalty.**

- (a) Any person who falsely swears to any application for a permit under this article, or who knowingly violates or assists in the violation of any of the conditions prescribed in the permit, or who violates this article, shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding one year, or by both.
  - (b) In addition thereto, upon the conviction under this section of any owner or operator of any shooting gallery or of any agent or employee thereof, the court may suspend or cancel the permit for the shooting gallery and may prescribe any period not more than one year during which the holder of such permit shall be prohibited from applying for a new permit under this section. The penalties herein prescribed shall not be construed in any way to prevent the closing of any shooting gallery as a public nuisance.
- (Sec. 13-15.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 6, § 41-6.8)

## **ARTICLE 4: OPERATION OF CERTAIN AMUSEMENT FACILITIES**

### Section

34-4.1 Skating rink—Certain hours of operation prohibited—Penalty

#### **§ 34-4.1 Skating rink—Certain hours of operation prohibited—Penalty.**

- (a) No skating rink shall do business or operate on any day between the hours of 12:00 midnight and 8:00 a.m.
- (b) Any person violating this section shall, upon conviction, be punished by a fine not exceeding \$1,000.  
(Sec. 13-18.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 7, § 41-7.1)

## **Honolulu - Business**

## ARTICLE 5: REGULATIONS GOVERNING PUBLIC SHOWS

### Sections

34-5.1	Definitions
34-5.2	License required—Applications
34-5.3	Conditions of licenses
34-5.4	Rejection of application—Suspension or revocation of license
34-5.5	Adoption of rules
34-5.6	Notice—Appeal—Hearings board
34-5.7	Violation—Penalty
34-5.8	Injunction upon violation of laws and ordinances

### § 34-5.1 Definitions.

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

**Owner or Licensee.** (The latter term will apply when a license is issued.) An individual, partnership, corporation, association, or any other business or commercial entity whether established for profit, who or which owns, leases, or rents any permanent or temporary structure as defined hereinabove, which is used to accommodate more than one person to observe, view, watch, or witness public shows; or any exhibitor, promoter, or producer of a public show; provided that an exhibitor, promoter, or producer shall not be deemed an owner if the owner, lessee, or tenant of the permanent or temporary structure for public shows has a license therefor.

**Public Show.** Any exhibition, show, or performance produced, presented, staged, shown, displayed, exhibited, or performed to which an admission fee is charged or for which a fee is collected in any permanent or temporary structure designed to accommodate more than one person to observe, view, watch, or witness such public shows and which is subject to licensing under HRS §§ 445-161 to 445-164. A permanent structure shall include but is not limited to auditoriums, theaters, concert halls, arenas, convention halls, meeting rooms, and restaurants with stages, while a temporary structure shall include but is not limited to tents consisting of canvas or plastic materials. Exempted under this section are “public shows,” which are subject to the control and supervision of any board, commission, department, or agency of the State or the city and any of the aforementioned permanent or temporary structures owned and controlled by the State or city.

(Sec. 13-38.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 15, § 41-15.1)

### § 34-5.2 License required—Applications.

- (a) *License required.* No owner of a permanent or temporary structure designed to accommodate more than one person to observe, view, watch, or witness a public show shall use same for public shows without first obtaining a license therefor as provided in HRS §§ 445-161 to 445-165.

- (b) *Application for license.* Any owner seeking an original license or a renewal shall file a written application with the director of budget and fiscal services which shall contain such information and shall be in such form as the director of budget and fiscal services may prescribe.
- (c) *Verification.* All applicants shall certify on the application that the statements, information, and data contained in the application in support of the application are true and correct.
- (d) *Term and fee for license.* The term and fee for such license shall be as prescribed in HRS §§ 445-161 and 445-162, respectively.  
(Sec. 13-38.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 15, § 41-15.2)

**§ 34-5.3 Conditions of licenses.**

Every license issued under this section shall be subject to the following conditions.

- (a) *License nontransferable—close out of business.* No license issued under this section shall be transferable or assignable. If a licensee voluntarily or involuntarily terminates the business for whatever reason or reasons during the term for which the license was issued, the licensee shall, within five days from the date of such termination, give the director of budget and fiscal services written notice thereof and surrender the licensee's license for cancellation.
  - (b) *Posting.* Any license issued under this section shall be posted in a conspicuous place on the licensed premises where any person may examine same.
  - (c) *Obscene, indecent, or immoral public show prohibited—applicable standard.* No licensee shall present or permit the presentation of an obscene, indecent, or immoral public show on or within the licensed premises. To determine whether a public show is obscene, indecent, or immoral, the following standard which was established by the *United States Supreme Court in Miller v. California* (41 U.S. 15 (1973)), shall be applied:
    - (1) Whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest;
    - (2) Whether the work depicts or describes, in a patently offensive way, sexual conduct such as:
      - (A) Representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; or
      - (B) Representations or descriptions of masturbation, excretory functions, and lewd exhibitions of the genitals.
    - (3) Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (Sec. 13-38.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 15, § 41-15.3)

**§ 34-5.4 Rejection of application—Suspension or revocation of license.**

- (a) *Authorization.* The director of budget and fiscal services is authorized to reject any application for an original license or renewal or suspend or revoke any license based on the grounds set forth herein.
- (b) *Grounds for rejection of application for an original license or renewal.*
  - (1) The applicant has failed to fill out an application as prescribed.
  - (2) There was deliberate falsification or misrepresentation in the application for license or renewal.
- (c) *Grounds for suspension or revocation of license.*
  - (1) The licensee has presented or permitted the presentation of an obscene, indecent, or immoral public show on the licensed premises based on the standards prescribed hereinbefore.
  - (2) During the term of the existing license, the licensee or the licensee's employees has been convicted of promoting pornography on the licensed premises in violation of HRS §§ 712-1214 and 712-1215; or
  - (3) The licensee has violated this article, HRS §§ 445-161 to 445-165, or any rules adopted by the director of budget and fiscal services as authorized herein.
- (d) *Period of revocation.* No owner whose license is revoked shall be eligible to apply for a new license until the expiration of a 12-month period commencing from the effective date of revocation.  
(Sec. 13-38.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 15, § 41-15.4)

**§ 34-5.5 Adoption of rules.**

The director of budget and fiscal services is authorized to adopt such additional rules as prescribed in HRS Chapter 91 as the director of budget and fiscal services may deem necessary to implement or administer this article and HRS §§ 445-161 to 445-165.  
(Sec. 13-38.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 15, § 41-15.5)

**§ 34-5.6 Notice—Appeal—Hearings board.**

- (a) *Notice and hearing.* In every case where it is proposed to refuse to issue a license or to suspend or revoke a license, the director of budget and fiscal services shall give the party concerned notice and hearing in conformity with HRS Chapter 91.
  - (1) The director of budget and fiscal services shall notify in writing the applicant or licensee of any adverse decision based on this article, together with the reasons therefor. The notice shall also include a statement that the applicant or licensee may appeal the decision of the director of budget and fiscal services and provide space on the notice so that the applicant or licensee may indicate that such person desires to exercise the appeal and request a hearing. Such notice may be personally served upon the applicant or licensee or sent by certified mail, return receipt requested.

- (2) The written notice of the director of budget and fiscal services shall contain specific reasons for its adverse decision; provided such notice shall not act as a stay upon the continued showing of the particular show until the appeal panel has made its decision, pursuant to subsection (b). It shall also contain a statement that the applicant or licensee has the right to appeal an adverse decision of the director of budget and fiscal services within 10 working days as stated herein.
- (3) Upon receipt of such notice of appeal and request for hearing, the director of budget and fiscal services shall request the mayor to appoint a hearings panel so that the appeal can be heard.

(b) *Hearings panel.*

- (1) The mayor is authorized to appoint three officers of the executive branch, excluding the prosecutor and corporation counsel and their subordinates, who shall be members of the hearings panel so an appeal can be heard.
- (2) The hearings panel shall conduct such hearing as prescribed in HRS Chapter 91.
- (3) The hearings panel is authorized to establish procedures for its hearings and adopt rules therefor, as prescribed in HRS Chapter 91.
- (4) Whenever its decisions are adverse to the applicant or licensee, the panel shall issue written findings of fact, conclusions of law, decision, and order.
- (5) If the decision of the panel is to suspend or revoke any license, it shall orally order the licensee to cease and desist any public show for which the license herein had been issued, unless otherwise ordered by a court of competent jurisdiction.

- (c) *Judicial review.* Any owner or licensee aggrieved by the decision and order of the hearings panel may seek judicial review of such decision and order in any court of competent jurisdiction as provided in HRS § 91-14. (Sec. 13-38.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 15, § 41-15.6)

**§ 34-5.7 Violation—Penalty.**

Any person, owner or licensee violating this article shall be subject to the penalties prescribed in HRS § 445-165, and upon such conviction, the court is authorized to declare that any license issued by the director of budget and fiscal services is either suspended or revoked.  
(Sec. 13-38.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 15, § 41-15.7)

**§ 34-5.8 Injunction upon violation of laws and ordinances.**

Notwithstanding any law to the contrary, the prosecuting attorney, in addition to or while in the course of, or having instituted prosecution against a person, owner, or licensee under this section, may seek injunctive relief, pursuant to HRS § 603-23, to enjoin or prohibit any act or practice in violation of this article, HRS §§ 445-161 to 445-165 or any rules adopted by the director of budget and fiscal services as authorized herein.  
(Sec. 13-38.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 15, § 41-15.8)

## ARTICLE 6: SECONDHAND DEALERS

### Sections

- 34-6.1 Definitions
- 34-6.2 License required—Denial, suspension, and revocation
- 34-6.3 Fee

#### § 34-6.1 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 budget and fiscal services or the director's duly authorized subordinates.

**Secondhand Dealer.** Has the same meaning as defined in HRS § 486M-1.  
(1990 Code, Ch. 41, Art. 35, § 41-35.1) (Added by Ord. 95-03)

#### § 34-6.2 License required—Denial, suspension, and revocation.

- (a) It is unlawful for any person to engage in business as a secondhand dealer without obtaining a license issued by the director in accordance with the terms, conditions, and penalties enumerated in HRS Chapter 445 and HRS Chapter 486M.
- (b) The director may deny, suspend, or revoke such license for violation of this article or HRS Chapter 445 and HRS Chapter 486M.  
(1990 Code, Ch. 41, Art. 35, § 41-35.2) (Added by Ord. 95-03)

#### § 34-6.3 Fee.

The annual fee for a secondhand dealer license shall be \$100, payable to the director.  
(1990 Code, Ch. 41, Art. 35, § 41-35.3) (Added by Ord. 95-03)

## **Honolulu - Business**

## ARTICLE 7: SCRAP DEALERS

### Sections

- 34-7.1 Definitions
- 34-7.2 License required—Denial, suspension, and revocation
- 34-7.3 Fee

#### § 34-7.1 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 budget and fiscal services or the director's duly authorized subordinates.

**Scrap Dealer.** Has the same meaning as defined in HRS § 445-231.  
(1990 Code, Ch. 41, Art. 36, § 41-36.1) (Added by Ord. 95-05)

#### § 34-7.2 License required—Denial, suspension, and revocation.

- (a) It is unlawful for any person to engage in business as a scrap dealer without obtaining a license issued by the director in accordance with the terms, conditions, and penalties enumerated in HRS Chapter 445.
- (b) The director may deny, suspend, or revoke such license for violation of this article or HRS Chapter 445.  
(1990 Code, Ch. 41, Art. 36, § 41-36.2) (Added by Ord. 95-05)

#### § 34-7.3 Fee.

The annual fee for a scrap dealer license shall be \$100, payable to the director.  
(1990 Code, Ch. 41, Art. 36, § 41-36.3) (Added by Ord. 95-05)

## **Honolulu - Business**

## ARTICLE 8: PANORAM BUSINESS REGULATION

### Sections

34-8.1	Definitions
34-8.2	Panoram license required for conduct of panoram business
34-8.3	License application and issuance
34-8.4	License validity and renewal
34-8.5	Right to license nontransferable
34-8.6	License suspension or revocation
34-8.7	Appeal of director of budget and fiscal services' decision
34-8.8	Specifications of licensed location
34-8.9	Inspection of licensed location
34-8.10	Prohibited acts
34-8.11	Penalties
34-8.12	Rules

### § 34-8.1 Definitions.

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

***Licensed Location.*** The location at which a panoram business may be conducted under a panoram license.

***Licensee's Employee.*** A person employed, contracted, or otherwise retained by a panoram licensee to assist in the panoram business at a licensed location. Under this article, a person shall be deemed an "employee" even if contracted or retained by a licensee under other than an employment relationship.

***Panoram.*** A device, installed or placed in a booth, which shows to a person inside the booth a film or videotape depicting sexual conduct, sexual excitement, sadomasochistic abuse, or sexual anatomical display. For the purpose of this definition, "sexual conduct," "sexual excitement," and "sadomasochistic abuse" mean the same as defined under HRS § 712-1210. "Sexual anatomical display" means the display, with less than completely opaque covering, of the human genitals, pubic area, or buttock or the female breast from below the top of the areola.

***Panoram Booth.*** A booth containing a panoram and intended for occupancy by the person viewing the panoram.

***Panoram Business.*** A business under which at least one panoram in a booth is made available for viewing by a patron in return for a fee or other consideration charged for activating the panoram, entering the booth, or accessing or remaining on the premises containing the booth.

***Panoram License or License.*** A license to conduct a panoram business at a specific location.

***Panoram Licensee or Licensee.*** The holder of a valid panoram license.

***Viewing Area.*** An area in a panoram booth where a patron or customer would ordinarily be positioned while watching a film or video viewing device.

(1990 Code, Ch. 41, Art. 39, § 41-39.1) (Added by Ord. 97-11)

**§ 34-8.2 Panoram license required for conduct of panoram business.**

- (a) A person may conduct a panoram business at a specific location only if holding a valid panoram license issued under this article.

A panoram licensee may make available at a licensed location no more than the maximum number of panoram booths authorized under the license.

Each location at which a panoram business is conducted shall have a separate license. The license shall at all times be conspicuously posted and maintained at the location.

- (b) A person shall not be deemed as conducting a panoram business if making available for viewing a panoram in a booth, but charging no fee or other consideration for activating the panoram, entering the booth, or accessing or remaining on the premises containing the booth. A person engaging in that activity, but not a panoram business, at a particular location shall not be subject to the licensure requirement or other provisions of this article. This subsection, however, shall not be construed as exempting the person from all other laws and ordinances applicable to the activity.

(1990 Code, Ch. 41, Art. 39, § 41-39.2) (Added by Ord. 97-11)

**§ 34-8.3 License application and issuance.**

- (a) A person seeking a panoram license shall file an application with the director of budget and fiscal services. The application shall set forth the following information:
- (1) The proposed location of the panoram business. The location shall be identified by tax map key number, street address, and, if applicable, building unit number;
  - (2) The maximum number of panoram booths proposed to be available at the location;
  - (3) A proposed floor plan showing each panoram booth and the continuous main aisle required under § 34-8.8; and
  - (4) Any other information required by the director.
- (b) To review an application, the director of budget and fiscal services may request the assistance of the police, fire, building, or other relevant department. Whenever the director requests assistance from a department, its executive head shall comply within the constraints of available resources.

Upon the request of an authorized city officer or employee to inspect a proposed panoram business location, the license applicant shall allow the inspection.

- (c) The director of budget and fiscal services shall approve the license application if finding that:
- (1) The panoram business will be conducted in a building and at a location complying with this article and applicable zoning, building, and fire prevention ordinances;
  - (2) The panoram business will not be conducted at a location within 300 feet of any boundary of an elementary or secondary school;
  - (3) The floor plan showing each panoram booth and the continuous main aisle will comply with § 34-8.8;
  - (4) The applicant has not knowingly made any false statement in the license application; and
  - (5) The applicant has not had a panoram license revoked within the two-year period before the filing of the application.

If finding otherwise, the director shall deny the application.

- (d) The director of budget and fiscal services's decision regarding a license application shall be rendered within 30 days of the filing of the application. If a decision is not rendered within the 30-day period, the application shall be deemed denied.
- (e) A panoram license approval by the director shall be deemed an approval of the information listed in the application pursuant to subsection (a). The approved information shall be regarded as terms and conditions of the license, the compliance with which is required by the licensee.
- (f) The director of budget and fiscal services shall issue the panoram license upon payment by the applicant of a license fee. The license fee amount shall be set by the director.
- (1990 Code, Ch. 41, Art. 39, § 41-39.3) (Added by Ord. 97-11)

**§ 34-8.4 License validity and renewal.**

- (a) A panoram license shall be valid for one year, unless sooner canceled, suspended, or revoked.

The one-year period shall be measured from the date the license was issued or last renewed, as the case may be. When a license is suspended, time shall continue to toll for measuring the period of that license's validity.

- (b) Not more than 60, but not less than 30, days before the expiration of a license, the licensee may apply for renewal. The director of budget and fiscal services shall review the renewal application in the same manner as a new license application.

The director shall approve the renewal application if finding that:

- (1) The panoram business will continue to comply with the conditions of § 34-8.3(c)(1), (c)(2), and (c)(3);
- (2) The applicant has complied with the conditions of § 34-8.3(c)(4) and (c)(5) with respect to the renewal application; and
- (3) The license sought to be renewed has not been suspended for a period encompassing its expiration date.

An approved renewal shall be effective on the day after the license's expiration date.

If the director finds noncompliance with subdivision (1), (2), or (3), the renewal application shall be denied.

- (c) The director's decision regarding a renewal application shall be rendered within 30 days of the filing of the application. If a decision is not rendered within the 30-day period, the renewal shall be deemed denied.
- (d) The director of budget and fiscal services shall charge a renewal fee for each license renewal. The renewal fee amount shall be set by the director.

The licensee whose license is renewed shall pay the fee before the effective date of the renewal. If not paid by that date, the director shall suspend the renewal until the licensee pays the fee.

- (e) A license which is not renewed by its expiration date shall be invalid from the day after that date. If desiring to conduct a panoram business at the location specified in an invalidated license, a person shall be required to apply for and receive a new license.

(1990 Code, Ch. 41, Art. 39, § 41-39.4) (Added by Ord. 97-11)

**§ 34-8.5 Right to license nontransferable.**

- (a) The right to a panoram license shall not be transferred by the licensee to another person.
- (b) A prohibited "transfer of the right to a license" shall be deemed to have occurred if, before expiration of the license:
  - (1) The license is sold or otherwise conveyed by the licensee to another person;
  - (2) The panoram business authorized by the license is sold or otherwise conveyed by the licensee to another person;
  - (3) The location at which the panoram business may be conducted under the license:
    - (A) Is sold, leased, subleased, assigned, or rented by the licensee to another person; and
    - (B) Becomes unavailable to the licensee for the conduct of the panoram business.
  - (4) The licensee changes at least a majority interest in its ownership by other than will or intestate succession.

- (c) A licensee who intends to engage in an act described under subsection (b) shall notify the director of budget and fiscal services before executing the act. After receipt of the notification, the director shall cancel the license. The cancellation shall be effective on the date of execution of the act, unless the licensee requests an earlier date.

(1990 Code, Ch. 41, Art. 39, § 41-39.5) (Added by Ord. 97-11)

**§ 34-8.6 License suspension or revocation.**

- (a) The director of budget and fiscal services may suspend or revoke a panoram license if finding that at least one of the following conditions exists:
  - (1) The license was procured by false representation in the license issuance or renewal application;
  - (2) The building or parcel where the panoram business is conducted does not comply with this article or applicable zoning, building, and fire prevention ordinances;
  - (3) The right to the license has been transferred in violation of § 34-8.5;
  - (4) The licensee or licensee's employee has knowingly committed a violation of this article; or
  - (5) The licensee or licensee's employee has knowingly conducted the panoram business in a manner contrary to a term or condition of the license.

Except as otherwise provided under subsection (b), a license shall be suspended or revoked after at least 20 days' notice to the licensee.

- (b) The director of budget and fiscal services may immediately suspend or revoke a panoram license if finding that a condition under subsection (a) constitutes an immediate threat of serious personal injury or property damage. The notice of immediate suspension or revocation shall identify the basis for and facts supporting the director's decision.
- (c) The director of budget and fiscal services may reinstate a suspended license when the condition for the suspension has been corrected. No fee shall be charged the licensee for a reinstatement.

The director of budget and fiscal services shall not reinstate a revoked license, but the person who held the revoked license may apply for a new license after two years from the revocation, except as provided for in subsection (d).

- (d) The director of budget and fiscal services shall permanently revoke the panoram license of a panoram licensee who has been convicted of violating this article three times.

(1990 Code, Ch. 41, Art. 39, § 41-39.6) (Added by Ord. 97-11)

**§ 34-8.7 Appeal of director of budget and fiscal services' decision.**

- (a) Any person aggrieved by the director of budget and fiscal services' decision to deny, suspend, or revoke a license may appeal. The person shall appeal by filing a notice with the director within 10 days of receiving the notice of the decision.

For the purpose of this subsection, a decision to "deny a license" includes the denial of an application for a new or renewed license.

- (b) The appeal shall be subject to the contested case procedures of HRS Chapter 91 and heard by a hearing officer appointed by the director of budget and fiscal services. The director shall appoint as the hearing officer a city executive branch officer or employee who did not participate in the appealed decision.

(1990 Code, Ch. 41, Art. 39, § 41-39.7) (Added by Ord. 97-11)

**§ 34-8.8 Specifications of licensed location.**

- (a) Except as provided under subsection (c), the interior of a licensed location shall be arranged so that each panoram booth is entered from a continuous main aisle at least 6 feet wide.

A panoram booth shall have no entrance other than the one from the main aisle.

- (b) The viewing area in each panoram booth must be visible from a continuous main aisle and must not be obscured by any curtain, door, wall, or other enclosure at the entrance to the panoram booth. The obstruction of the viewing area by a chair or seat complying with subsection (d) shall not be a violation of this subsection.

- (c) This subsection shall apply to the minimum aisle width of a licensed location which was used in the panoram business on April 30, 1997\* and became subject to a license issued under this article on January 1, 1998.

As required under subsection (a), the interior of the licensed location shall be arranged so that each panoram booth is entered from a continuous main aisle.

If the aisle was at least 6 feet wide on April 30, 1997,\* the aisle shall remain at least 6 feet wide in accordance with subsection (a).

If the aisle was less than 6 feet wide on April 30, 1997,\* the aisle may remain at that width as long as:

- (1) The licensee maintains a valid license for the location; and
- (2) The aisle is in compliance with applicable building and fire prevention ordinances.

- (d) A chair or other seat in a panoram booth shall not provide a seating surface of more than 18 inches on any side. A leg of or support for the chair or seat shall not have a diameter of more than 3 inches.

A panoram booth shall not contain more than one chair or seat.

- (e) The entire floor of a panoram booth shall be level with the continuous main aisle.

- (f) Illumination within a panoram booth shall be sufficient to enable the determination of the number of persons occupying a booth by a person looking inside from the booth's entrance.
- (g) A sign stating the following shall be conspicuously posted and permanently maintained on the interior and exterior of each panoram booth:

Occupancy of this booth is limited to only one person at any time. Violators are subject to criminal prosecution, civil fine, or both under Chapter 34, Article 8, Revised Ordinances of Honolulu 1990, as amended.

The sign's letters and numerals shall be on a contrasting background and no smaller than 0.75 inches in height.

- (h) A licensed location shall not be equipped with a system or device capable of warning a person occupying a panoram booth that a police officer or other city officer or employee is approaching or has entered the licensed location.

(1990 Code, Ch. 41, Art. 39, § 41-39.8) (Added by Ord. 97-11)

***Editor's note:***

*\* "April 30, 1997" is substituted for "the effective date of this ordinance."*

**§ 34-8.9 Inspection of licensed location.**

A licensee or licensee's employee shall allow a police officer or other authorized city officer or employee to inspect the licensed location during its business hours.

(1990 Code, Ch. 41, Art. 39, § 41-39.9) (Added by Ord. 97-11)

**§ 34-8.10 Prohibited acts.**

- (a) A person shall not conduct a panoram business without a valid license.
- (b) A licensee or licensee's employee shall not conduct a panoram business in violation of this article, any other ordinance, or a term or condition of the licensee's license.

A licensee or licensee's employee shall not authorize or order another person to conduct a panoram business in violation of this article, any other ordinance, or a term or condition of the licensee's license.

- (c) A licensee shall not transfer the right to a license in violation of § 34-8.5.
- (d) A licensee or licensee's employee shall not:
  - (1) Warn a person occupying a panoram booth that a police officer or other city officer or employee is approaching or has entered the licensed location;
  - (2) Show in a panoram booth any film or videotape which promotes pornography or pornography for minors contrary to HRS Chapter 712, Part II;
  - (3) Lock any door to a public area at the licensed location during business hours; or

(4) Allow a person to violate subsection (e), (f), or (g).

(e) A person under 18 years of age shall not enter or remain in a licensed location.

(f) More than one person shall not occupy a panoram booth at the same time.

(g) A person shall not stand or kneel on any seating surface in a panoram booth.

(1990 Code, Ch. 41, Art. 39, § 41-39.10) (Added by Ord. 97-11)

**§ 34-8.11 Penalties.**

A person who violates this article or term or condition of a panoram license shall be:

(1) Guilty of a misdemeanor;

(2) Punishable by a maximum \$1,000 civil fine imposed in accordance with applicable State law; or

(3) Subject to both the criminal penalty of subdivision (1) and civil fine of subdivision (2).

(1990 Code, Ch. 41, Art. 39, § 41-39.11) (Added by Ord. 97-11)

**§ 34-8.12 Rules.**

The director of budget and fiscal services may adopt rules in accordance with HRS Chapter 91 to implement this article.

(1990 Code, Ch. 41, Art. 39, § 41-39.12) (Added by Ord. 97-11)

## ARTICLE 9: LAP DANCING ESTABLISHMENTS

### Sections

34-9.1	Definitions
34-9.2	Admission restrictions
34-9.3	Prohibition of access to and common wall with a liquor selling establishment
34-9.4	Prohibited activities
34-9.5	Owner or responsible managing agent required on premises
34-9.6	Penalty—Absolute liability
34-9.7	Enforcement

### § 34-9.1 Definitions.

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

***Dancer.*** A person who lap dances in a lap dancing establishment for compensation or remuneration from either the establishment or a customer, including tips or gratuities, whether the person is an employee of the establishment.

***Intimate Part.*** The male or female genitalia, pubic area, anus, or buttock and, in the case of a female, the breast below the top of the areola.

***Lap Dance and Lap Dancing.*** A form of live adult entertainment in which a dancer entertains a customer while the dancer is positioned directly above or straddling the customer.

***Lap Dancing Establishment.*** An establishment at which lap dancing is provided for customers and which is not subject to licensure under HRS Chapter 281.

***Owner of a Lap Dancing Establishment.*** Any person or entity, including but not limited to any individual, partnership, or corporation, with a controlling ownership interest in the business operating the lap dancing establishment. A person shall not be deemed an “owner” merely because of an ownership interest in the land upon or structure in which a lap dancing establishment is operated.

***Responsible Managing Agent.*** An individual who is authorized by the owner of a lap dancing establishment to oversee the operations of the establishment.

(1990 Code, Ch. 41, Art. 40, § 41-40.1) (Added by Ord. 98-18)

### § 34-9.2 Admission restrictions.

- (a) A lap dancing establishment shall not admit into the establishment any person under 21 years of age during business hours; provided that:

- (1) The admission of a person under 21 years of age shall not be deemed a violation of this subsection if, in admitting the person, the personnel of the lap dancing establishment were misled by the appearance of the person and by the person's personal identification meeting the standards of subsection (c) into believing in good faith that the person was at least 21 years of age; and
- (2) The admission of an employee of the establishment who is under 21, but at least 18, years of age shall be allowed.

The owner and any responsible managing agent of the lap dancing establishment shall be deemed the violator when a person is admitted in violation of this subsection.

- (b) A person under 21 years of age shall not enter a lap dancing establishment, unless the person is an employee of the establishment and at least 18 years of age.
- (c) A lap dancing establishment shall, for the purpose of identifying and verifying the ages of customers, use an official state driver's license, a military identification card, or other form of official government identification containing a photograph identifying the individual. Such documents shall be unaltered, undamaged, and laminated. All documents shall be examined carefully. School identification cards, expired documents of any kind, cards with such phrases as "information provided by applicant" or the like, identification cards issued for the purposes of check cashing or other identification cards not issued by a government agency, shall be unacceptable.
- (d) The owner or responsible managing agent of a lap dancing establishment shall post a notice, at each entrance to the establishment available to the public during business hours, that:
  - (1) States no customer under 21 years of age will be admitted to the establishment;
  - (2) Refers to this article and states the maximum penalty for a customer who enters in violation of the age restriction; and
  - (3) Is clearly visible and legible to prospective customers before their entry into the establishment.

Every day during which the required sign is not posted or not otherwise in compliance with this subsection shall be deemed a separate violation.

(1990 Code, Ch. 41, Art. 40, § 41-40.2) (Added by Ord. 98-18)

### **§ 34-9.3 Prohibition of access to and common wall with a liquor selling establishment.**

- (a) For the purpose of this section, a "liquor selling establishment" means an establishment licensed by the liquor commission to sell liquor.
- (b) Except as otherwise provided under this subsection, a lap dancing establishment shall not have an entrance or exit leading directly to or from a liquor selling establishment. The entrance or exit of a lap dancing establishment shall be deemed "leading directly to or from a liquor selling establishment" if no common area exists between the entrance or exit of the lap dancing establishment and the entrance or exit of the liquor selling establishment. "Common area" means an area outside either establishment and usable by a member of the general public or invitee to the structure containing the establishments.

A lap dancing establishment in operation on May 21, 1998,\* but in noncompliance with this subsection on that date, may continue in noncompliance for 180 days from that date. After the 180th day, the lap dancing establishment shall be in violation of this subsection if still having an entrance or exit leading directly to or from a liquor selling establishment.

(c) Except as otherwise provided under subdivision (1) or (2), a lap dancing establishment shall not have a common wall with a liquor selling establishment. A “common wall” means a wall immediately between a lap dancing establishment and a liquor selling establishment.

(1) A lap dancing establishment in operation on May 21, 1998,\* but in noncompliance with this subsection on that date, may continue in noncompliance for two years from that date. After the two-year period, the lap dancing establishment shall be in violation of this subsection if still having a common wall with a liquor selling establishment, unless the exception under subdivision (2)(B) applies. While operating in noncompliance during the two-year period, the lap dancing establishment shall not expand its lap dancing operation beyond the premises of the establishment as existing on May 21, 1998.\*

(2) (A) A lap dancing establishment in compliance with this subsection on May 21, 1998\* shall not become in violation of this subsection if, after that date, a liquor selling establishment under different ownership locates or expands next to the lap dancing establishment causing the sharing of a common wall;

(B) A lap dancing establishment in noncompliance with this subsection on May 21, 1998,\* but coming in compliance within two years from that date, shall not become in violation of this subsection if, after compliance, a liquor selling establishment under different ownership locates or expands next to the lap dancing establishment causing the sharing of a common wall; and

(C) A lap dancing establishment which commences operation after May 21, 1998\* in compliance with this subsection shall not become in violation of this subsection if, after commencement, a liquor selling establishment under different ownership locates or expands next to the lap dancing establishment causing the sharing of a common wall.

A liquor selling establishment locating or expanding next to a lap dancing establishment shall be deemed under “different ownership” if none of the ownership interest in the liquor selling establishment is held, directly or indirectly, by a person holding any ownership interest in the lap dancing establishment.

The exceptions of this subdivision shall not apply in the following situations: when a lap dancing establishment expands its premises to cause the sharing of a common wall with a liquor selling establishment, whether or not under different ownership; when a liquor selling establishment, any ownership interest in which is held by a person holding an ownership interest in a lap dancing establishment, locates or expands next to the lap dancing establishment to cause the sharing of a common wall; and when a liquor selling establishment under different ownership locates or expands next to a lap dancing establishment to cause the sharing of a common wall and, subsequently, a person holding an ownership interest in either establishment acquires an ownership interest in the other establishment.

A lap dancing establishment excepted by this subdivision may continue in noncompliance with this subsection until abandoned, destroyed, stopping all business activity, or ceasing for 30 consecutive

days to provide lap dancing. While operating in noncompliance, an establishment shall not expand its lap dancing operation beyond the premises of the establishment as existing on May 21, 1998,\* the date of compliance, or the date of operation commencement, as applicable. After a lap dancing establishment is abandoned or destroyed, stops all business activity, or ceases for 30 consecutive days to provide lap dancing, it may commence lap dancing operation again only if complying with this subsection and other provisions of this article.

- (d) The owner of a lap dancing establishment in violation of this section shall be deemed the violator. Every day during which the establishment is in violation shall be deemed a separate violation.

(1990 Code, Ch. 41, Art. 40, § 41-40.3) (Added by Ord. 98-18)

***Editor's note:***

*\* "May 21, 1998" is substituted for "the effective date of this ordinance."*

**§ 34-9.4 Prohibited activities.**

- (a) The following prohibitions shall apply in a lap dancing establishment:

- (1) A dancer shall not touch, with any clothed or unclothed intimate part of the dancer, any clothed or unclothed body part, including intimate part, of a customer;
- (2) A dancer shall not touch, with any other clothed or unclothed body part of the dancer, any clothed or unclothed intimate part of a customer;
- (3) A customer shall not touch, with any clothed or unclothed intimate part of the customer, any clothed or unclothed body part, including intimate part, of a dancer; and
- (4) A customer shall not touch, with any other clothed or unclothed body part of the customer, any clothed or unclothed intimate part of a dancer.

The prohibitions shall apply at any time in the lap dancing establishment, even when the dancer is not lap dancing for the customer.

- (b) A person under 21 years of age shall not lap dance in any lap dancing establishment.
- (c) A person shall not lap dance in a room within a lap dancing establishment unless the room complies with the following:
- (1) The room entrance does not have a door, partition, screen, curtain, or other opaque, transparent, meshed, or perforated covering; and
  - (2) The entire interior of the room is visible at all times from the room entrance.

- (d) The owner or responsible managing agent of a lap dancing establishment shall not direct or allow a person to commit a violation of this section.

(1990 Code, Ch. 41, Art. 40, § 41-40.4) (Added by Ord. 98-18)

**§ 34-9.5 Owner or responsible managing agent required on premises.**

A lap dancing establishment shall have an owner or responsible managing agent on the premises of the establishment at all times during which it is open for business.

The owner of a lap dancing establishment in violation of this section shall be deemed the violator. Every business day during which the establishment is in violation shall be deemed a separate violation.  
(1990 Code, Ch. 41, Art. 40, § 41-40.5) (Added by Ord. 98-18)

**§ 34-9.6 Penalty—Absolute liability.**

- (a) A person who violates this article shall be guilty of a violation as defined under and punishable by the State Penal Code.
- (b) The council intends that a person bear absolute liability for any violation of this article.  
(1990 Code, Ch. 41, Art. 40, § 41-40.6) (Added by Ord. 98-18)

**§ 34-9.7 Enforcement.**

- (a) There shall be provided for use by a police officer a form of summons or citation for citing, not physically arresting, an alleged violator of this article. The form and content of the summons or citation shall be as adopted or prescribed by the administrative judge of the district court, designed to include all information necessary under the laws and rules of the State of Hawaii and City and County of Honolulu, and commensurate with the form of other summons or citations used in modern methods of arrest.

Every summons or citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

- (b) A police officer may arrest, without warrant, an alleged violator of this article by issuing the summons or citation in accordance with this section. Nothing in this section shall be construed as barring a police officer from initiating prosecution by penal summons, complaint, warrant, or other judicial process as is permitted by statute or rule of court.

A police officer making an arrest for an alleged violation may take the name and address of the alleged violator and shall issue to the alleged violator the summons or citation. The summons or citation shall direct the alleged violator to answer at a place and time provided in the summons or citation.

When a summons or citation is issued, the original shall be given to the alleged violator; provided that the administrative judge of the district court may prescribe the giving of a carbon copy to the alleged violator and other disposition of the original.

(1990 Code, Ch. 41, Art. 40, § 41-40.7) (Added by Ord. 98-18)

## **Honolulu - Business**

## ARTICLE 10: NIGHTCLUBS

### Sections

- 34-10.1 Definitions
- 34-10.2 Nonalcoholic nightclubs—Collocation with liquor establishment
- 34-10.3 Restriction on operation of teenage nightclubs during certain hours
- 34-10.4 Regulations applicable to nude dancing nightclubs
- 34-10.5 Responsible managing agent
- 34-10.6 Security guards on premises
- 34-10.7 Financial records
- 34-10.8 Teenage nightclub that is also a nude dancing nightclub or lap dancing establishment
- 34-10.9 Criminal penalties—Enforcement
- 34-10.10 Severability

### § 34-10.1 Definitions.

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

**Adult.** A person who is 18 years of age or older.

**Building.** Has the same meaning as defined in Chapter 21.

**Commercial Business Establishment.** Does not include:

- (1) Any nonprofit corporation or other nonprofit organization; or
- (2) Any university, high school, intermediate or middle school, or elementary school, which sponsors or provides facilities on an irregular basis for dances or socials.

**Common Ownership Between Two Establishments or Properties.** That one or more of the direct or indirect owners of one of the establishments or properties is a direct or indirect owner of the other establishment or property.

**Common Wall.** A wall between two establishments or a ceiling or roof of one establishment that serves as a floor of the other establishment.

**Exotic Dancer.** A person who performs or entertains in the nude at a nude dancing nightclub. The term includes any such person, whether compensated or uncompensated, and includes patrons participating in a contest or receiving instruction in the art of nude dancing.

**Intoxicating Liquor.** Alcohol, brandy, whiskey, rum, gin, okolehao, sake, beer, ale, porter, and wine; and also includes, in addition to the foregoing, any spiritous, vinous, malt, or fermented liquor, liquids, and compounds,

whether medicated, proprietary, patented, or not, in whatever form and of whatever constituency and by whatever name called, containing one-half of 1 percent or more of alcohol by volume, which are fit for use or may be used or readily converted for use for beverage purposes.

***Liquor.*** Intoxicating liquor.

***Liquor Establishment.*** An establishment licensed by the Honolulu liquor commission to sell liquor.

***Minor.*** Any person who has not attained the age of 18 years.

***Nude.*** Unclothed or in such attire as to expose to view any portion of the pubic hair, anus, cleft of the buttocks, genitals, or any portion of the female breast below the top of the areola.

***Nude Dancing Nightclub.*** Any commercial business establishment at which one or more exotic dancers perform for or provide entertainment to patrons. The term shall not include any establishment for which a liquor license has been issued, any “lap dancing establishment” as defined in § 34-9.1 or any theater.

***Owner of a Teenage Nightclub, Owner of a Nude Dancing Nightclub or Owner.*** Any person or entity, including but not limited to any individual, partnership, or corporation, with a controlling ownership interest in the business operating the teenage nightclub, the nude dancing nightclub, or either a teenage nightclub or nude dancing nightclub, as the context dictates. A person shall not be deemed an “owner” merely because of an ownership interest in the land upon or structure in which a nightclub is operated.

***Premises.*** Includes the interior of the nude dancing nightclub or teenage nightclub, any parking lot or yard appurtenant to either, or any other business premises under common ownership, including common lease ownership, with the nude dancing nightclub or teenage nightclub and located in the same building as the nude dancing nightclub or teenage nightclub. The term does not, however, include any establishment to which a license has been issued by the Honolulu liquor commission.

***Restaurant.*** A place which is regularly and in a bona fide manner used and kept open for the serving of meals to patrons for compensation and which has suitable kitchen facilities connected therewith, containing the necessary equipment and supplies for cooking an assortment of foods which may be required for ordinary meals. Additionally, at least 30 percent of the establishment’s gross revenue must be derived from the sale of foods. For the purposes of this definition, the term “foods” does not include beverages. This definition is derived from the definition of “restaurant” in the rules of the Honolulu liquor commission and shall be interpreted consistently with the interpretation given to the term by the Honolulu liquor commission.

***Teenage Nightclub.*** A commercial business establishment regularly engaged in the business of a nightclub:

- (1) At which live or recorded music is regularly played;
- (2) At which a dance floor is provided for patrons; and
- (3) Which is advertised or promoted by the establishment, the owner, a responsible managing agent, or an employee of the establishment, or by any other person pursuant to the direction or request of any of the foregoing, in such a manner as to attract or otherwise solicit minors, high school students, teenagers or

similar groups composed principally of minors. The term shall not include any establishment for which a liquor license has been issued, any restaurant, or any dance school.

A minor shall be deemed “unaccompanied” when the minor is not accompanied by a parent or guardian of the minor or by an adult person authorized by such parent or guardian to accompany the minor.  
(1990 Code, Ch. 41, Art. 41, § 41-41.1) (Added by Ord. 99-46)

**§ 34-10.2 Nonalcoholic nightclubs—Collocation with liquor establishment.**

- (a) During the hours of operation of any teenage nightclub or any nude dancing nightclub, no person may possess or consume any intoxicating liquor on the premises of the establishment.
- (b) During the hours of operation of any teenage nightclub or any nude dancing nightclub, no security guard, responsible managing agent, or employee of the establishment shall knowingly permit a patron to enter the establishment or its premises in possession of intoxicating liquor or to consume intoxicating liquor in the establishment or on the premises of the establishment.
- (c) During the hours of operation of any teenage nightclub or any nude dancing nightclub, no security guard, responsible managing agent, or employee of the establishment shall knowingly permit any person in an obvious state of intoxication to enter the establishment or its premises.
- (d) No person shall provide, or contract or otherwise arrange, on behalf of a teenage nightclub or nude dancing nightclub, for the provision of, intoxicating liquor on the premises of the establishment to patrons or anticipated patrons of the teenage nightclub or nude dancing nightclub.
- (e) Except as otherwise provided under this subsection, a teenage nightclub or a nude dancing nightclub shall not have an entrance or exit leading directly to or from a liquor establishment. The entrance or exit of a teenage nightclub or nude dancing nightclub shall be deemed “leading directly to or from a liquor establishment” if no common area exists between the entrance or exit of the teenage nightclub or nude dancing nightclub and the entrance or exit of the liquor establishment. “Common area” means an area outside either establishment and usable by a member of the general public or invitee to the structure containing the establishments.

A teenage nightclub or nude dancing nightclub in operation on August 2, 1999,\* but in noncompliance with this subsection on that date, may continue in noncompliance for 180 days from that date. After the 180th day, the teenage nightclub or nude dancing nightclub shall be in violation of this subsection if still having an entrance or exit leading directly to or from a liquor establishment.

- (f) Except as otherwise provided for below, a teenage nightclub or nude dancing nightclub shall not have a common wall with, or be located in the same building as, a liquor establishment.

A teenage nightclub or nude dancing nightclub in operation on August 2, 1999,\* but in noncompliance with this subsection on that date, may continue in noncompliance for two years from that date. After the two-year period, the teenage nightclub or nude dancing nightclub shall be in violation of this subsection if still having a common wall with a liquor establishment, or being located in the same building. While operating in noncompliance during the two-year period, the teenage nightclub or nude dancing nightclub shall not expand the teenage nightclub or nude dancing nightclub operation beyond the establishment as existing on August 2, 1999.\*

The exception provided for above shall not apply in the following situations: when a teenage nightclub or nude dancing nightclub expands its premises to cause the sharing of a common wall with a liquor establishment, whether or not under different ownership; when a liquor establishment, any ownership interest in which is held by a person holding an ownership interest in a teenage nightclub or nude dancing nightclub, locates or expands next to the teenage nightclub or nude dancing nightclub to cause the sharing of a common wall; and when a liquor establishment under different ownership locates or expands next to a teenage nightclub or nude dancing nightclub to cause the sharing of a common wall and, subsequently, a person holding an ownership interest in either establishment acquires an ownership interest in the other establishment.

A teenage nightclub or nude dancing nightclub excepted by this subdivision may continue in noncompliance with this subsection until abandoned, destroyed, stopping all business activity, or ceasing for 30 consecutive days to operate as a teenage nightclub or a nude dancing nightclub, as the case may be. While operating in noncompliance, an establishment shall not expand its teenage nightclub or nude dancing nightclub operation beyond the premises of the establishment as existing on August 2, 1999,\* the date of compliance, or the date of operation commencement, as applicable. After a teenage nightclub or a nude dancing nightclub is abandoned or destroyed, stops all business activity, or ceases for 30 consecutive days to operate as a teenage nightclub or a nude dancing nightclub, as the case may be, it may commence operation as a teenage nightclub or nude dancing nightclub again only if complying with this subsection and the other provisions of this article.

- (g) (1) The owner of a teenage nightclub or nude dancing nightclub that is in violation of subsection (e) or (f) shall be deemed the violator. Every day during which the establishment is in violation of subsection (e) or (f) shall be deemed a separate violation.
- (2) Any person violating subsection (a), (b), (c), or (d) shall be fined not less than \$100 and not more than \$500 for each violation. Any owner violating subsection (e) or (f) shall be fined not less than \$250 and not more than \$1,000 for each violation.

(1990 Code, Ch. 41, Art. 41, § 41-41.2) (Added by Ord. 99-46)

***Editor's note:***

\* "August 2, 1999" is substituted for "the effective date of this ordinance."

**§ 34-10.3 Restriction on operation of teenage nightclubs during certain hours.**

- (a) (1) No person shall operate a teenage nightclub between the hours of 10:00 p.m. and 6:00 a.m.
- (2) The prohibition of subdivision (1) shall not preclude the premises from being used for other permitted purposes between 10:00 p.m. and 6:00 a.m., provided the responsible managing agent of the nightclub removes or causes the removal of all minors from the nightclub at 10:00 p.m. and thereafter does not admit or allow the admission of any minor into the nightclub.
- (3) The admission of a minor shall not be deemed a violation of this subsection if, in admitting the minor, the personnel of the establishment are misled by the appearance of the minor and the minor's personal identification meeting the standards of § 34-10.4(d) into believing in good faith that the minor was an adult.

- (b) Any owner, responsible managing agent, or other person operating a teenage nightclub in violation of subsection (a) shall be fined not less than \$250 and not more than \$1,000 for each violation. Each day during which a teenage nightclub is operated in violation of subsection (a) shall be deemed a separate violation. (1990 Code, Ch. 41, Art. 41, § 41-41.3) (Added by Ord. 99-46)

**§ 34-10.4 Regulations applicable to nude dancing nightclubs.**

- (a) The regulations provided in this section shall apply to any nude dancing nightclub, as that term is defined in § 34-10.1, regardless of the hours of operation of the establishment.
- (b) A nude dancing nightclub shall not admit into the establishment any person under 21 years of age during business hours; provided that:
- (1) The admission of a person under 21 years of age shall not be deemed a violation of this subsection if, in admitting the person, the personnel of the nude dancing nightclub were misled by the appearance of the person and by the person's personal identification meeting the standards of subsection (d) into believing in good faith that the person was at least 21 years of age; and
  - (2) The admission of an employee of the establishment who is under 21, but at least 18 years of age shall be allowed.

Any responsible managing agent of the nude dancing nightclub and any employee of the nightclub screening a person for entry into the nightclub shall be deemed the violator when a person is admitted in violation of this subsection.

- (c) A person under 21 years of age shall not enter a nude dancing nightclub during its business hours unless the person is an employee of the establishment and at least 18 years of age.
- (d) A nude dancing nightclub shall, for the purpose of identifying and verifying the ages of patrons, use an official State driver's license, a military identification card, or other form of official government identification containing a photograph identifying the individual. Such documents shall be unaltered, undamaged, and laminated. All documents shall be examined carefully. School identification cards, expired documents of any kind, cards with such phrases as "information provided by applicant" or the like, identification cards issued for the purposes of check cashing or other identification cards not issued by a government agency, shall be unacceptable.
- (e) Any owner or responsible managing agent of a nude dancing nightclub shall be responsible for posting a notice, at each entrance to the establishment available to the public during its business hours, that:
- (1) States that no patron under 21 years of age will be admitted to the establishment;
  - (2) Refers to this article and states the maximum penalty for a patron who enters in violation of the age restriction; and
  - (3) Is clearly visible and legible to prospective patrons before their entry into the establishment.

Every day during which the required sign is not posted or not otherwise in compliance with this subsection shall be deemed a separate violation.

- (f) Any owner or managing agent of a nude dancing nightclub shall be responsible for conducting a training program, similar to the server-training approved by the liquor commission, which provides at least five and a half hours of instruction for managers, doorpersons, and beverage servers in the following areas:

- (1) Proper checking of personal identification and the recognition of unacceptable forms of identification;
- (2) Identifying and dealing with intoxicated persons;
- (3) Reviewing liquor laws and rules; and
- (4) Dangers of driving while intoxicated.

Managers, doorpersons and beverage servers must successfully complete the training program every four years.

- (g) The following prohibitions shall apply in a nude dancing nightclub:

- (1) An exotic dancer shall not touch, with any clothed or unclothed intimate part of the dancer, any clothed or unclothed body part, including intimate part, of a patron;
- (2) An exotic dancer shall not touch, with any clothed or unclothed body part of the dancer, any clothed or unclothed intimate part of a patron;
- (3) A patron shall not touch, with any clothed or unclothed intimate part of the patron, any clothed or unclothed body part, including intimate part, of an exotic dancer; and
- (4) A patron shall not touch, with any other clothed or unclothed body part of the patron, any clothed or unclothed intimate part of an exotic dancer.

The prohibitions shall apply at any time in the nude dancing nightclub, even when the dancer is not entertaining or performing for the patron.

- (h) A person under 21 years of age shall not dance as, or be hired, recruited, or asked by any person to dance as, an exotic dancer in any nude dancing nightclub.
- (i) A person shall not perform as an exotic dancer in a room within a nude dancing nightclub, unless the room complies with the following:
  - (1) The room entrance does not have a door, partition, screen, curtain, or other opaque, transparent, meshed, or perforated covering; and
  - (2) The entire interior of the room is visible at all times from the room entrance.

- (j) Any responsible managing agent of a nude dancing nightclub shall not permit any exotic dancer to perform, and no exotic dancer shall perform in the nude, in a nude dancing nightclub, except upon a permanently affixed stage at least 18 inches above the immediate floor area. Tables, seats, chairs, or couches shall not constitute a stage for purposes of this article.
  - (k) Any owner or responsible managing agent of a nude dancing nightclub shall erect barriers or provide screening sufficient to prevent persons outside the establishment from viewing exotic dancers while performing in the nude.
  - (l) Except in any restroom, or in any changing room set aside for exotic dancers or other employees, or both, to change their clothes, no person, other than an exotic dancer during a performance, shall remain on, or be allowed by any responsible managing agent to remain on, the premises of the nude dancing establishment in the nude. The exception applicable to persons in a restroom or changing room shall only apply if only persons of the same gender are permitted in any such restroom or changing room at the same time, and the interior of the restroom or changing room may not be viewed by persons outside such restroom or changing room.
  - (m) Any violation of this section by an owner or responsible managing agent shall be subject to a fine of not less than \$200 and not more than \$1,000. Any violation of this section by an exotic dancer, a patron, or any other person shall be subject to a fine of not less than \$100 and not more than \$500.
- (1990 Code, Ch. 41, Art. 41, § 41-41.4) (Added by Ord. 99-46)

**§ 34-10.5 Responsible managing agent.**

- (a) At all times during the operation of a teenage nightclub or a nude dancing nightclub, the owner thereof shall designate a natural person or persons to act as the responsible managing agent or agents for the establishment. The owner shall maintain a record of the designated responsible managing agent or agents for all times the establishment is in operation. The record shall be maintained for a minimum of two years. If the owner is not a sole proprietor, the owner shall maintain a record of all persons with an equity ownership interest in the owner. Upon the request of any officer of the Honolulu police department, the owner shall provide any of the records required by this subsection.
- (b) At all times during the operation of a teenage nightclub or a nude dancing nightclub:
  - (1) The owner shall post the name of the owner; and
  - (2) The responsible managing agent or agents responsible for management of the establishment at the time shall post their name or names and title.

The information required to be posted shall be posted in a conspicuous location in the establishment within 5 feet of each entrance through which patrons of the establishment may enter the establishment. The name or names shall be posted in letters at least 2 inches in height, in a color that contrasts with the wall or other background on which they are posted.

- (c) An owner may be designated as a responsible managing agent.

- (d) (1) The failure of the owner to designate a responsible managing agent or to maintain records of the designation or other records as required under subsection (a) shall be punishable by a fine of not less than \$250 and not more than \$1,000. Each day during which a violation continues shall be deemed a separate violation.
  - (2) Any owner or responsible managing agent who fails to comply with subsection (b) shall be fined not less than \$100 and not more than \$250. Each day during which a violation continues shall be deemed a separate violation.
- (1990 Code, Ch. 41, Art. 41, § 41-41.5) (Added by Ord. 99-46)

**§ 34-10.6 Security guards on premises.**

The responsible managing agent of any teenage nightclub or nude dancing nightclub shall ensure that security guards, licensed pursuant to HRS Chapter 463, are on the premises of the nightclub during all hours of operation. At least one such guard shall be on duty within the nightclub and at least one such guard shall be on duty outside of the nightclub on the grounds or in the parking area of the nightclub. Any person violating this section shall be subject to a fine of not less than \$100 and not more than \$500. Each day during which a violation continues shall be deemed a separate violation.

(1990 Code, Ch. 41, Art. 41, § 41-41.6) (Added by Ord. 99-46)

**§ 34-10.7 Financial records.**

The owner of any commercial business establishment meeting the definition of “teenage nightclub” in § 34-10.1, but claiming to be excepted from that definition because the establishment is a restaurant, shall maintain adequate records to demonstrate that the establishment meets the definition of “restaurant” in that section, including the requirement that at least 30 percent of the establishment’s gross revenues are derived from the sale of foods. The failure to maintain such records shall be grounds for treating an establishment as a teenage nightclub under this article.

(1990 Code, Ch. 41, Art. 41, § 41-41.7) (Added by Ord. 99-46)

**§ 34-10.8 Teenage nightclub that is also a nude dancing nightclub or lap dancing establishment.**

- (a) Any establishment that operates as both a teenage nightclub and a nude dancing nightclub shall comply with the requirements applicable to both teenage nightclubs and nude dancing nightclubs.
  - (b) Any establishment that operates as both a teenage nightclub and a lap dancing establishment shall comply with the requirements applicable to both teenage nightclubs and lap dancing establishments, including the amortization provisions applicable to both uses; provided that if the amortization provisions applicable to teenage nightclubs and to lap dancing establishments are inconsistent, the stricter provision shall apply.
- (1990 Code, Ch. 41, Art. 41, § 41-41.8) (Added by Ord. 99-46)

**§ 34-10.9 Criminal penalties—Enforcement.**

- (a) The penalties provided in this article are criminal penalties and the article shall be enforced by the Honolulu police department.
  - (b) A police officer may arrest an alleged violator of any provision of this article or may issue a citation in lieu of arrest as provided in HRS § 803-6.
- (1990 Code, Ch. 41, Art. 41, § 41-41.9) (Added by Ord. 99-46)

**§ 34-10.10 Severability.**

If this article or the application thereof to any person, property, or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end this article shall be severable.

(1990 Code, Ch. 41, Art. 41, § 41-41.10) (Added by Ord. 99-46)

## **Honolulu - Business**

## **ARTICLE 11: SALE OF TOILETS AND URINALS**

### Sections

- 34-11.1 Sale of certain toilets and urinals prohibited
- 34-11.2 Enforcement—Penalty

#### **§ 34-11.1 Sale of certain toilets and urinals prohibited.**

After November 25, 1993, only toilets and urinals that conform to the requirements of the plumbing code shall be offered for sale for installation in the city.

(1990 Code, Ch. 40, Art. 8, § 40-8.1) (Added by Ord. 93-73)

#### **§ 34-11.2 Enforcement—Penalty.**

- (a) The department of planning and permitting shall enforce this article and may adopt rules pursuant to HRS Chapter 91 for the administration and enforcement of this article.
- (b) Any person violating this article shall be fined not less than \$100 and not more than \$250 for each violation.  
(1990 Code, Ch. 40, Art. 8, § 40-8.2) (Added by Ord. 93-73)

## **Honolulu - Business**

## **ARTICLE 12: SALE OF SHOWERHEADS AND FAUCETS**

### Sections

- 34-12.1 Sale of certain showerheads and faucets prohibited
- 34-12.2 Enforcement—Penalty

#### **§ 34-12.1 Sale of certain showerheads and faucets prohibited.**

Effective April 12, 1994, only showerheads and kitchen faucets that conform to the requirements of the Energy Policy Act of 1992, P.L. 102-486, and only lavatory faucets that conform to the requirements of the plumbing code shall be offered for sale in the city.

(1990 Code, Ch. 40, Art. 9, § 40-9.1) (Added by Ord. 93-77)

#### **§ 34-12.2 Enforcement—Penalty.**

- (a) The department of planning and permitting shall enforce this article and may adopt rules pursuant to HRS Chapter 91 for the administration and enforcement of this article.
- (b) Any person violating this article shall be fined not less than \$100 and not more than \$250 for each violation.  
(1990 Code, Ch. 40, Art. 9, § 40-9.2) (Added by Ord. 93-77)

## **Honolulu - Business**

## ARTICLE 13: POLYSTYRENE FOAM AND DISPOSABLE FOOD SERVICE WARE

### Sections

- 34-13.1 Definitions
- 34-13.2 Restriction on polystyrene foam food ware, disposable plastic service ware and disposable plastic food ware
- 34-13.3 Exemptions
- 34-13.4 Ban on sale of polystyrene foam food ware, disposable plastic service ware, and disposable plastic food ware
- 34-13.5 Disposable service ware upon request
- 34-13.6 Enforcement, civil penalties, and injunctive relief
- 34-13.7 Rules
- 34-13.8 Severability

### § 34-13.1 Definitions.

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

**Business.** Any commercial enterprise or establishment operating in the City and County of Honolulu, including an individual proprietorship, joint venture, partnership, corporation, limited liability company, or other legal entity, whether for profit or not for profit, and includes all employees of the business or any independent contractors associated with the business.

**Catered Food.** The provision of prepared food in bulk quantity amounts or multiple servings with the intent for later consumption, or the service of prepared food at a site or event venue.

**Customer.** Any person purchasing prepared food from a food vendor.

**Department.** The department of environmental services.

**Disposable.** Designed to be discarded after a single or limited number of uses and not designed or manufactured for long-term multiple re-use.

**Food Vendor.** Any entity or person selling or providing prepared food for consumption within the City and County of Honolulu, including any store, shop, sales outlet, pharmacy, restaurant, bar, pub, coffee shop, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, food truck, catering vehicle or cart, roadside stand, or other establishment that sells or provides prepared food for consumption within the city.

**Plastic.** Any material made of fossil fuel-derived or petrochemical polymeric compounds and additives that can be shaped by flow.

***Plastic Food Ware.*** Hot and cold beverage cups, cup lids, plates, bowls, bowl lids, “clamshells,” trays, or other hinged or lidded containers that contain plastic. The term does not include disposable plastic condiment packets; food-related bags or wrappers, including but not limited to musubi wraps, plastic film, poi bags, chip bags, cracker and cookie wrappers, bread bags, meal kits, or ice bags; beverage-related bottles or cartons; non-plastic cups that contain a polyethylene or plastic coating; packaging for unprepared food; and packaging for wholesale distribution of prepared food, baked goods or dairy products.

***Polystyrene Foam.*** Blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including but not limited to fusion of polymer spheres (expanded bead polystyrene) injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene foam does not include clear, solid or oriented polystyrene.

***Polystyrene Foam Food Ware.*** Hot and cold beverage cups, cup lids, plates, bowls, bowl lids, “clamshells,” trays, or other hinged or lidded containers, that are made of polystyrene foam; but the term does not include polystyrene foam coolers and ice chests specifically designed and manufactured for multiple re-use; and soup or noodles packaged with polystyrene foam that has been filled and sealed prior to receipt by the food vendor.

***Prepackaged Food.*** Prepared food that is sealed, contained, or wrapped in a manner to protect and prevent the prepared food from having any direct human contact, prior to being provided for sale by a food vendor to a customer, including but not limited to bentos, kimchi, seaweed salad, takuan, tofu, pre-made sandwiches, desserts, pies, noodles, salads, parfaits, and drinks.

***Prepared Food.*** Food or beverages that are prepared for consumption on or off the premises of a food vendor, by cooking, chopping, peeling, slicing, mixing, brewing, freezing, squeezing, or otherwise processed at premises owned, leased, or otherwise controlled by the food vendor; but the term does not include raw meat, raw poultry, raw seafood, unprepared produce, and uncooked eggs. Prepared food includes restaurant style food and beverages that are packaged after being ordered and ready to be consumed without further preparation.

***Produce.*** Any fruit or vegetable including mixes of intact fruits and vegetables and includes mushrooms, sprouts irrespective of seed source, peanuts, tree nuts, beans, honey, and herbs.

***Service Ware.*** Any stirrers, straws, baran, and utensils including forks, spoons, sporks, and knives; but the term does not include items contained within or attached to packaging of food or beverages, including but not limited to disposable plastic straws pre-packaged and sold with beverage boxes, or disposable plastic utensils pre-packaged and sold with ice cream or salads.

***Shelf Stable Food.*** Prepared food that can be safely stored at room temperature and does not require refrigeration, freezing, or heating for food safety purposes, prior to purchase by a customer.

***Utensils.*** Implements intended to assist in the consumption of food or drink.  
(Added by Ord. 19-30)

## **§ 34-13.2 Restriction on polystyrene foam food ware, disposable plastic service ware and disposable plastic food ware.**

- (a) Unless exempted under § 34-13.3, no food vendor shall sell, serve, or provide prepared food in any polystyrene foam food ware to customers.

- (b) Unless exempted under § 34-13.3, no food vendor shall sell, serve, or provide disposable plastic service ware to customers.
- (c) Unless exempted under § 34-13.3, no food vendor shall sell, serve, or provide prepared food in disposable plastic food ware to customers.
- (d) Unless exempted under § 34-13.3, polystyrene foam food ware shall not be sold or provided, or offered for sale or use at any city facility, city- authorized concession, city-sponsored or city-permitted event, or city program.  
(Added by Ord. 19-30)

**§ 34-13.3 Exemptions.**

- (a) The department may grant an exemption from compliance with the restrictions of § 34-13.2 upon application and the provision of sufficient evidence that there are no reasonable alternatives available to the food vendor to comply, or compliance with the restriction would cause significant hardship for the food vendor.

For purposes of this subsection, exemptions may be granted for a specified term of up to two years, and may be subsequently renewed for specified terms of up to two years thereafter, provided that during the term of the exemption, diligent efforts are made by the food vendor to become compliant.

- (1) In situations where there are no reasonable alternatives available, a food vendor may submit an application, preferably on a form provided by the director, and shall set forth with specificity:
  - (A) The food vendor's name and address, and a copy of the food vendor's most current business registration certificate;
  - (B) A description of the polystyrene foam food ware, disposable plastic service ware, or disposable plastic food ware at issue;
  - (C) The factual basis to support the requested determination that there is no reasonable alternative to the use of the non-compliant product at issue, which for example, may include packaging necessary for safely containing food that is of significantly high or low temperature, impact to Hazard Analysis and Critical Control Points plan applicable to the food vendor, or specific transportation requirements or safeguards; and
  - (D) Copies of all exemptions issued to the applicant under this article.
- (2) In situations where compliance would cause significant hardship, a food vendor may submit an application, preferably on a form provided by the director, and shall set forth with specificity:
  - (A) The food vendor's name and address, and a copy of the food vendor's most current business registration certificate;
  - (B) A description of the polystyrene foam food ware, disposable plastic service ware, or disposable plastic food ware at issue;

(C) The factual basis to support the requested determination that the use of a compliant product at issue would cause the applicant significant hardship and that there is no affordable compliant alternative; and

(D) Copies of all exemptions issued to the applicant under this article.

- (b) The department may grant an “industry exemption” from compliance with the restrictions of § 34-13.2 upon application and the provision of sufficient evidence that compliance with § 34-13.2 would cause hardship to the food service industry. “Hardship” under this subsection will be construed to include, but not be limited to: situations where there are no acceptable alternatives to providing polystyrene foam food ware, disposable plastic service ware, or disposable plastic food ware to customers; or situations where acceptable alternatives are not readily available due to market supply constraints.

For purposes of this subsection, an “industry exemption” may be granted for a specified term of up to two years, and may be subsequently renewed for specified terms of up to two years thereafter, provided that during the term of the exemption, diligent efforts are made by the industry applicant to become compliant.

- (c) Disposable plastic straws may be provided, upon request, to customers for whom non-fossil-fuel-based straws are unsuitable due to medical or physical conditions. Otherwise, straws must be fossil-fuel free or designed to be reusable. The following entities are exempt from compliance with the restriction of § 34-13.2(b), specific to disposable plastic straws:

- (1) A “hospital” as defined under Hawaii Administrative Rules § 11-93-2;
- (2) A “nursing facility” as defined under Hawaii Administrative Rules § 11-94.1-2;
- (3) An “assisted living facility” as defined under Hawaii Administrative Rules § 11-90-2;
- (4) An “adult residential care home” (“ARCH”) and “expanded ARCH” as defined under Hawaii Administrative Rules § 11-100.1-2;
- (5) A “hospice service agency” as defined under HRS § 321-15.63(b);
- (6) A “hospice home” as defined under HRS § 321-15.1;
- (7) A “home health agency” as defined under Hawaii Administrative Rules § 11-97-1; and
- (8) A “home care agency” as defined under Hawaii Administrative Rules § 11-700-2.

- (d) The following shall be exempt from compliance with the restrictions of § 34-13.2:

- (1) Packaging for raw meat, raw poultry, raw seafood, unprepared produce, and uncooked eggs;
- (2) Packaging for prepackaged food, shelf stable food, and catered food; and
- (3) Packaging in any situation deemed by the city to be an emergency requiring immediate action for the preservation of life, health, property, safety, or essential public services. This exemption shall be in place

until the emergency has ceased or the mayor has determined that the exemption is no longer applicable to the situation.

(Added by Ord. 19-30)

**§ 34-13.4 Ban on sale of polystyrene foam food ware, disposable plastic service ware, and disposable plastic food ware.**

- (a) No business within the City and County of Honolulu shall sell polystyrene foam food ware, disposable plastic service ware, or disposable plastic food ware, except for:
  - (1) Packaging for raw meat, raw poultry, raw seafood, unprepared produce, and uncooked eggs;
  - (2) Packaging for prepackaged food and shelf stable food; and
  - (3) Non-compliant products sold to a food vendor who has been granted an exemption for said products under § 34-13.3.
- (b) The department may grant an exemption from compliance with the prohibitions of this section upon application and the provision of sufficient evidence that there are no reasonable alternatives available to the business to comply, or compliance with the prohibition would cause significant hardship for the business.

For purposes of this subsection, exemptions may be granted for a specified term of up to two years, and may be subsequently renewed for specified terms of up to two years thereafter, provided that during the term of the exemption, diligent efforts are made by the business to become compliant.

(Added by Ord. 19-30)

**§ 34-13.5 Disposable service ware upon request.**

- (a) A food vendor may only provide or distribute disposable service ware for prepared food or for a beverage upon the request or affirmative response of a customer or person being provided the prepared food or beverage, or in a self-service area or dispenser.
- (b) The department shall engage in an education and outreach campaign in coordination with community and business partners to facilitate implementation of this section.

(Added by Ord. 19-30)

**§ 34-13.6 Enforcement, civil penalties, and injunctive relief.**

- (a) Enforcement and administration of this article is under the jurisdiction of the department of environmental services.
- (b) Any food vendor or business violating any provision of this article or any rule adopted pursuant to this article shall:
  - (1) Be ordered to discontinue the distribution or sale of items prohibited by this article; and

(2) If continuing the distribution despite the order, be subject to a civil fine of not less than \$100 nor more than \$1,000 for each day of violation.

(c) The director of environmental services may institute a civil action in any court of competent jurisdiction for injunctive or other relief to correct or abate violations of this article or any rule adopted pursuant to this article, to collect administrative penalties, or to obtain other relief.

(Added by Ord. 19-30)

**§ 34-13.7 Rules.**

The director of environmental services shall adopt rules pursuant to HRS Chapter 91 regarding the implementation, administration, and enforcement of this article.

(Added by Ord. 19-30)

**§ 34-13.8 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. 19-30)

## ARTICLE 14: REGULATION OF BAGS PROVIDED TO CUSTOMERS\*

### Sections

- 34-14.1 Definitions
- 34-14.2 Ban on plastic checkout bags and nonrecyclable paper bags
- 34-14.3 Penalties and injunctive relief
- 34-14.4 Rules

#### ***Editor's note:***

*\* Article 9 is effective July 1, 2015.*

### **§ 34-14.1 Definitions.**

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

***Business.*** Any commercial enterprise or establishment operating in the City and County of Honolulu, including an individual proprietorship, joint venture, partnership, corporation, limited liability company, or other legal entity, whether for profit or not for profit, and includes all employees of the business or any independent contractors associated with the business.

***Compostable Plastic Bag.*** A checkout bag that is provided to a customer for the purpose of transporting groceries or other retail goods, that meets current ASTM D6400 Standard Specifications for compostability and that is labeled:

- (1) With the Biodegradable Product Institute (“BPI”) logo as meeting the ASTM standard for compostability; and
- (2) With “Compostable” on both sides of the bag in either green color lettering that is at least 1 inch in height, or as otherwise specified; or within a green color band that is at least 1 inch in height to be readily and easily identifiable.

***Customer.*** A person who purchases merchandise from a business.

***Department.*** The department of environmental services.

***Director.*** The director of environmental services or the director’s designee.

***Mil.*** One thousandth of 1 inch.

***Nonrecyclable Paper Bag.*** A paper bag that is not a recyclable paper bag.

***Plastic.*** Any material made of fossil fuel-derived or petrochemical polymeric compounds and additives that can be shaped by flow.

***Plastic Checkout Bag.***

- (1) A carryout bag that is provided by a business to a customer for the purpose of transporting groceries, prepared food, or other retail goods, and is made from plastic and not specifically designed and manufactured for long-term re-use; and
- (2) This term does not include:
  - (A) Handle-less plastic bags used by customers inside a business to package loose items, such as bakery goods, fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
  - (B) Handle-less plastic bags used to contain or wrap frozen foods, meat, or fish, flowers or potted plants, or other items to contain dampness;
  - (C) Newspaper bags for home newspaper delivery;
  - (D) Laundry, dry cleaning, or garment bags;
  - (E) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
  - (F) Bags used to contain live animals, such as fish or insects sold in pet stores; or
  - (G) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer.

***Plastic Film Bag.***

- (1) A plastic bag made out of thin flexible sheets of plastic with a thickness of 10 mils or less; and
- (2) This term does not include:
  - (A) Handle-less plastic bags used by customers inside a business to package loose items, such as bakery goods, fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
  - (B) Handle-less plastic bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
  - (C) Newspaper bags for home newspaper delivery;
  - (D) Laundry, dry cleaning, or garment bags;
  - (E) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;

- (F) Bags used to contain live animals, such as fish or insects sold in pet stores; or
- (G) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer.

**Recyclable paper bag.** A paper bag that:

- (1) Is 100 percent recyclable;
- (2) Contains a minimum of 40 percent post-consumer recycled content; and
- (3) Displays the words “Reusable” and “Recyclable” in a highly visible manner on the outside of the bags.

**Reusable bag.** A bag with handles that is specifically designed and manufactured for multiple reuse and is made of: (1) cloth or other washable fabric; or (2) durable material suitable for reuse, including plastic that is at least 2.25 mils thick. After January 1, 2020, plastic film bags shall no longer be considered to be “reusable bags.” (1990 Code, Ch. 9, Art. 9, § 9-9.1) (Added by Ord. 12-8; Am. Ords. 14-29, 17-37, 19-30)

#### § 34-14.2 Ban on plastic checkout bags and non-recyclable paper bags (effective 7-1-2018).

- (a) Except as provided in subsections (b) and (c), businesses shall be prohibited from providing plastic checkout bags and nonrecyclable paper bags to their customers at the point of sale for the purpose of transporting groceries or other merchandise.
- (b) Businesses may provide, at the point of sale, reusable bags, compostable plastic bags, or recyclable paper bags to customers for the purpose of transporting groceries or other merchandise, provided that they charge the customer a minimum of \$0.15 per bag.
- (c) Nothing in this article shall be interpreted as prohibiting businesses from providing nonrecyclable paper bags, with or without charge, to protect or transport prepared foods, beverages, or bakery goods.
- (d) After January 1, 2020, compostable plastic bags shall no longer be provided at the point of sale for the purpose of transporting groceries or other merchandise.

(1990 Code, Ch. 9, Art. 9, § 9-9.2) (Added by Ord. 12-8; Am. Ords. 14-29, 17-37)

#### § 34-14.3 Penalties and injunctive relief.

- (a) Any business violating this article or any rule adopted pursuant to this article shall be:
  - (1) Ordered to discontinue the distribution of bags prohibited by this article at the point of sale; and
  - (2) Subject to a civil fine of not less than \$100 nor more than \$1,000 for each day of violation.

- (b) The director may institute a civil action in any court of competent jurisdiction for injunctive or other relief to correct or abate violations of this article or any rule adopted pursuant to this article, to collect administrative penalties, or to obtain other relief.

(1990 Code, Ch. 9, Art. 9, § 9-9.3) (Added by Ord. 12-8)

**§ 34-14.4 Rules.**

The director of environmental services shall adopt rules pursuant to HRS Chapter 91 regarding the implementation, administration, and enforcement of this article.

(1990 Code, Ch. 9, Art. 9, § 9-9.4) (Added by Ord. 12-8)

## **CHAPTER 35: INCENTIVES FOR BUSINESS TO CREATE NEW JOBS**

### Articles

1. General Provisions
2. Property Tax Rebate for Businesses Creating New Jobs

## **Honolulu - Business**

## ARTICLE 1: GENERAL PROVISIONS

### Sections

- 35-1.1 Definitions
- 35-1.2 Administration
- 35-1.3 Qualification for incentives
- 35-1.4 Incentives for qualified businesses
- 35-1.5 Penalties

### § 35-1.1 Definitions.

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

**City.** The City and County of Honolulu.

**Eligible Business.** Any corporation, partnership, or sole proprietorship authorized to do business in the State which is:

- (1) Subject to the State corporate or individual income tax under HRS Chapter 235; and
- (2) (A) Engaged in manufacturing, the wholesale sale of tangible personal property as defined in HRS § 237-4, or a service business; or  
(B) Engaged in producing agricultural products where the business is a producer as defined in HRS § 237-5.

**Full-Time Employee.** An individual employed by a qualified business who works more than 20 hours a week during the business's payroll period.

**Qualified Business.** A business certified as such pursuant to § 35-1.3.

**Service Business.** Has the same meaning as defined in HRS § 209E-2.

**Wholesale.** Has the same meaning as defined in HRS § 237-4.

- (b) As used in this article, "director" means the director of budget and fiscal services.  
(1990 Code, Ch. 35, Art. 1, § 35-1.1) (Added by Ord. 98-54)

**§ 35-1.2 Administration.**

The director shall be responsible for the implementation and administration of this chapter. The director may adopt rules as deemed necessary to accomplish the purposes of this chapter in accordance with HRS Chapter 91. (1990 Code, Ch. 35, Art. 1, § 35-1.2) (Added by Ord. 98-54)

**§ 35-1.3 Qualification for incentives.**

(a) Any business in the city may be certified a qualified business by the director for purposes of this chapter if the business:

- (1) Meets the definition of “eligible business” in § 35-1.1;
- (2) Begins operations after May 1, 1997 at a particular site. The date on which a business begins operations at a particular site shall be the date on which the business begins at the site:

(A) To provide the service; or

(B) To manufacture, grow, or sell wholesale the product,

Which the business was established to provide, manufacture, grow, or sell; provided that acquiring or renovating the property and other preparations necessary to provide the service or to manufacture, grow, or sell wholesale the product to be used in the business shall not constitute beginning operations for purposes of qualifying under this chapter; and

- (3) Creates and fills at the beginning of operations at the site new jobs for one hundred or more full-time employees. A job shall not be deemed a “new job” if, at the time the business begins operations at the site:

(A) It is an existing job with an existing business that is sold to another business;

(B) It reincorporates under a new name, merely changes its name, or creates a subsidiary corporation;  
or

(C) It is a job filled by an employee of a business who is relocated from another site of operations of the business within the city.

(b) A business in the city may also be certified a qualified business by the director for purposes of this chapter if the business:

- (1) Meets the definition of “eligible business” in § 35-1.1;
- (2) Is operating at a particular site; and
- (3) Creates and fills in any tax year, other than the tax year in which it begins operations, 50 new jobs at the site for 50 or more new full-time employees in addition to the number of full-time jobs at the site one year

before the date of the application. A job shall not be deemed a “new job” if, at the beginning of the tax year for which it is claimed 50 or more new jobs have been created:

- (A) It is an existing job with an existing business that is sold to another business;
- (B) It reincorporates under a new name, merely changes its name, or creates a subsidiary corporation;  
or
- (C) It is a job filled by an employee of a business who is relocated from another site of operations of the business within the city.

(c) No business that has received incentives or been allowed regulatory flexibility pursuant to the enterprise zone ordinance, Chapter 31, shall receive incentives or be allowed regulatory flexibility under this chapter.  
(1990 Code, Ch. 35, Art. 1, § 35-1.3) (Added by Ord. 98-54)

**§ 35-1.4 Incentives for qualified businesses.**

The city shall provide the following incentives to qualified businesses:

(1) Real property tax rebate; and

(2) Waiver of permit fees.

(1990 Code, Ch. 35, Art. 1, § 35-1.4) (Added by Ord. 98-54)

**§ 35-1.5 Penalties.**

Any person who files a fraudulent claim or attests to any false statement with intent to defraud the city or to evade the payment of taxes or any part thereof, or who in any manner intentionally deceives or attempts to deceive the city with respect to qualification for the incentives, shall:

(1) Be fined not more than \$2,000, imprisoned for not more than one year, or both; and

(2) Pay the city the value of all rebated taxes and all fees which were waived as a result of the certification of the business as qualified for benefits under this chapter.

(1990 Code, Ch. 35, Art. 1, § 35-1.5) (Added by Ord. 98-54)

## **Honolulu - Business**

## ARTICLE 2: PROPERTY TAX REBATE FOR BUSINESSES CREATING NEW JOBS

### Sections

- 35-2.1 Definitions
- 35-2.2 Real property tax rebate established
- 35-2.3 Administration
- 35-2.4 Appeal
- 35-2.5 Rules

### § 35-2.1 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 budget and fiscal services.

**Property Owner.** Has the same meaning as defined in § 8-7.3, modified as follows:

- (1) Property owner includes a lessee holding real property, as defined in § 8-1.2, for a stated term of three years or more; provided that the lease:
  - (A) Has been duly entered into and recorded in the bureau of conveyances or filed in the office of the assistant registrar of the land court; and
  - (B) Provides that the lessee shall pay all taxes levied on the property during the term of the lease.
- (2) Property owner excludes a lessee under a government lease whose stated term is less than three years.

**Tax year.** Has the same meaning as defined in § 8-6.2.  
(1990 Code, Ch. 35, Art. 2, § 35-2.1) (Added by Ord. 98-54)

### § 35-2.2 Real property tax rebate established.

- (a) Upon proper application, any owner of a qualified business who owned the improvements used by that business on the date of the business's first qualification pursuant to § 35-1.3 and continues to own the improvements during the tax year shall be eligible for a rebate from the city, for a period of three consecutive years, of the lesser of:
  - (1) All real property taxes paid on improvements at the site qualifying under § 35-1.3(a) or (b) by the business which are in excess of the real property taxes paid upon the improvements at the site immediately preceding the date of the business's first qualification; or

(2) \$100,000.

The rebate shall apply only in those years in which the business continues to employ the number of full-time employees required by § 35-1.3. In the event the improvements are transferred after taxes have been paid, only the qualified business that paid the taxes shall be eligible for the rebate.

- (b) A claim for a real property tax rebate may be filed for excess taxes paid during a tax year at any time during the succeeding tax year only.
- (c) The rebate shall apply to improvements which are held by the qualified business and which are used by the qualified business.

(1990 Code, Ch. 35, Art. 2, § 35-2.2) (Added by Ord. 98-54)

**§ 35-2.3 Administration.**

- (a) The director shall prescribe the appropriate form or forms for rebate claims. For each tax year in which a claim is filed, the director shall require proof of the applicant's status as a property owner as of the date of determination of qualification. The director shall request such proof as the director shall deem necessary to verify the applicant's eligibility for the rebate, including but not limited to proof that the improvements for which the claim for rebate of taxes is made are used by the qualified business, and that the applicant paid the taxes for which the claim for rebate is made.
- (b) The applicant may refuse to provide any such proof requested by the director; provided that the director may deny the claim for rebate based upon such refusal. Notwithstanding any other provision to the contrary, there shall be no appeal from the director's denial of the claim due to such refusal of the applicant.
- (c) Where the applicant is eligible for rebate of only a portion of the taxes paid for improvements to a tax map key parcel, the sum rebated shall be the lesser of either:
  - (1) The taxes actually paid by the applicant on the improvements in excess of the taxes paid on the improvements for the tax year before the tax year when the applicant initially qualified for the rebate; or
  - (2) An allocation made by the director of the excess taxes attributable to the floor space of improvements held and used by the eligible business, including its portion of any common areas of the improvements where only a portion of an improvement is, or only some of the improvements on a parcel of land are, held and used by the qualified business.
- (d) Upon review and verification of each claim, the director shall determine eligibility for rebate within 45 days of the director's receipt of a duly submitted claim. If an applicant is found ineligible, the director shall notify the applicant within 45 days after the applicant has been found ineligible by the director. If an applicant's claim is approved, the rebate shall be made by check in the name of the applicant and shall be issued within 45 days after the applicant has been found eligible by the director. All checks issued shall be subject to audit.

(1990 Code, Ch. 35, Art. 2, § 35-2.3) (Added by Ord. 98-54; Am. Ord. 00-53)

**§ 35-2.4 Appeal.**

- (a) An applicant may appeal the director's denial of a claim for a rebate to the director. The director or a hearings officer appointed by the director shall hear the appeal. The appeal shall be filed within 30 days of the applicant's receipt of the notification of denial from the director. The director shall establish the procedure for an appeal.
  - (b) This section shall not be construed as superior to § 35-2.3(b). A claim denied under that subsection shall not be appealable under this section.
- (1990 Code, Ch. 35, Art. 2, § 35-2.4) (Added by Ord. 98-54; Am. Ord. 00-53)

**§ 35-2.5 Rules.**

In accordance with HRS Chapter 91, the director may adopt rules having the force and effect of law for the implementation, administration, and enforcement of this article.

(1990 Code, Ch. 35, Art. 2, § 35-2.5) (Added by Ord. 98-54; Am. Ord. 00-53)

## **Honolulu - Business**

## **CHAPTER 36: COMMON CARRIERS**

### Articles

1. Taxicabs
2. U-Drive Motor Vehicles
3. Tour Services
4. Reserved
5. Pedicab
6. Private Transportation Companies, Vehicles, and Drivers

## **Honolulu - Business**

## ARTICLE 1: TAXICABS

### Sections

36-1.1	Purpose—Scope—Definitions
36-1.2	Establishment of road taxi stands—Fees
36-1.3	Director of customer services—Authority
36-1.4	Prohibited acts
36-1.5	Fraudulent call and nonpayment
36-1.6	Bulky items
36-1.7	Disorderly persons
36-1.8	Taximeters
36-1.9	Director to establish rate of fare and baggage charge—Exceptions—Conditions—Receipt required upon request
36-1.10	Special operations
36-1.11	Trip records
36-1.12	Soiling of taxicab
36-1.13	Condition of taxicabs
36-1.14	Taxi sign
36-1.15	Violation—Penalty
36-1.16	Severability
36-1.17	Taxicab certification numbers
36-1.18	Trip route
36-1.19	Evidence of financial responsibility
36-1.20	Shared-ride service
36-1.21	Loading and unloading passengers
36-1.22	No smoking prohibition in taxicabs

### § 36-1.1 Purpose—Scope—Definitions.

- (a) Because the transporting of passengers or property for hire in a taxicab is a vital and integral part of the public transportation system in the city, it shall be supervised, regulated, and controlled exclusively pursuant to this article.
- (b) For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

**Council.** The council of the City and County of Honolulu.

**Cruising.** The movement or standing of a taxicab on a public highway or at a public place, for the purpose of searching for or soliciting a passenger for hire.

**Director.** The director of customer services of the city or the director's duly authorized subordinates.

***Passenger for Hire.*** A person transported in a taxicab for consideration.

***Property for Hire.*** Property transported in a taxicab for consideration.

***Road Taxi Stand.*** A space set aside on a public street or city-controlled facility by the council for the exclusive use of taxicabs.

***Shared-Ride Taxicab.*** A taxicab used in transporting passengers to and from unrelated locations, which locations may be other than terminals or fixed stands.

***Taxicab.*** A vehicle that is manufactured to carry no more than eight passengers (excluding the driver), operated by a taxicab driver, that is:

- (1) Used in the movement of passengers for hire on the public highways;
- (2) Directed to a destination by the passenger for hire or on the passenger's behalf; and
- (3) Operated on call or demand.

***Taxicab Company.*** Any person or entity which holds licenses for one or more taxicabs, rents or leases taxicabs to certified taxi drivers to be used or operated as taxicabs, or which operates as a central dispatch service for one or more taxicabs.

***Taxicab Driver.*** A person duly licensed as a driver of a motor vehicle who has obtained a valid taxicab driver's certificate from the department or has been certified by a taxicab company.

***Total Stoppage.*** The complete halting of bus transportation service furnished by a public bus system, resulting from a labor strike or a disaster, or both.

***Waiting Time.*** The period during which a taxicab is standing at the direction of or on behalf of a passenger for hire and the time consumed due to traffic delays while transporting a passenger for hire, which time is automatically computed by the taximeter when the speed of the vehicle falls at or below the speed at which the fare computed using the basic distance rate is equal to the fare computed using the basic time rate.

(Sec. 12-1.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.1) (Am. Ords. 88-98, 05-005, 16-25, 16-38)

## **§ 36-1.2 Establishment of road taxi stands—Fees.**

- (a) The council shall establish road taxi stands on public streets and city-controlled facilities upon recommendation of the department of transportation services. The department of transportation services shall study and recommend to the council the site placement of such stands. The director shall issue, upon application therefor on forms furnished by the director and upon the payment of annual fees as provided in this chapter, permits for the parking of taxicabs. A permit, deemed granted upon approval of the application, shall expire on June 30 of the year issued. However, an application for the renewal of such permit for the following year may be made on or after June 1 and approval thereof may be granted upon the payment of the permit fee. The permit shall be evidenced by an appropriate decal furnished by the director, which shall be placed as near as practicable on the upper right corner of the front bumper.

- (b) The director shall charge and collect an annual fee of \$120 for each permit, and a fee of \$1 for each decal; provided that where the application for such permit is made in any month other than July, the permit fee shall be reduced by \$10 for each full month of the then permit year, which shall have elapsed at time of the application; provided further, that when an annual permit fee has already been paid on the vehicle and that vehicle is within the year replaced by another vehicle, the unexpired portion of the permit fee payable for the substitute vehicle and for the purpose hereof, the unexpired portion of the permit fee shall be reduced by \$10 for each full month remaining of the current permit year. Where a decal is mutilated, defaced, or lost, a replacement decal shall be issued upon payment of \$1. The sums collected shall be deposited in the highway fund.

(Sec. 12-1.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.2) (Am. Ord. 88-98)

### § 36-1.3 Director of customer services—Authority.

The director is authorized to adopt rules not inconsistent with this chapter, having the force and effect of law, as provided for in HRS Chapter 91, in the administration and enforcement of this chapter.

(Sec. 12-1.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.3) (Am. Ords. 05-005, 16-25, 16-38)

### § 36-1.4 Prohibited acts.

- (a) *Backing from and into a taxi stand.* No person shall back a taxicab from a taxi stand onto a public highway. No person shall back a taxicab from a public highway into a taxi stand where it is otherwise legally possible to maneuver such taxicab so as to thereafter emerge from the taxi stand without backing onto the highway.
- (b) *Intoxicating liquor.* Intoxicating liquor, as defined by HRS § 281-1, as amended, shall not be carried in any taxicab during the business hours of such taxicab, except as the property of a passenger riding in the taxicab, or as property for hire.
- (c) *Responding to calls.* The operator of a taxicab or taxicab company shall not refuse to furnish an unengaged, available taxicab and driver during the business hours of such taxicab or taxicab company upon call or request from an orderly person located within 2 miles of such stand, by the most direct street route. No taxicab driver, while on duty and not engaged in another call, shall fail to drive an available taxicab in response to a call or request from an orderly person.
- (d) *Additional passengers.* Except as provided in § 36-1.20 relating to shared-ride taxicab service, additional passengers shall not be picked up without the consent of all the passengers for hire, already in the taxicab. The fare of the additional passengers for hire shall be based upon a new taximeter reading from the point of departure of the last departing passenger for hire to the destination of the additional passengers for hire.
- (e) *Kickbacks.*
- (1) Taxicab companies and drivers are prohibited from paying kickbacks to hotel doorpersons or other persons that dispatch taxicabs. It shall also be unlawful for a hotel doorperson or other person to solicit or receive such a kickback from a taxicab company or taxi driver. This provision shall not apply to legitimate commissions paid to tour and travel companies, legitimate payments to taxicab companies, or salaries or wages paid to dispatchers employed by taxicab companies.

- (2) For the purpose of this subsection, “kickback” means a payment by a taxicab company or driver to a hotel doorperson or other person who dispatches the taxicab company or driver to carry a passenger for hire, property for hire, or both, when the payment is required, explicitly or implicitly, by the hotel doorperson or other person as consideration for the dispatch.

(Sec. 12-1.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.4) (Am. Ords. 88-98, 89-13, 93-85)

**§ 36-1.5 Fraudulent call and nonpayment.**

It is unlawful for any person to call for a taxicab for purposes of hire without intending to use such taxicab or to use a taxicab for hire without intending to pay the legal fare upon completion of the trip.

(Sec. 12-1.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.5)

**§ 36-1.6 Bulky items.**

A taxicab driver may refuse to transport any item not capable of being transported within the confines of the rear passenger compartments or the trunk of the taxicab.

(Sec. 12-1.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.6)

**§ 36-1.7 Disorderly persons.**

Notwithstanding any of the foregoing provisions, the operator of a taxicab stand may refuse to dispatch a taxicab to, and a taxicab driver may refuse to furnish transportation to, a disorderly person.

(Sec. 12-1.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.7)

**§ 36-1.8 Taximeters.**

- (a) *Installation.* Each taxicab shall be equipped with a digital electronic taximeter calibrated to charge the current fare established pursuant to § 36-1.9 and which shall meet or exceed the requirements of subsection (b).
- (b) The specifications, tolerances, and other technical requirements relating thereto shall be as established by the State division of weights and measures. The operation, visibility, lighting, and inspection will conform to all applicable State laws or regulations.
- (c) *Inspection.* No driver, owner, or operator of a taxicab or taxi stand shall use or cause to be used a taxicab for purposes of hire before the taximeter, installed therein, has been inspected for accuracy in accordance with all applicable laws and regulations.
- (d) *Current rates.* No driver, owner, or operator of a taxicab or taxi stand shall use or cause to be used for purposes of hire, a taxicab installed with a taximeter not reflecting the current rates.

(Sec. 12-1.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.8) (Am. Ords. 88-98, 90-84)

**§ 36-1.9 Director to establish rate of fare and baggage charge—Exceptions—Conditions—Receipt required upon request.**

- (a) The maximum fares and baggage charges that may be charged to passengers of taxicabs shall be established by the director. The fares and charges shall be established by rules adopted by the director. The fares and charges shall be reviewed by the director at least once every two years following January 1, 1992 and shall be amended, as necessary, to reflect changes in the private transportation component of the consumer price index for Honolulu, as determined by the U.S. Bureau of Labor Statistics; provided that the director may amend the fares and charges more frequently than once every two years if deemed necessary.
- (b) In addition to the fares and charges established in subsection (a), the director may establish a fuel surcharge for taxicab operators to be charged to passengers. Every six months, the director shall determine whether a fuel surcharge should be established based on any increase in the base amount and the average fuel prices. Any fuel surcharge shall be established by rules adopted by the director pursuant to HRS Chapter 91.
- (c) The fares or charges established pursuant to this section shall be subject to the following exceptions or conditions, whichever the case may be:
  - (1) *When fares or charges permitted.* Fares are only applicable to the use of the taxicab when actually occupied by or standing at the direction of the passenger for hire or when occupied by parcels or baggage transported for hire; provided that no other charges shall be made for the use of a taxicab for hire except as provided herein.
  - (2) *Posting of fares and charges.* The schedule of fares and charges established pursuant to this section shall be printed in bold type letters, not less than 3/16 of an inch in height, posted within 12 inches of the taximeters and readily visible to all passengers for hire.
  - (3) *Exceptions and conditions for use of fares and charges lower than those established.* A taxicab driver or taxicab company may adjust the meters on a taxicab so that a lower fare or charge may be assessed than those established pursuant to this section; provided, that if a taxicab driver or taxicab company owns or operates more than one taxicab, all of the taxicabs shall have their taximeters adjusted to the lower fare or charge; and provided further, that such lower fare or charge shall be posted as prescribed in subdivision (2). The taxicab driver or taxicab company may waive the baggage charges established pursuant to this section.
  - (4) This section shall not be construed to preclude a taxicab driver or taxicab company from charging a passenger less than the amount due indicated by the taximeter.
  - (5) The fares for shared-ride taxicab service shall be established by the tariff filed under § 36-1.20, rather than the fares and charges established pursuant to this section.
- (d) *Receipt required upon request.*
  - (1) At the end of the taxicab trip, the operator shall, upon request, provide at least one passenger with a receipt that records the following information: origin, destination, time, and date of the taxicab service; all fares and charges; the name of the taxicab operator, printed or written, so that it is legible; the printed name and telephone number of the taxicab company; a telephone number, as designated by the director, to call for the filing of complaints; and any other information deemed necessary by the director.

(2) All taxicab receipt forms shall be approved by the director before use by a taxicab company.  
(Sec. 12-1.11, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.10) (Am. Ords. 88-98, 90-84, 93-85, 94-87, 05-005, 08-9)

**§ 36-1.10 Special operations.**

Notwithstanding any provision contained herein to the contrary, any taxicab operator may operate the taxicab operator's taxicab as a jitney during a public bus service total stoppage subject to the following:

- (1) The fare per passenger shall be no more than twice the current per-trip adult city bus fare;
- (2) The taxicab operator may operate the taxicab as a jitney only along existing public bus service routes; provided that the director is authorized to add new jitney routes in addition to the routes mentioned in this section whenever the director has sufficient evidence that the public, using the public transit service, is desirous of having such additional jitney routes for their convenience;
- (3) There shall be prominently displayed on the taxicab being operated as a jitney a sign reading "jitney" and indicating the fare per passenger, which shall be facing outward so it shall be visible by potential passengers and such signs shall be furnished by the director;
- (4) The loading or unloading of passengers shall take place only at established public bus service bus stops along the routes prescribed herein; and
- (5) A baggage fee may be assessed during jitney operations according to the fee for baggage established pursuant to § 36-1.9.

(Sec. 12-1.12, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.11) (Am. Ords. 88-98, 90-84)

**§ 36-1.11 Trip records.**

(a) All taxicab drivers shall keep a trip record containing the following entries:

- (1) Number of passengers, time (to the minute), date, and odometer reading when leaving the boarding point;
- (2) The time (to the minute), date, fare charged, and odometer reading at the discharge point; and
- (3) The time (to the minute), date, and odometer reading of departure and return to taxi stand when making trips for a personal purpose.

(b) The trip record shall be open to inspection by the director during regular business hours in accordance with rules adopted by the director.

(Sec. 12-1.13, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.12) (Am. Ord. 05-005)

**§ 36-1.12 Soiling of taxicab.**

A taxicab driver may require a passenger for hire, whose condition may be likely to soil the seats of the taxicab, to sit upon protective material furnished by such driver. Upon noncompliance with the request, the taxicab driver may refuse to transport such passenger.

(Sec. 12-1.14, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.13)

**§ 36-1.13 Condition of taxicabs.**

No vehicle shall be operated as a taxicab, unless it is in a reasonably clean and safe condition inside, so as not to damage the person, clothing, or possessions of a passenger. The vehicle's exterior shall be reasonably clean and shall be essentially free from cracks, breaks, and major dents. It shall be painted to provide adequate protection and appearance. Each operating wheel shall be equipped with hub caps or wheel covers. Repairs done to comply with this section shall be done within a reasonable time based on availability of parts and labor.

(Sec. 12-1.15, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.14)

**§ 36-1.14 Taxi sign.**

A taxicab shall be identified with a sign (which may be a dome light sign) on the roof of the taxicab. The name of the individual owning or operating the taxicab or the name of the firm shall be shown on the front of the sign and it will be optional to place either the name or telephone number of such individual or firm on the rear of the sign. Such sign may have flashing actuators. A taxicab driver may actuate such sign to call for police or other assistance in cases when a robbery is in progress. The use of a flashing dome light, except to signal when a robbery is in progress, shall be in violation of § 15-19.22, traffic code of the City and County of Honolulu. Except as provided herein, the type, design, and placement of the sign shall be as specified by the director. The sign may be a detachable type so that it may be removed when the vehicle is not used for taxicab purposes.

(Sec. 12-1.17, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.16) (Am. Ord. 05-005)

**§ 36-1.15 Violation—Penalty.**

The director, or any person or agency designated by the director, may issue citations to taxicab drivers in violation of any provision of this article.

Any person or entity violating this article and cited by any enforcement officer or the director shall, upon conviction thereof, be subject to a fine not exceeding \$1,000 or imprisonment for a period not exceeding one year, or to both such fine and imprisonment per violation.

Any person or entity violating this article and cited by the director, shall be subject to a fine not exceeding \$1,000 per violation and shall not be duplicative of any fine issued after conviction. The director is authorized to adopt rules pursuant to HRS Chapter 91 to implement and enforce this section.

(Sec. 12-1.18, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.17) (Am. Ord. 16-38)

**§ 36-1.16 Severability.**

This article is declared to be severable. In accordance therewith, if any portion of the 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 circumstance shall not be affected.

(Sec. 12-1.20, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 1, § 12-1.19)

**§ 36-1.17 Taxicab certification numbers.**

No person may operate a taxicab unless the taxicab is clearly identified and marked as prescribed herein with a taxicab certification number assigned by the director. The taxicab certification number shall be prominently posted on the exterior surfaces of the front and rear bumpers and on the sign or dome light, described in § 36-1.14, of the taxicab. The taxicab certification number posted on the taxicab as prescribed in this section must be no less than 2 inches in height, and must conform to such other requirements or specifications as the director may prescribe by rule.

(1990 Code, Ch. 12, Art. 1, § 12-1.20) (Added by Ord. 88-98; Am. Ords. 93-85, 16-38)

**§ 36-1.18 Trip route.**

No operator of a taxicab may transport a passenger, except to the requested trip destination by the most direct or economical route, unless specifically instructed or agreed to by the passenger.

(1990 Code, Ch. 12, Art. 1, § 12-1.21) (Added by Ord. 88-98)

**§ 36-1.19 Evidence of financial responsibility.**

- (a) The director shall require evidence of financial responsibility from the owner or operator, or both, of a taxicab company before issuing a taxicab license and decal to engage in the taxicab business. The owner or operator, or both, shall have insurance in force or other evidence of financial responsibility, so long as the taxicab is used in business. Such evidence of financial responsibility may be in one of the following two forms:

- (1) *Insurance policy.*

- (A) The director shall retain the original insurance policy issued by a company licensed to do business in the State of Hawaii. The policy shall be duly countersigned by its authorized Hawaii agent complete with all endorsements and attachments or a certified copy thereof. Such policy shall provide for primary public liability insurance coverage in the amount of \$100,000 because of bodily injury to or death of one person in any accident, and in the amount of \$200,000 because of bodily injury to or death of two or more persons in any one accident, and property damage insurance in the amount of \$50,000 because of damage to or destruction of property of others in any one accident for each taxicab for hire. All policies must be valid for the duration of the taxicab business license. Insurance policies on vehicles regulated under this article shall contain a provision that the policy will not be reduced in coverage or canceled without 30 calendar days' prior written notice to the director by the authorized Hawaii agent for the insurance company.

(B) The director may accept a binder for the issuance of an insurance policy in lieu of the policy itself for a period not exceeding 90 days; provided that the binder indicates that the policy shall be in conformance with the requirements of this paragraph; provided further that a binder shall not be accepted in lieu of a policy for an owner or operator, or both, who has canceled or has had canceled an insurance policy referred to in this subdivision within the previous three years.

(2) *Legal tender or other securities.* A deposit with the director of legal tender, cashier's check, bank draft, irrevocable letter of credit, certified check, bond, or other security determined to be satisfactory by the director in the total amount of \$200,000. Such security shall be held by and made payable to the director and shall not expire for a period of 2 years after the termination of the taxicab license for the taxicab carrying passengers or property for hire. The licensee shall not receive interest for such deposit. Upon expiration of such two-year period, the licensee shall be refunded the deposit or balance thereof, provided no suit against the proceeds of such security has been commenced during such period. The conditions of liability for the security in this subdivision shall be the same as specified for the policy of insurance contained in this section. The director shall satisfy from the proceeds of such security any judgment against the licensee or operator, or both, arising from the operation of a taxicab for hire. Neither the city, its officers, employees, agents, or appointees shall be liable to the licensee or operator, or both, for any payments made pursuant to such judgment.

(b) If at any time after the issuance of the taxicab license and license decal:

(1) The required insurance coverage is reduced or canceled and the licensee fails to immediately replace such coverage with the securities described in subsection (a); or

(2) The security deposited with the director falls below the required amount as a result of claims satisfied against the licensee and the licensee fails to immediately replenish such security to the required amount, the director shall revoke or suspend the taxicab license and license decal.

(c) If a binder is accepted in lieu of an insurance policy, and a policy which conforms to the requirements of subsection (a)(1) is not provided to the director within 90 days of issuance of the taxicab license and taxicab decal, the director shall revoke or suspend the taxicab license and taxicab decal.

(1990 Code, Ch. 12, Art. 1, § 12-1.23) (Added by Ord. 88-98; Am. Ords. 89-54, 93-85)

### **§ 36-1.20 Shared-ride service.**

(a) Notwithstanding any provision in this article to the contrary, any taxicab company or operator may provide shared-ride taxicab service, whether or not using vehicles, such as multi-passenger vans and limousines.

(b) A taxicab company or operator which offers shared-ride taxicab services shall file a tariff of shared-ride services and fares with the director. The tariff may include fares classified according to the type of vehicle used, such as multi-passenger vans and limousines.

(1990 Code, Ch. 12, Art. 1, § 12-1.24) (Added by Ord. 88-98)

**§ 36-1.21 Loading and unloading passengers.**

Notwithstanding any provision in Chapter 15 to the contrary relating to the prohibition of parking, stopping, standing, loading, or unloading in tow zones, taxicabs may load or unload passengers for hire or property for hire in such tow zones; provided that such loading or unloading shall not exceed 30 seconds.  
(1990 Code, Ch. 12, Art. 1, § 12-1.25) (Added by Ord. 88-98)

**§ 36-1.22 No smoking prohibition in taxicabs.**

- (a) Any taxicab company or a taxicab driver may elect to prohibit smoking in the company's or driver's taxicab while in service. Any taxicab designated as a nonsmoking taxicab shall display the international "no smoking" emblem characterized by a lit cigarette within a red circle with a red slash line drawn through the cigarette in the following locations:
  - (1) Inside the taxicab on the glove compartment so that it is visible to any person seated in the front passenger seat area and on the back of the front seat so that it is visible to any passenger seated in the rear seat of the taxicab; and
  - (2) Outside the taxicab below each of the passenger door handles or affixed to the upper part of the windows of each passenger door. Such exterior emblems may be a plastic decal, magnetic, or painted directly on the vehicle doors or windows. The no smoking emblem in the interior and on the exterior of taxicabs must be at least 3 inches in diameter.
- (b) Notwithstanding § 36-1.4(c), the driver of a taxicab displaying the no smoking emblems required by subsection (a) may refuse to transport any person who refuses to comply with the ban on smoking in the taxicab.
- (c) A taxicab driver or taxicab company may waive the no smoking prohibition in the company's or driver's taxicab.
- (d) It is unlawful for any person to smoke in any taxicab designated as a nonsmoking taxicab pursuant to this section. Any person violating this subsection shall be punished by a fine of not more than \$20 for each violation. Section 36-1.15 shall not apply to a violation of this subsection.
- (e) Enforcement of subsection (d) shall be under the jurisdiction of the police department, which shall have the same authority with respect thereto to issue summonses or citations and to eject persons from taxicabs as is provided in subsections (a) and (d) of § 41-14.6.
- (f) As used in this section, "smoke" or "smoking" has the same meaning as is defined in § 41-14.1.  
(1990 Code, Ch. 12, Art. 1, § 12-1.26) (Added by Ord. 93-88)

## ARTICLE 2: U-DRIVE MOTOR VEHICLES

### Sections

36-2.1	Public purpose and intent
36-2.2	Definitions
36-2.3	License—Application—Required—Exceptions—Revocation
36-2.4	Fixed stands—Requirements
36-2.5	Duty of licensee
36-2.6	Violation—Penalties
36-2.7	Prohibited act

### § 36-2.1 Public purpose and intent.

It is declared to be the legislative intent of the council in enacting these provisions, that the regulation of the operation and use by U-Drive vehicles on the streets, highways, public thoroughfares in alleys of the city, providing for licensing and safeguards to the public thereof, is for the proper protection of the health, life, and property of the inhabitants and the preservation of good government, order, and security of the city.  
(Sec. 12-2.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 2, § 12-2.1)

### § 36-2.2 Definitions.

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

**Customer.** Any person, persons, partnership, corporation, or association renting or leasing a motor vehicle from an operator of a U-Drive rental business; provided that this term shall not include the transactions between an operator of a U-Drive rental business and a wholesale supplier of motor vehicles who is solely in the business of providing vehicles to such licensee and provided that there is no contractual relationship between the member of the general public (“customer”) and the wholesale supplier providing the vehicle to the licensee.

**Director of Budget and Fiscal Services.** The director of budget and fiscal services of the City and County of Honolulu.

**Fixed Stand.** A place or places from which the U-Drive rental business is conducted.

**Licensee.** Any person, partnership, corporation, or association obtaining a license to operate a U-Drive rental business. This term shall exclude a wholesale supplier of motor vehicles who is solely in the business of providing motor vehicles to such licensee and who does not engage in renting or leasing motor vehicles to a “customer” as defined in this section.

***U-Drive Rental Business.*** The business of renting or leasing to a customer a motor vehicle for a period of six months or less notwithstanding the terms of the rental or lease if in fact, the motor vehicle is rented or leased for a period of six months or less.

***U-Drive Vehicle.*** A motor vehicle which is rented, leased, or offered for rent or lease to a customer.  
(Sec. 12-2.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 2, § 12-2.2)

**§ 36-2.3 License—Application—Required—Exceptions—Revocation.**

- (a) *Application for license.* A verified application for license to conduct a U-Drive rental business signed by a duly authorized person of the licensee shall contain the following information:
  - (1) Name, address, and principal place of business of the applicant;
  - (2) If the applicant is a partnership, the names of all partners, including general, special, or limited partners;
  - (3) If the applicant is a corporation, the names and addresses of all officers and directors;
  - (4) If the applicant is an association, the names and addresses of all officers and directors;
  - (5) The name and address of each fixed stand from which the applicant will conduct a U-Drive rental business;
  - (6) The current registration number of each motor vehicle that is rented, leased, or offered for rent or lease as a U-Drive vehicle;
  - (7) The name or trade name under which the applicant will conduct the applicant's U-Drive rental business; and
  - (8) Whether any applicant, and if such applicant is a partnership, corporation, or association, whether any officer or director thereof, has been convicted in any jurisdiction of any felony or of any misdemeanor involving moral turpitude, and if so, and for each conviction, the name of the person convicted, the offense, the date of conviction, the sentence imposed and the court in which the conviction took place.
- (b) *License required.* No person, partnership, corporation, or association shall engage in the U-Drive rental business without first filing an application for license, obtaining a license from the director of budget and fiscal services in compliance with this article and the payment of an annual license fee of \$50, the amount to be retained by the city. The license shall be kept in full force and effect so long as the licensee is engaged in the U-Drive rental business.
- (c) *License not issued to certain persons.* No license shall be issued to any person, partnership, corporation, or association, so long as any person whose name is set forth in the application has been convicted of any felony or misdemeanor involving moral turpitude within two years before the date of the filing of the application.
- (d) *Suspension or revocation of license.* The director of budget and fiscal services may suspend any license issued under this article upon 10 days' written notice for the following reasons:

- (1) For violation by a licensee of any provision in this article;
- (2) Upon the conviction of any person whose name is set forth in the application of any felony or misdemeanor involving moral turpitude in any jurisdiction; and
- (3) Upon the conviction of any agent or employee of a licensee of any felony or misdemeanor involving moral turpitude in any jurisdiction.

If after an additional 20 days, the licensee has not remedied the grounds for the suspension, the director of budget and fiscal services shall revoke the license. The licensee is then required to reapply for a license as provided in this article.

(Sec. 12-2.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 2, § 12-2.3) (Am. Ord. 92-71)

#### **§ 36-2.4 Fixed stands—Requirements.**

- (a) *Fixed stand required.* No license shall be issued to any person, partnership, corporation, or association, unless the U-Drive vehicle is rented or leased from a fixed stand, the address of which shall be indicated on the license.
- (b) *Change of fixed stand.* Any change in location of a fixed stand shall be reported to the director of budget and fiscal services within 10 days from the date of the change and the change of address shall be noted on the license by the director of budget and fiscal services.

(Sec. 12-2.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 2, § 12-2.4) (Am. Ord. 94-23)

#### **§ 36-2.5 Duty of licensee.**

The duties of the licensee shall be as follows:

- (1) *Contract in writing.* Every rental or lease of a U-Drive vehicle shall be evidenced by a contract in writing and a copy of the contract shall be furnished to the customer;
- (2) *Mileage noted on contract.* The contract shall show the mileage of the U-Drive vehicle at the time of the rental or lease;
- (3) *Operator's license of prospective customer.* To inspect the motor vehicle operator's license of each prospective customer, comparing the signature on such license with that of the customer and if the signature is not alike, or if the operator's license is not current and valid to authorize the prospective customer to operate a passenger motor vehicle in the city, no vehicle shall be rented or leased to the prospective customer;
- (4) *Condition of U-Drive vehicle.* To inspect the U-Drive vehicle to be rented or leased, and to make a notation of all damage existing at time of rental or lease over the signature of the customer on the contract or agreement as to the condition of the vehicle, and this requirement shall be a condition precedent to making any claim against a customer for damage allegedly caused by such person to the vehicle; and

- (5) *Daily log record.* To maintain a daily record of the name and address of each customer, the number of the customer's motor vehicle operator's license and the date and place where the license was issued, the registration number of the U-Drive vehicle rented to the customer, the time and place of turning over the possession or control of the vehicle to the customer, the time and place of the return of the vehicle and shall keep all such records for not less than six years for inspection by any authorized person.

(Sec. 12-2.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 2, § 12-2.5) (Am. Ord. 94-23)

**§ 36-2.6 Violation—Penalties.**

- (a) Any U-Drive rental business violating § 36-2.7 shall, upon conviction thereof, be subject to a fine not exceeding \$500.

- (b) Except as provided in subsection (a), any person violating this article shall, upon conviction thereof, be subject to a fine not exceeding \$500 or imprisonment for a period not exceeding six months, or both.

(Sec. 12-2.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 2, § 12-2.6) (Am. Ords. 93-61, 94-23, 96-58)

**§ 36-2.7 Prohibited act.**

In addition to complying with this article, U-Drive motor vehicles shall not have visible identification tags, labels, stickers, or any other markers that would identify to the public that the vehicle is a rental car of any business licensed as a U-Drive rental business under § 36-2.3, except that emblems, markers, or markings used for vehicle inventory control purposes only which do not identify or advertise the U-Drive rental business by name or logo and do not exceed more than 2 inches by 4 inches in size and notices and signs required by State law shall be permitted. This section shall only apply to passenger-carrying vehicles and not to motor vehicles used primarily in the transportation of property such as trucks, trailers or a combination of vehicles as defined in §§ 15-2.28 and 15-2.29. (1990 Code, Ch. 12, Art. 2, § 12-2.7) (Added by Ord. 93-61; Am. Ord. 94-23)

## ARTICLE 3: TOUR SERVICES

### Sections

36-3.1	Definitions
36-3.2	Rates
36-3.3	Posting of maximum charges
36-3.4	Violation—Penalty

### § 36-3.1 Definitions.

Whenever used in this article, the term “touring automobile service” shall refer to the hiring of an automobile for touring or sightseeing, as distinguished from the hiring of a taxicab or any automobile subject to call from a garage, stand, station, or other public resort, for short hauls or trips within the city limits other than for touring or sightseeing purposes; and the term “city limits” shall apply to that area within the district of Honolulu bounded on the Ewa side by Puuloa Road and on the Diamond Head side by Kahala Avenue and Kealaolu Road.

(Sec. 12-3.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 3, § 12-3.1)

### § 36-3.2 Rates.

- (a) *Around-the-island trips.* The maximum rates for touring automobile services for around-the-island trips shall be as follows:

Seven-passenger cars (one or more persons)	
Around the island via the Pali	\$30
Around the island via Koko Head	\$35
Honolulu to the Pali, returning via Waimanalo and Koko Head	\$14
Waikiki to Pali and return	\$6
Honolulu (central portion) to Pali and return	\$4
Five-passenger cars (one or more persons)	
Around the island via the Pali	\$20
Around the island via Koko Head	\$25
Honolulu to the Pali, returning via Waimanalo and Koko Head	\$9
Waikiki to Pali and return	\$5
Honolulu (central portion) to Pali and return	\$3.50

- (b) *Within-the-city trips.* The maximum rates for touring automobile services for trips within the city limits shall be:

Seven-passenger cars (one or more persons), per hour	\$4
Five passenger cars (one or more persons), per hour	\$3

(Sec. 12-3.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 3, § 12-3.2)

### § 36-3.3 Posting of maximum charges.

Every owner or operator of an automobile used in touring service shall keep prominently posted at such person's place of business a printed or typewritten copy of the maximum charges prescribed in this article and shall also keep a copy securely placed in a plain and visible location in the vehicle operated.

(Sec. 12-3.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 3, § 12-3.3)

### § 36-3.4 Violation—Penalty.

Any person violating this article shall upon conviction, be punished by a fine not exceeding \$500 or imprisonment not exceeding six months or by both.

(Sec. 12-3.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 3, § 12-3.4)

**ARTICLE 4: RESERVED**

## **Honolulu - Business**

## ARTICLE 5: PEDICAB

### Sections

36-5.1	Definitions
36-5.2	Business license—Issuance—Fee—Surrender
36-5.3	License—Decal
36-5.4	Bicycle license and tag
36-5.5	Evidence of financial responsibility
36-5.6	Certificate for pedicab operator for hire
36-5.7	Compliance with all applicable provisions of the traffic code
36-5.8	Prohibited acts
36-5.9	Fares
36-5.10	Establishment of road pedicab stands
36-5.11	Limitation of pedicabs
36-5.12	Condition of pedicabs for hire
36-5.13	Authority of director of budget and fiscal services
36-5.14	Transportation of bulky items
36-5.15	Disorderly persons
36-5.16	Soiling of pedicab
36-5.17	Violation—Penalty
36-5.18	Business license, operator's certificate or application—Notice of suspension, revocation, or denial—Hearing—Review
36-5.19	Severability

### § 36-5.1 Definitions.

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

**Chief of Police.** The chief of police of the City and County of Honolulu, or the chief of police's duly authorized subordinates.

**Council.** The council of the City and County of Honolulu.

**Director of Budget and Fiscal Services.** The director of budget and fiscal services or the director of budget and fiscal services's duly authorized representatives.

**Director of Transportation Services.** The director of transportation services or the director of transportation's duly authorized representatives.

**Passenger for Hire.** A person transported in a pedicab for consideration.

***Pedicab.*** A multi-wheeled hooded or unhooded passenger vehicle that is moved by human power or any pushcart or rickshaw-type vehicle with two wheels pulled or propelled by any person, which is used in the movement of passengers or property for hire on the public highways, and which is directed to a destination by the passenger for hire or on the passenger's behalf, and which operates on call, demand, or on a schedule.

***Pedicab Operator.*** A person duly licensed as the operator of a pedicab who has obtained a valid pedicab operator's certificate.

***Property for Hire.*** Property transported in a pedicab for consideration.

***Road Pedicab Stand.*** A space set aside on a public street or city-controlled facility by the council for the exclusive use of pedicabs.

***Waiting Time.*** The period during which a pedicab is standing at the direction of or on behalf of a passenger for hire and the time consumed due to traffic delays while transporting a passenger for hire.  
(Sec. 12-5.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.1)

## **§ 36-5.2 Business license—Issuance—Fee—Surrender.**

### **(a) Issuance.**

- (1) The director of budget and fiscal services shall issue business licenses for pedicabs for hire and collect the required fees in accordance with this article and any other applicable provisions of the law.
- (2) The issued business licenses shall not be transferable and shall be mounted within the cab so that they are readily visible to all passengers.

### **(b) Fees.**

- (1) The annual fee for a business license for a pedicab shall be \$26 per vehicle; provided that when a business license fee has already been paid on a vehicle and that vehicle is, within the year, replaced by another vehicle, the unexpired portion of the business license fee paid on the vehicle so replaced shall be credited to the business license fee payable for the substitute vehicle. For the purposes hereof, the unexpired portion of the business license fee paid on the vehicle which has been replaced shall be that portion of the annual fee which is equal to 8-1/3 percent of the fee multiplied by the number of full months remaining during the current licensing year. The business licensing year shall start on July 1 and terminate on June 30, the year following.

Whenever a vehicle licensed as a pedicab is replaced by another vehicle under this article, the sum of \$6 in addition to the business license fee shall be assessed against the owner of the vehicle so replaced to defray the administrative costs incurred by the city.

The sums collected shall be deposited in the general fund.

- (2) Upon surrender, the license shall be canceled.

(c) *Surrender and cancellation.*

(1) The holder of a business license for a pedicab shall immediately surrender the license to the director of budget and fiscal services:

(A) Upon close out, transfer, or reassignment of the business for which a license has been issued. The director of budget and fiscal services shall be notified in writing within 30 calendar days of such closing out, transfer, or reassignment; and

(B) If in the interim, the vehicle is taken out of service permanently for any reason.

(2) Upon surrender, the license for a pedicab shall be canceled.

(Sec. 12-5.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.2) (Am. Ord. 92-70)

**§ 36-5.3 License—Decal.**

(a) The director of budget and fiscal services shall annually furnish the owner of a pedicab a business license decal similar to that currently issued in the licensing of taxis and buses upon the payment of \$2, which shall be valid until June 30 next following the date of issue.

(b) The sums collected shall be deposited in the general fund.

(c) The decal is partly for identification of the pedicab. It shall be large enough to be legible from a reasonable distance.

(d) The decal shall be fastened or displayed on the rear of the vehicle for which it was issued. The decal shall be kept reasonably clean and displayed entirely unobscured.

(e) The decal shall be nontransferable and shall be removed and returned to the director of budget and fiscal services for destruction upon the termination, transfer, or reassignment of the business.

(f) No pedicab shall be operated on a public highway or other public property without a pedicab decal issued to that pedicab. All violators shall be cited by the chief of police.

(g) Any person who uses a license or decal not furnished in accordance with this article or uses any license or decal described in such article for two consecutive years, or who counterfeits any such license or decal or who fraudulently removes such a license or decal from any pedicab shall be fined not more than \$1,000.

(Sec. 12-5.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.3) (Am. Ord. 92-70)

**§ 36-5.4 Bicycle license and tag.**

No provisions in this part shall be construed to relieve a pedicab owner from complying with the requirements of HRS § 249-14, relating to bicycle tax.

(Sec. 12-5.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.4)

**§ 36-5.5 Evidence of financial responsibility.**

- (a) The director of budget and fiscal services shall require evidence of financial responsibility from the owner or operator, or both, of the pedicab for hire before issuing a business license and decal to engage in a pedicab for hire. The owner or operator, or both, shall have insurance in force or other evidence of financial responsibility so long as the pedicab is used in business.
- (b) Such evidence of financial responsibility may be in one of the following two methods.
  - (1) *Insurance policy.* The director of budget and fiscal services shall retain the original insurance policy issued by a company licensed to do business in the State of Hawaii. The policy shall be duly countersigned by its authorized Hawaii agent complete with all endorsements and attachments or a certified copy thereof. Such policy shall provide for primary public liability insurance coverage in the amount of \$100,000 because of bodily injury to or death of one person in any accident, and in the amount of \$200,000 because of bodily injury to or death of two or more persons in any one accident, and property damage insurance in the amount of \$20,000 because of damage to or destruction of property of others in any one accident for each pedicab for hire. All policies shall be on a fiscal year basis ending on June 30 of each year. Insurance policies on vehicles regulated under this article shall contain a provision that the policy will not be reduced in coverage or canceled without 30 calendar days' prior written notice to the director of budget and fiscal services by the authorized Hawaii agent for the insurance company.
  - (2) *Legal tender or other securities.* A deposit with the director of budget and fiscal services of legal tender, cashier's check, bank draft, irrevocable letter of credit, certified check, bond, or other security determined to be satisfactory by the director of budget and fiscal services in the total amount of \$200,000. Such security shall be held by and made payable to the director of budget and fiscal services and shall not expire for a period of 2 years after the termination of the business license for the secured pedicab carrying passengers or property for hire. The licensee shall not receive interest for such deposit. Upon expiration of such two-year period, the licensee shall be refunded the deposit or balance thereof, provided no suit against the proceeds of such security has been commenced during such period. The conditions of liability for the security in this subsection shall be the same as specified for policy of insurance contained hereinabove. The director of budget and fiscal services shall satisfy from the proceeds of such security any judgment against the licensee or operator, or both, arising from the operation of a pedicab for hire. Neither the city, its officers, employees, agents, or appointees shall be liable to the licensee or operator, or both, for any payments made pursuant to such judgment.
  - (3) *Revocation of business license and license decal.* If, at any time after the issuance of the business license and license decal:
    - (A) The required insurance coverage is reduced or canceled and the licensee fails to immediately replace such coverage with the securities described in subdivision (2); or
    - (B) The security deposited with the director of budget and fiscal services falls below the required amount as a result of claims satisfied against the licensee and the licensee fails to immediately replenish the proceeds of such security to the required amount;

the director of budget and fiscal services shall revoke or suspend the business license and license decal. Such revocation shall be done in accordance with § 36-5.13(a).  
(Sec. 12-5.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.5)

**§ 36-5.6 Certificate for pedicab operator for hire.**

- (a) No operator of a pedicab shall use or cause to be used, for purpose of hire, a pedicab which does not have an operator's certificate mounted within the pedicab at a location fixed by the director of budget and fiscal services so as to be visible from within and from outside the cab. The certificate for an operator of a pedicab for hire shall be issued by the director of budget and fiscal services. The face of the certificate shall contain a photograph of the operator to be furnished by the operator, the operator's name, and the operator's number, which shall be issued and stamped on the certificate by the director of budget and fiscal services. Any other information specified by the director of budget and fiscal services shall be placed on the back of the pedicab operator's certificate. The operator's certificate shall be laminated in plastic or so constructed so as to make alteration difficult. The photograph shall be unretouched and must show a reasonable likeness of the operator. It shall be a violation of this article for any person to alter such operator's certificate.
- (b) The director of budget and fiscal services shall collect a fee of \$25 for the issuance of each original operator's certificate, and \$2 for each duplicate operator's certificate, which will authorize the parking of one pedicab in one authorized sidewalk pedicab stand and in one road pedicab stand. The sums collected shall be deposited in the general fund.
- (c) No certificate for an operator of a pedicab shall be issued to any person, unless such person has:
  - (1) Satisfactorily passed an examination showing:
    - (A) A sufficient understanding of the traffic laws or ordinances of the city, and this article;
    - (B) A sufficient understanding of the locations of streets, roads, and highways within the city; and
    - (C) A sufficient understanding of the English language by successfully completing this examination;
  - (2) Complied with the rules adopted by the director of budget and fiscal services relating to moral character and physical fitness of the applicant based on prior records or certified documents relative thereto; and
  - (3) Obtained a State general excise tax license.

The director of budget and fiscal services shall furnish every pedicab operator a copy of this article and any other pertinent laws and rules for information and guidance. The cost shall be included in the \$25 operator's certificate fee.

- (d) Every pedicab operator's certificate issued under this section shall expire, unless otherwise revoked, one year after the issuance thereof and shall be renewed on or before its expiration date upon meeting the standards set in subsection (c), to determine the fitness of the applicant to continue as a pedicab operator for hire by the director of budget and fiscal services. A new set of unretouched photographs showing a reasonable likeness of the operator shall be furnished with each application for renewal.

- (e) Whenever the operator's certificate of any pedicab operator is suspended or revoked, the director of budget and fiscal services shall require that the pedicab operator's certificate be surrendered to and be retained by the director of budget and fiscal services, except that at the end of the period of suspension, the certificate so surrendered shall be returned to the licensee.

(Sec. 12-5.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.6) (Am. Ords. 92-70, 94-11)

**§ 36-5.7 Compliance with all applicable provisions of the traffic code.**

- (a) Pursuant to § 15-4.5, every person operating a pedicab shall be subject to provisions of Chapter 15 (traffic code), as amended, applicable to the driver of any vehicle, except those provisions which by their very nature, can have no application. This is not to be interpreted to authorize pedicabs to travel at low speeds in the fast lanes of traffic; to cut in and out of traffic abruptly; to travel counter to the normal flow of traffic; to disregard traffic signals, markings, and signs; to use the wrong side of the street; to block traffic and pedestrians; to use sidewalks for any purpose, except as specifically authorized; to stop or park, except in authorized places; to go the wrong way on one-way streets; or to authorize any other uses not legally allowed the operator (driver) of any other private vehicle. The preceding acts by pedicab operators are specifically prohibited and violators shall be cited by the chief of police.
- (b) Any other provision of law to the contrary notwithstanding, no pedicab shall be operated on any sidewalk, except as provided in other parts of this article and below:
  - (1) While in motion on a sidewalk, a pedicab shall be walked by its operator; and
  - (2) No pedicab shall be stopped, parked, or left standing, whether attended or unattended, on any sidewalk, for any purpose, except in an authorized pedicab stand area. All portions of the pedicab shall be within the marked pedicab stand while so stopped, parked, or left standing.
- (c) Pedicabs shall be allowed to use exclusive bus lanes but shall at no time interfere with, slow, or block a bus that is in the bus lane. No pedicab shall stop in a bus lane for any period of time, reason, or purpose.
- (d) Every person operating a pedicab upon a roadway at a speed less than the normal speed of traffic moving in the same direction at such time shall ride as near to the righthand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction, except under any of the following situations:
  - (1) When preparing for a left turn at an intersection or into a private road or driveway, except where prohibited by official traffic control devices; and
  - (2) When reasonably necessary to avoid conditions (including but not limited to fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, etc., or substandard width lanes) that make it unsafe to continue along the righthand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a pedicab and a vehicle to travel safely side by side within the lane; or when a roadway is designated and signposted to carry traffic in one direction only and has two or more marked traffic lanes, a person operating a pedicab may ride as near to the left-hand curb or edge of such roadway as practicable.

(Sec. 12-5.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.7) (Am. Ord. 96-58)

**§ 36-5.8 Prohibited acts.**

In addition to complying with various provisions contained in this article as well as the applicable traffic code:

- (1) Pedicabs shall not be operated or allowed on sidewalks except to park in an authorized sidewalk pedicab stand and for the purpose of crossing, for ingress or egress to and from a public highway in the shortest time and distance possible, and as provided in another section of this article;
- (2) No person shall back a pedicab from a public highway into a fixed stand where it is otherwise legally possible to maneuver such pedicab so as to thereafter emerge from the fixed stand without backing onto the highway;
- (3) There shall be no more than two passengers to a pedicab at any one time who shall remain seated throughout the ride;
- (4) An additional passenger shall not be picked up without the consent of the other passenger for hire already in the pedicab. The fare of the additional passenger for hire shall be determined by the passengers for hire among themselves. The total fare shall be the same as for one passenger;
- (5) Pedicabs shall not be parked on public property, except in those locations specifically designated as “road pedicab stands” or in other locations designated for the parking of vehicles. When in metered stalls, all fees shall be paid;
- (6) Pedicabs shall not violate pedestrians’ rights-of-way at any time;
- (7) Pedicabs shall not be operated side by side with, or abreast of, each other at any time, except when passing;
- (8) No procession, caravan, parade, or train of more than 15 shall occupy or proceed along any street, except in accordance with a permit issued by the director of transportation services and such other regulations as are set forth herein and in the traffic code which may apply:

No pedicab procession, caravan, parade or train of any number 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; and

- (9) No person shall use any pedicab upon the highway, unless it is equipped with a bell or any other device, except a siren or a whistle which are prohibited, capable of giving a signal audible for a distance of at least 100 feet.

(Sec. 12-5.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.8)

**§ 36-5.9 Fares.**

- (a) *Time charges.* Unless reduced or waived by the pedicab operator pursuant to subsection (d), any driver, owner, or operator of a pedicab shall charge \$2 per minute for the use of a pedicab for purposes of hire per trip, regardless of the number of passengers on the trip. The fare shall be measured by a meter, approved by the director, calibrated to charge the current fare on a per-minute basis. The meter shall be reset at the beginning of each trip.

- (b) *Posting of fares.* Signs indicating the current fare to be charged per minute shall be in English and Japanese and shall be posted and visible from within and from outside the cab. Information on the fare shall specify the charge per minute on a per-trip basis. Such signs shall also indicate a 24-hour telephone number to call for pedicab complaints. During all hours when vehicles are required to be lighted, the signs and the meter shall also be readily discernible to the passengers for hire. Signs posting the fares shall be printed in bold type letters and numerals not less than 0.375 of an inch in height, shall not be abbreviated and shall be approved by the director of budget and fiscal services before they are mounted on the pedicab.
  - (c) Fares may only be charged for the use of the pedicab when actually occupied by the passenger for hire. No other charges shall be made for the use of a pedicab for hire.
  - (d) The collection of any charge may, at the option of the pedicab operator, be reduced or waived.
  - (e) At the end of a pedicab trip, the operator shall provide at least one passenger with a receipt that records the passenger's name, date of pedicab service, the number of minutes of the pedicab trip, the fare received, the name of the pedicab operator, and the pedicab operator's number.
- (Sec. 12-5.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.9) (Am. Ords. 92-126, 94-11)

**§ 36-5.10 Establishment of road pedicab stands.**

The council shall establish road pedicab stands on public streets and city-controlled facilities upon recommendation of the director of transportation services. The director of transportation services shall study and recommend to the council the site placement of such stands. The director of budget and fiscal services shall issue pedicab operator certificates under another section of this article, which will automatically include pedicab stand permits. The fees for such pedicab stand permits shall be established pursuant to law.

(Sec. 12-5.10, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.10)

**§ 36-5.11 Limitation of pedicabs.**

- (a) The council shall establish a limit on the number of pedicabs used to carry fare-paying passengers for hire operating in the city upon a finding of public convenience and necessity based on the recommendation by the director of transportation services. The director of transportation services may periodically recommend modification of the established limit to the council based upon the director of transportation services' study and review, that shall include but not be limited to the following:
  - (1) The effect on the consumer;
  - (2) The number of pedicabs for hire already in operation;
  - (3) Whether existing transportation is adequate to meet the public needs;
  - (4) The probable effect of pedicab for hire service on traffic conditions, especially in the Waikiki resort areas;
  - (5) The effect on revenues of existing holders of taxi business licenses;

- (6) The effect on the wages or compensation and working conditions of existing pedicab licensees;
  - (7) Public convenience and necessity; and
  - (8) Any other facts which the director deems relevant.
- (b) After the adoption and approval of this article, there will be no issuance of any business license for pedicabs for hire until action by the council, or the recommendation on the limit on the number of such vehicles, is taken.
- (Sec. 12-5.11, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.11) (Am. Ord. 14-24)

#### **§ 36-5.12 Condition of pedicabs for hire.**

No vehicle shall be operated as a pedicab for hire, unless it is in a reasonably clean and safe condition inside, as well as externally, so as not to injure or damage the person, clothing, or possessions of a passenger. The vehicles' exterior shall be reasonably clean and shall be essentially free from cracks, breaks, and major dents. It shall be painted to provide adequate protection and a neat and clean appearance. Repairs done to comply with this section shall be done within a reasonable time based on availability of parts and labor. Every pedicab while on a public street shall carry a battery or generator operated headlight and taillight and shall carry spoke reflectors placed on each wheel and tape type reflectors showing the front and the back width of the vehicle.

(Sec. 12-5.12, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.12)

#### **§ 36-5.13 Authority of director of budget and fiscal services.**

- (a) *Denial, suspension, or revocation of pedicab operator's certificate or business license and license decal.* The director of budget and fiscal services is authorized to deny initial issuance or renewal, or suspend or revoke any certificate for a pedicab operator for hire and to suspend or revoke any business license and license decal if an applicant cannot meet the requirements set forth in this article, or an operator violates any of the provisions contained in this article. In the case of suspension or revocation of a certificate or business license and license decal by the director of budget and fiscal services, the pedicab operator shall be afforded notice and an opportunity for a hearing before the suspension or revocation, pursuant to HRS Chapter 91.
  - (b) *Rule making powers.* The director of budget and fiscal services is authorized to adopt any rules or regulations not inconsistent with this article, having the force and effect of law, as provided for in HRS Chapter 91, in the administration and enforcement of this article.
- (Sec. 12-5.13, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.13)

#### **§ 36-5.14 Transportation of bulky items.**

A pedicab operator may refuse to transport any item not capable of being transported within the confines of the passenger compartment of the pedicab.

(Sec. 12-5.14, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.14)

**§ 36-5.15 Disorderly persons.**

Notwithstanding any of the foregoing provisions, the operator of a fixed stand may refuse to dispatch a pedicab to, and the operator may refuse to furnish transportation to, a disorderly person.

(Sec. 12-5.15, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.15)

**§ 36-5.16 Soiling of pedicab.**

A pedicab operator may require a passenger for hire, whose condition may be likely to soil the seats of the pedicab, to sit upon protective material furnished by such operator. Upon noncompliance with the request, the pedicab operator may refuse to transport such passenger.

(Sec. 12-5.16, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.16)

**§ 36-5.17 Violation—Penalty.**

(a) Unless otherwise provided for in this article or subsection (b), any person violating this article shall, upon conviction thereof, be subject to a fine not exceeding \$2,000 or imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

(b) Any person who violates or causes a pedicab to violate any provision of § 36-5.7 or 36-5.8 shall be fined not less than \$15, but not more than \$500.

(Sec. 12-5.17, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.17) (Am. Ords. 90-77, 94-11)

**§ 36-5.18 Business license, operator's certificate or application—Notice of suspension, revocation, or denial—Hearing—Review.**

(a) *Notice of intent.* The director of budget and fiscal services shall issue and serve upon a licensee, permittee, or applicant (hereinafter referred to as "appropriate party") a notice of intent to suspend, revoke, or deny a business license or operator's certificate and license decal (hereinafter referred to as "business documents") before the director of budget and fiscal services shall take any of the foregoing actions until and unless the appropriate party has been granted a hearing, unless the appropriate party waives such hearing. If the appropriate party waives such person's right or privilege for a hearing, the director of budget and fiscal services may issue in writing an appropriate decision and order.

(b) *Service of notice.* The director of budget and fiscal services shall serve the notice of intent by mailing the notice by certified or registered mail to the appropriate party at the party's last known address.

(c) *Request for hearing.* The appropriate party who has received a notice of intent as prescribed in subsection (a) shall, if the party desires a hearing, affix such person's signature as designated on the copy and have the same returned to the director of budget and fiscal services, either through the process server or by certified mail.

(d) *Notice of date of hearing.* Whenever the appropriate party requests a hearing, the director of budget and fiscal services shall issue a notice of such hearing to the appropriate party, and such hearing shall be held no later

than 20 working days after the director of budget and fiscal services has received the request for hearing from the appropriate party.

- (e) *Procedure for hearing.* Any hearing conducted under this section shall be pursuant to rules adopted under HRS Chapter 91. Such hearing may be conducted by a panel consisting of three officers of the executive branch who shall be appointed by the mayor.
  - (f) *Panel to suspend, revoke, or deny business documents.* After the panel has conducted a hearing, it may rule either in favor or against the action to be taken by the director of budget and fiscal services and if the panel's decision is adverse to the appropriate party, it shall be in writing or stated in the record, and shall be accompanied by separate findings of fact and conclusions of law.
  - (g) *Judicial review.* Any person aggrieved by the final decision and order of the panel may appeal the same to the circuit court as provided in HRS § 91-14.
- (Sec. 12-5.18, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.18) (Am. Ord. 94-11)

**§ 36-5.19 Severability.**

This article is declared to be severable. In accordance therewith, if any portion of the article is held invalid for any reason, the validity of any 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 circumstance shall not be affected.

(Sec. 12-5.19, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 12, Art. 5, § 12-5.19)

## **Honolulu - Business**

## ARTICLE 6: PRIVATE TRANSPORTATION COMPANIES, VEHICLES, AND DRIVERS

### Sections

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36-6.14	Violations—Penalty
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### § 36-6.1 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.

**Digital Network.** Any online-enabled application, software, website, or system offered or used by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

**Director.** The director of customer services or the director’s duly authorized subordinates.

**Passenger Vehicle.** A vehicle manufactured with seating accommodations for eight or fewer passengers, (excluding the driver), but does not include motorcycles, mopeds, motor scooters, trucks, three-wheeled vehicles, or low-speed vehicles.

**Personal Vehicle.** A motor vehicle that is:

- (1) Used by a transportation network company driver to provide a prearranged ride;

- (2) Owned, leased, or otherwise authorized for use by the transportation network company driver;
- (3) Not a taxicab, limousine, or other for-hire vehicle; and
- (4) A passenger vehicle operated by a private transportation driver.

***Prearranged Ride.*** The provision of transportation by a transportation network company driver to a passenger, beginning when a transportation network company driver accepts a passenger's request for a ride through a digital network or software application service controlled by a transportation network company, continuing while the transportation network company driver transports the requesting passenger, and ending when the requesting passenger, or the last passenger from the requesting passenger's party, departs from the personal vehicle. A prearranged ride does not include transportation provided through a ridesharing arrangement, as defined in HRS § 279G-1; use of a taxicab, limousine, or other for-hire vehicle; or a regional transportation provider.

***Private Transportation Company.*** A taxicab company or a transportation network company.

***Private Transportation Driver or Driver.*** An individual who:

- (1) Is a taxicab driver; or
- (2) Is a transportation network company driver.

***Private Transportation Vehicle.*** A personal vehicle used by a transportation network company driver or a taxicab.

***Taxicab.*** Has the same meaning as defined in § 36-1.1.

***Taxicab Company.*** Has the same meaning as defined in § 36-1.1.

***Taxicab Driver.*** Has the same meaning as defined in § 36-1.1.

***Transportation Network Company.*** A person or an entity that uses a digital network or software application service to connect passengers to transportation network company drivers; provided that the person or entity:

- (1) Does not own, control, operate, or manage the personal vehicles used by transportation network company drivers; and
- (2) Is not a taxicab company or a for-hire vehicle owner.

***Transportation Network Company Driver.*** A person who receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company, and uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee. (1990 Code, Ch. 12, Art. 6, § 12-6.1) (Added by Ord. 16-25; Am. Ord. 16-38)

**§ 36-6.2 Director of customer services—Authority.**

- (a) The director is authorized to ensure that all private transportation companies comply with this article. The director is authorized to suspend or revoke any private transportation driver's certification or private transportation company vehicle certification for noncompliance with this article. For violations by a private transportation company, the director is authorized to suspend or revoke the registration of a private transportation company and demand the suspension or revocation of all certifications of the private transportation company's drivers. The director may deny the registration or renewal of a registration for a private transportation company. Private transportation drivers and private transportation companies must be afforded an opportunity for a hearing before the director or a hearing officer appointed by the director, pursuant to HRS Chapter 91, if the director determines there has been a violation of this article.
  - (b) The director shall maintain a database of private transportation companies and require the registration of each private transportation company.
  - (c) The director is authorized to adopt rules that are consistent with this article, having the force and effect of law, as provided for in HRS Chapter 91, for the administration and enforcement of this article.
- (1990 Code, Ch. 12, Art. 6, § 12-6.2) (Added by Ord. 16-25; Am. Ord. 16-38)

**§ 36-6.3 Private transportation company—Registration.**

Any person or entity operating as a private transportation company in the city must register with the director annually. The director may establish fees, to be collected by the department, for registering a private transportation company and the renewal of such registration. No private transportation company registration may be renewed, unless the renewal fee, if any, and all outstanding penalties assessed against the private transportation company, have been paid to the department.

(1990 Code, Ch. 12, Art. 6, § 12-6.3) (Added by Ord. 16-38)

**§ 36-6.4 Trade dress, logo or company identifier—Approval.**

The private transportation company must submit the trade dress, logo, or company identifier, which will be placed on the personal vehicle or taxicab for the director's approval at the time of the initial application.

(1990 Code, Ch. 12, Art. 6, § 12-6.4) (Added by Ord. 16-38)

**§ 36-6.5 Certification of private transportation driver.**

- (a) No person shall act as a private transportation driver in the city without certification by a registered private transportation company or by the department if the private transportation driver and private transportation company are one and the same person, pursuant to this article.

In the event a private transportation company is required to certify the driver, the private transportation company shall conduct an investigation regarding the certification of the driver at no expense to the city concerning the character, experience, and qualifications of the driver to determine whether the driver is fit, willing, and able to operate a vehicle for hire in a manner consistent with the general welfare of the public and in accordance with the requirements of this article and all other applicable laws and rules.

- (b) No private transportation driver may be certified, and any existing certification must be revoked for any driver, who:
  - (1) Has been found to have committed five infractions, as defined in HRS § 291D-2, in the prior two-year period, other than traffic infractions involving parking, standing, or equipment, including seat belts and offenses committed as a pedestrian;
  - (2) Has been convicted once in the prior two-year period for the offense of resisting an order to stop a motor vehicle, reckless driving, excessive speeding, racing on a highway, or driving with a suspended or revoked driver license;
  - (3) Is not at least 21 years of age;
  - (4) Has been convicted in the prior seven-year period of driving under the influence of an intoxicant, including drugs or alcohol;
  - (5) Has been convicted in the prior seven-year period of any of the following:
    - (A) Offenses against the person or property of another, including:
      - (i) Assault;
      - (ii) Kidnapping;
      - (iii) Manslaughter;
      - (iv) Murder;
      - (v) Negligent homicide;
      - (vi) Reckless endangering;
      - (vii) Robbery;
      - (viii) Theft;
      - (ix) Computer crimes;
      - (x) Credit card offenses; or
      - (xi) Identity theft;
    - (B) Offenses that are sex related, including:
      - (i) Displaying indecent matter;
      - (ii) Indecent exposure;

- (iii) Open lewdness;
  - (iv) Promoting pornography;
  - (v) Prostitution or promoting prostitution;
  - (vi) Sexual assault; or
  - (vii) Sexual abuse;
- (C) Offenses that are drug related, including:
- (i) Promoting a dangerous drug;
  - (ii) Promoting a detrimental drug;
  - (iii) Promoting a harmful drug; or
  - (iv) Promoting intoxicating compounds; or
- (6) Is a match in the National Sex Offender Public Website.
- (c) To determine if a driver is qualified for certification, the private transportation company shall, at a minimum, obtain records to establish that the driver:
- (1) Has a current and valid Hawaii State driver's license;
  - (2) Has one year of driving experience;
  - (3) Is at least 21 years of age;
  - (4) Has a valid automobile insurance policy as required by law;
  - (5) Completed a seven year national criminal background check, which includes a director-approved Multi-State/Multi-Jurisdiction Criminal Locator or other similar validated nationwide database and National Sex Offender Public Website search, which reflects the absence of convictions for any of the offenses identified in this article. The criminal background check must be conducted before the initial certification of the driver and every two years thereafter;
  - (6) Has certified that the driver is physically and mentally fit to be a private transportation driver and is free of any known medical condition that would put a passenger at risk;
  - (7) Submitted a current traffic violations bureau certified abstract; and
  - (8) Has met all other qualifications under this article.
- (d) As part of the certification process, a private transportation company or a third party vendor retained at the private transportation company's cost, shall determine whether that the driver has a sufficient:

- (1) Understanding of the traffic laws and ordinances applicable in the city;
  - (2) Understanding of the locations of streets, roads, highways, and significant landmarks within the city;
  - (3) Method of communicating with passengers; and
  - (4) Ability to respond to emergency situations, including but not limited to the ability to call for emergency assistance and knowledge of locations of major medical facilities.
- (e) A private transportation company shall suspend a driver's certificate and require the driver to submit a medical clearance from a physician licensed in the State of Hawaii if there are indications that the driver is or has become physically or mentally unfit to be a private transportation driver.
- (f) When a private transportation company is made aware of a driver's failure to comply with any requirement of this article or that the driver submitted false information to the company, the private transportation company must notify the department and ensure that the driver does not operate as a private transportation driver.
- (g) The private transportation company must certify to the department that the company's private transportation drivers have satisfied the requirements of this article. The company must maintain records that substantiate that the requirements are satisfied. Such records must be maintained within the city for a period of at least two years following the date on which a private transportation driver is no longer affiliated with a private transportation company or is no longer permitted to act as a transportation network company driver on the transportation network company's digital network. The records are subject to inspection by the department in accordance with §§ 36-6.12 and 36-6.13. The private transportation company will be deemed in violation of this article and subject to the penalties under this article each time the department determines that the records do not substantiate compliance with the requirements for an individual driver.
- (1990 Code, Ch. 12, Art. 6, § 12-6.5) (Added by Ord. 16-38)

**§ 36-6.6 Private transportation driver operating standards, passenger relations standards, and standards of moral character.**

- (a) The private transportation drivers must comply the following operating, conduct, and passenger relations standards:
- (1) Private transportation drivers shall not transport more passengers than the number of seat belts available, nor more luggage than the vehicle capacity will safely and legally allow;
  - (2) Private transportation drivers shall not operate a vehicle that was not certified by a private transportation company to transport passengers;
  - (3) Private transportation drivers shall have evidence of a valid vehicle insurance policy in their possession at all times;
  - (4) Private transportation drivers shall report articles left behind by passengers to the private transportation company as found articles, and follow the private transportation company's lost and found policy and procedures;

- (5) Private transportation drivers shall permit the department to inspect the private transportation vehicle upon request;
- (6) Private transportation drivers shall not consume any alcohol while on duty or less than eight hours before going on duty;
- (7) Private transportation drivers shall not have any container of any alcoholic beverage in the private transportation vehicle unless the container belongs to the passenger;
- (8) Private transportation drivers shall comply with any written notice of violation issued by the director;
- (9) Private transportation drivers shall not operate a private transportation vehicle:
  - (A) With an expired, suspended, or revoked driver's license;
  - (B) When the private transportation vehicle has an expired registration or safety inspection sticker; or
  - (C) When the private transportation vehicle fails the annual safety inspection;
- (10) Private transportation drivers shall immediately surrender their driver certification and vehicle certification to the director upon written notice that the driver certification has been suspended, not renewed, or revoked by either the private transportation company or the director. Any decal, logo, or unique company identifier must be removed from the front and rear bumper;
- (11) Private transportation drivers shall operate the private transportation vehicle with due regard for the safety, comfort, and convenience of passengers;
- (12) Private transportation drivers shall not allow or knowingly permit the private transportation vehicle to be used for any unlawful purpose;
- (13) Private transportation drivers shall transport their passengers using the most cost effective and direct route, unless:
  - (A) Directed otherwise by the passenger; or
  - (B) An emergency situation, such as road closure or accident, requires an alternate direct route;
- (14) Private transportation drivers shall keep their vehicles in a clean condition, deposit all refuse appropriately, and under no circumstances, litter;
- (15) Private transportation drivers shall not use offensive language, expressions, or gestures to any person while driving, operating, picking up customers, or in control of a private vehicle or taxicab;
- (16) Private transportation drivers shall not smoke in the private transportation vehicle while a passenger is in the vehicle;
- (17) Private transportation drivers shall, upon request by the director or a police officer, provide the private transportation driver certificate, the vehicle certificate, and any other documents requested for inspection;

- (18) Private transportation drivers shall not operate any electronic, digital, or GPS device in a private transportation vehicle without a hands-free mount and in hands-free mode;
  - (19) Private transportation drivers shall not sublease or permit another to operate their private transportation vehicle as a private transportation driver; and
  - (20) Private transportation drivers shall not refuse to transport any person, except when upon arrival at the place of pick-up, the passenger is acting in a disorderly or threatening manner, or otherwise is acting in a manner that would cause a reasonable person to believe that the private transportation driver's health or safety, or that of others, may be endangered.
- (b) A violation of any of the standards set forth in subsection (a) may result in the suspension or revocation of the transportation driver certificate by the director, in addition to the assessment of a fine.
- (1990 Code, Ch. 12, Art. 6, § 12-6.6) (Added by Ord. 16-38)

**§ 36-6.7 Private transportation driver's certificate.**

Every private transportation driver shall have a driver's certificate within the private transportation vehicle readily visible to passengers in the vehicle. The private transportation driver's certificate must be printed or available electronically.

(1990 Code, Ch. 12, Art. 6, § 12-6.7) (Added by Ord. 16-38)

**§ 36-6.8 Receipt.**

Either the private transportation driver or the private transportation company, as applicable, must, upon request, provide any passenger with a printed or electronic receipt showing the total fare paid and any other information specified by the director.

(1990 Code, Ch. 12, Art. 6, § 12-6.8) (Added by Ord. 16-38)

**§ 36-6.9 Private transportation company vehicle certification.**

- (a) No vehicle may be used for private transportation services, unless the private transportation company or the department, if the driver and the company are one and the same, has certified for each vehicle:
  - (1) Proof of registration for the motor vehicle in the name of the driver or proof of authorization from the registered owner for the driver to operate the motor vehicle as a private transportation driver; and
  - (2) Proof of current vehicle safety inspection for the motor vehicle in the name of the driver or registered owner of the motor vehicle.
- (b) A private transportation company shall certify each motor vehicle in compliance with subsection (a) and include the following information:
  - (1) The vehicle identification number (VIN);

- (2) The registered owner's full legal name;
- (3) License plate number and expiration date;
- (4) Date of the annual safety inspection; and
- (5) Proof of insurance.

Every private transportation company vehicle certificate provided under this section will expire two years after the issuance thereof, unless it has previously been revoked.

- (c) No private transportation vehicle may be recertified, unless all outstanding penalties assessed against the private transportation driver operating the vehicle being recertified are paid in full to the director.
- (d) A private transportation company shall ensure that the private transportation driver has timely renewed the private transportation vehicle's annual registration and passed the annual safety inspection. A private transportation company shall suspend the private transportation driver's access to its digital network or dispatch system upon discovery of a private transportation driver's failure to timely renew the private transportation vehicle's annual registration and passed the annual motor vehicle safety inspection. Access to digital network or dispatch system may be restored upon the private transportation driver's submission of documents confirming the renewal of the private transportation vehicle's annual registration and passing the annual safety inspection.
- (e) Each failure to meet any of these requirements constitutes a separate violation.  
(1990 Code, Ch. 12, Art. 6, § 12-6.9) (Added by Ord. 16-38)

**§ 36-6.10 Suspension of private transportation vehicles.**

Upon notification that a private transportation vehicle has been involved in an accident, the private transportation company shall suspend the private transportation driver's access to its digital network or dispatch system until the private transportation driver has provided to the private transportation company proof that the vehicle can be safely operated.

(1990 Code, Ch. 12, Art. 6, § 12-6.10) (Added by Ord. 16-38)

**§ 36-6.11 Identification of private transportation vehicles.**

Upon approval by the director, the private transportation company will direct its drivers on the placement of the trade dress, logo, or company identifier on the personal vehicle or taxicab, whichever the case may be, but trade dress, logo, or company identifier placed on the front and rear bumpers pursuant to this article must be between 2 inches and 3 inches in height, and a minimum of 4 inches in width. The trade dress, logo, or company identifier may be placed on the vehicle's body, but not on the roof (unless it is a taxi sign or dome) or cover any window, vehicle lights, or obscure the view of any mirrors. In addition, any vehicle for hire which transports passengers to and from the Honolulu International Airport shall display permits or decals required by the applicable State laws.

(1990 Code, Ch. 12, Art. 6, § 12-6.11) (Added by Ord. 16-38)

**§ 36-6.12 Audit or inspection of records of private transportation companies, drivers, and vehicles.**

- (a) The department may visually inspect, no more than annually, a sample of records, randomly selected by the department, that a private transportation company is required to maintain for the sole purpose of verifying that the private transportation company is in compliance with the requirements of this article. The records of the private transportation company must substantiate the certification of the private transportation drivers and vehicles, and include all complaints made against the private transportation driver to the company by any passenger or member of the general public. Any record furnished to the department may exclude information that would tend to identify specific drivers or riders. The records must be located at the local business address stated in the private transportation company's registration with the department, in accordance with § 36-6.3, for inspection, and may be in either paper or electronic format. The records must be retained by the private transportation company for a period of two years.
- (b) Any records inspected by the department pursuant to this section are:
  - (1) Designated confidential;
  - (2) Not subject to disclosure to a third party by the department without prior written consent of the private transportation company; and
  - (3) Exempt from disclosure under HRS Chapter 92F, the Hawaii Uniform Information Practices Act ("UIPA").

Nothing in this section shall be construed as limiting the applicability of any other exemptions under HRS Chapter 92F.

(1990 Code, Ch. 12, Art. 6, § 12-6.12) (Added by Ord. 16-38)

**§ 36-6.13 Audit or inspection of specific private transportation driver or vehicle records.**

- (a) Upon notice of a passenger complaint, traffic accident, arrest, or other incident, which jeopardized or may have jeopardized the safety, health, or welfare of the passengers or members of the general public by a specific private transportation driver, the department may immediately demand, and the private transportation company shall provide, unrestricted access to the records of, or pertaining to, that private transportation driver. Any record furnished to the department may exclude information that would tend to identify specific drivers or riders, unless the identity of a driver is relevant to the complaint.
- (b) Any records inspected by the department pursuant to this section are:
  - (1) Designated confidential;
  - (2) Not subject to disclosure to a third party by the department without prior written consent of the private transportation company; and
  - (3) Exempt from disclosure under HRS Chapter 92F, the Hawaii Uniform Information Practices Act ("UIPA").

Nothing in this section shall be construed as limiting the applicability of any other exemptions under HRS Chapter 92F.

(1990 Code, Ch. 12, Art. 6, § 12-6.13) (Added by Ord. 16-38)

**§ 36-6.14 Violations—Penalty.**

- (a) The director and any person or agency designated by the director may issue citations to a private transportation company or private transportation driver that is in violation of this article.
- (b) Each citation must be in writing and describe the basis of the citation, including the specific provisions alleged to have been violated, and an assessment of administrative fines as provided in this article.
- (c) Any person or entity violating this article and cited by the police department shall, upon conviction thereof, be subject to a fine not exceeding \$1,000 or imprisonment for a period not exceeding one year, or to both such fine and imprisonment for each violation.
- (d) Any person or entity violating this article and cited by the director, shall be subject to an administrative fine not exceeding \$1,000 per violation or suspension or revocation of the certification, or both, for a private transportation driver or vehicle, which shall not be duplicative of any fine issued or penalty imposed after conviction. The director is authorized to adopt rules pursuant to HRS Chapter 91 to implement and enforce this section.
- (e) Service of a citation issued under this section will be made by personal service or by certified mail, restricted delivery, sent to the mailing address of the private transportation company listed in the private transportation company's registration with the department pursuant to § 36-6.3.
- (f) Any private transportation company or private transportation driver cited by the director may submit a written request to the director for a hearing with respect to the violations alleged or the amount of the administrative fine assessed. Such request must be submitted within 20 days from the date of service of the citation.
- (g) If a private transportation company or private transportation driver cited under subsection (a) timely notifies the director of the request for a hearing, the director shall afford an opportunity for a hearing under HRS Chapter 91. The hearing shall be conducted by the director or the director may designate a hearings officer to hold the hearing. The director or any hearings officer designated by the director shall have the power to issue subpoenas, administer oaths, hear testimony, find facts, make conclusions of law, and issue a final order.
- (h) If the private transportation company or private transportation driver issued a citation does not submit a written request to the director for a hearing within 20 days from the date of service of the citation, the citation shall be deemed a final order of the director.

(1990 Code, Ch. 12, Art. 6, § 12-6.14) (Added by Ord. 16-38)

**§ 36-6.15 Suspension or revocation of a private transportation company's registration or denial of renewal of registration—Other.**

The director may suspend or revoke the registration of a private transportation company, and suspend or revoke all of the certifications of its private transportation drivers, if a private transportation company has been found to

have engaged in a pattern or practice of violating this article governing the certification of private transportation drivers or vehicles, or the inspections or audits by the department. Any notice of intent to suspend or revoke the private transportation company's registration based upon multiple violations within a six-month period will issue by personal service or by certified mail, to the mailing address of the private transportation company listed in the private transportation company's registration with the department pursuant to § 36-6.3, and afford the private transportation company an opportunity to be heard in accordance with the procedures set forth in § 36-6.14. (1990 Code, Ch. 12, Art. 6, § 12-6.15) (Added by Ord. 16-38)

## **TITLE VIII: PROPERTY**

### **Chapters**

- 37. REAL PROPERTY TRANSACTIONS INVOLVING THE CITY AND COUNTY OF HONOLULU**
- 38. LEASE AND RENTAL OF CITY REAL PROPERTY, INCLUDING FEES**
- 39. MAXIMUM ANNUAL RENEGOTIATED LEASE RENT**
- 40. OFFENSES RELATING TO PROPERTY**

## **Honolulu - Property**

**CHAPTER 37: REAL PROPERTY TRANSACTIONS INVOLVING THE CITY  
AND COUNTY OF HONOLULU**

Articles

1. Disposal of Real Property Owned by the City and County of Honolulu
2. Acquisition of Remnant Real Property

## **Honolulu - Property**

## **ARTICLE 1: DISPOSAL OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF HONOLULU**

### **Sections**

37-1.1	Definitions
37-1.2	Transfers of use of city real property—Surplus real property—Disposal
37-1.3	Disposal of real property other than surplus real property
37-1.4	Special procedures and provisions
37-1.5	Exemptions
37-1.6	General provisions for disposal by sale
37-1.7	General provisions for disposal of city real property by exchange
37-1.8	General provisions for disposal of city real property by gift
37-1.9	Preparation of documents—Appraisals
37-1.10	Disposal of interests in property not subject to this article
37-1.11	Proposed sale of high value property

### **§ 37-1.1 Definitions.**

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

***Agency.*** Any office, department, board, commission, or other governmental unit of the city, other than the board of water supply.

***Director.*** The director of budget and fiscal services.

***Dispose of Real Property.*** To transfer or alienate real property by sale, gift, exchange, or other voluntary action, but shall not include the lease or rental of real property or the destruction or demolition of an improvement to real property. The phrase shall include the cancellation of any easement for access to the ocean.

***Real Property.*** Includes a fee simple interest, a life estate, or a remainder or executory interest in land or any improvements thereon, whether legal or equitable, and any easement for access to the ocean, but does not include any license or any easement other than an easement for access to the ocean.  
(1990 Code, Ch. 37, Art. 1, § 37-1.1) (Added by Ord. 92-108; Am. Ord. 04-11)

### **§ 37-1.2 Transfers of use of city real property—Surplus real property—Disposal.**

- (a) Any agency of the city having under its jurisdiction and control real property, which is no longer desired or needed by the agency for its own use shall submit a list of such real property to the director, which shall include a description of the property and an estimate as to the fair market value.

- (b) The director shall prepare an inventory of all real property found on any list submitted pursuant to subsection (a), including the descriptions of the properties and estimated fair market values, and shall circulate copies of the inventory to such agencies of the city as the director shall determine, and any agency receiving copies of the inventory shall, within 30 days of the receipt thereof, file with the director a statement as to whether any of the real property included in the inventory is needed by the agency for its use.
- (c) If an agency submits a statement to the director indicating a need for the use of any real property included in the inventory, the statement shall also contain a request for the use of such real property. The director may then recommend to the mayor the transfer of the use of the real property to the agency indicating a need to use the real property. Before making a transfer, the director shall provide written notification of the proposed transfer to the neighborhood board of the district in which the subject property is situated and to any abutting property owners at least 10 days before such transfer; provided written notification shall not be required for the transfer of real property with an estimated fair market value under \$5,000. This subsection shall not preclude the mayor from making lawful transfers of the use of city property between agencies by means other than those provided in this section.
- (d) Any real property included in the inventory which is not recommended by the director to the mayor for transfer, or which is recommended by the director to the mayor for transfer, but is not transferred within a reasonable time, as determined by the director, shall be deemed surplus real property.
- (e) The director, with the concurrence of the corporation counsel, shall determine whether to recommend to the council the disposal of surplus real property.
- (f) Before any surplus real property owned by the city may be disposed of, the director shall submit a recommendation and a draft resolution with respect to the proposed disposal of the surplus real property to the council. The draft resolution shall include a description of the real property, an estimate as to the fair market value of the real property, and a statement whether the real property will be disposed of by gift, exchange, sale, or other means. If the real property is proposed to be exchanged, the draft resolution shall state the property for which the real property is proposed to be exchanged. If the real property is proposed to be sold, the draft resolution shall state whether the property is proposed to be sold at auction, by negotiated sale, or otherwise, and shall state the minimum price for which the property will be sold.
- (g) If the council finds that the proposed disposal of surplus city real property is in the interest of the inhabitants of the city and adopts a resolution authorizing the director to dispose of the surplus real property, the surplus real property may be disposed of in accordance with the terms of the resolution and in accordance with § 37-1.6, 37-1.7, or 37-1.8, whichever is appropriate. Otherwise, the surplus real property may not be disposed of.

(1990 Code, Ch. 37, Art. 1, § 37-1.2) (Added by Ord. 92-108)

**§ 37-1.3 Disposal of real property other than surplus real property.**

- (a) The city may not dispose of real property that is not surplus real property, as determined in § 37-1.2, except pursuant to this section.

- (b) If the director or the mayor, with the concurrence of the corporation counsel, finds it to be in the interest of the inhabitants of the city to dispose of city real property that is not surplus real property, as determined in § 37-1.2, the director or the mayor may propose to the council that real property be disposed of pursuant to this section.

Any such proposal shall state the public interest being served by the proposal and shall state that the real property is not surplus real property.

- (c) The council, either pursuant to a proposal made under subsection (b), or on its own proposal, may, if it finds it to be in the interest of the inhabitants of the city, adopt a resolution authorizing the director to dispose of city real property.
- (d) After the council's adoption of a resolution pursuant to subsection (c), the director may dispose of the real property that is the subject of the resolution in accordance with the terms of the resolution and with § 37-1.6, 37-1.7, or 37-1.8, whichever is appropriate.

(1990 Code, Ch. 37, Art. 1, § 37-1.3) (Added by Ord. 92-108)

**§ 37-1.4 Special procedures and provisions.**

- (a) Any real property held by the city for school purposes may not be disposed of without the consent of the superintendent of education.
- (b) No city real property bordering the ocean shall be sold or otherwise disposed of.
- (c) All proceeds from the sale of park lands shall be expended only for the acquisition of property for park or recreational purposes.
- (d) The disposal of an abandoned county highway shall be subject to HRS § 264-3.
- (e) The transfer of a county highway to the State shall be subject to HRS § 264-2.
- (f) Real property acquired by the city by foreclosure of a real property tax lien shall be disposed of pursuant to Chapter 8.
- (g) Real property acquired by the city by default in the payment of any special assessment shall be disposed of pursuant to § 14-11.9 of this code.
- (h) Real property acquired by the city under its power of eminent domain pursuant to HRS § 46-61 and Chapter 101, in excess of that needed for a public purpose, shall be disposed of pursuant to HRS §§ 46-61 and 101-2, to the extent that these sections apply to such excess real property.
- (i) Any category of real property owned by the city, the disposal of which is governed by State law, shall be disposed of in accordance with such State law and, to the extent not inconsistent herewith, in accordance with this article.

(1990 Code, Ch. 37, Art. 1, § 37-1.4) (Added by Ord. 92-108)

**§ 37-1.5 Exemptions.**

The following shall be exempt from this article:

- (1) Disposal of real property of the board of water supply;
- (2) Disposal of any real property acquired by the city specifically for the purpose of disposing of the property, provided that the ordinance or resolution authorizing the acquisition specifically provides for the disposal of the city real property by means other than those specified in this article; and
- (3) Disposal of real property constituting a housing unit or unimproved housing lot acquired or developed by the city when the unit or lot is disposed individually.

A unit or lot is disposed “individually” when disposed:

- (A) After a solicitation of bids or offers for that unit or lot by itself; and
- (B) In a transaction separate from the transaction disposing any other city real property.

When units or lots in a housing project are placed for sale to the public or class of the public, the solicitation of offers for a unit or lot in the project shall be deemed a solicitation for “that unit or lot by itself” which complies with subdivision (1).

For the purposes of this subsection, “housing unit” means a detached dwelling or duplex unit, including the zoning lot on which situated and other appertaining real property interests. “Housing unit” also means a dwelling unit in a multi-family dwelling and the appurtenant real property interests to the unit. “Unimproved housing lot” means a zoning lot, with no or only infrastructure improvements, on which a detached dwelling or duplex unit must be constructed by the acquirer. “Detached dwelling,” “duplex unit,” “dwelling unit,” “multi-family dwelling,” and “zoning lot” mean the same as defined under Chapter 21.

(1990 Code, Ch. 37, Art. 1, § 37-1.5) (Added by Ord. 92-108; Am. Ord. 98-48)

**§ 37-1.6 General provisions for disposal by sale.**

- (a) Real property owned by the city which is to be disposed of by sale shall be sold subject to the following provisions, except to the extent that they are inconsistent with § 37-1.4:
  - (1) The resolution authorizing the sale of the property shall state whether the property is proposed to be sold at auction, by negotiated sale, or otherwise, and shall state the minimum price for which the property will be sold;
  - (2) The property shall be disposed of by public auction, unless otherwise provided in the resolution authorizing the sale;
  - (3) If the council determines by resolution that city real property may be disposed of by auction, the director shall, before selling the city real property by auction, give notice of the proposed sale at least once a week for two weeks in a newspaper of general circulation in the city; and

- (4) The property shall not be disposed of for a sales price less than any minimum, or upset price, stated in the resolution authorizing the sale.
  - (b) If the city real property to be sold, whether surplus or nonsurplus, has an assessed value greater than \$1,000,000, the resolution authorizing the sale of the property shall, in addition to complying with subsection (a), contain the following information:
    - (1) The intended use of the property by the buyer; and
    - (2) The information required in § 37-1.11(a)(1), (a)(2) and (a)(4).
- (1990 Code, Ch. 37, Art. 1, § 37-1.6) (Added by Ord. 92-108; Am. Ord. 04-11)

**§ 37-1.7 General provisions for disposal of city real property by exchange.**

Real property owned by the city which is to be disposed of by exchange shall be exchanged subject to the following provisions, except to the extent that they are inconsistent with § 37-1.4.

- (a) A description of the property being exchanged and the property for which it is being exchanged, and the name of the owner or owners of the property for which city real property is being exchanged shall be set forth in the resolution authorizing the exchange.
  - (b) The city may accept property of less than equivalent value for city real property only when the difference is made up by a cash payment or when permitted as a gift pursuant to § 37-1.8.
- (1990 Code, Ch. 37, Art. 1, § 37-1.7) (Added by Ord. 92-108)

**§ 37-1.8 General provisions for disposal of city real property by gift.**

- (a) Real property owned by the city which is to be disposed of by gift shall be disposed of subject to the following provisions, except to the extent that they are inconsistent with § 37-1.4.
  - (1) A description of the city real property being disposed of by gift, an estimate of the value thereof, and the name of the donee thereof shall be set forth in the resolution authorizing the disposal by gift.
  - (2) The council shall make a determination and declare in the disposal resolution that the disposal by gift shall serve a public purpose.
  - (3) The council may impose any conditions or restrictions upon the disposal by gift, including but not limited to restrictions upon the use of the real property for a period of time or in perpetuity and may provide for the reversion of the property to the city if such conditions or restrictions as are imposed are not adhered to.
- (b) Any negotiated sale or any exchange of city real property for less than the fair market value of the city real property shall be treated as a gift of city real property to the extent that fair market value of the city real property exceeds the sales price of the city real property (in the case of a negotiated sale) or the fair market

value of the property for which the city real property is exchanged (in the case of an exchange). Any such gift shall comply with this section and may be made subject to conditions or restrictions as provided in subsection (a)(3) above.

(1990 Code, Ch. 37, Art. 1, § 37-1.8) (Added by Ord. 92-108)

**§ 37-1.9 Preparation of documents—Appraisals.**

The director is authorized to prepare, subject to the approval of the corporation counsel, such deeds and other documents as are necessary to effect the disposal of city real property as authorized by council resolution. When requested by the council, the director or the director of design and construction shall prepare an appraisal of the fair market value of city property or of property proposed to be exchanged for city real property. The council shall make the final determination as to the sales price of city real property and of the exchange value of property to be exchanged for city real property.

(1990 Code, Ch. 37, Art. 1, § 37-1.9) (Added by Ord. 92-108; Am. Ord. 04-11)

**§ 37-1.10 Disposal of interests in property not subject to this article.**

Nothing in this article shall be construed to prohibit the director or any officer or agency of the city from utilizing the procedures set forth in this article for the disposal of interests in property that are not subject to this article, including but not limited to easements other than easements for access to the ocean.

(1990 Code, Ch. 37, Art. 1, § 37-1.10) (Added by Ord. 92-108)

**§ 37-1.11 Proposed sale of high value property.**

- (a) The director shall submit a draft resolution to the council containing the following information before city surplus or nonsurplus real property, with an assessed value of more than \$1,000,000, is marketed:
  - (1) A description of the property, including its size, location, existing zoning, and any city facilities or improvements on the property;
  - (2) The assessed value of the property;
  - (3) A marketing plan or approach that describes how the property will be marketed, including the manner of advertising the property's availability, the extent of any planned local, national, or international advertising or other marketing efforts and a copy of any proposed brokerage agreement with a real property brokerage firm for the sale of the property; and
  - (4) Any conditions or restrictions which the director proposes to be applicable to the property upon its sale, including permitted uses of the property; height restrictions; preservation of view planes; landscaping; preservation of existing structures; maintenance of existing public facilities, including parking; retention of existing rental housing units, elderly or special needs housing units, moderate-income housing units, low-income housing units, very low-income housing units, or extremely low-income housing units, if applicable; and any other proposed conditions or restrictions.

- (b) The council may adopt the resolution in the form transmitted by the director, or with additional conditions or restrictions. Upon the adoption of the resolution, the director may proceed with the marketing of the property. No resolution for the sale of city property, as described in § 37-1.6, shall be considered by the council, unless the resolution described in this section has first been approved.

(1990 Code, Ch. 37, Art. 1, § 37-1.11) (Added by Ord. 04-11)

## **Honolulu - Property**

## ARTICLE 2: ACQUISITION OF REMNANT REAL PROPERTY

### Sections

- 37-2.1 Purpose
- 37-2.2 Definitions
- 37-2.3 Review and evaluation
- 37-2.4 Rules

#### § 37-2.1 Purpose.

This article establishes a regulatory scheme for the consideration of acquisition of remaining portions of parcels of real property being partially condemned by the Honolulu Authority for Rapid Transportation along the route of the Honolulu High-Capacity Transit Corridor Project. It requires the city to review and evaluate whether the acquisition of the remaining portions of a parcel of real property by the city serves a public interest.

(Added by Ord. 18-42)

#### § 37-2.2 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 land management or the director's authorized representative.

**Public Utility.** Has the same meaning as defined in HRS § 269-1.

**Rail Project Remnant Property.** The portion or portions of a parcel of real property that remain after the rest of the parcel is acquired by the Honolulu Authority for Rapid Transportation for the Honolulu High-Capacity Transit Corridor Project; but does not include real property owned by a public utility for the production, conveyance, transmission, delivery, or furnishing of electric power.

(Added by Ord. 18-42)

#### § 37-2.3 Review and evaluation.

For each rail project remnant property, the director shall consider whether the acquisition of the rail project remnant property for city purposes serves the public interest and supplements the inventory of city real property interests, taking into consideration the development potential for city real property interests in transit-oriented development special districts, all in accordance with the director's responsibilities under Charter § 6-1802(e) and (f).

(Added by Ord. 18-42)

**§ 37-2.4 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. 18-42)

## **CHAPTER 38: LEASE AND RENTAL OF CITY REAL PROPERTY, INCLUDING FEES**

### Articles

1. General Provisions
2. Bidding Requirements and Procedures
3. Exceptions to Bidding Requirement
4. Term of Agreements
5. Penalty
6. General Provisions for the Lease and Rental Policy for the Department of Enterprise Services
7. Rental Schedule
8. Concessions
9. Nonprofit Organizations
10. Severability
11. Lease and Permit Policy for the Grounds of City Hall and the Mayor Frank F. Fasi Municipal Building
12. Telecommunications Facilities

## **Honolulu - Property**

## ARTICLE 1: GENERAL PROVISIONS

### Sections

38-1.1	Purpose
38-1.2	Scope
38-1.3	Definitions

#### § 38-1.1 Purpose.

The purpose of this chapter is to establish a uniform procedure for the lease or rental of real property owned by the city, with the exception of the city hall building and the Mayor Frank F. Fasi municipal building. Any and all office spaces located within the subject two buildings shall be reserved for the exclusive use by agencies of the city.

(Sec. 30-1.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 1, § 28-1.1)

#### § 38-1.2 Scope.

The scope of this chapter includes the policy that the lease or rental of property of the city or the award of concessions shall require public advertisements and bids, except under specific circumstances. This chapter also includes the required bidding procedures and attendant terms of agreements and penalties.

(Sec. 30-1.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 1, § 28-1.2) (Am. Ords. 91-27, 97-02)

#### § 38-1.3 Definitions.

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

**Agency.** Any office, department, board, commission, or other governmental unit of the city, including the council and its offices.

**Concession.** The grant to a private individual, partnership, or corporation of the privilege to conduct operations essentially retail in nature, involving the sale of goods, wares, merchandise, or services to the general public, such as restaurants, retail stores, parking facilities, golf driving ranges, canoe storage facilities (halaus), in or on land or buildings owned or controlled by the City and County of Honolulu.

**Council.** The city council of the City and County of Honolulu.

**Director.** The director of budget and fiscal services.

***Managing Director.*** The managing director of the City and County of Honolulu.

***Nonprofit Organization.*** An association, corporation, or other entity, organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational, or other nonprofit purposes, no part of the assets, income, or earnings of which inures to the benefit of any individual or member thereof, and whose charter or other enabling act contains a provision that, in the event of dissolution, the assets owned by such association, corporation, or other entity shall be distributed to another association, corporation, or other entity organized and operated exclusively for nonprofit purposes, and which further qualifies for exemption from the general excise tax provisions of HRS Chapter 237, as amended, and under § 501 of the Internal Revenue Code of 1954, as amended. Such nonprofit organization must not merely be a sponsor of the event, production, attraction, or activity being given, but must actively promote, produce, stage, or conduct such event, production, attraction, or activity. (Sec. 30-1.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 1, § 28-1.3)

## **ARTICLE 2: BIDDING REQUIREMENTS AND PROCEDURES**

### **Sections**

- 38-2.1 Bidding required
- 38-2.2 Call for bids
- 38-2.3 Qualification of bidders
- 38-2.4 Advertisement for bids
- 38-2.5 Cost of publication
- 38-2.6 Bids—Opening—Rejection
- 38-2.7 Bids—Withdrawals
- 38-2.8 Deposits to accompany bid
- 38-2.9 Forfeiture of deposits—Return
- 38-2.10 Bond in lieu of deposit
- 38-2.11 Contract execution—Award to highest responsible bidder
- 38-2.12 Security deposit
- 38-2.13 Surety on bond—Justification
- 38-2.14 Violation voids contract
- 38-2.15 Competitive sealed proposals

### **§ 38-2.1 Bidding required.**

Unless expressly excepted in this chapter, no real property or any concession or concession space in any building or on any land owned by or under the jurisdiction of the city shall be leased or rented, except under contract let under public advertisement for sealed tenders in the manner provided hereinafter.  
(Sec. 30-2.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.1)

### **§ 38-2.2 Call for bids.**

The director shall call for bids, accept bids, and award concessions or award contracts to lease or rent property on terms, conditions, and rentals approved by the corporation counsel, as to form and legality.  
(Sec. 30-2.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.2)

### **§ 38-2.3 Qualification of bidders.**

Before any prospective bidder shall be entitled to submit any bid required under this chapter, the bidder shall, not less than six calendar days before the day designated for opening bids, give written notice to the director of the bidder's intention to bid, and the director shall satisfy the director of the prospective bidder's financial ability, experience, and competence to carry out the terms and conditions of any contract that may be awarded. For this purpose, the director may require prospective bidders to submit answers, under oath, to questions contained in a questionnaire setting forth a complete statement of the experience, competence, and financial standing of such

prospective bidders. Whenever it appears to the director that any prospective bidder is not fully qualified and able to carry out the terms and conditions of the contract that may be awarded, the director may, after affording such prospective bidder an opportunity to be heard, refuse to receive or consider any bid offered by such prospective bidder. All information contained in the answers to questionnaires shall remain confidential, and any government officer or employee who knowingly divulges or permits to be divulged any such information to any person not fully entitled thereto shall be subject to penalties as provided by law. Questionnaires so submitted shall be returned to the bidders after having served their purpose.

(Sec. 30-2.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.3)

#### **§ 38-2.4 Advertisement for bids.**

- (a) Publication of a call for tenders for the awarding of concessions or concession spaces shall be made at least on three separate days in a daily newspaper of general circulation in the city.
- (b) Publication of a call for tenders for leasing of real property or any improvements thereon, other than a concession or concession space, shall be made once a week for at least two weeks in a daily newspaper of general circulation in the city.
- (c) Such public announcement shall include but not be limited to the following information:
  - (1) Description of the concession, real property, or improvements and the objectives for it;
  - (2) Location;
  - (3) Scope of the award or lease;
  - (4) Length of the award or lease;
  - (5) Amount and type of government funds, if any, available for the project; and
  - (6) Description of any special requirements of unique features.

(Sec. 30-2.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.4)

#### **§ 38-2.5 Cost of publication.**

The director may require the party requesting the publication of a call for tenders to deposit with the director a certified check or cash equal to or greater than the estimated cost of publishing the advertisement for bids, before such advertisement is published. The cost of publication may be deducted from the deposit and retained by the city if the party fails to submit a bid.

(Sec. 30-2.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.5)

#### **§ 38-2.6 Bids—Opening—Rejection.**

The time of opening of such tenders shall not be less than five days after the last publication. All bids shall be sealed and delivered to the director, and shall be opened by the director at the hour and place to be stated in the

call for tenders, in the presence of all bidders who attend, and may be inspected by any bidder. The director may reject any or all bids and waive any defects, when in the director's opinion, such rejection or waiver will be for the best interest of the city. Upon completion of the evaluation and selection process, the director shall file a written report with the city clerk, including the results with the successful bidder. The city clerk, upon receipt of the written report, shall post same for public inspection under an appropriate title on the bulletin board on which meeting notices of the council, including its agenda, are posted and such report shall be a public record.  
(Sec. 30-2.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.6)

**§ 38-2.7 Bids—Withdrawals.**

No bidder may withdraw such bid for a period of 60 days after the opening thereof.  
(Sec. 30-2.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.7)

**§ 38-2.8 Deposits to accompany bid.**

All bids shall be accompanied by a deposit of legal tender or by a certified check payable to the director drawn on a bank doing business within the State, for or in a sum equal to 5 percent of the amount bid, but in no event, to be less than \$50; provided that when the amount bid exceeds \$50,000, the certificate of deposit or certified check shall be \$2,500 plus 2 percent of the amount in excess thereof.  
(Sec. 30-2.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.8)

**§ 38-2.9 Forfeiture of deposits—Return.**

If the bidder to whom the contract is awarded fails or neglects to enter into the contract and furnish satisfactory security as required by this article, within 10 days after the award or within such further time as the director may allow, the director shall pay the deposit into the treasury as a realization of the city. If the contract is entered into and the security furnished within the required time, the deposit shall be returned to the successful bidder. Deposits made by the unsuccessful bidders shall be returned to them after the contract is entered into or, if the contract is not entered into, after the expiration of 60 days after the opening of the bids or after the director publishes another call for tenders, whichever is sooner.  
(Sec. 30-2.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.9)

**§ 38-2.10 Bond in lieu of deposit.**

In lieu of the deposit of legal tender or a certified check, a bid may be accompanied by a surety bond naming the city as obligee, with the bidder as principal, and a surety company, authorized to do business as such in this State, as surety, in a penal sum equal to the deposit required under § 38-2.8, conditioned upon the bidder entering into the contract and furnishing the required security within 10 days after the award or within such further time as the director may allow.  
(Sec. 30-2.10, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.10)

**§ 38-2.11 Contract execution—Award to highest responsible bidder.**

All such contracts shall be in writing, shall be executed by the director in the name of the city, and shall be made with the highest responsible bidder, if such bidder shall qualify by providing the security required hereinbelow. If the highest and best bid or any other bid has been rejected, or if the bidder to whom the contract was awarded has failed to enter into the contract and furnish satisfactory security, the director may, in the director's discretion, award the contract to the next highest responsible bidder.

(Sec. 30-2.11, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.11)

**§ 38-2.12 Security deposit.**

Before any contract is entered into, the bidder shall give security for compliance therewith by deposit of an amount equal to two months' rental or other charge required under the contract, except that in the case of a contract for the lease of residential property, a security deposit in an amount equal to one month's rent shall be required. In lieu thereof, the director may accept good and sufficient bond for the amount, naming the city as obligee, with the bidder as principal, and a surety company authorized to do business as such in this State, as surety.

(Sec. 30-2.12, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.12)

**§ 38-2.13 Surety on bond—Justification.**

If the surety or sureties on such bond shall be other than a surety company authorized to do business under the laws of this State, there shall be not more than four such sureties who shall severally justify such amounts as, taken together, will aggregate the full amount of the bond; provided that in the case of such sureties, they shall deposit with the director certified checks or certificates of deposit (payable on demand on or after such period as the director may stipulate) or bonds, stocks, or other negotiable securities, or execute and deliver to such officer a deed or deeds of trust of real property, all of such character as shall be satisfactory to the director, in security equal to the full cash value of 100 percent of the amount for which each surety shall have assumed. The director may waive the necessity of furnishing such security, in cases where the director is satisfied as to the financial responsibility of the proposed surety or sureties; provided that if there be but one personal surety, the surety shall justify the full amount of the bond.

(Sec. 30-2.13, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.13)

**§ 38-2.14 Violation voids contract.**

After the effective date of this chapter, any contract awarded or executed in violation of this chapter shall be void and of no effect.

(Sec. 30-2.14, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 2, § 28-2.14)

**§ 38-2.15 Competitive sealed proposals.**

- (a) Notwithstanding anything to the contrary in this chapter, the city may lease or rent real property or improvements thereon, or both, by competitive sealed proposals when:

- (1) Such property or improvements, or both, will be used for cultural, arts, nature, sports, recreational, historical, or other similar activities open to the public;
- (2) The council approves of the use of such process by ordinance or resolution in advance of the issuance of the request for proposals; and
- (3) The director determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the city.

Factors to be considered in determining whether competitive sealed bidding is not practicable or not advantageous include:

- (4) Whether the award determination involves the consideration of factors in addition to financial return to the city;
  - (5) Whether oral or written discussions may need to be conducted with offerors concerning technical and financial aspects of their proposals;
  - (6) Whether offerors may need to be afforded the opportunity to revise their proposals, including revision of the financial return to the city; and
  - (7) Whether an award may need to be based upon a comparative evaluation as stated in the request for proposals of differing financial return, quality, and contractual factors, to determine the most advantageous offering to the city. Quality factors may include technical and performance capability and the content of the technical proposal.
- (b) Proposals shall be solicited through a request for proposals.
- (c) Public notice of the request for proposals shall be given in the same form and manner for advertisements for bids.
- (d) Proposals shall be opened so as to avoid disclosure of contents to competing offerors during discussion. A register of proposals shall be prepared and shall be open for public inspection after the contract award.
- (e) The request for proposals shall state the relative importance of:
- (1) Financial return to the city; and
  - (2) Other evaluation factors.
- (f) Discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and before award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

- (g) Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the city, taking into consideration the financial return to the city and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

(1990 Code, Ch. 28, Art. 2, § 28-2.15) (Added by Ord. 02-64)

## ARTICLE 3: EXCEPTIONS TO BIDDING REQUIREMENT

### Sections

- 38-3.1 Bidding not required—Leased or rental property—Conditions
- 38-3.2 Bidding not required—Concessions
- 38-3.3 Bidding not required—Leasing to private developers
- 38-3.4 Bidding not required—Housing or human services providers

### § 38-3.1 Bidding not required—Leased or rental property—Conditions.

The director may award contracts to lease or rent property on terms, conditions, and rentals approved by the corporation counsel as to form and legality without calling for public bids, when:

- (1) *Eminent domain.* Real property or improvements thereon, or both, have been acquired by the city by eminent domain proceedings, or by negotiated purchase or exchange in lieu thereof, and where immediate use of the property acquired is not necessary. In that case, the property shall be rented on a month-to-month tenancy for up to one year. Upon recommendation of the director, the council may, by resolution, annually approve successive continuations of a month-to-month tenancy, each for up to one year. If the director determines there to be extraordinary circumstances, the director may recommend, and the council may, by adoption of a single resolution, approve a continuation of a month-to-month tenancy for up to four years. Each month-to-month tenancy approved pursuant to this paragraph shall be revocable at the option of the city upon 30 days' written notice to vacate. In lieu of obtaining council approval under the previous terms of this subdivision (1), the director may lease or rent such property by public bidding for a period in excess of one year, pursuant to this chapter;
- (2) *Employee of the City and County of Honolulu or the State of Hawaii.* Real property and improvements thereon are leased or rented to employees of the city or the State. The property shall be leased or rented only under the following conditions:
  - (A) The party or parties to whom the property is leased or rented must be and continue to be an employee of the city or the State during the term of the demise; and
  - (B) The leasing or renting of the property to the employee must be related to the employee's employment;
- (3) *Thirty-day period or less.* Real property or improvements thereon, or both, are leased for a period not to exceed 30 days. No extension of such lease shall be permitted without calling for public bids;
- (4) *Tourist activities without charge.* Enterprises, shows, or activities presented without charge primarily for the promotion of the tourist industry in and for the city, regardless of which person, association, or company sponsors such enterprise, show, or activity; provided that such lessee or tenant does not sell

merchandise on the premises, directly or indirectly, or engage in any business promotional or advertising, whether oral, by printed matter, signs, displays, or electronic devices;

- (5) *Neal S. Blaisdell Center or the Waikiki Shell.* The rental is for the use of facilities for the purpose of holding any event or attraction at the Neal S. Blaisdell Center or the Waikiki Shell in accordance with Articles 6 through 9;
- (6) *City employee organizations.* Real property or office spaces, or both, that are leased or rented to any federal credit union of city employees or employees of city affiliate groups or organizations;
- (7) *Eleemosynary corporations.* Real property or improvements thereon, or both, are leased or rented to any eleemosynary corporation, society, or organization formed for the prevention of cruelty to animals, and which is authorized and empowered by law to seize and impound stray dogs running at large;
- (8) *Government employment training programs.* Real property or improvements thereon, or both, are leased or rented to any nonprofit organization primarily engaged in employment training programs sponsored by the federal, State, or city government;
- (9) *Accessory uses.* Real property is leased or rented to contractors who are awarded city construction contracts for use as a field office and storage of equipment and supplies. Rental shall be at the fair market rental and shall be limited to the duration of the construction contract only;
- (10) *Governmental subdivisions.* Real property and improvements thereon are leased or rented for the use of any political or governmental subdivision of the federal, State, or county governments;
- (11) *Private developer.* Real property and improvements thereon are leased or rented to a private developer as described in § 38-3.3;
- (12) *Housing and human services providers.* Real property or improvements thereon, or both, are leased to a provider of housing and human services as prescribed in § 38-3.4; or
- (13) *Telecommunications facilities.* City property is leased for use as telecommunications facilities under Article 12.

(Sec. 30-3.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 3, § 28-3.1) (Am. Ords. 90-14, 92-95, 04-33, 05-020, 06-45)

**§ 38-3.2 Bidding not required—Concessions.**

The director may award concessions on terms and conditions approved by the corporation counsel as to form and legality without calling for public bids, when:

- (1) *Activities without charge.* Concessions or concession spaces that are set aside without any charge for events, productions, attractions, or activities, including the exhibition and sale of handcrafts, works of art, produce, or products of a nonprofit organization, as defined in Article 1, or its members as long as the sale of any craft items, works of art, produce, or products are made by the member of the organization who actually makes, creates, grows, or gathers the items being sold, and as long as all net profits earned by the

nonprofit organization from the concession are to be applied to the expenses of the organization incurred in connection with events or activities directly related to the purpose for which it has been organized;

- (2) *Periods of two days or less.* Concessions or concession spaces that are set aside for a period or periods of time not to exceed two successive days without any charge:
  - (A) For the exhibition and sale of works of art by artists who actually produce the works of art being exhibited and sold;
  - (B) For the exhibition and sale of handcrafted items being exhibited and sold; and
  - (C) For the display and sale of fruits and vegetables, seafoods, and prepared but not manufactured food products by the person who actually grows or gathers the fruits and vegetables, catches the seafoods, or prepares the food products being displayed and sold;
- (3) *Handicapped or blind persons.* Concessions or concession spaces that are set aside for the use of handicapped or blind persons or any nonprofit organization primarily engaged in physical rehabilitative programs.
  - (A) *Nonprofit private corporations.* The word “persons” contained herein shall include a nonprofit private corporation which has been exempted from taxation as prescribed under § 501 of the Internal Revenue Code of 1986, as amended, and its articles of incorporation or association shall have a provision contained therein that the primary objective of the corporation is to service, aid or abet, or assist the handicapped or blind persons.
  - (B) *No rent, except for maintenance cost.* Notwithstanding any provisions to the contrary contained herein, the director shall assess no rent for leasing or renting of concessions or concession space to handicapped or blind persons, including any vending machines assigned to such vendors; provided that for real property, including improvements thereon, the director shall assess the cost of maintenance of that portion of such real property leased or rented to handicapped or blind persons;
- (4) *Governmental subdivisions.* Concessions or concession spaces that are set aside for the use of any political or governmental subdivision of the federal, State, or county governments;
- (5) *Nonprofit beachboy concessions.* Concessions or concession spaces that are set aside for beachboys licensed by the State department of transportation.
  - (A) *Policy.* The council finds that Hawaiian beachboys are rooted in the State’s historical and cultural traditions and that there is a need for the city to provide for concessions available to licensed beachboys on beach property under the jurisdiction of the city.
  - (B) *Definition.* “Nonprofit beachboy concession” is the grant to a qualified beachboy association of the privilege to conduct operations essentially retail in nature, involving the rental of surfboards, bodyboards, or canoes. A qualified beachboy association is an association which is dedicated to the preservation of the beachboy tradition and is incorporated as a nonprofit corporation in accordance with State law.

- (C) *Special conditions to be met when providing beachboy concessions on beach park property under the jurisdiction of the city.* The following special conditions shall govern the award of nonprofit beachboy concessions on beach park property under the jurisdiction of the city:
- (i) The department of parks and recreation shall designate specific sites on the beach for each beachboy concession and shall locate the sites so as not to impede access to and use of the beach by the public;
  - (ii) A beachboy concession may offer to provide instruction for the use of rental equipment incidental to the rental of the equipment, and may offer the sale of canoe rides incidental to the rental of canoes; and
  - (iii) The department of parks and recreation shall establish policies to ensure that the use of the nonprofit beachboy concessions is restricted to beachboys who are licensed pursuant to Hawaii Administrative Rules Chapter 82, Title 19, (department of transportation), and that such concessions are operated to provide equal opportunity for use by all licensed beachboys.
- (D) *Fees and charges for beachboy concessions.* The department of parks and recreation is authorized to set the fees charged by the beachboy concessions.
- (E) *Rules.* The director of parks and recreation shall adopt rules pursuant to HRS Chapter 91 necessary for the purposes of this subsection;
- (6) *Nonprofit zoo, cultural park, and botanical garden concessions.* Concessions or concession space at city zoos, cultural parks, or botanical gardens set aside for use by support groups that are incorporated as nonprofit corporations in accordance with State law, for the purpose of supporting city aims and goals for the zoo, botanical gardens, and cultural parks; provided that each support group shall annually submit to the director of parks and recreation and the council an audited financial statement of the revenues and expenditures of that support group;
- (7) *Coin-operated vending machines.* Concession spaces that are leased or rented for coin-operated vending machines, except coin-operated insurance vending machines;
- (8) *Public pay telephones.* Concession spaces that are leased or rented for public pay telephones; or
- (9) *Hans L'Orange baseball facility.* Concessions or concession spaces at the Hans L'Orange baseball facility that are set aside without charge to the permittee of a professional sports activity; provided that the period of use of such concessions or concession space shall be limited to the term of the permit. For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

**Permittee.** The promoter, sponsor, exhibitor, league, or other person who obtains a permit for the purposes of conducting a professional sports activity at a professional sports facility for which admission fees are charged.

**Professional Sports Activity.** A game, event, exhibition, or activity of a recognized sport for which admission fees are charged and the participants in which receive compensation in return for participation in the sport;

***Hans L'Orange Baseball Facility.*** The playing field, bleachers, stands, and other areas of the facility enclosed by a fence.

- (j) *Parking stalls for shared micromobility vehicles.* Concessions or concession spaces, including parking stalls, set aside for shared micromobility vehicle businesses.  
(Sec. 30-3.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 3, § 28-3.3) (Am. Ords. 90-74, 94-53, 94-80, 95-61, 19-29)

**§ 38-3.3 Bidding not required—Leasing to private developers.**

- (a) The city may lease or rent real property, including improvements thereon, to a private developer without calling for bids for the purpose of constructing housing, commercial, parking, and other facilities or uses in implementing the housing and human services programs of the city. As used in this section, “developers” includes both for-profit and nonprofit developers of housing or other facilities for any need group, including low-moderate income persons and persons receiving human services as defined in § 38-3.4.
- (b) The city agency shall make a public announcement on each occasion when any project is proposed or contemplated and set forth the objectives to be achieved for the project and request interested persons to submit proposals therefor. The city agency shall make such announcements in a daily newspaper of general circulation in the State once a week for two successive weeks. Such public announcement shall include but not be limited to the following information:
- (1) Description of the proposed project and the objectives for the project, including a description of the type of need group to be served;
  - (2) Location of the proposed project;
  - (3) Scope of the project;
  - (4) Length of the lease;
  - (5) Amount and type of government funds available for the project; and
  - (6) Description of any special requirements or unique features of the project.

Any interested developer shall file a statement of the developer’s intention to submit a proposal with the city agency on or before 30 days after the last public announcement.

- (c) (1) The city agency shall examine all proposals from interested developers and determine those developers the city agency deems qualified to perform the services for the specific project under consideration. The agency shall thereafter select no fewer than three developers who are considered most qualified to perform the required services; provided that if there are fewer than three developers, after the deadline for submitting proposals, the agency may still select a developer and file such report with the city clerk. The city agency may negotiate with developers submitting the best three proposals in making a final selection. If no qualified proposals are received in response to the notice, the city agency may negotiate with and select a developer; provided that that fact is noted in the report filed pursuant to subdivision (2).

- (2) Upon completion of the evaluation and selection process, the director shall file a written report with the city clerk, including the results of the negotiations with the successful developer. The city clerk shall post the report for public inspection in City Hall where other public notices and meeting agendas of the council are posted. The report shall be a public record.
- (d) The evaluation and selection by any city agency of the design and developer for any housing project may include consideration of the following criteria:
  - (1) Implementation of the general plan objectives and policies in the area of housing;
  - (2) Compatibility with all other applicable general plan objectives and policies;
  - (3) Contribution toward implementing the planned land use pattern and other development or redevelopment policies for the site and surrounding area, as specified in the adopted development plan and any adopted special or special area plan district covering the area;
  - (4) *Attractiveness and functionality of the project design.* Specific considerations shall include:
    - (A) Conformance with the urban design principles and controls specified in the adopted development plan for the area;
    - (B) Relationship of structures within the project to each other, and of the entire project to surrounding structures, in terms of providing a harmonious composition of masses, colors, and textures;
    - (C) Integration of spaces and building forms;
    - (D) Relationship of off-street parking to the overall vehicular circulation system;
    - (E) Pedestrian circulation plan;
    - (F) Provision of recreational and other facilities for community and leisure time activities; and
    - (G) Landscaping of the site.
  - (5) *Economic feasibility of the project.* Specific considerations shall include:
    - (A) Demand for the type and price of housing to be provided;
    - (B) Projected development costs;
    - (C) Projected income from unit sales/rentals;
    - (D) Availability of federal aid; and
    - (E) Anticipated cash flow.
  - (6) Developer's previous experience and financial capability; and

(7) Compensation to be provided the city for the land lease or rental.

- (e) After selection of the developer, the city agency shall issue to the developer a letter of intent which shall indicate to the developer that the developer may proceed at the developer's own expense and risk to initiate and undertake such studies as the developer may wish.
- (f) After the receipt by the city clerk of the developer selection report, the council may require the city administration to prepare an appraisal of the land on which the project is proposed. The council may require the appraisal to be based on the land's highest and best use, the developer's proposed use, or both. In either case, the appraisal shall be based on the current Uniform Standards of Professional Appraisal Practice (USPAP) and Advisory Opinions as adopted by the Appraisal Standards Board of the Appraisal Foundation. The requirements shall be expressed in a resolution approved by the council. The resolution also must include a due date for submittal of the appraisal to the council. The mayor may refuse to prepare the appraisal, provided notice thereof is submitted to the council within five working days of the city administration's receiving the resolution.
- (g) At the earliest feasible date, a lease and development contract shall be submitted by the city agency to the council for approval by resolution; provided that the council, before approval by resolution, may add, delete, or amend any term or condition of the lease and development contract.

The development contract must set forth in detail all covenants, obligations, restrictions, requirements, and conditions to govern the proposed development and subsequent operation of the project; provided that the development contract must indicate the studies and design work that must be satisfactorily carried out and approved as a condition to the execution of a lease for the property. The lease may be submitted to the council for approval by resolution separately from and after the submission of the development contract.

- (h) The lease rent may be negotiated. If the lease rent is for a nominal amount, the city agency shall certify that:
  - (1) A public hearing was held on the project, including the lease terms;
  - (2) There is a compelling public need for the housing or human services to be provided;
  - (3) A suitable and reasonably priced private facility is not available to meet the need;
  - (4) The developer has demonstrated financial need; and
  - (5) The lease complies with the restrictions specified in § 38-4.2.
- (i) Any city agency administering a city housing project affected by this chapter shall establish a system to determine preferences by lot in the event the number of qualified applicants exceeds the number of housing units available. Where the city has established preferences for housing units by ordinance or rules, the order of preferences within each category for the selection of units must be determined by lot.
- (j) With respect to any lease of city property used for the housing of low-moderate income persons, notwithstanding § 38-4.2(1), the city agency may extend any existing lease, subject to council approval by resolution, including a lease executed before October 22, 2015,\* one or more times with the original lessee or a subsequent lessee approved by the city, each time for a period of up to an additional 75 years, if the city agency certifies that:

- (1) The city continues to have the public need for the affordable housing located on the leased land and is reasonably likely to continue to have such public need for the period for which the lease is being extended;
- (2) The lease extension will support the lessee's ability to finance any necessary rehabilitation and continued upkeep of the affordable units; and
- (3) The lessee has experience operating, rehabilitating, and owning or leasing multi-family housing for low-moderate income persons.

(1990 Code, Ch. 28, Art. 3, § 28-3.4) (Added by Ord. 90-14; Am. Ords. 97-08, 04-33, 15-43)

***Editor's note:***

\* "October 22, 2015" is substituted for "the effective date of this ordinance."

**§ 38-3.4 Bidding not required—Housing or human services providers.**

- (a) The city may lease or rent real property or improvements thereon, or both, without recourse to public bidding to providers of housing or human services. For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Human Services.*** Includes child care, health services, and social services.

***Providers.*** Operators or managers of housing units for designated need groups, or operators or managers of other facilities wherein human services are provided to designated need groups.

***Social Services.*** Those services required by persons with social problems or physical or mental disabilities. Persons requiring health or social services are also termed persons with special needs.

- (b) When such lease or rental to providers of housing or human services is contemplated, the director shall cause to be published a notice stating:
  - (1) The service objectives to be achieved, including the type or types of housing or human services to be provided and any limits on client fees charged;
  - (2) The minimum qualifications that providers of housing or human services must meet;
  - (3) The criteria to be used to rank and select proposals; and
  - (4) The proposal form, applicable deadlines, and other information necessary for interested persons to submit proposals.

The notice shall be published in a daily newspaper of general circulation at least once a week for two successive weeks, and the last notice shall be published at least 14 days before the deadline for submission of proposals.

- (c) The appropriate city agency shall examine all proposals properly submitted from interested persons, evaluate them according to the stated criteria, and determine the best three proposals thereby. The city agency may negotiate with persons submitting the best three proposals in making a final selection of a proposal.

## **Exceptions to Bidding Requirement**

§ 38-3.4

- (d) Following selection of a proposal, the city agency shall file a written report with the city clerk containing the public notice published to request proposals, a listing of the top three proposals, and identifying the proposal selected, including the results of any negotiations with the selected proposer.
  - (e) Upon receipt of the report, the city clerk shall post the report for public inspection in City Hall where other public notices and meeting agendas of the council are posted. The report shall be a public record.
  - (f) Following selection of the proposal, the city agency shall submit a lease or rental agreement therefor to the council for approval by resolution. The lease agreement shall contain any conditions and requirements applicable to the housing or human service to be provided, including client fees to be charged.
  - (g) The lease rent may be negotiated. If the lease rent is for a nominal amount, the city agency shall certify that:
    - (1) A public hearing was held on the project, including the lease terms;
    - (2) There is a compelling public need for the housing or human services to be provided;
    - (3) A suitable and reasonably priced private facility is not available;
    - (4) The developer has demonstrated financial need; and
    - (5) The lease complies with the restrictions specified in § 38-4.2.
  - (h) Notwithstanding subsections (b) through (g), in cases of impending foreclosure affecting a nonprofit housing or human services provider, the council, by resolution, may authorize the director to assign a lease to a new nonprofit housing or human services provider without a request for proposals.
- (1990 Code, Ch. 28, Art. 3, § 28-3.5) (Added by Ord. 92-95; Am. Ord. 04-33)

## **Honolulu - Property**

## ARTICLE 4: TERM OF AGREEMENTS

### Sections

- 38-4.1 Duration
- 38-4.2 Lease restrictions—Generally

#### **§ 38-4.1 Duration.**

The term of any contract to lease or rent property of the city shall not exceed five years; provided that the council, by resolution, may authorize the leasing or renting of property for a longer period when deemed necessary in the public interest and:

- (1) When the lessee or tenant is required by the terms of the proposed contract to expend the sum of \$25,000 or more for capital assets, or to provide for the renovation or maintenance of any capital asset, or the lessee's or tenant's expenditure is equal to or in excess of the sum of \$25,000, as determined by the council. The term "capital asset" as used herein shall include not only the construction of improvements, but the installation of furniture and fixtures, the cost of which would be depreciable over the period of the concession or lease in excess of five years;
  - (2) When the property is devoted to the training and education of handicapped or blind persons and by the terms of the proposed contract, the lessee or tenant is required to construct on such property any improvement, the estimated cost of which, including cost of labor and materials, is equal to, or in excess of, the sum of \$10,000, as determined by the council;
  - (3) When the real property is leased or rented for the use of the State or federal government or any agency thereof or the board of water supply;
  - (4) When the city enters into a development contract with a person for the development of the property and the construction of housing units of all kinds and types as permitted in the area where the property is situated, or any other type of structural development which may be beneficial to the city; or
  - (5) When the real property is leased to a housing or human services provider in accordance with § 38-3.4 and the city agency proposing the lease certifies that the longer term is necessary to secure noncity financing or to enable the transfer of the real property to a different housing or human services provider.
- (Sec. 30-4.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 4, § 28-4.1) (Am. Ords. 90-14, 02-55, 04-33)

#### **§ 38-4.2 Lease restrictions—Generally.**

Except as otherwise provided, the following restrictions apply to all leases made in accordance with this chapter:

(1) No lease shall be for a longer term than 75 years, including the initial term and any renewal or extension;  
and

(2) No lease shall be made to any person who is in arrears in the payment of taxes, rents, or other obligations  
owing to the city.

(1990 Code, Ch. 28, Art. 4, § 28-4.2) (Added by Ord. 90-14; Am. Ord. 04-33)

## **ARTICLE 5: PENALTY**

### Section

#### 38-5.1 Disciplinary action

##### **§ 38-5.1 Disciplinary action.**

- (a) Any officer or employee who violates this chapter upon a finding pursuant to a hearing to be conducted by such person's appointing authority, shall be subject to disciplinary action by such person's appointing authority.
  - (b) Any lessee or tenant violating this chapter shall cause the termination of the lease or tenancy and the lessee or tenant may be subject to the payment of any outstanding rental before and after such hearing.
  - (c) Any person, officer, or employee violating this chapter shall, upon conviction, be guilty of a misdemeanor and be subject to § 1-3.1.
- (Sec. 30-5.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 28, Art. 5, § 28-5.1)

## **Honolulu - Property**

## **ARTICLE 6: GENERAL PROVISIONS FOR THE LEASE AND RENTAL POLICY FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

### Sections

38-6.1	Purpose
38-6.2	Definitions
38-6.3	Rental of facilities
38-6.4	Equal treatment
38-6.5	Payment in advance
38-6.6	Form of payment
38-6.7	Use without payment prohibited
38-6.8	Bookings and cancellation—Appeal
38-6.9	Insurance
38-6.10	Security
38-6.11	Waiver of fees—Use of facilities for fundraising—Authority
38-6.12	Waiver of rental rates, charges and rules—Conditions
38-6.13	Co-promotion of events by the department of enterprise services

### **§ 38-6.1 Purpose.**

The purpose of Articles 6 through 9 is to establish a uniform policy for the lease and rental of facilities at the Neal S. Blaisdell Center and the Waikiki Shell, including awarding of concessions therein.  
(Sec. 29-1.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 6, § 28-6.1)

### **§ 38-6.2 Definitions.**

For the purposes of Articles 6 through 9, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Admission Event.*** An event at which a fee is charged to or other consideration is exacted from an exhibitor, organization, or member of the public for use of facilities or attendance at the event.

***Agency.*** Any office, department, board, commission, or other governmental unit of the city, including the council and its officers.

***Concession.*** The grant to a private individual, partnership, corporation, or other entity of the privilege to conduct operations essentially retail in nature, involving the sale of goods, wares, merchandise, or services to the general public, such as restaurants, retail stores, parking facilities, and golf driving ranges, in or on land or buildings owned by the city.

***Deposit.*** The established portion of the rent charged to the tenant of an admission event to complete a contract.

***Dark Day Cost.*** The one-day cost of maintaining a facility in good condition, when it is not rented.

***Director of Enterprise Services.*** The director of enterprise services of the City and County of Honolulu.

***Exhibit Show.*** Any event where the primary performance is a group of individual displays of products or services.

***Facility Daily Operating Cost.*** The combined dark day and use day cost to operate a facility, excluding any cost for services, that is not part of the rental. The facility daily operating cost shall be the basis for the fixed rental rate.

***Gross Receipts from Admission Charges.*** Any consideration or value received by or on behalf of the tenant, less federal admission tax and State general excise tax, in connection with the use of the facilities rented, including admission to partake of food and refreshment to be served at the facilities covered by this chapter, whether such consideration or value is designated as a donation, gratuity, contribution, or the like, and whether receipt of such consideration or value is evidenced by a ticket, card, ribbon, button, token, badge, or the like.

***Managing Director.*** The managing director of the City and County of Honolulu.

***Meeting Room.*** The following rooms located at the Neal S. Blaisdell Center: Pikake Room; Hawaii Suites 1 to 12; Galleria 1st floor or 2nd floor; Maui Room; Oahu Room; Kauai Room; and Waikiki Room.

***Net Square Footage Rent.*** The rent charged for the square footage of sold booth space in any trade or exhibit show.

***Nonadmission Event.*** An event at which members of the public and exhibitors are admitted without charge or other obligation to pay for attendance at the event or use of the facilities, except for an event where the facilities are rented to a nonprofit organization which rents the facilities pursuant to the terms and conditions set forth in Article 9.

***Nonperformance Day.*** The period from 10:00 a.m. to 12:00 midnight when the facilities are used for any purpose not amounting to a “performance day.” The term nonperformance day shall include but is not limited to the use of the facilities for rehearsals, moving in and out of equipment, and preparation of the facilities for the performance or event. The costs set forth in § 38-7.2 shall apply.

***Nonprofit Organization.*** An association, corporation, or other entity actively pursuing its primary purpose in the State, organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational, or other nonprofit purposes, no part of the assets, income, or earnings of which inures to the benefit of any individual or member thereof, and whose charter or other enabling act contains a provision that, in the event of dissolution, the assets owned by such association, corporation, or other entity shall be distributed to another association, corporation, or other entity organized and operated exclusively for nonprofit purposes, and which further qualifies for exemption from the general excise tax provisions of HRS Chapter 237, as amended, and under § 501 of the Internal Revenue Code of 1954, as amended. Such nonprofit organization must not merely be a sponsor of the event, production, attraction, or activity being given, but must actively promote, produce, stage, or conduct such event, production, attraction, or activity.

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**Overtime Rate.** The rate quoted per each hour or fraction thereof and will be applicable when any facility is used beyond the rental periods specified herein, meaning the time period after 12:00 midnight. However, at the discretion of the director of enterprise services, a one-hour grace period before the overtime rate for major events becomes applicable may be allowed. Rental of a facility solely on overtime rates is not authorized.

**Performance Day.** The period from 10:00 a.m. to 12:00 midnight when the facilities are used for an attraction, event, or occasion attended by the public audience or members of a group. The term performance day shall include the use of the facilities for the purpose of recording, filming, or televising an attraction or event for a commercial purpose or for a purpose other than for the personal use of the camera or recording operator. However, the recording, filming, or televising of an event or attraction, without charge by the tenant, for a bona fide news purpose or to advertise the event or attraction to be show, at the facilities covered herein, shall not otherwise convert a nonperformance day to a performance day.

**Sold Booth Space.** Any booth space paid by cash, trade, or other form of payment.

**Use Day Operating Cost.** The incremental operating cost (above dark day cost) incurred when the facility is in use. Use day operating cost includes labor, equipment, and services not otherwise assessed as a direct cost to the tenant. Use day operating cost shall be the basis for the reduced rental rates assessed for nonadmission events and the deposits assessed for admission events.

(Sec. 29-1.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 6, § 28-6.2) (Am. Ords. 03-03, 05-017)

### **§ 38-6.3 Rental of facilities.**

The use and rental of facilities at the Neal S. Blaisdell Center and the Waikiki Shell (hereinafter referred to as “facilities”) shall be permitted according to Articles 6 through 9.

(Sec. 29-1.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 6, § 28-6.3) (Am. Ord. 03-03)

### **§ 38-6.4 Equal treatment.**

Rent and all other charges shall apply equally to all tenants using the facilities covered under this chapter, except as provided herein.

(Sec. 29-1.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 6, § 28-6.4) (Am. Ord. 03-03)

### **§ 38-6.5 Payment in advance.**

All charges shall be paid in advance of an event, except for charges that cannot be determined in advance. The applicable rent shall be paid upon execution of the rental agreement, except that at the discretion of the director of enterprise services, the rent may be paid on a payment schedule.

(Sec. 29-1.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 6, § 28-6.5) (Am. Ord. 03-03)

### **§ 38-6.6 Form of payment.**

All payments to the city shall be by legal tender, certified check, cashier’s check, bank draft, postal money order, traveler’s check, accepted charge card, or some other similar form determined to be suitable by the director;

provided that the director may authorize use of a performance bond or other guaranty in lieu of any deposit required for use of any facility at the Neal S. Blaisdell Center.

(Sec. 29-1.6, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 6, § 28-6.6) (Am. Ords. 98-17, 03-03)

**§ 38-6.7 Use without payment prohibited.**

The director of enterprise services is prohibited from allowing the use of any facility without payment except as specified herein.

(Sec. 29-1.7, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 6, § 28-6.7) (Am. Ord. 03-03)

**§ 38-6.8 Bookings and cancellation—Appeal.**

- (a) The facilities covered under this section shall be opened for bookings for use by any individual or entity, without discrimination as to race, color, creed, or belief; provided that the director of enterprise services may cancel or refuse a booking if the director finds that the event or attraction booked or being booked will involve activities which are contrary to law, inconsistent with the public interest, or threaten public safety, and provided that the director may give preference to events which promote Hawaii-based artists, whenever practicable. Except as hereinafter provided, the director of enterprise services shall have full authority in scheduling events or attractions, taking into consideration the possible financial return to the city and the overall economic benefits to the people of the city; the matter of public appeal, including the presentation of a diversity of events and attractions to the people of the city and the avoidance of oversaturation of bookings of events or attractions of a similar nature; the possible conflict of interests between the event or attraction of a prospective tenant and a tenant already booked; the maximum and full-time utilization of the facilities covered by this article; and other pertinent factors, all according to the best interests of the city. In scheduling events or attractions at the Neal S. Blaisdell Center Concert Hall, the director of enterprise services also shall take into consideration the need to make available and to preserve opportunities for the residents of the city to experience, on a continuing basis, performances of symphonic music, opera, and ballet in an appropriate concert hall setting, and the director, in accordance with this consideration, may give preference in concert hall scheduling to performances of symphonic music, opera, and ballet by Hawaii-based nonprofit organizations dedicated to these performing arts.
- (b) The director of enterprise services shall render a decision on the matter of any application for a booking within a reasonable time after such application has been made. Any party aggrieved by a decision of the director of enterprise services on the matter of bookings shall be entitled to have the decision reviewed by the managing director; provided that the request for review is submitted in writing to the managing director within five calendar days after notification of the decision made by the director of enterprise services. If the managing director finds that the director of enterprise services' action was based on an erroneous finding of a material fact or that the director of enterprise services had acted in an arbitrary or capricious manner or had manifestly abused the director's discretion, the managing director shall modify or reverse the decision of the director of enterprise services; otherwise, the managing director shall affirm the decision of the director of enterprise services.
- (c) The managing director shall take action within a reasonable time after receipt of the request for review. The decision of the managing director shall be final.

(Sec. 29-1.8, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 6, § 28-6.8) (Am. Ords. 94-77, 03-03)

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**§ 38-6.9 Insurance.**

The city may procure public liability insurance protecting the city from liability resulting from the use of the facilities mentioned herein in amounts and coverage as recommended by the director of enterprise services and as approved by the director. Fire and property damage insurance protecting such facilities shall be procured in such amounts and under such conditions as may be prescribed by ordinance. The director of enterprise services is authorized to require a tenant to procure public liability, workers' compensation, property damage, and fire insurance in such amounts and coverage as may be required by the director of enterprise services. The director of enterprise services may require other insurance coverage, such as food products' liability coverage, if the director deems the same necessary. Any party aggrieved by the decision of the director of enterprise services under this section shall have the right of appeal to the managing director as provided in § 38-6.8.

(Sec. 29-1.9, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 6, § 28-6.9) (Am. Ord. 03-03)

**§ 38-6.10 Security.**

Where the risks of nonperformance or improper performance of the rental agreement appear great, the director of enterprise services may require the tenant to give performance security by means of legal tender, certified check, cashier's check, bank draft, postal money order, traveler's check, surety bond, or in some other suitable form to be approved by the director, in an amount deemed appropriate by the director of enterprise services to assure full performance on the part of the tenant or to secure the interests of the city against improper performance or use of the rented facility.

(Sec. 29-1.10, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 6, § 28-6.10) (Am. Ord. 03-03)

**§ 38-6.11 Waiver of fees—Use of facilities for fundraising—Authority.**

- (a) Any other provision of this chapter notwithstanding, the director of enterprise services shall waive any and all rental fees and related charges, including service charges, for the use of the Neal S. Blaisdell Center and the Waikiki Shell for persons wishing to use such facilities to hold a fundraising event for victims of a major disaster occurring within the city.
- (b) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

**Fundraiser.** An event planned within six months of the occurrence of a major disaster wherein any and all proceeds collected, with the exception of all customary expenses for the production of such an event and the actual expenses for items which are sold to raise additional proceeds at the event, are to be used to aid the victims of the major disaster. The director of enterprise services shall adopt rules pursuant to subsection (d) establishing and defining "customary expenses" as used in this section.

**Major Disaster.** Any hurricane, tornado, storm, flood, high water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mud slide, drought, fire, explosion, or other catastrophe occurring in any part of the city which causes damage, suffering, and loss to such a degree that:

- (1) 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;

- (2) The governor of the State has declared pursuant to HRS Chapter 209 that a major disaster has occurred;
  - (3) The mayor has issued a proclamation declaring the existence of a major disaster; or
  - (4) The council has adopted a resolution declaring the existence of a major disaster.
- (c) Any person making application to the director of enterprise services to use the facilities at the Neal S. Blaisdell Center or Waikiki Shell pursuant to this section shall certify in writing that all the proceeds shall be used in conformity with the requirements of this section.
- (d) The director of enterprise services is authorized to adopt rules pursuant to HRS Chapter 91 not inconsistent with this section, to administer and implement this section.
- (1990 Code, Ch. 28, Art. 6, § 28-6.11) (Added by Ord. 88-23; Am. Ords. 88-96, 96-58, 03-03)

**§ 38-6.12 Waiver of rental rates, charges and rules—Conditions.**

- (a) The director of enterprise services may waive the percentage rental charges set forth in § 38-7.1 and any or all rules governing the reservation, rental, and use of the Neal S. Blaisdell Center Arena for a party applying for a waiver, for a maximum of two consecutive years; provided that the director determines that an event or attraction to be presented by the party:
- (1) Offers the potential for revenues to the city in subsequent years that are greater than the amount of the charges waived;
  - (2) Offers the public a form of entertainment or sporting event that is not currently available at any facility in the city;
  - (3) Will involve the rental of the facilities for at least six performance or game days per year;
  - (4) Offers the potential to enhance the economic growth of the city by increasing tourism, attracting attendance by off-island fans or sports enthusiasts, promoting Hawaii by broadcasting the events nationally and internationally, and boosting retail sales in the city;
  - (5) Will not preclude the use of the Neal S. Blaisdell Center Arena by the regular tenants of these facilities during the year;
  - (6) Will not require the city to incur any costs for improvements or the purchase of new or additional equipment for a single event or attraction or to incur increased maintenance costs; and
  - (7) Will not interfere with or impair any existing contracts entered into by the city with commercial vendors, concessionaires, or third parties involving the use of the Neal S. Blaisdell Center Arena.
- (b) The director of enterprise services is authorized to adopt rules pursuant to HRS Chapter 91 to implement this section, including establishing the waiver application form to be used by an applicant requesting a waiver.
- (1990 Code, Ch. 28, Art. 6, § 28-6.12) (Added by Ord. 98-17; Am. Ord. 03-03)

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**§ 38-6.13 Co-promotion of events by the department of enterprise services.**

The director of enterprise services may waive the percentage rental charges set forth in § 38-7.1 and enter into a co-promotion relationship with a tenant to bring to the Neal S. Blaisdell Center Arena, the Neal S. Blaisdell Center Exhibition Hall, the Neal S. Blaisdell Center Concert Hall, or the Waikiki Shell a major commercial event which will be popular with the community and whose initial cost of presentation creates a financial risk which would prohibit the tenant from booking the event without a shared risk arrangement. The director of enterprise services may then co-promote the event with the tenant. All expenses from the event for both the city and the tenant will be netted from gross receipts. The net proceeds from the event would then be split equally between the tenant and the city.

The director of enterprise services shall report to the council no later than 30 days after June 30 of each year detailing, for the fiscal year just ended, the events co-promoted by the department and the increased revenues and bookings resulting therefrom compared to the previous year.

(1990 Code, Ch. 28, Art. 6, § 28-6.13) (Added by Ord. 06-35)

## **Honolulu - Property**

## ARTICLE 7: RENTAL SCHEDULE

### Sections

- 38-7.1 Rates
- 38-7.2 Services included in rental charge
- 38-7.3 Assignment of rights or privileges prohibited
- 38-7.4 Broadcasting, taping, or filming—Permission required
- 38-7.5 Facilities use by city agencies
- 38-7.6 Rules

### § 38-7.1 Rates.

- (a) *Nonadmission events.* Users of facilities used for nonadmission events shall pay the following charges as applicable.
- (1) Except for events qualifying for reduced rental rates, the following fixed rental rates will be charged. The fixed rental rates must cover the facility daily operating cost of each facility.

(A) Arena	
Performance day	\$5,396
Nonperformance day	\$2,698
Overtime rate (per hour)	\$594
(B) Concert Hall	
Performance day	\$3,409
Nonperformance day	\$1,705
Overtime rate (per hour)	\$375
(C) Exhibition Hall	
Performance day	\$3,901
Nonperformance day	\$1,951
Overtime rate (per hour)	\$429
(D) Pikake Room	
Performance day	\$950
Nonperformance day	\$475
Overtime rate (per hour)	\$105

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(E) Hawaii Suites 1 to 12	
Performance day	\$92
Nonperformance day	\$92
(F) Galleria 1st floor or 2nd floor	
Performance day	\$230
Nonperformance day	\$115
Overtime rate (per hour)	\$25
(G) Maui Room	
Performance day	\$144
Nonperformance day	\$144
(H) Oahu Room	
Performance day	\$121
Nonperformance day	\$121
(I) Kauai Room	
Performance day	\$109
Nonperformance day	\$109
(J) Waikiki Shell	
Performance Day	\$1,948
Nonperformance Day	\$974
(K) Waikiki Shell Amphitheater	
Performance day	\$649
Nonperformance day	\$325
(L) Nonfacility Space	
Performance day	\$0.04/sq. ft.
Nonperformance day	\$0.02/sq. ft.

- (2) *Reduced rental rates.* When facilities are only rented on low use days (Mondays, Tuesdays, or Wednesdays) or less than five weeks in advance of the use day, the tenant shall pay a reduced rent. The reduced rental rates must cover the use day operating cost for each facility. Facility rentals by the Blaisdell Center's in-house caterers for all events approved by the director of enterprise services will be assessed at the reduced rental rate except where the caterer's client is a qualified nonprofit organization as defined in this article. In such situation, the caterer will be assessed the applicable nonprofit rate.

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(A) Arena	
Performance day	\$3,788
Nonperformance day	\$1,894
(B) Concert Hall	
Performance day	\$2,121
Nonperformance day	\$1,061
(C) Exhibition Hall	
Performance day	\$2,473
Nonperformance day	\$1,237
(D) Pikake Room	
Performance day	\$685
Nonperformance day	\$343
(E) Hawaii Suites 1 to 12	
Performance day	\$69
(F) Galleria 1st floor or 2nd floor	
Performance day	\$230
(G) Maui Room	
Performance day	\$144
(H) Oahu Room	
Performance day	\$121
(I) Kauai Room	
Performance day	\$110
(J) Waikiki Shell	
Performance day	\$1,558
Nonperformance day	\$779
(K) Waikiki Shell Amphitheater	
Performance day	\$520
Nonperformance day	\$260
(L) Nonfacility Space	\$0.04/sq. ft.

(b) *Admission events.* Users of facilities used for admission events shall pay the following charges as applicable:

(1) *Deposits.* Deposits for admission events must cover the facility use day operating cost and are due upon execution of the rental agreement:

(A) Arena and Arena Theater Configuration (1/2 arena seating and setup for stage shows)	
Performance day	\$3,788
Nonperformance day	\$1,894
(B) Concert Hall	
Performance day	\$2,121
Nonperformance day	\$1,061
(C) Exhibition Hall	
Performance day	\$2,473
Nonperformance day	\$1,237
(D) Pikake Room	
Performance day	\$685
Nonperformance day	\$343
(E) Hawaii Suites 1 to 12	
Performance day	\$69
(F) Galleria 1st floor or 2nd floor	
Performance day	\$230
(G) Maui Room	
Performance day	\$144
(H) Oahu Room	
Performance day	\$121
(I) Kauai Room	
Performance day	\$109
(J) Waikiki Shell	
Performance day	\$1,557
Nonperformance day	\$779

## Rental Schedule

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(K) Waikiki Shell Amphitheater	
Performance day	\$520
Nonperformance day	\$260
(L) Nonfacility Space	\$0.04/sq. ft.

(2) *Percentage rental rates.*

The tenant shall pay the applicable deposit or percentage rent, whichever is greater, based upon gross receipts from admission charges. Percentage rent will be based upon the schedule listed below and calculated on gross receipts from admission charges for each contracted event, which performances must occur in a period of up to seven consecutive days. Each seven consecutive day period or portion thereof, begins a new calculation of the percentage rent period.

Notwithstanding the foregoing, a nonprofit organization as defined in § 28-6.2, which takes a collection or donation from attendees at an event held at the Blaisdell Center or the Waikiki Shell but does not charge a formal admission fee will be charged no more than three times the minimum deposit for each performance day as facility rent.

(A) *Arena.*

(i) *Full arena.*

- 10.0 percent of gross receipts up to \$150,000; plus
- 8.5 percent of gross receipts from \$150,000.01 to \$250,000; plus
- 7.5 percent of gross receipts from \$250,000.01 to \$350,000; plus
- 6.5 percent of gross receipts from \$350,000.01 to \$450,000; plus
- 5.5 percent of gross receipts from \$450,000.01 to \$550,000; plus
- 5.0 percent of gross receipts over \$550,000.

(ii) *Arena in theater configuration.* 5 percent of gross receipts.

(iii) Should a tenant request a cap on the percentage rent as a condition of bringing to the Arena a major popular commercial event with a minimum of two consecutive performances, the director may set a rent cap as follows:

For the first two performances, the percentage rent will be calculated as prescribed in this section and the percentage rent will be capped at a total of \$53,000.

For each additional performance of the event, the percentage rent will be calculated as prescribed in this section and the percentage rent will be capped at \$26,500.00.

(B) *Waikiki Shell.*

(i) *Waikiki Shell.*

When the Waikiki Shell is rented during the months of April through August, the following percentage rates will apply:

10.0 percent of gross receipts up to \$75,000; plus

8.5 percent of gross receipts from \$75,000.01 to \$150,000; plus

5.0 percent of gross receipts over \$150,000.

When the Waikiki Shell is rented during the low-use months of September through March, the following percentage rates will apply:

8.5 percent of gross receipts up to \$150,000; plus

5.0 percent of gross receipts over \$150,000.

(ii) *Waikiki Shell Amphitheater.* 5 percent of gross receipts.

(C) *Concert Hall.*

5.0 percent of gross receipts up to \$500,000; plus

5.0 percent of gross receipts in excess of 75 percent of the weekly gross potential (based upon ticket price and salable seats). The maximum weekly percentage rent for the Concert Hall will be \$40,250.

(D) *Exhibition Hall.* 10.0 percent of gross receipts.

(E) *Pikake Room.* 5.0 percent of gross receipts.

(F) *Hawaii Suites, Maui, Oahu, Kauai, and Galleria.* 5.0 percent of gross receipts.

- (3) *Net square footage rental.* Net square footage is calculated by the facility in which the booth space is located. The booth space will be the area a subcontractor of the tenant has rented to present a product, service, or other commercial display. Rent will be \$0.18 per net square foot per event day. A tenant shall pay the greater of the deposit, the total net square footage rental, or the percentage rental rate for each event day.

- (4) *Exhibition hall and meeting rooms rental for fundraisers.* Where the exhibition hall and meeting rooms are rented for the presentation of a fundraising event sponsored by a nonprofit organization, a bona fide political party, which qualifies under Hawaii's election laws, or a bona fide political candidate, who qualifies under Hawaii's election laws, the tenant of the exhibition hall shall pay the applicable rental charge or 10 percent of the donated gross receipts collected for the event, whichever is greater; provided

that a rental cap will apply which provides that the percentage rental must not exceed twice the applicable deposit; and this rental cap will not apply to the Waikiki Shell, arena, or the concert hall if it is used for a fundraising event.

- (5) *Facility use for indoor sports practice rental.* When the sports surface is already installed, ordinary lighting is used, and there are no additional labor, cleanup, and air conditioning costs incurred by the city, the use of the facility for practice purposes, at the discretion of the director of enterprise services, is permissible without charge; provided that a waiver of liability is signed by the tenant.

(c) *Nonperformance day rental.*

- (1) When renting either the exhibition hall or the Pikake Room, the tenant will be entitled to the nonperformance day rental rate for the number of days equal to the number of performance days. Any nonperformance days exceeding that number will be charged at the fixed rental rate, reduced rental rates, or deposit, as applicable, for a performance day for the facility.
- (2) Any tenant renting the arena for an event which requires more than eight hours to change over the facility for that event will be charged a nonperformance day at the beginning and end of the booking.

- (d) *Charges for facilities and services not specified.* The director of enterprise services is authorized to establish and assess reasonable rental charges for those facilities and services not specified herein.

(e) *Charges for facilities and services during the COVID-19 public health emergency:*

To allow for required physical distancing to prevent the spread of COVID-19, the director of enterprise services is authorized to offer tenants additional or larger facilities, based on availability, as required to accommodate an event that otherwise would have been accommodated by and would have met posted occupancy limits of a smaller facility.

The director of enterprise services is authorized to charge rental rates based on the rates of the smaller facility which would have met the needs of the event based on posted occupancy limits prior to the COVID-19 public health emergency.

(Sec. 29-2.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 7, § 28-7.1) (Am. Ords. 98-17, 03-03, 05-017, 06-35, 06-42, 11-15, 20-34)

**§ 38-7.2 Services included in rental charge.**

In return for the rental payment, the city shall furnish the tenant with the use of the facilities for the purposes specified, ordinary lighting, ordinary cleanup, and air conditioning, if available. The rental payment shall not include the services of electricians, spotlight operators, stagehands, musicians, ticket sellers, ushering personnel, janitors, security, medical services, or any other services and extraordinary costs, unless specified in the rental agreement. The director of enterprise services may require a tenant to make a reasonable deposit to be determined at the director's discretion to cover anticipated extraordinary cleanup costs, or require the tenant to arrange for cleanup of the facility at the tenant's own expense, or both.

(Sec. 29-2.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 7, § 28-7.3) (Am. Ord. 03-03)

**§ 38-7.3 Assignment of rights or privileges prohibited.**

The assignment of any rights or privileges under a rental agreement is prohibited without the written consent of the director. When there is an authorized full or partial assignment of such rights or privileges, the director of enterprise services is authorized to charge and collect from the tenant-assignor an additional sum equal to the total assessment for the facility rented. Sections 38-6.9 and 38-6.10 shall also apply to an assignee.

(Sec. 29-2.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 7, § 28-7.4) (Am. Ord. 03-03)

**§ 38-7.4 Broadcasting, taping, or filming—Permission required.**

All rental agreements shall reserve the right to the city to negotiate charges for radio and television broadcasts, motion picture, or recording privileges in the facilities, not exceeding 10 percent of anticipated receipts from the sale of broadcast rights by the tenant, and residual payments for the use of any film, videotape, recording, or taping made in a facility covered by the policy. The use of the facilities to broadcast, film, videotape, or record without the written permission of the city shall be prohibited. Any tenant who films, tapes, broadcasts, or records any event in the facilities rented without the permission of the city may be assessed a charge fixed at the discretion of the director of enterprise services consistent with charges negotiated with tenants similarly situated plus a 25 percent penalty of such charge.

(Sec. 29-2.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 7, § 28-7.5) (Am. Ord. 03-03)

**§ 38-7.5 Facilities use by city agencies.**

Any city agency may reserve and use any of the facilities covered herein upon written confirmation by the director of enterprise services. Before issuing such confirmation, the director of enterprise services shall ensure that the appropriate departmental transfer of funds representing minimum rental and all other charges shall be accomplished. Rental charges may be waived, at the discretion of the director of enterprise services, if the facility is available and booked no more than three weeks in advance of the event date.

(Sec. 29-2.6, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 7, § 28-7.6) (Am. Ord. 03-03)

**§ 38-7.6 Rules.**

The director of enterprise services shall adopt rules, in accordance with HRS Chapter 91, not inconsistent with this chapter, governing the reservation, renting, and use of the facilities covered herein.

(Sec. 29-2.7, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 7, § 28-7.7) (Am. Ord. 03-03)

## **ARTICLE 8: CONCESSIONS**

### Section

#### 38-8.1 Awarding of concessions

##### **§ 38-8.1 Awarding of concessions.**

- (a) Concessions in the facilities shall be awarded as provided by law. The term of any concession shall not exceed a period of five years.
  - (b) The sale and consumption of alcoholic beverages shall be in conformity with applicable laws. However, the sale and consumption of alcoholic beverages shall be prohibited if the tenant of the facility in which such concession is located objects to such sale and consumption.
- (Sec. 29-3.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 8, § 28-8.1) (Am. Ord. 03-03)

## **Honolulu - Property**

## ARTICLE 9: NONPROFIT ORGANIZATIONS

### Sections

- 38-9.1 Facilities use and rental by nonprofit organizations
- 38-9.2 Proof of nonprofit status
- 38-9.3 Rental rates
- 38-9.4 Special performances
- 38-9.5 Equipment rental
- 38-9.6 Scheduling of nonperformance days
- 38-9.7 Applicability of Articles 6 through 9

#### **§ 38-9.1 Facilities use and rental by nonprofit organizations.**

A nonprofit organization may use the facilities of the Neal S. Blaisdell Center and the Waikiki Shell under the terms and conditions provided herein.

(Sec. 29-4.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 9, § 28-9.1)

#### **§ 38-9.2 Proof of nonprofit status.**

The nonprofit organization shall provide proof to the director of enterprise services that it qualifies under the definition of a “nonprofit organization” set forth in § 38-6.2.

(Sec. 29-4.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 9, § 28-9.2) (Am. Ord. 03-03)

#### **§ 38-9.3 Rental rates.**

##### *(a) Nonprofit fixed rental.*

- (1) The department of enterprise services has established nonprofit fixed rental rates at the Neal Blaisdell Center Arena, Concert Hall, Pikake Room, and Waikiki Shell equivalent to the applicable use day operating cost for facilities rentals of any week. Rates will be adjusted annually at the beginning of each fiscal year commencing on July 1, 2011 in accordance with the rate schedule in this section below until the nonprofit fixed rental rate for the facilities identified is equivalent to, but no more than, the use day operating cost for the appropriate facility. After attainment of such coverage, the department will conduct a use day operating cost review on a biennial basis thereafter and undertake rental adjustment through the adoption of rules pursuant to HRS Chapter 91 to maintain the nonprofit rental rates at the use day operating cost described herein.

(2) *Nonprofit fixed rental from July 1, 2011 through July 1, 2015.*

<i>Facility/Day</i>	<i>From July 1, 2011 to June 30, 2013</i>	<i>From July 1, 2013 to June 30, 2015</i>	<i>From July 1, 2015</i>
Arena—Performance day	\$3,459	\$3,623	\$3,788
Arena—Nonperformance day	\$1,730	\$1,812	\$1,894
Concert Hall—Performance day	\$1,936	\$2,028	\$2,121
Concert Hall—Nonperformance day	\$968	\$1,014	\$1,061
Exhibition Hall—Performance day	\$2,258	\$2,365	\$2,473
Exhibition Hall—Nonperformance day	\$1,129	\$1,183	\$1,237
Pikake Room—Performance day	\$626	\$656	\$685
Pikake Room—Nonperformance day	\$313	\$328	\$343
Waikiki Shell			
Performance day	\$1,422	\$1,489	\$1,557
Nonperformance day	\$711	\$745	\$779

- (3) The nonprofit organization shall pay the nonprofit fixed rental rates, reduced rental rates, or deposit, as applicable, for each day of use. The percentage rental rates as set forth in § 38-7.1(b)(2), shall apply to a nonprofit organization, except for the rental of the concert hall for which the additional rental charge shall be 5 percent of the gross receipts in excess of \$40,250 as established in § 38-7.1(b)(2)(C).
- (4) Public educational institutions or private educational institutions which are licensed by the State department of education and qualify as nonprofit organizations shall pay the nonprofit fixed rental rates, reduced rental rates, or deposit, as applicable, for each day of use; provided that the activity or the sponsored program which takes place at the center is an integral part or extension of an established school curriculum, including but not limited to athletic, musical, cultural (plays and dramas), social (school dances or graduation exercises), and educational (lectures and seminars) activities; provided further, that this exception shall not be available if the activity or program is primarily for fundraising purposes. Any activity or program shall be deemed primarily for fundraising purposes when the funds raised through admissions, donations, or gifts or other things of value exceed the cost of sponsoring the activity or program at the center or exceed the amount budgeted for the curriculum activity or program for which the center was rented. The percentage rental rates, as set forth in this section or § 38-7.1(b)(2), shall apply to a nonprofit organization, except for the rental of the concert hall for which the additional rental charge shall be 5 percent of the gross receipts in excess of \$40,250.
- (b) (1) Any nonprofit organization renting the concert hall for 21 or more consecutive days shall pay the minimum rental due for that rental period as specified in subsection (a) plus 5 percent of gross receipts for the rental period in excess of \$250,000.

- (2) Any nonprofit organization that rents the concert hall and qualifies for the rental adjustment contained in subsection (b)(1) may, before receiving a signed contract from the city, or with their agreement after receiving a signed contract from the city, be displaced from the contracted date by the department of enterprise services to allow the use of the facility by another tenant that will provide an event that offers greater financial benefit to the department; be of large public appeal; and offer an attraction to the community that would not otherwise be presented without the availability of the concert hall. If a nonprofit organization is displaced as described above, the nonprofit organization shall be given replacement use of the Waikiki Shell, but at the same not-for-profit rate as is established here for the Concert Hall.

(Sec. 29-4.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 9, § 28-9.3) (Am. Ords. 03-03, 05-017, 06-35, 11-15)

#### **§ 38-9.4 Special performances.**

The nonprofit organization shall be accorded the use of the concert hall at no charge for fixed rental, and no charge levied for equipment rental or usher fees, under the following conditions:

- (1) The performance shall consist of events or attractions staged primarily for the educational and cultural betterment of the youth of Hawaii 18 years old and under;
- (2) The performance shall be authorized in writing by the State department of education and shall be held on regular school days;
- (3) The performance shall be held between the matinee hours of 9:00 a.m. and 2:00 p.m. on a space available basis to be determined by the director of enterprise services; and
- (4) The admission price for the performance shall not exceed \$2 per student.

(Sec. 29-4.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 9, § 28-9.4) (Am. Ords. 99-03, 03-03)

#### **§ 38-9.5 Equipment rental.**

The nonprofit organization shall pay the prevailing equipment rental rates established by the director of enterprise services for the use of equipment.

(Sec. 29-4.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 9, § 28-9.5) (Am. Ord. 03-03)

#### **§ 38-9.6 Scheduling of nonperformance days.**

The scheduling of nonperformance days shall be on a space available basis to be determined by the director of enterprise services.

(Sec. 29-4.6, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 9, § 28-9.6) (Am. Ord. 03-03)

**§ 38-9.7 Applicability of Articles 6 through 9.**

Except as otherwise provided in this article, Articles 6 through 9 shall apply to nonprofit organizations.  
(Sec. 29-4.7, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 9, § 28-9.7) (Am. Ord. 03-03)

## **ARTICLE 10: SEVERABILITY**

### Section

#### 38-10.1 Severability

#### **§ 38-10.1 Severability.**

This chapter, as enacted by this ordinance, is declared to be severable. In accordance therewith, if any portion of the chapter is held invalid for any reason, the validity of any other portion of this chapter shall not be affected and if the application of any portion of this chapter to any person, property, or circumstance is held invalid, the application hereof to any other person, property, or circumstances shall not be affected.

(Sec. 30-6.1, R.O. 1978 (1983 Ed.) (Sec. 29-5.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 28, Art. 10, § 28-10.1)

## **Honolulu - Property**

**ARTICLE 11: LEASE AND PERMIT POLICY FOR THE GROUNDS OF CITY HALL  
AND THE MAYOR FRANK F. FASI MUNICIPAL BUILDING**

Sections

- 38-11.1 Definitions
- 38-11.2 Applicability
- 38-11.3 Terms and conditions
- 38-11.4 Permitted private uses of grounds
- 38-11.5 Application procedure
- 38-11.6 Copies of permit and lease applications to be provided to council—Notice of approval

**§ 38-11.1 Definitions.**

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

**Active Use.** Use of the grounds while activities or events are being held for patrons, or goods or services are being sold to patrons.

**Entry Fees.** Any fees charged during a major event by any person, including the lessee, to persons for:

- (1) Entry onto the grounds of City Hall and the Mayor Frank F. Fasi Municipal Building or into any contiguous area of the grounds in excess of 1,000 square feet; or
- (2) Use of any public walkway.

**Event.** Any gathering, held in whole or in part by a person or persons on the grounds of City Hall and the Mayor Frank F. Fasi Municipal Building.

**Exempt Event.** Any event:

- (A) In which no more than 25 persons are anticipated to participate;
- (B) For which there is no sound amplification;
- (C) Which lasts for a period of less than three hours;
- (D) For which no fee is charged for participation;
- (E) Involving no sales or solicitations for the sale of any product or service; and
- (F) For which no temporary structures are set up.

***Fee.*** Includes any charge, however denominated, whether in the form of money, token, script, or other medium of value.

***Food.*** Includes beverages, condiments, and utensils.

***Grounds of City Hall and the Mayor Frank F. Fasi Municipal Building or Grounds.*** Tax Map Key parcels 2-1-033:007 and 2-1-033:010, but excluding City Hall, the Mayor Frank F. Fasi Municipal Building, the Mission Memorial Building, the portion of Tax Map Key parcel 2-1-033:010 that is set aside for use as the Civic Center child care facility and, to the extent that they may be within those parcels, the public sidewalks immediately abutting King Street, Alapai Street, and Beretania Street. For the purposes of this definition, the inner courtyards of City Hall and the Mayor Frank F. Fasi Municipal Building shall be deemed a part of those buildings.

***Hold.*** Includes “conduct,” “sponsor,” or “promote.”

***Lease.*** Any lease agreement, rental agreement, or concession agreement.

***Lessee.*** Any person holding any lease for use of all or any portion of the grounds of City Hall and the Mayor Frank F. Fasi Municipal Building.

***Major Event.*** An event for which the person holding the event desires authority to:

- (1) Impede any person from access to, or charge a fee to any person for access across, the grounds of City Hall and the Mayor Frank F. Fasi Municipal Building to, City Hall, the Mayor Frank F. Fasi Municipal Building, the Mission Memorial Building, the Civic Center parking facility, or the Civic Center child care facility;
- (2) Prevent any person from having use of, or charge any person a fee for use of, any public walkway; or
- (3) Partition, fence, rope, cordon off, or otherwise demarcate any contiguous area of more than 1,000 square feet of the grounds for purposes of precluding any person from entering the area or for purposes of charging a fee to any person to enter the area.

***Minor Event.*** Any event other than a major event or exempt event.

***Person.*** Includes any natural person; any limited or general partnership or joint venture; any limited liability company; any corporation, whether professional, for profit or not-for-profit; any trust, including any business or land trust; and any other private organization, association, or entity. The term shall not include a governmental agency.

***Public Walkway.*** Any walkway or pathway, including any ramp or steps, designed to accommodate pedestrian traffic, whether paved with asphalt, concrete, brick, or any other material located on the grounds of City Hall and the Mayor Frank F. Fasi Municipal Building, but excluding the public sidewalks immediately abutting King Street, Alapai Street, Punchbowl Street, and Beretania Street.

***Sublessee.*** A person authorized, expressly or impliedly, by any person holding a lease entered into under this article for a major event, to provide goods or services to the patrons of the major event.

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and the Mayor Frank F. Fasi Municipal Building**

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**Subpermittee.** A person authorized, expressly or impliedly, by any person holding a permit issued under this article for a minor event, to provide goods or services to the patrons of the minor event.

**Temporary Structures.** Includes tents, booths, stages, viewing stands, risers, rides, games, portable toilets, and similar structures set up on the grounds for an event.

(1990 Code, Ch. 28, Art. 11, § 28-11.1) (Added by Ord. 99-05)

**§ 38-11.2 Applicability.**

- (a) This article shall apply to any lease, license, permit, or agreement entered into by the city for the use of all or any portion of the grounds of City Hall and the Mayor Frank F. Fasi Municipal Building for the purposes of conducting an event.
- (b) This article shall not apply to:
  - (1) Any easement, including any utility easement;
  - (2) Any temporary license for the purposes of permitting the repair or renovation of or additions to City Hall, the Mayor Frank F. Fasi Municipal Building, the Mission Memorial Building, the Civic Center parking facility, or the Civic Center child care facility;
  - (3) Any peddling activity by any peddler duly licensed pursuant to HRS § 445-141;
  - (4) Any handbilling activity;
  - (5) Any display permitted under the city's Honolulu city lights program;
  - (6) Any food vending concession awarded by the city;
  - (7) The city-sponsored people's open market program;
  - (8) Any gathering held exclusively by a governmental entity or a combination of governmental entities; or
  - (9) Any gathering of persons for the purpose of exercising first amendment rights, involving no fee for participation, and involving no sales or solicitations for the sale of any product or service, in the area bounded by:
    - (A) City Hall;
    - (B) The public sidewalks immediately abutting South King Street and Punchbowl Street;
    - (C) The public walkway along the eastern (Diamond Head) wall of City Hall and connecting with the public sidewalk immediately abutting South King Street; and
    - (D) The public walkway connecting the western (Ewa) entrance of City Hall with the public sidewalk immediately abutting Punchbowl Street.

This subsection shall not be construed to preclude the holder of a lease entered into under § 38-11.4 from charging a permitted fee for persons subject to subdivisions (3) and (4).  
(1990 Code, Ch. 28, Art. 11, § 28-11.2) (Added by Ord. 99-05)

**§ 38-11.3 Terms and conditions.**

(a) The holder of a permit for a minor event shall be subject to the following conditions.

- (1) The permittee shall not prevent any person from having access to, and shall not charge a fee to any person for access to, City Hall, the Mayor Frank F. Fasi Municipal Building, the Mission Memorial Building, the Civic Center parking facility, or the Civic Center child care facility.

This condition shall not preclude the designation of parking stalls or areas within the Civic Center parking facility for the exclusive use of certain persons or classes of persons or the charging of a fee for parking within the facility to the extent allowed under the minor permit. This condition shall also not preclude the city or the operator of the Civic Center child care facility from closing a building on the grounds of City Hall and the Mayor Frank F. Fasi Municipal Building to the public as permitted by law or by lawful order of the city official in charge of the city building or, for the Civic Center child care facility, at the direction of the operator of the facility.

- (2) The permittee shall not prevent any person from having use of, nor shall the permittee charge a fee to any person for use of, any public walkway for purposes of crossing the grounds or for purposes of access to any of the facilities enumerated in subdivision (1), except that the permittee may prevent a person from using such a public walkway to allow for the setting up and breaking down of stages, tents and other permitted temporary structures.
- (3) The permittee shall not permit any contiguous area of more than 1,000 square feet of the grounds to be partitioned, fenced, roped, or cordoned off or otherwise demarcated for purposes of charging a fee to persons entering the partitioned, fenced, roped, cordoned, or otherwise demarcated area.

(b) The holder of a lease or permit for a major or minor event and any person holding an exempt event shall abide by any applicable administrative rules of any city agency pertaining to the use or lease of the grounds of City Hall and the Mayor Frank F. Fasi Municipal Building, or any portion thereof.

(c) The holder of a lease or permit for a major or minor event shall be subject to the following conditions.

- (1) The lessee or permittee shall provide adequate security personnel and sanitation facilities during the event, and adequate cleanup following the event, and shall pay the cost of any soil aeration or grassing necessitated by the use of the grounds by the lessee or permittee and any patrons, volunteers, or employees of the lessee or permittee.
- (2) The use of the grounds shall conform to the diagram and statements contained in the lessee's or permittee's application.
- (3) At least one of the persons designated by the lessee or permittee to be in charge of the grounds shall be present on the grounds at all times during their active use.

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- (4) The lessee or permittee shall have such insurance naming the city as an additional insured, or post such bond with the city, as shall protect the city from any reasonably foreseeable injury to persons or property resulting from the lessee's or permittee's use of the grounds, including the acts and omissions of the lessee or permittee, any sublessee or subpermittee, any officer, director, employee, or agent of the lessee or permittee or of any sublessee or subpermittee, relating to the event, including acts and omissions during the event, while setting up for the event, while breaking down temporary structures after the event, or while cleaning up after the event. The coverage and terms of such insurance or bond shall be subject to the approval of the director. This requirement may be waived for a minor event if the director determines that the risk of injury to persons or property reasonably foreseeable to result from the event is negligible.
- (5) The lessee shall pay a fee of \$200 to cover the city's costs of processing and administering the lease for a major event and the permittee shall pay a fee of \$100 to cover the city's cost of processing and administering the permit for a minor event.

(6) For no event shall the active use of the grounds extend beyond three consecutive days.

- (d) Any lease or permit to which this article applies may include conditions, in addition to those enumerated in subsections (a) through (c), prescribed by the director approving the lease or permit.
- (e) Any lessee holding a major event shall be subject to the following additional condition:

The lessee shall comply with the same conditions applicable to the holder of a permit for a minor event under subsections (a)(1) and (a)(2); provided that the lessee may require persons seeking access to any facility described in subsection (a)(1) or crossing the grounds for the purposes described in subsection (a)(2) to move actively toward their destination or actively across the grounds.

- (f) The violation of any condition of a lease or permit to which this article applies shall be grounds for termination of the lease or permit, nonissuance of a lease or permit in the future to the lessee or permittee or the imposition of such other penalty as may be prescribed in the lease or permit.

(1990 Code, Ch. 28, Art. 11, § 28-11.3) (Added by Ord. 99-05; Am. Ord. 01-21)

**§ 38-11.4 Permitted private uses of grounds.**

- (a) Notwithstanding Article 2, the city shall not enter into any lease or permit for the use of all or any portion of the grounds of City Hall and the Mayor Frank F. Fasi Municipal Building for any event to which this article applies, or otherwise grant any license or permit for the exclusive use of the grounds of City Hall and the Mayor Frank F. Fasi Municipal Building, or any portion thereof for any event to which this article applies, except as provided in subsections (b) and (c). No person may hold a major or minor event without obtaining a lease or permit pursuant to this article.
- (b) The director of customer services may, upon review of an application submitted pursuant to § 38-11.5, issue a permit, on the terms and conditions applicable to minor events under § 38-11.3, to any person to hold a minor event.

- (c) The director may award a lease on the terms, conditions, and rentals applicable to major events under § 38-11.3 and approved by the corporation counsel as to form and legality, for a private organization holding a major event on the grounds and meeting all of the following criteria:
    - (1) The private organization is a not-for-profit corporation or association chartered or otherwise authorized to do business in the State of Hawaii for charitable purposes;
    - (2) The purposes for which the private not-for-profit corporation or association is organized provide direct benefits to the people of the city; and
    - (3) The purposes for which the not-for-profit corporation or association is organized fall into at least one of the following categories:
      - (A) Social services for the poor, the aged, or the youth of the city;
      - (B) Health services, including services for those with any one or more of the following: physical or emotional/mental disabilities;
      - (C) Any one or more of the following: educational, manpower, or training services; or
      - (D) Services to meet a definitive cultural, social, or economic need within the city not being met by any other private organization.
  - (d) Any lease for a major event entered into under, or permit for a minor event issued under, this article shall not be subject to the public bidding requirements of Articles 2 and 3.
  - (e) In determining whether to enter into a lease or grant a permit under this section, and in conditioning such a lease or permit, the director or the director of customer services, as the case may be, shall consider the potential effects of the proposed event on normal city functions.
- (1990 Code, Ch. 28, Art. 11, § 28-11.4) (Added by Ord. 99-05)

**§ 38-11.5 Application procedure.**

- (a) Any person desiring to enter into a lease to hold a major event on the grounds of City Hall and the Mayor Frank F. Fasi Municipal Building shall submit an application to the director at least 30 days in advance of the proposed event. Any person desiring a permit to hold a minor event on the grounds shall submit an application to the director of customer services at least 15 days in advance of the minor event. The application shall be accompanied by the applicable fee and shall include the following:
  - (1) If the application is for a major event, a statement of the person's qualifications to enter into a lease under this article and such documentation thereof as may be required by the director;
  - (2) A statement of the portion of the grounds of City Hall and the Mayor Frank F. Fasi Municipal Building that will be used for the major or minor event;

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- (3) A statement of the duration of the proposed lease or permit and the dates and hours during which the grounds will be actively used and during which setting up and breaking down of temporary structures will be taking place;
  - (4) A diagram showing the proposed location of any temporary structures, as well as any areas proposed to be partitioned, fenced, roped, cordoned, or otherwise demarcated for the purpose of charging a fee, or partitioned, fenced, roped, or cordoned for any other purpose, including the name of any sublessee or subpermittee that will be using any temporary structure;
  - (5) A statement of the anticipated patronage of the event and the media that will be used to attract patronage;
  - (6) A statement as to proposed security, sanitation, and cleanup measures and personnel for the event;
  - (7) A general statement of the forms of entertainment to be provided, if any, and whether sound amplification will be used;
  - (8) A statement of all fees to be charged by the lessee or permittee or any sublessee or subpermittee, including any entry fees, and of what is to be received by event patrons in exchange for payment of the fees;
  - (9) A statement of whether any of the net proceeds from the fees charged will be turned over to any person or persons other than the lessee or permittee and a statement as to the tax-exempt or charitable status of such person or persons;
  - (10) A designation of a natural person or persons who will be in charge of the grounds during the event;
  - (11) The address of the applicant, and the name and address of the natural person preparing the application;
  - (12) A statement by the applicant as to whether it shall meet the requirement of § 38-11.3(c)(4) by providing liability insurance or by posting a bond and providing such proof of insurance or bond as may be required by the director for a major event, or by the director of customer services in consultation with the director for a minor event. If an applicant for a minor event permit seeks a waiver of the requirement, the applicant shall so state and shall state the basis for the waiver;
  - (13) A statement as to any insurance that will be provided by any sublessee or subpermittee; and
  - (14) Any additional information deemed necessary by the director and the director of customer services.
- (b) The director and the director of customer services shall prescribe the form of the applications made to each of them, respectively, pursuant to subsection (a).
- (c) The director to whom the application is submitted shall notify the applicant within 10 working days of receipt of a completed application as to whether the application is granted, granted with conditions, or denied. The decision of the director shall be final.
- (1990 Code, Ch. 28, Art. 11, § 28-11.5) (Added by Ord. 99-05)

**§ 38-11.6 Copies of permit and lease applications to be provided to council—Notice of approval.**

Within three working days of receipt of an application to enter into a lease or for the issuance of a permit under § 38-11.5, the director or the director of customer services, whichever received the application, shall provide a copy of the application to the council. Within three working days of final approval of an application, the appropriate director giving the final approval shall give notice of the approval to the council and shall include in the notice any special conditions imposed under the lease or permit.

(1990 Code, Ch. 28, Art. 11, § 28-11.6) (Added by Ord. 99-05)

## ARTICLE 12: TELECOMMUNICATIONS FACILITIES

### Sections

- 38-12.1 Definitions
- 38-12.2 Leases for telecommunications facilities on city property
- 38-12.3 Telecommunication license fees
- 38-12.4 Colocation of certain wireless communication facilities

### § 38-12.1 Definitions.

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

**Antenna.** Any system of wires, poles, rods, reflecting discs, dishes, or similar devices used for the transmission or reception of wireless communications services signals.

**Aggregate Footprint.** The area of space occupied by the telecommunications facilities, measured in square feet, including areas of exclusive use by the telecommunications carrier, but excluding areas for coaxial cable runs, conduit paths, utility, and access easements.

**City Property.** All real property owned by the City and County of Honolulu, whether in fee ownership or other interest.

**Department.** The department of information technology.

**Telecommunications Facilities.** The plant, equipment, and property, including but not limited to pedestals, antennas, electronics, and other appurtenances used to transmit, receive, distribute, provide, or offer telecommunications.

**Telecommunications Service.** The providing or offering for rent, sale, or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities, with or without benefit of any closed transmission medium.

**Type I Telecommunications Facility.** Any telecommunications facility where the entire telecommunications facility is attached to or supported by any permanent building or other structure of the city located on the property on which the telecommunications facility is also located.

**Type II Telecommunications Facility.** Any telecommunications facility that does not meet the definition of Type I Telecommunications Facility.

***Wireless Communications Services Facility.*** A privately owned cellular, paging, or broadband personal communications services facility that includes an antenna.

(1990 Code, Ch. 28, Art. 12, § 28-12.1) (Added by Ord. 05-020; Am. Ord. 06-22)

**§ 38-12.2 Leases for telecommunications facilities on city property.**

- (a) After July 1, 2005,\* any private person or entity desiring to locate a telecommunications facility on city property shall submit an application for a lease to the department on a form prescribed by the department. The application shall include conceptual plans and specifications for the proposed facility, specifically setting forth:
  - (1) The proposed height and area of the various components of the facility, including the proposed location of any cables, wires, and conduits to serve the facility; and
  - (2) The proposed methods and treatments to be used to minimize the visual impacts of the proposed telecommunications facility to the greatest practicable extent.
- (b) The department shall consult with the city department or agency currently using the property to determine whether the proposed telecommunications facility would unduly interfere with the current use of the property. The department shall also consult with the department of the corporation counsel to determine whether there exist any legal restrictions that would preclude the use of the city property for the proposed facility and whether there exist significant liability concerns relating to the proposed facility.
- (c) Notwithstanding any provision of this chapter, and without the necessity of competitive bidding, if the department determines, after conducting the consultations prescribed in subsection (b), that it would be in the best interests of the city to lease the city property to the applicant, it may negotiate the terms of a lease with the applicant and submit the lease to the council for its approval, approval with modifications or conditions, or disapproval, by resolution. The department shall not authorize the use of any city property if the use of the property will compromise public safety.
- (d) Unless otherwise authorized by the council, the monthly rental for the use of city real property for a telecommunications facility shall be as follows:

<i>Type I Telecommunications Facilities</i>	
<i>Aggregate Footprint</i>	<i>Monthly Rental Amount</i>
75 square feet or less	\$1,000
Greater than 75 but less than or equal to 125 square feet	\$1,200
Greater than 125 but less than or equal to 175 square feet	\$1,425
Greater than 175 but less than or equal to 225 square feet	\$1,650
Greater than 225 but less than or equal to 275 square feet	\$1,875
Greater than 275 but less than 325 square feet	\$2,100
325 square feet or more	\$2,325

<i>Type II Telecommunications Facilities</i>	
<i>Aggregate Footprint</i>	<i>Monthly Rental Amount</i>
475 square feet or less	\$1,000
Greater than 475 but less than or equal to 525 square feet	\$1,200
Greater than 525 but less than or equal to 575 square feet	\$1,425
Greater than 575 but less than or equal to 625 square feet	\$1,650
Greater than 625 but less than or equal to 675 square feet	\$1,875
Greater than 675 but less than 725 square feet	\$2,100
725 square feet or more	\$2,325

The department may recommend and the council may authorize a different monthly rental amount when:

- (1) The city will be required to take measures to mitigate negative aesthetic aspects of the facility or minimize the potential threat of the facility to public safety;
  - (2) In instances where the department determines that the monthly rental amount is not feasible or equitable;  
or
  - (3) In instances where the department accepts property or services in lieu of payment if approved by the city department or agency currently using the property.
- (e) For purposes of this section an entity is not a “private” entity if it is an agency or department of the city, the State, or the United States, or if the telecommunications facility to be situated on city real property is to be owned by or used exclusively for the benefit of the city, the State, or the United States.
  - (f) This section shall not apply to a telecommunications facility to be situated on land of the board of water supply or any semiautonomous agency of the city.
  - (g) The term of the lease shall be subject to Article 4.
  - (h) The lease shall provide for the applicant to post bond in a sum sufficient to ensure that the proposed telecommunications facility will be completed as planned and may require a reasonable deposit to insure that the facility is adequately maintained.
  - (i) The council may impose such other reasonable conditions relating to safety or aesthetics, as it may deem appropriate.
  - (j) Approval of the lease by the council shall not constitute a waiver of any zoning, subdivision, State land use, special management area, building code, or other legal requirements applicable to the telecommunications facility. The lease shall allow the lessee to terminate the lease if any permit or approval necessary for the construction or operation of the facility is denied or revoked. Following council approval of the lease terms, the director may award the lease subject to those terms.

- (k) The department may adopt rules having the force and effect of law, pursuant to HRS Chapter 91, for the implementation of this article.
- (l) This section shall not apply to any license, easement, concession, or other right of occupancy for the following:
  - (1) Telecommunications cables, wires, conduits, ducts, poles, anchors, or wire line telecommunications equipment cabinets and associated appliances and equipment on city real property, provided that no related telecommunications facilities are situated on the property;
  - (2) The temporary use of city property as a staging area for the construction of telecommunications facilities on real property not under the ownership or control of the city;
  - (3) The placement of a pay telephone, as defined in Hawaii Administrative Rules § 6-82-3, and related cables, wires, conduits, ducts, or other equipment on city property; or
  - (4) The placement of telecommunications facilities on city property where the deed or other use restrictions preclude the city from entering into a lease agreement for the property.

(1990 Code, Ch. 28, Art. 12, § 28-12.2) (Added by Ord. 05-020; Am. Ord. 09-23)

***Editor's note:***

\* "July 1, 2005" is substituted for "the effective date of this ordinance."

**§ 38-12.3 Telecommunication license fees.**

Unless otherwise authorized by the council, the monthly license fee for the use of city real property for a telecommunications facility shall be as follows:

<i>Type I Telecommunications Facilities</i>	
<i>Aggregate Footprint</i>	<i>Monthly Rental Amount</i>
75 square feet or less	\$900
Greater than 75 but less than or equal to 125 square feet	\$1,080
Greater than 125 but less than or equal to 175 square feet	\$1,282.50
Greater than 175 but less than or equal to 225 square feet	\$1,485
Greater than 225 but less than or equal to 275 square feet	\$1,687.50
Greater than 275 but less than 325 square feet	\$1,890
325 square feet or more	\$2,092.50

<i>Type II Telecommunications Facilities</i>	
<i>Aggregate Footprint</i>	<i>Monthly Rental Amount</i>
475 square feet or less	\$900
Greater than 475 but less than or equal to 525 square feet	\$1,080
Greater than 525 but less than or equal to 575 square feet	\$1,282.50
Greater than 575 but less than or equal to 625 square feet	\$1,485
Greater than 625 but less than or equal to 675 square feet	\$1,687.50
Greater than 675 but less than 725 square feet	\$1,890
725 square feet or more	\$2,092.50

The department may recommend and the council may authorize a different monthly rental amount when:

- (1) The city will be required to take measures to mitigate negative aesthetic aspects of the facility or minimize the potential threat of the facility to public safety;
- (2) In instances where the department determines that the monthly rental amount is not feasible or equitable;  
or
- (3) In instances where the department accepts property or services in lieu of payment if approved by the city department or agency currently using the property.

(1990 Code, Ch. 28, Art. 12, § 28-12.3) (Added by Ord. 09-23)

#### **§ 38-12.4 Colocation of certain wireless communication facilities.**

All leases or licenses to private persons or entities for the purposes of situating a privately owned wireless communications services facility on city property shall include appropriate provisions to ensure that the facility shall be, to the extent practicable, capable of supporting one or more antennas owned or used by private persons or entities other than the lessee or licensee.

(1990 Code, Ch. 28, Art. 12, § 28-12.4) (Added by Ord. 05-020; Am. Ord. 09-23)

## **Honolulu - Property**

## **CHAPTER 39: MAXIMUM ANNUAL RENEGOTIATED LEASE RENT**

### Article

1. Maximum Annual Renegotiated Lease Rent

## **Honolulu - Property**

## ARTICLE 1: MAXIMUM ANNUAL RENEGOTIATED LEASE RENT\*

### Sections

- 39-1.1 Definitions
- 39-1.2 Apartment owner-occupant defined
- 39-1.3 Applicability—Purpose of provisions
- 39-1.4 Renegotiation provisions
- 39-1.5 Maximum annual renegotiated lease rent
- 39-1.6 Biennial adjustment of renegotiated lease rent
- 39-1.7 Administrative adjustment of annual renegotiated lease rent to exceed maximum
- 39-1.8 Interest in lease rent payments
- 39-1.9 Certification of renegotiated lease rents after renegotiation
- 39-1.10 Assignment of renegotiated lease rent to another apartment owner-occupant
- 39-1.11 Renegotiated lease rent exceeding maximum for new apartment owner-occupant
- 39-1.12 Renegotiated lease rent of apartment owner who is no longer owner-occupant
- 39-1.13 Renegotiated lease rent of new apartment owner who is not owner-occupant
- 39-1.14 Enforcement

#### ***Editor's note:***

\* *Ord. 91-96, § 2, which was codified as this article, was held to violate the Fifth Amendment to the U.S. Constitution in Richardson v. City and County of Honolulu, 124 F.3d 1150 (9th Cir. 1997), cert. den. 119 S.Ct. 168 (1998), 119 S.Ct. 275 (1998), and 119 S.Ct. 544 (1998).*

### **§ 39-1.1 Definitions.**

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

***Apartment, Association of Apartment Owners, Condominium, Declaration of Horizontal Property Regime, and Declaration of Condominium Property Regime.*** Have the same meaning as defined in HRS Chapter 514B.

***Apartment Lease.*** An apartment owner-occupant's lease for the owner-occupant's apartment and includes any lease to an apartment owner-occupant for the land upon which the owner-occupant's apartment is situated, including but not limited to a ground lease or a condominium conveyance document, or both.

***Apartment Owner.*** A person holding, or the persons jointly or in common holding, a leasehold interest in a residential apartment.

***Apartment Owner-Occupant.*** Has the same meaning as defined in § 39-1.2.

***Condominium Project.*** A building containing at least one residential apartment.

**Consumer Price Index.** The Consumer Price Index For All Urban Consumers (CPI-U) for Honolulu published by the Bureau of Labor Statistics of the United States Department of Labor.

**Declaration.** A declaration of horizontal property regime or declaration of condominium property regime.

**Department.** The department of community services.

**Fixed Rent Period.** The period of a lease during which the lease rent for a residential apartment is stated in the lease, even if the rent is not held constant for the entire period.

**Initial Lease Rent.** The beginning lease rent specified in an apartment lease or the reasonable market value rent prevailing at the effective date of the apartment lease determined as specified in § 39-1.4, whichever is greater. This term specifically excludes any lease rents that reflect reduced rent at the beginning of the lease due to construction of the project or due to special negotiations between the developer and the land owner.

**Land Owner.** The person holding the leased fee interest in the land on which a condominium project is situated.

**Lease.** A lease or master lease, including any sandwich interest, affecting a residential apartment. A sandwich interest means any lease or sublease in the chain of title between the land owner's interest in the land and the apartment lease.

**Lease Rent.** The rent payable by a lessee to a lessor for the leasehold interest for a residential apartment under an apartment lease.

**Lessee.** Any person to whom land on which a condominium project is situated is leased or subleased.

**Lessor.** Any person who leases or subleases land on which a condominium project is situated.

**Maximum Annual Renegotiated Lease Rent, Maximum Lease Rent, or Maximum.** The maximum annual renegotiated lease rent applicable to an apartment owner-occupant, as determined under § 39-1.5 or biennially adjusted under § 39-1.6.

**Renegotiated Lease Rent.** The lease rent determined in accordance with this chapter on the renegotiation dates specified in the lease.

**Renegotiated Rent Period.** Any period of a lease following the expiration of the fixed rent period.

**Renegotiation Date.** The date on which a renegotiated lease rent is to take effect.

**Residential Apartment.** A condominium apartment which is used for residential purposes. The term does not include the following:

- (1) An apartment used for commercial purposes;
- (2) An apartment used as a time share unit or transient vacation unit, as defined under Chapter 21, Article 10;  
or

(3) Any parking, recreational, or other nonresidential condominium apartment.  
(1990 Code, Ch. 39, Art. 1, § 39-1.1) (Added by Ord. 91-96)

**§ 39-1.2 Apartment owner-occupant defined.**

- (a) For the purpose of this chapter, an “apartment owner-occupant” or “owner-occupant” means an owner of a residential apartment who on the renegotiation date of the lease of the residential apartment occupies the residential apartment as the owner’s principal residence.
  - (b) An apartment owner shall be deemed to occupy a residential apartment if, on the renegotiation date of the lease, the residential apartment serves as the principal place of residence of the apartment owner and the apartment owner has possessory control of the premises at that time. An apartment owner shall not be deemed to have possessory control of the premises if the residential apartment is rented, leased, or otherwise assigned to another person or entity for any period of time. Proof of residency and possessory control shall be established by rules adopted by the department.
- (1990 Code, Ch. 39, Art. 1, § 39-1.2) (Added by Ord. 91-96)

**§ 39-1.3 Applicability—Purpose of provisions.**

- (a) This chapter:
  - (1) Applies to all leases that contain provisions for renegotiation of lease rents for the residential apartment of an apartment owner-occupant. This chapter shall apply whether the leases were executed before December 16, 1991 or are executed from December 16, 1991. This chapter also shall apply to lease rent renegotiations that are concluded after December 16, 1991;
  - (2) Sets a maximum annual renegotiated lease rent for the apartment of an owner-occupant;
  - (3) Allows biennial adjustment of renegotiated lease rent during the renegotiated rent period;
  - (4) Allows the administrative adjustment of renegotiated lease rent for a residential apartment to an amount higher than the applicable maximum. Administrative adjustment is allowed when the lessor pays operating expenses for the apartment; and
  - (5) Establishes a process for certification that a renegotiated lease rent for the residential apartment of an apartment owner-occupant is within the maximum.
- (b) This chapter does not and shall not be construed as setting a maximum lease rent or adjustment or certification process for lease rent payable during a fixed rent period or for a residential apartment that is not owned by an owner-occupant.

(1990 Code, Ch. 39, Art. 1, § 39-1.3) (Added by Ord. 91-96)

***Editor’s note:***

\* “December 16, 1991” is substituted for “the effective date of this chapter.”

**§ 39-1.4 Renegotiation provisions.**

- (a) Every lease shall include or be deemed to include the following provisions:
  - (1) Renegotiation of lease rent shall occur no more frequently than every 10 years from and after the rent renegotiation date; provided that the first renegotiation shall not be scheduled before the 15th year following the initial date of the lease;
  - (2) After any renegotiation, the renegotiated lease rent for the residential apartment of an apartment owner-occupant shall not exceed the maximum under § 39-1.5;
  - (3) During a renegotiated rent period, the renegotiated lease rent for a residential apartment may be further adjusted biennially in accordance with § 39-1.6; and
  - (4) The renegotiated lease rent for a residential apartment may exceed the applicable maximum if administratively adjusted pursuant to § 39-1.7.
- (b) In the event the parties to an apartment lease are unable to reach agreement under any reopening provision, the department or its designee shall arbitrate, and the maximum lease rent as determined by arbitration shall be certified by the department as provided for in § 39-1.9; provided that where HRS § 516D-12 applies, the arbitration shall proceed pursuant to HRS Chapter 516D. Arbitration proceedings under this subsection will be subject to the following requirements:
  - (1) An advance deposit, which amount shall be determined by the department, equal to projected expenses and fees of the department or its designees for arbitration proceedings shall be required and shall be paid equally by lessors and lessees. All additional expenses and fees incurred by the department or its designee while acting as the arbitrator shall be borne equally by the lessees and the lessors. These additional expenses and fees shall be subject to monthly billings or other arrangements, which may be specified by contract. If more than one lessee is involved in an arbitration proceeding, all lessors shall share equally in one-half of the arbitration costs. The same division of costs shall apply if more than one lessor is involved in a proceeding.
  - (2) Failure on the part of any lessee to comply with this subsection, including failure to make advance deposits on payments, shall result in forfeiture of any rights or remedies under this chapter for arbitration, and the lessee's sole rights and remedies shall be as provided in the lease.
  - (3) If any lessor fails to comply with this subsection, including failure to make advance deposits or payments, then arbitration proceedings under this chapter will cease and lease rent shall be set at the most recent fixed lease rent. Upon compliance with the provisions set forth in this section, the arbitration may proceed, with the determination of the new lease rent effective from the date of compliance by the lessor.

(1990 Code, Ch. 39, Art. 1, § 39-1.4) (Added by Ord. 91-96)

**§ 39-1.5 Maximum annual renegotiated lease rent.**

- (a) Except as otherwise specified under this subsection, the annual renegotiated lease rent payable from any renegotiation date by an owner-occupant for a residential apartment shall not exceed the maximum annual

renegotiated lease rent established in accordance with this section. Only when administratively adjusted pursuant to § 39-1.7 may the annual renegotiated lease rent exceed the maximum.

- (b) The maximum annual renegotiated lease rent for a residential apartment shall be the initial lease rent multiplied by a rent factor. The rent factor shall be determined by dividing:
    - (1) The average consumer price index for the six-month period in which the rent renegotiation occurs; by
    - (2) The average consumer price index for the six-month period in effect at the time of the effective date of the initial lease rent.
  - (c) For purposes of determining the maximum annual renegotiated lease rent, the applicable consumer price index shall be the index in effect on the renegotiation date. The council is aware that the consumer price index is an average figure that is published every six months and may not accurately reflect the change in consumer prices as it applies to Honolulu on the renegotiation date. Accordingly, the maximum renegotiated lease rent may be adjusted within a six-month period to reflect the actual change, if any, and the adjusted amount shall be the maximum renegotiated lease rent for that period.
- (1990 Code, Ch. 39, Art. 1, § 39-1.5) (Added by Ord. 91-96)

#### **§ 39-1.6 Biennial adjustment of renegotiated lease rent.**

- (a) During a renegotiated rent period, the renegotiated lease rent for the residential apartment of an owner-occupant may be adjusted biennially by the lessor in accordance with this section. A lessor may, but is not required to biennially adjust the lease rent for the residential apartment. If biennially adjusting the lease rent, the lessor may do so only with the approval of the department.

A renegotiated lease rent for a residential apartment, as adjusted in accordance with this section, shall be deemed within the applicable maximum.

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

***Biennially Adjusted Lease Rent.*** The annual renegotiated lease rent, as biennially adjusted.

***Current Lease Rent.*** The annual renegotiated lease rent in effect before a biennial adjustment.

***Effective Date of Biennially Adjusted Lease Rent.*** The date on which a biennially adjusted lease rent takes effect. As provided under subsection (c), that date is two years after the effective date of the current lease rent.

- (c) During a renegotiated rent period, the renegotiated lease rent for the residential apartment of an owner-occupant may be adjusted biennially. The biennially adjusted lease rent shall be determined by multiplying the current lease rent by a rent factor. The rent factor shall be determined by dividing:
  - (1) The average consumer price index for the six-month period encompassing the effective date of the biennially adjusted lease rent; by

- (2) The average consumer price index for the six-month period encompassing the effective date of the current lease rent.

The biennially adjusted lease rent shall be effective from the date which is two years after the effective date of the current lease rent.

- (d) When there is less than two years between the effective date of the current lease rent and the commencement of a new renegotiated rent period, the current lease rent shall not be biennially adjusted under this section.
  - (e) The council is aware that the consumer price index is an average figure that is published every six months and may not accurately reflect the change in consumer prices as it applies to Honolulu on the biennial adjustment date. Accordingly, the biennially adjusted lease rent may be revised with a six-month period after the official reporting of the applicable consumer price index. The revision shall reflect the actual, official change, if any, in the consumer price index. The revised amount shall be the biennially adjusted lease rent in effect.
- (1990 Code, Ch. 39, Art. 1, § 39-1.6) (Added by Ord. 91-96)

**§ 39-1.7 Administrative adjustment of annual renegotiated lease rent to exceed maximum.**

- (a) The annual renegotiated lease rent for the residential apartment of an owner-occupant may be adjusted by the department to an amount higher than the maximum applicable to that apartment. An administrative adjustment shall be made in accordance with this section and only for the circumstances of subsection (c) or (d).
- (b) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Administratively Adjusted Lease Rent.*** The annual renegotiated lease rent, as administratively adjusted.

***Base Year.*** The last year of the fixed rent period.

***Base Year Net Operating Income.*** The lessor's net operating income from the apartment during the base year. If the lessor shows that the net operating income from the apartment during the base year was lower than normal because of extraordinary or unusual expenses, the department may adjust the base year net operating income to reflect an appropriate amount.

***Fair Net Operating Income.*** Net operating income from the apartment, as adjusted for inflation, which is the same as the base year net operating income. Inflation shall be measured by the change in the consumer price index from the base year to the years for which the administrative adjustment is proposed.

***Operating Expenses.*** Any one or more of the following:

- (1) Common expenses assumed by the lessor and unpaid by apartment owners or other lessees of the condominium project;
- (2) Expenses for services provided by the lessor which primarily benefit the apartment owners of the condominium project;
- (3) Expenses for maintenance by the lessor of apartments or facilities of the condominium project;

- (4) Real property taxes;
- (5) Special or improvement district assessments imposed:
  - (A) By the State or city for the funding of public projects; and
  - (B) On the owner of the condominium project or land on which the condominium project is situated.
- (6) Expenses for telephone, electricity, gas, water, sewer, or cable television services used by apartment owners;
- (7) Expenses for rehabilitation or repair of apartments or other facilities of the condominium project; or
- (8) Payments of debt service incurred for the construction of on-site or off-site improvements.
  - (A) “Off-site improvements” mean all physical improvements:
    - (i) Constructed or placed off the land on which the condominium project is situated; and
    - (ii) Which are to be used in common by occupants of all lands adjoining the improvements or by occupants of all lands for whose benefit the improvements have been constructed or placed; and
  - (B) “On-site improvements” mean all physical improvements:
    - (i) Constructed or placed on the land on which the condominium project is situated; and
    - (ii) Which are for the benefit of apartment owners and other lessees in the condominium project.

***On-Site Improvements.*** Include but are not limited to dwelling units, garages, stairs, walkways, driveways, walls, trees, shrubs, landscaping, and pools.

***Operating Expenses for the Apartment.*** Operating expenses which:

- (1) Are paid directly for the residential apartment; or
- (2) Represent the proportionate share of the operating expenses attributable to the residential apartment, when the operating expenses are not paid directly for the apartment.

***Operating Income for the Apartment.*** Lease rent paid for the residential apartment.

***Net Operating Income.*** Operating income from the apartment less operating expenses for the apartment.

- (c) The annual renegotiated lease rent for the residential apartment of an owner-occupant may be administratively adjusted to an amount higher than the maximum applicable to that apartment if:

- (1) The lessor paid operating expenses for the apartment during the base year;
- (2) The lessor paid those operating expenses exclusively from lease rent proceeds and not from separate charges;
- (3) In the years for which the adjustment is proposed, the lessor will continue to pay those operating expenses exclusively from lease rent proceeds; and
- (4) The lessor's net operating income from the apartment in the years for which the adjustment is proposed will be less than the lessor's base year net operating income.

The administratively adjusted lease rent for the residential apartment shall be set to maintain a fair net operating income to the lessor. The administratively adjusted lease rent shall be valid for as long as the lessor continues to pay the operating expenses for the residential apartment. When the lessor discontinues payment of all or a portion of the operating expenses, the administratively adjusted lease rent shall be readjusted by the lessor to reflect the discontinuation.

An administratively adjusted lease rent under this subsection may be biennially adjusted pursuant to § 39-1.6. The department shall establish a method of calculating the biennial adjustment to maintain the lessor's fair net operating income.

- (d) The annual renegotiated lease rent for the residential apartment of an owner-occupant may be administratively adjusted to an amount higher than the maximum applicable to that apartment if:
  - (1) The lessor paid no operating expenses for the apartment during the last year of the fixed rent period;
  - (2) In the years for which the adjustment is proposed, the lessor will pay operating expenses for the apartment; and
  - (3) The lessor will pay those operating expenses exclusively from lease rent proceeds and not from separate charges.

The administratively adjusted lease rent for the residential apartment shall be set to allow the lessor to pass on the operating expenses to the apartment owner-occupant. The administratively adjusted lease rent shall be valid for as long as the lessor continues to pay the operating expenses for the residential apartment. When the lessor discontinues payment of all or a portion of the operating expenses, the administratively adjusted lease rent shall be readjusted by the lessor to reflect the discontinuation.

An administratively adjusted lease rent under this subsection may be biennially adjusted pursuant to § 39-1.6. The department shall establish a method of calculating the biennial adjustment to maintain the pass-on of the operating expenses.

- (e) The lessor desiring an administrative adjustment of the annual renegotiated lease rent for a residential apartment shall petition the department. The petition shall specify the proposed adjusted lease rent and be accompanied by supporting data.

Upon receipt of a petition, the department:

- (1) Shall review the proposed adjusted lease rent and supporting data;
- (2) Shall give the lessor an opportunity to be heard;
- (3) May conduct its own study of the lessor's operating income and operating expenses or appraisal of the residential apartment or condominium project; and
- (4) May request the lessor to provide additional data.

Within 90 days of the submission of the petition, the department shall approve, disapprove, or modify the proposed adjusted lease rent. Upon approval, disapproval, or modification, the department shall notify the lessor and owner-occupant of the residential apartment. From the effective date of the adjustment, the lessor may charge the administratively adjusted lease rent for the residential apartment.

If the department disapproves a proposed adjusted lease rent for the residential apartment, the lessor shall not charge a lease rent higher than the maximum lease rent applicable to that apartment.

If the department does not take action within the 90-day period, the proposed adjusted lease rent shall be deemed approved and effective on the 91st day following submission. The department shall notify the lessor and owner-occupant of the residential apartment.

- (f) The department shall determine the cost incurred for each proceeding to adjust a lease rent. The lessor shall be charged for the cost incurred by the department for the proceeding; except that the lessor shall not be charged:
- (1) For the cost of any study or appraisal undertaken by the department without the lessor's permission;
  - (2) If the department took no action on the proposed adjustment within the 90-day period under subsection (e); or
  - (3) If the department waives the charge to prevent undue financial hardship on the lessor.

The department shall require the lessor to reimburse the department for the chargeable incurred costs, whether the proposed adjusted lease rent is approved, disapproved, or modified. All reimbursements received by the department shall be deposited into the general fund.

- (g) The approval, disapproval, or modification or a proposed adjusted lease rent may be appealed by the lessor or apartment owner-occupant. An appeal shall be made in writing to the department within 30 days of the approval, disapproval, or modification.

An appeal shall not stay the administratively adjusted lease rent, as approved or modified by the department.

Upon the receipt of an appeal, the department shall refer the appeal to a hearing officer. The hearing officer shall:

- (1) Hold an agency hearing in accordance with the contested case procedures of HRS Chapter 91; and
- (2) Issue a decision and order confirming, modifying, or disapproving the department's action.

The department may institute a civil action in any court of competent jurisdiction for the enforcement of a decision and order pursuant to this section.

(1990 Code, Ch. 39, Art. 1, § 39-1.7) (Added by Ord. 91-96)

**§ 39-1.8 Interest in lease rent payments.**

The lessor, including the master lessor and any sandwich position, shall share in the receipt of lease rentals paid by the owner-occupants and other lessees, as adjusted by this section, in accordance with their respective interests. Notwithstanding any contrary provision in any contract or lease, a developer or other person entitled to share in the lease rent payments shall share in such lease rent payments by the owner-occupants and other lessees to the extent of the developer's or other person's interest as may be determined by agreement of those entitled to share in the payment of lease rentals by owner-occupants and other lessees, or in the absence of such agreement, pursuant to HRS Chapter 658A.

(1990 Code, Ch. 39, Art. 1, § 39-1.8) (Added by Ord. 91-96)

**§ 39-1.9 Certification of renegotiated lease rents after renegotiation.**

- (a) In the lease rent renegotiation process, the renegotiated lease rent for an apartment owner-occupant may be set by arbitration as provided in § 39-1.4(b) or by voluntary agreement without arbitration.
- (b) Each renegotiated lease rent set by an arbitrator or by voluntary agreement without arbitration shall not exceed the applicable maximum.
- (c) After being set by an arbitrator or voluntary agreement, but before taking effect, each renegotiated lease rent shall be submitted to the department. The purpose of the submission to the department is for certification that the renegotiated lease rent is within the applicable maximum. The apartment owner-occupant and lessor shall jointly submit the renegotiated lease rent. Upon submission, the department:
  - (1) May hold an agency hearing on the renegotiated lease rent;
  - (2) May require the apartment owner-occupant and lessor to submit relevant information; and
  - (3) May conduct its own study and investigation.
- (d) The renegotiated lease rent shall be deemed within the maximum if:
  - (1) The department so certifies within 30 days of the submission of the renegotiated lease rent; or
  - (2) The department fails to issue a certification by the 30th day following the submission of the renegotiated lease rent.

If, within 30 days of submission, the department certifies that the renegotiated lease rent is not within the maximum, the renegotiated lease rent shall be invalid and shall not take effect. The department shall order the apartment owner-occupant and lessor to renegotiate again.

- (e) A party aggrieved by the department's action or inaction under this section may appeal to the department. Upon receipt of an appeal, the department shall:
- (1) Hold an agency hearing in accordance with the contested case procedures of HRS Chapter 91; and
  - (2) Issue an appropriate decision and order.
- (f) If a court of competent jurisdiction rules or the State attorney general or corporation counsel opines that a renegotiated lease rent set by an arbitrator may be vacated, modified, or corrected only pursuant to HRS Chapter 658A, and not by action of the department, an action to vacate, modify, or correct the renegotiated lease rent set by an arbitrator shall be subject to HRS Chapter 658A, and no appeal of the renegotiated lease rent set by an arbitrator shall be made to the department.
- (1990 Code, Ch. 39, Art. 1, § 39-1.9) (Added by Ord. 91-96)

**§ 39-1.10 Assignment of renegotiated lease rent to another apartment owner-occupant.**

If, during a renegotiated rent period, an apartment owner-occupant conveys or transfers the leasehold interest in a residential apartment to another person intending to be an owner-occupant, the renegotiated lease rent for the residential apartment shall be assigned and applied to the new owner-occupant. For the renegotiated lease rent to be so assignable, the new owner-occupant shall execute an affidavit stating that the new owner-occupant intends to occupy the apartment so long as owning the residential apartment.

(1990 Code, Ch. 39, Art. 1, § 39-1.10) (Added by Ord. 91-96)

**§ 39-1.11 Renegotiated lease rent exceeding maximum for new apartment owner-occupant.**

When an apartment owner conveys or transfers the leasehold interest in a residential apartment to another person intending to be an owner-occupant and:

- (1) The apartment is under lease during a renegotiated rent period; and
- (2) The renegotiated lease rent for the apartment is greater than the applicable maximum.

The renegotiated lease rent for the apartment shall be reduced by the lessor to the maximum rent chargeable under this chapter and such reduction shall be effective as of the date of occupancy by the new owner-occupant. For the renegotiated lease rent to be so reduced, the new owner-occupant shall execute an affidavit stating that the new owner-occupant intends to occupy the apartment as long as owning the apartment.

(1990 Code, Ch. 39, Art. 1, § 39-1.11) (Added by Ord. 91-96)

**§ 39-1.12 Renegotiated lease rent of apartment owner who is no longer owner-occupant.**

A lessor may reopen the renegotiated lease rent for the residential apartment of an apartment owner who:

- (1) Was an owner-occupant of a residential apartment at the time of lease rent renegotiation; but
- (2) No longer qualifies as an apartment owner-occupant.

If reopened, the renegotiated lease rent for the residential apartment shall be set in accordance with the lease agreement for persons who are not owner-occupants and shall be effective as of the date of disqualification as provided by this chapter.

(1990 Code, Ch. 39, Art. 1, § 39-1.12) (Added by Ord. 91-96)

**§ 39-1.13 Renegotiated lease rent of new apartment owner who is not owner-occupant.**

A lessor may reopen the renegotiated lease rent for the residential apartment of an apartment owner when:

- (1) The apartment owner has purchased or otherwise received the leasehold interest in a residential apartment from a former owner-occupant; and
- (2) The apartment owner does not occupy the residential apartment.

If reopened, the renegotiated lease rent for the residential apartment shall be set in accordance with the lease agreement for persons who are not owner-occupants and shall be effective as of the date of conveyance to the new apartment owner.

(1990 Code, Ch. 39, Art. 1, § 39-1.13) (Added by Ord. 91-96)

**§ 39-1.14 Enforcement.**

- (a) Any person violating this chapter shall be subject to a civil fine not exceeding \$500 for each violation.
- (b) The department shall enforce this chapter. Any person may request that the department investigate any alleged violation of any part of this chapter, or the department on its own initiative may investigate any alleged violation.
- (c) Upon receipt of a written request by a person to investigate an alleged violation of this chapter, or upon its own initiative, the department shall conduct an investigation. If finding that a violation has occurred, the department shall attempt an informal correction of the violation. If the violation cannot be informally corrected or if the person requesting the investigation or the alleged violator requests an agency hearing, the department shall:
  - (1) Hold an agency hearing in accordance with the contested case procedures of HRS Chapter 91; and
  - (2) Issue an appropriate decision and order. If finding that a violation has occurred, the department may order the violator to do any or all of the following:
    - (A) Cease and desist from the violation;
    - (B) Correct the violation;
    - (C) Pay to a lessor or lessee any amount due and owing as specified in this chapter. An “amount due and owing” includes excessive lease rent paid by an apartment owner-occupant or insufficient lease rent paid to a lessor; or

(D) Pay the civil fine imposed under subsection (a).

- (d) The department may institute a civil action in any court of competent jurisdiction for the enforcement of any decision and order issued pursuant to this section. If finding that a violation has not occurred, whether before or after an agency hearing, the department shall so notify the alleged violator and, if any, the person who requested the investigation. The notification shall be in writing.

(1990 Code, Ch. 39, Art. 1, § 39-1.14) (Added by Ord. 91-96)

## **Honolulu - Property**

## **CHAPTER 40: OFFENSES RELATING TO PROPERTY**

### Articles

1. Damage to Public Property
2. Maintenance of Channels, Streambeds, Streambanks, and Drainageways
3. City-Owned Streams
4. Watersheds—Reservoirs
5. Regulation of Distribution, Acquisition, Possession, and Use of Graffiti Implements
6. Graffiti Damage to Public Property
7. Disposal of Weeds, Garbage, Trash, and Waste from Property
8. Protective Regulations for Exceptional Trees
9. Alarm Systems
10. Historic Preservation

## **Honolulu - Property**

## ARTICLE 1: DAMAGE TO PUBLIC PROPERTY

### Sections

- 40-1.1 Definitions
- 40-1.2 Damage to public property
- 40-1.3 Cost of repairs or replacement
- 40-1.4 Violation—Penalty
- 40-1.5 Procedure
- 40-1.6 Rules

#### § 40-1.1 Definitions.

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

**Damage.** Physical injury to public property, both real and personal, that results in the loss or substantial diminishment of use of the property because of physical danger, inconvenience, or distress caused by noise, smoke, dust, vibration, odors, rubbish, refuse, garbage, fuel or other oils, or any other unhealthful or unclean substance.

**Director.** The director of budget and fiscal services.

**Person.** An individual, firm, partnership, corporation, association, or other entity.

**Public Property.** Includes but is not limited to any building, park, roadway, field, beach, other recreational area or facility, or any other property under the control and management of the city, including public property leased by the city to another person but used for the benefit of the public.

(1990 Code, Ch. 41, Art. 25, § 41-25.1) (Added by Ord. 89-47; Am. Ords. 91-27, 97-02, 18-18)

#### § 40-1.2 Damage to public property.

Damage to public property which results in the loss of use of the property, as defined more fully in this article, is a public nuisance and subject to the provisions of this article.

(1990 Code, Ch. 41, Art. 25, § 41-25.2) (Added by Ord. 89-47)

#### § 40-1.3 Cost of repairs or replacement.

- (a) Any person who is responsible for damage to public property constituting a public nuisance, including damage that causes the partial or complete closure or other loss of use or value, or loss of public property, shall be

responsible for repairing or otherwise remedying such damage, including but not limited to payment of costs of repairing, cleaning, or replacing the damaged property.

- (b) Issuance of the bill for the costs shall be authorized by the director and shall contain the amount to be charged by the city.
  - (c) The costs billed shall be the actual or estimated costs associated with the repair, cleaning, or replacement of the damaged property plus any administrative expenses.
- (1990 Code, Ch. 41, Art. 25, § 41-25.3) (Added by Ord. 89-47; Am. Ord. 18-18)

**§ 40-1.4 Violation—Penalty.**

In addition to any other penalties or remedies provided in this article, any person who is responsible for damage to public property which results in the public being denied customary and usual access to or use of the property for more than 24 hours, shall be subject to a fine of not more than \$1,000 per day, for every day in which the public is denied partial or complete use of the property.

(1990 Code, Ch. 41, Art. 25, § 41-25.4) (Added by Ord. 89-47)

**§ 40-1.5 Procedure.**

- (a) The director is authorized to exercise all administrative or other powers available in carrying out the purposes of this article, including maintaining an action for an injunction to restrain the activity which is causing or has caused damage to public property.
  - (b) All remedies and penalties under this article shall be enforced in civil proceedings by the corporation counsel.
- (1990 Code, Ch. 41, Art. 25, § 41-25.5) (Added by Ord. 89-47)

**§ 40-1.6 Rules.**

The director is authorized to adopt rules pursuant to HRS Chapter 91, as are necessary to implement, administer, and enforce this article.

(1990 Code, Ch. 41, Art. 25, § 41-25.6) (Added by Ord. 89-47)

## **ARTICLE 2: MAINTENANCE TO CHANNELS, STREAMBEDS, STREAMBANKS, AND DRAINAGEWAYS**

### **Sections**

40-2.1	Purpose and intent
40-2.2	Definitions
40-2.3	Maintenance of streams
40-2.4	Right of entry and inspection
40-2.5	Notice of violation—Order to maintain, clear, and remove
40-2.6	City authorized to clear and maintain
40-2.7	Charge to owner
40-2.8	Chief engineer to keep record
40-2.9	Statement of chief engineer
40-2.10	Lien procedure
40-2.11	Civil fine
40-2.12	Issuance of notice of violation and order
40-2.13	Request for extension of time to complete maintenance and clearing
40-2.14	Effect of order—Right to hearing
40-2.15	Judicial enforcement of order
40-2.16	Judicial enforcement of article
40-2.17	Nonexclusiveness of remedies
40-2.18	Appeal in accordance with statute
40-2.19	Severability

### **§ 40-2.1 Purpose and intent.**

- (a) The provisions which are set forth hereinafter are authorized pursuant to HRS § 46-11.5, relating to the maintenance of channels, streambeds, streambanks, and drainageways.
  - (b) The provisions set forth hereinafter are intended to provide the necessary power and authority to the department of facility maintenance, an executive agency of the city, to provide for and enforce the maintenance of channels, streambeds, streambanks, and drainageways, including their exits to the ocean, in suitable condition to carry off stormwaters, prevent flooding and to ensure that the natural flow of water runs unimpaired; and for the removal from the channels, streambeds, streambanks, and drainageways, any debris, vegetation, silt, or other items or material of any nature, which is likely to create an unsanitary condition, blockage, or otherwise become a public nuisance to the health, safety, and welfare of the residents of the city; provided that to the extent any of the foregoing work is a private responsibility, the responsibility may be enforced by the city in lieu of the work being done at city expense, and any private entity or person refusing to comply with any final order issued by the city shall be in violation of this article and HRS § 46-11.5.
- (1990 Code, Ch. 41, Art. 26, § 41-26.1) (Added by Ord. 89-59; Am. Ord. 17-38)

**§ 40-2.2 Definitions.**

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

**Chief Engineer.** The director and chief engineer of facility maintenance or the chief engineer's authorized representative.

**City.** The City and County of Honolulu.

**City-Owned.** Has the same meaning as defined in § 40-3.1.

**Department.** The department of facility maintenance of the City and County of Honolulu.

**Owner.** The fee simple owner of record, lessee of record, administrator, administratrix, executor, executrix, personal representative, receiver, trustee, property management agent, or any other individual corporation, or unincorporated association, who has the use, control, or occupation of a stream in its entirety, or portion thereof, including its channels, streambeds, streambanks, and drainageways, or the mouth of a stream at the ocean, with claim of ownership, whether such person's interest be in absolute fee or a lesser estate.

**Person.** A human being, a corporation, an unincorporated association, or other entity.

**Streams.** Natural, altered, or improved channels that have seasonal or continuous water flows as a result of either surface stormwater runoff or groundwater influx, or both. Streams include channels, streambeds, streambanks, drainageways, and stream mouths. Streams do not include ditches, flumes, reservoirs, lagoons, holding and silting basins, lakes, ponds and their associated ditches, underground drain lines or systems, and any portions of irrigation systems.

(1990 Code, Ch. 41, Art. 26, § 41-26.2) (Added by Ord. 89-59; Am. Ords. 17-38, 18-40)

**§ 40-2.3 Maintenance of streams.**

- (a) The owner of any stream has the duty to maintain, dredge, and clear such stream, or applicable portion thereof, so that the natural flow of water runs unimpaired. The owner shall also be responsible for the removal of any debris, vegetation, silt or other items or material of any kind that may interfere with the natural flow of water or is likely to create an unsanitary condition or otherwise become a public nuisance.
- (b) The chief engineer shall conduct an inspection of all city-owned streams that are lined with concrete or other impervious material no less than annually and all other city-owned streams no less than semi-annually, and shall remove or cause to be removed any debris, vegetation, silt, or other item or material of any kind that may interfere with the natural flow of water or is likely to create an unsanitary condition or otherwise become a public nuisance. In determining the scheduling of the annual or semi-annual inspections and removal of debris, vegetation, silt, or other items or materials, as applicable, the chief engineer shall consider seasonal patterns of elevated flood risk, such as that associated with hurricane activity, and approved, applicable permits.

(1990 Code, Ch. 41, Art. 26, § 41-26.3) (Added by Ord. 89-59; Am. Ords. 17-38, 18-40)

**§ 40-2.4 Right of entry and inspection.**

The chief engineer or any authorized employee of the department may, during reasonable hours and upon notification to the person or entity with a right of possession or control over any stream, enter any premises or real property in the discharge of official duties to inspect, investigate, and to ensure such stream is maintained as required in this article. During the maintenance and clearing of any stream and the removal of any debris, vegetation, silt, or other material, the department shall have access thereto for inspection purposes during reasonable hours.

(1990 Code, Ch. 41, Art. 26, § 41-26.4) (Added by Ord. 89-59)

**§ 40-2.5 Notice of violation—Order to maintain, clear, and remove.**

The chief engineer is authorized and empowered to notify the owner of any stream to maintain and clear any stream, and to remove any debris, vegetation, silt, or other items or material of any nature, as is necessary for the proper maintenance of such stream. Such notice shall be as provided for in § 40-2.12.

(1990 Code, Ch. 41, Art. 26, § 41-26.5) (Added by Ord. 89-59)

**§ 40-2.6 City authorized to clear and maintain.**

Upon the failure, neglect, or refusal of any owner or agent so notified to complete maintenance and clearing of any stream; and to remove any debris, vegetation, silt, or other material from such stream within 30 days after notice has been given as provided for in § 40-2.12, or within 30 days after the date of mailing of such notice or when service of notice cannot be made, provided that the same was properly addressed to the last known address, of such owner or agent, the chief engineer is authorized and empowered to pay for such maintenance and clearing and removal of debris and vegetation out of city funds or to order the same to be done by city employees or by contract. The chief engineer or authorized employees of the department, including any contractor or the contractor's agent with whom the chief engineer contracts under this section, are authorized to enter upon the property for the purposes of maintenance and clearing of such streams and the removal of any debris or vegetation described in the notice. Before work is commenced by the chief engineer or authorized employees of the department, or contractor, any owner may perform the necessary maintenance and clearing of the stream and the removal of debris or vegetation at the owner's own expense.

(1990 Code, Ch. 41, Art. 26, § 41-26.6) (Added by Ord. 89-59)

**§ 40-2.7 Charge to owner.**

When the city has performed the necessary maintenance and clearing of a stream and removal of debris or has paid for such work, the costs thereof, including overhead costs, plus accrued interest at the rate of 7 percent per year, shall be charged to the owner of such stream and the owner shall be billed therefor by mail. The bill shall apprise the owner that failure to pay the bill will result in a lien. Interest at the rate of 7 percent per year shall accrue from the 31st calendar day after the bill has been mailed to the owner for payment in the event the same has not been paid prior thereto.

(1990 Code, Ch. 41, Art. 26, § 41-26.7) (Added by Ord. 89-59)

**§ 40-2.8 Chief engineer to keep record.**

The chief engineer shall cause to be kept in the department a permanent record containing:

- (1) A description of each parcel of property containing a stream for which a notice to maintain, clear, and remove has been given;
- (2) The name of the owner of record or agent;
- (3) The date on which such notice was mailed and posted or given to the owner or agent;
- (4) The charges incurred by the city for maintenance and clearing of the stream and removal of debris and all incidental expenses in connection therewith; and
- (5) A brief summary of the work performed. Each entry shall be made as soon as practicable after completion of such work.

(1990 Code, Ch. 41, Art. 26, § 41-26.8) (Added by Ord. 89-59)

**§ 40-2.9 Statement of chief engineer.**

Where the full amount due the city is not paid by such owner within 30 calendar days after the bill has been mailed for payment, the chief engineer shall cause to be recorded with the director of budget and fiscal services a statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was done, and file the same with the director of budget and fiscal services, who shall refer the collection thereof to the corporation counsel.

(1990 Code, Ch. 41, Art. 26, § 41-26.9) (Added by Ord. 89-59)

**§ 40-2.10 Lien procedure.**

Any work done by the city under this section is deemed to be done pursuant to quasi-contract or constructive contract between the city and the owner. Based on the foregoing contractual relationship, if the owner fails to pay the amount duly noted on the statement filed by the chief engineer, the corporation counsel may proceed to file a lien pursuant to HRS § 636-3, or any other appropriate lien procedures.

(1990 Code, Ch. 41, Art. 26, § 41-26.10) (Added by Ord. 89-59)

**§ 40-2.11 Civil fine.**

Any person who violates this article shall, upon notice issued pursuant to § 40-2.12, be deemed to have committed a civil violation and shall be liable for a civil fine not to exceed \$500 a day for each day in which such violation persists.

(1990 Code, Ch. 41, Art. 26, § 41-26.11) (Added by Ord. 89-59)

**§ 40-2.12 Issuance of notice of violation and order.**

If the chief engineer determines that any person is violating this article or any rule adopted thereunder, the chief engineer may have the person served, by certified mail or delivery, with a notice of violation and order.

(a) *Contents of the notice of violation.*

- (1) The notice shall include at least the following information:
  - (A) Date of the notice;
  - (B) The name and address of the person noticed;
  - (C) The section number of the ordinance which has been violated;
  - (D) The nature of the violation; and
  - (E) The location and date of the violation.
- (2) The notice shall describe the work to be done and shall state that if the work is not completed within 30 calendar days after receipt of the notice of violation, or notice as provided in § 40-2.6, the chief engineer may enter upon the property and perform the maintenance and clearing of such stream and remove any debris, vegetation, or other material necessary for the proper maintenance of such stream, and the cost thereof shall be a lien on the property. The lien shall be in addition to any other remedies provided for enforcement of this article.
- (3) The notice shall inform the person that failure, neglect or refusal to correct the violation or to complete the work described in the notice of violation and order within 30 calendar days will result in a civil fine not to exceed \$500 a day for each day the violation persists, to be assessed by the city commencing 31 calendar days after receipt of the notice of violation and order, or notice as provided in § 40-2.6. The civil fine shall be in addition to any other remedies as provided for in this article.

(b) *Contents of the order.*

- (1) The order may require the person to do any or all of the following:
  - (A) Cease and desist from the violation;
  - (B) Correct the violation at the person's own expense before a date specified in the order; and
  - (C) Pay a civil fine not to exceed \$500 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 person of the finality of the order 30 days after the date of its mailing or delivery, unless written request for a hearing is mailed or delivered to the chief engineer within those 30 days.

(1990 Code, Ch. 41, Art. 26, § 41-26.12) (Added by Ord. 89-59)

**§ 40-2.13 Request for extension of time to complete maintenance and clearing.**

Any person served with a notice of violation and order may request in writing to the chief engineer for an extension of time to complete the maintenance and clearing of any stream.

- (a) The written request for an extension of time shall be delivered or mailed and postmark dated to the chief engineer within 15 calendar days of the delivery of the notice of violation and order.
- (b) An extension of the 30-day time limit in the order may be granted in writing by the chief engineer only for good cause and shall be only for a reasonable period of time necessary to complete the work required, as determined by the chief engineer.
- (c) A person aggrieved by a decision of the chief engineer under this section shall have a right to a hearing as provided for in § 40-2.14, provided the person submits a written request for a hearing to the chief engineer within 10 calendar days after delivery of the chief engineer's decision.

(1990 Code, Ch. 41, Art. 26, § 41-26.13) (Added by Ord. 89-59)

**§ 40-2.14 Effect of order—Right to hearing.**

- (a) The order issued by the chief engineer under § 40-2.12 shall become final 30 days after the date of the mailing or delivery of the order, unless within those 30 days, the person subject to the order requests in writing a hearing before the chief engineer. The request for hearing shall be considered timely if the written request is delivered or mailed and postmark dated to the chief engineer within those 30 days.
- (b) Upon receipt of the written request for hearing, the chief engineer shall specify a time and place for the person subject to the order to appear and be heard. The hearing shall be conducted by the chief engineer in accordance with HRS Chapter 91. Following the hearing, the chief engineer may affirm, modify, or rescind the order as in the opinion of the chief engineer may be appropriate.

(1990 Code, Ch. 41, Art. 26, § 41-26.14) (Added by Ord. 89-59)

**§ 40-2.15 Judicial enforcement of order.**

The chief engineer may institute a civil action in any court of competent jurisdiction for enforcement of any order issued pursuant to §§ 40-2.12, 40-2.13, and 40-2.14. Where the civil action has been instituted to enforce the civil fine imposed by the order, the chief engineer need only show that notice of violation and order was served, a hearing was held or the time granted for requesting a hearing had expired without such a request, the civil fine imposed and that the fine imposed has not been paid.

(1990 Code, Ch. 41, Art. 26, § 41-26.15) (Added by Ord. 89-59)

**§ 40-2.16 Judicial enforcement of article.**

The chief engineer may institute a civil action in any court of competent jurisdiction for injunctive relief to prevent violation of this article, or any rule adopted pursuant thereto, in addition to any other remedy provided for under this article.

(1990 Code, Ch. 41, Art. 26, § 41-26.16) (Added by Ord. 89-59)

**§ 40-2.17 Nonexclusiveness of remedies.**

The remedies provided in this article for enforcement of this article or any rule adopted pursuant thereto shall be in addition to any other remedy as may be provided by law.

(1990 Code, Ch. 41, Art. 26, § 41-26.17) (Added by Ord. 89-59)

**§ 40-2.18 Appeal in accordance with statute.**

If any person is aggrieved by the order issued by the chief engineer pursuant to §§ 40-2.12, 40-2.13, or 40-2.14, the person may appeal the order in the manner provided in HRS Chapter 91; provided that no provision of such order shall be stayed on appeal, unless specifically ordered by a court of competent jurisdiction.

(1990 Code, Ch. 41, Art. 26, § 41-26.18) (Added by Ord. 89-59)

**§ 40-2.19 Severability.**

If this article or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of conditions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

(1990 Code, Ch. 41, Art. 26, § 41-26.19) (Added by Ord. 89-59)

## **Honolulu - Property**

## ARTICLE 3: CITY-OWNED STREAMS

### Sections

- 40-3.1 Definitions
- 40-3.2 Regulation of city-owned streams
- 40-3.3 Penalty

### § 40-3.1 Definitions.

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

***Camp* or *Camping*.** The use and occupation of a city-owned stream or city-owned stream riparian zone as a temporary or permanent dwelling place or sleeping place. Camp or camping includes the laying down of a sleeping bag or other bedding material for use, or the use of a vehicle or watercraft as a temporary or permanent dwelling place or sleeping place on a city-owned stream or city-owned stream riparian zone.

***City*.** The City and County of Honolulu.

***City-Owned*.** The city has the use, control, or occupation of a stream in its entirety, or portion thereof including its channels, streambeds, streambanks, and drainageways, or the mouth of a stream at the ocean, or the stream riparian zone, with claim of ownership, whether the city's interest is in absolute fee or a lesser estate.

***Director*.** The director of facility maintenance.

***Dwelling Place*.** A place used for human habitation as an overnight accommodation, lodging, or shelter on either a temporary or permanent basis.

***Human Habitation*.** The act of using, occupying, or inhabiting a place of lodging or shelter on a permanent or temporary basis as a place of residence or sojourn.

***Sleeping Place*.** A place used by a person for the purpose of sleeping, where the person is asleep inside a tent, sleeping bag, or some form of temporary shelter, or is asleep atop of or covered by materials such as a cot, mat, bedroll, bedding, sheet, blanket, pillow, bag, cardboard, or newspapers.

***Stream*.** Natural, altered, or improved channels that have seasonal or continuous water flows as a result of either surface stormwater runoff or groundwater influx, or both. Streams include channels, canals, streambeds, streambanks, drainageways, and stream mouths. Streams do not include ditches, flumes, reservoirs, lagoons, holding and silting basins, lakes, ponds, and their associated ditches, underground drain lines or systems, and any portions of irrigation systems.

***Stream Riparian Zone.*** The public land area that extends 100 feet away from the edge of the streambank.

***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 or requiring a fixed location on the ground.

***Tent.*** A collapsible structure consisting of sheets of canvas, fabric, or other material attached to or draped over a frame of poles or a supporting rope that has more than one wall.

***Wall.*** An upright, vertical, or slanted structure, partition, or divider serving to enclose, divide, support, or protect.

(1990 Code, Ch. 41, Art. 43, § 41-43.1) (Added by Ord. 15-39; Am. Ord. 17-60)

### **§ 40-3.2 Regulation of city-owned streams.**

(a) It is unlawful for any person to do the following on any portion of a city-owned stream or city-owned stream riparian zone:

- (1) Camp without a permit;
- (2) Erect a tent or structure without a permit;
- (3) Enter into or upon the stream or stream riparian zone if public access has been prohibited by the director and signs indicating the prohibition have been posted; and
- (4) Engage in any other activities prohibited by the director, if signs indicating the prohibited activities have been posted.

(b) The director may, by rules adopted pursuant to HRS Chapter 91, prohibit access to specified city-owned streams or city-owned stream riparian zones, or prohibit activities on specified city-owned streams or city-owned stream riparian zones if the director finds it necessary to protect public health, safety, and welfare. When adopting rules, the director shall base decisions on a careful and thorough analysis that balances public safety, stream preservation and management, and rights of the public to access streams.

(c) No person shall be cited for a violation of this section, unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.

(1990 Code, Ch. 41, Art. 43, § 41-43.2) (Added by Ord. 15-39)

### **§ 40-3.3 Penalty.**

Any person violating this article shall, upon conviction, be guilty of a petty misdemeanor and subject to punishment in accordance with HRS §§ 706-640 and 706-663, as amended.

(1990 Code, Ch. 41, Art. 43, § 41-43.3) (Added by Ord. 15-39)

## **ARTICLE 4: WATERSHEDS—RESERVOIRS**

### Sections

- 40-4.1 Unlawful to trespass
- 40-4.2 Unlawful to damage reservoirs
- 40-4.3 Power to arrest
- 40-4.4 Violation—Penalty

#### **§ 40-4.1 Unlawful to trespass.**

It is unlawful for any person to be upon or about any public property used as a water reservoir site or watershed for collecting waters for public consumption, or as an accessway to such a water reservoir site or watershed, or upon or about any waterhead, water ditch-intake, or water springs used for any public water system, or upon or about any water, reservoir, waterhead, water ditch-intake, or water springs, without a written permit from the manager of the board of water supply; provided that this section does not apply to any public highway running through the watersheds.

(Sec. 13-21.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 3, § 40-3.1) (Am. Ord. 19-27)

#### **§ 40-4.2 Unlawful to damage reservoirs.**

It is unlawful for any person to damage, destroy, or interfere, in any manner, with the public water reservoirs, pipe lines leading thereto or therefrom, ditches leading thereto or therefrom, ditch-intakes or other works for the collecting and disposing of water in or for the public water systems of the city.

(Sec. 13-21.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 3, § 40-3.2)

#### **§ 40-4.3 Power to arrest.**

Any officer or employee of the board of water supply may enforce §§ 40-4.1 and 40-4.2, by arresting or causing to be arrested offenders thereunder.

(Sec. 13-21.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 3, § 40-3.3)

#### **§ 40-4.4 Violation—Penalty.**

Any person violating this article shall, upon conviction, be punished by a fine not less than \$500 nor more than \$2,000 or by imprisonment for not less than 10 days nor more than six months, or by both such fine and imprisonment.

(Sec. 13-21.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 3, § 40-3.4) (Am. Ord. 19-27)

## **Honolulu - Property**

## ARTICLE 5: REGULATION OF DISTRIBUTION, ACQUISITION, POSSESSION, AND USE OF GRAFFITI IMPLEMENTS

### Sections

- 40-5.1 Definitions
- 40-5.2 Restrictions on sale and use
- 40-5.3 Violation—Penalty

#### § 40-5.1 Definitions.

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

**Adult.** A natural person other than a minor.

**Glass Cutter.** A metal tool or instrument equipped with a blade or a sharp edge to cut, score, or grind glass.

**Graffiti Implement.** Any of the following implements capable of marking or scarring or being used to mark or scar a glass, metal, concrete, wood, plastic, or other solid surface to create graffiti, as that term is defined in § 40-6.1: spray paint, wide-tipped markers, glass cutters, paint sticks, or spray actuators.

**Minor.** A natural person below the age of 18 years.

**Paint Stick.** Any device containing a solid form of paint capable of being applied to a surface by pressure, and upon application leaving a mark at least 1/16 of an inch in width.

**Person.** Has the same meaning as defined in § 40-1.1.

**Spray Actuator** (also known as a “**Spray Tip**,” “**Nozzle**,” or “**Button**”). An object which is capable of being attached to an aerosol paint container for the purpose of spraying the substance contained therein.

**Spray Paint.** Paint contained in an aerosol container.

**Wide-Tipped Marker.** Any marker, pen, or similar implement which contains a fluid which cannot be removed with water after it dries and which has a tip, point, brush, applicator or other writing surface which, at its broadest, is 0.25 inch or greater in width.

(1990 Code, Ch. 40, Art. 11, § 40-11.1) (Added by Ord. 95-46; Am. Ord. 97-67)

**§ 40-5.2 Restrictions on sale and use.**

- (a) It is unlawful for any person to sell, give away, or in any way furnish any graffiti implement to any minor; provided that any graffiti implement may be sold, given away, or furnished to a minor by an adult parent, legal guardian, employer, or teacher of the minor, or another adult authorized by a parent or legal guardian to supervise the minor.
- (b) It is unlawful for a minor to purchase or otherwise acquire any graffiti implement; provided that the acquisition, whether by purchase or other means, of any graffiti implement shall not be prohibited when it is acquired from an adult parent, legal guardian, employer, or teacher of the minor, or by another adult authorized by a parent or legal guardian to supervise the minor.
- (c) It is unlawful for a minor to possess, have under the minor's control, or use any graffiti implement while on public or private property without the express permission of the owner, lessee, or manager of the property; provided that a minor may possess, have under the minor's control or use any graffiti implement in the immediate presence and under the supervision of an adult parent, legal guardian, employer, or teacher of the minor or of another adult authorized by a parent or legal guardian to supervise the minor.

(1990 Code, Ch. 40, Art. 11, § 40-11.2) (Added by Ord. 95-46; Am. Ord. 97-67)

**§ 40-5.3 Violation—Penalty.**

Notwithstanding the civil penalties of § 40-6.2 for violations of the prohibitions against placing graffiti on public property, any person convicted of violating any provision of § 40-5.2 shall be punished for each violation by a fine of not less than \$500 nor more than \$2,000, by imprisonment for not more than 30 days, or by both, without possibility of probation or suspension of sentence. Each sale, gift, or furnishing of a group of graffiti implements to a minor in a single transaction shall constitute a single violation of § 40-5.2. Each purchase or acquisition by other means of a group of graffiti implements in a single transaction by a minor shall constitute a single violation of § 40-5.2.

(1990 Code, Ch. 40, Art. 11, § 40-11.3) (Added by Ord. 95-46; Am. Ords. 97-67, 05-036)

## ARTICLE 6: GRAFFITI DAMAGE TO PUBLIC PROPERTY

### Sections

- 40-6.1 Definitions
- 40-6.2 Violation—Penalty—Liability of parent or guardian
- 40-6.3 Enforcement
- 40-6.4 Rules
- 40-6.5 Collection of unpaid civil fines by addition to taxes, fees, and charges—Rules

### § 40-6.1 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 planning and permitting of the city, with respect to public property under the management of the city.

**Graffiti.** Any unauthorized drawing, inscription, figure, or mark of any type intentionally created by paint, ink, chalk, dye, or similar substances.

**Public Property.** Any real or personal property owned, managed, or maintained by the city.  
(1990 Code, Ch. 40, Art. 12, § 40-12.1) (Added by Ord. 96-12; Am. Ord. 97-02)

### § 40-6.2 Violation—Penalty—Liability of parent or guardian.

- (a) Any person who places graffiti on public property shall be deemed to have committed a civil violation and shall be subject to the following:
  - (1) When the cost of repairing, cleaning, or replacing the damaged property is \$250 or less, a civil fine of not less than \$250 and not more than \$1,000;
  - (2) When the cost of repairing, cleaning, or replacing the damaged property is more than \$250, a civil fine of not less than the cost of repairing, cleaning, or replacing the damaged property and not more than \$1,000; or
  - (3) When the cost of repairing, cleaning, or replacing the damaged property is \$1,000 or more, a civil fine equal to the cost of repairing, cleaning, or replacing the damaged property.
- (b) Any parent or guardian having custody of a minor who violates subsection (a) shall be jointly and severally liable with the minor for any civil fine imposed under this article.  
(1990 Code, Ch. 40, Art. 12, § 40-12.2) (Added by Ord. 96-12)

**§ 40-6.3 Enforcement.**

- (a) *Issuance of notice of violation and order.* If the director determines that any person has violated § 40-6.2, the director may have the person served, by registered or certified mail, delivery, or publication in a daily newspaper of general circulation in the city, with a written notice of violation and order. If a minor has committed the violation, the director also shall serve the parents or guardians having custody of the minor.

(1) *Contents of the notice of violation.* The notice shall include at least the following information:

- (A) Date of the notice;
- (B) The name and address of the person given notice;
- (C) The section number of the ordinance which has been violated;
- (D) The nature of the violation; and
- (E) The location of the violation and the date that the violation was discovered.

(2) *Contents of the order.* The order shall require the person to pay a civil fine in a stated amount, determined by the director in accordance with § 40-6.2(a), in the manner, at the place, and before the date specified in the order. The order shall advise the person that the order shall become final 30 days after the date of its mailing, delivery, or publication, unless written request for a hearing is mailed or delivered to the director within those 30 days. The order shall further advise that any parent or guardian having custody of a minor who has committed the violation is jointly and severally liable for the fine.

- (b) *Effect of order—right to hearing.* The order issued by the director under this section shall become final 30 days after the date of mailing, delivery, or publication of the order, unless within those 30 days, the person subject to the order requests in writing a hearing before the director. The request for a hearing shall be considered timely if the written request is delivered or mailed and postmark dated to the director within those 30 days.

Upon receipt of the written request for a hearing, the director shall specify a time and place for the person subject to the order to appear and be heard. The hearing shall be conducted by the director or the director's designee in accordance with HRS Chapter 91. Following the hearing, the director may affirm, modify, or rescind the order as in the opinion of the director may be appropriate.

- (c) *Judicial enforcement of order.* The director may institute a civil action in any court of competent jurisdiction for the enforcement of any civil fine imposed by order issued pursuant to this section. Where such civil action has been instituted, the director need only show that a notice of violation and order was served, a hearing was held or the time allowed for requesting a hearing expired without such a request, that a civil fine was imposed and that the fine imposed has not been paid.
- (d) *Nonexclusiveness of remedies.* The remedies provided in this article for enforcement of this article, or any rule adopted under this section, shall be in addition to any other remedy as may be provided by law.

- (e) *Appeal in accordance with statute.* If any person is aggrieved by the order issued by the director pursuant to this section, the person may appeal the order in the manner provided in HRS Chapter 91, provided that no provision of such order shall be stayed on appeal, unless specifically ordered by a court of competent jurisdiction.

(1990 Code, Ch. 40, Art. 12, § 40-12.3) (Added by Ord. 96-12)

**§ 40-6.4 Rules.**

The director is authorized to adopt rules in accordance with HRS Chapter 91 that the director may deem necessary for the implementation, administration, and enforcement of this article.

(1990 Code, Ch. 40, Art. 12, § 40-12.4) (Added by Ord. 96-12)

**§ 40-6.5 Collection of unpaid civil fines by addition to taxes, fees, and charges—Rules.**

The director and the director of budget and fiscal services may adopt rules in accordance with HRS Chapter 91 to enable the director and the director of budget and fiscal services to administratively add, pursuant to Chapter 1, Article 19, any unpaid civil fines imposed under this article to taxes, fees, or charges collected by the city. The adoption of any of the foregoing rules shall not be a prerequisite to liability under § 40-6.2.

(1990 Code, Ch. 40, Art. 12, § 40-12.5) (Added by Ord. 96-12)

## **Honolulu - Property**

## ARTICLE 7: DISPOSAL OF WEEDS, GARBAGE, TRASH, AND WASTE FROM PROPERTY

### Sections

- 40-7.1 Declaration of legislative intent
- 40-7.2 Definitions
- 40-7.3 Regulations for premises
- 40-7.4 Clearing of weeds, garbage, trash, and waste from property
- 40-7.5 Administrative enforcement

#### § 40-7.1 Declaration of legislative intent.

The following is the declaration of legislative intent of the council.

- (a) The provisions which are set forth hereinafter are authorized pursuant to HRS § 46-1.5.
  - (b) Any weeds, garbage, trash, or waste which are more specifically defined hereinafter are declared to be public nuisances to the health, safety, and welfare of the residents of the city and, therefore, cutting and removal thereof shall be accomplished pursuant to the provisions set forth hereinafter.
  - (c) The provisions set forth hereinafter are intended to remove and control such weeds, garbage, trash, and waste and to provide the necessary power and authority to an administrative agency of the city to effectuate the purpose.
- (Sec. 13-29.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 10, § 41-10.1) (Am. Ord. 96-58)

#### § 40-7.2 Definitions.

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

***Building Superintendent.*** The director of planning and permitting.

***Cut.*** To clear, trim, shape, separate, divide, sever, shorten, reduce, curtail, slash, or to otherwise control and dispose of weeds on property; provided that weeds may be disposed of by incineration in accordance with the fire code.

***Garbage.*** All animal and vegetable matter, such as waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, drugstores, hotels, and rooming and boarding houses, and other deleterious substances.

***Owner.*** The fee simple owner, lessee of record, administrator, administratrix, executor, executrix, receiver, trustee, property management agent, or any other individual who has control or possession of privately owned real property.

**Property.** Real property and applies to:

- (1) Any privately or government owned vacant lot abutting either side of a publicly or privately owned street open to the public; provided that this article shall not apply to real property zoned as agriculture, country, and preservation under Chapter 21; and
- (2) Privately owned vacant lots of 15,000 square feet or less that abut a residential lot or residential lots.

**Remove.** To move, displace, shift, take away, haul, or otherwise transfer garbage, trash, and waste from property; provided that trash may be disposed of by incineration in accordance with the Fire Code.

**Trash.** Rubbish such as feathers, ashes, tin cans, paper, rags, boxes, and glass.

**Vacant.** Unimproved and unoccupied.

**Waste.** Any object, substance, or thing, of whatever kind of character, which for any reason, may be or may have been thrown away, discarded, or abandoned such as, but not limiting the generality of the foregoing:

- (1) Refrigerators, ranges, furniture, fixtures, and other similar household items;
- (2) Vehicles, machinery, farm equipment, construction equipment, scrap iron of all kinds, or any other similar item;
- (3) Debris from demolished structures or buildings;
- (4) Bulky wastes discharged by mercantile, industrial, and other establishments; and
- (5) All garbage and trash other than defined above.

**Weeds.** Vegetation of such nature, which has reached such growth, and is present in such quantity, that it constitutes a substantial risk of one or more of the following hazards:

- (1) The vegetation, when dry, is or will be a fire hazard;
- (2) The vegetation is, or is naturally suited as a sheltering or breeding place for rats, mice, mosquitoes, or other vermin or noxious insects;
- (3) The vegetation overgrows or spreads upon or over any road, alley, path, or sidewalk owned or open to the public to such extent as to obstruct, impede, or interfere with the safe or convenient use or maintenance thereof; and
- (4) The vegetation has grown or spread, or has fallen or may fall into any privately owned or controlled stream, ditch, sewer, canal, or other waterway and obstruct or narrow the channel thereof or impede the flow of water therein.

(Sec. 13-29.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 10, § 41-10.2) (Am. Ords. 91-60, 96-58, 07-10, 18-7)

**§ 40-7.3 Regulations for premises.**

The owner of vacant property shall at all times maintain the premises free of weeds, garbage, trash, and waste. (Sec. 13-29.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 10, § 41-10.3)

**§ 40-7.4 Clearing of weeds, garbage, trash, and waste from property.**

- (a) *Notice to remove.* The director of planning and permitting is authorized and empowered to notify the owner of property within the city to properly cut and remove weeds, garbage, trash, and waste located on such owner's property. Such notice shall be served upon the owner of the property by certified mail, addressed to the owner at the owner's last known address, by publication in a daily or weekly publication in the city pursuant to HRS § 1-28.5, or by posting a copy of the notice upon the property.
- (b) *Period during which owner shall commence cutting and removing weeds, garbage, trash, or waste.* The owner of such property shall be given 30 calendar days within which to commence the cutting and removal of weeds, garbage, trash, or waste as described in the notice.
- (c) *Form of notice.* The notice shall describe the work to be done and shall state that if the work is not commenced within 30 calendar days after notice is given and diligently prosecuted to completion without interruption, the director of planning and permitting may cut and remove the weeds, garbage, trash, or waste and the cost thereof shall be a lien on the property.
- (d) *Action upon noncompliance.* Upon the failure, neglect, or refusal of any owner so notified to commence cutting and removing the weeds, garbage, trash, or waste within 30 days after notice has been given as hereinbefore provided, or within 30 days after the date of mailing such notice in the event the post office department is unable to make delivery thereof; provided that same was properly addressed to the last known address, of such owner, the director of planning and permitting is authorized and empowered to pay for cutting and removing such weeds, garbage, trash, or waste out of city funds or to order its disposal by city employees. The director of planning and permitting and the director of planning and permitting's authorized representatives, including any contractor with whom the director of planning and permitting contracts under this section, and assistants, employees, or agents of such contractor, are authorized to enter upon the property for the purposes of cutting and removing the weeds, garbage, trash, or waste described in the notice. Before the director of planning and permitting or the director of planning and permitting's authorized representative or contractor arrives, any property owner may cut and remove the weeds, garbage, trash, or waste at the property owner's own expense.
- (e) *Charge to owner.* When the city has cut and removed such weeds, garbage, trash, or waste or has paid for their removal, the cost thereof, including overhead costs, plus accrued interest at the rate of 7 percent per year shall be charged to the owner of such property and the owner shall be billed therefor by mail. The bill shall apprise the owner that failure to pay the bill will result in a lien. Interest at the rate of 7 percent per year shall accrue from the 31st calendar day after the bill has been mailed to the owner for payment in the event the same has not been paid prior thereto.
- (f) *Statement of director of planning and permitting.* Where the full amount due the city is not paid by such owner within 30 calendar days after the bill has been mailed for payment, the director of planning and permitting shall cause to be recorded with the director of budget and fiscal services a statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was

done, and file the same with the director of budget and fiscal services, who shall refer the collection thereof to the corporation counsel.

- (g) *Mechanic's and materialman's lien procedure.* Any work done by the city under this section is deemed to be done pursuant to quasi contract or constructive contract between the city and the owner. Based on the foregoing contractual relationship, if the owner fails to pay the amount duly noted on the statement filed by the director of planning and permitting, the corporation counsel may proceed to file a mechanic's and materialman's lien pursuant to HRS Chapter 507, Part II, or any other appropriate lien procedures.  
(Sec. 13-29.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 10, § 41-10.4) (Am. Ords. 13-9, 15-21)

**§ 40-7.5 Administrative enforcement.**

In lieu of or in addition to enforcement pursuant to § 40-7.4(e), if the director of planning and permitting determines that any person, firm, or corporation is not complying with the notice, the director of planning and permitting may have the party responsible served, by mail or delivery, with an order pursuant to this section.

(a) *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) Pay a civil fine not to exceed \$5,000 in the manner, at the place, and before the date specified in the order, after an opportunity for a hearing before the building board of appeals as provided for in subsection (b); and
- (C) Pay a civil fine not to exceed \$5,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order, after an opportunity for a hearing before the building board of appeals as provided for in subsection (b).

- (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 director of planning and permitting'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 director of planning and permitting in the exercise of reasonable diligence and the director of planning and permitting 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 director of planning and permitting 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 the order becomes final.

- (d) *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. 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 notices 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. 41, Art. 10, § 41-10.5) (Added by Ord. 90-92; Am. Ords. 13-9, 15-21)

## **Honolulu - Property**

## **ARTICLE 8: PROTECTIVE REGULATIONS FOR EXCEPTIONAL TREES**

### Sections

40-8.1	Declaration of legislative intent
40-8.2	Definition
40-8.3	Arborist advisory committee
40-8.4	Powers and duties
40-8.5	Procedures
40-8.6	Enforcing authority
40-8.7	Register of exceptional trees
40-8.8	Regulations
40-8.9	Emergency situation
40-8.10	Violation—Penalty—Injunctive enforcement
40-8.11	Severability
40-8.12	Appeals

### **§ 40-8.1 Declaration of legislative intent.**

- (a) The council desires to provide for better environmental control to improve the quality of life of its citizens by enacting protective regulations to safeguard exceptional trees within the city. The council finds that not only are trees of value for their beauty, but that they perform an important ecological function in that they prevent soil erosion, purify the air, as well as retard flooding. The council also finds that inasmuch as trees contribute to the beauty of the island, they are an important element in achieving the objectives of the new general plan “to protect and preserve the natural environment of Oahu” and “to maintain the viability of Oahu’s resort industry.”
  - (b) While the council recognizes the limitations inherent in the enforcement of this article on federal and State property, exceptional trees located on such property are included herein, as a statement of this council’s firm resolve to protect those unique assets to our environment, wherever they might be located on Oahu. Further, the council hopes that this statement of resolve will encourage these federal and State officials entrusted with the care of designated exceptional trees, to take appropriate steps for their protection.
  - (c) In the belief that protective regulations to safeguard exceptional trees will promote the health, safety, and general welfare of the citizens of the city, the council enacts this article as a means of preserving the environmental character of the city within Act 105, Session Laws of Hawaii, 1975. The terms of this article shall be liberally construed to effectuate the purpose stated herein.
- (Sec. 13-36.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 13, § 41-13.1)

**§ 40-8.2 Definition.**

“Exceptional trees,” for the purposes of this article, means a tree or grove of trees with historic or cultural value, or which by reason of its age, rarity, location, size, esthetic quality, or endemic status has been designated by the council as worthy of preservation.  
(Sec. 13-36.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 13, § 41-13.2)

**§ 40-8.3 Arborist advisory committee.**

There shall be an arborist advisory committee consisting of nine members who shall be appointed by the mayor. The committee shall include the director of planning and permitting, or the director’s designee. At least one member shall be actively employed in the practice of landscape architecture, at least one member shall be actively employed as a certified arborist, and six other members shall be selected on the basis of their active participation in programs of community beautification, or research or organization in the ecological sciences, including ethnobotany or Hawaiiana. The committee shall be attached to the department of parks and recreation for administrative purposes and the director shall cause employees of the director’s office to furnish technical, administrative, or clerical services as may be needed by the committee.  
(Sec. 13-36.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 13, § 41-13.3) (Am. Ord. 00-54)

**§ 40-8.4 Powers and duties.**

The arborist advisory committee shall have the following powers and duties:

- (1) To research, prepare, and recommend to the council exceptional trees to be protected by city ordinance or regulation;
- (2) To advise property owners relative to the preservation and enhancement of exceptional trees by providing educational resources and information to property owners about proper tree care and maintenance;
- (3) To recommend to the council appropriate protective ordinances, regulations, and procedures; and
- (4) To review all actions deemed by the council to endanger exceptional trees.

(Sec. 13-36.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 13, § 41-13.4) (Am. Ord. 10-23)

**§ 40-8.5 Procedures.**

- (a) Any citizen or citizen group may petition the arborist advisory committee to examine a particular tree or grove of trees for the purpose of having it recommended to the council for designation as an exceptional tree.
- (b) In the event an exceptional tree is found to no longer meet the exceptional tree criteria, the council, upon recommendation from the arborist advisory committee, may delist such tree from the register.

## Protective Regulations for Exceptional Trees

§ 40-8.7

- (c) Upon designation by the council of an exceptional tree, the city clerk shall notify the property owner or the occupant of the property, of both, by certified mail that such a designation has been made.  
(Sec. 13-36.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 13, § 41-13.5) (Am. Ords. 10-23, 19-28)

### § 40-8.6 Enforcing authority.

The department of parks and recreation shall be charged with the enforcement of this article and shall be clothed with police power to do all acts necessary to ensure that this article is not violated including but not limited to the issuance of citations for the violation of this article. This article shall not be superseded by any permit issued by any county agency under any other ordinance.  
(Sec. 13-36.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 13, § 41-13.6) (Am. Ord. 96-58)

### § 40-8.7 Register of exceptional trees.

The trees listed in this section are designated “exceptional trees” of the city.

- (a) The following trees begin with the letters “a” through “b”:

<i>Name of Tree or Scientific Name, or both</i>	<i>Description of Location (If Available)</i>	<i>TMK (If Available)</i>
Acrocarpus fraxinifolius, Pink Cedar Tree	Schofield Barracks, Ulrich Street, west of Building S2107	N/A
Adansonia digitata, Baobab Tree	Queen’s Medical Center, 1301 Punchbowl Street*	2-1-035:003
	Grove of 11 trees – Ala Moana Regional Park	2-3-037:001
	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
	University of Hawaii at Manoa, adjacent to the Art Building, 2444 Dole Street	2-8-023:003
Agathis robusta, Queensland Kauri Tree	Harold L. Lyon Arboretum, 3860 Manoa Road	2-9-055:006
Albizia guachapele, Guachapele Trees	3 trees – Wheeler Army Airfield, on the median strip of Wright Avenue between Elleman Road and Foote Avenue	N/A
Albizia niopoides	Schofield Barracks, Sargent Road, between Buildings T-695 and 699A	N/A
Albizia procera, Albizia	4 trees – Wheeler Army Airfield, Wright Avenue, two trees north of building at 147 Langley Loop, one tree north of building at 766 Santos Dumont, one tree in front of quarters at 1078 Wright Avenue	N/A
Albizia saman, Monkeypod Tree	2 trees – Waimea Valley, at the Visitor Center	6-1-002:002
	420 Wyllie Street	1-8-006:007
	Central Union Church – courtyard Atherton Chapel, 1660 South Beretania Street	2-8-011:028

<i>Name of Tree or Scientific Name, or both</i>	<i>Description of Location (If Available)</i>	<i>TMK (If Available)</i>
Albizia saman, Monkeypod Tree (cont.)	Both sides of Paki Avenue from Kapahulu to Monsarrat and 4 trees at Waikiki Fire Station	3-1-043:002
	2 trees – Moanalua Gardens, 2850 Moanalua Road	1-1-009:004
	1070 Aalapapa Drive, Lanikai	4-3-006:102
	11 trees – along Koa Kahiku Street, Windward City Shopping Center	4-5-060:061
	Wheeler Army Airfield, 258 Haley Avenue, Apartment 102	N/A
	5 trees – along perimeter of Windward City Shopping Center on Aumoku Street	4-5-060:061
	3 Trees – left and right of driveway entrance of Women’s Community Corrections Center, Kailua	4-2-003:004
	16 Trees – 52 Robinson Lane	1-8-003:002; 1-8-003:003; 1-8-003:005
	“Hitachi Tree”, Moanalua Gardens, 2850 Moanalua Road, Honolulu, Hawaii 96819	1-1-009:004
	3 trees – Cooke Estate, 2859 Manoa Road	2-9-019:035
	2 trees – Cooke Estate, 2829 Manoa Road	2-9-019:025
	Both sides of Kapiolani Boulevard from Atkinson Drive to South Street	N/A
Araucaria bidwillii, Bunya-bunya Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:00
Araucaria cunninghamii, Hoop-Pine Tree	Harold L. Lyon Arboretum, 3860 Manoa Road	2-9-055:006
Araucaria heterophylla, Norfolk Island Pine Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Araucaria spp., Norfolk Island Pines	33 trees – Schofield Barracks, both sides of General Loop	N/A
Artocarpus altilis, Breadfruit Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Attalea cohune, Mexican Cohune Nut Palms	Grove of 8 palms – 3282 Paty Drive	2-9-041:068
Barringtonia asiatica, Hutu Tree	University of Hawaii at Manoa, mauka side of Bilger Hall at McCarthy Mall area	2-8-023:003
Bertholletia excelsa, Brazil Nut Tree Bucida buceras, Geometry Tree	2616 Pali Highway	1-8-008:001
	Ala Moana Regional Park	2-3-037:001
	Schofield Barracks, Sargent Road, north of Building T-695	N/A
* “Champion Trees of Hawaii,” in <i>American Forests</i> , May 1974.		

# Protective Regulations for Exceptional Trees

§ 40-8.7

(b) The following trees begin with the letters “c” through “e”:

<i>Name of Tree or Scientific Name, or both</i>	<i>Description of Location (If Available)</i>	<i>TMK (If Available)</i>
Calophyllum inophyllum, Kamani Trees	2 trees – Kualoa Regional Park – corner near fishpond, makai of Kamehameha Highway	4-9-004:001
	25 trees – Wheeler Army Airfield, both sides of Haley Avenue between Elleman and Chanute Roads	N/A
	52 Robinson Lane	1-8-003:002
Canarium vulgare, Pili Nut Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
	Northwest corner of J.R. Judd property, Hakipuu, 49-074-C Kamehameha Highway	4-9-001:005
	Washington Place	2-1-018:001
Capparis mollicella	Schofield Barracks, located on the south side of Building 2105, Ulrich Street	N/A
Cassia roxburghii, Red Cassia Tree	45-647 Anoi Road	4-5-081:015
Cassia x nealiae, ‘Wilhelmina Tenny’/Rainbow Shower Tree	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
	2 trees–Kapiolani Regional Park; Kalakaua Avenue near Paki Avenue intersection	3-1-043:001
Casuarina equisetifolia, Ironwood Trees	Along Kalakaua Avenue from Kapahulu Avenue to Poni Moi Road	3-1-043:001
	Grove of double row – parallel to the Kapiolani Park Bandstand, at Monsarrat Avenue’s Waikiki Shell parking lot makai entrance	3-1-043:001
	52 Robinson Lane	1-8-003:002
Cavanillesia plantanifolia, Quipo Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
Ceiba pentandra, Kapok Tree	Grounds of State department of agriculture, 1428 South King Street	2-4-005:018
	2 trees – Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
Couroupita guianensis, Cannonball Tree	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
	University of Hawaii/Manoa Campus, next to parking lot, makai side of Sinclair Library	2-8-023:003
Cyrtostachys renda, Sealing Wax Palm	Harold L. Lyon Arboretum	2-9-055:006
Elaeodendron orientale, False Olive Tree	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002

<i>Name of Tree or Scientific Name, or both</i>	<i>Description of Location (If Available)</i>	<i>TMK (If Available)</i>
Enterolobium cyclocarpum, Earpod Tree	Board of Water Supply – Makiki Pumping Station	2-5-020:001
	Waialua Library, 67-068 Kealohanui Street	6-7-016:002
	2020 Kamehameha Avenue	2-9-007:015
	23 trees – Schofield Barracks, north side of Leilehua Avenue, from Baldwin Road to Morris Road	N/A
	Schofield Barracks, Bragg Street, 100 feet from Ayres Avenue intersection	N/A
	2 trees – 2823 Oahu Avenue	2-9-014:069
Erythrina sandwicensis, Wiliwili Trees	Grove of 57 trees – Koko Crater Botanical Garden	3-9-012:001
	Grove of 18 trees – Waimea Valley	6-1-001:002
Eucalyptus camaldulensis, River Red Gum Trees	56 trees – Schofield Barracks, south side of Kolekole Avenue, extending from Fournier Avenue to Hewitt Street	N/A
Eucalyptus deglupta, Mindanao Gum Tree	Wahiawa Botanical Garden, 1396 California Avenue*	7-4-017:001
Eucalyptus robusta, Swamp-Mahogany Trees	Schofield Barracks, row of 110 trees along Wilikina Drive in the Mendonca Park Family Housing area	N/A
* “Champion Trees of Hawaii,” in <i>American Forests</i> , May 1974.		

(c) The following trees begin with the letter “F”:

<i>Name of Tree or Scientific Name, or both</i>	<i>Description of Location (If Available)</i>	<i>TMK (If Available)</i>
Ficus spp., Banyan Trees	45 trees that comprise 4 groves and 6 single trees at Ala Moana Regional Park; 1 Ficus religiosa near the McCoy Pavilion roundabout, 4 Ficus spp. within McCoy Pavilion Courtyard, and 1 large Ficus benghalensis near the Ewa lagoon	2-3-037:001
Ficus spp., Banyan Trees (cont.)	Two rows of Ficus benjamina trees along the Ewa side of the Ala Wai Canal and a single row of Ficus microcarpa trees on the Waikiki side of the Ala Wai Canal, all three rows running between Kalakaua Avenue and Ala Moana Boulevard	N/A
	2616 Pali Highway	1-8-008:001
Ficus sp., Fig Tree	Washington Place, 320 South Beretania Street, front lawn Diamond Head side	2-1-018:001

# Protective Regulations for Exceptional Trees

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<i>Name of Tree or Scientific Name, or both</i>	<i>Description of Location (If Available)</i>	<i>TMK (If Available)</i>
Ficus benghalensis, Indian Banyan Tree	Honolulu Zoo, 151 Kapahulu Avenue	3-1-043:001
	Makai tree – in front of Honolulu Zoo entrance; corner of Kalakaua Avenue and Kapahulu Avenue	3-1-043:001
	Mauka tree – in front of Honolulu Zoo entrance; corner of Kalakaua Avenue and Kapahulu Avenue	3-1-043:001
	Directly across the street from the Zoo entrance, makai side of Kalakaua Avenue	3-1-043:001
	Ewa side of Queen’s Surf Beach Center, makai of Kalakaua Avenue	3-1-030:003
	Ewa side of Waikiki Aquarium, makai of Kalakaua Avenue	3-1-030:003
	Makai tree – in front of the Waikiki War Memorial Natatorium, Diamond Head of the Waikiki Aquarium	3-1-031:003
	Mauka tree – in front of the Waikiki War Memorial Natatorium, Diamond Head of the Waikiki Aquarium	3-1-031:003
	Diamond Head tree – across the street from the Donald A. Andrews Diamond Head Tennis Center, along the makai side of Paki Avenue	3-1-043:001
	Ewa tree – across the street from the Donald A. Andrews Diamond Head Tennis Center, along the makai side of Paki Avenue	3-1-043:001
	Diamond Head corner of archery range, along Poni Moi Road near entrance to La Pietra	3-1-043:007
	Makai tree – across the street from the Diamond Head side of the Honolulu Zoo, makai side of the Waikiki Shell parking lot entrance	3-1-043:001
	Mauka tree – across the street from the Diamond Head side of the Honolulu Zoo, makai side of Waikiki Shell parking lot entrance	3-1-043:001
	Grounds of Kaiulani School, 783 North King Street	1-5-005:016
Ficus benghalensis, Indian Banyan Tree (cont.)	Iolani Palace grounds	2-1-025:002
	Moana Hotel Courtyard, 2365 Kalakaua Avenue	2-6-001:012
	2 trees – beside the Judiciary Building, Aliiolani Hale, 417 South King Street	2-1-025:003

<i>Name of Tree or Scientific Name, or both</i>	<i>Description of Location (If Available)</i>	<i>TMK (If Available)</i>
	Parking lot, Walina Street, The Food Pantry Ltd., 2370 Kuhio Avenue	2-6-021:100
	Kuhio Beach Park	2-6-001:004
	Center of International Market Place, 2330 Kalakaua Avenue	2-6-022:038
	End of Magic Island	2-3-037:025
	1212 Punahou Street	2-4-007:002
	Thomas Square, 925 South Beretania Street, 4 trees surrounding fountain	2-4-001:001
Ficus benjamina, Benjamin Fig Tree	Entry circle to left of front lawn of Roosevelt High School	2-4-032:001
Ficus drupacea, Mysore Fig Tree	Schofield Barracks, tree located on the north side of Grant Hall, intersection of Waianae and McCormack Roads	N/A
Ficus elastica, Indian Rubber Tree	University of Hawaii/Manoa Campus, next to Campus Way, mauka side of Sinclair Library	2-8-023:003
Ficus macrophylla, Moreton Bay Fig Tree	Schofield Barracks, tree located at the southwest corner of Building 747, Quad I	N/A
	Kailua Road "Triangle Park", center of Kailua	4-2-018:014
Ficus microcarpa, Chinese Banyan Tree	239 Kulamano Place	3-1-040:061
	3 Trees – Kailua Road "Triangle Park", center of Kailua	4-2-018:014
	1699 Walea Street	7-5-001:001
Ficus petiolaris, Blue Mexican Fig Tree	1941 Ualakaa Street	2-5-001:033
Ficus religiosa, Bo Tree	Moanalua Gardens, 2850 Moanalua Road*	1-1-009:004
	2616 Pali Highway	1-8-008:001
	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
* "Champion Trees of Hawaii," in <i>American Forests</i> , May 1974.		

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§ 40-8.7

(d) The following trees begin with the letters “g” through “l”:

<i>Name of Tree or Scientific Name, or both</i>	<i>Description of Location (If Available)</i>	<i>TMK (If Available)</i>
Garcinia mangostana, Mangosteen Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Gigasiphon macrosiphon	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
Guazuma ulmifolia, West Indian Elm Tree	State department of agriculture, 1428 South King Street*	2-4-005:018
Hernandia nymphaeifolia, Jack-in-the-box Tree	University of Hawaii/Manoa Campus, mauka Ewa side of Sinclair Library	2-8-023:003
Hibiscus tiliaceus, Hau Tree	3314 Halelani Drive	2-9-035:103
Hura crepitans, Sandbox Tree	2365 Oahu Avenue	2-9-005:056
Hydnocarpus anthelminthicus, Chaulmoogra Oil Tree	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
Hyphaene thebaica, Doum Palm, Gingerbread Palm	Foster Botanical Garden, 180 North Vineyard Boulevard*	1-7-007:002
Kigelia africana, Sausage Tree	115 Kuukama Street, Kailua	4-3-014:007
	Coast Guard Station on Kalanianaʻole Highway, Aina Haina	3-5-046:013
Lagerstroemia speciosa, Queen’s Crape Myrtle	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
	Cooke Estate, 2859 Manoa Road	2-9-019:035
Lagunaria patersonia, White Wood Tree	Schofield Barracks, Glennan Avenue, between Buildings 687 and 688, Health Clinic	N/A
Litchi chinensis, Litchi Tree	2616 Pali Highway	1-8-008:001
	1699 Walea Street, Wahiawa	7-5-001:001
	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Lonchocarpus domingensis, Guama Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
* “Champion Trees of Hawaii,” in <i>American Forests</i> , May 1974.		

(e) The following trees begin with the letters “m” through “r”:

<i>Name of Tree or Scientific Name, or both</i>	<i>Description of Location (If Available)</i>	<i>TMK (If Available)</i>
Macadamia integrifolia, Macadamia Nut Tree	52 Robinson Lane	1-8-003:002
Mammea americana, Mammee Apple Tree	State department of agriculture, 1428 South King Street*	2-4-005:018
Mangifera indica ‘Pirie’, Mango Tree	2616 Pali Highway	1-8-008:001
Mangifera indica, Mango Tree	Center of Nuuanu Valley Park	2-2-034:028
	52 Robinson Lane	1-8-003:002
Manilkara zapota, Chicle Tree	2616 Pali Highway	1-8-008:001
	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
Metroxylon amicarum, Caroline Ivory Nut Palm	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Michelia x alba, Pak Lan Tree	Washington Place, 320 South Beretania Street, rear Diamond Head side near lanai	2-1-018:001
Mimusops elengi, Pogada Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
	41 trees – Wheeler Army Airfield, 148 Curtis Loop, 16 trees line Curtis Loop, Wright Avenue and Warhawk Road; 25 trees line Curtis Loop and Vought and Wright Avenues framing the parking lot	N/A
Olea europaea, Olive Tree	2621 Anuenue Street	2-9-014:070
Phoenix canariensis, Date Palm Trees	Wheeler Army Airfield, row of palm trees on both sides of Wright Avenue, from Frutchey Road to Lilienthal Road	N/A
Phyllanthus emblica, Indian Gooseberry Tree	2616 Pali Highway	1-8-008:001
Pithecellobium dulce, Opiuma Tree	Fernhurst YWCA – 1566 Wilder Avenue	2-4-023:087
Pittosporum hosmeri, Hoawa Tree	Cooke Estate, 2859 Manoa Road	2-9-019:035
Plumeria obtusa, Singapore Plumeria Tree	902-B Prospect Street	2-2-004:048
Pritchardia lowreyana, Loulu Palm	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
Prosopis pallida, Kiawe Tree	2418 Oahu Avenue	2-9-011:010

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<i>Name of Tree or Scientific Name, or both</i>	<i>Description of Location (If Available)</i>	<i>TMK (If Available)</i>
Pseudobombax ellipticum, Pink Bombax Tree	Queen's Medical Center, front lawn	2-1-035:003
	612 Ahakea Street	3-5-014:036
Pterocarpus indicus, Narra Tree	Tantalus Drive – on curve near #3665	2-5-012:006
Pterocarpus indicus, Narra Tree (cont.)	6 trees – Wheeler Army Airfield, Eastman Road, 2 trees approximately 100 feet north of Wright Avenue intersection, 2 trees 500 feet north of Wright Avenue intersection and 2 trees east of quarters at 459 Eastman Road	N/A
Pterygota alata, Tattele Tree	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
Reynoldsia sandwicensis, Ohe Makai Trees	2 trees – Waimea Valley	6-1-001:002
Roseodendron donnell-smithii, Gold Tree	2119 Kaloa Way	2-8-020:040
	Cooke Estate, 2829 Manoa Road	2-9-019:025
Roystonea oleracea, Cabbage Palm	Harold L. Lyon Arboretum	2-9-055:006
	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
	2 palms – Schofield Barracks, 227 General Loop	N/A
Roystonea oleracea and Roystonea regia, Cabbage Palms and Royal Palms	Total of 11 palms – Schofield Barracks, west side of Building 360, Flagler Road	N/A
Roystonea regia, Royal Palms	Both sides of Royal Palm Drive from Glen Avenue to Uuku Street, Wahiawa	N/A
	30 line old carriage road – Castle Ranch, 1385 Maunawili Road	4-2-009:001
	Palm Circle Drive, Fort Shafter, palms encircling parade field	1-1-008:005
Roystonea regia and Fraxinus americana, Royal Palms and White Ash Trees	91 Royal Palms and 79 White Ash Trees – Wheeler Army Airfield, planted alternately on both sides of Sperry and Langley Loops north of Wright Avenue	N/A
* “Champion Trees of Hawaii,” in <i>American Forests</i> , May 1974.		

(f) The following trees begin with the letter “s” through “w”:

<i>Name of Tree or Scientific Name, or both</i>	<i>Description of Location (If Available)</i>	<i>TMK (If Available)</i>
Schotia brachypetala, Tree Fuchsia	203 Prospect Street	2-2-003:098
Spondias mombin, Hog Plum Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
Sterculia apetala, Panama Trees	4 trees – Ala Moana Regional Park	2-3-037:001
	Thomas Square, 925 South Beretania Street	2-4-001:001
Sterculia foetida, Skunk Tree	University of Hawaii/Manoa Campus, Ewa-makai corner of George Hall	2-8-023:003
	Schofield Barracks, 225 General Loop	N/A
	203 Prospect Street	2-2-003:098
Swietenia macrophylla, Mahogany Trees	2 trees – Schofield Barracks, Lewis Street, immediately north of the Foote Avenue intersection	N/A
	Schofield Barracks, Glennan Avenue, between Buildings 672 and 688, Health Clinic	N/A
Swietenia mahagoni, Mahogany Trees	Along Kalakaua Avenue between Beretania Street and Ena Road	N/A
	2616 Pali Highway	1-8-008:001
Syzygium malaccense, Mountain Apple Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Tamarindus indica, Tamarind Tree	Judiciary Building, Aliiolani Hale, Ewa Courtyard, 417 South King Street	2-1-025:003
	52 Robinson Lane	1-8-003:002
	Washington Place, 320 South Beretania Street, front lawn Ewa side	2-1-018:001
	Washington Place, 320 South Beretania Street, rear of property on Ewa side near driveway	2-1-018:001
Terminalia catappa, Tropical Almond Tree	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
Wallaceodendron celebicum, Banuyo Tree	University of Hawaii, along Campus Road near Sinclair Library, across from Gartley Hall, 2444 Dole Street	2-8-023:003

## Protective Regulations for Exceptional Trees

§ 40-8.10

<i>Name of Tree or Scientific Name, or both</i>	<i>Description of Location (If Available)</i>	<i>TMK (If Available)</i>
Washingtonia robusta, Mexican Fan Palms	19 palms – Schofield Barracks, located on the west side of Dickman Road	N/A
	14 palms – Schofield Barracks, both sides of Glennan Street between Foote Avenue and Sargent Road	N/A
* “Champion Trees of Hawaii,” in <i>American Forests</i> , May 1974.		

(Sec. 13-36.7, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 41, Art. 13, § 41-13.7) (Am. Ords. 88-109, 91-38, 92-123, 00-54, 06-51, 10-23, 15-12, 16-34, 19-28)

### § 40-8.8 Regulations.

- (a) *Tree removal or destruction.* It is unlawful for any person, corporation, public agency, or other entity to remove or otherwise destroy any tree in the city that has been designated “exceptional” without approval from the council, except as provided in § 40-8.9. Any person who violates this section shall be fined not more than \$1,000.
- (b) *Tree maintenance.*
- (1) It is unlawful for any person, corporation, public agency, or other entity to alter the characteristic shape of any “exceptional” tree or remove any branch without first obtaining a permit issued by the department of parks and recreation.
  - (2) The department of parks and recreation shall have the necessary powers to make rules, pursuant to HRS Chapter 91, to establish the criteria, standards, and conditions under which a permit may be issued.

(Sec. 13-36.8, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 41, Art. 13, § 41-13.8)

### § 40-8.9 Emergency situation.

In an emergency situation, where there is imminent danger to life or property, the owner of the exceptional tree shall petition for removal of the exceptional tree to the director of parks and recreation or the director’s authorized representative. The director of parks and recreation or the director’s authorized representative may grant the removal of an exceptional tree upon a finding that such an emergency exists. The director of parks and recreation shall give notice of the action taken to the arborist advisory committee and to the council.

(Sec. 13-36.9, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 41, Art. 13, § 41-13.9) (Am. Ord. 15-12)

### § 40-8.10 Violation—Penalty—Injunctive enforcement.

- (a) Any person who violates § 40-8.8 shall be subject to a fine of not more than \$1,000.

- (b) In addition, any threatened violation of this article, or of any rule or regulation adopted pursuant to § 40-8.8(b) is declared to be a public nuisance and the corporation counsel shall institute such proceedings for injunctive or other civil relief as may be necessary to carry out the intent of this article.  
(Sec. 13-36.9, R.O. 1978 (1983 Ed.); Sec. 13-36.10, R.O. 1987 Supp.) (1990 Code, Ch. 41, Art. 13, § 41-13.10)

**§ 40-8.11 Severability.**

If any section, paragraph, subsection, clause, or phrase of this article is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this article.  
(Sec. 13-36.10, R.O. 1978 (1983 Ed.); Sec. 13-36.11, R.O. 1987 Supp.) (1990 Code, Ch. 41, Art. 13, § 41-13.11)

**§ 40-8.12 Appeals.**

Any person or persons aggrieved by an action of the council may, within 30 days of such action, file an appeal to the circuit court.  
(Sec. 13-36.11, R.O. 1978 (1983 Ed.); Sec. 13-36.12, R.O. 1987 Supp.) (1990 Code, Ch. 41, Art. 13, § 41-13.12)

## ARTICLE 9: ALARM SYSTEMS

### Sections

- 40-9.1 Definitions
- 40-9.2 Alarm user permits required
- 40-9.3 Multiple alarm systems
- 40-9.4 Response to alarm—Determination of false alarm
- 40-9.5 Review of false alarm determinations
- 40-9.6 Service charge assessment for false alarms
- 40-9.7 Failure to obtain permit for alarm system—Violation
- 40-9.8 Deposit of fees, charges, and fines in special account
- 40-9.9 Annual report
- 40-9.10 Failure to provide written notification—Violation

### § 40-9.1 Definitions.

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

***Activation of an Alarm System.*** The emission of an audible or silent alarm or signal generated by an alarm system, including the transmission of a message by means of an automatic telephone dialer.

***Alarm Company.*** The business of any individual, partnership, corporation, or other entity engaged in selling, leasing, or installing any alarm system or in causing any alarm system to be sold, leased, or installed in or on any building, structure, facility, or premises.

***Alarm System.*** Any single device or assembly of equipment designed to signal the occurrence of an emergency, including illegal entry or other activity requiring immediate attention, to which the police department is expected to respond or does respond, and that emits an audible alarm or transmits a signal or message, including a telephonic message, when activated. The term does not include alarms installed in motor vehicles or fire alarms.

***Alarm System Coordinator.*** A subordinate, person, or vendor designated by the chief of police to administer this article.

***Alarm User.*** Any person owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

***Audible Alarm.*** Any alarm system that emits a sound when activated.

***Automatic Telephone Dialer.*** Any alarm system that, when activated, dials a programmed telephone number, and when the telephone is answered, plays a recorded message informing the listener of an unauthorized entry or unlawful act.

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

**Common Cause.** A common technical difficulty or malfunction which causes an alarm system to generate a series of false alarms.

**Emergency.** Includes:

- (1) An unauthorized entry or attempted unauthorized entry into a building, place, or premises, excluding any motor vehicle; or
- (2) The commission of a crime.

**Emergency Service.** Any law enforcement, fire, or medical service.

**False Alarm.** Any alarm activation that is communicated to an emergency service but that is not in response to an actual or threatened emergency. False alarms include alarm activations caused by mechanical or electronic failure, malfunction, improper installation or maintenance of alarm system equipment, or the negligence of the alarm user, employees, and agents of the alarm user. False alarm shall also include efforts to use an alarm system to summon an emergency service for a purpose other than an emergency. A false alarm shall not include an alarm activation when there is evidence that the activation was the result of a power outage exceeding four hours in length or the result of hurricane, fire, earthquake, or other unusually violent condition of nature or an alarm that is canceled by the alarm user before the police department is dispatched to or arrives at the premises.

**Notice.** Written notice, served personally or mailed, addressed to the person to be notified at the person's last known address. Service of such notice shall be deemed effected upon completion of personal service or upon deposit of such notice in the United States mail.

**Permittee.** The holder of a permit issued under § 40-9.2.

**Person.** An individual, corporation, partnership, trust, limited liability company, association, organization, or similar entity, but excludes any agency of the federal government or the State.

**Police Department.** The Honolulu police department.

**Service Charge.** A charge assessed a permittee to offset the city's cost of responding to a false alarm, and may include the administrative costs of mailing and processing an assessment notice for a false alarm and the prorated share of the city's cost of administering this article.

(1990 Code, Ch. 41, Art. 42, § 41-42.1) (Added by Ord. 01-63; Am. Ords. 12-40, 14-3)

## § 40-9.2 Alarm user permits required.

- (a) **Permit required.** No person shall use an alarm system which is designed to elicit, either directly or indirectly, a police response without first obtaining a permit for such alarm system from the alarm system coordinator. An alarm company shall provide each person purchasing or leasing an alarm system from the alarm company with written notification of the permit required pursuant to this section at the time of sale or not later than 24 hours before the installation of the alarm system.

- (b) *Permit issuance.* The permit shall be requested on an application form prescribed by the chief of police. An alarm user shall obtain the application form from the alarm system coordinator, provide the information requested on the form, and file the form with the alarm system coordinator. Upon receipt of a completed application form and the fee prescribed in subsection (e), the alarm system coordinator shall issue a permit to the applicant. Permits shall be valid for one year and shall be renewable on an annual basis.
  - (c) *Transfer of possession.* When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the premises shall file an application for an alarm user permit within 30 days of obtaining possession of the premises. Alarm user permits are not transferable.
  - (d) *Reporting updated information.* Whenever the information provided on the alarm user permit application changes, the correct information shall be provided by the permittee to the alarm system coordinator within 30 days of the change. Each year after the initial issuance of the permit, the alarm system coordinator shall provide each permit holder with a form requesting updated information. The permit holder shall complete and return this form to the alarm system coordinator and pay the renewal fee prescribed in subsection (e).
  - (e) *Fees.* The initial fee for a permit shall be \$15. The fee for renewal of an annual permit shall be \$5.
  - (f) *Confidentiality.* Completed application forms and permits shall be confidential and shall not be made public, except to that extent necessary to enforce this article.
- (1990 Code, Ch. 41, Art. 42, § 41-42.2) (Added by Ord. 01-63; Am. Ord. 14-3)

### § 40-9.3 Multiple alarm systems.

If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses, a separate permit will be required for each such structure.

(1990 Code, Ch. 41, Art. 42, § 41-42.3) (Added by Ord. 01-63)

### § 40-9.4 Response to alarm—Determination of false alarm.

- (a) *Police response.* Whenever an alarm system is activated which results in a response by the police department, the responding police officer shall inspect the area and determine whether an actual or threatened emergency existed at the time of the system's activation, or whether the alarm was a false alarm.
  - (b) *Notification.* If the police officer at the scene of the activated alarm system determines the alarm to be false, the police officer shall make a report of the false alarm. The permittee or, if there is no permittee, an alarm user, shall be notified in writing of each false alarm determination.
  - (c) *Inspection.* At the time of the response, the chief of police shall have the right to inspect any alarm system to which the police department has responded to determine whether the system is being used in conformity with this article.
- (1990 Code, Ch. 41, Art. 42, § 41-42.4) (Added by Ord. 01-63)

**§ 40-9.5 Review of false alarm determinations.**

- (a) The alarm system coordinator shall, when requested by a permittee, review the determination by a responding police officer that an alarm was false. The review shall be conducted by the alarm system coordinator only if the permittee requests the review in writing within 10 days of the date on which the false alarm determination was mailed or delivered to the permittee. The written request for review of a false alarm determination shall include the following information:
    - (1) The permittee's name and mailing address;
    - (2) Address of the premises at which the alarm system is installed;
    - (3) The date of the alarm being contested;
    - (4) The permit number for the alarm system; and
    - (5) The basis for the permittee's belief that the alarm being contested was not a false alarm.
  - (b) The alarm system coordinator shall make a determination on the permittee's request for review within 14 days of receiving the request for review and shall, within seven days thereafter, mail written notice of the coordinator's determination to the permittee at the address supplied in the request for review.
- (1990 Code, Ch. 41, Art. 42, § 41-42.5) (Added by Ord. 01-63)

**§ 40-9.6 Service charge assessment for false alarms.**

- (a) Any service charge assessed pursuant to this section shall be considered an obligation owed by the permittee to the city and shall be paid within 30 days from the date of receipt of the assessment notice.
- (b)
  - (1) A permittee who installs a new alarm system or reinstalls an alarm system shall not be subject to a false alarm determination for a period of 30 days from the date the alarm system becomes operational. This subdivision shall apply only if the alarm user provides written notice to the alarm system coordinator within 10 days of completion of an alarm system installation or reinstallation. The written notice shall specify the date the installation or reinstallation was completed and, if a reinstallation, shall contain a description of the reinstallation. For the purposes of this subsection, an alarm system is considered to have been reinstalled when a new control panel is installed for the system.
  - (2) An alarm user who obtains an initial permit for an alarm system already in operation on April 27, 2002\* shall not be subject to a false alarm determination for the 30-day period immediately following issuance of the permit.
  - (3) This subsection shall not apply to any permittee or other alarm user who is delinquent in payment of any service charges assessed or fines imposed pursuant to this article.
- (c) A series of false alarms generated by an alarm system, for which a permit has been issued under this article, as a result of a common cause within any 72-hour period shall be considered a single occurrence of a false alarm for purposes of subsections (d) and (e), provided that:

- (1) Repairs to the alarm system to eliminate the common cause are made before the alarm system generates additional false alarms after the 72-hour period;
  - (2) The alarm user provides documentation of the repairs to the alarm system coordinator; and
  - (3) No additional false alarms are generated as a result of the common cause within the 30-day period immediately following the completion of repairs.
- (d) A service charge shall not be assessed for the first, second, and third false alarms activated from any premises within a 12-month period. The fourth false alarm and all false alarms thereafter activated from any premises within a 12-month period shall cause the permittee to be assessed a \$50 service charge per occurrence, provided that an initial fourth false alarm activation within a 12-month period shall be deemed not to have occurred if the alarm user successfully completes an alarm systems operation and maintenance educational program approved by the chief of police.
- (e) Except as provided in subsection (d), the assessment notice for the fourth false alarm and all false alarms thereafter activated from any premises within a 12-month period shall specify that the police department shall be under no duty to respond, and may discontinue responding, to alarms activated from the premises until all unpaid service charges assessed pursuant to this section are paid. Upon receipt of all service charges assessed, police department response to alarm activations at the premises may recommence. In addition, the chief of police, before determining to recommence police response to the premises, may require that a permittee or alarm user submit written proof that its alarm system has been inspected by a licensed contractor after the most recent false alarm determination. This section shall not apply to panic, duress, or holdup alarms.
- (1990 Code, Ch. 41, Art. 42, § 41-42.6) (Added by Ord. 01-63)

**§ 40-9.7 Failure to obtain permit for alarm system—Violation.**

Failure by an alarm user to obtain a permit when required by § 40-9.2 shall constitute a violation punishable by a fine of not more than \$100. If, after being cited for a violation of this section, an alarm user fails to obtain a permit under this article within 30 days of the citation, each activation of the alarm system shall be deemed a false alarm and a violation and the alarm user cited shall be liable to pay a service charge of \$50 for each false alarm and \$250 for each violation until a permit is obtained.

(1990 Code, Ch. 41, Art. 42, § 41-42.7) (Added by Ord. 01-63)

**§ 40-9.8 Deposit of fees, charges, and fines in special account.**

All moneys collected from fees, charges, and fines required by this article shall be deposited in a special account in the general fund and shall be used for the administration and enforcement of this article.

(1990 Code, Ch. 41, Art. 42, § 41-42.8) (Added by Ord. 01-63)

**§ 40-9.9 Annual report.**

No later than 30 days following the first and second anniversary of April 27, 2002,\* the chief of police shall submit to the council and the city clerk a comprehensive report of the police department's activities under this article, which report shall include at least the following:

- (1) A breakdown of general fund and special account resources assigned to or expended on the administration of this article;
- (2) An accounting of the number of permits issued;
- (3) An accounting of the number of false alarms by category (first, second, third, etc.; residential or commercial, etc.);
- (4) An accounting of the number of false alarm determinations appealed and reviewed, and the disposition of those reviews;
- (5) An accounting of the permit fees received;
- (6) An accounting of the service charges assessed and paid; and
- (7) An accounting of the number of violations/citations for failure to obtain a required permit.

(1990 Code, Ch. 41, Art. 42, § 41-42.9) (Added by Ord. 01-63)

***Editor's note:***

\* *"April 27, 2002" is substituted for "the effective date of this ordinance."*

**§ 40-9.10 Failure to provide written notification—Violation.**

An alarm company that fails to provide written notification of the required permit to the alarm user under § 40-9.2(a) shall be responsible for the payment of all fines and charges assessed to the alarm user under § 40-9.7, provided that the citation or notice of violation is provided to the alarm company by the alarm user within 30 days of the notice or citation's issuance.

(1990 Code, Ch. 41, Art. 42, § 41-42.10) (Added by Ord. 14-3)

## ARTICLE 10: HISTORIC PRESERVATION

### Sections

- 40-10.1 Findings and policy
- 40-10.2 On-site curation
- 40-10.3 Removal, transfer prohibited

### § 40-10.1 Findings and policy.

#### (a) *Findings.*

- (1) The council finds that HRS § 6E-15 provides in part that “In addition to any power or authority of a political subdivision to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing body of any political subdivision may provide by regulations, special conditions, or restrictions for the protection, enhancement, preservation, and use of historic properties....”
- (2) Significant archaeological findings, including major artifacts and ancient burials, vital to the understanding, preservation, and interpretation of the Hawaiian history and culture, have been discovered on public lands owned and controlled by the city, including Kualoa Regional Park. Kualoa Regional Park is located within the ahupua‘a of Kualoa which is entered into the National Register of Historic Places as the Kualoa Ahupua‘a Historical District, and in the State register of historic places, on the basis of its mythological and legendary importance to the Hawaiian people.
- (3) Extensive archaeological site survey and research activities have revealed the historic and cultural value of Kualoa, where much archaeological work remains to be done. Archaeological data and many thousands of artifacts disclose unusual prehistoric Hawaiian use of the area, dating back to at least the 13th century A.D., and ancient remains of human burials are frequently being uncovered because of rapid beach erosion, necessitating close archaeological monitoring.
- (4) Despite the oftentimes enormous significance of archaeological findings discovered on city-owned or controlled lands which have been placed on the National Register of Historic Places and State register of historic places, such as Kualoa Regional Park, or which meet the criteria and would therefore be eligible for placement on the national register or State register, there is lacking a cohesive city policy providing for the deposition and curation, in conformance with generally accepted scientific methods, of field notes, photographs, negatives, maps, artifacts, ancient burial remains or other materials generated, or likely to be generated, following initial stages of identification, survey, and discovery of artifacts and remains. At Kualoa Regional Park, for example, there is a backlog of recovered archaeological materials, field records, maps, and photographs which need to be fully documented, analyzed, and accessioned as a prerequisite to deposition and curation.

- (b) *Policy.* In recognition of the significance and unique historical and cultural resources known to or reasonably believed to be associated with city-owned or controlled lands which have been placed on the National Register of Historic Places or the State register of historic places, or those which meet the criteria and would therefore be eligible for placement on the national register or State register, it is declared to be the policy of the city that:
- (1) The development of all such lands shall be sensitive to, and consistent with, the specific historical and cultural characteristics of the lands;
  - (2) The development of all such lands shall include the implementation of programs, including but not necessarily limited to educational and interpretive programs to provide an understanding of the abundant and unique features of Hawaiian culture through reference to archaeological sites and artifacts located at, or removed from, the developed lands; and
  - (3) Interested individuals and groups, including the office of Hawaiian affairs, shall be consulted in the decision making process on the development of all such lands.
- (1990 Code, Ch. 41, Art. 30, § 41-30.1) (Added by Ord. 90-24)

**§ 40-10.2 On-site curation.**

To the extent practicable, and not inconsistent with law, assemblages of prehistoric and historic artifacts recovered from a site on land owned or controlled by the city which has been placed on the National Register of Historic Places or the State register of historic places, or which meets the criteria and would therefore be eligible for placement on the national register or State register, shall be properly curated at the site.

(1990 Code, Ch. 41, Art. 30, § 41-30.2) (Added by Ord. 90-24)

**§ 40-10.3 Removal, transfer prohibited.**

- (a) Any removal, transfer, loan, sale, destruction, or alienation of any assemblage of prehistoric and historic artifacts recovered from a site on land owned or controlled by the city which has been placed on the National Register of Historic Places or the State register of historic places, or which meets the criteria and would therefore be eligible for placement on the national register or State register, shall be prohibited, except in accordance with a specific plan approved by the council, which plan shall include detailed justification and specific methods to ensure the preservation, integrity, and continued accessibility to the artifacts in furtherance of the policies set forth in this article.
  - (b) Any person convicted of a violation of this article shall be punished by a fine not more than \$500 or by imprisonment for not more than 30 days, or by both such fine and imprisonment.
- (1990 Code, Ch. 41, Art. 30, § 41-30.3) (Added by Ord. 90-24)

## **TITLE IX: PUBLIC HEALTH, SAFETY, AND SANITATION**

### **Chapters**

- 41. PUBLIC HEALTH AND SAFETY**
- 42. COLLECTION AND DISPOSAL OF REFUSE**
- 43. SEWERS, DRAINAGE, AND CESSPOOLS**

## **Honolulu - Public Health, Safety, and Sanitation**

## **CHAPTER 41: PUBLIC HEALTH AND SAFETY**

### Articles

1. Use of Intoxicating Liquors in Certain Public Places
2. Advertisement of Intoxicating Liquor and Liquor Products
3. The Sale to, Possession of, or Use by Minors of Chemical Substances Containing Volatile Organic Solvents
4. Ephedrine-containing Products
5. Products Containing Gamma Hydroxybutyrate
6. Noise Control
7. Noises in Vicinity of Hospitals
8. Sound Levels for the Waikiki Shell
9. Use of Sound Amplifying Device in Public Buildings
10. Air Guns
11. Replica Guns
12. Obnoxious Substances
13. Advertisement and Distribution of Cigarettes and Tobacco Products
14. Smoking
15. Bidi Cigarette Prohibitions
16. Herbal Cigarettes
17. Prostitution-Related Public Nuisance Abatement
18. Additional Areas of Significant Prostitution-Related Activity
19. Laser Pointers and Harassment with Laser Beams
20. Urinating or Defecating in Public Prohibited in the Waikiki Special District
21. Urinating or Defecating in Public Prohibited Outside of the Waikiki Special District
22. Iceboxes and Refrigerators
23. Unofficial Age Identification Card
24. Wearing of Masks or Disguises
25. Loitering on Public School Premises
26. Regulated Use of Uniforms by Private Security Personnel
27. Possession, Use, and Sale of Pepper Sprays for Self-Defense
28. Aerial Advertising
29. Vehicular Advertising
30. Domestic Violence Program

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 1: USE OF INTOXICATING LIQUORS IN CERTAIN PUBLIC PLACES

### Sections

- 41-1.1 Declaration of legislative intent—Definitions
- 41-1.2 Prohibition in public areas—Exceptions
- 41-1.3 Criminal Penalties—Enforcement

#### § 41-1.1 Declaration of legislative intent—Definitions.

- (a) It is declared to be the legislative intent of the council to prohibit the open and unrestricted use or consumption of intoxicating liquors on or within certain municipally owned or controlled public areas and buildings and on streets and sidewalks open to the public.
- (b) For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Intoxicating Liquor.*** Has the same meaning as defined in HRS § 281-1;

***Sidewalk.*** Has the same meaning as defined in HRS § 291C-1; and

***Street.*** Has the same meaning as “street or highway” as defined in § 15-2.23.

(Sec. 13-4.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 1, § 40-1.1) (Am. Ord. 03-31)

#### § 41-1.2 Prohibition in public areas—Exceptions.

- (a) No person shall possess, other than in a container in the manufacturer’s sealed condition, intoxicating liquor on any street or sidewalk, or in any public park, public playground, public school ground, public off-street parking area, or any building located thereon.
- (b) The prohibitions contained in subsection (a) shall not apply to:
  - (1) Intoxicating liquor procured from a vendor dispensing intoxicating liquor pursuant to a permit or license issued by the city when the intoxicating liquor is possessed or consumed in a manner and in a place consistent with the terms and conditions of such permit or license;
  - (2) The consumption or possession of an intoxicating liquor in a motor vehicle upon any public street, road, or highway; or
  - (3) The possession of a container of wine authorized to be removed from liquor-licensed premises pursuant to HRS § 281-31(q); provided that the container has been corked or resealed.

- (c) Subject to HRS Chapter 281, as amended, and if the sale and consumption of intoxicating liquor is permitted by concession agreement, the prohibitions contained in subsection (a) shall not apply within the licensed premises (as described in a liquor license) of concessionaires of the city located:
    - (1) On any public golf course;
    - (2) At those facilities and properties under the jurisdiction and supervision of the director of enterprise services; and
    - (3) In public parks where private donations were used to construct a memorial pavilion wherein restaurant operation is feasible.
  - (d) Notwithstanding subsection (a), any director of an outdoor theater which is enclosed by a fence and which is located within a public park may permit the consumption of intoxicating liquor within the confines of such outdoor theater, if so requested by a tenant of such outdoor theater for the term or period of such tenancy and under such restrictions and conditions as may be imposed by the director.
  - (e) Notwithstanding subsection (a), the director of parks and recreation may permit nonprofit organizations which sponsor and conduct festivals that promote ethnic traditions, customs, and culture and foster the development of tourism, to sell intoxicating liquors within Kapiolani Park by designating one day during Aloha Week during which the sale of beer and wine is permitted between the hours of 3:00 p.m. to 9:00 p.m.; provided that such nonprofit organizations have properly obtained the appropriate park permits and temporary licenses for the sale of intoxicating liquor.
- (Sec. 13-4.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 40, Art. 1, § 40-1.2) (Am. Ord. 03-31)

**§ 41-1.3 Criminal penalties—Enforcement.**

- (a) The penalties provided in this article are criminal penalties and the article shall be enforced by the Honolulu police department as provided by law.
  - (b) A police officer may arrest an alleged violator of this article or may issue a citation in lieu of arrest as provided in HRS § 803-6.
  - (c) *Penalty.* Any person convicted of a violation of this article shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 30 days, or both such fine and imprisonment.
- (Sec. 13-4.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 1, § 40-1.3) (Am. Ord. 00-43)

## ARTICLE 2: ADVERTISEMENT OF INTOXICATING LIQUOR AND LIQUOR PRODUCTS

### Sections

- 41-2.1 Definitions
- 41-2.2 Prohibition
- 41-2.3 Exceptions
- 41-2.4 Citation—Penalties

### § 41-2.1 Definitions.

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

**Advertisement.** Any poster, banner, sticker, emblem, placard, graphic illustration, or sign, including any neon, electronically charged, or portable freestanding sign, used to publicize any intoxicating liquor or liquor product to the general public or promote the sale of any intoxicating liquor or liquor product to the general public.

**Business.** Any person or entity engaged in a retail operation that offers liquor or any liquor product for sale to any member of the general public for consumption or use.

**Enforcement Officer.** Any officer of the Honolulu police department or deputized by the Honolulu police department to enforce this article.

**Intoxicating Liquor.** Has the same meaning as “liquor.”

**Liquor.** Has the same meaning as defined in HRS § 281-1, but does not include those articles excepted under HRS § 281-2.

**Liquor Product.** A food product, including a confection, that contains alcohol in excess of 5 percent by weight.

**Public Property.** Includes any street, sidewalk, public mall, any public or private park, any public or private school ground, and any property that is owned or controlled by the federal, State, or city government or any agency thereof.

**Publicly Visible Location.** A place inside or outside of a commercial building, including the exterior walls of the building and the exterior and interior of a display window of the building that is visible to the general public from public property.

**School Zone.** Every street and all other property within 500 feet of the boundaries of any public or private primary or secondary school and any preschool licensed by the State department of human services.

**Street.** Has the same meaning as defined in § 13-1.1.

(1990 Code, Ch. 40, Art. 19, § 40-19.1) (Added by Ord. 00-50)

**§ 41-2.2 Prohibition.**

Except as provided in § 41-2.3, it is unlawful for any person to display a liquor or liquor product advertisement in a publicly visible location within a school zone.

(1990 Code, Ch. 40, Art. 19, § 40-19.2) (Added by Ord. 00-50)

**§ 41-2.3 Exceptions.**

The following shall be exceptions to § 41-2.2:

- (1) The placement of an advertisement for liquor or a liquor product inside of a retail business establishment where the product is offered for sale to the general public; provided that the advertisement is not in a publicly visible location;
- (2) The operation or legal parking within a school zone of a vehicle that has permanently painted on or affixed to the vehicle any sign, graphics, or lettering relating to the name, trade insignia, or trademark of a liquor or liquor product, to the extent permitted in § 41-29.3;
- (3) The placement of any advertisement for liquor or liquor product in or upon a federal or State building or facility located within a school zone;
- (4) The placement of any advertisement in or on the premises of a licensed liquor establishment to the extent expressly permitted pursuant to duly adopted rules of the liquor commission or expressly stated under a license issued by the liquor commission; and

- (5) The placement of any material in a newspaper or magazine of general circulation.

(1990 Code, Ch. 40, Art. 19, § 40-19.3) (Added by Ord. 00-50; Am. Ord. 01-08)

**§ 41-2.4 Citation—Penalties.**

- (a) Upon finding probable cause to believe that there has been a violation of this article, an enforcement officer may either arrest the person believed to be in violation or may issue to that person a summons and citation for the violation. The citation shall be consistent with the requirements of HRS § 803-6(b).
- (b) Any person who violates this article shall be fined not more than \$500. Following a person's conviction of a violation of this article, each day an advertisement is displayed in violation of this article shall be deemed a separate violation.

(1990 Code, Ch. 40, Art. 19, § 40-19.4) (Added by Ord. 00-50)

### ARTICLE 3: THE SALE TO, POSSESSION OF, OR USE BY MINORS OF CHEMICAL SUBSTANCES CONTAINING VOLATILE ORGANIC SOLVENTS

#### Sections

- 41-3.1 Definitions
- 41-3.2 Use as an inhalant prohibited
- 41-3.3 Possession or transfer for unlawful purpose prohibited
- 41-3.4 Use by minors—Regulated
- 41-3.5 Record of sales required
- 41-3.6 Violation—Penalty

#### § 41-3.1 Definitions.

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

**Minor.** Any person below the age of 18 years.

**Spray Paint.** Has the same meaning as defined in § 40-5.1.

**Toxic Chemical Substance.** Any substance, not a “food” as defined in HRS § 328-1(3), which substance includes in its composition volatile organic solvents including amyl acetate, trichlorethylene, or acetone, or any other chemical substance, capable of producing upon inhalation any degree of intoxication. The term “toxic chemical substance” shall not, however, include any spray paint or wide-tipped marker regulated pursuant to Chapter 40, Article 5.

(Sec. 13-25.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 5, § 40-5.1) (Am. Ord. 95-46)

#### § 41-3.2 Use as an inhalant prohibited.

No person shall use any toxic chemical substance or any spray paint as an inhalant at any time; provided that this section shall not apply to any person using as an inhalant any such toxic chemical substance pursuant to the direction of a physician.

(Sec. 13-25.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 5, § 40-5.2) (Am. Ord. 95-46)

#### § 41-3.3 Possession or transfer for unlawful purpose prohibited.

No person shall for the purpose of violating or aiding another to violate any provision of this article, intentionally possess, buy, sell, transfer possession, or receive possession of any toxic chemical substance.

(Sec. 13-25.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 5, § 40-5.3)

**§ 41-3.4 Use by minors—Regulated.**

- (a) Except as provided in subsection (c) and § 41-3.5, no minor shall possess or buy any toxic chemical substance.
  - (b) Except as provided in subsection (c) and § 41-3.5, no person shall sell, give, lend, or transfer possession of any toxic chemical substance to a minor.
  - (c) Provided a person may sell, give, lend, or transfer possession of a toxic chemical substance to a minor for model building or other lawful use where the minor has in the minor's possession and exhibits the written consent of the minor's parent or guardian.
- (Sec. 13-25.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 5, § 40-5.4)

**§ 41-3.5 Record of sales required.**

A person making a sale of toxic chemical substances to a minor who exhibits the written consent of the minor's parent or guardian shall record the name, address, sex, and age of the minor and the name and address of the consenting parent or guardian. All data required by this section shall be kept in a permanent type register available for inspection by the chief of police or the chief of police's authorized representative for a period of at least six months.

(Sec. 13-25.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 5, § 40-5.5)

**§ 41-3.6 Violation—Penalty.**

Any person who violates this article shall, upon conviction, be punished by a fine not exceeding \$100 or by imprisonment not exceeding three months, or by both.

(Sec. 13-25.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 5, § 40-5.6)

## ARTICLE 4: EPHEDRINE-CONTAINING PRODUCTS

### Sections

- 41-4.1 Definitions
- 41-4.2 Restrictions on possession, sale, purchase, distribution, and labeling
- 41-4.3 Violation—Penalties

### § 41-4.1 Definitions.

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

***Acupuncture Practitioner.*** A person licensed to practice acupuncture under HRS Chapter 436E.

***Dentist.*** A person licensed to practice dentistry under HRS Chapter 448.

***Dietary Supplement* and *Drug.*** Have the same meaning respectively, as dietary supplement and drug as defined in 21 USC § 321.

***Distribution.*** Includes any gift, donation, trade, or barter.

***Ephedrine.*** Ephedrine and any natural, botanical, or synthetic form of ephedrine, including but not limited to ephedra, ephedra sinica, ma huang, and epitonin, or any extract thereof.

***FDA.*** The United States Food and Drug Administration.

***Herbalist.*** An individual who personally engages in the preparation and distribution of an herbal product for a medicinal or nutritional purpose.

***Medical Physician.*** A person licensed to practice medicine or surgery under HRS Chapter 453.

***Naturopathic Physician.*** A person licensed to practice naturopathy under HRS Chapter 455.

***Osteopathic Physician.*** A person licensed to practice osteopathic medicine and surgery under HRS Chapter 460.

***Person.*** An individual, firm, partnership, corporation, association, or other entity.

***Podiatrist.*** A person licensed to practice podiatric medicine under HRS Chapter 463E.  
(1990 Code, Ch. 40, Art. 13, § 40-13.1) (Added by Ord. 96-59)

**§ 41-4.2 Restrictions on possession, sale, purchase, distribution, and labeling.**

- (a) Except as provided in subsection (b), no person shall possess, sell, or cause to be sold, any product containing ephedrine.
  - (b) The following ephedrine-containing products may be lawfully possessed, sold, or caused to be sold:
    - (1) A drug approved for sale by the FDA;
    - (2) An over-the-counter drug in compliance with a proposed monograph, tentative final monograph, or final monograph issued by the FDA;
    - (3) A dietary supplement which is not deemed adulterated or misbranded by the FDA and which is:
      - (A) Intended and labeled for use as a weight loss aid or sports nutrition product; and
      - (B) Labeled for sale only to, and for use only by, persons 21 years of age or older.
    - (4) A fresh, dried, or ground stem, leaf, root, or other part of a plant of the genus *ephedra*.
  - (c) Notwithstanding subsection (b), no person shall sell or cause to be sold any ephedrine-containing product to any person under 21 years of age, except:
    - (1) Pursuant to a written prescription from a medical physician, osteopathic physician, podiatrist, or dentist or the written approval of an acupuncture practitioner or naturopathic physician; or
    - (2) An herbalist may personally sell the fresh, dried, or ground stem, leaf, root, or other part of a plant of the genus *ephedra* to a person under 21 years of age.
  - (d) No person shall possess, sell, or cause to be sold, purchase for resale or cause to be purchased for resale, distribute or cause to be distributed any ephedrine-containing product with a label that claims or implies that consumption of the product will produce effects such as ecstasy, euphoria, increased sexual sensations, heightened awareness, increased energy, legal “highs”, and other similar effects.
- (1990 Code, Ch. 40, Art. 13, § 40-13.2) (Added by Ord. 96-59)

**§ 41-4.3 Violation—Penalties.**

Any person convicted of violating any provision of § 41-4.2 shall be punished for each violation by a fine of not less than \$500 nor more than \$1,000, by imprisonment for not more than 90 days, or by both. Possession of one or more tablets, bottles, or other units of any product containing ephedrine in violation of § 41-4.2(a) or (d) at one time shall constitute a single violation. If any person takes possession, sells, or causes to be sold, purchases for resale or causes to be purchased for resale, distributes, or causes to be distributed more than one tablet, bottle, or other unit of any product containing ephedrine in a single transaction, the person shall be deemed to have committed a single violation of § 41-4.2(a), (c), or (d), whichever provision applies. If any person violates more than one subsection of § 41-4.2 in a single transaction, the person shall be deemed to have committed a single violation.

(1990 Code, Ch. 40, Art. 13, § 40-13.3) (Added by Ord. 96-59)

## ARTICLE 5: PRODUCTS CONTAINING GAMMA HYDROXYBUTYRATE

### Sections

- 41-5.1 Definitions
- 41-5.2 Restrictions relating to gamma hydroxybutyrate
- 41-5.3 Violation—Penalties

#### § 41-5.1 Definitions.

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

***Distribution.*** Includes any gift, donation, trade, or barter.

***Drug.*** A drug as defined in 21 USC § 321.

***Person.*** An individual, firm, partnership, corporation, association, or other entity.  
(1990 Code, Ch. 40, Art. 14, § 40-14.1) (Added by Ord. 97-01)

#### § 41-5.2 Restrictions relating to gamma hydroxybutyrate.

No person shall manufacture, possess, distribute, sell, or cause to be sold or distributed any product containing gamma hydroxybutyrate.  
(1990 Code, Ch. 40, Art. 14, § 40-14.2) (Added by Ord. 97-01)

#### § 41-5.3 Violation—Penalties.

Any person convicted of violating § 41-5.2 shall be punished for each violation by a fine of not less than \$500 nor more than \$1,000, by imprisonment for not more than 90 days, or by both. Possession of one or more tablets, bottles, or other units of any product containing gamma hydroxybutyrate in violation of § 41-5.2 at one time shall constitute a single violation. If any person sells, or causes to be sold, or distributes, or causes to be distributed, more than one tablet, bottle, or other unit of any product containing gamma hydroxybutyrate in a single transaction, the person shall be deemed to have committed a single violation of § 41-5.2.  
(1990 Code, Ch. 40, Art. 14, § 40-14.3) (Added by Ord. 97-01; Am. Ord. 97-57)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 6: NOISE CONTROL

### Sections

- 41-6.1 Prohibited noise
- 41-6.2 Enforcement
- 41-6.3 Violation—Penalty
- 41-6.4 Permits
- 41-6.5 Exemptions

#### § 41-6.1 Prohibited noise.

- (a) It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated, any radio, tape recorder, cassette player, or other machine or device for reproducing sound, if it is located in or on any of the following:

- (1) Any public property, including any public street, highway, building, sidewalk, park, or thoroughfare; or
- (2) Any motor vehicle on a public street, highway, or public space;

and if the sound generated is audible at a distance of 30 feet from the device producing the sound.

- (b) Possession by a person or persons of any of the machines or devices enumerated in subsection (a) shall be prima facie evidence that that person operates, or those persons operate, the machine or device.

(1990 Code, Ch. 41, Art. 31, § 41-31.1) (Added by Ord. 90-26)

#### § 41-6.2 Enforcement.

- (a) *Powers of arrest or citation.* Any authorized police officer shall issue a citation for any violation under this article, except they may arrest for instances when:

- (1) The alleged violator refuses to provide the officer with such person's name and address and any proof thereof as may be reasonably available to the alleged violator; or
- (2) When the alleged violator refuses to cease such person's illegal activity after being issued a citation.

- (b) *Citation.*

- (1) There shall be provided for use by authorized police officers, a form of citation for use in citing violators of this article which does not mandate physical arrest of such violators. The form and content of such 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 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, a copy of the same shall be given to the violator.

(3) Every citation shall be consecutively numbered and each carbon copy shall bear the name of its respective original.

(1990 Code, Ch. 41, Art. 31, § 41-31.2) (Added by Ord. 90-26)

### **§ 41-6.3 Violation—Penalty.**

Any person convicted of a violation of this article shall be punished by a fine of \$100 for the first offense, \$500 for the second offense within six months of the first offense, and \$1,000, or forfeiture of the sound system or components of the sound system up to \$1,000 in value, or a combination of forfeiture and fine to total \$1,000 for conviction of the third offense within one year of the first offense.

(1990 Code, Ch. 41, Art. 31, § 41-31.3) (Added by Ord. 90-26)

### **§ 41-6.4 Permits.**

- (a) A permit for a temporary exemption from this article may be issued by the director of budget and fiscal services to commercial, religious, political, civic, charitable, athletic, and other organizations, or individuals, for activities such as carnivals, parades, fund raisers, fairs, bazaars, public speeches, and meetings.
- (b) The director of budget and fiscal services shall prescribe a form of application for such a permit, which shall be completed by the applicant and which, when completed, shall state the date, time of day, duration, and nature of the proposed activity, the reason for the proposed activity, the name of the person who shall be in charge of the proposed activity, and such other pertinent information as the director shall desire.
- (c) In determining whether to grant or deny an application for a permit under this section, the director shall consider the information provided in the application together with the impact of the proposed noise on the health, safety, and welfare of the residents of and visitors to the surrounding area. If more information is needed in order for the director to make a determination on the application, the director may request further information from the applicant by means of a supplemental application.
- (d) The applicant shall submit the completed form, accompanied by a fee of \$5, to the director not later than five days before the proposed activity; thereafter, the director shall notify the applicant of the decision to grant or deny the permit within three days of the submission of the completed application and fee and any required supplemental application.
- (e) The permit shall state the date, place, time, duration, and nature of the proposed activity, shall be in the possession of the person in charge of the activity, and shall be produced for inspection upon the request of any law enforcement officer.

- (f) The director may issue a permit subject to conditions which shall be stated upon the permit, including limitations upon the sound level, duration, or time of day of the activity, or the requirement that breaks be taken in the activity.
  - (g) The director may adopt rules not inconsistent herewith for the implementation of the permit system established in this section. Such rules may include provisions for waiver of the application fee in appropriate situations or for the granting of a permit when an application is received less than five days before the proposed activity.
- (1990 Code, Ch. 41, Art. 31, § 41-31.4) (Added by Ord. 90-26)

**§ 41-6.5 Exemptions.**

The following shall be exempt from the prohibitions set forth in this article:

- (1) Activities of the city, the State, or the United States; and
  - (2) Activities of private persons or entities acting within the permitted uses of a permit issued by the city, the State, or the United States.
- (1990 Code, Ch. 41, Art. 31, § 41-31.5) (Added by Ord. 90-26)

## **Honolulu - Public Health, Safety, and Sanitation**

## **ARTICLE 7: NOISES IN VICINITY OF HOSPITALS**

### **Sections**

- 41-7.1      Unlawful to make loud noises
- 41-7.2      Violation—Penalty

#### **§ 41-7.1 Unlawful to make loud noises.**

- (a) It is unlawful to discharge firearms or explosives or to make any loud noises within 500 feet from the nearest point of any main hospital building with a capacity for treating not less than 36 patients.
- (b) It is unlawful to conduct, operate, maintain, or carry on within 500 feet from any such main hospital building any noisy or noisome workshop, factory, trade, manufacture, industry, or business; provided that this provision shall not apply to any such workshop, factory, trade, manufacture, industry, or business in existence at the time of the erection of such hospital building or of an extension to a hospital building.
- (c) It is unlawful for any person, in passing any hospital building of the character and capacity described, to drive or operate any vehicle in such manner as to make or create any unnecessary noise.  
(Sec. 13-12.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 5, § 41-5.1)

#### **§ 41-7.2 Violation—Penalty.**

Any person violating this article shall, upon conviction, be punished by a fine not exceeding \$100 or by imprisonment not exceeding 60 days, or by both.  
(Sec. 13-12.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 5, § 41-5.2)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 8: SOUND LEVELS FOR THE WAIKIKI SHELL

### Sections

41-8.1	Findings and policy
41-8.2	Definitions
41-8.3	Sound level limits
41-8.4	Exemptions
41-8.5	Measurement of sound levels
41-8.6	Violation—Penalty

#### § 41-8.1 Findings and policy.

The Waikiki Shell is a premier forum for outdoor concerts and activities and since 1953, has provided an idyllic setting. The city is concerned and desirous of ensuring that the peace and quiet enjoyed by nearby residents is not unduly disturbed by the events held at the Shell, while at the same time it wishes to continue to provide a venue for quality entertainment and events in the uniquely beautiful setting that is the Shell.

The city finds that in the absence of established sound levels for its facilities, sound levels for the Shell have been established by the State department of health in Title 11 of its Administrative Rules. Sound levels established by the department of health's rules fail to take into consideration the unique characteristics and function of the Shell. Accordingly, it is the intent of this article to establish sound level limits for the Shell.  
(1990 Code, Ch. 41, Art. 34, § 41-34.1) (Added by Ord. 91-88)

#### § 41-8.2 Definitions.

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

**'A' Level.** The total sound level of all noises as measured with sound level meter using the "A" weighting network. The unit of measurement is the dBA.

**Decibel.** One-tenth of a Bel, a unit of sound level.

(1) **dB.** An abbreviation for decibels.

(2) **dBA.** An abbreviation for A-weighted sound level expressed in decibels.

**Shell.** The Waikiki Shell.

**Sound.** A fluctuation of air pressure which stimulates the human nervous systems through the ear, eardrums, and connecting nerves.

***Sound Level Meter.*** An instrument or combination of instruments, which meets or exceeds the requirements for a Type I or Type II sound level meter as specified in ANSI specification for sound level meter S1.4-197, or IEC 179, or IEC 123.

***Tenant.*** A person or entity executing a rental agreement for the Neal Blaisdell Center and Shell and the agents, representatives, employees, and officers of such person or entity, including an independent contractor, using the premises with the permission of the tenant.

(1990 Code, Ch. 41, Art. 34, § 41-34.2) (Added by Ord. 91-88)

### **§ 41-8.3 Sound level limits.**

- (a) Sound levels for events at the Shell, whether amplified or not, shall not exceed 68 dBA for more than 10 percent of the time within any 20-minute period as measured at or near the New Otani Kaimana Beach Hotel at the makai side of Kalakaua Avenue in areas zoned apartment/hotel/business and shall apply from ground level to a perpendicular plane projected above the height of the high-rise buildings.
- (b) Sound level limits established in subsection (a) shall be applicable between the hours of 7:00 a.m. through 10:00 p.m. of the same day.
- (c) Under no circumstances shall a tenant or performer allow events within their control to continue after 10:00 p.m.

(1990 Code, Ch. 41, Art. 34, § 41-34.3) (Added by Ord. 91-88; Am. Ord. 96-58)

### **§ 41-8.4 Exemptions.**

This article shall not apply to:

- (1) Occasional events of significant cultural benefit to residents of Oahu, including but not limited to celebrations commemorating the beginning of a new year or ethnic and cultural festivals; and
- (2) One-time events designed for the purpose of significantly enhancing the economic well-being of the tourist industry including events scheduled for live broadcast outside the State.

(1990 Code, Ch. 41, Art. 34, § 41-34.4) (Added by Ord. 91-88)

### **§ 41-8.5 Measurement of sound levels.**

- (a) ***Certification.*** Persons conducting sound measurements for the enforcement of this article shall be personnel of the department of enterprise services who shall have been trained in the techniques of sound measurement and the operation of sound level meters or other sound measuring instruments and shall have been certified as competent by the director of the State department of health.
- (b) Sound level measurements shall be conducted using standard procedures with sound level meters using the “A” weighting and “slow” meter response unless otherwise stated.

(1990 Code, Ch. 41, Art. 34, § 41-34.5) (Added by Ord. 91-88)

**§ 41-8.6 Violation—Penalty.**

A tenant whose event exceeds the sound level limits established by this article shall, after notice and hearing, be subject to a fine of not less than 1 percent of the gross receipts or \$500, whichever is greater, for the event that exceeds the sound level limits, or \$500 for events for which no gross receipts are collected.  
(1990 Code, Ch. 41, Art. 34, § 41-34.6) (Added by Ord. 91-88)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 9: USE OF SOUND AMPLIFYING DEVICE IN PUBLIC BUILDINGS

### Sections

- 41-9.1 Definitions
- 41-9.2 Prohibition
- 41-9.3 Exceptions
- 41-9.4 Violation—Penalty

#### § 41-9.1 Definitions.

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

***Department Head.*** The head of a department of the executive branch of the City and County of Honolulu.

***Public Building.*** Any building or structure owned or controlled by the City and County of Honolulu.

***Sound Amplifying Device.*** 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 any person or group of persons or the public or of attracting the attention of any person or group of persons or the public. (Sec. 13-35.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 7, § 40-7.1)

#### § 41-9.2 Prohibition.

No person shall use any sound amplifying device in a public building at any time without the prior written approval of the department head or the department head's authorized subordinate who exercises jurisdiction over the specific public building in which the sound amplifying device is to be used. Such written approval shall be pursuant to a written request, on forms furnished by the department head that shall be submitted to the department head within five working days before the date of the use of the sound devices. The department head shall respond to such request within five working days, either approving or disapproving the request. Any person aggrieved by the action of the department head may appeal same to the council. (Sec. 13-35.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 7, § 40-7.2)

#### § 41-9.3 Exceptions.

The following shall be exceptions to § 41-9.2:

- (1) The use of sound amplifying devices for any program to be held in a public building sponsored by the city; and
- (2) Any sound device which is wired into, built in, or made a part of a public building, which is used for any program authorized therein for which the public building has been specifically constructed or for which a specific type of program therein has been authorized by the department head.

(Sec. 13-35.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 7, § 40-7.3)

**§ 41-9.4 Violation—Penalty.**

- (a) *Denial of use of public building.* Any person failing to obtain the prior written approval shall be denied the use of a sound device within a public building.
- (b) *Ejection.* Any person who has been denied the use of a public building because such person has failed to obtain prior written approval for the use of a sound device, but actually and continually uses the sound device, may be ejected from the public building by a police officer.
- (c) *Fine.* Any person violating this article shall, upon conviction, be punished by a fine not exceeding \$50.

(Sec. 13-35.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 7, § 40-7.4)

## ARTICLE 10: AIR GUNS

### Sections

- 41-10.1 Definitions
- 41-10.2 Restrictions on sale, rental, gift, or other transfer
- 41-10.3 Restrictions on use
- 41-10.4 Exceptions
- 41-10.5 Seizure, forfeiture, and disposal
- 41-10.6 Violation—Penalty

#### § 41-10.1 Definitions.

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

***Air Gun.*** Any gun, rifle, or pistol, by whatever name known, that is designed to expel a pellet or BB shot by the action of compressed air or gas, or by the action of a spring or elastic, but does not include any firearm.

***Dealer.*** Any person engaged in the business of selling or renting air guns.  
(Sec. 13-19.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 8, § 41-8.1)

#### § 41-10.2 Restrictions on sale, rental, gift, or other transfer.

- (a) It is unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air gun to any person under the age of 18 years where the dealer knows or has reasonable cause to believe the person to be under 18 years of age or where the dealer has failed to make reasonable inquiry relative to the age of such person and such person is under 18 years of age.
- (b) It is unlawful for any person to sell, lend, rent, give, or otherwise transfer any air gun to any person under 18 years of age, except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person and the person under 18 years of age.  
(Sec. 13-19.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 8, § 41-8.2)

#### § 41-10.3 Restrictions on use.

- (a) It is unlawful for any person to carry or display an air gun on any street, alley, public road, or on any public land, unless the air gun is unloaded and in a suitable case or securely wrapped.
- (b) It is unlawful for any person to discharge any air gun from or across any street, sidewalk, alley, or public land, or any public place, except on a properly constructed target range.

- (c) It is unlawful for any person to discharge any air gun on any private parcel of land or residence in such a manner that the pellet or BB shot may reasonably be expected to traverse any ground or space outside the limits of such parcel of land or residence or in such a manner that persons or property may be endangered; provided that nothing in this article shall be deemed to prevent any person who has obtained a hunting license pursuant to HRS Chapter 183D from engaging in hunting in accordance with law.
  - (d) It is unlawful for any person to discharge any air gun in such a manner or under such circumstances that persons or property may be endangered.
- (Sec. 13-19.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 8, § 41-8.3) (Am. Ords. 96-58, 03-23)

**§ 41-10.4 Exceptions.**

Notwithstanding any provision of this article to the contrary, it shall be lawful for any person to possess an air gun if it is:

- (1) Kept within such person's domicile;
- (2) Used by a person under 18 years of age, who is a duly enrolled member of any club, team, or society organized for education or training purposes and maintaining as a part of its facilities or having written permission to use an indoor or outdoor target range, when the air gun is used at such target range under the supervision, guidance, and instruction of a responsible adult;
- (3) Used by a person 18 years of age or older at a properly constructed target range;
- (4) Used in or on any private parcel of land or residence under circumstances in which the air gun can be fired, discharged or operated in such a manner as not to endanger persons or property and in such a manner as to prevent the pellet or BB shot from traversing any grounds or space outside the limits of such parcel of land or residence;
- (5) Used in hunting or going to or from the place of hunting in accordance with law by a person who has obtained a hunting license pursuant to HRS Chapter 183D or who, if such person is under 18 years of age, has obtained such a hunting license and is accompanied by an adult who has obtained such hunting license; or
- (6) Used by a person involved in a living history presentation or other activity for historical interpretation or educational purposes, or by a person participating in a parade if such activity or parade participant is associated with an established historical organization, museum, military preservation organization, or other group with a mission to educate the public at various events through the use of historical artifacts, clothing, vehicles, aircraft, maritime vessels, and firearms or replicas thereof.

(Sec. 13-19.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 8, § 41-8.4) (Am. Ords. 96-58, 03-23, 03-35)

**§ 41-10.5 Seizure, forfeiture, and disposal.**

Any police officer who arrests any person for possessing, using, lending, renting, giving, or transferring an air gun in violation of this article shall take custody of such air gun. Upon conviction of such person, the air gun so seized shall be forfeited to the city. Any air gun so forfeited shall remain in the custody of the police department

for one year and thereafter destroyed; provided that such air gun shall be retained for subsequent proceedings, both civil or criminal, and until any such action is concluded, if any person desiring the use of such forfeited air gun as evidence files with the chief of police a written notice of an intention to so use the air gun before the destruction date herein provided.

(Sec. 13-19.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 8, § 41-8.5)

**§ 41-10.6 Violation—Penalty.**

Any person violating this article shall, upon conviction, be punished by a fine not exceeding \$500 or imprisonment for a period not exceeding one year, or both.

(Sec. 13-19.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 8, § 41-8.6)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 11: REPLICA GUNS

### Sections

- 41-11.1 Definitions
- 41-11.2 Prohibitions
- 41-11.3 Violation—Penalty

#### § 41-11.1 Definitions.

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

**Firearm.** Has the same meaning as defined in HRS § 134-1.

**Law Enforcement Officer.** Any public servant, whether employed by the State, the city, or the United States, vested by law with a duty to maintain public order or to make arrests for offenses or to enforce the criminal laws, whether that duty extends to all offenses or is limited to a specific class of offenses.

**Replica Gun.** Any toy or other object which bears such a resemblance to an actual firearm that a reasonable person would have difficulty visually distinguishing it from an actual firearm, and which lacks any feature or aspect which would serve as a signal to allow a person to readily distinguish the replica gun from an actual firearm by sight. The term shall not include an actual firearm.

(1990 Code, Ch. 40, Art. 23, § 40-23.1) (Added by Ord. 03-24)

#### § 41-11.2 Prohibitions.

- (a) No person shall carry or display a replica gun on any street, alley, public road, or on any public lands, unless such replica gun is in a suitable case or securely wrapped.
- (b) No person shall draw or brandish a replica gun in the presence of a law enforcement officer engaged in the performance of the law enforcement officer's duties.
- (c) Nothing in this article shall be deemed to prevent any person who has obtained a hunting license pursuant to HRS Chapter 183D from engaging in hunting in accordance with law.
- (d) In the event a replica gun is also an "air gun", as defined in § 41-10.1, the exceptions in § 41-10.4 shall also be exceptions to the prohibitions in this article.
- (e) Nothing in this article shall prevent carrying or display of a replica gun by a person involved in a living history presentation or other activity for historical interpretation or educational purposes, or by a person participating

in a parade if such activity or parade participant is associated with an established historical organization, museum, military preservation organization, or other group with a mission to educate the public at various events through the use of historical artifacts, clothing, vehicles, aircraft, maritime vessels, and firearms or replicas thereof.

(1990 Code, Ch. 40, Art. 23, § 40-23.2) (Added by Ord. 03-24; Am. Ord. 03-35)

**§ 41-11.3 Violation—Penalty.**

Any person violating § 41-11.2(a) shall be deemed guilty of a petty misdemeanor and upon conviction, shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding 30 days.

Any person violating § 41-11.2(b) shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine not exceeding \$1,000, or by imprisonment not exceeding one year.

(1990 Code, Ch. 40, Art. 23, § 40-23.3) (Added by Ord. 03-24)

## ARTICLE 12: OBNOXIOUS SUBSTANCES

### Sections

- 41-12.1 Declaration of legislative intent
- 41-12.2 Definitions
- 41-12.3 Prohibitions
- 41-12.4 Exceptions
- 41-12.5 Permit to be obtained by agency
- 41-12.6 Conditions
- 41-12.7 Vendor to obtain license
- 41-12.8 Licenses—Permits renewability
- 41-12.9 Violation—Penalty
- 41-12.10 Severability

### § 41-12.1 Declaration of legislative intent.

The council finds that the use and possession of devices capable of emitting gases or obnoxious substances, as defined in § 41-12.2, by unauthorized persons creates a potential danger to the peace and well-being of the community at large; but nevertheless, such devices, when properly used, serve a useful purpose. Therefore, pursuant to the power granted in Charter § 2-102 and HRS § 46-1.5, to protect health, life, and property and to protect the general welfare and safety of the inhabitants of the city, this article regulating the sale, purchase, possession, transportation, and use of obnoxious substances and granting the chief of police of the city authority to supervise the sale, purchase, possession, transportation, and use thereof according to the standards hereinafter stated, is enacted to insure that the dissemination of devices emitting obnoxious substances is limited to those agencies and their employees who have a legitimate need thereof. The terms of this article shall be liberally construed to effectuate the purpose stated herein.

(Sec 13-16.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 2, § 40-2.1)

### § 41-12.2 Definitions.

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

**Agency.** All such organizations, public and private, whose operations are determined by the chief of police to require the use of one or more of the devices enumerated in § 41-12.3 to accomplish a proper purpose.

**Chief of Police.** The chief of police of the City and County of Honolulu or the chief of police's authorized subordinate.

**Devices.** All shells, cartridges, bombs, guns, or aerosol capable of emitting obnoxious substances in gas, vapor form, liquid, or solid form.

**Employee.** All officers, agents, and employees of an agency whether such officer, agent, or employee has been issued a permit.

**Gun.** All revolvers, pistols, rifles, fountain pen guns, riot guns, shotguns, and cannons portable or fixed, except those regularly manufactured and used with firearm ammunition.

**Obnoxious Substances.** Those substances or the derivatives thereof enumerated in § 41-12.3.

**Shell, Cartridge, or Bomb.** All shells, cartridges, or bombs capable of being discharged or exploded by the use of percussion caps, fuses, electricity, or other means to cause or permit the release or emission of the substance enumerated in § 41-12.3.

(Sec. 13-16.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 2, § 40-2.2)

### § 41-12.3 Prohibitions.

- (a) No person shall use or possess with intent to use any shell, cartridge, bomb, gun, or other device capable of emitting any liquid, gaseous, or solid substance or any combination thereof that is injurious to person or property, or that is nauseous, sickening, irritating, or offensive to any of the senses; to injure, molest, discomfort, discommode, or coerce another in the use or control of the individual's person or property.
  - (b) No person shall possess, discharge, use, transport, sell, or offer to sell any shell, cartridge, bomb, gun, or other device capable of emitting chloracetophenone (CN), o-chlorobenzalmalononitrile (CS) or any derivatives thereof in any form.
  - (c) No person shall possess, discharge, use, transport, sell, or offer to sell any shell, cartridge, bomb, gun, or other device capable of emitting oleo resin capsicum or any derivative thereof used to repel animals.
- (Sec. 13-16.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 2, § 40-2.3) (Am. Ord. 01-18)

### § 41-12.4 Exceptions.

- (a) *City police department authorized to use all devices.* Notwithstanding the prohibitions prescribed in § 41-12.3, the chief of police or the chief of police's subordinates may purchase, possess, discharge, use, or transport shells, cartridges, bombs, guns, or other devices emitting the obnoxious substances enumerated in § 41-12.3 in carrying out their duties.
- (b) *Private security agencies authorized to use certain devices.* Notwithstanding the prohibitions prescribed in § 41-12.3, specifically subsections (a) and (b) thereof, private security officers who are employees of private police or security agencies may purchase, possess, discharge, use, or transport shells, cartridges, bombs, guns, or other devices emitting the obnoxious substances enumerated in § 41-12.3(a) and (b) in carrying out their duties, subject to the conditions prescribed in § 41-12.6.
- (c) *Other organizations authorized to use device.* Notwithstanding the prohibitions prescribed in § 41-12.3 specifically relating to subsection (c) thereof, employees of government and private organizations who, by necessity of their employment, are required to go on private property to carry out their duties may possess,

discharge, use, or transport shells, cartridges, bombs, guns, or other devices emitting the obnoxious substances enumerated in subsection (c) or animal repellents of § 41-12.3, subject to the conditions prescribed in § 41-12.6.

- (d) *Pepper sprays.* The prohibitions of § 41-12.3 shall not apply to the possession, use, transportation, or other distribution of any pepper spray as defined under § 41-27.1 in the city in a manner permitted under Chapter 41, Article 27.

(Sec. 13-16.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 2, § 40-2.4) (Am. Ord. 95-49)

#### **§ 41-12.5 Permit to be obtained by agency.**

- (a) *Application.* Any agency desiring to purchase, possess, discharge, use, or transport obnoxious substances authorized herein shall first file an application on forms furnished by the chief of police for a permit.

- (b) *Additional requirements.*

(1) The application shall include the name of the officer or employee who has been authorized to purchase the devices from vendors; and

(2) Each agency is authorized to purchase only such devices emitting obnoxious substances as are listed on its permit.

- (c) The agency shall submit the names of its employees who are to possess, discharge, use, or transport such devices together with its application for permit so that the chief of police may issue separate permits to the named employees submitted by the agency.

- (d) To defray the cost of processing the permit and to administer this article, each agency authorized under this section, except for government agencies and except in the case of agencies desiring to use the obnoxious substances enumerated in § 41-12.3(c), shall pay to the director of budget and fiscal services a sum of \$50 for its permit and a sum of \$5 for each permit issued to its employees.

(Sec. 13-16.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 2, § 40-2.5)

#### **§ 41-12.6 Conditions.**

Government and private agencies described in § 41-12.4(b) and (c) shall be subject to the following conditions, relative to the purchase, use, storage, possession, transportation, and other requirements in connection with obnoxious substances.

- (a) The chief of police, upon application by an agency, shall determine that the possession, discharge, use, and transportation of the devices are necessary due to the nature of the services performed by the agency. The chief of police shall have the sole authority to designate the specific service or services for which there is a necessity for the use of such devices. The devices shall be used only in connection with the performance of the service or services designated.

(b) After the determination and designation, the agency shall submit a list of names of employees whom the agency intends shall possess, discharge, use, and transport the devices. The chief of police shall issue a permit to the individual employee upon finding that the employee:

- (1) Is of good moral character;
- (2) Is of the age of 20 years or more;
- (3) Has not been convicted in this State or elsewhere of a crime of violence or of the illegal use, possession, or sale of narcotics; and
- (4) Has not been adjudged insane.

The agency shall cooperate in providing all such evidence as to fitness of the employee as may be required by the chief of police in making the foregoing findings.

The permit furnished by the chief of police shall be carried on the employee's person whenever the employee has in the employee's possession any of the devices.

(c) Upon making the determination in subsections (a) and (b) favorable to the requesting agency, the chief of police shall issue to the agency a permit authorizing it to purchase, own, and control the specified device or devices capable of emitting obnoxious substances listed thereon which devices shall at all times remain subject to the exclusive ownership and control of the agency. A copy of all permits shall be retained on file at the Honolulu police department.

(d) All devices emitting obnoxious substances owned by an agency except those enumerated in § 41-12.3(c) that may be secured in a locked compartment in the agency vehicle shall be stored at a single location which is under the exclusive control of the agency and approved by the chief of police. The issuance and reissuance of the devices shall be only to employees authorized pursuant to subsection (b) according to controls approved by the chief of police. In addition, an accurate record of the issuance and turn in of all the devices as well as the number of such devices in the possession of each employee and the number in possession of the agency will be kept by the agency.

(e) The possession and transportation of the devices by an employee shall be, unless otherwise provided, restricted to:

- (1) Transportation between the place of storage and the place of performance of the approved service;
- (2) The location where the services for which the use of such devices was approved and are being performed; and
- (3) Transportation from one place of performance of an approved service to another, if during the course of the employee's duties the employee is required to provide services at more than one place.

(f) The employee shall discharge or use the devices only in the scope of the employee's employment and only when reasonably necessary to perform the same.

- (g) The agency will be liable for the negligent use or misuse of all devices under its control whether such devices are being used by its employees within the scope of their employment; provided that the penalty provision of § 41-12.9 shall not apply to the agency for the unlawful acts of its employees, unless the same are permitted or induced by the actions of the agency.
  - (h) The records and procedures for the possession, use, and transportation of such devices shall be subject to inspection by the chief of police from time to time.
- (Sec. 13-16.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 2, § 40-2.6)

**§ 41-12.7 Vendor to obtain license.**

- (a) Any person, corporation, partnership, or association vending the obnoxious substances enumerated herein shall first obtain a license from the director of budget and fiscal services.
- (b) The vendor shall keep accurate records of the sale of obnoxious substances, including monthly inventories showing the quantity and type of devices received, inventories showing the quantity of devices on hand, accurate records of the sale of such devices, including the name of the purchasing agency, date of purchase, type of obnoxious substances sold, and the number of each type and such other records as the chief of police may require.
- (c) The chief of police shall have access to the vendor's books and records pertaining to the purchase and sale of obnoxious substances at reasonable times during business hours.
- (d) The sale of obnoxious substances shall be made in case sized units as packaged at the factory and unopened except that the unopened case may be placed in a container provided by the local vendor before the sale. Sales of such obnoxious substances shall be made only to the duly authorized representative of the purchasing agency as provided in §§ 41-12.5(b)(1) and 41-12.6, or in the case of delivery to the agency, such delivery shall be only to the location specified in the agency's permit. Deliveries as provided for herein shall be made only by the personnel of the vendor or the delivery service in both cases which are listed on the vendor's permit required by this section. No permit shall be required for the personnel or delivery service making such deliveries.
- (e) The annual fee for a license under this section shall be \$25, which shall be payable to the director of budget and fiscal services.

(Sec. 13-16.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 2, § 40-2.7)

**§ 41-12.8 Licenses—Permits renewability.**

All licenses and permits issued pursuant to this article shall be renewed every year on or before July 1.

(Sec. 13-16.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 2, § 40-2.8)

**§ 41-12.9 Violation—Penalty.**

Any person violating this article shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year or both; and upon such conviction, any license or permit issued to any person under this section shall be revoked.

(Sec. 13-16.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 2, § 40-2.9)

**§ 41-12.10 Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

(Sec. 13-16.10, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 2, § 40-2.10)

## ARTICLE 13: ADVERTISEMENT AND DISTRIBUTION OF CIGARETTES AND TOBACCO PRODUCTS

### Sections

- 41-13.1 Definitions
- 41-13.2 Prohibition
- 41-13.3 Exceptions
- 41-13.4 Penalties

#### § 41-13.1 Definitions.

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

**Advertisement.** Any poster, banner, sticker, emblem, placard, graphic illustration, or sign, including any neon, electronically charged, or portable freestanding sign, used to publicize a cigarette or tobacco product to the general public.

**Business.** Any person or entity engaged in a retail operation that offers cigarettes or other tobacco products for sale to any member of the general public for consumption or use.

**Promotional Activities.** The distribution of cigarette or other tobacco product samples or materials or coupons redeemable for cigarettes or other tobacco products free of charge or for a nominal charge to members of the general public for the purpose of promoting a brand of cigarettes or a form of tobacco products.

**Public Property.** Includes any street, sidewalk, public or private park, public or private school ground, and any other property that is owned or controlled by the federal, State, or city government or any agency thereof.

**Publicly Visible Location.** A place inside or outside of a commercial building, including the exterior walls of the building and the exterior and interior of a display window of a retail business, that is visible to the general public from public property.

**School Zone.** Every street and all other property within 1,000 feet of the boundaries of any public or private primary or secondary school and any preschool licensed by the State department of human services.

**Street.** Has the same meaning as defined in § 13-1.1.  
(1990 Code, Ch. 40, Art. 10, § 40-10.1) (Added by Ord. 98-10)

#### § 41-13.2 Prohibition.

- (a) It is unlawful for any business to display a cigarette or other tobacco product advertisement in a publicly visible location within a school zone.

- (b) It is unlawful for any person to participate in any promotional activities, as defined in § 41-13.1, on any public property or within a school zone; provided that such promotional activities shall not be prohibited inside any business establishment in which retail sales are made to the general public; and provided further, that the promotional activities within any such business establishment shall not be seen from a publicly visible location. (1990 Code, Ch. 40, Art. 10, § 40-10.2) (Added by Ord. 98-10)

**§ 41-13.3 Exceptions.**

The following shall be exceptions to § 41-13.2(a):

- (1) The placement of an advertisement for a cigarette or other tobacco product inside of a retail business establishment where the product is offered for sale to the general public, provided that the advertisement is not in a publicly visible location;
  - (2) The operation or legal parking of a vehicle within a school zone that has permanently painted on or affixed to the vehicle any sign, graphics, or lettering relating to the name, trade insignia, or trademark of a cigarette or other tobacco product, to the extent permitted in § 41-29.3; and
  - (3) The placement of any advertisement for a cigarette or other tobacco product in or upon a federal or State building or facility located within a school zone.
- (1990 Code, Ch. 40, Art. 10, § 40-10.3) (Added by Ord. 98-10)

**§ 41-13.4 Penalties.**

Any person who violates this article shall be fined not more than \$500.  
(1990 Code, Ch. 40, Art. 10, § 40-10.4) (Added by Ord. 98-10)

## ARTICLE 14: SMOKING

### Sections

41-14.1	Definitions
41-14.2	Prohibition of smoking in certain places
41-14.3	Exceptions
41-14.4	Signs
41-14.5	Violation—Penalty
41-14.6	Enforcement—Administration
41-14.7	Fire code
41-14.8	Severability
41-14.9	Conflict with HRS Chapter 328J

### § 41-14.1 Definitions.

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

**Bar.** For a July 1 to June 30 period, a place that was devoted to the serving of alcoholic beverages for on-site consumption by patrons and where the service of food was only incidental to the consumption of such beverages during the previous July 1 to June 30 period, whether or not the place was open for business during that entire period. When the preceding sentence does not apply to a place because it was not open for business in the previous July 1 to June 30 period, the place may choose to be a bar from the date it first opens for business until the next June 30 if, during that time, the place is devoted to the serving of alcoholic beverages for on-site consumption by patrons and the service of food in the place is only incidental to the consumption of such beverages. “Incidental” means less than one third of gross sales of alcoholic beverages as opposed to food sales.

**Building.** A structure with at least three walls.

**Bus Stop.** Any place where the department of transportation services has directed the placement of a bus stop sign designating a location where the city’s bus service stops to service passengers. Such sign may include route numbers and regulatory and other information.

**Commercial Building.** A building occupied by two or more commercial tenants.

**Electronic Smoking Device.** Any electronic product that can be used to aerosolize and deliver nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe, or hookah pen, and any cartridge or other component of the device or related product, whether or not sold separately.

**Food Court.** An area with more than one restaurant and seating that is not subject to the exclusive use or possession of any restaurant, but is made available to the patrons of every restaurant in or other tenant of the area. The definition of food court under § 42-3.5 shall not apply to this article.

**Food Court Seating Area.** The portion of a food court with unreserved seating for patrons of any restaurant or other tenant of the food court. An “enclosed or partially enclosed food court” means a food court that is within an “enclosed or partially enclosed area” as defined under § 41-14.2(10).

**Hotel.** Has the same meaning as defined in § 21-10.1.

**Multi-Family Dwelling.** Has the same meaning as defined in § 21-10.1.

**Open to the Public.** Areas within any building available for use by or accessible to the general public during the normal course of business conducted therein by either private or public entities.

**Public Park.** Any park, park roadway, playground, athletic field, beach, beach right-of-way, tennis court, swimming pool, or other recreation area or facility under the control, maintenance, and management of the department of parks and recreation. Public park does not include a public thoroughfare defined as a “mall” under § 13-1.1 unless the public thoroughfare has been:

- (1) Accepted, dedicated, or named by the council expressly as a public park or “park”;
- (2) Placed under the control, maintenance, and management of and classified expressly as a public park or “park” by the department of parks and recreation; or
- (3) Constructed or situated within a larger specific recreation area or facility listed in the preceding sentence.

**Public Place.** Has the same meaning as defined in § 13-1.1.

**Restaurant.** Any retail eating establishment where food is served or provided for on-site consumption by seated patrons that is authorized by the State department of health to operate as a food establishment, including any private food establishment or club in which only members or their guests are permitted, but excluding a “bar.” If a restaurant includes an area devoted to the serving of alcoholic beverages, that area shall be deemed part of the restaurant, not a separate “bar,” for this article. An establishment that is a restaurant shall have that status for all hours of operation.

**Retail Department Store.** A retail establishment organized or arranged into five or more departments and consisting of a total selling floor space of at least 22,000 square feet.

**Separate Open Air Area of a Restaurant.** An area, roofed or not, of a restaurant’s premises that is both:

- (1) Directly exposed to the outside environment on every side, except a side abutting:
  - (A) An indoor area of the restaurant;
  - (B) Any building that does not house the restaurant; or

- (C) Any other enclosed or partially enclosed place or area where smoking is prohibited by this article or HRS Chapter 328K; and
- (2) Entirely separated from any abutting area, building, or place listed under subdivision (1) by either of the following:
  - (A) At least 10 feet of space that is outside the walls of the building housing the restaurant; or
  - (B) A solid wall: (i) without any opening; or (ii) with either or both of the following, but no other opening: a closable doorway that stays closed except when a person passes through or a closable serving window that stays closed except when food, drink, or eating ware is passed through. A “solid wall” means a wall constructed of rigid material that reaches from floor to ceiling. It may have an unopenable plate glass window. A “serving window” means a window through which food, drink, or eating ware may be passed from one area of a restaurant to another area of the restaurant.

A side of a restaurant area shall be deemed “directly exposed to the outside environment” if the entire side is unenclosed or enclosed only by a barrier of not more than four feet high from the floor. An “indoor area of a restaurant” means the area within the walls of the building housing all or part of a restaurant’s premises.

**Smoke or Smoking.** Inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form. Smoking includes the use of an electronic smoking device.

**Tobacco Product.** Any product made or derived from tobacco, that contains nicotine or other substances, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device. Tobacco product does not include any product specifically approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product that is being marketed and sold solely for that approved purpose.

(Sec. 13-42.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 41, Art. 21, § 41-21.1) (Am. Ords. 93-24, 93-68, 97-20, 02-06, 13-27, 13-28, 17-53)

#### § 41-14.2 Prohibition of smoking in certain places.

Except as otherwise provided herein, smoking is prohibited in the following places within the City:

- (1) Elevators in buildings generally open to and used by the public, including elevators in apartment and other multi-unit residential buildings;
- (2) Patient rooms, wards, waiting rooms, lobbies, and public hallways of public and private health care facilities, including but not limited to hospitals, clinics, and physicians’ and dentists’ offices;
- (3) Any room which is primarily used for exhibiting any motion picture, stage drama, dance, musical performance, or other similar performance during the time that the room, hall, or auditorium is open to the public for such exhibition;

- (4) Museums, libraries, and galleries;
- (5) All areas within city-owned or controlled buildings, except any dwelling unit or lodging unit, as those terms are defined by § 21-10.1, when not used as a child care, adult day-care, or health care facility;
- (6) Except as provided in § 41-14.3 or as limited by this subsection, all areas in business or charitable establishments. For the purposes of this subdivision, a “business” means any sole proprietorship, partnership, joint venture, business trust, limited liability company, business corporation, professional corporation, or other business entity formed for profit-making purposes, and “business establishment” includes but is not limited to any of the following establishments operated by a business:
  - (A) Any school;
  - (B) Any hotel, except individual hotel rooms;
  - (C) Any financial institution;
  - (D) Any industrial, commercial, or wholesale establishment;
  - (E) Any utility;
  - (F) Any retail establishment where goods or services are sold, leased, or otherwise provided to the public or to another business;
  - (G) Any bar within an enclosed or partially enclosed food court; or
  - (H) Any restaurant; except that smoking will be permitted in a separate open air area of a restaurant when the business operating the restaurant refrains from designating the area as nonsmoking pursuant to subdivision (8);
- (7) Rest rooms. Any restroom open to the public in places specified in this section;
- (8) Notwithstanding § 41-14.3, any area of any bar, hotel room, restaurant, or governmental property which has been designated by the owner, operator, manager, or other persons having control of such property as a nonsmoking area and marked with a “no smoking” sign or signs;
- (9) All enclosed or partially enclosed areas within multi-family dwellings that are open to the common use of all unit owners or residents, including but not limited to lobbies, hallways, corridors, stairways, waiting areas, and recreation areas within multi-family dwellings. For purposes of this subdivision, “enclosed or partially enclosed areas” means areas closed in by a roof or overhang and at least one wall. An area commonly described as a lobby or roofed mall is deemed to be enclosed or partially enclosed for purposes of this subdivision;
- (10) All enclosed or partially enclosed areas within commercial buildings not subject to the exclusive use and possession of a tenant and open to the common use of the tenants of the building and their employees and customers, including but not limited to common entrance areas, lobbies, malls, food court seating areas, hallways, corridors, escalators, stairways, and waiting or rest areas within commercial buildings. For purposes of this subdivision, an enclosed or partially enclosed area is any area for human occupancy that

is contained on two or more sides by walls and is covered by a roof, ceiling, or overhang, such that the area of all permanent openings from the space to the open air is less than 50 percent of the combined areas of the walls and ceiling, roof, or overhang. If a wall does not meet the floor or the ceiling, roof, or overhang, the calculation will be based on the vertical projection of the wall to the plane of the floor or the plane of the ceiling, roof or overhang. Permanent openings do not include doors or windows which are capable of being closed;

- (11) If a building is both a multi-family dwelling and a commercial building as defined in this article, all areas except for private residences;
- (12) All motor vehicles:
  - (A) That are owned or leased by the city; or
  - (B) In which a person under eighteen years of age is present.
- (13) All public parks, recreation areas, and facilities under the maintenance of the department of parks and recreation or the department of enterprise services, except for the open air areas of a municipal golf course and such areas within each of the following sites as the department of parks and recreation or the department of enterprise services may designate by appropriate signs as areas within which smoking is permissible:
  - (A) Honolulu Zoo;
  - (B) Hanauma Bay Nature Preserve;
  - (C) Koko Crater Botanical Garden; and
  - (D) Waikiki Shell; and
- (14) Any bus stop. The smoking prohibition applies to the area of the bus stop that extends out from the bus stop sign or the footprint of the shelter in every direction by 20 feet. The footprint of the shelter is defined by vertical planes extending down from the outermost edges of the shelter overhang or roof. The prohibition contemplated in this subdivision only applies to public places.

(Sec. 13-42.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 41, Art. 21, § 41-21.2) (Am. Ords. 93-24, 93-68, 93-92, 96-58, 97-20, 99-64, 02-06, 13-5, 13-27, 13-28, 17-53)

### § 41-14.3 Exceptions.

Smoking shall not be prohibited in the following places under this article:

- (1) Private residences, except when used as a child care, adult day-care, or health care facility;
- (2) Any hotel room;
- (3) Any bar that is not within an enclosed or partially enclosed food court; and

- (4) Any separate open air area of a restaurant where smoking is permitted by the business operating the restaurant pursuant to § 41-14.2(6)(H).

(Sec. 13-42.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 41, Art. 21, § 41-21.3) (Am. Ords. 97-20, 02-06, 13-27, 13-28)

**§ 41-14.4 Signs.**

- (a) Clearly legible signs that include the words “smoking prohibited by law” with letters of not less than 1 inch in height must be conspicuously posted in all places where smoking is prohibited by this article by the owner, operator, manager, or other person having control of such place. This subsection does not apply to privately owned motor vehicles, unless the vehicles are used in public transportation under the authority of the State or the city.
- (b) Alternate means of notification (individual place cards, film clips, etc.) may be employed provided the effect thereof is equivalent to the notice given by signs described in subsection (a).
- (c) Any person violating this section shall be issued a notice of violation and shall comply with this section within 10 days. Thereafter, the violation shall carry a fine of not more than \$25. Each violation cited shall constitute a separate offense.

(Sec. 13-42.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 41, Art. 21, § 41-21.4) (Am. Ords. 97-57, 02-06, 17-53)

**§ 41-14.5 Violation—Penalty.**

- (a) It is unlawful for any person to smoke in a place within the city where smoking is prohibited.
- (b) Except as otherwise provided, any person violating this article shall be punished by:
- (1) A fine of not more than \$100 for a first violation;
  - (2) A fine not exceeding \$200 for a second violation within one year of the date of the first violation; and
  - (3) A fine not exceeding \$500 for each additional violation of this article within one year of the date of the preceding violation.

(Sec. 13-42.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 41, Art. 21, § 41-21.5) (Am. Ords. 93-68, 97-20)

**§ 41-14.6 Enforcement—Administration.**

- (a) *Summons or citation.*
- (1) There shall be provided for use by an officer or employee of the city duly authorized to issue a summons or citation, or any police officer a form of summons or citation for use in citing violators of this article, which does not provide for 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, shall be

printed on a form commensurate with the form of other summons or citations used in modern methods of arrest, and 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 that the violator be given a carbon copy of the citation and provide for the disposition of the original and any other copies.

(3) Every citation shall be numbered, and each carbon copy shall bear the same number as its original.

(b) Enforcement and administration of § 41-14.4 shall be under the jurisdiction of the department of planning and permitting, which department shall have the power to formulate any applicable rules necessary to carry out § 41-14.4.

(c) Except as provided in subsection (b), enforcement of this article shall be under the jurisdiction of the Honolulu police department.

(d) In addition to the foregoing, any police officer or other officer or employee of the city duly authorized to issue a summons or citation may eject from the premises any person to whom a citation has been issued and who continues to smoke after the person has been requested by the police officer or other duly authorized officer or employee to stop smoking.

(Sec. 13-42.6, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 41, Art. 21, § 41-21.6) (Am. Ord. 02-06)

#### **§ 41-14.7 Fire code.**

Nothing in this article shall be construed as superseding applicable fire code provisions. Where a conflict between the provisions of this article and the fire code arises, the fire code provision will prevail.

(Sec. 13-42.7, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 41, Art. 21, § 41-21.7)

#### **§ 41-14.8 Severability.**

If any provision of this article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this article, which can be given effect without the invalid provision or application, and to this end, the provisions of this article are severable.

(Sec. 13-42.8, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 41, Art. 21, § 41-21.8)

#### **§ 41-14.9 Conflict with HRS Chapter 328J.**

(a) If any provision of this article conflicts with any provision of HRS Chapter 328J, or any successor statute, the more stringent provision shall control.

(b) If any violation of this article also constitutes a violation of HRS Chapter 328J, or any successor statute, the violator shall be subject to the penalties and procedures set forth under this article.

- (c) This section shall not be deemed to limit the powers granted to the city under HRS Chapter 328J or any successor statute, to enforce, administer, and adopt rules necessary to carry out HRS Chapter 328J, or any successor statute.

(1990 Code, Ch. 41, Art. 21, § 41-21.9) (Added by Ord. 93-24; Am. Ords. 02-06, 13-28)

## ARTICLE 15: BIDI CIGARETTE PROHIBITIONS

### Sections

- 41-15.1 Definition
- 41-15.2 Prohibition
- 41-15.3 Violation—Penalties

#### § 41-15.1 Definition.

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

***Bidi Cigarette.*** A product that contains tobacco that is wrapped in temburni or tendu leaf.  
(1990 Code, Ch. 40, Art. 18, § 40-18.1) (Added by Ord. 00-23)

#### § 41-15.2 Prohibition.

No person shall sell, give or barter away, or in any way, furnish to any other person a bidi cigarette.  
(1990 Code, Ch. 40, Art. 18, § 40-18.2) (Added by Ord. 00-23)

#### § 41-15.3 Violation—Penalties.

Any person who violates § 41-15.2 shall be fined not more than \$500 for the first offense. Any subsequent offenses shall subject the person to a fine of not less than \$500 nor more than \$1,000.

A police officer may arrest an alleged violator of this article or may issue a citation in lieu of arrest as provided in HRS § 803-6.  
(1990 Code, Ch. 40, Art. 18, § 40-18.3) (Added by Ord. 00-23)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 16: HERBAL CIGARETTES

### Sections

- 41-16.1 Definition
- 41-16.2 Sale of herbal cigarettes to minors prohibited
- 41-16.3 Signs—Minors
- 41-16.4 Violations and penalties

#### § 41-16.1 Definition.

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

***Herbal Cigarette.*** A cigarette that is composed of one or more herbs or other plants and is not a tobacco product.

(1990 Code, Ch. 40, Art. 20, § 40-20.1) (Added by Ord. 00-60)

#### § 41-16.2 Sale of herbal cigarettes to minors prohibited.

It shall be unlawful for any person to sell, give, or barter away, or in any way, furnish herbal cigarettes to an individual under 18 years of age.

(1990 Code, Ch. 40, Art. 20, § 40-20.2) (Added by Ord. 00-60)

#### § 41-16.3 Signs—Minors.

Signs using the statement “The sale of herbal cigarettes to persons under eighteen is prohibited” shall be posted on or near any vending machine in letters at least 0.5 inches high and at or near the point of sale of any other location where herbal cigarettes are sold, in letters at least 0.5 inch high.

(1990 Code, Ch. 40, Art. 20, § 40-20.3) (Added by Ord. 00-60)

#### § 41-16.4 Violations and penalties.

Any person who violates §§ 41-16.2 or 41-16.3 shall be fined not more than \$500 for each offense. Any subsequent offenses occurring within one year of the first offense shall subject the person to a fine of not less than \$500 nor more than \$1,000.

(1990 Code, Ch. 40, Art. 20, § 40-20.4) (Added by Ord. 00-60)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 17: PROSTITUTION-RELATED PUBLIC NUISANCE ABATEMENT

### Sections

- 41-17.1 Definitions
- 41-17.2 “Public nuisance” declaration for prostitution-related offenses
- 41-17.3 Abatement
- 41-17.4 Other actions not prohibited

### § 41-17.1 Definitions.

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

***Business.*** A corporation, partnership, or sole proprietorship.

***County Organization.*** A city agency with authority under the Charter to bring suit to enjoin, abate, and prevent a nuisance under HRS Chapter 712, Part V.

***Premises of a Business.*** The portion of a structure, grounds, or both, which is occupied by a business through ownership, lease, rental, or other conveyance. The term does not include common areas shared by the business with other parties.

***Principal.*** An officer, director, shareholder, partner, or sole proprietor of a business.

***Prostitution and Promoting Prostitution.*** The offenses of prostitution and promoting prostitution under HRS Chapter 712.

***Prostitution-Related Public Nuisance.*** The public nuisance declared under § 41-17.2.  
(1990 Code, Ch. 40, Art. 16, § 40-16.1) (Added by Ord. 99-53)

### § 41-17.2 “Public nuisance” declaration for prostitution-related offenses.

- (a) The premises of a business, to which all of the following conditions apply, is declared a public nuisance per se:
  - (1) At least three arrests of a principal, employee, or independent contractor of the business were made within a five-year period for alleged prostitution or promoting prostitution;
  - (2) Each person arrested was charged with prostitution or promoting prostitution for an act which allegedly occurred on the premises;

- (3) At least three of the persons charged:
    - (A) Were convicted of the prostitution or promoting prostitution offenses for which charged; or
    - (B) Had the court defer acceptance of guilty or nolo contendere pleas for; and
  - (4) The same business occupied the premises continuously from the first arrest counted under subdivision (1) until the third conviction or court deferred acceptance of guilty or nolo contendere plea counted under subdivision (3). For the purpose of this subdivision, a business shall be deemed the “same” so long as controlling ownership interest in the business remained held or shared by the same person, even if changes occurred in the name of the business, purpose of the business, proportion of controlling ownership interest held by the person, members of the controlling ownership group, if any, of the business, or any other factor which did not affect the person’s holding or sharing of controlling ownership interest.
  - (b) The existence of the following conditions shall not be necessary for the premises of a business to become a public nuisance under subsection (a):
    - (1) Knowledge of any principal of the business that prostitution or promoting prostitution was committed on the premises by another principal, an employee, or an independent contractor of the business;
    - (2) Orders by any principal of the business requiring another principal, an employee, or an independent contractor of the business to commit prostitution or promoting prostitution on the premises; or
    - (3) Acquiescence by any principal of the business to the prostitution or promoting prostitution committed on the premises by another principal, an employee, or an independent contractor of the business.
- (1990 Code, Ch. 40, Art. 16, § 40-16.2) (Added by Ord. 99-53)

**§ 41-17.3 Abatement.**

- (a) This article shall not affect the authority of the prosecuting attorney or a county organization under HRS Chapter 712, Part V, to bring a suit to enjoin, abate, and prevent a prostitution-related public nuisance.

If, however, the prosecuting attorney or a county organization does not bring such a suit within 30 days of the date the premises of a business becomes a prostitution-related public nuisance, the department of the corporation counsel shall take action in accordance with subsection (b). The “date the premises of the business becomes a prostitution-related public nuisance” means the date of the third conviction or court deferred acceptance of guilty or nolo contendere plea counted under § 41-17.2(a)(3) for prostitution or promoting prostitution necessary to make the premises a public nuisance.

- (b) When required to take action pursuant to subsection (a), the department of the corporation counsel shall either:
  - (1) Seek to enjoin, abate, and prevent the prostitution-related public nuisance by suit brought as a county organization pursuant to HRS Chapter 712, Part V; or
  - (2) Seek to enjoin and prohibit the prostitution-related public nuisance under HRS § 603-23.

Within 60 days of the day this subsection becomes applicable, the department of the corporation counsel shall initiate the necessary action for an injunction to immediately close the prostitution-related public nuisance for up to one year. The “day this subsection becomes applicable” means the 31st day following the date the premises of the applicable business becomes a prostitution-related public nuisance. It shall not be a defense to an action brought by the corporation counsel that the action was initiated on the 60th day after this subsection becomes available, or thereafter.

When the department of the corporation counsel brings an action under HRS Chapter 712, Part V, or HRS § 603-23 against a prostitution-related public nuisance, the proceedings, including proof required, and remedies shall be subject to that part or section, as applicable.

(1990 Code, Ch. 40, Art. 16, § 40-16.3) (Added by Ord. 99-53)

**§ 41-17.4 Other actions not prohibited.**

- (a) This article shall not affect the right of a private person under statutory or common law to bring an action to abate or collect damages for a nuisance declared under this article.
- (b) This article shall not prohibit the prosecuting attorney or any county organization from bringing suit under HRS Chapter 712, Part V, to close the premises of a business before the occurrence of three convictions or court deferred acceptances of guilty or nolo contendere plea counted under § 41-17.2(a)(3) for prostitution or promoting prostitution on the premises.
- (c) This article shall not impose any liability on the city for a failure to seek the abatement of a public nuisance declared under this article.

(1990 Code, Ch. 40, Art. 16, § 40-16.4) (Added by Ord. 99-53)

## **Honolulu - Public Health, Safety, and Sanitation**

## **ARTICLE 18: ADDITIONAL AREAS OF SIGNIFICANT PROSTITUTION-RELATED ACTIVITY**

### **Sections**

- 41-18.1 City-designated areas of significant prostitution-related activity
- 41-18.2 Additional to Waikiki area
- 41-18.3 No intent to supersede HRS § 712-1207
- 41-18.4 Intent regarding “public property”

### **§ 41-18.1 City-designated areas of significant prostitution-related activity.**

- (a) Pursuant to the authority conferred by HRS § 712-1207 and the recommendation of the chief of police, the following areas are designated zones of significant prostitution-related activity detrimental to the health, safety, or welfare of the general public:
  - (1) The Ala Moana/Kapiolani/Convention Center/Keeaumoku/lower Makiki/McCully/Moiliili area shown in Exhibit A attached to this article and made a part hereof;
  - (2) The Downtown/Chinatown area shown in Exhibit B attached to this article and made a part hereof; and
  - (3) The Wahiawa area shown in Exhibit C attached to this article and made a part hereof.

Where the boundary lines of the designated areas shown on the exhibits follow streets or highways, the designated areas shall include the entire width of the streets or highways, including the sidewalk or shoulder areas. For this purpose, “streets or highways” mean the same as defined under § 15-2.23.

- (b) This article shall be deemed a county ordinance designating areas to which HRS § 712-1207 applies. (1990 Code, Ch. 40, Art. 21, § 40-21.1) (Added by Ord. 00-67; Am. Ord. 06-48)

### **§ 41-18.2 Additional to Waikiki area.**

The areas designated under § 41-18.1 are additional to the Waikiki area designated under HRS § 712-1207. (1990 Code, Ch. 40, Art. 21, § 40-21.2) (Added by Ord. 00-67)

### **§ 41-18.3 No intent to supersede HRS § 712-1207.**

This article is not intended to supersede HRS § 712-1207. (1990 Code, Ch. 40, Art. 21, § 40-21.3) (Added by Ord. 00-67)

**§ 41-18.4 Intent regarding “public property”.**

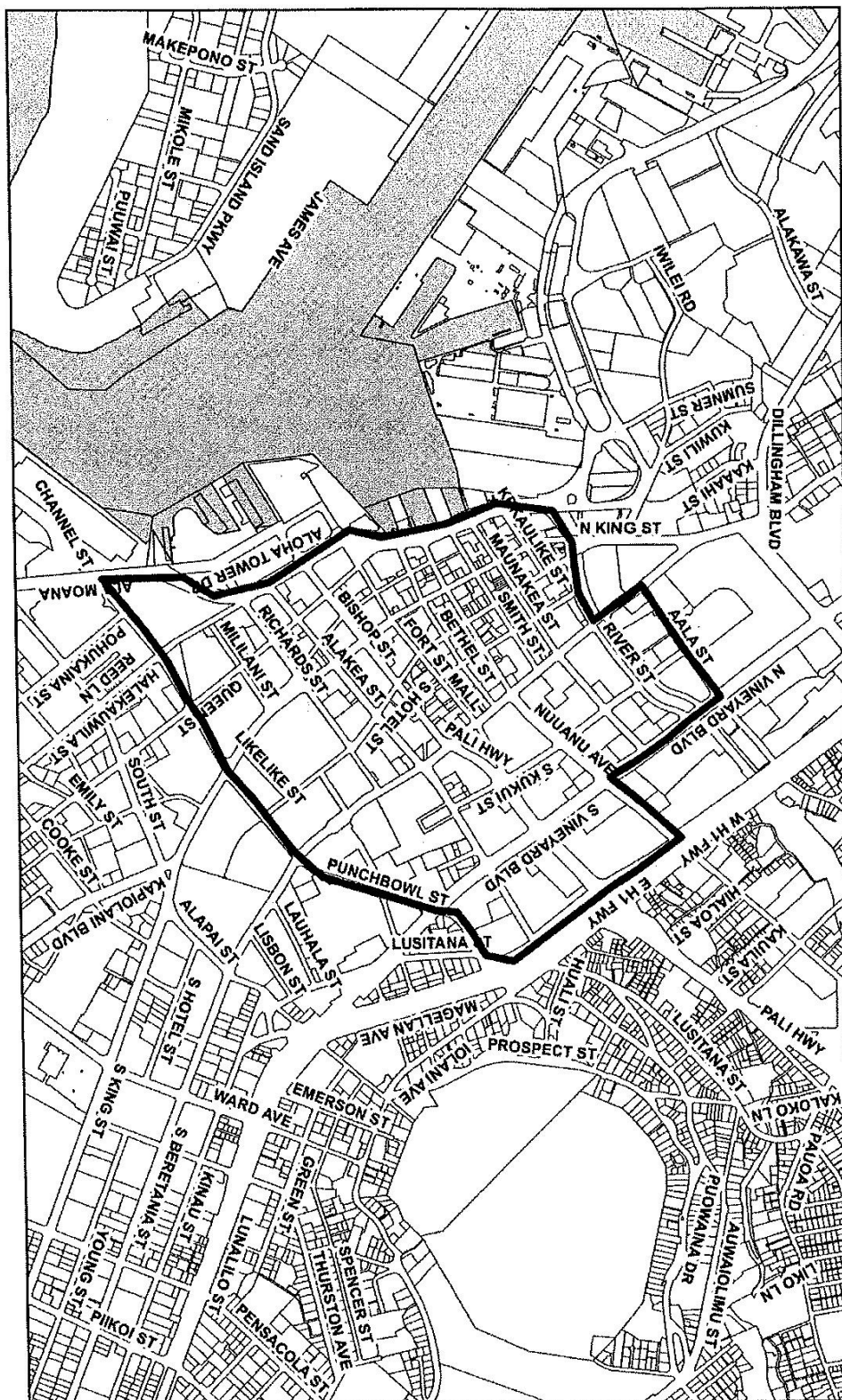
- (a) The council finds that HRS § 712-1207 prohibits a person, while on public property within Waikiki or a designated area, from offering or agreeing to engage in sexual conduct with another person in return for a fee. Under HRS § 712-1207, “public property” includes any street, highway, road, sidewalk, alley, lane, bridge, parking lot, park, or other property owned or under the jurisdiction of any governmental entity or otherwise open to the public.
- (b) The council finds that, as defined, “public property” includes privately owned real property used for commercial purposes if open to any broad class of the public. Thus, the council finds that the term includes a liquor-serving, massage, or adult entertainment establishment open to adult members of the public.

The council further finds that the heading of HRS § 712-1207, which reads in part “street solicitation of prostitution,” may not be construed as limiting the plain language of the section to solicitation on a public street.

- (c) The council intends that the chief of police, prosecuting attorney, and any other authorized law enforcement officer enforce HRS § 712-1207 consistent with the findings of this section.
- (1990 Code, Ch. 40, Art. 21, § 40-21.4) (Added by Ord. 00-67)

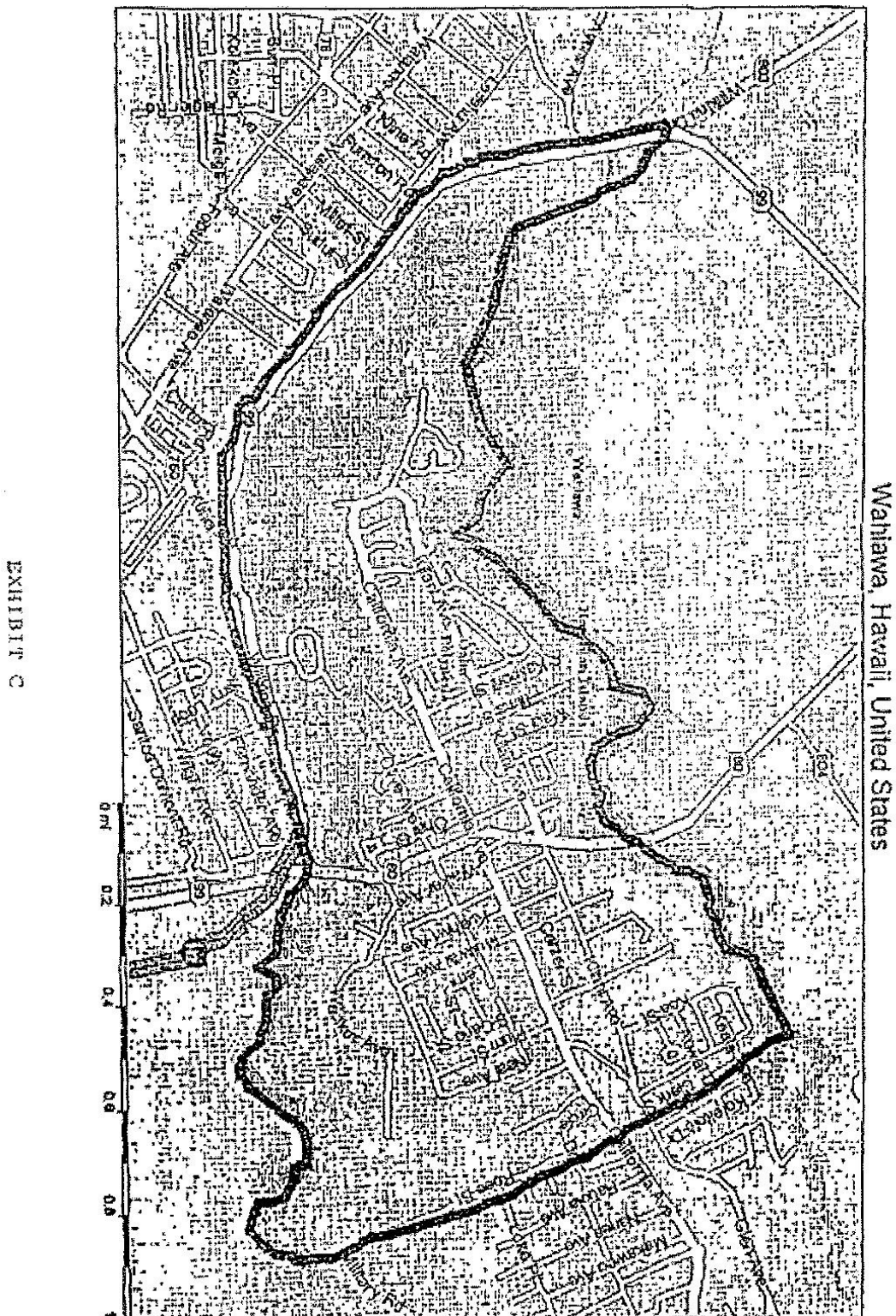


Downtown/Chinatown, Hawaii, United States



**Exhibit B**

Exhibit C



## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 19: LASER POINTERS AND HARASSMENT WITH LASER BEAMS

### Sections

- 41-19.1 Definition
- 41-19.2 Possession and providing of laser pointers prohibited
- 41-19.3 Harassment by laser beams prohibited
- 41-19.4 Violation—Penalties—Liability of parent

#### § 41-19.1 Definition.

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

***Laser Pointer.*** Any handheld laser which is not designed as a sighting device for a weapon, and which is not designed for use in a medical procedure. This term includes the product commonly referred to as a “laser pen”. (1990 Code, Ch. 40, Art. 15, § 40-15.1) (Added by Ord. 99-09)

#### § 41-19.2 Possession and providing of laser pointers prohibited.

- (a) No person shall sell, give, loan, or otherwise provide or cause to be provided a laser pointer to any person under 18 years of age.
  - (b) No person under 18 years of age shall possess a laser pointer.
  - (c) The prohibitions in subsections (a) and (b) shall not apply to any handheld laser devices used in a recreational activity commonly referred to as laser tag,” and which activity is offered for a fee or charge by an outdoor amusement facility, an indoor amusement and recreation facility, or by an outdoor recreation facility, as these recreation and amusement facilities are defined in § 21-10.1; provided that the devices shall be collected by the owner or operator of the facility following their use in the recreational activity.
- (1990 Code, Ch. 40, Art. 15, § 40-15.2) (Added by Ord. 99-09)

#### § 41-19.3 Harassment by laser beams prohibited.

No person shall intentionally focus, point, or shine any laser beam directly or indirectly into the eye or eyes of another person, or on another person or animal, in such a manner as would reasonably be expected to annoy, harass, or alarm the person or animal.

(1990 Code, Ch. 40, Art. 15, § 40-15.3) (Added by Ord. 99-09)

**§ 41-19.4 Violation—Penalties—Liability of parent.**

- (a) Any person convicted of violating this article shall be punished for each violation by a fine of not less than \$100 nor more than \$500, by imprisonment for not more than 30 days, or both.
  - (b) Any father or mother of an unmarried minor who violates § 41-19.3 shall be jointly and severally liable with the minor for any injury or damage suffered as a result of such violation.
- (1990 Code, Ch. 40, Art. 15, § 40-15.4) (Added by Ord. 99-09)

## ARTICLE 20: URINATING OR DEFECATING IN PUBLIC PROHIBITED IN THE WAIKIKI SPECIAL DISTRICT

### Sections

- 41-20.1 Definitions
- 41-20.2 Prohibition
- 41-20.3 Exceptions
- 41-20.4 Violation—Penalty

#### § 41-20.1 Definitions.

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

**Public Place.** Any publicly-owned or privately-owned property open for public use or to which the public is invited for entertainment or business purposes and includes but is not limited to any street, sidewalk, driveway, alley, doorway, mall, plaza, park, public building, or parking lot.

**Waikiki Special District.** The Waikiki special district as defined in § 21-9.80-2.  
(1990 Code, Ch. 40, Art. 24, § 40-24.1) (Added by Ord. 14-27)

#### § 41-20.2 Prohibition.

Within the boundaries of the Waikiki special district, no person shall intentionally or knowingly urinate or defecate:

(1) In a public place; or

(2) In any area where such an act is likely to be observed by any member of the public.

(1990 Code, Ch. 40, Art. 24, § 40-24.2) (Added by Ord. 14-27)

#### § 41-20.3 Exceptions.

(a) This article shall not apply in cases where the person failed to use a restroom or other toilet facility because of a medical condition verified by a licensed physician.

(b) This article shall not apply to a person urinating or defecating while using appropriate fixtures in any restroom or other toilet facility designed for the sanitary disposal of human waste.

(1990 Code, Ch. 40, Art. 24, § 40-24.3) (Added by Ord. 14-27)

**§ 41-20.4 Violation—Penalty.**

Any person violating this article shall, upon conviction, be guilty of a petty misdemeanor and subject to punishment in accordance with HRS §§ 706-640 and 706-663, as amended.  
(1990 Code, Ch. 40, Art. 24, § 40-24.4) (Added by Ord. 14-27)

## **ARTICLE 21: URINATING OR DEFECATING IN PUBLIC PROHIBITED OUTSIDE OF THE WAIKIKI SPECIAL DISTRICT**

### Sections

- 41-21.1 Definition
- 41-21.2 Prohibition
- 41-21.3 Exceptions
- 41-21.4 Violation—Penalty

#### **§ 41-21.1 Definition.**

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

***Public Place.*** Any publicly-owned or privately-owned property open for public use or to which the public is invited for entertainment or business purposes and includes but is not limited to any street, sidewalk, driveway, alley, doorway, mall, plaza, park, public building, or parking lot.  
(1990 Code, Ch. 40, Art. 24A, § 40-24A.1) (Added by Ord. 14-28)

#### **§ 41-21.2 Prohibition.**

No person shall intentionally or knowingly urinate or defecate:

(1) In a public place; or

(2) In any area where such an act is likely to be observed by any member of the public.

(1990 Code, Ch. 40, Art. 24A, § 40-24A.2) (Added by Ord. 14-28)

#### **§ 41-21.3 Exceptions.**

- (a) This article shall not apply in cases where the person failed to use a restroom or other toilet facility because of a medical condition verified by a licensed physician.
- (b) This article shall not apply to a person urinating or defecating while using appropriate fixtures in any restroom or other toilet facility designed for the sanitary disposal of human waste.
- (c) This article shall not apply to any area where urination or defecation is prohibited by State law or by a separate ordinance enactment.

(1990 Code, Ch. 40, Art. 24A, § 40-24A.3) (Added by Ord. 14-28)

**§ 41-21.4 Violation—Penalty.**

Any person violating this article shall, upon conviction, be guilty of a petty misdemeanor and subject to punishment in accordance with HRS §§ 706-640 and 706-663, as amended.

(1990 Code, Ch. 40, Art. 24A, § 40-24A.4) (Added by Ord. 14-28)

## ARTICLE 22: ICEBOXES AND REFRIGERATORS

### Sections

- 41-22.1 Prohibitions
- 41-22.2 Violation—Penalty
- 41-22.3 Severability

#### § 41-22.1 Prohibitions.

- (a) It is unlawful for any person to abandon or discard in a place accessible to children, or to store, keep or permit to remain on any property under such person's control in a place accessible to children, any icebox or refrigerator which has an airtight door or lid, snaplock, or other locking device, which may not be released from within the icebox or refrigerator, without first removing the door or lid, snaplock, or other locking device.
  - (b) Subsection (a) is not intended and shall not be construed to apply to:
    - (1) Iceboxes or refrigerators kept within any building for the purposes of display, inventory, or repair in the regular course of business; provided that an attendant is in the building at all times when the building is not under lock and key;
    - (2) Iceboxes or refrigerators within the enclosed dwelling area of a home; or
    - (3) Iceboxes or refrigerators actually being used for the purpose of refrigeration.
- (Sec. 13-22.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 4, § 40-4.1)

#### § 41-22.2 Violation—Penalty.

- (a) Any person violating § 41-22.1 shall be deemed guilty of a petty misdemeanor and upon conviction, shall be punished by a fine not exceeding \$100, or by imprisonment not exceeding 30 days, or by both.
  - (b) Each day that such violation continues shall constitute a separate offense and shall be punishable as such under this section.
- (Sec. 13-22.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 4, § 40-4.2)

#### § 41-22.3 Severability.

If any provision or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision or portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this article.

(Sec. 13-22.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 4, § 40-4.3)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 23: UNOFFICIAL AGE IDENTIFICATION CARD

### Sections

- 41-23.1 Definitions
- 41-23.2 Prohibition on manufacture, sale, or supply of unofficial age identification card without required disclaimer
- 41-23.3 Prohibition on use of unofficial age identification card with false birth date

### § 41-23.1 Definitions.

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

***Government Agency.*** An agency of the United States government, an agency of any state government of the United States, or an agency of any political subdivision of a state. Government agency also means an agency of any government of a country besides the United States.

***Government Document.*** A document issued by a government agency.

***Supply.*** With respect to an unofficial age identification card, means to provide or furnish to a person by other than a sales transaction.

***Unofficial Age Identification Card.*** A card which:

- (1) Is manufactured by a private person without the express, specific authorization of a government agency;
- (2) Is rectangular and not more than 8 inches in length and not more than 5 inches in width; and
- (3) Is imprinted, inscribed, or stamped on at least one side with at least the following information:
  - (A) A picture of an individual;
  - (B) A personal name positioned or described in a manner indicating or resulting in a reasonable assumption that it is the personal name of the pictured individual; and
  - (C) A date represented as a “birth date” and positioned or described in a manner indicating or resulting in a reasonable assumption that the date is the birth date of the pictured individual. A date shall be deemed represented as a “birth date” if designated or accompanied by the words “birth date” or “date of birth,” the initials “DOB” or “BD,” or other similar words or initials in the English or another language.

(1990 Code, Ch. 40, Art. 17, § 40-17.1) (Added by Ord. 99-66)

**§ 41-23.2 Prohibition on manufacture, sale, or supply of unofficial age identification card without required disclaimer.**

- (a) Except as provided in this section, a private person shall not manufacture, sell, supply, or attempt to sell or supply an unofficial age identification card unless the following words are imprinted, inscribed, or stamped across the top of each side of the card in the manner required by this subsection: "SOUVENIR ONLY." The words shall be in red capital letters at least 0.25 inches high and printed prominently, legibly, and conspicuously in permanent ink. The phrase "SOUVENIR ONLY" shall be at least 2 inches wide or, if the card is less than 2 inches wide, shall be at least 80 percent of the width of the card.
- (b) Subsection (a) shall not apply to a private person who manufactures, sells, supplies, or attempts to sell or supply the following:
  - (1) A "credit card" as defined in HRS § 708-800;
  - (2) An "employee identification card," meaning a card given to an individual by a private employer for the purpose of identifying the individual as an employee of the employer;
  - (3) A "school identification card," meaning a card given to an individual by a private academic, trade, vocational, or technical school, college, or university for the purpose of identifying the individual as a student of the school, college, or university; or
  - (4) A card which does not meet all criteria of the definition of "unofficial age identification card" under § 41-23.1. A card excepted by this subdivision includes a card which is manufactured, sold, or supplied by a private person with the express, specific authorization of a government agency, a card which does not comply with the dimensional requirements of subdivision (2) of the definition, or a card which does not include on at least one side all of the information specified under subdivision (3) of the definition.

A card described under this subsection need not include the words required by subsection (a).

- (c) A person who manufactures, sells, supplies, or attempts to sell or supply an unofficial age identification card in violation of this section shall be subject for each violation to a maximum \$2,000 fine, maximum one-year imprisonment, or both. Each card manufactured, sold, supplied, or attempted to be sold or supplied in violation of the section shall be deemed a separate violation.

(1990 Code, Ch. 40, Art. 17, § 40-17.2) (Added by Ord. 99-66)

**§ 41-23.3 Prohibition on use of unofficial age identification card with false birth date.**

- (a) A person shall not use or attempt to use an unofficial age identification card with a false birth date as proof of being the requisite age to:
  - (1) Enter a liquor-serving or other establishment restricted to patrons of a minimum age; or
  - (2) Purchase liquor or another product purchasable only by persons of a minimum age.

An "unofficial age identification card with a false birth date" means an unofficial age identification card, the birth date on which is not that of the person who uses or attempts to use the card.

The prohibition of this subsection applies even if the unofficial age identification card includes the disclaimer required under § 41-23.2.

- (b) Subsection (a) shall not apply when the use of a particular unofficial age identification card with a false birth date also constitutes a violation of a State law prohibiting the use of a fraudulent government document. By this subsection, the council intends to avoid a conflict with the State law.
- (c) A person who violates this section shall be subject for each violation to a maximum \$2,000 fine; provided that if the person is subject to the jurisdiction of the family court pursuant to HRS § 571-11(1), the punishment shall be established by that court.

(1990 Code, Ch. 40, Art. 17, § 40-17.3) (Added by Ord. 99-66)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 24: WEARING OF MASKS OR DISGUISES

### Sections

- 41-24.1 Definitions
- 41-24.2 Wearing of masks or disguises prohibited
- 41-24.3 Penalty

#### § 41-24.1 Definitions.

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

***Disguise.*** All items that may be worn to alter the physical appearance of the wearer.

***False Whiskers.*** All items that, when used, create the impression of facial hair features that include beards, moustaches, and sideburns.

***Mask.*** Any item that, when used, covers or conceals a person's facial features.  
(1990 Code, Ch. 40, Art. 22, § 40-22.1) (Added by Ord. 01-19)

#### § 41-24.2 Wearing of masks or disguises prohibited.

No person shall wear any mask, false whiskers, or any personal disguise (whether complete or partial) for the purpose of:

- (1) Evading or escaping discovery, recognition, or identification in the commission of any criminal offense;  
or
- (2) Concealment, flight, or escape, when the person has been charged with, arrested for, or convicted of, any criminal offense.

(1990 Code, Ch. 40, Art. 22, § 40-22.2) (Added by Ord. 01-19)

#### § 41-24.3 Penalty.

Any person violating this article shall be deemed guilty of a misdemeanor, and shall be subject to a fine of up to \$1,000, up to 30 days of imprisonment, or both.  
(1990 Code, Ch. 40, Art. 22, § 40-22.3) (Added by Ord. 01-19)

## **Honolulu - Public Health, Safety, and Sanitation**

## **ARTICLE 25: LOITERING ON PUBLIC SCHOOL PREMISES**

### **Sections**

- 41-25.1 Loitering on public school premises
- 41-25.2 Exclusions
- 41-25.3 Presence considered prima facie case of violation
- 41-25.4 Violation—Penalty

### **§ 41-25.1 Loitering on public school premises.**

No person shall go or remain upon, loiter around, in or upon, or play or engage in any game in or upon any public school buildings or public school grounds, without lawful business or excuse for so doing.  
(Sec. 13-5.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 32, § 41-32.1)

### **§ 41-25.2 Exclusions.**

Section 41-25.1 shall not apply to bona fide visitors, whether residents of the State of Hawaii or tourists, who may go into public school buildings or upon public school grounds for the purpose of observing or inspecting the same or to any school teacher or other person in the State department of education, on the island of Oahu.  
(Sec. 13-5.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 32, § 41-32.2)

### **§ 41-25.3 Presence considered prima facie case of violation.**

A prima facie case of a violation of this article shall be established upon the showing that any person charged with the violation of the section was found, seen, or arrested in any public school buildings or upon public school grounds in the city. Upon such showing, the burden of proof shall be upon the accused to show such person's lawful business or excuse for going or being in any public school building or upon any public school grounds in the city.  
(Sec. 13-5.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 32, § 41-32.3)

### **§ 41-25.4 Violation—Penalty.**

Any person violating this article shall be punished by a fine not exceeding \$100.  
(Sec. 13-5.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 32, § 41-32.4)

## **Honolulu - Public Health, Safety, and Sanitation**

## **ARTICLE 26: REGULATED USE OF UNIFORMS BY PRIVATE SECURITY PERSONNEL**

### Sections

41-26.1	Legislative intent
41-26.2	Definition
41-26.3	Uniforms
41-26.4	Prohibition
41-26.5	Exceptions
41-26.6	Penalty

#### **§ 41-26.1 Legislative intent.**

It is declared to be the legislative intent of the council to regulate the uniforms of private security personnel not covered under HRS Chapter 463 by establishing certain standards for their appearance.  
(1990 Code, Ch. 41, Art. 33, § 41-33.1) (Added by Ord. 92-133)

#### **§ 41-26.2 Definition.**

The term “private security personnel” means any uniformed persons responsible for the safekeeping of an employer’s property and persons thereon, and for observation and reporting relative to such safekeeping.  
(1990 Code, Ch. 41, Art. 33, § 41-33.2) (Added by Ord. 92-133)

#### **§ 41-26.3 Uniforms.**

- (a) The uniforms worn by private security personnel must be of two or more different and contrasting colors or two or more different shades of the same color or of one solid color that does not resemble the color of the uniform worn by officers of the Honolulu police department. Each uniform shall be approved by the chief of police and a color photograph of each uniform shall be filed with the Honolulu police department.
  - (b) No badges or other metallic objects that closely resemble the badge of the Honolulu police department shall be worn on the uniform or any outer garment covering the upper body.
  - (c) If any outer garment covers the upper part or top of the uniform, a white plaque bearing the word “SECURITY” in letters at least 1-inch high shall be worn on the left breast area of that garment and the word “SECURITY” in letters at least 3 inches high shall be worn on the back area of that garment.
- (1990 Code, Ch. 41, Art. 33, § 41-33.3) (Added by Ord. 92-133)

#### **§ 41-26.4 Prohibition.**

- (a) No person shall wear a private security uniform that violates the requirements of § 41-26.3.

(b) No person shall instruct or authorize another to wear a private security uniform that violates the requirements of § 41-26.3.

(1990 Code, Ch. 41, Art. 33, § 41-33.4) (Added by Ord. 92-133)

**§ 41-26.5 Exceptions.**

These restrictions shall not apply to the following: government security personnel; private security personnel who are regulated by the State board of private detectives and guards; and private security personnel who are not uniformed.

(1990 Code, Ch. 41, Art. 33, § 41-33.5) (Added by Ord. 92-133)

**§ 41-26.6 Penalty.**

Any corporation, unincorporated association, or member thereof convicted of a violation of this article shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year or both.

(1990 Code, Ch. 41, Art. 33, § 41-33.6) (Added by Ord. 92-133)

## ARTICLE 27: POSSESSION, USE, AND SALE OF PEPPER SPRAYS FOR SELF-DEFENSE

### Sections

41-27.1	Definitions
41-27.2	Exceptions
41-27.3	Restrictions on possession, sale, and use of pepper sprays
41-27.4	License to distribute—Application and requirements
41-27.5	Conditions of license
41-27.6	Suspension or revocation of license
41-27.7	Forfeiture
41-27.8	Rules
41-27.9	Violation—Penalty

### § 41-27.1 Definitions.

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

**Adult.** Any natural person other than a minor.

**Chemical Device.** Any aerosol container or other device that is capable of emitting chloroacetaphenone (CN), orthochlorobenzalmalononitrile (CS), or oleoresin capsicum (OC), or any combination or derivative thereof, in a vapor or liquid form.

**Chief of Police.** The chief of police of the City and County of Honolulu or the chief of police's authorized subordinate.

**Controlled Substance.** Has the same meaning as defined in HRS § 329-1.

**Department.** The Honolulu police department.

**Designated Place of Business.** A fixed place of business owned or leased by a licensee and designated by the licensee in its application under § 41-27.4 as a place where it desires to sell or otherwise distribute pepper spray on a regular basis. "Designated place of business" does not include any temporary space rented or leased by a licensee at a swap meet, open market, or other similar setting.

**Licensee.** Any person who has obtained, pursuant to § 41-27.4, a license to sell, transport, or otherwise distribute pepper sprays in the city.

**Minor.** Any natural person below the age of 18 years.

***Pepper Spray.*** Any aerosol container or other device designed to fit into a handbag or a pants pocket and has a trigger-guard, flip top, or other mechanism to prevent the accidental release of the spray, that:

- (1) Is capable of emitting oleoresin capsicum (OC), or any derivative thereof, in a vapor or liquid form;
- (2) Contains only the chemical substance oleoresin capsicum, or any derivative thereof, without containing chloroacetaphenone (CN) or orthochlorobenzalmalononitrile (CS); and
- (3) Contains a nonflammable propellant or carrier, or both.

***Person.*** Has the same meaning as defined in § 40-1.1.  
(1990 Code, Ch. 41, Art. 37, § 41-37.1) (Added by Ord. 95-49)

## **§ 41-27.2 Exceptions.**

This article shall not apply to persons authorized under §§ 41-12.4 and 41-12.7 to possess, use, sell, transport, or otherwise distribute chemical devices in the city; provided that the persons possess, use, sell, transport, or otherwise distribute the chemical devices while acting in their capacities as employees of the city, of private security agencies, and of other organizations, or as licensed vendors, all in accordance with Chapter 41, Article 12.  
(1990 Code, Ch. 41, Art. 37, § 41-37.2) (Added by Ord. 95-49)

## **§ 41-27.3 Restrictions on possession, sale, and use of pepper sprays.**

- (a) It is unlawful for any person to use any pepper spray for any purpose, except:
  - (1) Self-defense;
  - (2) Defense of another person; or
  - (3) Protection of property of the person or of another person.
- (b) It is unlawful for any person to sell or offer for sale any pepper spray in the city without a license obtained pursuant to § 41-27.4.
- (c) It is unlawful for any person to sell, offer for sale, or otherwise furnish any pepper spray to a minor in the city.
- (d) It is unlawful for a minor to purchase, possess, or use any pepper spray in the city.
- (e) It is unlawful to sell or offer for sale any pepper spray on premises where liquor or alcoholic beverages are consumed.
- (f) It is unlawful for any person to alter the manufacturer's name on any pepper spray to be carried or used in the city.

(1990 Code, Ch. 41, Art. 37, § 41-37.3) (Added by Ord. 95-49)

**§ 41-27.4 License to distribute—Application and requirements.**

- (a) Any person desiring to sell or offer for sale any pepper spray in the city may apply for a license using forms prescribed by the director of budget and fiscal services. The application shall set forth the name and location of the principal place of business of the licensee and, if applicable, each additional designated place of business at which the licensee desires to sell pepper spray on a regular basis.
- (b) Upon receipt of the completed form and the fee established in subsection (f), the director of budget and fiscal services shall issue a license and, if requested, certified copies thereof to the applicant.
- (c) Before making a sale of or otherwise distributing pepper spray, the licensee shall provide a point-of-sale briefing that includes but is not limited to the following:
  - (1) The proper and safe use of the spray;
  - (2) The shelf life of the spray;
  - (3) The proper disposal of the spray;
  - (4) First-aid or medical remedies for people who come in contact with the spray; and
  - (5) Current information regarding the effectiveness and limitations of the spray.

After giving the briefing, and before the sale or distribution of the pepper spray, the licensee shall obtain a signed acknowledgement from the purchaser or other recipient acknowledging that they have received the briefing. The acknowledgement shall be on a form provided by the department of budget and fiscal services or a copy thereof.

- (d) The license or a certified copy thereof shall be posted at each designated place of business during any hours when pepper spray is being sold or offered for sale.
- (e) No license shall be issued to a minor.
- (f) The annual fee for a license under this section shall be \$25 for the principal place of business of the licensee and shall be \$25 for each additional designated place of business of the licensee, which shall be payable to the director of budget and fiscal services. The license shall be provided by the director of budget and fiscal services for the principal place of business and, if applicable, a certified copy of the license shall be provided for each additional designated place of business.

(1990 Code, Ch. 41, Art. 37, § 41-37.4) (Added by Ord. 95-49; Am. Ord. 96-77)

**§ 41-27.5 Conditions of license.**

- (a) The licensee's books and records for the licensee's inventory shall be subject to inspection by the department at reasonable times during normal business hours. In addition to the records required to be kept under subsection (b), the licensee shall keep a record of the licensee's purchases, sales, and other acquisitions and distributions of pepper sprays, as well as a record of the licensee's current inventory of pepper sprays.

- (b) The licensee shall keep records of pepper sprays sold or otherwise distributed by the licensee in the city for a minimum of five years from the date of sale or other distribution. The records kept shall include:
  - (1) The recipient's name, date of birth, and address;
  - (2) The quantity and description of the pepper spray distributed, including the name of the manufacturer;
  - (3) If applicable, the business name, address, telephone number, and the pepper spray license number of the purchaser;
  - (4) The date and time of transaction;
  - (5) Information as to whether the transaction was a sale, gift, or other transaction; and
  - (6) Signed acknowledgement forms required, pursuant to § 41-27.4(c), of a purchaser or recipient of pepper spray.
- (c) When displaying or storing pepper sprays at a designated place of business, the licensee shall display or store the pepper sprays at a location that is not within the reach of the general public and shall make a sale of pepper spray only upon request and only to an adult.
- (d) The licensee or an adult employee of the licensee shall be present during all hours of operation of each designated place of business of the licensee; provided that if the pepper spray is in a locked cabinet inaccessible to minor employees, no adult employee need be present at the place of business.
- (e) The licensee shall be responsible for the legal sale, distribution, and proper storage of any pepper spray under the licensee's control or at any one of the licensee's designated place of business.  
(1990 Code, Ch. 41, Art. 37, § 41-37.5) (Added by Ord. 95-49; Am. Ord. 96-77)

**§ 41-27.6 Suspension or revocation of license.**

If the department has probable cause to believe that a licensee has violated any provision of this article, the license may be suspended by the director of budget and fiscal services. If the licensee is not convicted, then the director of budget and fiscal services shall remove any suspension placed on the license. If the licensee is convicted, then the license shall be revoked by the director of budget and fiscal services.  
(1990 Code, Ch. 41, Art. 37, § 41-37.6) (Added by Ord. 95-49)

**§ 41-27.7 Forfeiture.**

Any chemical device under the ownership of or found in the possession of or at the premises of a licensee may be subject to forfeiture to the city in accordance with HRS Chapter 712A and if so forfeited, shall be destroyed or, if not destroyed, transferred to the chief of police for use by and under the control of the department.  
(1990 Code, Ch. 41, Art. 37, § 41-37.7) (Added by Ord. 95-49)

**§ 41-27.8 Rules.**

The director of budget and fiscal services and the chief of police are authorized to adopt rules in accordance with HRS Chapter 91 necessary to administer and enforce this article.  
(1990 Code, Ch. 41, Art. 37, § 41-37.8) (Added by Ord. 95-49)

**§ 41-27.9 Violation—Penalty.**

Any person who violates this article shall, upon conviction, be punished by a fine not exceeding \$2,000 or by imprisonment not exceeding one year, or by both. In addition to the penalties assessed under this section, upon conviction of any licensee, any license issued under this article shall be suspended or revoked pursuant to § 41-27.6. Each separate prohibited transaction shall be a separate violation.  
(1990 Code, Ch. 41, Art. 37, § 41-37.9) (Added by Ord. 95-49)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 28: AERIAL ADVERTISING

### Sections

- 41-28.1 Prohibited—Exceptions
- 41-28.2 Violation—Penalty

#### **§ 41-28.1 Prohibited—Exceptions.**

- (a) Except as allowed under subsection (b), no person shall use any type of aircraft or other self-propelled or buoyant airborne object to display in any manner or for any purpose any sign or advertising device. For the purpose of this section, a “sign or advertising device” includes but is not limited to a poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol, or any other form of advertising sign or device.
- (b) *Exceptions.*
  - (1) Subsection (a) shall not prohibit the display of an identifying mark, trade name, trade insignia, or trademark on the exterior of an aircraft or self-propelled or buoyant airborne object if the displayed item is under the ownership or registration of the aircraft’s or airborne object’s owner.
  - (2) Subsection (a) shall not prohibit the display of a sign or advertising device placed wholly and visible only within the interior of an aircraft or self-propelled or buoyant airborne object.
  - (3) Subsection (a) shall not apply to the display of a sign or advertising device when placed on or attached to any ground, building, or structure and subject to regulation under Chapters 21, 40, or 41. Such a sign or advertising device shall be permitted, prohibited, or otherwise regulated as provided under the applicable chapter.

(Sec. 13-32.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 6, § 40-6.1) (Am. Ord. 96-33)

#### **§ 41-28.2 Violation—Penalty.**

Any person who violates this article shall, upon conviction, be punished by a fine not less than \$25 nor more than \$500, or by imprisonment not exceeding three months, or by both.

(Sec. 13-32.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 40, Art. 6, § 40-6.2)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 29: VEHICULAR ADVERTISING

### Sections

- 41-29.1 Definitions
- 41-29.2 Vehicular advertising prohibited
- 41-29.3 Business identification permitted
- 41-29.4 Violation—Penalty

#### **Editor's note:**

*\* The ordinance codified as this article, Ord. 79-23, was declared unconstitutional on its face by the U.S. District Court for the District of Hawaii in Beetleboards of America, Inc., et al., v. the City and County of Honolulu, et al., Civil No. 79-0198, and the City and County of Honolulu and other defendants were permanently enjoined from enforcing or attempting to enforce Ord. 79-23, either directly or indirectly.*

### **§ 41-29.1 Definitions.**

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

**Business Identification Sign.** Any sign, graphics, or lettering upon a vehicle, relating to the company name, trade insignia, trademarks, products distributed, manufactured, or sold, or services performed by the business enterprise owning or leasing the vehicle. "Vehicular business identification sign" shall not include any poster, banner, light, model, or any other device separately attached to the vehicle.

**Consideration.** Any of the three or any combination thereof:

- (1) Any money;
- (2) Thing of value; or
- (3) Economic benefit conferred on or received by any person in return for advertising services rendered or to be rendered.

**Person.** Has the same meaning as defined in § 1-4.1.

**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.

**Semitrailer.** Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a vehicle, whether propelled by motor or human power 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 vehicle, whether propelled by motor or human power and designed to carry persons or property, and so constructed that no appreciable part of its weight rests upon the towing vehicle.

**Vehicle.** Every device in, upon or by which any person or property, which would include signs, is or may be transported or drawn upon a roadway or highway. This definition shall include a vehicle, whether it is propelled by motor or moved by human power.

(Sec. 13-37.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 14, § 41-14.1)

## **§ 41-29.2 Vehicular advertising prohibited.**

No person shall use a vehicle or trailer, or both, as defined herein, whether it is in operable or nonoperable condition, to display in any manner, on any highway, street, or private property, any advertising device for consideration as defined herein, including but not limiting the generality of the foregoing to any poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol, and any other form of advertising sign or device.

(Sec. 13-37.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 14, § 41-14.2)

## **§ 41-29.3 Business identification permitted.**

Nothing in this article shall prohibit the identification of a business enterprise, as defined in § 41-29.1, upon a vehicle or trailer, or both, provided however:

- (1) The vehicle is registered in the name of the business entity; and provided that such identification will not constitute a hazard to motorists or will impair the operation of the vehicle; and
- (2) The vehicle or trailer, or both, is primarily used for the purpose of and in the ordinary conduct of the business of the owner or lessee of the vehicle. The vehicle or trailer, or both, however, cannot be used only for the purpose of advertising. Any subterfuge of the owner or lessee of the vehicle or trailer to promote the sale of its product, material, supplies, or services by situating its vehicle or trailer, or both, in a strategic location on any highway, street or private property calculated to attract the attention of motorists or pedestrians, or both, to its advertisement in circumvention of State and county billboard advertising or sign laws shall not be permitted under this section.

(Sec. 13-37.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 14, § 41-14.3)

## **§ 41-29.4 Violation—Penalty.**

(a) *Summons or citation.*

- (1) There shall be provided for use by police officers, a form of summons or citation for use in citing violators of this article 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.

- (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 by giving to the violator a carbon copy of the citation and provide for the dispositions 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.
- (b) *Penalty.* Any person who violates this article shall, upon conviction, be punished by a fine not less than \$25 nor more than \$500, or by imprisonment not exceeding three months, or by both.
- (c) Every day any violation of this article shall continue shall constitute a separate offense.  
(Sec. 13-37.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 41, Art. 14, § 41-14.4)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 30: DOMESTIC VIOLENCE PROGRAM

### Sections

- 41-30.1 Domestic violence program
- 41-30.2 Domestic violence program policies

#### § 41-30.1 Domestic violence program.

- (a) *Legislative findings and declaration of intent.* The council finds that pursuant to an audit report published by the office of the city auditor entitled *Audit of How Domestic Violence Cases are Handled, Processed, and Resolved*, dated June 2017, Report No. 17-02, the handling, processing, and investigation of domestic violence cases by the office of the prosecuting attorney is inefficient and ineffective due in part to:
- (1) A statutory classification of domestic abuse in the presence of a family or household member who is less than 14 years old as a felony, resulting in a significant increase in the number of domestic abuse cases;
  - (2) The lack of common definitions, processes, procedures, and reports between the department of the prosecuting attorney and the Honolulu police department that could facilitate data sharing and streamline monitoring and processing of domestic violence cases; and
  - (3) The absence of formal administrative processes, procedures, and policies in the department of the prosecuting attorney governing domestic violence cases and the department's reliance upon informal guidelines in the processing of domestic violence cases.
- (b) *Establishment of a domestic violence program.* A domestic violence program is hereby established to effectuate the expeditious and efficient processing and investigation of domestic violence cases.
- (Added by Ord. 19-11)

#### § 41-30.2 Domestic violence program policies.

A domestic violence program policy is hereby established to require the:

- (1) Use of vertical prosecution whenever possible and to minimize personnel rotations for domestic violence cases.
- (2) Evaluation, and as appropriate, suspension of operational policies, such as the “no drop” policy that may create artificial barriers to the effective and efficient investigation and prosecution of domestic violence cases.
- (3) Establishment of shared access to data and information systems between city agencies and departments that will facilitate data collection and information transmission and sharing, and eliminate redundant systems.

- (4) Establishment of one, common data collection system that allows access to data as needed by respective city agencies and departments to investigate and prosecute domestic violence cases, while preserving the confidentiality and security of the data and information.
- (5) Assessment of current policies, procedures, and processes for administering domestic violence cases and develop updated policies, procedures, and processes.
- (6) Promulgation of written rules and regulations that provide useful information for managing, tracking, and accounting for domestic violence cases.
- (7) Development of domestic violence performance metrics and data between city agencies and departments that allow the organizations to benchmark and evaluate their performance, determine how well goals are being achieved, manage their workload, and justify the need for resources.
- (8) Development of unified domestic violence terms, itemize the categories to be reported under domestic violence, and provide consistent and uniform definitions, terms, and jargon that facilitates domestic violence reporting and communications.
- (9) Development of reporting parameters for periodic, formal, and regular reports on domestic violence incidents that use consistent and regular categories (such as HRS § 709-906 related incidents) that will allow for the monitoring and tracking of the number and type of domestic violence cases. The reports must provide reliable, complete, accurate, and consistent domestic violence data that segregates the domestic violence categories under HRS § 709-906 from the categories that fall under other sections of the HRS (e.g., attempted murder, kidnapping, and robbery).

(Added by Ord. 19-11)

## **CHAPTER 42: COLLECTION AND DISPOSAL OF REFUSE**

### Articles

1. General Provisions
2. Collection License
3. Regulations Applicable to Businesses, Private Dwellings, and Government Facilities
4. Collection and Disposal Charges
5. Enforcement of Provisions
6. Procedure on Arrest
7. Recycling of Glass Containers

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 1: GENERAL PROVISIONS

### Sections

- 42-1.1 Findings—Determinations—Goals
- 42-1.2 Definitions
- 42-1.3 Collection of refuse and recyclable materials by the division
- 42-1.4 Preparation and placement of refuse and recyclable materials by owner
- 42-1.5 Limitations to collection by refuse crews
- 42-1.6 Disturbing receptacles prohibited
- 42-1.7 Acceptable and nonacceptable refuse at disposal facilities
- 42-1.8 Removal of dead animals
- 42-1.9 Office of recycling coordinator established—Duties
- 42-1.10 Prohibited activities
- 42-1.11 Mandatory recycling program for city government
- 42-1.12 Islandwide curbside recycling program
- 42-1.13 Preparation of integrated solid waste management plan
- 42-1.14 Timetable for conversion of waste to energy
- 42-1.15 Charge for damage to carts

### § 42-1.1 Findings—Determinations—Goals.

- (a) The council of the City and County of Honolulu (the “city”) makes the findings and determinations set forth in this section.
  - (1) The council has heretofore determined it to be in the best interest of the city and necessary for the health and safety of the residents of the city to provide for environmentally sound disposal of solid waste generated and collected in the city.
  - (2) Pursuant to HRS § 340A-3, the council enacted Ordinance 79-32 to amend this chapter, among other things, to provide that the chief of the refuse division of the department of environmental services may require all solid waste, whether transported by the division, licensed collectors, businesses, or individuals, to be disposed of at disposal facilities (as defined in this chapter) or in areas designated by such person if it is found to be in the best public interest.
  - (3) In furtherance of the determination and the implementation of the powers granted in this chapter, it is in the best interest of the city and its residents to further amend this chapter to redefine certain terms and to define certain additional terms and to authorize the designation of facilities as a part of a disposal system of the city for the processing and disposal of solid waste generated in the city and to prescribe procedures for the enforcement of the powers granted to the chief.
  - (4) To provide for the environmentally sound and systematic disposal of solid waste generated in the city, it is in the best interest and necessary for the health and safety of the residents of the city to create a citywide disposal system for processing and disposal of solid waste generated in the city and for the

director of environmental services to designate from time to time the disposal facilities or private disposal facilities constituting a part of such system and the methods for such processing and disposal.

- (5) To permit reusable materials to be recovered from solid waste, to achieve the solid waste volumes necessary to meet the minimum operating requirements of the Honolulu resource recovery facility hereinafter defined and to lessen the demand for landfill sites in the city, it is in the best public interest of the city and its residents for the director of environmental services to designate a particular solid waste processing disposal and resource recovery and electric generating facility of the city to be constructed at the Campbell Industrial Park (hereinafter defined as the “H-POWER project”) as a part of the disposal system to be created pursuant to this chapter.
  - (6) It is in the best interest of the city and its residents to approve the form and the terms, provisions, and conditions of a contract for waste processing and disposal services (the “disposal contract”) between the city and Honolulu Resource Recovery Venture, a Hawaii general partnership, as contractor, pursuant to and under authority of HRS § 46-85, and to approve the execution and delivery thereof by the appropriate officials of the city.
- (b) (1) In addition to the findings and determinations made under this section, the council establishes the following goals:
- (A) By the end of 2007, at least 65 percent of the solid waste generated within the city be recycled, reused, composted, used for the generation of power, fuel, or electricity through a waste-to-energy or other alternative technology facility, or otherwise diverted from placement in a landfill;
  - (B) By the end of 2010, at least 75 percent of the solid waste generated within the city be recycled, reused, composted, used for the generation of power, fuel, or electricity through a waste-to-energy or other alternative technology facility, or otherwise diverted from placement in a landfill; and
  - (C) By the end of 2015, at least 90 percent of the solid waste generated within the city be recycled, reused, composted, used for the generation of power, fuel or electricity through a waste-to-energy or other alternative technology facility, or otherwise diverted from placement in a landfill.
- (2) The percentage goals in this subsection shall be reviewed annually by the department of environmental services, which shall recommend to the council any necessary revisions. For the purpose of these goals, “solid waste” includes source separated waste generated in the city, but not introduced into the disposal system.

(Sec. 9-1.0, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 1, § 9-1.1) (Am. Ords. 89-114, 99-32, 06-40)

## § 42-1.2 Definitions.

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

***Agricultural Solid Waste.*** The solid waste that results from the rearing of animals and the harvesting of crops.

***Association of Apartment Owners.*** All of the apartment owners of a multi-unit residential building acting as a group in accordance with the bylaws and declaration.

***Automated Collection.*** Refuse collection service using a city-provided refuse receptacle (cart) that requires no manual moving and no manual lifting by city personnel.

***Business.*** Any individual proprietorship, partnership, corporation, association, joint venture, or project operated, which carries on commercial or industrial activity for gain or profit, including any hotel or hotel-apartment.

***Chief.*** The chief of the refuse division of the department of environmental services of the City and County of Honolulu.

***Commercial Cooking Oil Waste.*** Has the same meaning as defined in § 43-5A.1.

***Commercial FOG Waste.*** Has the same meaning as defined in § 43-5A.1.

***Days.*** Calendar days, including weekends and holidays, unless otherwise indicated.

***Department.*** The department of environmental services of the City and County of Honolulu.

***Director.*** The director of environmental services of the City and County of Honolulu.

***Director of Budget and Fiscal Services.*** The director of budget and fiscal services of the City and County of Honolulu.

***Director of Customer Services.*** The director of customer services of the City and County of Honolulu.

***Disposal Facilities.*** All the facilities controlled by the city for the disposal of solid waste, including but not limited to incinerators, composting plants, landfills, shredding plants, transfer stations, convenience centers, and resource recovery facilities.

***Disposal System.*** The citywide system for processing and disposing of solid waste generated in the city and consisting of disposal facilities or private disposal facilities, or a combination thereof, or methods designated by the director from time to time for processing and disposing of solid waste in the city and declared to constitute a part of the city's system of processing and disposing of solid waste.

***Division.*** The refuse division of the department of environmental services of the City and County of Honolulu.

***Frontloader Collection Service.*** Refuse collection service using an owner-provided, 3-cubic-yard container that requires no manual moving, no manual lifting by city personnel and is lifted over the front of the collection vehicle.

***Hotel or Hotel-Apartment.*** An establishment operating under a license issued pursuant to HRS § 445-92.

***Incinerator.*** Any incinerator owned or controlled by the city where refuse is disposed of by incineration.

**Inspector.** Any individual designated by the department of environmental services to issue notices of violation or citations, or both, to enforce this chapter.

**Licensed Collector.** Any person who has been licensed by the city to collect refuse in accordance with Article 2 of this chapter.

**Manual Collection.** Refuse collection service using an owner-provided refuse receptacle or bag that requires manual moving and manual lifting by city personnel.

**Motor Vehicle.** Every vehicle that is self-propelled or is propelled by electric power but not operated upon rails, but excludes a moped.

**Multi-Unit Residential Building.** A building consisting of two or more dwelling units.

**Owner.** The person assessed the real property tax as shown by the records of the director of budget and fiscal services and the records, if any, in the office of the assistant registrar of the land court.

**Person.** Any individual, partnership, corporation, trust, unincorporated association, or joint venture, a government or any department or agency thereof, or any other entity.

**Private Disposal Facilities.** Facilities in the city for the disposal of solid waste, including but not limited to incinerators, composting plants, landfills, shredding plants, transfer stations, and resource recovery facilities owned and operated by private interests.

**Recyclable Materials.** Include but are not limited to the following discarded materials for which a market exists and which are delivered to a point where they are converted to a material for later manufacture or reprocessing:

- (1) **Aluminum Can.** A can that is designed and intended to hold a beverage or other substance and is manufactured of aluminum alloy;
- (2) **Battery.** Any lead acid battery or dry cell battery discarded in the city independent of intended use;
- (3) **Corrugated Cardboard.** Kraft, jute, or test liner pulp that is made by combining two or more webs of paper and formed or shaped into wrinkles or folds or into alternate ridges and grooves and discarded by commercial, industrial, and agricultural businesses;
- (4) **Food Waste.** All animal, vegetable, and beverage waste that attends or results from the storage, preparation, cooking, handling, selling, or serving of food. The term shall not mean commercial cooking oil waste or commercial FOG waste;
- (5) **Glass Container.** Any container that is manufactured from a mixture of silicates, borates, or phosphates;
- (6) **Green Waste.** Tree branches under 9 inches in diameter, hedges, and plant cuttings, palm and coconut branches, vines and similar materials;

- (7) ***Metal Scrap.*** Any metal, in whole or in parts, from buildings, equipment, machinery, and vehicles discarded by commercial, industrial, and agricultural businesses;
- (8) ***Newspaper.*** A publication that is printed and distributed and contains news articles, opinions, features, and advertising, and is manufactured of impermanent wood pulp material;
- (9) ***Office Paper.*** Computer paper, and white and colored ledger paper, which is discarded by commercial, industrial, and agricultural businesses;
- (10) ***Paperboard.*** A sheet of fibrous material made from either virgin wood fiber or recycled paper stock or a combination of these sources;
- (11) ***Plastic Container.*** A container that is designed and intended to hold a beverage or food product and is manufactured of polyethylene terephthalate (PET), high-density polyethylene (HDPE), and other synthetic materials;
- (12) ***Steel Can.*** (Also referred to as “tin can” due to a protective coating of tin) A can made primarily of steel and manufactured to hold food or other items; and
- (13) ***Used Oil.*** A petroleum-based oil, which through use, storage or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

***Refuse.*** Any one or more of the following:

- (1) Garbage consisting of all organic wastes resulting from the preparation and serving of food, but not commercial cooking oil waste and commercial FOG waste;
- (2) Rubbish, other than recyclable materials as defined in this section, consisting of and including such materials as paper, cardboard, clothes, shoes, bottles, cans, china, glass, grass, hedge cuttings, tree branches under 9 inches in diameter, and any other material of similar character; or
- (3) Bulky wastes consisting of such materials as lumber, iron pipes, tree branches over 9 inches in diameter, refrigerators, stoves, radios, television sets, phonographs, bedsteads, bed springs, tables, sofas, chairs, water heaters, sinks, and other similar materials or equipment of a weighty or bulky nature.

***Registered Owner.*** A person who holds unencumbered title to a vehicle, a buyer under a purchase money security interest, or a debtor under any security interest.

***Rental or U-Drive Motor Vehicle.*** A motor vehicle that is rented or leased for a period of six months or less.

***Resource Recovery Facility.*** Solid waste processing and disposal and resource recovery and electric generating facilities located in the city that have been designated by the director as a part of the disposal system of the city, together with related and appurtenant structures and equipment, whether such resource recovery facilities are owned by the city or by private interests.

***Semiautomated Collection.*** Refuse collection service using a city-provided receptacle (cart) that requires manual moving, but no manual lifting by city personnel.

***Sidewalk.*** That portion of a street between a curblin or the pavement of a roadway, and the adjacent private or public property line, whichever the case may be, intended for the use of pedestrians, including any setback areas acquired by the city for road widening purposes.

***Solid Waste.*** All refuse, soil, rock, construction debris, demolition debris, and all similar materials.

***Source Separated Waste.*** Recyclable materials that are set aside at their point of generation for segregated collection and transport to specialized waste processing sites or final manufacturing markets.

***Special Wastes.*** Any refuse that must be handled in an exceptional and uncommon manner because of its characteristics.

***Street.*** The entire width between the property lines of every way publicly owned and maintained when the part thereof is open to the use of the public for purposes of vehicular travel or any private street, highway or thoroughfare that for more than five years has been continuously used by the general public.

***Transshipment Facilities.*** Any city-operated or city-contracted site used to bale or ship, or both, refuse to an off-island site.

***Vehicle.*** Every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway or highway, but excludes devices moved by human power or devices used exclusively upon stationary rails or tracks and mopeds.

(Sec. 9-1.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 1, § 9-1.2) (Am. Ords. 89-113, 95-16, 99-32, 02-14, 06-09, 10-2, 10-16, 20-4)

### **§ 42-1.3 Collection of refuse and recyclable materials by the division.**

(a) The division shall have charge of and shall administer the collection and disposal of refuse and the collection and processing of recyclable materials as designated by the director. No refuse shall be collected from any building or place when:

- (1) The owner thereof has made provision for refuse collection by the owner's own vehicles or by a licensed collector; and
- (2) The owner thereof has installed or provided the premises with private incineration equipment or other refuse disposal facilities that have been approved by the director as being adequate and safe and that have been approved by the State department of health as conforming to HRS Chapter 322, relating to nuisances and sanitary regulations.

(b) Any refuse or recyclable materials removed by the city and any solid waste accepted by the city shall become the property of the city.

(Sec. 9-1.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 9, Art. 1, § 9-1.3) (Am. Ord. 07-45)

**§ 42-1.4 Preparation and placement of refuse and recyclable materials by owner.**

- (a) The types of refuse and recyclable materials hereinafter described shall be prepared for collection as follows:
- (1) In areas provided with manual collection, tree branches set out for collection shall not exceed 9 inches in diameter and green waste shall be cut into lengths not exceeding 3 feet. All green waste shall be tied in bundles, which shall not weigh more than 50 pounds each or prepared in a manner determined by the director in accordance with § 42-1.12(b)(3). In areas with automated green waste collection, green waste shall be placed in the city-provided green waste cart as designated by the director such that the cart lid fully closes.
  - (2) In areas provided with manual collection, all empty cardboard and other fibrous cartons, wooden boxes and crates, and other similar empty containers shall be flattened and securely tied in bundles not exceeding 3 feet in length nor weighing more than 50 pounds each. In areas with automated mixed recyclable materials collection, all empty corrugated cardboard boxes shall be flattened and placed in the city-provided mixed recyclable materials cart as designated by the director such that the cart lid fully closes.
  - (3) All other refuse except that mentioned in subdivisions (1) and (2) shall be placed in city-provided refuse carts as designated by the director, or in areas provided with manual collection, in durable or nondurable containers described as follows:
    - (A) *Durable containers.* The interior surface of the container shall be smooth with no projections and the top diameter shall be equal to or larger than the bottom diameter. The container shall have a capacity of at least 10 gallons but not more than 35 gallons. The maximum weight of an empty container shall be 25 pounds. The maximum weight of a filled container shall be 75 pounds. Every container holding any garbage shall have a tight-fitting lid.
    - (B) *Nondurable containers.* Nondurable containers made of plastic film, paper, or cardboard may be used if such containers are able to contain their contents securely at all times. The maximum weight for filled nondurable containers shall be 50 pounds. Such containers shall be collected together with their contents.
  - (4) All rubbish consisting of ashes, powders, dust, sawdust, broken bottles, glass, china, or other materials likely to cause injury to persons collecting the same shall be securely wrapped or contained before being placed in the city-provided refuse cart as designated by the director for automated collection or in the resident-provided container for manual collection.
  - (5) Except for food waste that the director designates as a recyclable material, garbage shall be drained and securely wrapped before being placed in the container.
  - (6) Recyclable materials designated by the director, except newspaper or other paper which is used to wrap or hold garbage or other refuse not designated as recyclable materials, shall be prepared or placed in the city-provided mixed recyclable materials cart as designated by the director and shall be collected under procedures determined by the director.
- (b) On or the evening before the scheduled day of collection, all refuse, green waste, and other recyclable materials as designated by the director prepared for collection as hereinabove provided, shall be placed on the street, so

as not to impede vehicular traffic, or sidewalk, so as not to impede pedestrian use, in a location readily accessible to the collector. The lateral location for each owner's refuse within the sidewalk area shall be limited to the street frontage abutting the owner's property or where approved by the division. In apartment and business districts, refuse, green waste, and other recyclable materials as designated by the director may be placed within 20 feet of the curb, as defined in this subsection. Refuse, green waste, and other recyclable materials as designated by the director may be placed for collection within the sidewalk area (as defined in this subsection) of private roads and nonstandard private roadways when all of the following conditions are met:

- (1) All of the residents along the roadway shall want such collection;
  - (2) The roadway shall serve at least three residences;
  - (3) The roadway shall have an unobstructed width of at least 12 feet not including parking lanes;
  - (4) Horizontal and vertical curves of the roadway shall meet subdivision standards;
  - (5) Maximum roadway grade shall not exceed 19 percent;
  - (6) The owners of the roadway shall provide and maintain an all-weather road surface;
  - (7) The roadway shall have an adequate turnaround. If there is no turnaround, reversing of the truck shall not exceed a distance of 100 feet; and
  - (8) Reversing on a grade exceeding 10 percent shall not be required.
- (c) Containers shall not be left on the street or sidewalk area after the day of collection. In cases of hardship, as determined by the director, automated carts may be left on the street or sidewalk area.
- (d) Bulky wastes shall be collected under procedures determined by the director. Bulky wastes shall be placed on the street, so as not to impede vehicular traffic, or sidewalk, so as not to impede pedestrian use, for collection no earlier than the evening before the scheduled day of collection.
- (1) In the event bulky wastes are placed on the street or sidewalk fronting a property earlier than the evening before the scheduled day of collection, the owner of the abutting property shall be responsible for the removal and storage of such bulky wastes.
  - (2) In the event bulky wastes are placed on the street or sidewalk fronting a multi-unit residential building earlier than the evening before the scheduled days of collection, the property owner or the association of apartment owners of the abutting property shall be responsible for the removal and storage of such bulky wastes as set forth in § 42-3.4(b).
- (e) Three cubic yard containers designed for mechanical handling, if used, shall not be placed on the street or sidewalk, but shall be placed within the property to be served in locations directly accessible to the pickup forks of the collection truck. Access roadway requirements for the collection of 3 cubic yard containers shall be that required for collection on private roads and nonstandard private roadways as provided in subsection (b), except that maximum roadway grade shall not exceed 12 percent.

(Sec. 9-1.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 1, § 9-1.4) (Am. Ords. 89-113, 93-19, 95-16, 99-32, 06-09, 07-45, 10-16)

**§ 42-1.5 Limitations to collection by refuse crews.**

The division shall not collect:

- (1) Any soil, rock, concrete, explosives, liquids, radioactive materials, construction debris, demolition debris, commercial cooking oil waste, or commercial FOG waste; except that used oil may be collected under a curbside collection service established pursuant to § 2-23.2;
- (2) Any refuse, green waste, and other recyclable materials as designated by the director not prepared for collection as provided by § 42-1.4;
- (3) Any refuse, green waste, and other recyclable materials as designated by the director not placed for collection as provided by § 42-1.4;
- (4) Any rubbish consisting of tree branches, plant cuttings, vines, and other similar materials exceeding 1 cubic yard in volume for any single regular collection in manual collection areas;
- (5) Any refuse, green waste, and other recyclable materials as designated by the director placed for collection in a place that is unsafe or is likely to cause injury to the persons collecting refuse, green waste, and other recyclable materials; or
- (6) Any refuse from any business where the owner thereof shall have failed to pay the service charges hereinafter provided.

(Sec. 9-1.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 9, Art. 1, § 9-1.5) (Am. Ords. 89-113, 89-118, 02-14, 07-45, 16-29)

**§ 42-1.6 Disturbing receptacles prohibited.**

No person shall:

- (1) Remove or disturb any refuse, green waste, and other recyclable materials as designated by the director from the place where the same has been placed for collection;
- (2) Collect or haul away any refuse, green waste, and other recyclable materials as designated by the director from the place where the same has been placed for collection;
- (3) Transport any refuse, green waste, and other recyclable materials as designated by the director; provided that authorized persons may remove, disturb, collect, haul away, or transport any refuse from the place where the same has been placed for collection. For purposes of this section, “authorized persons” means:
  - (A) Owner;
  - (B) Division employees during authorized working hours; or
  - (C) Licensed collector.

(4) This section shall not apply to bulky wastes placed on the street or sidewalk earlier than the evening before the scheduled day of collection, in which case the property owner or the association of apartment owners of the abutting property shall remove and store such bulky wastes in accordance with § 42-1.4(d). (Sec. 9-1.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 9, Art. 1, § 9-1.6) (Am. Ords. 07-45, 10-16)

**§ 42-1.7 Acceptable and nonacceptable refuse at disposal facilities.**

(a) Except as directed by the director or the director's authorized representative and as provided otherwise under the mandatory recycling program for city government established under § 42-1.11, the division shall accept or cause to be accepted the following solid waste within the disposal system: paper, cardboard, yard trimmings, bottles, cans, plastic, garbage, lumber, and tree branches less than 5 feet long and less than 9 inches in diameter.

Except during a suspension by the director of the requirements of § 43-5A.2(a) or (b), or both, and as authorized by the director during the suspension, the division shall not accept into the disposal system any commercial cooking oil waste or commercial FOG waste.

(b) The division may conduct an examination of any truckload of refuse or other solid waste delivered or transported to a disposal facility:

(1) At any time that the division has cause to believe that the truckload contains:

- (A) Twenty-five percent or more of those recyclable materials designated by the director; or
- (B) Any commercial cooking oil waste or commercial FOG waste; or

(2) Periodically and on a random basis to determine compliance with the prohibition of subsection (a).

(c) The division shall accept the following types of solid waste only at specific disposal sites designated by the chief: large household appliances, tree trunks, dirt, rock, concrete, reinforcing steel, metal pipe, metal roofing, automobile parts, and bed springs.

(d) The division shall not accept deliveries of any refuse or recyclable materials that are not made during hours of operation as posted at each facility.

(e) The chief may divert all or part of the incoming refuse away from a disposal facility, or limit the area to be served by a disposal facility when, in the chief's judgment, such action is necessary to undertake repairs or to maintain the facility, or where the facility lacks the continued capacity to handle the incoming refuse, or so as to prolong the life of the facility.

(f) The director, or the director's authorized representative, may designate from time to time, those disposal facilities or private disposal facilities, or a combination thereof, and the methods for the processing and disposal of solid waste generated in the city constituting a part of the disposal system created by this chapter. The director or the director's authorized representative may require that all solid waste, whether transported by the division, licensed collectors, businesses, or individuals, be disposed of at specific disposal facilities or private disposal facilities within the disposal system as designated by such person if it is found to be in the best public interest; provided that agricultural solid waste and source separated waste transported for recycling purposes shall not be subject to this section; and provided further, that if regional transfer stations are

designated, transportation to the stations shall be considered so as to minimize the operating costs of the collector. The best public interest shall be found if disposal at the designated disposal facility or private disposal facility within the disposal system shall:

- (1) Result in reusable materials being recovered from solid waste;
- (2) Achieve the solid waste volumes necessary to meet a resource recovery facility's minimum operating requirement;
- (3) Lessen the demand for landfill sites; or
- (4) Conserve natural resources.

(Sec. 9-1.6, R.O. 1978 (1987 Supp. to 1983 Ed.) (1990 Code, Ch. 9, Art. 1, § 9-1.7) (Am. Ords. 89-113, 89-117, 02-14, 04-10)

#### **§ 42-1.8 Removal of dead animals.**

- (a) Every owner of dead animals shall remove such animals, or cause the same to be removed, within a reasonable time after death or before the same shall constitute a nuisance.
- (b) Any person who has actual knowledge of the dead animal shall cause such animal to be removed within a reasonable time after death, or before the same shall constitute a nuisance.
- (c) Dead animals weighing up to 70 pounds will be collected and disposed by the division, provided they are placed in an open area that is accessible to the collector, or such animals will be accepted at any municipal incinerator during operating hours.
- (d) Dead animals weighing over 70 pounds will be accepted at disposal areas other than the municipal incinerators during operating hours.

(Sec. 9-1.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 9, Art. 1, § 9-1.8)

#### **§ 42-1.9 Office of recycling coordinator established—Duties.**

- (a) There is established within the division a recycling coordinator. Subject to council authorization and the availability of council appropriations, other positions within the division may be established and filled to serve under and assist the recycling coordinator in the performance of duties. The recycling coordinator and, if any, subordinate employees, shall be under the supervision and direction of the chief.
- (b) The recycling coordinator shall have the following duties, according to the following order of priorities:
  - (1) Establishment and implementation of recycling education and promotion programs;
  - (2) Establishment and implementation of recycling programs within or by city government;
  - (3) Conduct of research and development of recycling issues and techniques; and
  - (4) Provision of technical assistance concerning recycling.

The purpose of the order of priorities shall be to guide the recycling coordinator in making decisions on the expenditures, budget requests, programs, and other activities to be made or undertaken. This subsection shall not prevent the recycling coordinator from undertaking, expending funds for or requesting appropriations for programs or activities of lesser priority, rather than those of higher priority, when deemed in the best public interest.

- (c) In the establishment and implementation of recycling education and promotion programs, the recycling coordinator may undertake, but shall not be limited to, the following:
  - (1) Establishment of a recycling telephone hotline serving to take inquiries and disseminate information on recycling;
  - (2) Formulation of recycling education curricula and materials to be made available and distributed to public and private elementary, intermediate, and high schools, and instruction of teachers who will teach the curricula. For the purpose of this paragraph, the recycling coordinator shall cooperate and coordinate with the department of education and private school administrations to distribute the curricula and materials to the schools. If deemed desirable or necessary, and subject to the approval of the appropriate school authority, the recycling coordinator may provide direct instruction to the students;
  - (3) Conduct of media advertising and community relations campaigns to promote public awareness of the benefits of recycling, detriments of solid waste disposal, and methods of recycling recyclable refuse;
  - (4) Promotion of public awareness of products that are not recyclable nor degradable and the detriments of use and disposal of the products;
  - (5) Publication and dissemination of a directory of businesses engaged in recycling to promote their patronage by the public;
  - (6) Publication and dissemination of guidebooks and instruction manuals to promote recycling; and
  - (7) Publication and dissemination of a newsletter to promote or provide information on recycling.
- (d) In the establishment and implementation of recycling programs within or by city government, the recycling coordinator may undertake, but shall not be limited to the following:
  - (1) Formulation and, with the approval of the appropriate authority, imposition of recycling activities on city agencies and employees;
  - (2) Formulation and evaluation of recycling demonstration projects that the division may choose to implement. Demonstration projects may include those under which:
    - (A) Residents in selected areas are required to separate recyclable refuse from other refuse;
    - (B) The division collects or authorizes another person to collect the recyclable refuse under procedures separate from the collection of other refuse; and
    - (C) The division recycles, and not disposes of, the recyclable refuse;

- (3) Recommendation to city officers of the establishment or revision of administrative policies or practices, procurement practices, or other policies or practices to promote recycling;
  - (4) Recommendation to and advocacy before the council of legislation to promote recycling; and
  - (5) Identification of products manufactured of recycled material that are usable by the city and substitutable for products manufactured of virgin material.
- (e) In the conduct of research and development of recycling issues and techniques, the recycling coordinator may undertake, but shall not be limited to, the following:
- (1) Study of recycling techniques to determine the most cost-effective manner of collecting, processing, storing, transporting, reusing, or converting recyclable refuse;
  - (2) Study and monitoring of the market conditions for recyclable refuse and the recycling industry;
  - (3) Function as a clearinghouse for information on recycling;
  - (4) Sponsor seminars, workshops, and classes to discuss and disseminate information on recycling;
  - (5) Identify Hawaii, national and foreign businesses reusing or converting recyclable refuse to which businesses engaged in recycling or the public may sell recyclable refuse;
  - (6) Study the feasibility of recycling different types of refuse; and
  - (7) Conduct public opinion surveys to assess attitudes on and practices of recycling and disposal of solid wastes.
- (f) In the provision of technical assistance concerning recycling, the recycling coordinator may undertake, but shall not be limited to, the following:
- (1) Advise and assist owners or managers of businesses and multi-family dwelling unit buildings on effective and efficient techniques to separate recyclable refuse;
  - (2) Advise and assist licensed collectors on effective and efficient techniques to collect and recycle recyclable refuse;
  - (3) Advise and assist businesses engaged in recycling and manufacturers reusing or converting recyclable refuse on effective and efficient techniques to make their operations more efficient, cost-effective, or profitable;
  - (4) Advise and assist businesses engaged in recycling and manufacturers reusing or converting recyclable refuse in the obtainment of loans, grants, and necessary permits pertinent to the promotion of recycling activities; and
  - (5) Disseminate findings of research and development studies and advise and assist willing persons in implementing the finding.

(1990 Code, Ch. 9, Art. 1, § 9-1.9) (Added by Ord. 89-83)

**§ 42-1.10 Prohibited activities.**

- (a) No person shall throw, drop, place, dump, or deposit refuse, to include bulky wastes, on a street, roadside, alley, highway, or public place except as provided in this chapter.
- (b) No person shall operate or use a vehicle in committing a violation of subsection (a).  
(1990 Code, Ch. 9, Art. 1, § 9-1.10) (Added by Ord. 16-9; Am. Ord. 20-4)

**§ 42-1.11 Mandatory recycling program for city government.**

- (a) There shall be a mandatory recycling program for city agencies. Under the program, the following types of recyclable materials generated by city agencies and their employees and discarded at places of work shall be recycled or reused and not disposed of as waste: newspaper, cardboard, office paper, aluminum cans, glass containers, plastic containers, and any other type of recyclable material identified by the division. The division shall establish procedures for:
  - (1) Either the:
    - (A) Separation of the recyclable materials from other refuse at the source of generation and collection of the recyclable materials under procedures separate from the collection of other refuse; or
    - (B) Collection of mixed recyclable materials and other refuse from the source of generation and, after collection, separation of the recyclable materials from other refuse; and
  - (2) The sale, recycling, or reuse, but not disposal as waste, of the recyclable materials. If the recyclable materials are sold, the revenues derived from the sale of the recyclable materials shall be realizations of the general fund.
- (b) The mandatory recycling program shall be in conformance with all applicable laws, rules, and collective bargaining agreements. City agencies shall comply with the mandatory recycling program.
- (c) The division may contract with a private person to collect, separate, store, sell, or transport the recyclable materials as part of the implementation of the program. If determined desirable by the division, the person contracted shall not have to be a licensed collector.
- (d) The division shall supervise and enforce the mandatory recycling program of this section.
- (e) Articles 5 and 6 of this chapter shall not apply to any violation of the mandatory recycling program.
- (f) The division may contract with a not-for-profit organization that would provide a valuable community service in exchange for the potential market value of the recyclable materials collected from the city under the mandatory recycling program of this section. The not-for-profit organization shall collect the recyclable materials without monetary recompense to the city. If such a contract is determined desirable by the division and permissible under the State procurement code by the director of budget and fiscal services:
  - (1) Preference shall be given to such a contractual agreement over sale by bid;

- (2) Proposals shall be solicited by public notice and reviewed for selection by a committee designated by the division and approved by the director of budget and fiscal services; and
- (3) Selection shall be based on an evaluation of the community service to be rendered by the not-for-profit organization and the organization's ability and qualifications to service the needs of the mandatory recycling program.

(1990 Code, Ch. 9, Art. 1, § 9-1.11) (Added by Ord. 89-117; Am. Ords. 93-05, 04-10, 14-24)

**§ 42-1.12 Islandwide curbside recycling program.**

- (a) The director shall establish an islandwide program for the curbside collection of recyclable materials. The director may implement the program in stages, provided that by July 1, 2007, the curbside collection of recyclable materials shall include at a minimum, the collection of at least two of the following:

- (1) Glass containers;
- (2) Newspapers;
- (3) Plastic containers;
- (4) Green waste; and
- (5) Food waste.

By July 1, 2008, the director shall include, at a minimum, an additional two recyclable materials from the list in this subsection.

- (b) The director shall determine the structure of the program, including:
  - (1) The types of recyclable materials to be collected;
  - (2) The frequency in which recyclable materials shall be collected; and
  - (3) How recyclable materials shall be prepared for collection.
- (c) The director shall adopt rules in accordance with HRS Chapter 91 for the implementation, administration, and enforcement of this section. The rules may provide that recyclable materials not prepared or set out at the curbside in accordance with the rules may not be collected by the city.
- (d) The director may contract with a private entity or entities to sort and sell the recyclable materials after they are collected.
- (e) The director may establish incentive programs to encourage participation in the islandwide curbside recycling program.

(1990 Code, Ch. 9, Art. 1, § 9-1.12) (Added by Ord. 06-09)

**§ 42-1.13 Preparation of integrated solid waste management plan.**

- (a) The department shall prepare and submit to the council, for its review, a revised 10-year integrated solid waste management plan and interim status report that meet the requirements of HRS Chapter 342G, Part III. The department shall submit the revised plan to the State department of health and have it reviewed in accordance with HRS § 342G-24.
- (b) In addition to the contents of the integrated solid waste management plan required by HRS § 342G-25, the county plan shall include an evaluation of alternative technologies that may be developed in the future to dispose of solid waste.

(1990 Code, Ch. 9, Art. 1, § 9-1.13) (Added by Ord. 06-27; Am. Ord. 12-39)

**§ 42-1.14 Timetable for conversion of waste to energy.**

By July 1, 2010, the city shall convert or cause to be converted at least 700,000 tons per year of municipal solid waste to energy.

(1990 Code, Ch. 9, Art. 1, § 9-1.14) (Added by Ord. 06-41)

**§ 42-1.15 Charge for damage to carts.**

City-provided carts are the responsibility of the owner or occupant, or both. If the department determines the city-provided cart must be replaced due to intentional damage by the owner or occupant, or both, and not due to normal wear and tear of the cart, the owner shall be assessed a unit charge of \$75 per cart.

(1990 Code, Ch. 9, Art. 1, § 9-1.15) (Added by Ord. 07-45)

## ARTICLE 2: COLLECTION LICENSE

### Sections

- 42-2.1 License required to collect refuse
- 42-2.2 Application—Bond—Insurance—Term—Fee
- 42-2.3 Conditions of licenses
- 42-2.4 Prohibitions
- 42-2.5 Initial compliance
- 42-2.6 Denial or revocation of license
- 42-2.7 Notice of suspension or revocation—Hearing
- 42-2.8 Rule-making powers
- 42-2.9 Disposal system created
- 42-2.10 Designation of H-POWER project as part of disposal system

#### **§ 42-2.1 License required to collect refuse.**

No person shall engage in any business that involves the collecting of any refuse from any building or premises other than that person's own without first obtaining a license therefor as provided in § 42-2.2.  
(Sec. 9-2.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 9, Art. 2, § 9-2.1)

#### **§ 42-2.2 Application—Bond—Insurance—Term—Fee.**

- (a) *Application.* No license to engage in such business shall be issued until the applicant secures from the director of environmental services and presents to the director of customer services an approved application. Such application shall include but not be limited to the following information:
- (1) Name and home address of the applicant;
  - (2) Business address and the address where all trucks, other vehicles, and operating equipment will be kept (if other than the business address), and the zoning code classification of each address;
  - (3) State of Hawaii general excise tax license number of the applicant;
  - (4) If applicant is a firm, association, organization, partnership, joint venture, corporation, limited liability corporation, business trust, company, or cooperative, the names and addresses of all owners and officers and their respective percentage of ownership;
  - (5) For each truck, vehicle, and equipment that the applicant owns or has under the applicant's control or intends to use for collection or transportation of refuse, the applicant shall provide:

- (A) Registration number;
  - (B) Valid registration number assigned by the State department of transportation; and
  - (C) Copy of a valid safety inspection certificate issued by the State department of transportation;
  - (6) Facts demonstrating that the applicant owns or has access to suitable facilities for keeping equipment clean and in good repair and that the applicant owns or has access to reasonable office facilities; and
  - (7) Facts demonstrating that the applicant owns or has the legally enforceable right to use at least two trucks or has made documented arrangements for continued service to customers in case of truck breakdown.
  - (b) *Bond.* Every applicant for a license shall execute and submit a surety bond in favor of the city in the penal sum of \$1,000, which bond shall be subject to all of the conditions set forth in § 42-2.3, including the cost of collecting and disposing of refuse by the city if the licensee fails to collect and dispose of refuse which the licensee has contracted so to do with others. The bond shall be issued by a surety company authorized to do business in Hawaii in accordance with HRS § 78-20.
  - (c) *Vehicular public liability and damage insurance.* The licensee shall secure and present to the director at the time of application a standard automobile liability insurance policy covering the licensee, or any person driving any vehicle belonging to the licensee with the licensee's permission in the amount of \$100,000 for bodily injury to or death of one person in any accident and in the amount of \$300,000 for bodily injury to or death of two or more persons in any one accident respectively, and property damage insurance in the amount of \$50,000 because of damage to or destruction of property of others in any one accident.
  - (d) *Comprehensive nonvehicular public liability insurance policy.* The licensee shall secure and present to the director at the time of application a standard comprehensive nonvehicular public liability insurance policy covering the licensee and the licensee's employees and agents, which shall also include a rider covering the city in the sum of \$300,000. Such rider shall be in the form of an endorsement issued by the insurer.
  - (e) *Term of license.* Such refuse collection license shall be issued for a term of one year commencing July 1 through June 30 of the next succeeding year. Such license may be renewed annually on or before July 1 upon application by a licensee, if the director determines that the licensee remains in compliance with this chapter.
  - (f) *License fee.* The fee for an annual license to collect refuse shall be \$500, payable in advance to the director of customer services on or before July 1 of each year. The fee for any annual license issued to an applicant after July 1 shall be prorated according to the remaining months of each fiscal year. No license fee shall be refundable.
  - (g) *Determination of eligibility for license.*
    - (1) Upon receipt of a completed application for a license to collect or transport refuse, the director shall determine if the applicant meets all the requirements of this chapter applicable to collectors and transporters of refuse.
    - (2) After such determination the director shall either approve the application by proper endorsement or deny the application specifying in writing the cause or causes for such disapproval.
- (Sec. 9-2.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 9, Art. 2, § 9-2.2) (Am. Ords. 96-58, 99-32, 10-16)

**§ 42-2.3 Conditions of licenses.**

- (a) Every license issued under this article shall be subject to the following conditions.
- (1) All vehicles used by the licensee for the collection of refuse shall be so designed and constructed as to prevent the spilling or scattering of its contents upon the public streets. All such vehicles and equipment shall be kept in a clean, inoffensive and sanitary condition. Such vehicles shall carry at all times: a shovel, broom, and fire extinguisher. The name and phone number of the licensee shall be marked on each side and across the back of all such vehicles and containers in letters not less than 2 inches in height. Trucks with a rated capacity of more than 1.5 tons used in the transportation or collection of refuse that contains garbage shall be closed, leakproof, and constructed for the purpose of refuse collection. Vehicles shall not be loaded in excess of the gross vehicle weight.
  - (2) All refuse shall be handled and transported by the licensee in such a manner as to prevent scattering, spilling, or leaking of the same or to otherwise create a nuisance thereby or to violate any rule or regulation of the State department of health.
  - (3) All refuse collected by the licensee shall be disposed of at such disposal facilities or private disposal facilities within the disposal system designated by the director, or as otherwise directed by the director or the director's authorized representative.
  - (4) Disposal charges incurred by the licensee for disposing of refuse at disposal facilities or private disposal facilities within the disposal system designated by the director shall be paid when due.
  - (5) The licensee shall not violate any provisions contained herein or in any other ordinance relating to the collection and disposal of refuse within the city.
  - (6) All vehicles and other equipment used by a licensee in the collection and transportation of refuse shall be inspected at least once per year by the director of environmental services to determine use in conformance with this article and such rules as the director may duly adopt pursuant hereto.
- (b) The director shall provide for each truck or equipment found to be in compliance herewith a durable tag or decal, at cost, and upon payment of the license fee to the director of customer services by the licensee. Such tag or decal shall be securely fastened and maintained by the licensee on each vehicle or equipment so as to be clearly visible.
- (Sec. 9-2.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 2, § 9-2.3) (Am. Ords. 99-32, 10-16)

**§ 42-2.4 Prohibitions.**

- (a) No person licensed to collect refuse shall scatter or spill or cause to be scattered or spilled any refuse set out for collection, either at the location at which it is collected or while transporting the same for disposal, unless the refuse so scattered and spilled is immediately gathered up and removed.
- (b) No person licensed to collect refuse shall violate any of the conditions prescribed in § 42-2.3. Notwithstanding other penalties provided under this chapter, violations of § 42-2.3 shall be punishable by a fine of \$1,000.

- (c) No person licensed to collect refuse shall collect, remove, or transport any commercial cooking oil waste or commercial FOG waste, in any form or in any combination with other material, unless the person also holds a valid industrial wastewater discharge permit.  
(Sec. 9-2.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 2, § 9-2.4) (Am. Ord. 02-14)

**§ 42-2.5 Initial compliance.**

Licensees are granted until June 30, 1979 to bring vehicles used by them into compliance with § 42-2.3(a)(1) and (a)(5).  
(Sec. 9-2.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 9, Art. 2, § 9-2.5)

**§ 42-2.6 Denial or revocation of license.**

- (a) The director of customer services is authorized to deny initial issuance of a refuse collection license if the applicant cannot demonstrate compliance with the requirements set forth in this article to the satisfaction of the director of customer services. Written notice of denial of an application for a license shall be mailed to the applicant, specifying the reason or reasons for the denial. The applicant may appeal the decision of the director of customer services by requesting a hearing in the manner provided for in § 42-2.7(c).
- (b) The director may deny issuance of a vehicle decal if a vehicle or other equipment of the licensee or applicant for a license cannot demonstrate compliance with the requirements set forth in this article to the satisfaction of the director. Written notice of denial of a vehicle decal shall be mailed to the licensee or applicant, specifying the reason or reasons for the denial. The licensee or applicant may appeal the decision of the director by requesting a hearing in the manner provided for in § 42-2.7(c).
- (c) The director of customer services is authorized to suspend or revoke any refuse collection license, and the director is authorized to suspend or revoke any vehicle decal, if the provisions contained in this chapter are violated or the requirements of this chapter, or any rules adopted pursuant to this chapter, are not complied with by the licensee. In the case of suspension or revocation of a license or vehicle decal, the licensee shall be afforded notice and an opportunity for a hearing before the suspension or revocation.  
(Sec. 9-2.6, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 2, § 9-2.6) (Am. Ord. 10-16)

**§ 42-2.7 Notice of suspension or revocation—Hearing.**

- (a) *Notice of intent to suspend or revoke a refuse collection license or vehicle decal.* The licensee shall be given written notice, pursuant to HRS § 91-9, of the intent to suspend or revoke a refuse collection license or vehicle decal (hereinafter referred to as “business documents”). If the licensee waives such person’s right for a hearing, the director of customer services or the director, as the case may be, shall issue in writing an appropriate decision and order.
- (b) *Service of notice.* The foregoing notice will be served upon the appropriate party in the manner provided by HRS § 91-9.5.

- (c) *Request for hearing.* The appropriate party who has received a notice shall, if such person desires a hearing, affix such person's signature as designated on the copy and have same returned to the director of customer services or the director, as the case may be, by certified mail.
- (d) *Notice of date of hearing.* Whenever the appropriate party requests a hearing, a notice of the date of such hearing shall be issued to the appropriate party, and such hearing shall be held no later than 20 working days after the request for hearing is received.
- (e) *Procedure for hearing.* Any hearing conducted under this section shall be pursuant to rules adopted by the director of customer services or the director, as the case may be.
- (f) *Director of customer services or the director, as the case may be, to suspend, revoke or deny business documents.* After the hearing, the director of customer services or the director, as the case may be, may rule either in favor or against the suspension or revocation of a license or vehicle decal.
- (g) *Judicial review.* Any person aggrieved by the final decision and order of the director of customer services or the director, as the case may be, may appeal same to the circuit court as provided in HRS § 91-14.  
(Sec. 9-2.7, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 2, § 9-2.7) (Am. Ord. 10-16)

#### **§ 42-2.8 Rule-making powers.**

Pursuant to HRS Chapter 91, the director of budget and fiscal services and the director are authorized to adopt any rules or regulations not inconsistent with this chapter to administer and enforce this chapter.  
(Sec. 9-2.8, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 2, § 9-2.8)

#### **§ 42-2.9 Disposal system created.**

There is created a citywide system for the processing and disposal of solid waste generated in the city. As authorized in this chapter, the director of environmental services is authorized and directed to designate from time to time those properties or the methods for the processing and disposal of waste generated in the city, whether "disposal facilities" or "private disposal facilities" (as defined in this chapter), at which the city disposes of waste as part of such system.  
(Sec. 9-2.9, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 2, § 9-2.9) (Am. Ord. 99-32)

#### **§ 42-2.10 Designation of H-POWER project as part of disposal system.**

The director of environmental services is directed to designate as a part of the disposal system created pursuant to § 42-2.9 that certain solid waste processing and disposal and resource recovery and electric generating facility of the city to be constructed at the Campbell Industrial Park in the city and known as the "H-POWER project," together with related and appurtenant structures and equipment (the "H-POWER project").  
(Sec. 9-2.10, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 2, § 9-2.10) (Am. Ord. 99-32)

## **Honolulu - Public Health, Safety, and Sanitation**

### ARTICLE 3: REGULATIONS APPLICABLE TO BUSINESSES, PRIVATE DWELLINGS, AND GOVERNMENT FACILITIES

#### Sections

- 42-3.1 Business
- 42-3.2 Private dwellings
- 42-3.3 Service to government buildings
- 42-3.4 Multi-unit residential buildings
- 42-3.5 Food waste recycling

#### § 42-3.1 Business.

- (a) No person shall operate or maintain a business without arranging or providing for the collection of all refuse therefrom.
- (b) Where the collection of refuse is to be made by the division, the owner or occupant of the business shall prepare and place refuse for collection in the manner set forth in § 42-1.4.
- (c) The owners of liquor-serving establishments shall arrange and provide for the separate collection and recycling of glass containers and the owners of office buildings shall provide for the separate collection and recycling of office paper, newspaper, and corrugated cardboard. In so doing, liquor-serving establishments and office buildings shall not place those recyclable materials in the same containers as those holding refuse, or in a manner which causes or is intended to cause the collection of the recyclable materials with refuse.

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

***Liquor-Serving Establishment.*** A business establishment that sells liquor or intoxicating liquor to be consumed on the premises of the establishment, and shall include bars, nightclubs, cabarets, taverns, and any restaurant where liquor or intoxicating liquor is sold for consumption on the premises, including restaurants within hotels and office buildings.

***Liquor or Intoxicating Liquor.*** Has the same meaning as defined in HRS § 281-1.

***Office Building.*** Any building with, or group of connected buildings with an aggregate of, 20,000 square feet or more of office space, excluding common areas; provided that office space shall not include any portion of a building used for resort, retail, or educational purposes.

An office building, as defined in this subsection, which is occupied by city agencies, in whole or in part, shall be subject to the requirements of this subsection, except where the city agencies are already participating in a recycling program under § 42-1.11.

The owner of a liquor-serving establishment or office building may petition the chief for an exemption from the recycling requirements of this subsection in part or in full if the owner can demonstrate that the establishment or office building, as the case may be, does not generate a sufficient amount of the designated recyclable material to warrant separate collection for recycling.

The owner of a liquor-serving establishment or office building may petition the chief to suspend the applicability of this subsection to the applicant if the applicant demonstrates that recycling service for the items the applicant is required to recycle is unavailable to the applicant, or that the cost of recycling the applicable recyclable materials exceeds the cost of disposing of those same items at the H-POWER facility or the city's landfills. If the chief grants the application, the requirements of this subsection shall be suspended until such time as recycling service becomes available to the applicant, or the cost of the recycling service is less than or equal to the cost of disposal of the recyclable items at the H-POWER facility or the city's landfills. The chief shall, from time to time, review the availability and cost of the recycling service to those persons for whom the requirements of this subsection have been suspended.

For the purposes of this subsection, the "cost of the recycling service" shall include only those costs that the recycler would charge the owner of a liquor-serving establishment or office building, whichever applies, for picking up and disposing of the items to be recycled, and the cost of disposal of the items to be recycled at the H-POWER facility or the city's landfills shall include the city's tipping fee and the cost of transporting the recyclable items to either of the aforementioned disposal facilities. If the chief determines that the requirements of this subsection shall no longer be suspended with regard to a particular liquor-serving establishment or office building, the chief shall notify the owner of the establishment or building by registered mail and such owner shall be required to recycle the appropriate items in accordance with this subsection within 60 days of receipt of the notice.

The chief may also suspend the requirements of this subsection during the period of a work stoppage or any other interruption of refuse collection service to the office buildings and liquor-serving establishments that are subject to this subsection.

(Sec. 9-3.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 9, Art. 3, § 9-3.1) (Am. Ords. 95-64, 14-24)

### **§ 42-3.2 Private dwellings.**

- (a) Every owner of a private dwelling shall arrange or provide for the collection and disposal of all refuse therefrom.
- (b) Where the collection of refuse is to be made by the division, the owner or occupant of a private dwelling shall prepare and place refuse for collection in the manner set forth in § 42-1.4.
- (c) Every owner shall keep the street and sidewalk fronting the owner's property free of refuse, except for refuse prepared and placed for collection in accordance with § 42-1.4.

(Sec. 9-3.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 3, § 9-3.2) (Am. Ord. 10-16)

### **§ 42-3.3 Service to government buildings.**

The division may provide refuse collection services to buildings of the federal and State governments upon request from the authorities responsible for such buildings. The charge for service to such governmental buildings,

other than buildings used for residential purposes, shall be that which applies to a place of business. For services rendered to buildings used for residential purposes, the charges shall be established by agreement. Such agreement shall be executed by the director of budget and fiscal services, with the recommendation of the director, on behalf of the city.

(Sec. 9-3.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 9, Art. 3, § 9-3.3) (Am. Ord. 99-32)

**§ 42-3.4 Multi-unit residential buildings.**

- (a) Every owner of a multi-unit residential building or individual unit or the owner's designated management agent in such building who has not made provisions for refuse collection by the division pursuant to § 42-3.2(b) shall present to the director or the director's authorized representative upon reasonable request one of the following, whichever applies:
  - (1) Evidence that the owner or the owner's designated management agent has engaged a licensed refuse collector to collect and dispose of the refuse at least once a week;
  - (2) Evidence that the owner or the owner's designated management agent has independently disposed of the refuse at a properly designated disposal site at least once a week; or
  - (3) Evidence that the owner or the owner's designated management agent is disposing of refuse pursuant to § 42-1.3(a)(2).
- (b) Every owner of a multi-unit residential building or individual unit or the owner's designated management agent in such building shall maintain a clean and sanitary storage area for accumulated refuse between scheduled collection days.
- (c) Every owner of a multi-unit residential building or individual unit or the owner's designated management agent in such building shall keep the street and sidewalk fronting the property free of refuse, except for refuse prepared and placed for collection in accordance with § 42-1.4.
- (d) The director or the director's authorized representative shall determine whether a multi-unit residential building is being adequately serviced by refuse collection.
- (e) Any person residing in a multi-unit residential building may file a complaint with the director if the owner of such building does not provide for refuse removal pursuant to this chapter.
- (f) Notwithstanding any other penalty provided under this chapter, a violation of this section shall be subject to a civil fine of \$250 per day, beginning with the day the violation is verified by the director or the director's authorized representative and continuing until conditions are brought into conformity with the law. This subsection shall not apply to bulky wastes that are improperly placed on the street or sidewalk abutting a property that shall be subject to the penalty provided in § 42-5.1(e).

(Sec. 9-3.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 3, § 9-3.4) (Am. Ord. 10-16)

**§ 42-3.5 Food waste recycling.**

- (a) The owners of the following food establishments located within the city shall: (i) arrange and provide for the separate collection of food waste and for its recycling by a recycling facility in the city; or (ii) separate food waste from all other solid waste generated by the food establishment and deliver the food waste to a recycling facility:
- (1) A restaurant that occupies 5,000 square feet or more of floor area and serves 400 or more prepared meals per day based on an annualized average. If a restaurant is also a catering establishment, it shall be considered a restaurant for purposes of this section. If a restaurant has on its premises a place where the primary method of service, for all mealtimes, is food and drink orders taken and served to customers at a self-service counter, that portion of the premises devoted to the taking and serving of such food and drink orders, and any dining area serving customers of such self-service counter, shall not be counted in determining the square feet of the restaurant or the number of prepared meals served by the restaurant;
  - (2) A food court as defined in subsection (g). The company or entity that manages the shopping center or building where the food court is located shall be required to comply with the requirements of this section, unless the owners of the food establishments in the food court are responsible for the disposal of their refuse, in which case the owners of those establishments shall be responsible for complying with this section;
  - (3) A hotel with a kitchen or kitchens and one or more function rooms. For the purposes of this subdivision, a “kitchen” means that place that is not part of a restaurant and where food is prepared for hotel employees or functions on the hotel’s premises;
  - (4) A market that occupies 18,000 square feet or more of floor area;
  - (5) A food manufacturer or processor that occupies 5,000 square feet or more of floor area;
  - (6) A catering establishment that is not also a restaurant or part of a restaurant and that serves or sells 400 or more prepared meals per day based on an annualized average; and
  - (7) A hospital that serves 400 or more prepared patient meals a day based on an annualized average.

For the purposes of this subsection, for the first year following January 1, 1997,\* the annualized average number of prepared meals served or sold per day by a food establishment shall be the average number of meals prepared per day in the year before January 1, 1997,\* for food establishments that have been in existence for one year or more before January 1, 1997.\* For establishments that have not been in existence for that length of time before January 1, 1997,\* the annualized average shall be determined based on the number of prepared meals served or sold per day during the first year that the food establishment has been in existence following January 1, 1997.\* Except as provided above, establishments shall use the prior year’s average number of prepared meals served or sold per day in determining whether they are required to recycle their food waste in accordance with this section.

- (b) This section shall not apply to any church or nonprofit organization except a hospital, as provided in subsection (a). Further, this section shall not apply to any food service establishment that offers as the primary method

of service, for all mealtimes, food and drink orders taken at and served to the customer at a self-service counter; provided that this exemption shall not apply to food establishments in markets or establishments in a food court.

- (c) The requirement to recycle food waste under this section shall be applicable only to the food waste from kitchens and food preparation, handling, and manufacturing or processing areas, and from dining areas where customers are served by waiters or waitresses, or where tables or meals are cleared away by employees of the business or establishment.

The requirement of this subsection shall not apply to commercial cooking oil waste or commercial FOG waste. Instead, the removal, transport, and disposal of such waste shall be subject to Chapter 14, Article 5A.

- (d) A food establishment that is required to recycle food waste under this section may combine such waste with that of other establishments, or may separately collect and recycle its own food waste.
- (e) All food establishments otherwise required to recycle food waste under this section shall not be required to do so if the disposal charge for disposing of food waste at a recycling facility in the city, including the cost of transporting the food waste to the facility, exceeds the tipping fee or disposal charge for disposing of waste at the H-POWER facility, as provided in § 42-4.2, plus the cost of transporting refuse to such facility. The chief shall make this determination.
- (f) The owner of a food establishment that is otherwise required to recycle food waste may petition the chief to suspend the applicability of this section to the applicant if the applicant demonstrates that recycling service for food waste is unavailable to the applicant. If the chief grants the application, the requirements of this section shall be suspended until such time as recycling service becomes available to the applicant. The chief shall, from time to time, review the availability of recycling service to food establishments for which the requirements of this section have been suspended. If the chief determines that recycling service is available and that the requirements of this section shall no longer be suspended with regard to a particular food establishment, the chief shall notify the owner of the establishment by registered mail and that owner shall be required to recycle food waste in accordance with this section within 60 days of receipt of the notice.

The chief may also, on the chief's own initiative, suspend the requirements of this section:

- (1) During the period of a work stoppage or any other interruption of recycling collection service to the food establishments that are subject to this section; or
  - (2) Whenever the chief determines that there are inadequate recycling facilities or there is inadequate recycling capacity to dispose of the food waste being collected pursuant to this section.
- (g) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

**Catering Establishment.** Has the same meaning as defined in § 21-10.1.

**Composting Facility.** An establishment that conducts either major or minor composting operations, as defined in § 21-10.1.

**Food Bank.** A facility that receives donations of food for redistribution to needy groups, individuals, or families.

**Food Court.** An area within a building or shopping center where five or more food establishments are situated and serviced by a common dining area.

**Food Establishment.** A catering establishment, food court, food manufacturer or processor, hospital, hotel, market, or restaurant.

**Food Manufacturer or Processor.** An establishment that generates food waste and is primarily involved in the manufacture or processing of food products, including animal products, but excluding baked goods.

**Food Waste.** Has the same meaning as defined under the definition of “recyclable materials” in § 42-1.2.

**Function Room.** An area within a hotel where events are held at which food is served, including but not limited to wedding receptions, business meetings, conferences, banquets, and parties.

**Hospital.** Has the same meaning as defined in § 21-10.1.

**Hotel.** Has the same meaning as defined in § 21-10.1.

**Market.** Includes establishments where fresh meat, fish, or produce is prepared, handled and displayed for sale at retail or wholesale.

**Meal.** Includes any food item or items served as an entree at breakfast, lunch, or dinner, but excludes beverages and desserts, if the beverages or desserts are served by themselves and not part of a breakfast, lunch, or dinner.

**Prepared Meals.** Meals that have been cleaned, cooked, or otherwise prepared on the premises of the food establishment, and shall exclude prepackaged meals that are cooked or otherwise prepared elsewhere and only sold on the premises of the establishment. Prepared meals includes meals a portion of which have been precooked or prepared off the premises of the establishment.

**Recycling Facility.** Includes a composting facility, waste bioconversion facility, rendering facility, pig farm, or other agricultural facility that uses food waste as animal feed or for other agricultural use, or any other facility that recycles food waste and is approved by the director for that purpose.

**Recycling Service.** A service or collection of services that includes the collection and transportation of food waste to a recycling facility by a refuse hauler or other company that collects the food waste, and the recycling or reuse of that food waste by a recycling facility, which may or may not be operated by the company that collects and transports the food waste.

**Rendering Facility.** An establishment that converts kitchen grease, cooking oils, meat scraps or other slaughterhouse waste, waste from meat processing plants, or any combination of the foregoing items, for use in the manufacture of such products as cosmetics, detergents, plastics, paints, tires, and animal feed products.

**Restaurant.** A place of business where food is served for compensation and includes the kitchen or food preparation area of that place of business, but excludes any portion of the establishment that is a bakery serving

baked goods for consumption on or off the premises of the restaurant and excludes a quick-serve food service establishment that offers as the primary method of service, for all mealtimes, food and drink orders taken at and served to the customer at a self-service counter.

**Waste Bioconversion Facility.** A facility where food and other organic waste are converted into useable byproducts.

- (h) The department may adopt rules in accordance with HRS Chapter 91, having the force and effect of law, for the implementation, administration, and enforcement of this section.
- (i) Upon presentation of proper credentials, the director or the director's duly authorized representative, may enter at reasonable times any building or premises of a food establishment and inspect the books and records of a food establishment to determine compliance with the requirements of this section; provided that such entry and inspection shall be made in such a manner as to cause the least possible inconvenience to the persons in possession of the property and the owners of the food establishment; and provided further that an order of a court authorizing such entry and inspection shall be obtained before entry or inspection if such entry or inspection is denied or resisted by the persons in possession or owners of the food establishment.
- (j) On January 1, 1997\* and quarterly thereafter:
  - (1) Each waste bioconversion facility in the city shall report to the refuse division on:
    - (A) How much private refuse haulers or other companies are being charged as of the end of the quarter being reported, per unit of weight or volume, for disposing of food waste at the bioconversion facility, and how much the facility is charging per unit of weight or volume, if the facility both collected and disposed of food waste from a food establishment; and
    - (B) The amount of food waste, per unit of weight or volume, that the facility recycled during the previous quarter; and
  - (2) Each refuse hauler or other company that collects and transports food waste shall report to the refuse division on how much, per unit of weight or volume, the hauler or company charged food establishments as of the end of the quarter being reported to collect and dispose of their food waste.
- (k) Nothing in this section shall preclude a food establishment from donating leftover or unsold food that is safe to consume to a food bank.

(1990 Code, Ch. 9, Art. 3, § 9-3.5) (Added by Ord. 96-20; Am. Ords. 99-32, 02-14)

**Editor's note:**

\* "January 1, 1997" is substituted for "the effective date of this ordinance."

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 4: COLLECTION AND DISPOSAL CHARGES

### Sections

- 42-4.1 Collection charges for businesses
- 42-4.2 Disposal charges for businesses and federal, State, and city agencies
- 42-4.3 Payments of charges
- 42-4.4 Failure to pay charges
- 42-4.5 Dead animals—Collection fee
- 42-4.6 Disposition of fees, charges, and deposits
- 42-4.7 Refuse collection and disposal charges—Waiver
- 42-4.8 Cost of bulky wastes removal

### § 42-4.1 Collection charges for businesses.

(a) *For refuse generated by businesses and collected by manual collection.*

- (1) *Unit charge for collection.* For all refuse collected and removed by the division on regularly scheduled collection days from places of business, there shall be a unit charge or a minimum charge, whichever is greater, assessed against each business served by the division in accordance with the following schedule:

<i>Unit Charge (per cubic foot)</i>	<i>Minimum Charge (per month or fraction thereof)</i>	<i>Effective Date</i>
\$1	\$30	July 1, 1997

- (2) Volumes of refuse shall be based on monthly averages determined by periodic measurements. New accounts shall be charged the minimum charge specified in paragraph (1) per month during the period that the monthly average volume is being determined; provided that after the average monthly volume is determined, retroactive adjustment of charges over the minimum may be made if deemed to be warranted, such determination to be made by the director of budget and fiscal services.

(b) *For refuse generated by businesses and collected by automated collection with 90-gallon city-issued carts.*

- (1) *Cart deposit charge.* An initial cart deposit fee shall be charged for each business cart. Upon return of the cart to the city refuse division, a portion of the cart deposit fee shall be returned to the business. The difference between the deposit fee and the deposit return shall be retained by the city for administrative handling, including cart delivery. Carts are the responsibility of the business owner. Damaged carts under warranty will be repaired or replaced by the city. The city will collect the deposit fee for all carts issued to businesses, including the carts issued before July 1, 1997.\*

<i>Deposit Fee (per cart)</i>	<i>Deposit Return (per cart)</i>	<i>Effective Date</i>
\$90	\$70	July 1, 1997

(2) *Unit charge.* The unit charge for collection will be according to the following schedule:

<i>Monthly Unit Charge (per cart)</i>	<i>Minimum Charge (per month or fraction thereof)</i>	<i>Effective Date</i>
\$75	\$75	July 1, 1997

(3) *New account charge.* New accounts shall be charged the minimum charge specified in paragraph (2) of this subsection.

(Sec. 9-4.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 4, § 9-4.1) (Am. Ords. 89-77, 97-45)

**Editor's note:**

\* "January 1, 1997" is substituted for "the effective date of this ordinance."

#### § 42-4.2 Disposal charges for businesses and federal, State, and city agencies.

(a) *Unit charges for disposal.* For the receipt and disposal of refuse and other solid wastes delivered to disposal facilities by any business or any federal or State agency, the following unit charges shall apply:

<i>Disposal Facility</i>	<i>Unit Charge (per ton)</i>	<i>Unit Charge (per cubic yard or fraction thereof)</i>
H-POWER	\$81	\$25.25
Transfer stations	\$110.60	\$34.50
Landfills	\$81	\$25.25
Transshipment facilities	\$81	\$25.25

(b) *Minimum and special charges.*

(1) *Minimum charges.* The minimum charge per truckload shall be equal to the unit charge per cubic yard. The unit charge per cubic yard will be assessed only in the event of a breakdown or unavailability of weighing equipment at the disposal facility.

(2) *Special charges.* All special charges will apply to businesses, and federal and State agencies.

(A) *Landfill.* In addition to the unit charges established in this section, a charge per truckload for special wastes requiring special handling or arrangements by the city's or operating contractor's employees for proper disposal at landfills shall be imposed as follows:

## Collection and Disposal Charges

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<i>Special Handling Charge</i>
\$84.25

(B) *H-POWER*. In addition to the unit charges established in subsection (a), a per ton and a per hour charge for waste delivered to the H-POWER facility requiring special handling or arrangements by the H-POWER contractor's employees shall be imposed as follows:

<i>Disposal Area</i>	<i>Per Ton Charge Special Handling Per Ton Charge</i>	<i>Minimum Load Charge</i>
Auger bin	\$540	\$270
RDF storage floor	\$440	\$220
MSW storage floor	\$320	\$210

The charge per ton or minimum load charge, whichever is greater, shall be assessed against each business or agency served. In addition to this assessment, there shall be a per hour charge as specified below:

<i>Per Hour Charge</i>	
<i>Disposal Area</i>	<i>Special Handling Per Hour Charge</i>
Auger bin	\$250 per hour or fraction thereof
RDF storage floor	\$25 per hour or fraction thereof per H-POWER contractor's employee
MSW storage floor	\$25 per hour or fraction thereof per H-POWER contractor's employee

(c) *Discount for disposal of residue from recycling operations*. The unit charges for disposal of residue from recycling operations shall be discounted to 75 percent of the unit charges for disposal set forth in subsection (a). For the purposes of this subsection, a "recycling operation" is a facility that recovers post-consumer waste materials for use in new consumer products. To be eligible for the discounted unit charges for disposal, the following conditions must be met:

- (1) The recycling operation shall recover at least 2,000 pounds of recyclable materials per month;
- (2) The recyclable material shall be shipped off-island, or the recyclable material shall be incorporated into a new consumer product directly by the recycling operation;
- (3) The residue shall be a maximum of 25 percent of the weight of the recyclable materials recovered;
- (4) The residue shall be a direct result of the recycling operation;
- (5) The residue shall not be commingled with other waste at delivery;
- (6) The residue shall not contain any recyclable material; and

- (7) The recycling operation shall be in compliance with all applicable permits and licenses required by the City and County of Honolulu, State of Hawaii, and the federal government; noncompliance will result in disqualification until compliance is resolved and certified.

Upon submission of a written request and supporting data from the recycling operation's owner or the recycling operation's owner's designee, the director shall determine whether the recycling operation is eligible for the discounted unit charge for disposal. After such determination, the director shall either approve the application by proper endorsement or deny the application specifying in writing the cause or causes for such disapproval.

All vehicles used by the recycling operation to transport residue to disposal facilities shall be constructed so as to allow ready inspection of their load before disposal.

Disposal charges shall be charged directly to the recycling operation. The recycling operation's owner or the recycling operation's owner's designee shall submit monthly reports to the director documenting types and quantities of the materials recycled and the residues resulting therefrom. If the director determines that the residue from the recycling operation does not meet the conditions for the discounted unit charge for disposal as set forth in this subsection, the director shall not apply the discount and shall not apply the discount until such time that the director determines that the applicable conditions for such discount have been met.

(d) *Exemption.*

- (1) Any eleemosynary or charitable organization that has been determined by the Internal Revenue Service to qualify as a tax-exempt organization under § 501(c)(3) of the Internal Revenue Code and that recovers post-consumer waste materials for charitable use through a donated merchandise program, generating residue as a byproduct of its charitable function for disposal at a city disposal facility; and
- (2) Any one-day solid waste cleanup event or activity approved by the department of environmental services for the express, noncommercial benefit of the community that involves the collection of litter and other solid waste from noncommercial sources and that results in the disposal and recycling of that waste, shall be exempt from the disposal and special handling charges of subsections (a) and (b) and the fees of subsection (e). The residue generated from a donated merchandise program run by an eleemosynary or charitable organization, pursuant to subdivision (1), and waste collected through the event or activity described in subdivision (2), that are to be disposed of at any city disposal facility, shall be clearly marked as such residue or waste, as the case may be, and shall not be commingled with any other waste.

If an eleemosynary organization contracts with a private business to dispose of residue in compacted form or otherwise, the private business shall be initially charged the standard disposal fees for the disposal of the residue. The exemption to disposal fees shall be applied to the private business's account after the eleemosynary organization submits a monthly report to the chief engineer documenting dates and numbers of loads of residue dispatched to the disposal sites.

- (e) In addition to the charges outlined in subsections (a) and (b), there shall be a surcharge of 12 percent on those charges. The 12 percent surcharge shall also be applied to the charge that the city pays for disposing of refuse and other solid wastes at the H-POWER facility. All charges collected in accordance with this subsection shall be deposited into the recycling account of the solid waste special fund established by § 6-49.1.

- (f) *Surcharge for recovering State and federal fees.* In addition to the disposal charges at municipal landfills, incinerators, and transfer stations delineated in this section, the department is authorized to impose a surcharge to recover the amount of any solid waste regulatory or permit fee imposed by the State or federal government together with any administrative cost to the city for imposing and collecting the fee.

(Sec. 9-4.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 4, § 9-4.2) (Am. Ords. 89-77, 91-66, 92-60, 92-111, 95-06, 95-39, 95-40, 96-58, 97-45, 99-32, 99-33, 00-27, 01-65, 02-32, 03-20, 04-07, 04-16, 10-2, 11-6, 11-25, 12-37, 16-4)

#### **§ 42-4.3 Payments of charges.**

- (a) Collection and disposal charges shall be paid at the time of disposal or billed monthly or bimonthly by the director of budget and fiscal services or the director's designated billing agency, such determination to be made by the director. Charges billed shall be paid within 30 days after the date of the bill.
- (b) Billed charges not paid within 30 days shall become delinquent and shall be subject to interest at the rate of 1 percent per month for each month or fraction thereof that such charges remain delinquent.
- (c) If partial payment of a delinquent charge is made, the amount received shall first be credited to interest and then to principal.

(Sec. 9-4.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 4, § 9-4.3) (Am. Ords. 99-32, 99-65, 14-13)

#### **§ 42-4.4 Failure to pay charges.**

- (a) The director shall discontinue collection and disposal service to any business for failure to pay any charge when due. The director shall resume service upon request for reinstatement of service by the business and upon payment to the director of budget and fiscal services of all delinquent charges including interest. There shall be a service reinstatement fee of \$10 that shall be paid to the director of budget and fiscal services when request for reinstatement of service is made.

- (b) A service fee of \$25 will be charged for handling a dishonored check.

(Sec. 9-4.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 4, § 9-4.4) (Am. Ord. 99-32)

#### **§ 42-4.5 Dead animals—Collection fee.**

There shall be no charge for the collection or disposal of dead animals described in § 42-1.8.

(Sec. 9-4.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 4, § 9-4.5)

#### **§ 42-4.6 Disposition of fees, charges, and deposits.**

All fees and charges collected under this chapter shall be deposited into the solid waste special fund.

(Sec. 9-4.6, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 4, § 9-4.6) (Am. Ords. 92-111, 99-32)

**§ 42-4.7 Refuse collection and disposal charges—Waiver.**

- (a) The director is authorized to waive the collection and disposal charges established by this article in cases of natural or man-made disasters and for a time period in which the director deems necessary to remove disaster debris.
- (b) 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.
- (c) The director may adopt rules pursuant to HRS Chapter 91 to implement this section.  
(1990 Code, Ch. 9, Art. 4, § 9-4.7) (Added by Ord. 92-137)

**§ 42-4.8 Cost of bulky wastes removal.**

- (a) The failure of any owner or association of apartment owners to properly dispose of or remove bulky wastes within seven days after written notice shall constitute a public nuisance. Any person responsible for noncompliance with § 42-1.4(d) shall be liable to the city for the cost of removing such bulky wastes.
  - (1) Upon the failure, neglect, or refusal of any owner or association of apartment owners so notified to properly dispose of or remove bulky wastes within seven days after receipt of written notice or within seven days after the date of such notice in the event the same is returned to the city because of an inability to make delivery thereof, provided the same is properly addressed to the last known address of such owner or association of apartment owners, the director is authorized and empowered to dispose of such bulky wastes or to order its disposal by the city. The director or the director’s authorized representative, including any contractor with whom the director contracts under this section and assistants, employees or agents of such contractor are authorized to remove bulky wastes on the street or sidewalk fronting the property of the owner or association of apartment owners.
  - (2) When the city has effected the removal of bulky wastes or has paid for their removal upon the failure, neglect or refusal of any owner or association of apartment owners so notified to properly dispose or remove bulky wastes, the owner or association of apartment owners shall be billed by mail and charged the actual cost incurred by the city, plus any administrative expenses associated with the removal of the bulky wastes. The bill shall apprise the owner or association of apartment owners that failure to pay the bill within 30 days after the bill has been mailed for payment will result in a lien being placed upon the property as authorized by HRS § 46-1.5. Interest at the rate of 8 percent per year shall accrue on any unpaid balance from the 31st day after the bill has been mailed to the owner or association of apartment owners.
  - (3) The director shall cause to be kept in the department a permanent record containing:
    - (A) A description of each parcel of the property for which a notice to remove bulky wastes has been given under this subsection;
    - (B) The name of the owner or association of apartment owners if known;

## **Collection and Disposal Charges**

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(C) The date on which such notice was mailed and posted;

(D) The fee for removing the bulky wastes; and

(E) A brief summary of the work performed.

(b) All moneys collected under this section shall be deposited into the solid waste special fund.  
(1990 Code, Ch. 9, Art. 4, § 9-4.8) (Added by Ord. 10-16)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 5: ENFORCEMENT OF PROVISIONS

### Sections

- 42-5.1 Violation—Penalty
- 42-5.2 Revocation or suspension of license
- 42-5.3 Enforcement authority
- 42-5.4 Nonliability of department personnel

#### **§ 42-5.1 Violation—Penalty.**

- (a) Except as otherwise provided, any person violating this chapter shall be subject to a civil fine not exceeding \$500 for each violation. Each day that a person violates this chapter shall constitute a separate violation.
  - (b) Any person violating § 42-1.4(a)(6) shall be subject to a civil fine not exceeding \$250 for each violation.
  - (c) Any person violating § 42-3.1(c) shall be subject to a civil fine not exceeding \$250 for each violation.
  - (d) Any person violating § 42-3.5 shall be subject to a civil fine not exceeding \$250 for each violation. For purposes of this subsection, “person” means any natural person, partnership, corporation, firm, sole proprietorship, trust, unincorporated association or joint venture, cooperative, or any other entity; provided that the term shall exclude a church and a nonprofit organization, as defined in § 38-1.3, except a hospital.
  - (e) Any person violating both §§ 42-1.4(d) and 42-4.8 shall be subject to a civil fine not exceeding \$250 for each violation. Each time an owner or association of apartment owners violates § 42-1.4(d), and fails to properly dispose of or remove the bulky wastes after receiving a written notice pursuant to § 42-4.8, that shall constitute a single violation. The fine shall be in addition to any removal costs billed to the owner or association of apartment owners.
  - (f) Any person violating § 42-1.10 shall be subject to a civil fine not exceeding \$2,500 for each violation; provided that any person violating both §§ 42-1.4(d) and 42-1.10 shall be subject only to the civil fine set forth in subsection (a).
  - (g) The penalties under this section are in addition to any other penalty that may be imposed on a person for a violation of this chapter.
  - (h) Appeal of the fines set forth in this section shall be pursuant to rules adopted by the director as necessary to carry out this chapter.
- (Sec. 9-5.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 9, Art. 5, § 9-5.1) (Am. Ords. 89-113, 95-64, 96-20, 99-32, 10-16, 16-9)

**§ 42-5.2 Revocation or suspension of license.**

In the case where a person has been convicted, the court shall have the further power to suspend or revoke any license or permit issued to such person under this section for any remaining portion of the term of such license or permit, or such person may be punished by both such fine, suspension, or revocation. No license or permit shall be issued to any person whose license or permit has been so suspended or revoked, as above prescribed for a period of two years after the date of such suspension or revocation. The court may also order forfeiture of the bond provided in § 42-2.2(b) or any part thereof, for the nonobservance or violation by a licensee of the conditions of the license.

(Sec. 9-5.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 9, Art. 5, § 9-5.2)

**§ 42-5.3 Enforcement authority.**

(a) Any inspector is authorized to:

- (1) Issue a written citation pursuant to § 42-5.1 if such enforcement officer witnesses a violation, receives a report from a private citizen witnessing a violation or has probable cause to believe that a person has violated this chapter;
- (2) Investigate any refuse and bulky wastes found thrown, deposited, or dumped on a street, roadside, alley, highway, or public place to find any personal identification contained therein;
- (3) Issue a written citation pursuant to § 42-5.1 for violations of this chapter; and
- (4) Issue a written citation pursuant to § 42-5.1(f) for violations of § 42-1.10. When a vehicle is used in violation of § 42-1.10(b), the inspector is authorized to issue a written citation to the registered owner of the vehicle. The registered owner may be determined by the identification of the vehicle's license plates. If the registered owner is the lessor of a rental or U-drive motor vehicle and if the vehicle is leased at the time of the violation, the lessee at the time of the violation shall be cited and notified of the citation in the same manner as the registered owner and shall be responsible for responding to the citation.

(b) Any person who witnesses the throwing, dropping, placing, dumping, or depositing of refuse or bulky wastes in violation of this chapter, including the throwing of refuse or bulky wastes from a vehicle, may report the date, time of day, location and license number of the vehicle, to any enforcement officer. It shall not be necessary that an act of illegal dumping or other violation of this article shall have occurred in the presence of or have been witnessed by an employee of the department for the director to determine that a violation has occurred.

(c) All complaints of alleged violations shall be investigated by the city. Inspectors shall, wherever practicable, inspect any refuse found on any street, highway, alley or public place, and any traceable ownership shall be subject to this chapter. Reasonable evidence may be considered by the department in investigating complaints of illegal dumping or related violations, including photographs and video recordings, in determining whether a violation has occurred.

(d) A written citation for a violation of § 42-1.10 shall contain information identifying or describing the location of the violation, the date and time the violation occurred or was discovered, a copy of any photograph or digitized image of the violation, provided that the inspector uses such photograph or image in issuing the

citation, and the license plate number of any vehicle used. The inspector shall cause the written citation to be sent by certified mail or registered mail that is postmarked within five days of the occurrence or discovery of the violation, to the individual identified as having committed the violation, or where a vehicle was involved, to the registered owner at the registered owner's address on record with the department of customer services or appropriate motor vehicle registration agency, or, in the case of a rental or U-Drive motor vehicle, to the lessee of the vehicle at the time of the violation. If the end of the five-day period falls on a Saturday, Sunday, or holiday, then the period shall run until the end of the next day that is not a Saturday, Sunday, or holiday.

Upon receipt of the citation, the individual or the registered owner or lessee shall be given fourteen days to respond to the citation by:

- (1) Paying a fine by mail; or
- (2) Requesting that a hearing be set on the matter.

A mail receipt signed by the individual, registered owner, or lessee is prima facie evidence of notification.

A rebuttable presumption exists that the registered owner or lessee of a vehicle used in committing a violation of § 42-1.10(a) is the person who operated or used the vehicle in violation of § 42-1.10(b). The registered owner of the vehicle shall not be presumed to be the operator or user of the vehicle for violations § 42-1.10(b) when the vehicle or license plates have been reported stolen before the violation occurs.

- (e) In any proceeding for a violation of § 42-1.10(b), the information contained in the citation issued in accordance with subsection (d) shall be deemed evidence that the vehicle was observed as being involved with the unlawful throwing, dropping, placing, dumping, or depositing of refuse or bulky wastes, on a street, roadside, alley, highway, or other public place.
- (f) The director may adopt rules to administer and enforce this chapter.  
(1990 Code, Ch. 9, Art. 5, § 9-5.3) (Added by Ord. 10-16; Am. Ord. 20-4)

#### **§ 42-5.4 Nonliability of department personnel.**

No member, employee, or officer of the department shall be civilly or criminally liable or responsible under this chapter for any acts done under this chapter in the performance of their duties as a member, an officer, or an employee of the city.

(1990 Code, Ch. 9, Art. 5, § 9-5.4) (Added by Ord. 10-16)

## **Honolulu - Public Health, Safety, and Sanitation**

## **ARTICLE 6: PROCEDURE ON ARREST**

### **Sections**

- 42-6.1 Procedure
- 42-6.2 Summons or citation

#### **§ 42-6.1 Procedure.**

Any authorized police officer or special officer, upon making an arrest for a violation of this chapter, shall 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 to the complaint to be entered against such person at a place and at a time provided in the summons or citation. The term “special officer” means any officer or employee of the department of environmental services who has the duty and responsibility to enforce this chapter and who has been conferred and appointed as special officer by the chief of police of the City and County of Honolulu. (Sec. 9-6.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 9, Art. 6, § 9-6.1) (Am. Ord. 99-32)

#### **§ 42-6.2 Summons or citation.**

- (a) There shall be provided for use by police officers or special officers, a form of summons or citation for use in citing violators of this chapter where the circumstances 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 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.
- (b) 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.
- (c) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

(Sec. 9-6.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 9, Art. 6, § 9-6.2)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 7: RECYCLING OF GLASS CONTAINERS

### Sections

- 42-7.1 Incentive for licensed recycler
- 42-7.2 Definitions
- 42-7.3 License application—Bond—Insurance—Fee—Term—Revocation
- 42-7.4 Glass incentive program
- 42-7.5 Payment of incentives
- 42-7.6 Prohibitions
- 42-7.7 Violation—Penalty

#### § 42-7.1 Incentive for licensed recycler.

The department shall pay to each licensed recycler engaged in the recycling of glass containers an incentive in accordance with this article.

(1990 Code, Ch. 9, Art. 7, § 9-7.1) (Added by Ord. 89-125)

#### § 42-7.2 Definitions.

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

**City.** The City and County of Honolulu.

**Cullet.** Pieces of crushed glass that may be melted and made into new glass.

**Glass Container.** A container that is designed and intended to hold a beverage, food, cleaning, health, beauty, or similar product and is manufactured from a mixture of silicates, borates, or phosphates.

**Glass Dealer.** Any person who is engaged in the manufacture of glass containers within the city or who imports glass containers from without the city.

**Incentive.** The payment for each ton of glass containers recycled, as authorized under § 42-7.5.

**Licensed Recycler.** A person licensed under § 42-7.3.  
(1990 Code, Ch. 9, Art. 7, § 9-7.2) (Added by Ord. 89-125; Am. Ords. 99-32, 10-16)

**§ 42-7.3 License application—Bond—Insurance—Fee—Term—Revocation.**

- (a) Any person wholly or partially engaged in the business of recycling glass containers may apply to the department for licensure as a licensed recycler. The application shall contain the following information from the applicant:
  - (1) Name and home address;
  - (2) Business address;
  - (3) Address at which the applicant refills glass containers, processes glass containers for shipment out of State or crushes glass containers into cullet;
  - (4) State of Hawaii general excise tax license number;
  - (5) If the applicant is a firm, association, organization, partnership, joint venture, corporation, business, trust, company, or cooperative, the names and addresses of all owners and officers and their respective percentages of ownership; and
  - (6) Facts demonstrating that the applicant is engaged in the business of recycling glass containers.
- (b) Every applicant for a license shall execute and submit a surety bond in favor of the city in the penal sum of \$1,000. The bond shall be issued by a surety company authorized to do business in Hawaii in accordance with HRS § 78-20.
- (c) The applicant shall secure and present to the department at the time of application a standard automobile liability insurance policy covering the applicant, or any person driving any vehicle belonging to the applicant with the applicant's permission in the amount of \$100,000 for bodily injury to or death of one person in any accident and in the amount of \$300,000 for bodily injury to or death of two or more persons in any one accident, respectively, and property damage insurance in the amount of \$10,000 because of damage to or destruction of property of others in any one accident. The applicant shall secure and present to the department at the time of application a standard comprehensive nonvehicular public liability insurance policy covering the applicant and the applicant's employees and agents, which shall also include a rider covering the city in the amount of \$300,000. The rider shall be in the form of an endorsement insured by the insurer.
- (d) The fee for an annual glass recycling license shall be \$100, payable in advance to the director of customer services. The fee for any license issued to an applicant after July 1 shall be prorated according to the remaining months of each fiscal year. No license fee shall be refundable.
- (e) The director of customer services shall issue a license to each applicant upon satisfaction of the truth of the information on the application and payment by the applicant of the license fee. Issuance of the license shall confer upon the licensed recycler the privilege of receiving the incentive under this article, and no other privilege, right, power, duty, or obligation. Issuance of the license shall not be deemed an approval, endorsement or sanction by the director of customer services or city of the licensed recycler or any activity conducted by the licensed recycler. Nor shall issuance of the license be deemed an expressed or implied imposition or acceptance of a regulatory obligation upon the director of customer services or city over the licensed recycler or any activity conducted by the licensed recycler, except as otherwise provided under this article.

- (f) The glass recycling license shall be issued for a term of one year commencing July 1 and ending on June 30 of the next succeeding year.
- (g) Revenues from the license fee and renewal fee shall be a realization of the solid waste special fund.
- (h) The director of customer services may suspend or revoke a license for cause, subject to the same procedure as applicable to the suspension or revocation of a refuse collection license under § 42-2.6.  
(1990 Code, Ch. 9, Art. 7, § 9-7.3) (Added by Ord. 89-125; Am. Ords. 96-58, 99-32, 10-16)

**§ 42-7.4 Glass incentive program.**

- (a) The amount of revenues provided in the glass incentive fund account referenced in § 6-49.1 shall be adequate to meet glass recycling program goals of 25 percent of glass containers recycled in the first year of operation, 50 percent of glass containers recycled in the second year, and thereafter the percentage shall be increased to the maximum amount practical as determined by the department considering the economic and environmental benefits to be realized.
- (b) Every glass dealer shall pay to the department an assessment to cover incentives and the expense of administering the glass recycling program, which assessment shall be paid only once on the same glass container and shall not exceed 1 cent per glass container in the first year of operation and shall not exceed 2 cents per container, if needed, in the second year, and thereafter an amount to be determined by the department consistent with the glass recycling program goals set forth in subsection (a).

In addition to the revenues provided by the glass dealers through the assessments, the city shall pay to the fund an amount not to exceed \$300,000 in the first year of operation and \$600,000, if needed, in the second year, and thereafter an amount to be determined by the department consistent with the glass recycling program goals set forth in subsection (a), subject to appropriation by the council. The assessment shall be paid at a time and in a manner prescribed by rules adopted by the department in accordance with HRS Chapter 91. The assessment shall not be paid on glass containers exported from the city, unless the glass dealer decides to make such payment.

- (c) The department may require glass dealers to maintain records reflecting their manufacture and importation of glass containers, to furnish to the department such information as may be requested relating to such manufacture and importation, and to permit inspection by the department of such books and records. Proprietary information obtained by the department shall be kept confidential, and shall not be disclosed to any other person except:
    - (1) As may be reasonably required in any administrative or judicial proceeding to enforce this chapter or any rule adopted to implement or administer this chapter; and
    - (2) Under any order or subpoena issued by a court.
- (1990 Code, Ch. 9, Art. 7, § 9-7.4) (Added by Ord. 89-125; Am. Ord. 99-22)

**§ 42-7.5 Payment of incentives.**

- (a) The department may pay an incentive to each licensed recycler who agrees in writing to pay to the public a minimum price established by the department for glass to be recycled in the program.
- (b) The amount of the incentive shall be determined by the department in accordance with rules adopted pursuant to HRS Chapter 91. In determining the amount of the incentive, the department shall consult with the glass dealers and licensed recyclers based on, among other things:
  - (1) The minimum price licensed recyclers must pay the public to achieve the recycling goals set forth in § 42-7.4(b); and
  - (2) The avoided cost of collecting and disposing of glass.
- (c) The amount of the incentive shall be the same for all licensed recyclers.
- (d) To qualify for the payment of the incentive, the licensed recycler shall:
  - (1) Transport not less than 1 ton of the glass to a processing facility designated by the department; and
  - (2) Provide sufficient documentation as determined by the department indicating the number of tons received by the ultimate user of the glass containers, and the amount paid for each ton received.
- (e) To receive payment of the incentive, the licensed recycler shall show proof or provide appropriate attestation that recyclable glass containers have been:
  - (1) Processed for refilling, or have been refilled, within the State;
  - (2) Loaded onto an air carrier or water carrier for shipment out-of-State; or
  - (3) Loaded onto an air carrier or water carrier for use within the State, or otherwise used within the city in a manner approved by the director.
- (f) The department shall make the appropriate payment to the licensed recycler upon satisfaction that all of the recycled glass has been processed, refilled, loaded, or used.
- (g) All assessments collected or received by the department under this chapter may only be used for costs and expenses directly relating to operational and administrative costs of the program actually incurred.
- (h) Surplus funds may be:
  - (1) Carried over into the next fiscal year and may be used to assist in defraying the cost of the program in succeeding fiscal years; or
  - (2) Refunded at the close of the fiscal year on a pro rata basis to all persons from whom assessments were collected.

- (i) Upon termination of the incentive program, all moneys remaining that are not required by the department to defray the expenses of the program shall be refunded on a pro rata basis to all persons from whom assessments were collected. If amounts returnable are so small as to make impractical the computation and remitting of the pro rata refunds, the remaining funds shall become a realization of the city.

(1990 Code, Ch. 9, Art. 7, § 9-7.5) (Added by Ord. 89-125)

**§ 42-7.6 Prohibitions.**

- (a) No person shall falsify the proof or attestation required to collect an incentive. No person shall pay an incentive based upon false proof or attestation if knowing that the proof or attestation is false.
- (b) No person shall submit false information on the application for issuance or renewal of a license under § 42-7.3. No person shall apply for, receive, or issue a license under § 42-7.3 on a fraudulent basis.
- (c) No person shall use a license issued under § 42-7.3 if the person is not the licensed recycler to which the license was issued or an authorized officer or employee of the licensed recycler. No unauthorized officer or employee shall use the licensed recycler's license.

- (d) No person shall violate any other provision of this article.

(1990 Code, Ch. 9, Art. 7, § 9-7.6) (Added by Ord. 89-125)

**§ 42-7.7 Violation—Penalty.**

Any person violating this article shall, upon conviction, be punished by the immediate termination of the license, and for each violation by a fine not exceeding \$1,000 and imprisonment not exceeding one year.

(1990 Code, Ch. 9, Art. 7, § 9-7.7) (Added by Ord. 89-125)

## **Honolulu - Public Health, Safety, and Sanitation**

## **CHAPTER 43: SEWERS, DRAINAGE, AND CESSPOOLS**

### Articles

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## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 1: GENERAL PROVISIONS

### Sections

- 43-1.1 Purpose
- 43-1.2 Definitions
- 43-1.3 Authority of the director
- 43-1.4 Emergency actions
- 43-1.5 Use of public sewers
- 43-1.6 Sewer extensions—Application—Payment—Specifications
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- 43-1.8 Use of public sewers—Restrictions—Violations
- 43-1.9 Right of entry and inspection
- 43-1.10 Recordkeeping

### § 43-1.1 Purpose.

- (a) Articles 1 through 10 of this chapter set forth uniform requirements for industrial users of the city's wastewater collection and treatment system, to enable publicly owned treatment works ("POTW") to protect their interceptors, treatment, pumping, and disposal systems and to comply with all applicable State and federal laws required by the Federal Water Pollution Control Act, as amended, and the General Pretreatment Regulations (40 CFR part 403).
- (b) The objectives of Articles 1 through 10 of this chapter are:
  - (1) To protect the health and safety of the people and enhance the environmental quality of the city and its surroundings;
  - (2) To comply with the applicable State and federal laws relating to the protection of the environment, control of water pollution, pretreatment of industrial discharges, and the disposal of hazardous wastes in POTWs;
  - (3) To prevent the introduction of pollutants in the POTW that will interfere with the operation of the POTW, including interference with its use or disposal of municipal sludge;
  - (4) To prevent the introduction of pollutants in the POTW that will pass through the treatment works or otherwise be incompatible with such works;
  - (5) To ensure that the quality of the POTW sludge is maintained at a level that allows its use and disposal in compliance with applicable statutes and regulations;
  - (6) To protect the health and welfare of workers at the treatment plants;

- (7) To prevent the introduction of wastes to sewers connected to the POTW that could result in the POTW being classified as a hazardous waste treatment, storage, or disposal facility under applicable State or federal laws;
  - (8) To provide for source monitoring and control of quantity, quality, and rate of flow of residential, commercial, and industrial wastes entering the POTW;
  - (9) To establish enforcement procedures and penalties for violations;
  - (10) To regulate the use, connection, and construction of all public and private sewers and to fix charges therefor; and
  - (11) To authorize the director of environmental services to effectively enforce Articles 1 through 10 of this chapter.
- (Sec. 11-1.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 1, § 14-1.1) (Am. Ords. 94-46, 01-64)

## § 43-1.2 Definitions.

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

**Act.** See definition of “federal act” in this section.

**Advanced Primary Treatment.** An intermediate form of wastewater treatment that provides for removal of generally 75 percent of the suspended solids and 45 percent of the biochemical oxygen demand (BOD<sub>5</sub>).

**Assessment or Sewer Assessment.** A compulsory levy or charge on selected property for a particular sewer improvement undertaken in the interests of the public and which benefits the lessees or owners of the selected property.

**Authorized Representative.** Pursuant to 40 CFR § 403.12(1), an authorized representative of the industrial user is defined as and shall be any one or more of the following:

- (1) A responsible corporate officer if the industrial user submitting the statement or report is a corporation. For the purposes of this definition, a “responsible corporate officer” means:
  - (A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - (B) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (2) A general partner or proprietor if the industrial user submitting the statement or report is a partnership or sole proprietor, respectively;

- (3) A duly authorized representative of the individual designated in subdivision (1)(A) or (1)(B) of this definition if:
  - (A) The authorization is made in writing by the individual described in subdivision (1)(A) or (1)(B) of this definition;
  - (B) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
  - (C) The written authorization is submitted to the department; or
- (4) If an authorization under subdivision (3) of this definition is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subdivision (3) of this definition shall be submitted to the department before or together with any other reports to be signed by an authorized representative.

**Backup Facilities.** The wastewater conveyance system (interceptors, trunk sewers, mains, and pumping stations); the wastewater treatment plant; and the ocean outfall or wastewater disposal system. Specifically excluded are sewer laterals, in-tract facilities, and main extensions, for which the costs have been contributed by users of the system.

**Benefited or Special Benefited Property.** That property or portion of a property provided with a direct or indirect connection to the public sewer, deriving therefrom the direct and indirect advantages and benefits of sewer service.

**Biochemical Oxygen Demand (BOD<sub>5</sub>).** A standard test used in assessing sewage strength and is the measure of decomposable organic material in domestic or industrial wastewater as represented by the oxygen used over a period of five days at 20 degrees Celsius and as determined by the appropriate procedure in "Standard Methods."

**Building Sewer or House Sewer.** That portion of a pipe or conduit carrying sanitary sewage or industrial wastes, or both, from a building to the public sewer or a common sewer.

**Categorical Industrial User.** An industrial user who is subject to categorical pretreatment standards under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

**Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing pollutant discharge limits adopted by the U.S. Environmental Protection Agency in accordance with § 307(b) and (c) of the Federal Water Pollution Control Act, which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

**Cesspool.** A covered lined or partially lined pool, pit, or deep hole in the ground to receive the untreated discharges of sewage and from which the liquids seep into the surrounding soil through the bottom or sides.

**City.** The City and County of Honolulu.

**Combined Sewer.** A sewer receiving a mixture of stormwater and sanitary sewage with or without industrial wastes.

**Commercial Cooking Oil Waste.** Has the same meaning as defined in § 43-5A.1.

**Commercial FOG Waste.** Has the same meaning as defined in § 43-5A.1.

**Composite Sampling.** A collection of a number of discrete sample aliquots obtained through flow-proportional samples, at constant time intervals between samples and composites for analysis. Composite sampling techniques shall be performed in accordance with Appendix E to 40 CFR Part 403.

**Connection.** Any connection made or to be made to a public sewer at a manhole, in a new manhole, at the end of a stub, wye, saddle wye, lateral, or main.

**DOH.** The State department of health.

**Days.** Calendar days, including weekends and holidays, unless otherwise indicated.

**Department.** The department of environmental services of the City and County of Honolulu.

**Director.** The director of environmental services or the director's authorized representatives.

**Discharge.** See definition of "indirect discharge" in this section.

**Domestic Wastewater.** The water-carried wastes produced from noncommercial or nonindustrial activities and which result from normal human living processes.

**Drain, Storm.** A pipe, conduit, or channel used for conveying stormwater, surface water, wash water, or other similar discharges, but excludes sewage and polluted industrial wastes.

**Dry Weather Flow.** Wastewater flow during periods of little or no rainfall. Rates of flow exhibit hourly, daily, and seasonal variations. A certain amount of infiltration may also be present.

**Dwelling Unit.** A room or rooms connected together constituting an independent living unit with independent exterior access that includes a food preparation area. The existence of separate rental/lease agreements, addresses, and mailboxes can be used in determining dwelling unit counts for sewer service charge assessment purposes.

**Effluent.** Sewage, water, or other liquid flowing out of any basin treatment device or facility.

**Entitlement.** The amount of sewage capacity reserved for the property.

**EPA.** The United States Environmental Protection Agency.

**Equivalent Single-Family Dwelling Unit (ESDU).** The fundamental unit that will be used to express the imputed seasonal average wastewater volume for new applicants for service and for existing users of the city's wastewater system. One "ESDU" is equal to about 305 gallons per day in Honolulu, or about 9,000 gallons per month.

**Extension or Extension Sewer.** The continuation of an existing public sewer through public or private property not owned, in whole or in part, by the applicant or owner of the particular property or subdivision to be served.

**Federal Act, Act, or the Federal Water Pollution Control Act.** Refers to P.L. 92-500, also known as the Clean Water Act, and amendments thereto, 33 USC §§ 1251 et seq., as well as regulations and standards adopted by the EPA, or successor, pursuant to the act.

**Food Preparation Area.** An area containing fixtures, appliances, or devices for:

- (1) Heating, preparing, or cooking food;
- (2) Refrigerating food; and
- (3) Washing utensils used for dining and food preparation or for washing and preparing food, or both.

The permanent removal of both elements (1) and (2) above, or element (3) above is required to eliminate a food preparation area for sewer service charge assessment purposes.

**Force Main.** A pipeline on the discharge end of a pump carrying flow under pressure.

**40 CFR.** Title 40 of the Code of Federal Regulations relating to the protection of the environment.

**Grab Sampling.** A method of obtaining an individual sample collected over a period of time not exceeding 15 minutes. Grab sampling may be employed where the pollutants being evaluated are those that may not be held for an extended period because of biological, chemical, or physical interaction that takes place after sample collection and affects the results.

**Grease.** Any material that is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate procedure in “Standard Methods.”

**House Connection.** The sewer connecting the building sewer or building waste drainage system to the public sewer for the purpose of conveying domestic wastewater.

**House Sewer.** See definition of “building sewer” in this section.

**Indirect Discharge or Discharge.** The introduction of pollutants into a POTW from any nondomestic source regulated under § 307(b), (c), or (d) of the Federal Water Pollution Control Act, also known as the Clean Water Act.

**Individual Wastewater Disposal System.** Any system of storing, treating, or disposing of wastewater on the property where it originates or on adjacent or nearby property under the control of the user where the system is not connected to a city wastewater system. Individual wastewater disposal systems include but are not limited to cesspools, septic tanks, and household aerobic units. Excluded are wastewater treatment plants.

**Industrial Connection Sewer.** The sewer connecting the building sewer or building waste drainage system to the public sewer for the purpose of conveying industrial wastewater.

**Industrial User or User.** A source of indirect discharge.

**Industrial Wastewater.** All water-carried wastes and wastewater excluding sanitary wastewater.

**Industrial Wastewater Discharge Permit or Permit.** A document issued by the department authorizing discharge of industrial waste, unless otherwise indicated.

**Infiltration.** The unintentional entry of water into the wastewater collection system from the surrounding soil. Common points of entry include broken pipe and defective joints in the pipe or walls of manholes. Infiltration may result from sewers being laid below the groundwater table or from saturation of the soil by rain or irrigation water, seepage of groundwater into a sewer system, including service connections. Seepage frequently occurs through defective or cracked pipes, pipe joints, connections, or manhole walls.

**Inflow.** Water discharged into the sewer system and service connections from such sources as but not limited to roof leaders, cellars, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, and around manhole covers or through holes in the covers, cross connections from storm and combined sewer systems, catch basins, stormwaters, surface runoff, street wash waters, or drainage. Inflow differs from infiltration in that it is a direct discharge into the sewer rather than a leak into the sewer itself.

**Influent.** Sewage, water, or other liquid flowing into any basin treatment device or facility.

**Interceptor.** A sewer that is laid transversely to the general sewer system that receives flow from sewer mains and lateral sewers and conducts such flow to a plant for treatment and disposal.

**Interference.** Any discharge that, alone or in conjunction with a discharge or discharges from other sources:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; or
- (2) Is a cause of a violation of the NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions or permits issued thereunder: § 405 of the Federal Water Pollution Control Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulation contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

**Lateral or Lateral Sewer.** A branch or side sewer of a minimum 6-inch inside diameter in size from a public sewer main to serve one or more lots.

**Local Limits.** Prohibitive discharge limits developed by the city pursuant to 40 CFR § 403.5 and are deemed pretreatment standards for the purposes of § 307(d) of the act.

**Main.** A sewer into which several laterals or other sewer lines may discharge.

**Manhole.** An opening in a sewer constructed for the purpose of permitting a person to enter or leave the sewer.

**May.** Is permissive.

**NPDES Permit (National Pollutant Discharge Elimination System Permit).** Refers to the written requirements established by DOH, which govern the quality and quantity of wastewater discharged from a POTW.

**National Pretreatment Standard, Pretreatment Standard, or Standard.** Any regulation containing pollutant discharge limits adopted by the EPA in accordance with § 307(b) and (c) of the Federal Water Pollution Control Act, as amended, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR § 403.5, categorical pretreatment standards, and local limits provided in the sewer ordinance.

**New Source.** Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commences after the publication of proposed pretreatment standards under § 307(c) of the act that will be applicable to such source if such standards are thereafter adopted in accordance with that section. Specific location and construction criteria for determining a new source are as defined in 40 CFR § 403.3(k), as revised.

**Noncompliance.** Any violation of Articles 1 through 10, the local limits, the industrial wastewater discharge permit, or National Categorical Standards.

**Ocean Outfall.** A conveyance system whereby treated wastewater is discharged to the marine receiving waters for final disposal.

**Order or Director's Order.** A written determination, revocation, authorization, permission, direction, or document, including but not limited to a permit issued by the director pursuant to this chapter.

**Owner.** Includes a holder in fee, life tenant, executor, administrator, trustee, guardian, or other fiduciary, lessee, or licensee holding under any government lease or license of real property.

**Pass Through.** A discharge that exits the POTW into the waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the district's NPDES permit, including an increase in the magnitude or duration of a violation, or that causes water quality standards established by the State or EPA to be exceeded.

**Permit.** See definition of "industrial wastewater discharge permit" in this section.

**Person** or Words Importing Persons, for Instance, **Another, Others, Any, Anyone, Anybody**, and the Like. Shall signify not only individuals, but corporations, trusts, partnerships, limited liability companies, firms, associations, societies, communities, assemblies, inhabitants of a district or neighborhood, or persons known or unknown, and the public generally, where it appears, from the subject matter, the sense and connection in which such words are used, that such construction is intended.

**pH.** The reciprocal of the logarithm of the hydrogen ion concentration. It indicates the intensity of acidity and alkalinity on a pH scale running from 0 to 14. A pH value of 7.0, the midpoint of the scale, represents neutrality. Values above 7.0 indicate alkalinity and those below 7.0 indicate acidity.

**Pollution.** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

**POTW.** See definition of "publicly owned treatment works" in this section.

**Pretreatment Requirement.** Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, applicable to an industrial user.

***Pretreatment Standard.*** See definition of “national pretreatment standard” in this section.

***Pretreatment System or Device.*** Any control equipment that performs the process of pretreatment.

***Primary Treatment.*** A basic form of wastewater treatment that provides for removal of generally 30 percent of the suspended solids and 30 percent of the BOD<sub>5</sub>.

***Private Sewer.*** A sewer, privately owned, which is not directly controlled by the department.

***Public Sewer.*** A sewer directly controlled by the department.

***Publicly Owned Treatment Works (POTW).*** A treatment works as defined by § 212 of the Federal Water Pollution Control Act, which is owned by a state or municipality (as defined by § 502(4) of the Federal Water Pollution Control Act). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW. The term also means the municipality as defined in § 502(4) of the Federal Water Pollution Control Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

***Relief Sewer.*** A sewer constructed to relieve an existing line or lines determined to be structurally defective or inadequate and of insufficient capacity.

***SADWF.*** See definition of “seasonal average dry weather flow” in this section.

***Sanitary Sewer.*** A sewer the specific purpose of which is to carry only sanitary sewage.

***Seasonal Average Dry Weather Flow (SADWF).*** The average daily flow during the month of maximum wastewater discharge for each seasonal discharger.

***Secondary Treatment.*** An advanced form of wastewater treatment that provides for removal of 85 percent of the suspended solids and 85 percent of the BOD<sub>5</sub>, minimum.

***Self-Monitoring.*** Wastewater sampling performed by an industrial user in accordance with the municipality’s pretreatment program. Self-monitoring requirements will be specified in the industrial wastewater discharge permit.

***Septic Tank.*** A watertight settling tank in which settled sludge is in immediate contact with the sewage flowing through the tank and the organic solids are decomposed by an aerobic bacterial action.

***Sewage.*** The waterborne wastes derived from ordinary human living processes and of such character as to permit satisfactory disposal, without special treatment, into the public sewer, a private sewer, or by means of a household sewage disposal system.

***Sewage Pump Station.*** Any arrangement of devices within a structure used for lifting and forcing out sewage.

***Sewage Treatment Plant.*** Any arrangement of devices and structures for treating sanitary sewage and industrial wastes excluding cesspools, individual household septic tank systems, and individual household aerobic units.

***Sewer.*** A pipe or conduit for carrying sewage.

***Sewer, Building or House.*** That portion of a pipe or conduit carrying sanitary sewage or industrial wastes, or both, from a building to the public sewer or a common sewer.

***Sewer, Private.*** A sewer, privately owned, which is not directly controlled by the department.

***Sewer, Public.*** A sewer directly controlled by the department.

***Sewer System.*** A system of piping, with appurtenances, for collecting and conveying sewage from source to discharge.

***Shall.*** Is mandatory.

***Significant Industrial User.*** Defined as:

- (1) All industrial users subject to categorical pretreatment standards under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N; and
- (2) Any other industrial user that:
  - (A) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
  - (B) Contributes to a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; and
  - (C) Is designated as such by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

***Significant Noncompliance.*** An industrial user is in significant noncompliance as defined in 40 CFR § 403.8(f)(2)(vii), if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the city determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under §§ 43-5.4, 43-5.19, and 43-5.20 to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations that the city determines will adversely affect the operation or implementation of the local pretreatment program.

**Slug.** Any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge as defined under 40 CFR § 403.8(f)(2)(v). Slug discharges also include any discharges as defined by 40 CFR § 403.5(b).

**Storm Drain.** A slotted opening leading to an underground pipe or an open ditch for carrying surface runoff.

**Storm Sewer.** A sewer that carries only stormwater.

**Stormwater.** Runoff from a storm event, and surface runoff and drainage.

**Subdivision.** A division of a piece of property into two or more lots.

**Suspended Solids.** Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids; and which are largely removable by laboratory filtering and as determined by the appropriate procedure in "Standard Methods."

**Toxic Pollutant.** Any pollutant listed as toxic under § 307(a)(1) of the Federal Water Pollution Control Act.

**Toxic Substances.** Any substance whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process, or to constitute a hazard to human beings or animals, or to inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant.

**User.** An individual, establishment, or industry using any part of the public sewer.

**Waste Hauler.** Any person carrying on or engaging in any one of more of the following: the collection, vehicular transport, or disposal of wastewater.

**Wastewater.** Any liquid waste of any kind, whether treated or not, and whether animal, mineral, or vegetable, including sewage, agricultural, industrial, and thermal wastes.

**Wastewater System Facility Charge.** A fee levied against:

- (1) A new applicant for service, for the privilege of connecting its property to the city's wastewater system; and
- (2) An existing user of the city's wastewater system, for the privilege of increasing its prior use of the city's wastewater system or for any enlargement of existing structures.

**Wastewater System Facility Charge Increment.** The fee levied against the applicant who increases the applicant's entitlement. The fee is determined by subtracting the applicant's current ESDU from the applicant's future ESDU.

(Sec. 11-1.2, R.O. 1978 (1983 Ed.) (1990 Code, Ch. 14, Art. 1, § 14-1.2) (Am. Ords. 90-80, 91-86, 91-93, 93-04, 93-32, 94-46, 94-73, 96-58, 01-64, 02-14, 12-7)

#### § 43-1.3 Authority of the director.

- (a) The director is authorized to administer and enforce this chapter; to conduct an industrial waste pretreatment program; to issue permits containing discharge requirements, indemnification and surety provisions and other conditions; to deny or revoke any permits, orders, or variances issued pursuant to this chapter; to adopt local limitations imposing specific discharge requirements; to enforce this chapter by any lawful means available for such purpose; to monitor and inspect any industrial user; to require industrial users to perform and submit for the director's review and approval wastestream and process environmental audits and to require industrial users to implement any objectives, including reclamation and waste minimization objectives, identified by the audits; and to adopt such orders and rules necessary to accomplish the purposes of this chapter in accordance with the requirements that have been or may be adopted by federal or State governments, including the EPA and the DOH.

The director also may monitor, inspect, and audit any business with a pretreatment device, any business using or selling cooking oil, any person removing and transporting commercial cooking oil waste or commercial FOG waste, and any recycling facility converting commercial cooking oil waste or commercial FOG waste into a marketable product.

- (b) The director may require the industrial user to construct and operate additional pretreatment systems or devices to treat wastewater before discharge into the sewerage system to achieve compliance with applicable categorical pretreatment standards. New categorical industrial users shall install and operate pretreatment systems necessary to meet applicable pretreatment standards before discharge and shall comply with all applicable categorical pretreatment standards within the shortest feasible time, not to exceed 90 days. The director may require any industrial user to develop a compliance schedule containing dates for the commencement and completion of major events leading to the construction and operation of pretreatment systems or devices necessary for compliance with this chapter in the shortest time possible. No compliance schedule shall allow more than nine months from commencement of the compliance schedule to achieving a milestone compliance to full compliance. In the case of a new categorical industrial user, the final date in the compliance schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard. All proposed pretreatment systems or devices shall be subject to the review and

comment of the director, but such review shall not relieve an industrial user of the responsibility for taking all steps necessary to comply with all applicable discharge limitations and standards pursuant to this chapter and other laws. All required pretreatment systems or devices shall be installed, operated, and maintained at the industrial user's expense.

- (c) The director may, by permit or order, require an industrial user to construct, in accordance with current city standards and at the industrial user's expense, a monitoring facility immediately downstream from pretreatment facilities. If no pretreatment facilities exist, the monitoring facility shall be constructed immediately downstream from the regulated process.
- (d) Any permit may be revoked, modified, or suspended by the director, in addition to seeking injunctive relief or imposing civil penalties, or both, when such action is necessary to stop a discharge or a threatened discharge that may present a hazard to the public health, safety, welfare, natural environment, or sewerage system, to prevent or stop violations of this chapter, the industrial wastewater discharge permit and federal pretreatment standards, or to implement programs or policies required or requested of the city by appropriate State or federal regulatory agencies.
- (e) The director retains the right to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants discharged into the city's treatment plants by industrial users where such contributions or changes do not meet applicable pretreatment standards and requirements or where such contributions would cause the city to violate the requirements of its NPDES permit.

(1990 Code, Ch. 14, Art. 1, § 14-1.3) (Added by Ord. 94-46; Am. Ord. 02-14)

#### **§ 43-1.4 Emergency actions.**

The director is authorized to take all necessary actions to immediately and effectively halt or prevent any discharge or threatened discharge of pollutants to the sewerage system that may pose an imminent danger to the health or welfare of persons or to the environment, or that interferes or threatens to interfere with the operations of the sewerage system. The industrial user shall immediately cease undertaking such action or discharge of any wastewater presenting such a hazard upon verbal or written notification by the director.

(1990 Code, Ch. 14, Art. 1, § 14-1.4) (Added by Ord. 94-46)

#### **§ 43-1.5 Use of public sewers.**

- (a) *When required.* Every lot that has sanitary facilities requiring sewage disposal that is accessible to a public sewer and is not connected shall be connected to the public sewer within 90 days after the owner or person legally responsible has been notified to do so. The director may grant an owner or person legally responsible a 30-day extension of time to connect to the public sewer upon a showing of extenuating circumstances and a good faith effort by such owner or person to make the connection. Under no circumstances shall the director grant more than three 30-day extensions of time.
- (b) *Permit to connect.*
  - (1) A permit to connect shall be obtained from the department before any connection or reconnection may be made to a public sewer.

- (2) The permit is issued only for the facility or improvement shown on the original plans and specifications or application.
  - (3) Where any money or payment is due the department for a connection, the full amount shall be paid before the connection is made.
  - (4) The permit will be issued only after an application for a building permit has been filed.
  - (5) All connections for industrial wastewater shall require an industrial wastewater discharge permit before a permit to connect is issued.
- (c) *Where public or private sewer system is not available.* Where public or private sewers are not available or accessible, an owner may elect to construct a cesspool or septic tank or other aerobic treatment unit as defined in Hawaii Administrative Rules, Chapter 62, provided the use of such a unit meets the public health requirements of all public agencies having jurisdiction over the use of the facilities.
- (d) *Where public or private sewer is inadequate.* Where public or private sewers are inadequate to accommodate additional sewage, connection will not be permitted until the inadequacy is relieved either by the city or the applicant at the applicant's expense. For sewer lines, the relief sewer shall be constructed to the city's ultimate master plan size and location in accordance with § 43-2.1(b).
- (e) The property owner shall be responsible for maintaining the integrity of the sewer lateral line from his or her residence or building to the edge of the property line. This maintenance shall include but not limited to keeping the lateral line in such a state that there is no inflow or excessive infiltration entering the lateral line. (Sec. 11-1.3, R.O. 1978 (1983 Ed.); Sec. 14-1.3, R.O. 1990) (1990 Code, Ch. 14, Art. 1, § 14-1.6) (Am. Ord. 94-46)

#### **§ 43-1.6 Sewer extensions—Application—Payment—Specifications.**

(a) *Application.*

- (1) The property owner or subdivider of an unsewered area may apply for an extension. The application must be in writing. If the application is approved by the department, the department shall make an estimate of the cost and submit it to the applicant.
- (2) The cost shall include land acquisition, engineering, and inspection.

(b) *Payment and refund.*

- (1) The owner or subdivider shall pay 50 percent of the cost of any portion of such extension that passes through property not owned or controlled by such person and 100 percent of the cost of any portion that passes through property owned or controlled by such person.
- (2) Before any contract is let, the applicant shall deposit with the department a sum equal to the applicant's share of the estimated cost. In the event the sewer extension costs less than the estimate, a refund will be made to the applicant. If it costs more than the estimate, the applicant shall pay the applicant's share of the difference to the department.

(c) *Specifications.*

- (1) The extension of an existing public sewer, any part of which runs through property not owned or controlled, wholly or in part, by the owner or subdivider shall be constructed by the department, upon approval by the director, in accordance with HRS Chapter 103, as amended. Such extension shall extend to the proximate boundary of the land specified in the application or of land owned by the owner or subdivider and contiguous to the land specified, whichever is closer.
- (2) The department shall construct the extension including any laterals to serve the applicant's area. The department shall determine the type, size, and location of the extension. The applicant, property owner, or subdivider shall not have any title to the extension.

(Sec. 11-1.4, R.O. 1978 (1983 Ed.); Sec. 14-1.4, R.O. 1990) (1990 Code, Ch. 14, Art. 1, § 14-1.7) (Am. Ord. 94-46)

**§ 43-1.7 Lateral sewer construction and connection.**

- (a) *Lateral construction.* All laterals shall not have less than 6-inch inside diameter and shall be installed, when practicable, at a right angle with the sewer. Each shall end at the property line with a 6 x 4 inch or the required size reducer properly capped unless excepted in special cases by the director.

(b) *Connection to a lateral.*

- (1) 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 or schedule 40 polyvinyl chloride riser and cleanout vertically to at least 1 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 brass. The director may require the installation of a concrete block below the 90-degree bend in sandy or soft soil areas. No construction shall be backfilled or covered until inspected and approved by the department.

The lateral connection described in this subsection may be varied at the approval of the department to accommodate special topographic conditions. In all cases, the pipe connection to the lateral and the riser extension shall be of cast iron material.

The entire cleanout shall be installed within the property and at the expense of the property owner. In improvement district projects, the city may install all or a portion of the riser extension at city expense when directed by the director. A sewer manhole in lieu of the above cleanout shall be installed when directed by the director.

- (2) If an existing lateral connection does not include a cleanout as described above, the property owner shall have one installed within 60 calendar days after written notice has been given the owner by the director.
- (3) Special control structures and other appurtenances shall be constructed by the applicant when required by the director.

- (c) *Lateral installation charges.* An applicant for lateral sewer installation shall pay for installation charges in accordance with the schedule of charges in § 43-3.2.

(Sec. 11-1.5, R.O. 1978 (1987 Supp. to 1983 Ed.); Sec. 14-1.5, R.O. 1990) (1990 Code, Ch. 14, Art. 1, § 14-1.8) (Am. Ords. 90-50, 94-46)

**§ 43-1.8 Use of public sewers—Restrictions—Violations.**

- (a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or any other source of inflow into any public sewer or any private sewer that is connected to the public sewer. However, the director may approve discharges of any nature or origin from public projects into the public sewer or any private sewer, which is connected to the public sewer.
- (b) No person shall enter, obstruct, uncover, or tamper with any portion of the public sewer, or connect to it, or discharge any wastewater or any other substance directly into a manhole or other opening in the public wastewater system other than in accordance with requirements established by Articles 1 through 10 and through service sewers approved by the director, except that the director may grant permission and establish requirements and policies for such direct discharge.

This subsection, however, shall not authorize the director to approve the discharge of any commercial cooking oil waste or commercial FOG waste into the public sewer system.

- (c) No person or party shall remove or demolish any building or structures with plumbing fixtures connected directly or indirectly to the public sewer without first notifying the department of the intention to do so. All openings, in or leading to the public sewer line or lines caused by such work, shall be sealed watertight.
- (d) No person shall fill or backfill over, or cause to be covered or obstruct access to, any sewer manhole.
- (e) No person shall erect any improvements, including but not limited to foundations, structures, or buildings over public sewers without the written permission of the director of planning and permitting.
- (f) The general and specific prohibitions set forth by the federal regulations at 40 CFR § 403.5 are incorporated into this chapter by reference.
- (g) No person shall discharge or cause to be discharged any of the following into any public sewer or any private sewer that is connected to a public sewer:
  - (1) Any pollutant that may cause obstruction, upset, pass through, or interference with the operation of the POTW or may impact public health or the environment;
  - (2) Pollutants that may create a fire or explosion hazard in the POTW, including but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR § 261.21. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system be over 5 percent, nor shall any single reading be over 10 percent of the lower explosive limit of the meter;
  - (3) Pollutants that cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5 or higher than 11.0, unless the POTW is specifically designed to accommodate such discharges;
  - (4) Solid or viscous pollutants in amounts that may cause obstruction to the flow in the POTW resulting in interference;
  - (5) Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate or pollutant concentration, or both, that may cause pass through or interference in the POTW;

- (6) Heat in the amounts that may inhibit biological activity in the POTW resulting in interference, but in no case shall heat be permitted in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit);
- (7) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Any trucked or hauled pollutants, except those allowed by permit at discharge points designated by the director;
- (9) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, paper ware either whole or ground, or any other solid or viscous substances, or normally dry, solid wastes capable of causing obstruction to the flow in or damage to sewers or other interference with the proper operation of the wastewater works;
- (10) Any wastewater containing toxic pollutants such as herbicides and insecticides, in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW. A toxic pollutant shall include but is not limited to any pollutant identified pursuant to § 307(a) of the Federal Water Pollution Control Act, as amended;
- (11) Any unusual volume of flow or concentration of wastewater constituting “slugs” as defined in § 43-1.2 without notification to the POTW;
- (12) Water or wastes that have been contaminated by radioactive materials;
- (13) Water added for the purpose of diluting wastewater, which would otherwise exceed applicable maximum concentration limitations set by the POTW or the federal categorical pretreatment standards;
- (14) Water or wastewater containing in excess of the following local limits:

0.50 mg/L Arsenic
0.69 mg/L Cadmium
2.77 mg/L Total chromium
3.38 mg/L Copper
1.90 mg/L Total cyanide
0.60 mg/L Lead
0.50 mg/L Mercury
3.98 mg/L Nickel
2.00 mg/L Selenium
0.43 mg/L Silver

2.61 mg/L Zinc
2.00 mg/L Phenolic compounds
100.00 mg/L Oil and grease

- (15) Wastewater with concentrations exceeding national categorical pretreatment standards adopted by the U.S. Environmental Protection Agency in accordance with § 307(b) and (c) of the Federal Water Pollution Control Act, as amended. The national categorical pretreatment standards in 40 CFR Chapter I, Subchapter N, Parts 405 through 471, are incorporated into this section. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in Articles 1 through 10 and, if more stringent than limitations imposed under this section, shall immediately supersede the limitations imposed under this section;
- (16) Any substance that may cause a city wastewater treatment plant's effluent or any other products thereof, such as residues, sludges, or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to a city wastewater treatment plant cause it to be in noncompliance with sludge use or the disposal criteria, guidelines or regulations developed under § 405 of the Federal Water Pollution Control Act (P.L. 92-500), as amended; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or the Toxic Substances Control Act; or State criteria applicable to the sludge management method being used;
- (17) Any substance that may cause the city's wastewater treatment plant to violate its national pollutant discharge elimination system permit or State water quality standards;
- (18) Any wastewater with an animal/vegetable fat, oil, and grease (FOG) content having detrimental characteristics so as to cause obstruction, upset, interference, or pass through in the POTW, or result in adverse impact on public health or the environment; and
- (19) Any wastewater with petroleum hydrocarbon concentration greater than 100 mg/L or having detrimental characteristics so as to cause obstructions, upset, interference, or pass through in the POTW, or result in adverse impact on the public health or the environment.
- (h) A pretreatment device shall be required when deemed necessary by the director for users that may discharge any pollutant/indirect discharge, including but not limited to fats, oils, and grease of animal, fish, marine mammal, or vegetable origin, into any public sewer or any private sewer that is connected to a public sewer.
- (1) All pretreatment devices shall be designed, sized, constructed, installed, and maintained such that they comply with:
- (A) All applicable federal, State, and local discharge limits; and
- (B) All department policies and rules, as amended.
- (2) All pretreatment devices shall be maintained in efficient operation at all times by the owner at the owner's expense. The maintenance frequency shall be determined by the director and shall be based on

department policies or rules. In cases where there are no department policies or rules, the frequency of maintenance for a pretreatment device shall be established by the recommendation of the manufacturer of the pretreatment device. In maintaining these pretreatment devices, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records of the dates, amounts, and means of disposal, all of which shall be subject to review by the director.

- (i) Any industrial user who shall discharge or cause to be discharged into the public sewers any wastewater having more than 200 mg/L of suspended solids or BOD<sub>5</sub> shall pay a surcharge in accordance with § 43-6.6 to the city based on the extent to which such wastewater shall contain an excess over the foregoing limitation of concentration.
  - (j) Where preliminary treatment facilities are provided for any wastewater as a condition of its acceptance, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.
  - (k) When required by the director, the owner of any property served by a building sewer carrying industrial wastewater shall install monitoring and recording equipment, and a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such manhole shall be readily accessible and safely located, and shall be constructed in accordance with plans approved by the director. If applicable, the manhole shall be designated in the industrial user's wastewater discharge permit as its approved sampling location. The manhole shall be installed and maintained by the owner at the owner's expense.
  - (l) All pretreatment program monitoring activities discussed in Articles 1 through 10 shall be conducted in accordance with the methods and procedures in 40 CFR Part 136, as amended, and shall be made at the sampling location identified in the industrial wastewater discharge permit.
  - (m) Dilution is prohibited as a substitute for treatment. Except where expressly authorized by the director to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The director may impose mass limitations on industrial users that are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.
  - (n) Any discharge that would be considered a hazardous waste, as defined by any one or more of the following: the State or federal laws or regulations, shall be prohibited from the sewer system.
  - (o) In addition to complying with Articles 1 through 10, all industrial users shall comply with all applicable requirements set forth in federal categorical pretreatment standards and other applicable federal regulatory standards, applicable State orders and water quality control regulations, wastewater discharge permits and orders issued to the city by federal and State agencies, federal and State pretreatment program approval conditions, local discharge limitations and rules adopted by and regulations adopted by the director and the city, and any other applicable requirement regulating the discharge of wastewater into the wastewater system. The director is authorized to develop and enforce such local limitations as the director deems necessary for the city's compliance with State and federal laws and requirements and the enforcement of Articles 1 through 10.
- (1990 Code, Ch. 14, Art. 1, § 14-1.9) (Added by Ord. 94-46; Am. Ords. 94-73, 01-64, 02-14)

**§ 43-1.9 Right of entry and inspection.**

- (a) *Existing systems.* The department may, during reasonable hours and upon notification to the person with a right to possession, enter any building or premises in the discharge of its official duties to examine or copy records or inspect, investigate, measure, or test the wastes discharged or the private sewer connected, directly or indirectly, to the public system as per 40 CFR § 403.12(o) and to use existing sewer lateral cleanouts for the purpose of inspecting, maintaining, or cleaning blockages in the public sewer system.
- (b) *Inspection of construction of sewer system works.*
  - (1) During the construction of all sewer system works, including private sewers that directly or indirectly connect to the public system, the city shall have access thereto for inspection purposes and if considered advisable by the director, may require an inspector on the job continuously. At no time shall sewers be backfilled or covered until the department has been notified and has given proper inspection and approval. If the work is not approved, it shall be repaired or removed and reconstructed, whichever is directed by the director.
  - (2) All costs of inspection and testing shall be borne by the owner or subdivider.
- (c) *Premises of industrial users.*
  - (1) Upon showing proper credentials, persons authorized by the director or persons authorized by EPA or DOH, when necessary for the performance of their duties, shall have the right to enter the industrial user's premises during scheduled, unscheduled, announced, or unannounced inspections. Such authorized personnel shall have access to any facilities and records necessary for determining compliance, including but not limited to the ability to copy any records, inspect any monitoring equipment, and sample any wastewater subject to regulation under this chapter. Notwithstanding any provision of law, persons authorized by the director may enter an industrial user's premises at any time if the director determines that an imminent hazard to persons or property exists on or as a result of activities conducted on the industrial user's premises.
  - (2) The director may inspect the process areas of an industrial user, inspect chemical and waste storage areas, and inspect, sample, and monitor wastewater production activities to determine compliance with the provisions herein and any permit or order issued herein. Inspections may include but are not limited to visual observations of the pretreatment and monitoring facilities, review of the measures undertaken by the industrial user to minimize risks for slug discharges, spills, and discharges that would violate any limitations and specific prohibitions, and inspections of any hazardous waste storage areas.
  - (3) Persons authorized by the director, EPA or DOH may witness any sampling or sampling procedures required of any industrial user as part of a self-monitoring program or an industrial wastewater discharge permit.

(Sec. 11-1.7, R.O. 1978 (1987 Supp. to 1983 Ed.); Sec. 14-1.7, R.O. 1990) (1990 Code, Ch. 14, Art. 1, § 14-1.10) (Am. Ords. 93-04, 94-46)

**§ 43-1.10 Recordkeeping.**

All industrial users subject to the reporting requirements of 40 CFR § 403.12 shall maintain and retain, and make available for inspection and copying by EPA, DOH, or city officials, personnel, or their agents, all records, and information required to be retained herein. All records relating to compliance with pretreatment requirements and standards shall be retained by industrial users for a minimum of three years from the date of any investigation or enforcement action undertaken by EPA, DOH, or the city. This period shall be automatically extended for the duration of any litigation concerning compliance with applicable laws.

(1990 Code, Ch. 14, Art. 1, § 14-1.11) (Added by Ord. 94-46)

## ARTICLE 2: SEWER SYSTEM FOR NEW SUBDIVISION

### Sections

- 43-2.1 Generally
- 43-2.2 Temporary treatment plants—Pumping stations
- 43-2.3 Construction costs

### § 43-2.1 Generally.

- (a) *Connection to public sewers.* In every subdivision where connection to a public sewer system is practicable and reasonable, or where temporary sewage treatment and disposal facilities have been approved by all authorities having jurisdiction, the subdivider shall install a complete sewer system connected to the public sewer or temporary sewage treatment and disposal facility, unless such subdivision is for agricultural purposes where the lots are 2 acres or larger in size and the soil is deemed suitable and adequate for an acceptable private sewage disposal system.
  - (b) *Specifications.*
    - (1) The sewer system shall be of the type and size and at the locations approved by the director; provided that these shall not be contrary to the locations fixed for utilities by the city general plan or for sewer system facilities by the department of environmental services master plans.
    - (2) The sewer system shall be constructed in accordance with the current standards and specifications of the city. Before the construction of a sewer is commenced, the construction plan therefor shall be approved by the director and by the State department of health pursuant to HRS Chapter 342D, Part III.
    - (3) A lateral shall be provided to service each lot.
  - (c) *Title to city.*
    - (1) Upon completion of the construction of the subdivision sewer system and any other related new construction and approval of the construction by the department, the subdivider or developer shall convey title of the sewer system to the city for use of the department if required by the director.
    - (2) Before acceptance of the sewer system by the department, the subdivider shall convey easements covering those portions of the sewer system installed in privately owned areas and shall convey to the city, for the use of the department, fee simple title to all sites on which are located pump stations or treatment plants constructed by the subdivider or developer as part of the public sewer system.
- (Sec. 11-2.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 2, § 14-2.1) (Am. Ord. 93-32)

**§ 43-2.2 Temporary treatment plants—Pumping stations.**

- (a) *Specifications.* Where connection to a public sewer is not available, the subdivider may construct temporary treatment and disposal facilities or where gravity service to the public sewer is not possible, the subdivider may construct a temporary pump station; provided that the sewer system, including the temporary treatment plant with pertinent structures, shall be constructed in accordance with the standards and specifications of the department, or other agency having jurisdiction or other standards or requirements as may be established by the director; and provided further, that prior written approval of the director has been obtained as to the necessity for such plant or station.
- (b) *Title.*
  - (1) The subdivider shall convey the title to the treatment plant or the pump station including the site, in fee to the city for the use of the department, except as provided herein. Acceptance of title and possession to either the plant or station reserves for the department the right to admit sewage or wastewater to either facility from other areas provided that the needs of the subdivider are met for a stipulated period as mutually agreed upon before date of conveyance. Title shall revert to the grantor or the grantor's successors or assigns in the event the director finds the plant or the station is no longer needed.
  - (2) In remote areas where the treatment plant or pump station serves less than 40 lots, or any area where it serves less than 10 lots, the director may require the facility to be owned and maintained as a private system at the owner's or subdivider's expense.

(Sec. 11-2.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 2, § 14-2.2)

**§ 43-2.3 Construction costs.**

- (a) *General.* Except as otherwise provided herein or by statute, the entire cost of installation of sewer system works within a subdivision and for any new construction required for connection to the public sewers shall be borne by the subdivider or developer.
- (b) *Temporary treatment plant and temporary or permanent pump station.* The entire cost of constructing a temporary treatment plant or a temporary or permanent pump station shall be borne by the subdivider or developer.
- (c) *Oversize facilities.*
  - (1) Whenever the director finds that good planning and engineering practice require sewer system works of greater capacity or greater depth than required to serve a subdivision, the director shall require the provisions thereof.
  - (2) Whenever the director requires a subdivider to install a treatment plant or pump station with pertinent structures or other sewer system works or sewer lines with an inside diameter of more than 8 inches, which are, in either case, of greater capacity or at greater depth than is necessary to serve the subdivision or other land under the same ownership, which is hereinafter referred to as the "initial subdivider's area,"

the department shall install or provide for the installation of the same in accordance with HRS Chapter 103. Before any contract is let, the subdivider shall pay the department an amount equivalent to the cost of construction of the facilities adequate to serve the “initial subdivider’s area,” as determined by the director.

(Sec. 11-2.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 2, § 14-2.3)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 3: SEWER SYSTEM FOR OTHER THAN IN NEW SUBDIVISIONS

### Sections

- 43-3.1 Connections within improvement districts
- 43-3.2 Installation charges

#### § 43-3.1 Connections within improvement districts.

No lateral installation charge shall be made for one or more original laterals to an original lot that is being or has been assessed in accordance with the improvement district ordinance, unless this lot has later been rezoned for higher usage and the owner desires an additional lateral or the lot is required to be served by a relief sewer, which has been or will be constructed to relieve an inadequate existing sewer.

(Sec. 11-3.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 3, § 14-3.1)

#### § 43-3.2 Installation charges.

##### (a) *Charge.*

- (1) *For unsewered properties.* An applicant for sewer service for an unsewered property shall pay the following assessment per square foot of specially benefited area:

(A) Residential zoned areas: 16 cents psf;

(B) Business and industrial zoned areas: 20 cents psf; and

(C) Hotel and apartment zoned areas: 24 cents psf

The benefited area shall be determined by the department.

Upon approval of the application by the department and payment of assessment charge by the applicant, the department will construct the sewer to the property line as soon as possible.

- (2) *For sewer properties rezoned to higher use.* For properties with an existing sewer lateral that have been rezoned to higher use after the existing sewer service was provided; and the property is required to be served by a relief sewer that has been or will be constructed to relieve the inadequate existing sewer; shall pay the difference between the rates per square foot of that zoned to higher use and that zoned from, specified in subsection (a)(1).

##### (b) *Special conditions.*

- (1) No charge will be made for replacements of lateral sewer installations because of normal deterioration.

(2) Charges for construction of an additional lateral shall be the actual total cost of the installations, including overhead costs.

(3) A charge shall be made for a lateral sewer that has already been constructed for which no assessment or installation charge has been paid. The charge shall be as specified in subsection (a)(1).

(Sec. 11-3.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 3, § 14-3.2)

## ARTICLE 4: PRIVATE SEWER SYSTEM

### Sections

- 43-4.1 Building or house sewers
- 43-4.2 Treatment plant—Pumping stations

#### **§ 43-4.1 Building or house sewers.**

- (a) *Inspection after connection.* Existing private sewers connected to the public system may be inspected and tested for excessive infiltration whenever deemed necessary by the director. If the rate of infiltration is excessive, the owner, when informed by the director, shall effect approved remedial measures within 30 days. Infiltration in excess of 500 gallons per day per inch of diameter of pipe per mile of pipe shall be considered excessive. The cost of inspection after corrective action has been completed shall be paid by the owner.
- (b) *Restrictions.* All private sewers connected to the public systems shall be governed by § 43-1.6. (Sec. 11-4.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 4, § 14-4.1)

#### **§ 43-4.2 Treatment plant—Pumping stations.**

- (a) *Existing.* The department may agree to operate and maintain existing treatment plants and pump stations if these facilities are upgraded to conform with standards to be established by the director pursuant to subsection (c), and title is conveyed to the city. Title shall revert to the grantor or the grantor's successors or assigns in the event the director finds the plant or the station is no longer needed.
- (b) *New.* Provisions contained in § 14-2.2 are also applicable to new private treatment plants and pump stations.
- (c) The director is authorized to prescribe and enforce rules to carry out this section by establishing procedures and standards for city acceptance of private treatment plants and pump stations. (Sec. 11-4.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 4, § 14-4.2)

## **Honolulu - Public Health, Safety, and Sanitation**

## **ARTICLE 5: INDUSTRIAL WASTEWATERS**

### **Sections**

43-5.1	Industrial wastewater discharge permit—Violations
43-5.2	Permit application
43-5.3	Change of permit restrictions
43-5.4	Permit suspension
43-5.5	Permit revocation
43-5.6	Industrial wastewater discharge permit revocation or suspension
43-5.7	Wastewater discharge permit modification
43-5.8	Issuance and reissuance of wastewater discharge permit
43-5.9	Transfer of wastewater discharge permit
43-5.10	Compliance schedules
43-5.11	Sampling, analyses, and flow measurements
43-5.12	Pretreatment of industrial wastewaters
43-5.13	Liability for damage
43-5.14	Trade secrets
43-5.15	Administrative enforcement
43-5.16	Judicial enforcement of order
43-5.17	Enforcement orders
43-5.18	Appeals
43-5.19	Violation provisions
43-5.20	Injunctive relief
43-5.21	Nonliability of department personnel

### **§ 43-5.1 Industrial wastewater discharge permit—Violations.**

- (a) No person shall discharge or cause to be discharged any industrial wastewater into the public sewers or into any private sewer that discharges to the public sewers, without first applying for and obtaining an industrial wastewater discharge permit. Industrial wastewater discharge permits shall meet the following requirements or include the following provisions:
- (1) Permits shall be issued by the director for a specified time period, not to exceed five years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date as determined by the director;
  - (2) No permit shall be transferable without the prior written consent of the director and provision of a copy of the existing permit to the new owner or operator;
  - (3) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law;

- (4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable pretreatment standards, categorical pretreatment standards, local limits and State and local law;
  - (5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules shall not extend the compliance date beyond applicable federal deadlines;
  - (6) A statement requiring the notification of a hazardous wastewater discharge in accordance with § 43-5.12(f);
  - (7) Recordkeeping requirements as detailed in § 43-1.10; and
  - (8) Permittees shall provide the director with written notification upon the discontinuance of their business operations.
- (b) This permit may require pretreatment of industrial wastewater before discharge, compliance with a schedule containing commencement and completion dates of events leading to the construction and operation of pretreatment systems, restriction of peak flow discharges, discharge of certain wastewater only to specified sewers, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, self-monitoring programs and submission of self-monitoring reports and may include other conditions deemed appropriate by the director to ensure compliance with Articles 1 through 10 of this chapter, and federal and State laws.
  - (c) No person shall discharge industrial wastewater in excess of the quantity or quality limitations set by the industrial wastewater discharge permit. Any person desiring to discharge wastewater that is not or use facilities that are not in conformance with the permit shall apply to the department for an amended permit.
  - (d) All self-monitoring submittals required by the permit, and reports filed with the director shall comply with § 43-5.11(a)(3).
  - (e) Industrial users subject to categorical pretreatment standards shall submit baseline monitoring reports. The baseline monitoring report requirements for industrial users in 40 CFR § 403.12(b), as further detailed in §§ 43-5.8 and 43-5.11(b) and (c), are incorporated into this section. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in Articles 1 through 10.
  - (f) All waste haulers shall apply for and obtain an industrial wastewater discharge permit.
  - (g) With the exception of those industrial users defined by federal regulations as significant industrial users (categorical industrial users), the director may exempt certain industrial users or waste haulers from the requirement to obtain an industrial wastewater discharge permit if the quantity or quality, or both, of the wastewater, or hauled wastewater is deemed to be unlikely to cause obstructions, upset, interference, or pass through in the POTW or result in adverse impact on public health or the environment.

(Sec. 11-5.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 5, § 14-5.1) (Am. Ords. 91-93, 94-46, 01-64)

**§ 43-5.2 Permit application.**

In support of the permit application, an industrial user shall submit, in units and terms appropriate for evaluation, all information as required by the director to evaluate the permit application. This information shall include, but not be limited to: industrial process identification; flow rates; wastestream constituents and characteristics; time and duration of discharge; peak discharge amounts; locations of all discharge points; pretreatment facilities; sampling and monitoring equipment and points; description of activities, facilities, and plant processes, including raw materials, processes and types of materials that are or could be produced; number of employees; site diagrams; and flow schematics. Specific information required for application evaluation will be identified in the permit application package. A statement shall be included, which describes possible subcategories that may be applicable, supporting evidence for applicability of each subcategory and certification of factual information. After evaluation of the information submitted, the director shall determine if an industrial wastewater discharge permit is required. If the director so determines, a permit may be issued subject to the terms and conditions provided in this chapter.

(1990 Code, Ch. 14, Art. 5, § 14-5.2) (Added by Ord. 94-46)

**§ 43-5.3 Change of permit restrictions.**

The department may change the restrictions and conditions of a permit from time to time as provided in this article or as required by law. An industrial user shall be allowed a reasonable period of time as determined by the director to comply with any permit modifications.

(Sec. 11-5.2, R.O. 1978 (1983 Ed.); Sec. 14-5.2, R.O. 1990) (1990 Code, Ch. 14, Art. 5, § 14-5.3) (Am. Ord. 94-46)

**§ 43-5.4 Permit suspension.**

- (a) The director may suspend a permit as provided in this article or by law for a period not to exceed 45 calendar days when such suspension is necessary to stop a discharge which presents an immediate hazard or threat to the public health, safety, or welfare, to the environment, to the public sewer system, or to those employed by the city.
- (b) Any industrial user notified of a suspension of such person's permit shall immediately cease and desist in the discharge of all industrial wastewater to the sewer system. In the event of a failure of the industrial user to comply voluntarily with the suspension order, the director shall take such steps as necessary to insure compliance or invoke penalties as provided in this chapter.
- (c) The director may reinstate the permit upon proof of satisfactory compliance with all discharge requirements of the department.
- (d) This provision does not preclude a person's right to appeal the director's order as provided herein and by the department's rules.
- (e) The director's order is not stayed pending any appeal.

(Sec. 11-5.3, R.O. 1978 (1983 Ed.); Sec. 14-5.3, R.O. 1990) (1990 Code, Ch. 14, Art. 5, § 14-5.4) (Am. Ord. 94-46)

**§ 43-5.5 Permit revocation.**

- (a) The director may order a permit revoked as provided in this chapter or by law or upon a finding that the industrial user has violated this chapter, or of applicable laws or regulations.
  - (b) An industrial user whose permit has been revoked shall immediately stop all discharges of any liquid-carried wastes covered by the permit to the sewer system. The director may disconnect or permanently block from the sewer system the industrial sewer connection of any industrial user whose permit has been revoked if such action is deemed necessary by the director to ensure compliance with the revocation order or if the director deems that there is an immediate hazard or threat to the public health, safety or welfare, to the environment, to the public sewer system, or to persons employed by the city.
  - (c) An industrial user whose permit has been revoked shall apply for a new permit and pay all delinquent fees, charges, penalties, and such other sums as may be due to the department. Costs incurred by the department in revoking the prior issued permit and disconnecting the industrial sewer connection shall be paid by the industrial user before issuance of a new permit.
  - (d) This provision does not preclude a person's right to appeal the director's order as provided herein and by the department's rules.
  - (e) The director's order is not stayed pending any appeal.
- (Sec. 11-5.4, R.O. 1978 (1983 Ed.); Sec. 14-5.4, R.O. 1990) (1990 Code, Ch. 14, Art. 5, § 14-5.5) (Am. Ord. 94-46)

**§ 43-5.6 Industrial wastewater discharge permit revocation or suspension.**

Wastewater discharge permits may be revoked or suspended based on violations of this chapter, laws, rules, or any final judicial order, including but not limited to the following reasons:

- (1) Failure to provide notification to the director of changed ownership or operations pursuant to this article;
- (2) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (3) Falsifying self-monitoring reports or late submittal of reports;
- (4) Failure to factually report the wastewater constituents and characteristics of its discharge;
- (5) Tampering or actions which disrupt the proper functioning of monitoring equipment;
- (6) Refusing to allow the city timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;

- (10) Failure to meet compliance schedules;
  - (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
  - (12) Failure to provide advance notice of the transfer of the permitted facility;
  - (13) Nonuse or cessation of operations;
  - (14) Failure to notify the director immediately of all discharges that could cause problems to the POTW and collection system, including slug discharges and specific prohibitions, as defined by § 43-1.8 and by 40 CFR § 403.5(b); or
  - (15) Any discharge that is in violation of any one or more of the following: any applicable city, State, or federal laws and requirements or results in any enforcement action by the city, EPA, or DOH.
- (1990 Code, Ch. 14, Art. 5, § 14-5.6) (Added by Ord. 94-46)

**§ 43-5.7 Wastewater discharge permit modification.**

- (a) The director may modify the wastewater discharge permit for good cause, including but not limited to the following:
  - (1) To incorporate any new or revised federal, State, or local pretreatment standards or requirements;
  - (2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
  - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - (4) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
  - (5) Violation of any terms or conditions of the wastewater discharge permit;
  - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR § 403.13;
  - (8) To correct typographical or other errors in the wastewater discharge permit; or
  - (9) To reflect a transfer of the facility ownership or operation, or both, to a new owner/operator in accordance with this section.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

- (b) It is declared a policy of this chapter that any user of the POTW who violates any provision herein shall have the user's wastewater discharge permit suspended or revoked, and, upon due process, be disconnected from the water system or have the sewer connection severed, or both.
  - (1) The procedures for water service disconnection shall be in accordance with the above provisions, and severance of sewer connection shall be in accordance with guidelines established by the director.
  - (2) If a user violates the discharge prohibitions of this chapter and does not comply with the order issued by the director, then a notice of termination shall be forwarded by registered mail, return receipt requested, certified mail, or personal service, to any one or more of the following: an authorized representative of an industry, or the occupant or owner of record of the property.
  - (3) The director shall reinstate water service and approve reconnection to the city's sewer system upon proof of the elimination of the noncomplying discharge.

Whenever the director finds that a discharge of wastewater produces an imminent hazard to public health or safety or endangers public or private property, the director shall act immediately to suspend water service or sever all pertinent connections to the sewer or both, without giving advance notice or warning to the persons.  
(1990 Code, Ch. 14, Art. 5, § 14-5.7) (Added by Ord. 94-46)

**§ 43-5.8 Issuance and reissuance of wastewater discharge permit.**

An industrial user shall apply for a wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application at least 30 days before the expiration of the industrial user's existing wastewater discharge permit. An industrial user shall apply for a wastewater discharge permit for a first-time issuance at least 180 days before operations. In the case of a new categorical industrial user or new source, the federal regulations set forth in 40 CFR § 403.12(b) require that at least 90 days before the proposed start-up of operations and discharge, a new source shall submit a baseline monitoring report with information as required in 40 CFR § 403.12(b)(1) through (b)(5), in addition to the complete industrial wastewater discharge permit application.  
(1990 Code, Ch. 14, Art. 5, § 14-5.8) (Added by Ord. 94-46)

**§ 43-5.9 Transfer of wastewater discharge permit.**

If a change in ownership or operations would affect the nature or characteristics of the wastewater discharged, the permittee shall provide, within 20 days of the change, written notice of the change to the director. If applicable, a new permit will be issued to reflect the change.  
(1990 Code, Ch. 14, Art. 5, § 14-5.9) (Added by Ord. 94-46)

**§ 43-5.10 Compliance schedules.**

- (a) *Compliance schedule progress report.* The conditions herein shall apply to any compliance schedule required by the director. The schedule shall set forth progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standards (such events include hiring an engineer,

completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operations). No increment set forth herein shall exceed nine months. The industrial user shall submit a progress report to the director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the director.

- (b) *Report on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the director a report containing the measurement of flow and pollutant and certification of pretreatment standards being consistently met. If pretreatment standards are not being met consistently, a description of additional operation and maintenance requirements or pretreatment shall be included in the report. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR § 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with § 43-5.11(c).
  - (c) *Periodic compliance reports.*
    - (1) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the director, but in no case less than twice a year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge, which are limited by such pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with § 43-5.11(c).
    - (2) All wastewater samples shall be representative of the industrial user's daily operations and discharge as described in the permit issued to the user. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure to keep the monitoring facility in good working order shall not be grounds for the user to claim that sample results do not properly report the discharge constituents and characteristics.
    - (3) If an industrial user subject to the reporting requirements of this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in § 43-5.11, the results of this monitoring shall be included in the report.
- (1990 Code, Ch. 14, Art. 5, § 14-5.10) (Added by Ord. 94-46)

#### **§ 43-5.11 Sampling, analyses, and flow measurements.**

- (a) The city may require an industrial user to monitor its discharge into the sewerage system and report the results of the monitoring to the department periodically. These specific monitoring and reporting requirements shall be listed in the industrial wastewater discharge permit. The director, or the director's agent, may require additional monitoring and reporting to document compliance with pretreatment requirements.

- (1) *Sampling.* The industrial user shall sample its discharge into the sewerage system at a frequency provided in the industrial wastewater discharge permit or as deemed reasonable and necessary by the director to demonstrate compliance. The director, at the director's discretion, may require nonpermitted industrial users to conduct sampling and analysis. If sampling indicates a violation, the industrial user shall notify the director within 24 hours of becoming aware of the violation and resample within five working days. The results of the resampling shall be submitted to the director within 30 days.
- (2) *Analytical procedures.* All samples shall be taken, preserved, and analyzed in accordance with the procedures outlined in 40 CFR Part 136 (guidelines establishing test procedures for the analysis of pollutants). Where no test procedure is specified by federal regulations, the procedure shall be one that is approved by EPA, or, if there is no EPA-approved procedure, by the city. Unless approved otherwise by the director, all analysis for the specific pollutants and matrix shall be performed by a laboratory certified by DOH.
- (3) *Sampling records.* For each sampling event, an industrial user shall record and maintain, in accordance with 40 CFR § 403.12(o)(i) through (o)(v), the following information:
  - (A) Date, exact place, method, and time of sampling and the names of the persons taking the samples;
  - (B) Sample preservation used;
  - (C) Dates analyses were performed;
  - (D) Chain-of-custody of samples;
  - (E) Names of those who performed the analyses;
  - (F) Analytical techniques and methods used;
  - (G) Results of such analyses; and
  - (H) Any unusual observations or conditions (equipment sample) noted during acquisition or analysis.
- (b) Baseline monitoring reports, reports on compliance with categorical standards, and periodic reports on continued compliance shall contain a statement, reviewed by an authorized representative of the industrial user, as defined in § 43-1.2 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance or additional pretreatment, or both, is required for the industrial user to meet the pretreatment standards and requirements.
- (c) Any authorized representative of the industrial user, as defined in § 43-1.2, signing an application statement or report submitted pursuant to this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and

complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Sec. 11-5.5, R.O. 1978 (1983 Ed.); Sec. 14-5.5, R.O. 1990) (1990 Code, Ch. 14, Art. 5, § 14-5.11) (Am. Ords. 91-93, 94-46)

**§ 43-5.12 Pretreatment of industrial wastewaters.**

- (a) The director may require an industrial wastewater pretreatment system or device to treat industrial wastewater, in complying with pretreatment requirements, before discharge into the sewerage system. This may be necessary to restrict or prevent the discharge of certain wastewater constituents, to distribute more equally over a longer time period of any peak discharges, or to achieve any pretreatment result required by the director.
  - (b) All pretreatment systems or devices shall be approved by the director but such approval shall not absolve the industrial user of the responsibility of meeting any industrial effluent limitation required by the department.
  - (c) The city shall annually publish in the largest daily newspaper a list of industrial users who were in significant noncompliance with applicable pretreatment requirements as defined in § 43-1.2 during the previous 12 months.
  - (d) All industrial users shall immediately notify the director of any discharge that is a potential problem, including slug loading. The city may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years, the city shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan that addresses, at a minimum, the following:
    - (1) Description of discharge practices, including nonroutine batch discharges;
    - (2) Description of stored chemicals;
    - (3) Procedures for immediately notifying the POTW of any accidental or slug discharges. Such notification shall also be given for any discharge that would violate any of the prohibited discharges of this chapter; and
    - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.
  - (e) Dilution is prohibited as a substitute for pretreatment as stated in § 43-1.8(m).
  - (f) If hazardous waste is discharged into the sewer system, the industrial user shall notify, in writing, the director, DOH, and EPA. Notification shall include but is not limited to the name of the hazardous waste, as set forth in 40 CFR Part 261; EPA hazardous waste number; and the type of discharge (continuous, batch, or other).
- (Sec. 11-5.6, R.O. 1978 (1983 Ed.); Sec. 14-5.6, R.O. 1990) (1990 Code, Ch. 14, Art. 5, § 14-5.12) (Am. Ords. 91-93, 94-46, 96-58)

**§ 43-5.13 Liability for damage.**

- (a) Any industrial wastewater user who discharges or causes a discharge in violation of this chapter or as prohibited by law and regulations that damages the sewer system resulting in costs to the department shall be liable to the department for all such costs incurred thereby, including but not limited to attorney fees.
- (b) Any person, whether or not doing work for the city or work on a city project, shall provide notice to DOH and the city in accordance with city, State, and federal laws and regulations of any leak, spill, or release of sewage from the city's sewer system caused by the person, its agents, or its employees. This notice shall be provided as soon as the person becomes aware of the leak, spill, or release of sewage from the city's sewer system as a result of the work of the person, its agents or its employees. The person shall also be liable to the department for all fines incurred including but not limited to attorney fees, in the event any monetary fines are levied against the city.

(Sec. 11-5.7, R.O. 1978 (1983 Ed.); Sec. 14-5.7, R.O. 1990) (1990 Code, Ch. 14, Art. 5, § 14-5.13) (Am. Ords. 94-46, 94-73)

**§ 43-5.14 Trade secrets.**

- (a) With respect to trade secrets, it is determined that the public interest served by not making the records public clearly outweighs the public interest served by the disclosure of the records. Accordingly, any trade secrets acquired by the department in the course of implementation or enforcement of this chapter shall be confidential information and shall not be made public, except to that extent necessary to enforce this chapter. Effluent data, however, are not confidential information and shall always be made available to the public.
- (b) Whenever the director makes a written request or issues an order for an industrial user to furnish information, the request or order may contain, in addition to the required information, the following:
  - (1) That the industrial user may assert a confidential claim, including but not limited to a trade secret claim covering specified information; and
  - (2) That if no such claim accompanies the information received by the director, the industrial user is deemed to have waived all confidential claims that may exist, and the information may be made available to the public without further notice to the industrial user.
- (c) For purposes of this section in determining confidential information, the director shall determine whether the information is entitled by statute, judicial order, or law to the confidential treatment as claimed by the industrial user. In the absence of such finding, the director shall make the information available for public disclosure.

(Sec. 11-5.8, R.O. 1978 (1983 Ed.); Sec. 14-5.8, R.O. 1990) (1990 Code, Ch. 14, Art. 5, § 14-5.14) (Am. Ords. 91-93, 94-46)

**§ 43-5.15 Administrative enforcement.**

- (a) If the director determines that any industrial user is violating this chapter, any rule adopted thereunder, or any permit issued pursuant thereto, the director may have the user served by personal service, by registered or certified mail or delivery, with a written notice of violation and order.

- (b) Within 30 days of the receipt of this notice, or such shorter period as may be provided in the notice of violation, an explanation of the violation and plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves a person for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation, or before the expiration of the time to respond with a plan.
- (c) The director is authorized to seek injunctive relief or impose administrative civil penalties, or both, for violations of any federal pretreatment standard, provision or condition in any permit, or any requirement of the ordinance.  
(1990 Code, Ch. 14, Art. 5, § 14-5.15) (Added by Ord. 94-46)

#### § 43-5.16 Judicial enforcement of order.

The director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued. Where the civil action has been instituted to enforce the civil fine imposed by the order, the director need only show that the notice of violation and order was served, a hearing was held or the time granted for requesting a hearing had expired without such a request, the civil fine was imposed, and that the fine imposed had not been paid.  
(1990 Code, Ch. 14, Art. 5, § 14-5.16) (Added by Ord. 94-46)

#### § 43-5.17 Enforcement orders.

- (a) *Consent orders.* The director is authorized to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial user responsible for noncompliance. The order shall include specific action to be taken by the industrial user to correct the noncompliance within a time period to be provided in the order. These orders shall have the same force and effect as other administrative orders issued pursuant to § 43-5.15 and shall be judicially enforceable.
- (b) *Show cause orders.* Whenever the director finds that a discharge of wastewater is taking place or threatening to take place in violation of any requirement imposed by ordinance, regulation, or other law, the director may issue a notice of violation and show cause order requesting the industrial user to meet with someone designated by the director. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and an order that the industrial user show cause why this proposed enforcement action may not be taken. The notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least 15 days before the hearing. The notice may be served on any authorized representative of the industrial user.

This meeting is not a prerequisite to taking formal enforcement action against the industrial user, and neither does this preclude in any way informal meetings or discussions with the industrial user.

- (c) *Compliance orders and compliance schedules.* Upon a finding by the director that an industrial user has violated or continues to violate the ordinance, a permit or an order issued herein, or any other pretreatment standard or requirement, the director may issue an order to the industrial user responsible for the discharge requiring the user to come into compliance within a period of time specified by the director. These orders may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor do

they release the user from liability for any violation, including a continuing violation. Issuance of a compliance order or a compliance schedule shall not be a prerequisite to taking any other enforcement action against the industrial user.

- (d) *Cease and desist orders.* Whenever the director finds that a discharge of wastewater is taking place or threatening to take place in violation of any ordinance, order, regulation, or other law, the director shall issue an order directing the industrial user to cease and desist such discharges and achieve compliance in accordance with a detailed time schedule of specific actions the user shall take to correct or prevent violations of this chapter, regulation, order, or any other law. The director may order the revocation or suspension of any permit. Any order issued by the director may require the industrial user to provide information as the director deems necessary to explain the nature of the discharge. The director may require in any cease and desist order that the user pay to the city the costs of any extraordinary inspection or monitoring which in the discretion of the director was deemed necessary as a result of the violation, together with civil penalties. Issuance of a cease and desist order shall not preclude any other enforcement action against the industrial user.
  - (e) *Cleanup and abatement orders.*
    - (1) Any industrial user who is in violation of this chapter, regulation, order, or any other law, shall upon the director's order and at the total expense of the user, clean up the discharge and do whatever is necessary or required by the director to abate the effects of the violation.
    - (2) The industrial user may be required to initiate any cleanup, abatement, or remedial work that the director deems necessary. Issuance of a cleanup and abatement order shall not preclude any other enforcement action against the user.
    - (3) Any industrial user violating the ordinance, regulations, order, or any other law shall be liable to the city for costs incurred in the cleanup, abatement, or remedial actions undertaken by the director, including but not limited to administrative costs, inspection costs, attorney fees and penalties or other liability imposed upon the city by other agencies, persons, or organizations, whether by way of court action, administrative action, or settlement.
  - (f) *Termination of discharge.* In addition to other remedies available and as provided in this chapter or by law, when in the discretion of the director, the industrial user has not demonstrated or cannot demonstrate satisfactory progress toward compliance with the requirements of the ordinance, regulation, order, or other laws, the director may, after providing written notice to the user by certified mail 30 days in advance of any action, sever or plug the connection from the user's system to the city's sewerage system or otherwise prevent the discharge of wastewater from the user's system to the city's sewerage system.
  - (g) *Administrative fines.* In addition to other remedies available and as provided in this chapter or by law, the director may impose administrative penalties.
  - (h) *Other enforcement actions.* Nothing herein shall preclude or limit in any manner, State or federal regulatory agencies from undertaking enforcement actions as appropriate as a result of violations pursuant to this chapter to the extent these also constitute violations of applicable federal or State laws, or other pertinent requirements.
- (1990 Code, Ch. 14, Art. 5, § 14-5.17) (Added by Ord. 94-46)

**§ 43-5.18 Appeals.**

- (a) The industrial user may petition to appeal the terms of a wastewater discharge permit, its modification, revocation, suspension, or denial, or the director's order, including but not limited to enforcement within 30 days of the director's final action on the matter in accordance with the rules of the department.
- (b)
  - (1) Failure to submit a timely petition for appeal shall be a waiver of the administrative appeal.
  - (2) In its petition, the appealing party shall indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and alternative condition, if any, it seeks to substitute for the provisions objected to in the wastewater discharge permit, or the specific basis for its objections to the permit modification, suspension, revocation, or denial, and alternatives, if any, it suggests, or specific grounds for its objection to the director's order.
  - (3) The effectiveness of the wastewater discharge permit or the director's final action regarding the permit modification, suspension, revocation, or denial, or the director's order, including but not limited to enforcement, shall not be stayed pending the appeal.
  - (4) If the petition for appeal is not acted upon within 30 days by the director, the petition shall be denied and the industrial user shall comply with the terms of the permit or the director's final action regarding the permit modification, suspension, or revocation, or the terms of the director's order.
  - (5) The director shall take final action on a permit denial, issuance, modification, or renewal, or the order, including but not limited to enforcement, by sending the permit or the director's order to the applicant by certified mail.

(1990 Code, Ch. 14, Art. 5, § 14-5.18) (Added by Ord. 94-46)

**§ 43-5.19 Violation provisions.**

- (a) *Administrative and civil penalties.* Any person violating this chapter, any order, or permit issued under this section, or any other pretreatment standard or requirement, shall be liable for an administrative or civil penalty of not less than \$1,000 per violation per day, except that in cases where such offense shall continue after written notice from the director of such violation, each day's continuance of the same shall constitute a separate offense. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. In determining the amount of the fine, the director shall consider the seriousness of the violation or violations, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the fine on the violator, and such other considerations, that the director determines in the exercise of the director's discretion, are relevant to the amount of the fine. In addition to the penalties provided herein, the city may recover reasonable attorney fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits under this section.
- (b) *Criminal penalties.* Any person:
  - (1) Who intentionally, knowingly, recklessly, or negligently violates Articles 1 through 5 or 6 through 10, any order or permit issued under one of those articles, or any other pretreatment requirement shall, upon conviction, be punished by a fine of not less than \$1,000 or by imprisonment not exceeding 90 days, or

both, except that in cases where such offense shall continue after due notice, each day's continuance of the same shall constitute a separate offense; or

- (2) Who knowingly makes any false statement or misrepresentation in any record, report plan, or other document filed with the director, or tampers with or knowingly renders inaccurate any monitoring device or sampling and analysis method required under this section or by other law, shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than six months, or both.

Unless otherwise provided, this subsection shall be controlled by the Hawaii Penal Code, Hawaii Revised Statutes. (1990 Code, Ch. 14, Art. 5, § 14-5.19) (Added by Ord. 94-46; Am. Ord. 02-14)

**§ 43-5.20 Injunctive relief.**

Whenever a user has violated a pretreatment standard or requirement or continues to violate Articles 1 through 10, wastewater discharge permits or orders issued under this section, or any other pretreatment requirement, the city may petition the Circuit Court of the First Circuit, State of Hawaii, or the United States District Court, State of Hawaii, through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the industrial user. Such other action as appropriate for legal or equitable relief, or both, may also be sought by the city. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

(1990 Code, Ch. 14, Art. 5, § 14-5.20) (Added by Ord. 94-46)

**§ 43-5.21 Nonliability of department personnel.**

No member, employee, or officer of the department of environmental services shall be civilly or criminally liable or responsible under this chapter for any acts done under this chapter in the performance of their duties as a member, an officer, or an employee of the city.

(1990 Code, Ch. 14, Art. 5, § 14-5.21) (Added by Ord. 94-46; Am. Ord. 94-73)

## ARTICLE 5A: COMMERCIAL FOG WASTE AND COMMERCIAL COOKING OIL WASTE

### Sections

- 43-5A.1 Definitions
- 43-5A.2 Required transport of commercial FOG waste and commercial cooking oil waste to recycling facility and required conversion to marketable product
- 43-5A.3 Penalties

### § 43-5A.1 Definitions.

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

***Biodiesel or Renewable Fuel.*** Has the same meaning as defined in § 2-34.1.

***Commercial Cooking Oil Waste.*** Cooking oil, which because of prior use, potency loss, or contamination, is no longer usable or salable by a business engaged in cooking food or selling cooking oil. The term does not mean the residue remaining after the conversion of commercial cooking oil waste into a marketable product.

***Commercial FOG Waste.*** Animal/vegetable fat, oil, and grease and other waste that is retained in or removed from a commercial pretreatment device. The term does not mean the residue remaining after the conversion into a marketable product of grease and other waste removed from a commercial pretreatment device.

***Commercial Pretreatment Device.*** A pretreatment device that is installed by a business pursuant to § 43-1.8(h).

***Marketable Product.*** A salable, tradeable, serviceable, or otherwise valuable product that is produced from the bioconversion, composting, or processing of commercial FOG waste or commercial cooking oil waste.

***Recycling Facility.*** A facility of a business or other operation engaged in the conversion of commercial FOG waste, commercial cooking oil waste, or both into biodiesel or renewable fuel, compost, or another marketable product. For the purposes of this article, a publicly owned sewage treatment works or privately owned sewage treatment plant shall not be deemed a recycling facility, even if capable of converting commercial FOG waste or commercial cooking oil waste into sewage sludge.

(1990 Code, Ch. 14, Art. 5A, § 14-5A.1) (Added by Ord. 02-14)

### § 43-5A.2 Required transport of commercial FOG waste and commercial cooking oil waste to recycling facility and required conversion to marketable product.

- (a) Any person who removes commercial FOG waste or commercial cooking oil waste from a business shall transport the waste to a recycling facility and unload the waste there.

- (b) Any person who comes into possession of commercial FOG waste or commercial cooking oil waste at a recycling facility shall either:
    - (1) Convert the waste into biodiesel or renewable fuel, compost, or another marketable product; or
    - (2) Transport the waste to another recycling facility and unload the waste there.
  - (c) The director may, on the director's own initiative, suspend the requirements of subsections (a) or (b), or both:
    - (1) During the period of a work stoppage or any other interruption of recycling transport service or recycling facility service; or
    - (2) Whenever the director determines that there are inadequate recycling facilities or there is inadequate recycling capacity to dispose of all commercial FOG waste or commercial cooking oil waste in the city at a recycling facility.
- (1990 Code, Ch. 14, Art. 5A, § 14-5A.2) (Added by Ord. 02-14)

**§ 43-5A.3 Penalties.**

- (a) A person shall not intentionally, knowingly, recklessly, or negligently dispose of or unload any commercial FOG waste or commercial cooking oil waste at a place other than a recycling facility in violation of § 43-5A.2, or otherwise violate this article. "Intentionally," "knowingly," "recklessly," and "negligently" shall have the meanings ascribed to the terms under HRS Chapter 702.
- (b) A person who violates subsection (a) shall be guilty of a misdemeanor and subject to a fine of not more than \$2,000, imprisonment of not more than 30 days, or both, for each violation.
- (c) In lieu of or in addition to the criminal penalty under subsection (b), a person who violates subsection (a) shall be subject to a civil fine of at least \$500 for each violation. In setting the fine amount, the director shall consider the seriousness of the violation, cost incurred by the city to remedy the negative impacts of the violation, any history of similar violations by the person, any good faith effort to comply with the applicable requirement, and such other factors determined necessary by the director.

To enforce an order by the director imposing a civil fine, the corporation counsel, on behalf of the director, may institute a civil action in a court of competent jurisdiction. This provision shall be deemed the council consent and approval required by § 2-3.2(b) for bringing the action against a private person.

- (d) The penalties under this section are additional to any other penalty that may be imposed on a person for a violation of this chapter.

For the purpose of Article 5, a violation of this article shall be deemed a violation of "this chapter" and a violation of "Articles 1 through 10 of this Chapter."

(1990 Code, Ch. 14, Art. 5A, § 14-5A.3) (Added by Ord. 02-14)

## **ARTICLE 6: SEWER SERVICE CHARGES**

### Sections

- 43-6.1 Liability for payment
- 43-6.2 Customer classifications
- 43-6.3 Sewer service charge schedules
- 43-6.4 Determination of residential user discharge
- 43-6.5 Determination of discharge
- 43-6.6 Nonresidential strength surcharges
- 43-6.7 Payment of bills
- Appendix 43-A: Sewer service charge schedules

### **§ 43-6.1 Liability for payment.**

- (a) All customers who are connected, directly or indirectly, to the public sewer system as defined herein shall pay a sewer service charge.
- (b) Where a service contract/agreement exists between any user of the public sewer system and the city that provides for free sewer service, the contract/agreement shall be terminated or renegotiated to provide for payment of sewer services in accordance with the requirements of § 204 (b)(1)(A) of the Clean Water Act and 40 CFR § 35.2140.  
(Sec. 11-6.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 6, § 14-6.1)

### **§ 43-6.2 Customer classifications.**

- (a) “Residential” customers have been defined to include only the following:
  - (1) Single-family dwellings;
  - (2) Duplexes, apartment buildings, condominiums, and townhouses;
  - (3) Retirement hotels (permanent guests);
  - (4) Mobile homes and mobile home parks, if any; or
  - (5) Housing projects.
- (b) “Nonresidential” customers have been defined to include all industrial, commercial, agricultural, governmental, and miscellaneous services, plus the following that have been specifically excluded from the above definition of residential customers:
  - (1) Military bases (excluding housing units);

- (2) Convalescent homes and sanitariums;
  - (3) Hotels, motels, resorts, camps, lodges, and guest ranches (transient guests);
  - (4) School dormitories and fraternity houses; or
  - (5) Boardinghouses.
- (c) Any customer with both residential and nonresidential usage and a common meter shall be charged as follows: The department shall determine the percentage of the total number of units that are nonresidential and the percentage of the total number of units that are residential. The department shall then apportion the total monthly water usage for the customer between residential and nonresidential units based on these percentages. The customer's bill shall be computed by charging all residential units the applicable residential sewer service charges, and by charging the nonresidential units the applicable nonresidential sewer service charges. The charges shall be from Column 1 or Column 2 of Appendix 43-A, whichever applies. The means of determining the amount to charge a customer with both residential and nonresidential usage established by this subsection shall not preclude any customer from apportioning all or any portion of the charge among the various users on any other basis.
- (Sec. 11-6.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 6, § 14-6.3) (Am. Ords. 89-80, 03-32)

**§ 43-6.3 Sewer service charge schedules.**

- (a) Sewer service charge schedules are listed separately in Appendix 43-A of this chapter.
  - (b) The department shall review the sewer charge schedule as frequently as may be necessary or proper to comply with any agreements with holders of bonds of the city issued to finance facilities constituting part of the public wastewater system, but not less frequently than annually, and recommend to the council revisions, as necessary, to reflect the actual operation and maintenance costs of the public wastewater system and debt service, reserve and other coverage requirements on bonds of the city issued to finance facilities constituting a part of the public wastewater system.
  - (c) The department shall annually notify all users of the public sewer system of their current sewer service charge rate and that portion of their rate that is attributable to wastewater treatment services in accordance with 40 CFR § 35.2140(c). Notification may be in conjunction with a regular bill, newspaper notice, or other means acceptable to the EPA regional administrator.
- (Sec. 11-6.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 14, Art. 6, § 14-6.4) (Am. Ords. 96-58, 98-19, 01-52)

**§ 43-6.4 Determination of residential user discharge.**

Residential users may, upon request to the director and the director's approval, be permitted to install and maintain at the user's expense, a water meter for submetering nonsewer water. The property owner shall, at the

owner's expense, do any necessary plumbing, subject to departmental inspection, to separate the types of water use and shall provide for the meter to be located adjacent to the primary water meter and within the public right-of-way or at a location approved by the director.

(1990 Code, Ch. 14, Art. 6, § 14-6.4A) (Added by Ord. 97-07; Am. Ord. 98-06)

#### § 43-6.5 Determination of discharge.

- (a) Dischargers using private wells or other private water sources will be required to install, at their own expense, water meters approved by the director for measuring the supplemental water quantity or, alternatively, they will be required to install, at their own expense and at the appropriate location, a calibrated flume, weir, flow meter, or similar device approved by the director for measuring wastewater quantity. A flow recording and totalizing register will also be required, and measurements to verify the quantities of waste flows will be performed on a random basis by the department. Residential users not served by the city water system shall be charged on the basis of the monthly base charge rates provided for in Appendix 43-A.
- (b) Because of landscape irrigation or consumptive usage, some nonresidential users may discharge substantially less than 80 percent of their metered water usage to the sanitary sewer system. Those users may, upon request to the director, be permitted to have the amount of water being discharged to the sewer determined by one of the methods listed below. The specific method to be used will be selected by the director based on considerations of cost of installation and anticipated accuracy of the method.
  - (1) *Method one.* The user shall install and maintain at the user's expense a calibrated flume, weir, flow meter, or similar device approved by the director as to type and location to measure the user's wastewater discharge. In the latter case, a flow meter and totalizing register will be required and measurements to verify the quantity of wastewater flow will be performed on a random basis by the director. The property owner shall install at the owner's expense a suitable vault for installing the flow meter. The vault shall be located on the user's sewer lateral or building sewer at a location approved by the director, and the department shall be granted access rights.
  - (2) *Method two.* The user shall install and maintain at the user's expense a water meter for submetering the water discharging to the public sewer. The property owner shall at the owner's expense do any necessary plumbing subject to department inspection to separate the types of water use and provide for the meter to be located adjacent to the primary water meter and within the public right-of-way or at a location approved by the director.
  - (3) *Method three.* If the director determines that it is impractical for a user to employ method one or method two as a result of physical difficulty or excessive cost, the director may permit the user to estimate the amount of wastewater reasonably anticipated to be discharged to the public sewer. The user's estimate may be based upon average historical water use during wet weather periods or upon any other reasonable basis, and may be based upon flow meter tests if practical. The director shall review the data submitted by the user and may modify the user's estimate, where appropriate. The decision of the director shall be final if method three is used. If a user is not satisfied with the determination under method three, the user shall have the right to require at the user's expense use of method one or method two for determination of the amount of wastewater discharge to the public sewer.

(Sec. 11-6.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 6, § 14-6.5) (Am. Ord. 89-80)

**§ 43-6.6 Nonresidential strength surcharges.**

- (a) In addition to user charges based solely on quantity, nonresidential users shall also be subject to a strength surcharge in accordance with § 43-1.8(i). A monitoring program shall be initiated by the department to periodically measure the strength characteristics of wastewater discharges from these users, in accordance with § 43-1.8(k).
- (b) The nonresidential user charge schedule applies to domestic strength wastewater having an average suspended solids loading of 200 mg/L. The charge to a nonresidential user whose wastewater loading exceeds 200 mg/L shall be determined by means of the following formula, where  $SSm$  equals the measured suspended solids loading for that user and  $c$  is the user's charge per 1,000 gallons of either water usage or wastewater discharge, whichever applies.

$$\text{Charge per 1000 gallons} = c \left[ 0.857 + \frac{0.143(SSm)}{200} \right]$$

- (c) All nonresidential users that discharge wastewater having suspended solids loadings greater than 200 mg/L shall be identified by the department and shall be subject to this strength surcharge, effective upon the completion of construction of Phase II, Sand Island sewage treatment plant.
  - (d) Strength surcharges for BOD<sub>5</sub> shall not be levied against nonresidential users until completion of the west and east Mamala Bay secondary treatment facilities, as applicable.
  - (e) The actual formulas for water usage and wastewater discharge are shown in the sewer service charge schedules listed separately in Appendix 43-A.
- (Sec. 11-6.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 6, § 14-6.6) (Am. Ords. 96-58, 12-7)

**§ 43-6.7 Payment of bills.**

- (a) All bills shall be due and payable upon deposit in the United States mail or upon the presentation to the consumer. Payment shall be made to collectors duly authorized by the city.
  - (b) Any bill that is not paid within 30 days after presentation or deposit in the United States mail shall be deemed delinquent and the water service by the board of water supply may be discontinued five business days after written notice is given to the consumer. For consumers not served by the board of water supply, the department may use any reasonable means to effectively terminate the discharge into the public sewer.
  - (c) A service fee for handling a dishonored check may be made in accordance with fees established by the department.
- (Sec. 11-6.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 6, § 14-6.7)

## APPENDIX 43-A: SEWER SERVICE CHARGE SCHEDULES

The charges in column 1 apply to all customers, except those customers for which a sewer service contract/agreement exists between the customer and the City and County of Honolulu that provides that column 2 charges shall apply. Sewer service contracts/agreements that allow column 2 charges are intended for customers who have paid their share of capital costs of collection, treatment and disposal of their wastewater by the city.

<i>Residential Sewer Service Charges</i>			
	<i>Effective July 1 of:</i>	<i>1</i>	<i>2</i>
Single-family and duplex dwellings served by city water system per dwelling unit per month			
1. Monthly base charge	2012	\$63.23	\$49.87
	2013	\$65.76	\$51.86
	2014	\$68.39	\$53.94
	2015	\$71.81	\$56.64
	2016	\$77.55	\$61.17
2. Charge per 1,000 gallons of metered water consumed, the water consumed reduced by the water irrigation factor of 20 percent; provided that residential users who install and maintain a water meter for submetering nonsewer water shall not have the water consumed reduced by the water irrigation factor	2012	\$3.77	\$3.77
	2013	\$3.93	\$3.93
	2014	\$4.08	\$4.08
	2015	\$4.29	\$4.29
	2016	\$4.63	\$4.63
Single-family and duplex dwellings not served by city water system per dwelling unit per month	2012	\$90.14	\$84.08
	2013	\$94.03	\$87.45
	2014	\$97.79	\$90.94
	2015	\$102.68	\$95.49
	2016	\$110.89	\$103.13
Multiple-unit dwellings served by city water system per dwelling unit per month			
1. Monthly base charge	2012	\$43.47	\$34.28
	2013	\$45.21	\$35.66
	2014	\$47.02	\$37.08

<i>Residential Sewer Service Charges</i>			
	<i>Effective July 1 of:</i>	<i>1</i>	<i>2</i>
	2015	\$49.37	\$38.94
	2016	\$53.32	\$42.05
2. Charge per 1,000 gallons of metered water consumed, the water consumed reduced by the water irrigation factor of 20 percent; provided that residential users who install and maintain a water meter for submetering nonsewer water shall not have the water consumed reduced by the water irrigation factor	2012	\$3.77	\$3.77
	2013	\$3.93	\$3.93
	2014	\$4.08	\$4.08
	2015	\$4.29	\$4.29
	2016	\$4.63	\$4.63
Multiple-unit dwellings not served by city water system per dwelling unit per month	2012	\$70.65	\$55.72
	2013	\$73.47	\$57.95
	2014	\$76.41	\$60.27
	2015	\$80.23	\$63.28
	2016	\$86.65	\$68.34

<i>Nonresidential Sewer Service Charges</i>			
	<i>Effective July 1 of:</i>	<i>1</i>	<i>2</i>
Domestic Strength Wastewater:			
1. Metered Water Usage			
(1) Monthly base charge per equivalent single family dwelling unit (ESDU)	2012	\$63.23	\$49.87
	2013	\$65.76	\$51.86
	2014	\$68.39	\$53.94
	2015	\$71.81	\$59.64
	2016	\$77.55	\$61.17
(2) Charge per 1,000 gallons of metered water consumed, the water consumed reduced by the water irrigation factor of 20 percent	2012	\$3.77	\$3.77
	2013	\$3.93	\$3.93
	2014	\$4.08	\$4.08
	2015	\$4.29	\$4.29
	2016	\$4.63	\$4.63

# Sewer Service Charge Schedules

App. 43-A

<i>Nonresidential Sewer Service Charges</i>			
	<i>Effective July 1 of:</i>	<i>1</i>	<i>2</i>
2. Metered Wastewater Discharge			
(1) Monthly base charge per equivalent single family dwelling unit (ESDU)	2012	\$63.23	\$49.87
	2013	\$65.76	\$51.86
	2014	\$68.39	\$53.94
	2015	\$71.81	\$59.64
	2016	\$77.55	\$61.17
(2) Charge per 1,000 gallons	2012	\$3.77	\$3.77
	2013	\$3.93	\$3.93
	2014	\$4.08	\$4.08
	2015	\$4.29	\$4.29
	2016	\$4.63	\$4.63
Extra Strength Wastewater			
1. Charge per 1,000 gallons of metered water consumed, the water consumed reduced by the water irrigation factor of 20 percent, use the following formula:  0.857 + 0.143(SSm/200) multiplied by applicable rate	2012	\$3.77	\$3.77
	2013	\$3.93	\$3.93
	2014	\$4.08	\$4.08
	2015	\$4.29	\$4.29
	2016	\$4.63	\$4.63
2. Charge per 1,000 gallons of wastewater discharge, use the following formula:  0.857 + 0.143(SSm/200) multiplied by applicable rate	2012	\$3.77	\$3.77
	2013	\$3.93	\$3.93
	2014	\$4.08	\$4.08
	2015	\$4.29	\$4.29
	2016	\$4.63	\$4.63

(1990 Code, Ch. 14, App. 14-B) (Added by Ord. 12-7)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 7: PUMPING OR TREATING OF CESSPOOLS

### Sections

- 43-7.1 Generally
- 43-7.2 Requirements
- 43-7.3 Service charge
- 43-7.4 Payment of bills
- Appendix 43-B: Cesspool charge schedules

### § 43-7.1 Generally.

#### (a) *Services to be provided for.*

- (1) Services under this article will be provided only to properties for which a public sewer is not available or accessible and are classified as residential under § 43-6.2(a) of this chapter.
- (2) Services will not be provided to properties classified as nonresidential. Nonresidential properties are required to obtain service from private establishments.

#### (b) *Procedure.*

- (1) An occupant or owner of residential property may request to have a cesspool serviced by the department.
- (2) The department may, at its option, use chemical treatment in lieu of pumping.  
(Sec. 11-7.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 7, § 14-7.1) (Am. Ord. 02-60)

### § 43-7.2 Requirements.

- (a) *Maintenance of cesspool.* The owner shall maintain the owner's cesspool in a safe, serviceable condition and readily accessible to the department's crew. Failure to exercise reasonable care to minimize the frequency of servicing may result in termination of pumping or treatment services by the department.
- (b) *Replacement and rehabilitation of cesspools.* Any cesspool requiring one or more pumping per week for a period of three weeks shall be replaced or rehabilitated within 90 days after the owner or person legally responsible has been notified to do so by the director. Failure to take corrective action required by the director may result in termination of pumping services by the department.  
(Sec. 11-7.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 7, § 14-7.2)

**§ 43-7.3 Service charge.**

(a) *Pumping.*

- (1) A charge shall be made for pumping cesspools. The person requesting the service shall have the choice of either paying on a per-call basis or on a monthly contract basis. A person who elects to be serviced on a contract basis must apply to the department. Except as otherwise provided in this subdivision, no contract shall extend beyond June 30, 2004. After June 30, 2004, the charge for pumping cesspools shall be on a per-call basis only; provided that any owner or occupant whose property is included within a sewer improvement district for which an assessment ordinance has been enacted before June 30, 2004, may elect to pay for service on a contract basis until the prescribed deadline in the notice to connect to the sewer system or as may be allowed by an extension to the deadline approved by the director.
- (2) An eligible household shall be entitled to pay reduced per-call cesspool pumping service charges. For purposes of this section, an “eligible household” is that which does not exceed the U.S. Department of Housing and Urban Development (HUD) low-income limit adjusted for family size. The eligible household must apply for a loan through the department of community services housing rehabilitation loan program for wastewater disposal system rehabilitation/reconstruction to rehabilitate or reconstruct their wastewater disposal system. Only if the eligible household does not otherwise qualify for a housing rehabilitation loan program will the eligible household be entitled to pay reduced per-call cesspool pumping service charges, retroactive to the date of initial application for the rehabilitation loan with the department of community services.
- (3) No charge shall be made for pumping a cesspool that is being chemically treated by the city and payment is being made for the service.

(b) *Chemical treatment.* A monthly charge shall be made for any cesspool under chemical treatment.

(c) *Cesspool service charge schedule.* Cesspool service charge schedules are listed in Appendix 43-B of this chapter.

(Sec. 11-7.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 7, § 14-7.3) (Am. Ords. 01-52, 02-60, 04-37)

**§ 43-7.4 Payment of bills.**

- (a) All bills shall be due and payable upon deposit in the United States mail or upon other presentation to the consumer. Payment shall be made to collectors duly authorized by the city.
- (b) Any bill that is not paid within 30 days after presentation or deposit in the United States mail shall be deemed delinquent and the water service by the board of water supply may be discontinued five business days after written notice is given to the consumer. For consumers not served by the board of water supply, the department may use any reasonable means to effectively terminate the discharge into the public sewer.
- (c) A service fee for handling a dishonored check may be made in accordance with fees established by the department.

(Sec. 11-7.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 7, § 14-7.4)

## APPENDIX 43-B: CESSPOOL CHARGE SCHEDULES

A. Reserved

B. The following charges shall be effective from July 1, 2004:

1. Pumping cesspool on a per-call basis:

For a single truckload or fraction thereof:

- |   |          |
|---|----------|
| a. Regular rate   | \$132.90 |
| b. Reduced rate for owners or occupants determined to be “low-income” by the director pursuant to § 43-7.3(a) | \$86.50  |

2. Chemically treated cesspool:

- |   |         |
|---|---------|
| a. Single-family and duplex dwellings, per dwelling unit served per month | \$55    |
| b. Multiple-unit dwellings, per dwelling unit served per month            | \$38.50 |

(1990 Code, Ch. 14, App. 14-C) (Added by Ord. 01-52; Am. Ords. 02-60, 04-37)

***Editor’s note:***

*For rebate of cesspool charges, see § 5 of Ord. 04-37.*

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 8: SEWER FUND

### Sections

- 43-8.1 Creation
- 43-8.2 Purpose
- 43-8.3 Authority
- 43-8.4 Refunds

#### **§ 43-8.1 Creation.**

There is created and established a special fund to be known as the “sewer fund.”  
(Sec. 11-8.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 8, § 14-8.1)

#### **§ 43-8.2 Purpose.**

- (a) All moneys received by the city pursuant to § 204 (b)(1)(B) of the Federal Water Pollution Control Act amendments of 1972 (P.L. 92-500), § 6-47.1, and Articles 1 through 10 shall be deposited into the sewer fund and shall be appropriated and expended for the purposes authorized by federal or State law, the implementation of Articles 1 through 10, or other purposes specified by ordinance. Notwithstanding the foregoing, except for moneys expended for: (1) debt service payments on reimbursable general obligation bonds and other financings; or (2) repayments of interfund transfers and loans, where the proceeds from such bonds, financings, interfund transfers or loans were used to pay wastewater expenditures that are currently paid for by the sewer fund or sewer revenue bond improvement fund, no moneys shall be expended from the sewer fund to reimburse the general fund for expenses incurred in prior fiscal years.
- (b) In addition, all moneys received by the city from the board of water supply for the sale or long-term lease or rental of a city-owned treatment works to the board shall be deposited into the sewer fund and shall be appropriated and expended only for the following purposes:
  - (1) Land acquisition, planning, design, engineering, construction, inspection, relocation, or equipment necessary for the establishment of a new city-owned treatment works or improvement of an existing city-owned treatment works;
  - (2) Payment of debt service on outstanding sewer revenue bonds;
  - (3) Repayment of an outstanding loan from the State water pollution control revolving fund that was used to construct or improve the sold, leased, or rented city-owned treatment works; or
  - (4) Reimbursement of the federal or State government when the sale or long-term lease or rental to the board of water supply of the city-owned treatment works has violated a term or condition of a federal or State grant that was used to construct or improve the works.

For this subsection, “city-owned treatment works” means a publicly owned treatment works, means the lease as defined under § 43-1.2, that is owned by the city and “long-term lease or rental of a city-owned treatment works” means the lease or rental of all or a portion of a city-owned treatment works that has been approved by the council pursuant to § 28-4.1.

(Sec. 11-8.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 8, § 14-8.2) (Am. Ords. 94-32, 98-21, 02-14, 02-55, 05-006)

**§ 43-8.3 Authority.**

The director of budget and fiscal services shall take any and all actions necessary to effect compliance with this article.

(Sec. 11-8.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 8, § 14-8.3) (Am. Ords. 93-04, 02-55)

**§ 43-8.4 Refunds.**

Any payments heretofore made pursuant to the “in-lieu charges to tax exempt users” before the effective date of this section shall be refunded.

(Sec. 11-8.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 8, § 14-8.4) (Am. Ord. 93-04)

## **ARTICLE 9: TERMINATION OF WATER SERVICE**

### Section

#### 43-9.1 Authorization

##### **§ 43-9.1 Authorization.**

It has been determined that termination of water service to enforce payment of sewer service charges is necessary and that termination of water service to industrial users for violations pursuant to § 43-5.7(b) may be necessary. Therefore, the board of water supply is given the authority to terminate water service for delinquency in payment of sewer service charges or pursuant to § 43-5.7(b) when so directed by the director.  
(Sec. 11-9.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 9, § 14-9.1) (Am. Ord. 94-73)

## **Honolulu - Public Health, Safety, and Sanitation**

## ARTICLE 10: WASTEWATER SYSTEM FACILITY CHARGES

### Sections

- 43-10.1 Liability for payment of wastewater system facility charges
  - 43-10.2 Time of payment
  - 43-10.3 Residential wastewater system facility charges
  - 43-10.4 Nonresidential wastewater system facility charges
  - 43-10.5 Mixed residential and nonresidential wastewater system facility charges
  - 43-10.6 Reduction of wastewater system facility charges for low-income housing projects
  - 43-10.7 Waiver of wastewater system facility charges for accessory dwelling unit projects
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  - 43-10.9 Development agreement required for projects seeking waivers of charges for affordable housing
- Appendix 43-C: Wastewater system facility charges

### § 43-10.1 Liability for payment of wastewater system facility charges.

#### (a) *New applicants for service.*

- (1) All applicants for structures to be completed after October 24, 1990\* shall be liable for the payment of wastewater system facility charges, provided that they will be served directly or indirectly by the city's wastewater system.
- (2) Applicants for structures on any existing vacant, residential zoned property shall be exempt from paying a system facility charge for connecting one equivalent single-family dwelling unit to the city's wastewater system. In the event more than one equivalent single-family dwelling unit is connected to the system, system facility charges shall be assessed for each additional equivalent single-family dwelling unit connected.
- (3) Applicants for structures on any vacant residential zoned property that is created in accordance with city subdivision rules after October 24, 1990\* shall be assessed system facility charges for each equivalent single-family dwelling unit connected to the system.
- (4) Applicants for structures to be completed after October 24, 1990\* that will initially be served by either private individual wastewater disposal systems or private wastewater treatment plants shall be subject to a deferred wastewater system facility charge. Payment of the deferred charge shall not be required until such time as connection is actually made either directly or indirectly to the city's wastewater system.
- (5) All other applicants for structures to be completed after October 24, 1990\* that will be served either directly or indirectly by the city's wastewater system shall be subject to the wastewater system facility charge, including federal, State, city, charitable, religious, or other tax-exempt entities; except that the wastewater system facility charge shall be reduced for low-income housing projects in accordance with § 43-10.6.

(b) *Existing structures.*

- (1) All existing structures as of October 24, 1990\* that are currently served either directly or indirectly by the city's wastewater system or by private individual disposal systems or treatment plants, shall be exempt from the wastewater system facility charge with respect to their existing wastewater system capacity entitlement. Structures that are determined to be illegal by the city shall not be entitled to any wastewater system facility charge exemption.
- (2) The existing wastewater system capacity entitlement for residential structures shall be based on the number and type of existing dwelling units.
- (3) The existing wastewater system capacity entitlement for nonresidential structures shall be based on the size of the existing water meter serving the existing structures as determined from board of water supply water service records. For those structures served by a private water well, the water meter size shall be determined from the State department of land and natural resources records.
- (4) The owner of an existing residential or nonresidential structure shall be liable for the wastewater system facility charge increment associated with any enlargement of the existing structures or for any increase in the owner's wastewater system capacity entitlement.

(1990 Code, Ch. 14, Art. 10, § 14-10.1) (Added by Ord. 90-80; Am. Ord. 04-12)

***Editor's note:***

\* "October 24, 1990" is substituted for "the effective date of this article."

**§ 43-10.2 Time of payment.**

(a) *Residential service.*

(1) *New residential applicants for service.*

- (A) A wastewater system facility charge shall be paid by each new applicant for service as a precondition to the issuance of a building permit by the city, where the new applicant is subject to liability under § 43-10.1(a); provided that the director of planning and permitting may defer payment of the facility charge for low-income housing projects and city or city-sponsored, or State or State-sponsored housing projects, but in all instances no connection to the city's sewer system shall be allowed until the facility charge is paid. The required payment shall be based on the number and type of dwelling units to be constructed in accordance with § 43-10.3.
- (B) Wastewater system facility charges for subdivision or development projects shall be paid as a precondition to issuance of building permits for the subdivision by the city. The minimum required payment shall be based on one equivalent single-family dwelling unit per lot. In the event more than one equivalent single-family dwelling unit is constructed per lot, wastewater system facility charges for each additional unit shall be paid as a precondition to the issuance of a building permit by the city; provided that the director of planning and permitting may defer payment of the facility charge for low-income housing projects and city or city-sponsored, or State or State-sponsored housing projects, but in all instances, no connection to the city's sewer system shall be allowed until the

facility charge is paid. Subdivision or development projects that have received final subdivision approval before October 24, 1990\* shall be exempt from paying the minimum one equivalent single-family dwelling unit charge.

(2) *Existing residential structures.*

- (A) An existing residential structure is exempt from liability under § 43-10.1 for its existing wastewater system capacity entitlement.
- (B) An applicant for a building permit to enlarge an existing residential structure shall be liable for the wastewater system facility charge increment associated with the enlargement project, based on the number and type of dwelling units to be constructed in accordance with § 43-10.3. Payment of the charge shall be a precondition to the issuance of a building permit by the city.

For the purposes of this subsection, “city or city-sponsored housing project” means any one or more of the following: a housing project that is city-owned, city-funded or developed pursuant to any one or more of the following: HRS § 46-15 or 46-15.2 or under HRS Chapter 201H as applicable to the city through HRS § 46-15.1, “State or State-sponsored housing project” means a housing project that is any one or more of the following: State-owned, State-funded, or developed under HRS Chapter 201H, and “low-income housing project” has the same meaning as defined in § 43-10.6; provided that a “city or city-sponsored housing project” and a “State or State-sponsored housing project” may also be a “low-income housing project” for purposes of the reduction of the wastewater system facility charges pursuant to § 43-10.6.

(b) *Nonresidential service.*

- (1) *New nonresidential applicants for service.* A wastewater system facility charge shall be paid by each new nonresidential applicant for service as a precondition to the issuance of a building permit by the city, where the new applicant is subject to liability under § 43-10.1(a). The required payment shall be based on the procedures indicated in § 43-10.4.
- (2) *Existing nonresidential structures.*
  - (A) An existing nonresidential structure is exempt from liability under § 43-10.1(b) for its existing wastewater system capacity entitlement.
  - (B) An applicant for a building permit to enlarge an existing nonresidential structure shall be liable for the wastewater system facility charge increment associated with the enlargement project, based on the procedures set forth in § 43-10.4. Payment of the charge shall be a precondition to the issuance of a building permit by the city.
  - (C) An applicant wishing to increase its wastewater system capacity entitlement when no increase in structure size is required, shall be liable for the wastewater system facility charge increment associated with the increase, based on the procedures set forth in § 43-10.4. Payment of the charge shall be a precondition to the issuance of a building permit by the city.

(c) *Mixed residential and nonresidential service.*

(1) *New mixed applicants for service.* A wastewater system facility charge shall be paid by each new applicant for service as a precondition to the issuance of a building permit by the city, where the applicant is subject to liability under § 43-10.1(a); provided that the director of planning and permitting may defer payment of the facility charge applicable to the residential portion of a city or city-sponsored or State or state-sponsored housing project upon consideration of the applicant's financial situation, but in all instances no connection to the city's sewer system shall be allowed until the charge is paid. The required payment shall be based on the procedures set forth in § 43-10.5.

(2) *Existing mixed structures.*

(A) An existing structure is exempt from liability under § 43-10.1(b) for its existing wastewater system capacity entitlement.

(B) An applicant for a building permit to enlarge an existing structure shall be liable for the wastewater system facility charge increment associated with the enlargement project, based on the procedures set forth in § 43-10.5. Payment of that charge shall be a precondition to the issuance of a building permit by the city.

(C) An applicant wishing to increase its wastewater system capacity entitlement to accommodate a change in use of the existing structure shall be liable for the wastewater system facility charge increment associated with the increase, based on the procedures set forth in § 43-10.5. Payment of that charge shall be a precondition to the issuance of a building permit by the city.

For the purposes of this subsection, "city or city-sponsored housing project" means any one or more of the following: a housing project that is city-owned, city-funded, or developed pursuant to any one or more of the following: HRS § 46-15 or 46-15.2 or under HRS Chapter 201H as applicable to the city through HRS § 46-15.1, and "State or State-sponsored housing project" means any one or more of the following: a housing project that is State-owned, State-funded or developed under HRS Chapter 201H.

(1990 Code, Ch. 14, Art. 10, § 14-10.2) (Added by Ord. 90-80; Am. Ords. 95-11, 04-12, 12-7)

***Editor's note:***

\* "October 24, 1990" is substituted for "the effective date of this article."

**§ 43-10.3 Residential wastewater system facility charges.**

(a) Each applicant for a residential building permit for a new structure, or for an enlargement of an existing structure, shall be required to pay a wastewater system facility charge based on the total number of equivalent single-family dwelling units in the project to be constructed, provided that the director shall reduce the amount of the facility charge upon consideration of the applicant's financial contribution for backup facilities constructed or to be constructed for the project and dedicated or to be dedicated to the city.

This requirement applies to those new applicants for service and to those existing structures that are subject to liability under § 43-10.1.

(b) The following weights shall be assigned to the various categories of residential developments for wastewater system facility charge purposes:

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<i>Description</i>	<i>Number of ESDUs Per Unit</i>
Single-family dwellings, duplexes, triplexes, and quadraplexes	1.0
Multiple-family dwellings (five units or more), condominiums, townhouses, retirement homes, mobile homes, and housing projects	0.7

(c) The applicable wastewater system facility charge per ESDU is set forth in Appendix 43-C of this chapter. (1990 Code, Ch. 14, Art. 10, § 14-10.3) (Added by Ord. 90-80; Am. Ord. 01-52)

### § 43-10.4 Nonresidential wastewater system facility charges.

- (a) Each applicant for a nonresidential building permit for a new structure, or for an enlargement of an existing structure, or for an increase in the wastewater system entitlement shall be required to pay a wastewater system facility charge based on the imputed number of equivalent single-family dwelling units in the project to be constructed, provided that the director shall reduce the amount of the facility charge upon consideration of the applicant's financial contribution for backup facilities constructed or to be constructed for the project and dedicated or to be dedicated to the city.

This requirement applies to those new applicants for service and to those existing structures that are subject to liability under § 43-10.1.

- (b) The new applicant for service, or an owner wishing to increase the owner's wastewater system capacity entitlement, shall be required to obtain from the board of water supply, or from the State department of land and natural resources in the case of private water wells, the size of water meter to be provided for the project to be constructed. The number of ESDUs shall be determined from the following table based on the water meter size:

<i>Meter Size (in inches)</i>	<i>Number of ESDUs</i>
5/8	1
3/4	1
1	2.4
1-1/2	5.8
2	13
3	33
4	57
6	87

- (c) The applicable wastewater system facility charge per ESDU for domestic strength wastewater is set forth in Appendix 43-C of this chapter.

- (d) With respect to wastewater strength, a reasonable estimate of the suspended solids loading shall be consistent with the estimates used by the department for strength surcharge purposes, in accordance with § 43-6.6.
- (e) The applicable wastewater system facility charge for extra-strength wastewater shall be based on the following formula:

$\text{Wastewater System Facility Charge for extra-strength wastewater} = A + ((SSi/200) \times B)$
<p style="text-align: center;">where SSi = the imputed suspended solids loading, in mg/L</p>

The applicable values for terms “A” and “B” in the above formula are set forth in Appendix 43-C of this chapter.

- (f) All nonresidential applicants who are liable for payment under this article may install a sub-water meter to monitor their sewage discharge.
- (1990 Code, Ch. 14, Art. 10, § 14-10.4) (Added by Ord. 90-80; Am. Ord. 01-52)

**§ 43-10.5 Mixed residential and nonresidential wastewater system facility charges.**

- (a) Each applicant for a building permit for a new structure, or the owner of an existing structure who wishes to increase the owner’s wastewater system capacity entitlement, shall be required to pay a wastewater system facility charge based on the number of equivalent single-family dwelling units in the project to be constructed. This requirement shall be applicable to those new applicants for service and to those existing structures that are subject to liability under § 43-10.1.
  - (b) The new applicant for service, or the owner of an existing structure who wishes to increase the owner’s current wastewater system capacity entitlement, shall be required to install a sub-water meter to monitor the water flow to the nonresidential units. The number of ESDUs shall be determined in accordance with § 43-10.3 for the residential units and § 43-10.4 for the nonresidential units.
- (1990 Code, Ch. 14, Art. 10, § 14-10.5) (Added by Ord. 90-80; Am. Ord. 12-7)

**§ 43-10.6 Reduction of wastewater system facility charges for low-income housing projects.**

- (a) A developer of low-income housing may apply for a reduction of wastewater system facility charges in accordance with this section.
- (b) An applicant for a reduction of wastewater system facility charges shall provide the city with information, as prescribed by the director, to demonstrate that the applicant is developing a low-income housing project and otherwise qualifies for a reduction of the city’s wastewater system facility charges.
- (c) If the city determines that an applicant qualifies for a reduction of the wastewater system facility charges, the city shall reduce the charges only for those housing units in the applicant’s housing project that are to be sold or rented to low-income households. The reduced charges shall be as provided in Appendix 43-C(2).
- (d) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

**Director.** The director of environmental services.

**Low-income.** Has the same meaning as defined in § 8-10.17.

**Low-Income Housing Project.** A housing project in which at least 25 percent of the units are reserved for rent for low-income housing pursuant to an agreement with the county, State or federal government, or reserved for sale to low-income households.

**Low-Income Housing Unit.** A housing unit in the applicant's housing project that is sold or rented to a low-income household.

- (e) If a developer to whom a reduction has been granted under this section sells a low-income housing unit in a low-income housing project to other than a low-income household, or rents a low-income housing unit in a low-income housing project to other than a low-income household within any period in which the sale or rental of the unit is prohibited by any agreement with the county, State, or federal government, the developer shall notify the director of environmental services within 30 days of such sale or rental and shall, within such 30-day period, pay to the city the difference between the wastewater system facility charge that would have been applicable under Appendix 43-C(1), and the reduced charge that was paid under Appendix 43-C(2), plus interest on the difference at 8 percent per year from the date of payment of the reduced wastewater system facility charge for the housing unit.
- (f) In accordance with HRS Chapter 91, the director may adopt rules having the force and effect of law for the implementation, administration and enforcement of this section.  
(1990 Code, Ch. 14, Art. 10, § 14-10.6) (Added by Ord. 04-12)

#### § 43-10.7 Waiver of wastewater system facility charges for accessory dwelling unit projects.\*

The wastewater system facility charges, as set forth in Appendix 43-C of this chapter, for the creation of an "accessory dwelling unit," as defined in § 21-10.1, will be waived. The wastewater system facility charges that were collected for the creation of "accessory dwelling units" from September 14, 2015, will be reimbursed if requested by the permittee.

(1990 Code, Ch. 14, Art. 10, § 14-10.7) (Added by Ord. 16-19; Am. Ords. 17-30, 20-20)

**\*Editor's note:**

*Section 43-10.7 will be repealed on June 30, 2025, in accordance with Ord. 17-30.*

#### § 43-10.8 Waiver of wastewater system facility charges for affordable dwelling units.\*\*

- (a) Wastewater system facility charges, as set forth in Appendix 43-C of this chapter will be waived for the following:
  - (1) Affordable dwelling units as defined in and as provided on-site or off-site pursuant to Chapter 29;
  - (2) 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;
  - (3) Affordable rental dwelling units developed in compliance with HRS § 201H-36(a)(5);

(4) Affordable rental housing units that:

(A) Are rented to households earning 100 percent and below of the AMI; and

(B) 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 32; or

(5) The residential portion of the dwelling units that are sold to households earning 100 percent and below of the AMI in developments for which at least 75 percent of the total number of dwelling units in the development are sold to households earning 120 percent and below of the AMI.

(b) An applicant for a waiver of wastewater system facility charges under this section must provide the city with information, as prescribed by the director, to demonstrate that the applicant qualifies for the waiver.

(Added by Ord. 18-1; Am. Ords. 19-8, 20-11, 20-13)

**\*\*Editor's note:**

*Amendments made to Section 43-10.8 in Ord. 18-1, as amended by Ord. 19-8, will be repealed on June 30, 2027, in accordance with Ords. 18-1 and 19-8.*

**§ 43-10.9 Development agreement required for projects seeking waivers of charges 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 wastewater system facility charges for affordable dwelling units pursuant to § 43-10.8(a)(5), 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 wastewater system facility charges waived for the proportion of affordable units sold to households earning 100 percent and below of the AMI.

(Added by Ord. 20-11)

## **Honolulu - Public Health, Safety, and Sanitation**

### APPENDIX 43-C: WASTEWATER SYSTEM FACILITY CHARGES

The following wastewater system facility charges are established in accordance with §§ 43-10.3, 43-10.4, 43-10.5, and 43-10.6, to be effective the first day of such fiscal year:

- (1) Residential wastewater system facility charge per ESDU:

<i>Fiscal Year</i>	<i>Amount (dollars)</i>
2011/12	\$5,707
2012/13	\$5,878
2013/14	\$6,055
2014/15	\$6,236
2015/16	\$6,424
2016/17	\$6,616

- (2) Low-income housing wastewater system facility charges per ESDU:

<i>Fiscal Year</i>	<i>Amount (dollars)</i>
2011/12	\$1,180
2012/13	\$1,216
2013/14	\$1,252
2014/15	\$1,290
2015/16	\$1,329
2016/17	\$1,368

- (3) Nonresidential wastewater system facility charge for domestic strength wastewater per ESDU:

<i>Fiscal Year</i>	<i>Amount (dollars)</i>
2011/12	\$5,707
2012/13	\$5,878
2013/14	\$6,055
2014/15	\$6,236

<i>Fiscal Year</i>	<i>Amount (dollars)</i>
2015/16	\$6,424
2016/17	\$6,616

- (4) Nonresidential wastewater system facility charge for extra-strength wastewater per ESDU based on the following formula:

Wastewater System Facility Charge for extra-strength wastewater =  $A + ((SSi/200) \times B)$

where SSi = the imputed suspended solids loading, in mg/L and applicable values for terms “A” and “B” are set forth as follows:

<i>Fiscal Year</i>	<i>Terms in Extra-Strength Surcharge Formula (dollars)</i>	
	<i>A</i>	<i>B</i>
2011/12	\$4,906	\$801
2012/13	\$5,053	\$825
2013/14	\$5,205	\$850
2014/15	\$5,361	\$876
2015/16	\$5,522	\$902
2016/17	\$5,687	\$929

Each fiscal year, the council shall review the wastewater system facility charge to determine if it remains appropriate or should be revised.

(1990 Code, Ch. 14, App. 14-D) (Added by Ord. 01-52; Am. Ords. 03-11, 04-12, 05-019, 11-17)

## **ARTICLE 11: DRAINAGE, FLOOD, AND POLLUTION CONTROL**

### **Sections**

- 43-11.1 Legislative findings—Intent
- 43-11.2 Definitions
- 43-11.3 Adequacy of drainage
- 43-11.4 Considerations
- 43-11.5 Approval of drainage plans
- 43-11.6 Exceptions
- 43-11.7 Determination of boundary lines
- 43-11.8 Buildings adjacent to drainage facilities
- 43-11.9 Subdivision drainage facilities
- 43-11.10 Open drainways
- 43-11.11 Fences along improved channels
- 43-11.12 Connection to city-owned separate storm sewer system—Violation
- 43-11.13 Allocation of costs
- 43-11.14 Improvements under the improvement district assessment ordinance
- 43-11.15 Election by property owners to pay additional amounts
- 43-11.16 Land requirements and maintenance of drainage facilities
- 43-11.17 Exception
- 43-11.18 Inequities
- 43-11.19 Provisions subject to State statutes
- 43-11.20 Federal aid projects
- 43-11.21 Approval denied
- 43-11.22 Discharge of effluent other than stormwater runoff—Violation
- 43-11.23 Environmental quality control—Violation
- 43-11.24 Administrative enforcement
- 43-11.25 Judicial enforcement of order
- 43-11.26 Enforcement
- 43-11.27 Appeals
- 43-11.28 Violation provisions
- 43-11.29 Injunctive relief
- 43-11.30 Nonliability of department personnel
- 43-11.31 Rule-making powers
- 43-11.32 Decisions of the chief engineer

### **§ 43-11.1 Legislative findings—Intent.**

(a) The council finds that:

- (1) (A) Heavy rain storms have periodically created destructive floods in certain areas of the city threatening the lives of its inhabitants and causing heavy damage to property;

- (B) The continued development of these areas without providing adequate drainage and appropriate flood control measures would only aggravate the conditions conducive to flooding; and
  - (C) Every effort should be made to minimize flood damage potential and to protect the lives and property of the inhabitants of the city.
  - (2) There is a growing need to protect our city's natural watercourses and other vital water resources from contamination and pollution.
  - (3) Natural methods of drainage and soil infiltration, which absorb and slowly release runoff, are preferred methods of stormwater management.
  - (b) Therefore, the council deems it necessary to enact the ordinance codified in this article for the sound, economic development of the city and in the interests of the health, safety, and general welfare of the inhabitants of the city.
- (Sec. 16-6.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.1) (Am. Ord. 96-34)

**§ 43-11.2 Definitions.**

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

**Best Management Practices or BMPs.** Pollution control measures, applied to nonpoint sources, on-site or off-site, to control erosion and the transport of sediments and other pollutants that have an adverse impact on waters of the State. BMPs may include a schedule of activities, the prohibition of practices, maintenance procedures, treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, or drainage from raw material storage.

**Chief Engineer.** The director and chief engineer of facility maintenance, or the director and chief engineer's authorized representative.

**City.** The City and County of Honolulu.

**City Standards.** The storm drainage standards approved by the chief engineer, a copy of which shall be on file in the stormwater quality branch, department of facility maintenance. These standards are intended to be minimum standards only and are not to be construed as a guarantee to property owners adjacent to a drainage facility against flood or drainage damage.

**Department.** The department of facility maintenance of the City and County of Honolulu.

**Developer.** One who causes land to be developed.

**Development.** Land that is being developed or developed lands.

**Discharge.** The deposit, disposal, injection, dumping, spilling, leaking, or placing of any substance into a drainage facility or natural watercourse.

**Domestic Wastewater.** The water-carried wastes produced from noncommercial or nonindustrial activities and that result from normal human living processes.

**Drainage Facility.** Any city drainage structure or separate storm sewer system, including stream structures, constructed principally for the conveyance of storm and surface waters, street wash, or drainage.

**Drainage Problem.** The discharge of effluent or a pollutant onto a public right-of-way or into a drainage facility, or both, that causes the hydraulic capacity of that drainage facility to be exceeded and results in flooding. This definition includes the discharge of a pollutant that reduces the hydraulic capacity of a drainage facility by the deposit of solids therein.

**Effluent.** Any substance other than stormwater runoff that is discharged onto a public right-of-way or into a drainage facility, or both, including nonstormwater discharges that are not sources of pollutants, and any NPDES-permitted discharges.

**Engineering Control Facility.** Any drainage device such as a basin, well, pond, ditch, dam, or excavation used for the temporary or permanent storage of stormwater by means of detention, retention, divergence, or infiltration for the purpose of reducing stormwater volume or peak storm discharge flows, or both, and which may provide gravity settling of particulate pollutants. It includes but is not limited to detention ponds, retention ponds, infiltration wells or ditches, holding tanks, diversion ditches or swales, drainpipes, check dams, and debris basins.

**Flood or Flooding.** The inundation to a depth of 3 inches or more of any property not ordinarily covered by water. The terms shall not apply to inundation caused by tsunami wave action.

**Hazardous Substance.** Has the same meaning as defined in HRS § 342D-38.

**Industrial Wastewater.** All water-carried wastes and wastewater, excluding domestic wastewater.

**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 source 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 the city pursuant to Title 40 CFR Part 122, Subpart B, § 122.26(a)(1)(iii), for stormwater discharge from the city's separate storm sewer systems; or the permit issued to a person or property owner for a stormwater discharge associated with industrial activity pursuant to Title 40 CFR Part 122, Subpart B, § 122.26(a)(1)(ii), or other applicable sections of Part 122; or the permit issued to a person or property owner for the discharge of any pollutant from a point source into State waters through the city's separate storm sewer system pursuant to Hawaii Administrative Rules, Chapter 11-55, "Water Pollution Control."

**Person.** Includes corporations, estates, associations, partnerships, and trusts, as well as one or more individuals.

**Pollutant.** Any waste, cooking or fuel oil, waste milk, waste juice, pesticide, paint, solvent, radioactive waste, hazardous substance, sewage, dredged spoils, chemical waste, rock, sand, biocide, toxic substance, construction waste and material, and soil sediment. The term also includes commercial FOG waste as defined under § 43-5A.1.

**Pollution Problem.** The discharge of any pollutant into State waters directly or by conveyance through a drainage facility that creates a nuisance or adversely affects the public health, safety, or welfare, or causes a drainage facility to violate the city National Pollutant Discharge Elimination System permit or violates any State water quality standards.

**Private Storm Drain Connection.** Any conveyance of stormwater, including but not limited to any drainage pipe, ditch, or swale connected to any drainage facility or separate storm sewer system, including any curb or gutter.

**Property Owner.** The fee simple owner of record, lessee of record, administrator, administratrix, executor, executrix, personal representative, receiver, trustee, property management agent, or any other individual, corporation, or unincorporated association who has the use, control or occupation of land with claim of ownership, whether the owner's interest be in absolute fee or a lesser estate.

**Redevelopment.** Developed land which is subsequently subdivided or redeveloped or renovated.

**Relief Drain.** An additional drainage facility or an enlarged facility constructed in place of any existing drainage system.

**Remedial Work.** The construction or installation of catch basins or other devices to resolve localized drainage problems.

**Separate Storm Sewer.** A conveyance or system of conveyance including city roads and streets with drainage systems, catch basins, curbs, gutters, ditches, man-made channels, or storm drains owned by the city, and designated or used for collecting or conveying stormwater.

**State Waters.** Has the same meaning as defined in HRS § 342D-1.

**Stormwater.** Stormwater runoff, surface runoff, street wash, or drainage, and may include discharges from fire fighting activities.

**Stormwater Runoff Associated with Industrial Activity.** Stormwater discharge associated with industrial activity as defined in Title 40 CFR Part 122, Subpart B, § 122.26(b)(14).

**Water Quality Standards.** The State water quality standards adopted pursuant to HRS § 342D-5. (Sec. 16-6.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.2) (Am. Ords. 92-122, 96-34, 02-14)

### § 43-11.3 Adequacy of drainage.

No building permit shall be issued without the prior written approval of the chief engineer as to the adequacy of drainage within the areas designated by the shaded portions on the maps attached to the adopting ordinance and incorporated by reference as: Exhibit A - Waimanalo; Exhibit B-1 - Kailua-Kaneohe; Exhibit C - Kaneohe-Heeia; Exhibit D-1 - Heeia-Kahaluu; Exhibit E-1 - Kaalaea-Kahaluu; Exhibit F - Waiahole-Kualoa; Exhibit G - Kaaawa-Kahana; Exhibit I - Pupukea-Paumalu; Exhibit J - Waianae Kai-Makaha; Exhibit K - Lualualei-Nanakuli; Exhibit L - Pearl City-Waimalu; and Exhibit M - Niu Valley. (Sec. 16-6.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.3)

**§ 43-11.4 Considerations.**

In making a determination as to the adequacy of drainage the chief engineer shall consider topographic conditions, rainfall, runoff, land use, depth and width of drainage channels, size of other drainage facilities, and past history of flooding, including the extent of flooding.

(Sec. 16-6.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.4)

**§ 43-11.5 Approval of drainage plans.**

Any applicant for a building permit for the construction of a structure within the areas indicated in Exhibits A through M, mentioned in § 43-11.3, shall submit plans for the improvement or construction of drainage facilities to the chief engineer for approval. Upon approval of such plans, the applicant shall be entitled to the issuance of the building permit, if all other requirements of law have been complied with.

(Sec. 16-6.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.5)

**§ 43-11.6 Exceptions.**

If the application for a building permit otherwise qualifies under Chapter 16 and under all other applicable laws and rules, § 43-11.3 shall not apply to the issuance of a building permit for the following work:

- (1) To perform work permitted under § 301 of the Uniform Building Code on a building or structure dislocated or damaged by floods or rains. This exception shall not extend to the moving or relocation of a building or structure into another area within which the issuance of building permits is prohibited, as designated in § 43-11.3;
- (2) To perform work permitted under § 301 of the Uniform Building Code necessary or required to make an existing building or structure comply with applicable laws and rules;
- (3) To perform alterations or repairs to an existing structure or building that will not increase the number of inhabitants in the structure or building; and
- (4) To erect temporary structures, not for residential purposes, as permitted by Chapter 16.

The “Uniform Building Code” means the Building Code, as amended and adopted under Chapter 16, Article 1.

(Sec. 16-6.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.6) (Am. Ord. 96-58)

**§ 43-11.7 Determination of boundary lines.**

In the event of a dispute as to whether the property or proposed work of an applicant for a building permit falls within any area indicated by Exhibits A through M mentioned in § 43-11.3, the chief engineer shall determine from the plot plan submitted by the applicant the location of the property and the proposed work in relation to the reference points on the applicable exhibit. The decision of the chief engineer shall be final.

(Sec. 16-6.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.7)

**§ 43-11.8 Buildings adjacent to drainage facilities.**

All applications for a building permit for buildings or structures that will be located on property adjacent to any drainage facility shall be submitted to the chief engineer for review.

(Sec. 16-6.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.8)

**§ 43-11.9 Subdivision drainage facilities.**

- (a) In the case of subdivisions, the owner shall dedicate and the city accept the land or any interest in land necessary for the drainage facilities that are constructed to city standards and that are to be maintained and repaired (and operated as the case may be) by the city pursuant to HRS § 265A-1, by way of easements or in fee simple as determined by the chief engineer. The land document for stream improvements shall include the following covenant:

That the grantor shall include in all conveyances of its land in the vicinity of the stream improvement area a statement that the drainage structure was designed and constructed by the grantor or the grantor's authorized agent or developer to at least meet the minimum criteria set forth in the storm drainage standards of the city, dated \_\_\_\_\_, but that the city does not guarantee that the drainage structure is adequate to confine all flood waters to the stream improvement area.

- (b) In the case of subdivisions, drainage facilities that only serve private properties shall have easements in favor of the affected property owners. This includes interceptor ditches.
- (c) Before the subdivision of any land is approved by the chief engineer, the chief engineer shall check the subdivision plans against the areas of possible inundation in the watershed area as shown shaded on the maps incorporated by reference in § 43-11.3. Such possible inundated areas are to be designated "possible flood areas." No subdivision shall be approved by the chief engineer, unless all lots in a subdivision that are wholly or partially within the "possible flood area" designation have been subjected to the following encumbrance and noted as a legend on the subdivision map to the effect that:

This lot (Lots \_\_\_\_\_) is(are) in a "possible flood area." All existing drainage structures have been designed and have been or are being constructed to at least meet the minimum criteria set forth in the storm drainage standards of the city; however, the city does not guarantee that the drainage structures will confine all flood waters to the drainage facilities at all times.

- (d) The developer shall pay the entire cost of the drainage facilities to satisfy the anticipated drainage requirements of all surface water that may flow through or over the proposed subdivision.
- (e) Where city standards require drainage facilities of greater capacity than necessary to serve the land being subdivided or developed, to dispose of water diverted or concentrated by the city into such drainage system, the city may pay the difference in costs of materials and excavation, if any. The cost of materials to the city shall be based on the costs of the materials delivered at the site. Upon a determination by the chief engineer that such larger facilities are required, and if HRS Chapter 103, or any amendatory act thereto, are applicable, the property owner shall deposit with the city an amount equal to the cost of construction of the drainage facilities allocable to the property owner's land, based upon current city cost data for comparable installations, but the amount paid by the property owner shall be adjusted, if necessary, on the basis of final costs.

- (f) The chief engineer may require the construction of permanent detention or retention drainage structures or other engineering control facilities to contain or divert stormwater runoff to satisfy the anticipated drainage requirement of all surface waters that may flow through or over the proposed subdivision, or to meet any conditions of the city NPDES permit. When required, such facilities will be constructed to provide gravity settling of sediments, suspended solids, and other particulate pollutants.
  - (g) The chief engineer shall, pursuant to federal requirements, establish controls on the timing and rate of discharge of stormwater runoff from any new development or redevelopment as may be appropriate to reduce stormwater runoff pollution to the maximum extent practicable through the implementation of best management practices (BMPs) and engineering control facilities, designed to reduce the generation of pollutants. This may, where feasible and pursuant to city standards, include limiting peak stormwater runoff rates for storms of higher frequencies to predevelopment levels.
- (Sec. 16-6.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.9) (Am. Ords. 92-122, 96-34)

**§ 43-11.10 Open drainways.**

- (a) Open drainways, such as streams, ravines, channels, and ditches, shall not be covered or modified, except when the chief engineer determines that such covering or modification of the open drainways will not be dangerous to the public health, safety, and welfare.
  - (b) If a property owner desires, at the property owner's own cost, that an open drainway be covered or modified, the property owner shall submit all the pertinent data to substantiate the desirability of covering or modifying such a facility, including data showing that the function of the facility will not be hampered. The construction plans for such covering or modification shall be approved by the chief engineer.
- (Sec. 16-6.10, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.10)

**§ 43-11.11 Fences along improved channels.**

- (a) The chief engineer may require that fences be constructed as part of any channel improvement based upon a consideration of any one or more of the following: the height of the wall or bank, or shape of the channel, or the land use of the adjoining properties, or the depth of normal flow in the channel, or the location of the channel improvement or the possibility of people injuring themselves because of the channel improvement.
  - (b) Fences, when required, shall generally be erected on or immediately adjacent to the channel walls and they shall be maintained and repaired by the city.
  - (c) The minimum height of such fences shall be 42 inches.
- (Sec. 16-6.11, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.11)

**§ 43-11.12 Connection to city-owned separate storm sewer system—Violation.**

- (a) *Private storm drain connection licenses.*
  - (1) All connections from nonmunicipal and private drainage systems to the city-owned separate storm sewer system shall require a storm drain connection license issued by the chief engineer.

- (2) The license may require, if applicable, a description of the property owner activity or standard industrial classification code, or both, that best reflects the principal products or services, and a description or analysis, or both, of the effluent to be discharged from the private drainage system into the city-owned system. No license is transferrable without the prior written consent of the chief engineer.
  - (3) Nonstormwater discharge into the city-owned separate storm sewer system may be allowed if the discharge has been issued an NPDES permit from the State department of health or the United States Environmental Protection Agency, subject to requirements herein.
  - (4) The chief engineer, or the chief engineer's authorized representative, shall be authorized to enter any property, building, or premises in the discharge of the chief engineer's official duties to inspect or investigate, measure, or test any effluent that is discharged in a private drainage system connected, directly or indirectly, to the city-owned system.
  - (5) Effluent, including NPDES-permitted discharges and nonstormwater discharges, which are not sources of pollutants, may be allowed into a private drainage system, connected directly or indirectly to the city-owned system.
  - (6) All required analysis submitted by property owners on the characteristics of the constituents in the discharge shall be performed by qualified personnel in a laboratory acceptable to the chief engineer.
  - (7) The chief engineer may condition the granting of the license with requirements to prevent drainage or pollution problems, or both, or mitigative measures which will meet any conditions of the city NPDES permit.
  - (8) Where a private drainage system is common to one or more parcels and is owned by more than one property owner, each property owner is required to have a private drain connection license and be responsible for the maintenance of the common private drainage system.
  - (9) Failure of the property owner to obtain a license shall be a violation of this article.
- (b) *Private storm drain connection license agreement.* A property owner may be allowed to connect the property owner's private drainage system to the city-owned separate storm sewer system if the chief engineer determines that the existing system is adequate to accommodate the potential peak-designed flows of both systems, and if the property owner agrees to the following conditions:
- (1) That the property owner shall bear the entire cost of engineering, construction, and maintenance of the private drainage system;
  - (2) That the property owner shall indemnify and hold the city free and harmless from all suits and actions caused by the property owner's acts or failure to act in connection to the city-owned system;
  - (3) That the construction of the drain connection shall be made in accordance with plans and specifications approved by the chief engineer, and subject to compliance by the property owner with this section, including conditions of any and all applicable statutes, ordinances, and rules of federal, State, or city agencies having the effect of law;

- (4) That no additions or alterations to the private drainage system will be made without the prior written consent of the city;
- (5) That the private drainage system shall remain the property owner's property;
- (6) That in the event the private drainage system within the public right-of-way shall at any time interfere with any public use, the property owner shall relocate the private drainage system at the property owner's expense;
- (7) That in the event any portion of the city-owned separate storm sewer system is damaged or destroyed during the construction of the private storm drain connection, the property owner shall bear the entire cost of engineering and construction, or replacement of the damaged facility;
- (8) That in the event the discharge into the city-owned system includes stormwater discharge associated with industrial activity, the property owner shall have an NPDES permit and provide data on the characteristics of the constituents, quantity of the effluent and discharge at the property owner's expense within one year after the date of connection, and annually thereafter or as the need may arise, as determined by the chief engineer; and
- (9) That any time the property owner or anyone using the property owner's property, discharges pollutants or other objectionable material that exceeds applicable water quality standards into the city-owned system or otherwise misuses the system, or causes a violation of the city NPDES permit, the discharge shall be deemed a violation of this section and the city by written notice may terminate this license.

(c) *Termination of license agreement.*

- (1) The chief engineer may order a license to be terminated upon finding that the property owner has violated the agreement or this section.
- (2) A property owner whose license has been terminated shall immediately stop the discharge of any pollutant, if applicable, covered by the license into the city-owned separate storm sewer system. The chief engineer may disconnect or permanently block from the city-owned separate storm sewer system, the private storm drain connection from any property owner whose license has been terminated if such action is necessary to insure compliance with the order of termination.
- (3) A property owner whose license has been terminated may apply for a new license and pay all delinquent charges, penalties, and such other sums as may be due to the city. Any cost that might be incurred by the city in terminating the prior license and disconnecting the private storm drain connection shall be paid by the property owner before issuance of a new license.

(d) *Private storm drain connections.*

- (1) All licenses for private storm drain connections to the city-owned separate storm sewer system issued to the property owner of record shall remain in force. The city may reissue new license agreements for those connections that are discharging nonstormwaters or any effluent that requires an NPDES permit into the city-owned separate storm sewer system.

- (2) Any private storm drain system that is connected to the city-owned separate storm sewer system without a license issued to the property owner of record shall be considered an illegal storm drain connection.
  - (3) Whenever a property owner is cited for an illegal private storm drain connection to the city-owned separate storm sewer system, the property owner shall be given 90 days after the date of the citation to obtain a connection license. The city will issue a connection license to the property owner without penalty within the 90-day period, provided no nonstormwater is being discharged into the city-owned separate storm sewer system. After the 90-day period, the property owner shall be in violation of this chapter.
  - (4) Whenever a property owner caused or is causing a discharge of stormwater runoff associated with industrial activity or polluted industrial process water or other objectionable material into the city-owned separate storm sewer system, the property owner, within 10 days after being notified by the city of the violation, shall cease the discharges. If an NPDES permit is obtained by the property owner for the discharge, the discharge may be resumed.
  - (e) Any other storm drain connections to the city-owned separate storm sewer system requires approval by the chief engineer in writing.
  - (f) *Private storm drain connection fee.*
    - (1) A license fee of \$200 shall be collected before the issuance of a private storm drain connection license. All license fees collected shall not be refundable.
    - (2) When the license is issued on behalf of the city, State, or federal government, the chief engineer shall waive the collection of the license fee.
    - (3) All license fees shall be deposited into the highway fund.
- (Sec. 16-6.12, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.12) (Am. Ords. 92-122, 96-34, 03-12, 14-4)

**§ 43-11.13 Allocation of costs.**

- (a) Except as otherwise provided, the city may pay the entire cost for the following types of drainage facilities:
  - (1) Public stream improvements;
  - (2) Bridge to replace an existing bridge;
  - (3) Relief drains that will take care of the drainage requirements of the existing land use; provided that if a property owner desires the construction of a larger facility to meet the drainage requirements attributable to a proposed higher land use of such person's property, the city may construct such larger facility provided that the property owner bears the additional cost of such enlarged facility; and
  - (4) Remedial work for the disposal of water collected or accumulated on public streets or remedial work necessitated by the disposal of such water over land not heretofore subject to such disposal, or both.

- (b) Except as otherwise provided, the city may participate in remedial work to existing private drainage facilities, situated in or abutting on private properties, for the resolution of localized drainage problems to the extent of the cost of engineering and 50 percent of the cost of construction. Examples of such drainage facilities are:
- (1) Stream walls to minimize erosion or to prevent flooding where such walls will show some public benefit; and
  - (2) Drainage facilities to resolve seepage problems in the sidewalk area.
- (Sec. 16-6.13, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.13)

**§ 43-11.14 Improvements under the improvement district assessment ordinance.**

Nothing contained in this article shall be deemed to affect the initiation and construction of drainage improvements under the improvement district assessment ordinance.

(Sec. 16-6.14, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.14)

**§ 43-11.15 Election by property owners to pay additional amounts.**

Notwithstanding any provision above mentioned as to apportionment of costs, owners of properties may pay more than the amounts required by such provisions relating to apportionment of costs.

(Sec. 16-6.15, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.15)

**§ 43-11.16 Land requirements and maintenance of drainage facilities.**

- (a) Except as otherwise provided, the city shall acquire the land or any interest in land necessary for the construction, maintenance, and repair (and operation as the case may be) of drainage facilities that are to be constructed by the city by way of easements or in fee simple. Nothing herein shall prevent the city from acquiring easements for other improvements or for utilities or other uses through the same land.
  - (b) The city shall maintain and repair (and operate as the case may be) only structures in improved drainage facilities that have been constructed to city standards and have been accepted or constructed by the city.
  - (c) The cleaning of debris from public or private drainways may be performed as part of any general cleanup or beautification program of the city, but shall not be performed as a part of maintenance and repair of drainage facilities; however, the chief engineer may cause to be removed any potential obstruction to the operation of any culvert, gate, bridge or drain opening, or similar drainage structure that has been accepted or constructed by the city.
- (Sec. 16-6.16, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.16)

**§ 43-11.17 Exception.**

This article shall not apply to the construction of any drainage facility for subdivisions, the final subdivision map of which has been approved by the department of planning and permitting within 30 days of the approval date

of this article, nor to any drainage improvement where participation by the city has been approved by the chief engineer before the approval date.

(Sec. 16-6.17, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.17)

**§ 43-11.18 Inequities.**

Whenever the chief engineer finds that the apportionment of costs, as proposed in this article, would result in inequities, the chief engineer is authorized and directed to submit the chief engineer's recommendations to the council as to how such inequities may be corrected.

(Sec. 16-6.18, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.18)

**§ 43-11.19 Provisions subject to State statutes.**

(a) Any drainage facility, open drainway or other similar facility that extends to the shoreline may be subject to HRS Chapter 205A, Part III.

(b) In such case, approval of the appropriate agency is required before approval of any construction plans may be granted by the chief engineer.

(Sec. 16-6.19, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.19) (Am. Ord. 96-58)

**§ 43-11.20 Federal aid projects.**

(a) The contents of this article may be adjusted, modified, or deleted to meet federal requirements under a federal aid project.

(b) In the case of federal projects, the city may obtain the necessary channel right-of-way in such form as required by federal regulations.

(Sec. 16-6.20, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.20)

**§ 43-11.21 Approval denied.**

The chief engineer shall disapprove any drainage facilities, open drainways, and other similar facilities that do not conform with this article.

(Sec. 16-6.21, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.21)

**§ 43-11.22 Discharge of effluent other than stormwater runoff—Violation.**

(a) No person shall discharge any effluent other than stormwater runoff onto any public right-of-way or into any drainage facility, or both, without first obtaining a permit from the chief engineer. The chief engineer will only issue a permit upon application when the chief engineer determines that such discharge will not create a drainage or pollution problem or cause a violation of the city NPDES permit. The chief engineer may condition the granting of the permit with requirements to prevent drainage or pollution problems, or both, or mitigative measures that will meet any conditions of the city NPDES permit. Except for those nonstormwater

discharges authorized by the city NPDES permit, no discharge shall commence, unless an NPDES permit is first obtained from the State department of health for the discharge of any pollutant into State waters through the municipal separate storm sewer system.

- (b) Any person desiring the permit required under this section shall apply to the chief engineer on forms prescribed by the chief engineer.
- (c) Any permit issued under this section shall be for the duration of the effluent discharge, but shall not extend beyond the term of the city NPDES permit. The permit shall meet any conditions of the city NPDES permit.
- (d) A fee of \$200 shall be required for each permit application. All application fees collected shall not be refundable. When the discharge is performed by or on behalf of the city, State or federal government, the collection of the permit fee shall be waived. All permit fees shall be deposited into the highway fund.
- (e) Any discharge that violates any condition of the permit or the State water quality standards in Hawaii Administrative Rules (HAR) Chapter 11-54, shall also be a violation of this article and may result in a cease and desist order. In addition, the city by written notice may terminate the permit for any discharge that violates any condition of the permit or the State water quality standards in HAR Chapter 11-54.
- (f) Failure to obtain a permit required under this section shall be a violation of this article.  
(Sec. 16-6.22, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 14, Art. 12, § 14-12.22) (Am. Ords. 92-122, 96-34, 03-12, 14-4)

**§ 43-11.23 Environmental quality control—Violation.**

- (a) It shall be unlawful for any person to discharge or cause to be discharged any pollutant into any drainage facility that causes a pollution problem in State waters, or causes a violation of the city NPDES permit or State water quality standards.
- (b) It shall be unlawful for any person to discharge or cause to be discharged any stormwater runoff associated with industrial activity into any drainage facility that causes a violation of the city NPDES permit.
- (c) It shall be unlawful to discharge domestic wastewater and industrial wastewater into any drainage facility or any separate storm sewer system.

It also shall be unlawful to discharge commercial cooking oil waste and commercial FOG waste, as defined under § 43-5A.1, into any drainage facility or any separate storm sewer system.

- (d) It shall be unlawful to discharge any stormwater on any public right-of-way that creates a drainage problem or causes a nuisance.
- (e) This section is not applicable to employees of the city who, during the performance of their duties or in cases of emergency or a hazardous substance spill, may discharge sewage, other pollutants or wash water from cleanup operation of a hazardous substance spill into any drainage facility.
- (f) Upon presentation of proper credentials, the chief engineer or the chief engineer's duly authorized representatives may enter at reasonable times any building or premises in the City and County of Honolulu in

the performance of the chief engineer's official duties, to inspect or investigate the discharge of any pollutant or effluent into or onto a drainage facility; 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.

(Sec. 16-6.23, R.O. 1978 (1987 Supp. to 1983 Ed.) (1990 Code, Ch. 14, Art. 12, § 14-12.23) (Am. Ords. 92-122, 96-34, 02-14)

#### **§ 43-11.24 Administrative enforcement.**

If the chief engineer determines that any person is violating this article, any rule adopted thereunder, or any permit or license issued pursuant thereto, the chief engineer may have the person served, by mail or delivery, with a notice of violation and order. Whenever a corporation violates this article, the violation shall be also that of the individual directors, officers or agents of such 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.

(a) *Contents of the notice of violation.* The notice shall include at least the following information:

- (1) Date of the notice;
- (2) The name and address of the person served with the notice and the location of the violation;
- (3) The section number of the ordinance or rule, or other law that has been violated;
- (4) The nature of the violation; and
- (5) The deadline for compliance with the notice.

(b) *Contents of the order.* The order may require the person to do any or all of the following:

- (1) Cease and desist from the violation;
- (2) Correct the violation at the person's own expense before a date specified in the order;
- (3) Payment of an administrative fine; or
- (4) Appear before the chief engineer or a person designated by the chief engineer at a time and place specified in the order and answer the charges specified in the notice of violation.

(1990 Code, Ch. 14, Art. 12, § 14-12.24) (Added by Ord. 92-122)

#### **§ 43-11.25 Judicial enforcement of order.**

The chief engineer may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued. Where the civil action has been instituted to enforce the civil fine imposed by the order, the chief

engineer need only show that the notice of violation and order was served, a hearing was held or the time granted for requesting a hearing had expired without such a request, the civil fine imposed, and that the fine imposed had not been paid.

(1990 Code, Ch. 14, Art. 12, § 14-12.25) (Added by Ord. 92-122)

**§ 43-11.26 Enforcement.**

- (a) *Show cause order.* Whenever the chief engineer finds that a discharge of stormwater or effluent or any pollutant is taking place or threatening to take place in violation of any requirement imposed by ordinance, regulation, or other law, the chief engineer may issue a notice of violation and show cause order requesting the property owner or permit holder or discharger to meet with someone designated by the chief engineer to show why there should be no formal enforcement action. This meeting is not a prerequisite to taking formal enforcement action against the property owner or permit holder or discharger, and neither does this preclude in any way informal meetings of discussions with the property owner or permit holder or discharger.
- (b) *Cease and desist order.* Whenever the chief engineer finds that a discharge of stormwater or effluent or any pollutant is taking place or threatening to take place in violation of any ordinance, order, regulation, or other law, the chief engineer may issue an order directing the property owner or permit holder or discharger to cease and desist such discharges and directing the property owner or permit holder or discharger to achieve compliance in accordance with a detailed time schedule of specific actions the property owner or permit holder or discharger must take to correct or prevent violations of this ordinance, regulation, order, or any other law. The chief engineer may order the revocation or suspension of any permit or license. Any order issued by the chief engineer may require the property owner or permit holder or discharger to provide information as the chief engineer deems necessary to explain the nature of the discharge. The chief engineer may require in any cease and desist order that the property owner or permit holder or discharger pay to the city the costs of any extraordinary inspection or monitoring that in the discretion of the chief engineer was necessary as a result of the violation together with civil penalties.
- (c) *Cleanup and abatement orders.*
  - (1) Any person who is in violation of this ordinance, regulation, order, or any other law, shall, upon the chief engineer's order and at the total expense of the property owner or permit holder or discharger, clean up the discharge and do whatever is necessary or required by the chief engineer to abate the effects of the violation.
  - (2) The chief engineer may initiate any cleanup, abatement, or remedial work required that the chief engineer deems necessary as a result of the magnitude of the violation or when necessary to prevent harm to public health or the environment. The chief engineer may take this action, notwithstanding that injunctive relief and this action may be in addition to any action taken by the property owner or permit holder or discharger or other persons.
  - (3) Any property owner or permit holder or discharger violating the ordinance, regulations, order, or any other law shall be liable to the city for costs incurred in the cleanup, abatement, or remedial actions undertaken by the chief engineer, including but not limited to administrative costs, inspection costs, attorney fees and penalties or other liability imposed upon the city by other agencies, persons, or organizations whether by way of court action, administrative action, or settlement.

- (d) *Termination of discharge.* In addition to other remedies available and as provided in this article or by law, when in the discretion of the chief engineer, the property owner or permit holder or discharger has not or cannot demonstrate satisfactory progress toward compliance with the requirements of this ordinance, regulation, order, or other law, the chief engineer, after providing written notice to the property owner or permit holder or discharger by certified mail 30 days in advance of any action, may sever or plug the connection from the property owner's or permit holder's or discharger's system to the city-owned separate storm sewer system or otherwise prevent the discharge of stormwater or effluent or any pollutant from the property owner's or permit holder's or discharger's system to the city-owned separate storm sewer system.
  - (e) *Administration fines.* In addition to other remedies available and as provided in this article or by law, the chief engineer may impose administrative penalties.
- (1990 Code, Ch. 14, Art. 12, § 14-12.26) (Added by Ord. 92-122)

**§ 43-11.27 Appeals.**

- (a) The property owner, permit holder, or discharger may petition to appeal the terms of a permit or license issued herein by the city, its modification, revocation, suspension, or denial, or the chief engineer's order, including but not limited to enforcement within 30 days of the chief engineer's final action on the matter in accordance with the rules of the department.
  - (b) Failure to submit a timely petition for appeal shall be a waiver of the administrative appeal.
  - (c) In its petition, the appealing party must indicate the permit or license provisions objected to, the reasons for this objection, and alternative condition, if any, it seeks to place in the permit or license, or the specific basis for its objections to the permit or license modification, suspension, revocation, or denial and alternatives, if any, it suggests; its specific grounds for its objection to the chief engineer's order.
  - (d) The effectiveness of the permit or license issued herein or the chief engineer's final action regarding the permit or license modification, suspension, revocation, or denial; or regarding the chief engineer's order, including but not limited to enforcement, shall not be stayed pending the appeal.
  - (e) If the petition for appeal is not acted upon within 30 days by the chief engineer, the petition shall be denied and the property owner or permit holder or discharger shall comply with the terms of the permit, license, or the chief engineer's final action regarding the permit or license modification, suspension, or revocation; or the terms of the chief engineer's order.
  - (f) The chief engineer shall take final action on a permit or license denial, issuance, modification, or renewal, or the order, including but not limited to enforcement, by sending the permit, license or the chief engineer's order to the applicant by certified mail.
- (1990 Code, Ch. 14, Art. 12, § 14-12.27) (Added by Ord. 92-122)

**§ 43-11.28 Violation provisions.**

- (a) *Administrative and civil penalties.* Any person violating this article, any order, permit, or license issued under this section, or any other standard or requirement shall be liable for an administrative or civil penalty of not less than \$1,000 nor more than \$25,000 per violation per day, except that in cases where such offense shall

continue after due notice, each day's continuance of the same shall constitute a separate offense. In determining the amount of the fine, the chief engineer shall consider the seriousness of the violation or violations, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the fine on the violator, and such other considerations that have a bearing on the amount of the fine. In addition to the penalties provided herein, the city may recover reasonable attorney fees, court costs, court reporter's fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations, permits, and licenses under this section.

(b) *Criminal penalties.* Any person:

- (1) Who wilfully, intentionally, recklessly, or negligently violates this article, order, permit, or license issued under this section, or any other requirement, shall upon conviction, be punished by a fine not less than \$1,000 nor more than \$25,000 or by imprisonment not exceeding 90 days, or both, except that in cases where such offense shall continue after due notice, each day's continuance of the same shall constitute a separate offense; or
- (2) Who knowingly makes any false statement or misrepresentation in any record, report plan, or other document filed with the chief engineer, or tampers with or knowingly renders inaccurate any monitoring device or sampling and analysis method required under this article or by other law, shall be punished by a fine of not more than \$25,000 or by imprisonment for not more than six months, or both.

Unless otherwise provided, this section shall be controlled by HRS, Hawaii Penal Code.  
(1990 Code, Ch. 14, Art. 12, § 14-12.28) (Added by Ord. 92-122)

**§ 43-11.29 Injunctive relief.**

Whenever a property owner or permit holder or discharger has violated a requirement or continues to violate this article, permits, licenses, or orders issued under this section, the city may petition the Circuit Court of the First Circuit, State of Hawaii, or the United States District Court, State of Hawaii, through the city's attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit, license, or order, or other requirement imposed by this article on activities of the property owner or permit holder or discharger. Such other action as appropriate for legal or equitable relief, or both, may also be sought by the city. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a property owner or permit holder or discharger.

(1990 Code, Ch. 14, Art. 12, § 14-12.29) (Added by Ord. 92-122)

**§ 43-11.30 Nonliability of department personnel.**

Notwithstanding any other law to the contrary, no member, employee, or officer of the department of facility maintenance shall be civilly or criminally liable or responsible under this ordinance for any acts done by the member, officer, or employee in their performance of the member's, officer's, or employee's duties.

(1990 Code, Ch. 14, Art. 12, § 14-12.30) (Added by Ord. 92-122)

**§ 43-11.31 Rule-making powers.**

The chief engineer shall be empowered to adopt rules pursuant to HRS Chapter 91, for the implementation of this article.

(1990 Code, Ch. 14, Art. 12, § 14-12.31) (Added by Ord. 92-122)

**§ 43-11.32 Decisions of the chief engineer.**

Decisions of the chief engineer made in accordance with this article, or decisions involving variations from the standards referred to herein, or both, shall be made a matter of record in the permit or license file.

(1990 Code, Ch. 14, Art. 12, § 14-12.32) (Added by Ord. 92-122)

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10-294	11-22-2010	Ch. 25, Appendix 25-1
10-323	1-26-2011	Ch. 21, Appendix 21-D
10-338	1-26-2011	Ch. 25, Appendix 25-1
10-339	1-26-2011	Ch. 25, Appendix 25-1
11-7	1-26-2011	Ch. 25, Appendix 25-1
11-48	3-16-2011	Ch. 25, Appendix 25-1
11-84	9-16-2011	Ch. 25, Appendix 25-1
11-170	8-17-2011	Ch. 25, Appendix 25-1
11-174	8-17-2011	Ch. 25, Appendix 25-1
11-179	9-6-2011	Ch. 21, Appendix 21-D
11-211	8-17-2011	Ch. 25, Appendix 25-1
11-221	9-16-2011	Ch. 25, Appendix 25-1
11-277	12-7-2011	Ch. 25, Appendix 25-1
11-282	4-3-2012	Ch. 25, Appendix 25-1
12-47	4-25-2012	Ch. 25, Appendix 25-1
12-112	6-6-2012	Ch. 25, Appendix 25-1
12-114	6-6-2012	Ch. 25, Appendix 25-1
12-142	7-11-2012	Ch. 25, Appendix 25-1
12-165	8-15-2012	Ch. 25, Appendix 25-1
12-167	8-15-2012	Ch. 25, Appendix 25-1
12-195	9-12-2012	Ch. 25, Appendix 25-1
12-221	9-12-2012	Ch. 25, Appendix 25-1
12-292	12-5-2012	Ch. 25, Appendix 25-1
12-335	1-30-2013	Ch. 25, Appendix 25-1
12-336	1-30-2013	Ch. 25, Appendix 25-1
12-337	1-30-2013	Ch. 25, Appendix 25-1
13-65	5-8-2013	Ch. 25, Appendix 25-1
13-68	5-8-2013	Ch. 25, Appendix 25-1
13-136	7-10-2013	Ch. 25, Appendix 25-1
13-150	8-7-2013	Ch. 25, Appendix 25-1
13-208	9-11-2013	Ch. 25, Appendix 25-1
13-261	12-11-2013	Ch. 25, Appendix 25-1
14-165	8-13-2014	Ch. 25, Appendix 25-1
14-222	11-12-2014	Ch. 25, Appendix 25-1
14-279	12-10-2014	Ch. 25, Appendix 25-1
15-039	3-11-2015	Ch. 25, Appendix 25-1
15-117	6-3-2015	Ch. 25, Appendix 25-1

## References to Resolutions

<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
15-130	7-8-2015	Ch. 25, Appendix 25-1
15-247	10-7-2015	Ch. 25, Appendix 25-1
16-74	5-4-2016	Ch. 25, Appendix 25-1
16-127	8-3-2016	Ch. 25, Appendix 25-1
16-130	7-6-2016	Ch. 25, Appendix 25-1
16-133	7-6-2016	Ch. 25, Appendix 25-1
16-180	10-5-2016	Ch. 25, Appendix 25-1
16-203	9-7-2016	Ch. 25, Appendix 25-1
16-242	11-2-2016	Ch. 25, Appendix 25-1
16-265	11-2-2016	Ch. 25, Appendix 25-1
16-319	1-25-2017	Ch. 25, Appendix 25-1
16-325	1-25-2017	Ch. 25, Appendix 25-1
17-060	4-26-2017	Ch. 25, Appendix 25-1
17-069	3-22-2017	Ch. 25, Appendix 25-1
17-118	6-7-2017	Ch. 25, Appendix 25-1
17-228	9-6-2017	Ch. 25, Appendix 25-1
17-248	10-11-2017	Ch. 25, Appendix 25-1
17-273	11-1-2017	Ch. 25, Appendix 25-1
18-19	2-28-2018	Ch. 25, Appendix 25-1
18-36	2-28-2018	Ch. 25, Appendix 25-1
18-110	6-6-2018	Ch. 25, Appendix 25-1
18-123	7-11-2018	Ch. 25, Appendix 25-1
18-124	7-11-2018	Ch. 25, Appendix 25-1
18-148	8-15-2018	Ch. 25, Appendix 25-1
18-166	9-12-2018	Ch. 25, Appendix 25-1
18-238	12-5-2018	Ch. 25, Appendix 25-1
18-245	11-14-2018	Ch. 25, Appendix 25-1
18-288	1-30-2019	Ch. 25, Appendix 25-1

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## REFERENCES TO ORDINANCES

***Editor's note:***

*This table lists all ordinances after the latest ordinance appearing in the 1987 Cumulative Supplement to ROH 1978 (1983 Edition).*

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
87-97	10-14-1987	Adds article to Ch. 2, Oahu civil defense agency (2-25) (Eff. 8-13-1993)
88-1	1-20-1988	Adds R.O. 1978 (1983 Ed.) §§ 8-10.24; amends R.O. 1978 (1983 Ed.) §§ 8-10.1(a) and (d) and 8-10.9(b)(6), real property tax exemptions (8-10) (Eff. tax year beginning 7-1-1988)
88-2	1-20-1988	Amends portion of zoning map No. 9, Waipio (Crestview) (Special)
88-3	1-20-1988	Adds article to R.O. 1978 (1983 Ed.) Ch. 13, enforcement of water safety rules by lifeguards (2-41)
88-4	1-20-1988	Amends portion of development plan land use map for central Oahu (Special)
88-5	1-20-1988	Amends portion of development plan public facilities map for Ewa (Special)
88-6	1-20-1988	Amends portion of development plan public facilities map for primary urban center (Special)
88-7	1-20-1988	Amends portion of development plan public facilities map for Waianae (Special)
88-8	1-20-1988	Amends portion of development plan public facilities map for Koolauloa (Special)
88-9	1-20-1988	Amends portion of development plan public facilities map for primary urban center (Special)
88-10	1-20-1988	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
88-11	1-21-1988	Amends portion of zoning map No. 17, Mokuleia-Haleiwa (Special)
88-12	1-21-1988	Amends R.O. 1978 (1983 Ed.) Art. 4 of Ch. 6, salaries (5-3)
88-13	1-21-1988	Amends Ord. 87-71, appropriations for FY 1987-88 executive capital budget (amendment No. 4) (Special)
88-14	2-18-1988	Amends R.O. 1978 (1983 Ed.) § 2-18.2, budget execution (2-17) (Eff. FY 1989-90 budget ordinance) (§ 2-17.2)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
88-15	2-18-1988	Amends Ord. 87-70, appropriations for FY 1987-88 executive operating budget (amendment No. 1) (Special)
88-16	2-18-1988	Adds article to Ch. 1, R.O. 1978 (1983 Ed.), on nondiscrimination (1-11)
88-17	2-18-1988	Amends Ord. 87-71, appropriations for FY 1987-88 executive capital budget (amendment No. 3) (Special)
88-18	3-7-1988	Amends portion of zoning map No. 4, Nuuanu-McCully (Special)
88-19	3-7-1988	Amends R.O. 1978 (1983 Ed.) § 15-13.6, selling on highways (15-13)
88-20	3-7-1988	Amends R.O. 1978 (1983 Ed.) § 18-4.3, construction permit plans and specifications (18-4)
88-21	3-7-1988	Amends development plan public facilities map for Ewa (Special)
88-22	3-7-1988	Amends R.O. 1978 (1983 Ed.) § 32-1.14, development plan common provisions, status review (24-1.13)
88-23	3-7-1988	Adds section to R.O. 1978 (1983 Ed.) Ch. 29, waiver of certain rental fees, department of auditoriums (38-6)
88-24	3-16-1988	Amends R.O. 1978 (1983 Ed.) Art. 1 of Ch. 19A, model fire code (20-1; Ord. 15-45; Am. Ord. 17-14)
88-25	3-16-1988	Amends portion of development plan public facilities map for Koolaupoko (Special)
88-26	3-16-1988	Amends portion of development plan public facilities map for Koolauloa (Special)
88-27	3-16-1988	Amends portion of development plan public facilities map for Ewa (Special)
88-28	3-16-1988	Amends portion of development plan public facilities map for primary urban center (Special)
88-29	3-16-1988	Amends portion of development plan public facilities map for central Oahu (Special)
88-30	3-16-1988	Amends Ord. 87-71, appropriations for FY 1987-88 executive capital budget (amendment No. 5) (Special)
88-31	3-16-1988	Regulates granting of grading and building permits for Lanikai (Kailua) (Special)
88-32	4-7-1988	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
88-33	4-7-1988	Amends portion of development plan public facilities map for primary urban center (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
88-34	4-7-1988	Amends R.O. 1978 (1983 Ed.) § 15-13.10(1)(b), disabled vehicles (15-13)
88-35	4-7-1988	Amends R.O. 1978 (1983 Ed.) § 15-13.11, unclaimed vehicles (15-13)
88-36	4-7-1988	Amends R.O. 1978 (1983 Ed.) § 26-6.2, peddlers (13-6)
88-37	4-7-1988	Amends portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
88-38	4-7-1988	Amends portion of zoning map No. 11, Wahiawa-Whitmore (Special)
88-39	4-7-1988	Amends portion of development plan public facilities map for Waianae (Special)
88-40	4-7-1988	Amends portion of development plan public facilities map for Waianae (Special)
88-41	4-7-1988	Amends R.O. 1978 (1983 Ed.) § 18-6.5, payment of plan review and permit fees (18-6)
88-42	4-22-1988	Adds article to R.O. 1978 (1983 Ed.) Ch. 3, salary commission (3-7)
88-43	4-22-1988	Amends portion of development plan public facilities map for Koolaupoko (Special)
88-44	4-22-1988	Amends portion of State land use district boundary in Waianae (Special)
88-45	4-22-1988	Amends R.O. 1978 (1983 Ed.) § 21A-3.140-1, land use, home occupations (21-3)
88-46	4-22-1988	Adds R.O. 1978 (1983 Ed.) §§ 21A-3.90-8, 21A-5.50-2, 21A-5.60-2, 21A-6.40-2(J), 21A-6.50-2(G), 21A-6.50-8(F), 21A-7.80-4(E), 21A-8.60-1, 21A-8.60-2; amends R.O. 1978 (1983 Ed.) §§ 21A-1.50, 21A-3.30, 21A-3.40, 21A-3.50, 21A-3.70-3(A), 21A-3.70-5(A), 21A-3.70-9, 21A-3.70-10, 21A-3.70-13(A) and (F), 21A-3.80, 21A-3.90-1, 21A-3.90-3, 21A-3.90-4, 21A-3.120, 21A-3.130, 21A-4.70, 21A-6.30, 21A-6.50-2(E) and (F), 21A-7.10-2, 21A-7.10-4—21A-7.10-7, 21A-7.10-10—21A-7.10-13, 21A-7.80-4(C), 21A-8.60, amends Art. 9 of Ch. 21A and Tables 6-B, 10-B—10-D, 11-B—11-D, 13-A, 13-B, 14-A, 14-B, 15-A, 15-B, 16-B, 18-A, 20-A and 20-B and table of contents note of Ch. 21A, miscellaneous land use (Repealed by Ord. 99-12)
88-47	4-27-1988	Amends R.O. 1978 (1983 Ed.) § 21A-3.70-3(C), Art. 9 of and Table 1 of Ch. 21A, land use, parking (Repealed by Ord. 99-12)
88-48	4-28-1988	Amends R.O. 1978 (1983 Ed.) § 21A-6.20, land use, ohana dwellings (Repealed by Ord. 99-12)
88-49	5-11-1988	Amends portion of zoning map No. 6, Red Hill-Ft. Shafter (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
88-50	5-11-1988	Adds section to R.O. 1978 (1983 Ed.) Ch. 15, parking enforcement by special officers (15-4)
88-51	5-11-1988	Adds R.O. 1978 (1983 Ed.) §§ 21A-4.40-37, 21A-4.40-25, 21A-4.40-16, 21A-4.40-14, 21A-4.40-5 and 21A-4.40-3; amends R.O. 1978 (1983 Ed.) §§ 21A-5.100, 21A-5.100-1 and Tables 17-A, 18-A, 18-B and 19-A of Ch. 21A; rennumbers R.O. 1978 (1983 Ed.) §§ 21A-4.40-32—21A-4.40-36 to 21A-4.40-38—21A-4.40-42, 21A-4.40-21—21A-4.40-31 to 21A-4.40-26—21A-4.40-36, 21A-4.40-13—21A-4.40-20 to 21A-4.40-17—21A-4.40-24, 21A-4.40-12 to 21A-4.40-15, 21A-4.40-6—21A-4.40-11 to 21A-4.40-8—21A-4.40-13, 21A-4.40-4 to 21A-4.40-6 and 21A-4.40-3 to 21A-4.40-4; rennumbers and amends R.O. 1978 (1983 Ed.) § 21A-4.40-5 to 21A-4.40-7, land use, industrial districts (Repealed by Ord. 99-12)
88-52	5-11-1988	Amends R.O. 1978 (1983 Ed.) § 13-28.2, license and permit fees (15A-2)
88-53	5-18-1988	Amends R.O. 1978 (1983 Ed.) § 15-4.10, slow moving vehicles (15-4) (Eff. 8-1-1988)
88-54	5-18-1988	Repeals and replaces R.O. 1978 (1983 Ed.) § 26-7.4 and repeals R.O. 1978 (1983 Ed.) § 26-7.5, dispensing racks (Repealed by Ord. 88-83)
88-55	5-18-1988	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
88-56	5-18-1988	Amends R.O. 1978 (1983 Ed.) §§ 21A-3.60, 21A-3.60-1 and Tables 7-B, 8-B and 9-B of Ch. 21A, land use, height measurement (Repealed by Ord. 99-12)
88-57	5-18-1988	Amends R.O. 1978 (1983 Ed.) §§ 21A-3.60(B), 21A-4.40-3 and Art. 9 and Tables 3-A, 4-A, 5-A, 6-A, 7-A, 8-A, 9-A, 10-A, 11-A, 12-A, 13-A, 14-A, 15-A, 16-A, 17-A, 18-A, 19-A and 20-A, land use, broadcast antennas (Repealed by Ord. 99-12)
88-58	5-18-1988	Amends portion of development plan public facilities map for East Honolulu (Special)
88-59	5-18-1988	Amends portion of development plan public facilities map for Ewa (Special)
88-60	5-18-1988	Amends portion of development plan public facilities map for Koolaupoko (Special)
88-61	5-18-1988	Amends R.O. 1978 (1983 Ed.) § 15-4.1(5), traffic code, police exemption from parking fees (15-4)
88-62	5-18-1988	Amends Ord. 87-70, appropriations for FY 1987-88 executive operating budget (amendment No. 2) (Special)
88-63	6-6-1988	Amends portion of zoning map No. 5, Kalihi-Nuuanu (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
88-64	6-6-1988	Adopts FY 1988-89 executive operating budget appropriation (Special) (Eff. 7-1-1988)
88-65	6-6-1988	Adopts FY 1988-89 executive capital budget appropriation (Special) (Eff. 7-1-1988)
88-66	6-6-1988	Adopts FY 1988-89 legislative budget (Special) (Eff. 7-1-1988)
88-67	6-6-1988	Amends R.O. 1978 (1983 Ed.) § 19-4.1, plumbing code (Repealed by Ord. 90-28)
88-68	6-6-1988	Abolishes urban redevelopment fund
88-69	6-6-1988	Repeals R.O. 1978 (1983 Ed.) Art. 11 of Ch. 5 (Repealer) (improvement district assessment fund) (Eff. 7-1-1988)
88-70	6-6-1988	Repeals R.O. 1978 (1983 Ed.) Art. 22 of Ch. 5 (Repealer) (special assessment revolving fund) (Eff. 7-1-1988)
88-71	6-6-1988	Repeals R.O. 1978 (1983 Ed.) Art. 5 of Ch. 5 (Repealer) (improvement revolving fund)
88-72	6-6-1988	Amends portion of development plan public facilities map for Koolaupoko (Special)
88-73	6-6-1988	Amends portion of development plan public facilities map for Koolaupoko (Special)
88-74	6-6-1988	Amends portion of development plan public facilities map for primary urban center (Special)
88-75	6-6-1988	Amends portion of development plan public facilities map for Koolaupoko (Special)
88-76	6-6-1988	Amends portion of development plan public facilities map for Koolauloa (Special)
88-77	6-6-1988	Amends Exh. A to R.O. 1978 (1983 Ed.) § 32-9.1, development plan special provisions for Waianae (24-9)
88-78	6-6-1988	Amends R.O. 1978 (1983 Ed.) §§ 26-11.5(c) and 26-11.6, litter control (13-4)
88-79	6-19-1988	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
88-80	6-19-1988	Adds article to R.O. 1978 (1983 Ed.) Ch. 5, housing development special fund (6-46) (Amended by Ord. 89-61)
88-81	6-19-1988	Repeals R.O. 1978 (1983 Ed.) Art. 43 of Ch. 5 (Repealer) (police officers defense fund)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
88-82	6-19-1988	Improvement district assessment levy, Nuuanu (Nuuanu Valley sewers) (Special)
88-83	6-24-1988	Adds article to R.O. 1978 (1983 Ed.) Ch. 26 and repeals R.O. 1978 (1983 Ed.) Art. 7 of Ch. 26, handbilling in Waikiki (13-7)
88-84	7-5-1988	Amends R.O. 1978 (1983 Ed.) § 8-10.4(a) and (d), real property taxation (8-10) (Eff. upon approval of uniform ordinances by three counties or tax year beginning 7-1-1990, whichever occurs first)
88-85	7-5-1988	Amends portion of zoning map No. 7, Halawa-Pearl City (Special)
88-86	7-5-1988	Amends portion of development plan public facilities map for central Oahu (Special)
88-87	7-5-1988	Amends portion of development plan public facilities map for North Shore (Special)
88-88	7-5-1988	Amends portion of development plan public facilities map for North Shore (Special)
88-89	7-5-1988	Amends portion of development plan public facilities map for Koolau-poko (Special)
88-90	7-5-1988	Amends portion of development plan public facilities map for primary urban center (Special)
88-91	7-5-1988	Adds R.O. 1978 (1983 Ed.) § 26-6.2, peddlers (13-6)
88-92	7-20-1988	Amends portion of development plan land use map for Waianae (Special)
88-93	7-20-1988	Amends R.O. 1978 (1983 Ed.) § 16-1.1, termite control (Repealed by Ord. 90-57)
88-94	7-20-1988	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
88-95	7-20-1988	Amends R.O. 1978 (1983 Ed.) § 15-25.1, pedestrian malls, Union St. Mall (15-25)
88-96	7-20-1988	Adds section to R.O. 1978 (1983 Ed.) Ch. 29, waiver of certain rental fees, department of auditoriums (38-6)
88-97	7-20-1988	Adds chapter to R.O. 1978 (1983 Ed.), maintenance by assessments (14-27)
88-98	7-20-1988	Adds R.O. 1978 (1983 Ed.) §§ 12-1.21—12-1.26; amends R.O. 1978 (1983 Ed.) §§ 12-1.12, 12-1.11(b) and 12-1.16(b); repeals and replaces R.O. 1978 (1983 Ed.) § 12-1.1, taxicabs; repeals R.O. 1978 (1983 Ed.) § 12-1.2 (35A-1) (Requires taximeter 90 days after effective date of ordinance.)
88-99	8-10-1988	Improvement district assessment levy, Kaneohe (Kaneohe sewers) (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
88-100	8-10-1988	Amends portion of development plan public facilities map for Ewa (Special)
88-101	8-10-1988	Amends portion of development plan public facilities map for Ewa (Special)
88-102	8-10-1988	Amends portion of development plan public facilities map for Waianae (Special)
88-103	8-10-1988	Amends portion of development plan public facilities map for Waianae (Special)
88-104	8-10-1988	Amends portion of development plan public facilities map for East Honolulu (Special)
88-105	8-10-1988	Amends portion of development plan public facilities map for East Honolulu (Special)
88-106	8-10-1988	Amends portion of development plan public facilities map for Koolauapoko (Special)
88-107	9-29-1988	Adds article to R.O. 1978 (1983 Ed.) Ch. 2, form of annual executive operating budget and executive capital budget (2-18) (Eff. beginning with FY 1989-90 budget bills)
88-108	9-29-1988	Amends portion of zoning map No. 17, Mokuleia-Haleiwa (Special)
88-109	9-29-1988	Amends R.O. 1978 (1983 Ed.) § 13-36.7, exceptional trees (40-8)
88-110	9-29-1988	Amends Ord. 88-65, appropriations for FY 1988-89 executive capital budget (amendment No. 1) (Special)
88-111	10-24-1988	Amends portion of zoning map No. 19, Kahuku-Laie (Special)
88-112	10-24-1988	Amends portions of development plan public facilities map for central Oahu (Special)
88-113	10-24-1988	Amends portion of development plan land use map for central Oahu (Special)
88-114	10-24-1988	Amends portions of development plan public facilities map for central Oahu (Special)
88-115	10-24-1988	Amends portion of development plan public facilities map for Koolauapoko (Special)
88-116	10-24-1988	Amends Ord. 86-92, portion of zoning map No. 10, Waipio (Mililani) (Special)
88-117	11-14-1988	Amends portion of development plan public facilities map for primary urban center (Special)
88-118	11-14-1988	Amends portion of development plan public facilities map for primary urban center (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
88-119	11-14-1988	Amends portion of development plan public facilities map for primary urban center (Special)
88-120	12-7-1988	Amends portion of development plan public facilities map for primary urban center (Special)
88-121	12-7-1988	Authorizing general obligation bonds and bond anticipation notes (Special)
88-122	12-7-1988	Amends R.O. 1978 (1983 Ed.) § 27-1.3, golf cart rental fees (10-4)
88-123	12-7-1988	Amends portion of development plan public facilities map for Koolaupoko (Special)
88-124	12-7-1988	Amends portion of development plan public facilities map for central Oahu (Special)
88-125	12-9-1988	Amends portion of development plan land use map for East Honolulu; amends portion of zoning map No. 1, zoning for certain parcels located near Sandy Beach (Initiative) (Special)
89-1	1-19-1989	Amends portion of zoning map No. 17, Mokuleia-Haleiwa (Special)
89-2	1-19-1989	Amends R.O. 1978 (1983 Ed.) §§ 24-1.1(a), 24-4.5, 24-4.13, 24-5.1 and 24-5.2, improvement by assessment (14-19, 14-22, 14-23) (Eff. 7-1-1988, retroactively)
89-3	1-19-1989	Amends portion of development plan public facilities map for Koolaupoko (Special)
89-4	1-19-1989	Amends portion of zoning map Nos. 9 and 10, Waipio (Crestview) and Waipio (Mililani) (Special)
89-5	1-19-1989	Amends portion of development plan public facilities map for primary urban center (Special)
89-6	1-19-1989	Amends portion of development plan public facilities map for Koolaupoko (Special)
89-7	1-26-1989	Amends Ord. 88-65, appropriations for FY 1988-89 executive capital budget (amendment No. 3) (Special)
89-8	2-1-1989	Amends R.O. 1978 (1983 Ed.) § 15-25.1(2), bicycles on Fort St. Mall (15-25)
89-9	2-1-1989	Amends portions of development plan common provisions (24-1)
89-10	2-1-1989	Amends R.O. 1978 (1983 Ed.) § 32-6.2(a)(4)(D), development plan special provisions for Koolaupoko; amends portion of development plan public facilities map for Koolaupoko (24-6) (Special)
89-11	2-1-1989	Amends R.O. 1978 (1983 Ed.) § 32-8.2(a)(4)(D), development plan special provisions for North Shore (24-8)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
89-12	2-1-1989	Amends R.O. 1978 (1983 Ed.) § 32-9.2(a)(4)(D), development plan special provisions for Waianae; amends portion of development plan land use map for Waianae (24-9) (Special)
89-13	2-1-1989	Amends R.O. 1978 (1983 Ed.) § 12-1.5(e), taxicab kickbacks (35A-1)
89-14	2-1-1989	Adds Article 13 to R.O. 1978 (1983 Ed.) Ch. 26, dispensing racks along Kalakaua Avenue (13-11)
89-15	2-10-1989	Amends R.O. 1978 (1983 Ed.) §§ 32-2.2(a)(4)(E), (b)(2)(A) and (b)(9)(C), development plan special provisions for primary urban center; amend portions of land use map and public facilities map for primary urban center (24-2) (Special)
89-16	2-10-1989	Amends R.O. 1978 (1983 Ed.) §§ 32-3.1 and 32-3.2(a)(4)(D), development plan special provisions for Ewa; amends portion of land use map and public facilities map for Ewa (24-3) (Special)
89-17	2-10-1989	Amends R.O. 1978 (1983 Ed.) § 32-7.2(a)(4)(D), development plan special provisions for Koolauloa; amends portion of land use map for Koolauloa (24-7) (Special); and State land use boundary for Koolauloa (Special)
89-18	2-10-1989	Amends R.O. 1978 (1983 Ed.) § 32-5.2(a)(4)(D), development plan special provisions for central Oahu; amends portion of land use map and public facilities map for central Oahu (24-5) (Special)
89-19	2-23-1989	Adds R.O. 1978 (1983 Ed.) § 28-1.4 and amends R.O. 1978 (1983 Ed.) § 28-1.2, advertising on buses (Amended by Ord. 91-27; 15B-6)
89-20	2-23-1989	Amends portion of zoning map No. 4, Nuuanu-McCully (Special)
89-21	2-23-1989	Amends portion of zoning map No. 7, Halawa-Pearl City (Special)
89-22	2-23-1989	Amends portion of development plan public facilities map for Koolaupoko (Special)
89-23	2-23-1989	Amends portion of development plan public facilities map for primary urban center (Special)
89-24	2-23-1989	Amends portion of development plan public facilities map for Waianae (Special)
89-25	2-23-1989	Amends portion of development plan public facilities map for primary urban center (Special)
89-26	2-23-1989	Amends portion of development plan public facilities map for Koolaupoko (Special)
89-27	2-23-1989	Amends portion of zoning map No. 14, Barber's Pt.-Nanakuli (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
89-28	2-23-1989	Amends portion of zoning map No. 6, Red Hill-Ft. Shafter (Special) (Unilateral agreement was amended by Ord. 98-14)
89-29	2-23-1989	Amends R.O. 1978 (1983 Ed.) § 1-2.5, adoption of resolutions (1-2)
89-30	2-23-1989	Amends portion of zoning map No. 5, Kalihi-Nuuanu (Special)
89-31	2-23-1989	Amends Ord. 88-64, appropriations for FY 1988-89 executive operating budget (amendment No. 1) (Special)
89-32	3-9-1989	Amends Ord. 88-65, appropriations for FY 1988-89 executive capital budget (amendment No. 4) (Special)
89-33	3-9-1989	Amends Ord. 87-106, general obligation bonds (Special)
89-34	3-15-1989	Amends portion of development plan land use map for Waianae (Special)
89-35	3-15-1989	Amends portion of development plan land use map for primary urban center (Special)
89-36	3-15-1989	Interim ordinance restricting golf course construction in AG-2 district (Special)
89-37	3-15-1989	Amends portion of development plan public facilities map for North Shore and Koolauloa (Special)
89-38	3-15-1989	Amends portion of development plan public facilities map for central Oahu (Special)
89-39	3-15-1989	Amends portion of development plan public facilities map for Waianae (Special)
89-40	3-15-1989	Amends portion of development plan land use map for Waianae (Special)
89-41	3-15-1989	Amends portion of development plan public facilities map for Ewa (Special)
89-42	3-15-1989	Amends portion of development plan public facilities map for Ewa (Special)
89-43	3-15-1989	Amends portion of development plan public facilities map for North Shore (Special)
89-44	3-15-1989	Amends portion of development plan public facilities map for primary urban center (Special)
89-45	3-15-1989	Amends portion of development plan public facilities map for primary urban center (Special)
89-46	3-15-1989	Amends portion of development plan public facilities map for Ewa (Special)
89-47	3-30-1989	Adds article to R.O. 1978 (1983 Ed.) Ch. 13, damage to public property (40-1)
89-48	3-30-1989	Amends R.O. 1978 (1983 Ed.) § 15-23.2, public parking (15-23)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
89-49	3-30-1989	Amends Ord. 88-64, appropriations for FY 1988-89 executive operating budget (amendment No. 2) (Special)
89-50	4-18-1989	Amends R.O. 1978 (1983 Ed.) §§ 21A-3.160-1, 21A-3.160-2 and Art. 9 of R.O. 1978 (1983 Ed.) Ch. 21A, land use, convention center (Repealed by Ord. 99-12)
89-51	4-18-1989	Amends R.O. 1978 (1983 Ed.) § 32-2.2(b)(8), development plan special provisions for primary urban center (24-2)
89-52	4-18-1989	Adds R.O. 1978 (1983 Ed.) § 21A-8.30-8; amends R.O. 1978 (1983 Ed.) § 21A-8.30-4; repeals R.O. 1978 (1983 Ed.) § 21A-7.20—21A-7.90 and replaces with R.O. 1978 (1983 Ed.) §§ 21A-7.20—21A-7.90-6, Ch. 21A, Art. 7, Exhibits 1-18 and Tables 21-A—21-G, land use, special district regulations and processing (Repealed by Ord. 99-12)
89-53	4-18-1989	Amends portion of zoning map Nos. 4 and 5, Nuuanu-McCully and Kalihi-Nuuanu (Special)
89-54	4-18-1989	Amends R.O. 1978 (1983 Ed.) § 12-1.24, taxicabs (35A-1)
89-55	4-18-1989	Amends portion of zoning map No. 12, Ewa (Special)
89-56	4-18-1989	Amends R.O. 1978 (1983 Ed.) § 28-2.1, public transit system fares (15B-1)
89-57	5-5-1989	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
89-58	5-19-1989	Adds section to Art. 2 and Art. 24 of R.O. 1978 (1983 Ed.) Ch. 15; amends R.O. 1978 (1983 Ed.) 15-14.8, 15-15.1, 15-22.4, 15-22.11, 15-22.13, 15-23.2, special transit service vehicle parking for mobility handicapped (15-2, 15-14, 15-15, 15-22, 15-23, 15-24)
89-59	5-19-1989	Adds article to R.O. 1978 (1983 Ed.), maintenance of channels, streambeds, streambanks and drainageways (40-2)
89-60	5-19-1989	Amends R.O. 1978 (1983 Ed.) §§ 20-6.2(a) and 20-6.4, underground utilities (14-18)
89-61	5-19-1989	Amends one section of R.O. 1978 (1983 Ed.) Ch. 5, enacted by Ord. 88-80, housing development special fund, receipts and expenditures (6-46)
89-62	5-19-1989	Amends portion of development plan public facilities map for North Shore (Special)
89-63	5-19-1989	Amends portion of development plan land use map for Koolauloa (Special)
89-64	5-19-1989	Adds new chapter to R.O. 1978 (1983 Ed.), child care (11-1)
89-65	5-19-1989	Amends R.O. 1978 (1983 Ed.) § 15-25.1, establishment of pedestrian malls (15-25)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
89-66	5-19-1989	Amends portion of development plan public facilities map for East Honolulu (Special)
89-67	5-19-1989	Amends portion of development plan public facilities map for Koolauloa (Special)
89-68	5-19-1989	Interim ordinance for conduct of motor vehicle racing at Campbell Industrial Park (subject to repeal on 12-31-1991)
89-69	5-24-1989	Adds article to R.O. 1978 (1983 Ed.) Ch. 27, commercial windsurfing (10-5)
89-70	5-30-1989	Amends R.O. 1978 (1983 Ed.) § 32-4.2(a)(4)(D), development plan special provisions for East Honolulu; amends development plan land use map for East Honolulu (24-4) (Special)
89-71	5-30-1989	Interim restriction on issuance of grading and building permits for certain property in vicinity of Sandy Beach (Special)
89-72	6-1-1989	Amends portion of zoning map No. 7, Halawa-Pearl City (Special)
89-73	6-1-1989	Amends portion of zoning map No. 7, Halawa-Pearl City (Special)
89-74	6-1-1989	Appropriations for FY 1989-90 executive operating budget (Special) (Eff. 7-1-1989)
89-75	6-1-1989	Appropriations for FY 1989-90 executive capital budget (Special) (Eff. 7-1-1989)
89-76	6-1-1989	Appropriations for FY 1989-90 legislative budget (Special) (Eff. 7-1-1989)
89-77	6-1-1989	Amends R.O. 1978 (1983 Edition) §§ 9-4.1 and 9-4.2, refuse collection and disposal charges (9-4) (Eff. 7-1-1989)
89-78	6-1-1989	Amends R.O. 1978 (1983 Ed.) §§ 15-15.1(2), 15-16.5, 15-22.4, 15-22.12, 15-22.13, 15-23.2, 15-23.7 and 15-23.8, traffic code, employee and public parking (§§ 15-15, 15-16, 15-22, 15-23)
89-79	6-1-1989	Amends Art. 1 of R.O. 1978 (1983 Ed.) Ch. 4, motor vehicle weight tax (§ 15A-3) (Eff. 1-1-1990)
89-80	6-1-1989	Amends R.O. 1978 (1983 Ed.) §§ 11-6.3(c) and 11-6.5(a), sewers; amends R.O. 1978 (1983 Ed.) Appendices G and H, sewer service and cesspool charge schedules (14-6) (Eff. 7-1-1989)
89-81	6-1-1989	Renumbers R.O. 1978 (1983 Ed.) § 27-1.3 to be 27-1.4 and adds new § 27-1.3; amends R.O. 1978 (1983 Ed.) § 27-1.2, golf fees (10-4)
89-82	6-1-1989	Amends R.O. 1978 (1983 Ed.) § 27-3.1, admission fees for Honolulu Zoo and Foster Botanic Garden (10-2)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
89-83	6-1-1989	Adds R.O. 1978 (1983 Ed.) § 9-1.9, recycling coordinator (9-1)
89-84	6-1-1989	Amends portion of development plan public facilities map for Koolauloa (Special)
89-85	6-1-1989	Amends portion of development plan public facilities map for primary urban center (Special)
89-86	6-1-1989	Amends portion of development plan public facilities map for Koolaupoko (Special)
89-87	6-1-1989	Amends portion of development plan land use map for Koolaupoko (Special)
89-88	6-1-1989	Amends portion of development plan land use map for Koolauloa (Special)
89-89	6-22-1989	Amends Ord. 88-65, appropriations for FY 1988-89 executive capital budget (amendment No. 5) (Special)
89-90	6-22-1989	Authorizes issuance of general obligation refunding bonds (Special)
89-91	7-3-1989	Amends portion of development plan public facilities map for Koolauloa (Special)
89-92	7-3-1989	Amends R.O. 1978 (1983 Ed.) §§ 15-22.12(2), 15-24.11(6) and 15-24.11-A(6), parking for disabled persons (15-24)
89-93	7-3-1989	Adds article to R.O. 1978 (1983 Ed.) Ch. 13, parking for disabled persons (15-29)
89-94	7-3-1989	Amends R.O. 1978 (1983 Ed.) § 15-13.9, abandoned vehicles on highways (15-13)
89-95	7-3-1989	Adds new article to R.O. 1978 (1983 Ed.) Ch. 22, memorials and names for city parks, sites and facilities (22-9)
89-96	7-3-1989	Improvement district assessment levy, Nanakuli (Special) (Amended by Ord. 90-29)
89-97	7-20-1989	Amends portion of zoning map No. 4, Nuuanu-McCully (Special)
89-98	7-20-1989	Authorizes issuance of general obligation bonds and bond anticipation notes (Special)
89-99	7-27-1989	Amends R.O. 1978 (1983 Ed.) § 28-1.2, advertising on buses
89-100	8-3-1989	Amends portion of zoning map No. 4, Nuuanu-McCully (Special)
89-101	8-3-1989	Amends portion of development plan public facilities map for Waianae (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
89-102	8-3-1989	Amends portion of development plan public facilities map for Waianae (Special)
89-103	8-3-1989	Amends portion of development plan public facilities map for Waianae (Special)
89-104	8-3-1989	Amends portion of development plan land use map for Waianae (Special)
89-105	8-3-1989	Amends portion of development plan land use map and public facilities map for Ewa (Special)
89-106	8-3-1989	Amends R.O. 1978 (1983 Ed.) § 15-25.1(1), establishment of pedestrian malls (15-25)
89-107	8-3-1989	Amends portion of zoning map No. 3, Moiliili-Kaimuki (Special)
89-108	8-15-1989	Amends portion of development plan public facilities map for primary urban center (Special)
89-109	8-15-1989	Amends portion of development plan public facilities map for primary urban center (Special)
89-110	8-15-1989	Amends portion of special management area map for Koolaupoko (Special)
89-111	9-27-1989	Amends portion of zoning map No. 9, Waipio (Crestview) (Special)
89-112	10-4-1989	Amends portion of zoning map No. 23, Kailua-Keolu (Special)
89-113	10-4-1989	Amends R.O. 1978 (1983 Ed.) §§ 9-1.1, 9-1.3, 9-1.4, 9-1.6 and 9-5.1, refuse (9-1, 9-5)
89-114	10-4-1989	Amends R.O. 1978 (1983 Ed.) § 9-1.0, solid waste (9-1)
89-115	10-4-1989	Adds section to R.O. 1978 (1983 Ed.) Ch. 9, recycling pilot project (9-1)
89-116	10-4-1989	Adds article to R.O. 1978 (1983 Ed.) Ch. 1, preference for recycled paper products (1-12)
89-117	10-4-1989	Adds section to Art. 1 of R.O. 1978 (1983 Ed.) Ch. 9; amends R.O. 1978 (1983 Ed.) § 9-1.6, mandatory recycling program for city government (9-1)
89-118	10-4-1989	Adds section to Art. 8 of R.O. 1978 (1983 Ed.) Ch. 2; amends R.O. 1978 (1983 Ed.) § 9-1.4, used oil recycling (9-1)
89-119	10-4-1989	Amends portion of development plan public facilities map for North Shore (Special)
89-120	10-4-1989	Amends portion of zoning map No. 3, Moiliili-Kaimuki (Special)
89-121	10-4-1989	Amends R.O. 1978 (1983 Ed.) § 27-4.1, canoe storage facilities (10-2)
89-122	10-4-1989	Amends portion of zoning map No. 22, Heeia-Kaneohe-Maunawili (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
89-123	10-4-1989	Amends portion of zoning map No. 10, Waipio (Mililani) (Special) (Unilateral Agreement amended by Ord. 93-23)
89-124	10-23-1989	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
89-125	10-23-1989	Adds article to R.O. 1978 (1983 Ed.) Ch. 9, recycling of glass containers (9-7)
89-126	10-23-1989	Adds article to R.O. 1978 (1983 Ed.) Ch. 13, polystyrene foam containers (34-13)
89-127	10-23-1989	Amends portion of development plan public facilities map for Koolaupoko (Special)
89-128	10-23-1989	Amends portion of zoning map No. 1, Hawaii Kai (Special)
89-129	11-21-1989	Amends R.O. 1978 (1983 Ed.) § 8-10.1, claims for certain exemptions from taxation (8-10)
89-130	11-21-1989	Adds section to Art. 24 of R.O. 1978 (1983 Ed.) Ch. 15; amends R.O. 1978 (1983 Ed.) §§ 15-2.28(6), 15-19.40 and 15-24.5; repeals R.O. 1978 (1983 Ed.) § 15-24.8, traffic code, carrying animals and people in pickup trucks (15-2, 15-19, 15-24)
89-131	11-21-1989	Amends portion of zoning map No. 5, Kalihi-Nuuanu (Special)
89-132	11-21-1989	Amends R.O. 1978 (1983 Ed.) § 8-10.4(d), real property taxation (8-10)
89-133	11-21-1989	Amends Ord. 89-75, appropriations for FY 1989-90 executive capital budget (amendment No. 1) (Special)
89-134	11-21-1989	Adds R.O. 1978 (1983 Ed.) §§ 16-3.10 and 16-5.6; adds Art. 8 to R.O. 1978 (1983 Ed.) Ch. 16; amends R.O. 1978 (1983 Ed.) §§ 16-1.1(5), 16-2.14, 16-4.4 and 16-7.12, building code (Repealed by Ord. 90-57)
89-135	11-21-1989	Amends Art. 7 of R.O. 1978 (1983 Ed.) Ch. 18, fees and permits for building, electrical, plumbing and sidewalk codes (18-7)
89-136	11-21-1989	Amends portion of development plan public facilities map for Koolaupoko (Special)
89-137	11-21-1989	Amends portion of development plan public facilities map for Koolaupoko (Special)
89-138	12-1-1989	Amends R.O. 1978 (1983 Ed.) §§ 8-10.8, real property tax exemptions (8-10) (Eff. tax year beginning 7-1-1990)
89-139	12-1-1989	Amends portion of development plan public facilities map for East Honolulu (Special)
89-140	12-1-1989	Amends R.O. 1978 (1983 Ed.) §§ 32-4.2(a)(4) and 32-4.3, development plan special provisions for East Honolulu (24-4)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
89-141	12-1-1989	Amends R.O. 1978 (1983 Ed.) §§ 32-3.2(a)(4) and 32-3.3, development plan special provisions for Ewa; amends portion of development plan land use map for Ewa (24-3) (Special)
89-142	12-1-1989	Amends R.O. 1978 (1983 Ed.) §§ 32-8.2(a)(4) and 32-8.3, development plan special provisions for North Shore (24-8)
89-143	12-1-1989	Amends R.O. 1978 (1983 Ed.) §§ 32-5.2(a)(4) and (b) and 32-5.3, development plan special provisions for central Oahu; amends portion of development plan land use map for central Oahu (24-5) (Special)
89-144	12-1-1989	Amends R.O. 1978 (1983 Ed.) §§ 32-9.2(a)(4) and 32-9.3, development plan special provisions for Waianae; amends portion of development land use map for Waianae (24-9) (Special)
89-145	12-1-1989	Amends R.O. 1978 (1983 Ed.) §§ 32-7.2(a)(4) and 32-7.3, development plan special provisions for Koolauloa (24-7)
89-146	12-22-1989	Adds R.O. 1978 (1983 Ed.) § 21A-1.60, 21A-3.120-3; amends R.O. 1978 (1983 Ed.) §§ 21A-3.80, 21A-3.90-1, Ch. 21A, Tables 1, 4-B, 5-B and 20-A, §§ 21A-7.80-6(A) and (C), 21A-8.30-4(D), 21A-8.30-6(D), 21A-8.30-7(G), 21A-8.30-8(D) and 21A-8.60 and Art. 9 of R.O. 1978 (1983 Ed.) Ch. 21A; repeals R.O. 1978 (1983 Ed.) §§ 21A-5.50-2 and 21A-5.60-2, miscellaneous land use (Repealed by Ord. 99-12)
89-147	12-28-1989	Amends R.O. 1978 (1983 Ed.) § 8-3.3, penalty for delinquency in real property tax payments (8-3) (Eff. 7-1-1990)
89-148	12-28-1989	Adds article to R.O. 1978 (1983 Ed.) Ch. 4, voter registration at driver licensing sites (4-5)
89-149	12-28-1989	Amends R.O. 1978 (1983 Ed.) § 2-12.1, duties of director of transportation services (2-12)
89-150	12-28-1989	Interim restrictions on hillside development (Special) (Amended by Ords. 91-07 and 91-94)
89-151	12-28-1989	Repeals Art. 6 of R.O. 1978 (1983 Ed.) Ch. 13, relating to dance houses (Repealer)
89-152	12-28-1989	Amends R.O. 1978 (1983 Ed.) §§ 32-2.2(a) and (b), 32-2.3 and 32-2.4(1)(A), development plan special provisions for primary urban center (24-2)
89-153	12-28-1989	Amends Ord. 89-75, appropriations for FY 1989-90 executive capital budget (amendment No. 2) (Special)
89-154	12-28-1989	Adds R.O. 1978 (1983 Ed.) §§ 21A-3.120-1 and 21A-3.120-2; amends R.O. 1978 (1983 Ed.) Ch. 21A, Table 12-A, and § 21A-7.80-5; amends Art. 9 of R.O. 1978 (1983 Ed.) Ch. 21A, land use, transient vacation units and bed and breakfast homes (Repealed by Ord. 99-12)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
89-155	12-28-1989	Adds R.O. 1978 (1983 Ed.) §§ 21A-6.20-1 and 21A-6.20-2; amends R.O. 1978 (1983 Ed.) §§ 21A-6.20 and 21A-8.30-3, land use, ohana dwellings (Repealed by Ord. 99-12)
90-1	1-10-1990	Adds article to R.O. 1978 (1983 Ed.) Ch. 2, department of parks and recreation (2-16)
90-2	1-18-1990	Amends R.O. 1978 (1983 Ed.) §§ 22-7.4 and 22-7.5, park dedication requirements (22-7)
90-3	2-7-1990	Adds article to R.O. 1978 (1983 Ed.) Ch. 13, motor vehicle alarms; amends R.O. 1978 (1983 Ed.) § 15-24.1, tampering with vehicles (15-24, 15A-5)
90-4	2-7-1990	Amends portion of development plan public facilities map for Waianae (Special)
90-5	2-7-1990	Amends R.O. 1978 (1983 Ed.) §§ 32-1.2(i), 32-1.3, 32-1.4(7) and 32-1.13(b)—(c), development plan common provisions (24-1)
90-6	2-7-1990	Amends R.O. 1978 (1983 Ed.) § 13-14.2, use of public recreation areas (10-1)
90-7	2-7-1990	Amends portion of zoning map No. 8, Waipahu (Special)
90-8	2-7-1990	Amends portion of zoning map No. 3, Moiliili-Kaimuki (Special)
90-9	2-7-1990	Adds article to R.O. 1978 (1983 Ed.), seal and motto of department of prosecuting attorney (1-13)
90-10	2-7-1990	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
90-11	2-7-1990	Amends portion of development plan public facilities map for primary urban center (Special)
90-12	2-7-1990	Amends R.O. 1978 (1983 Ed.) § 15-13.10(1), storage of impounded vehicles (15-13)
90-13	2-7-1990	Amends Ord. 89-74, appropriations for FY 1989-90 executive operating budget (amendment No. 2) (Special)
90-14	2-23-1990	Adds §§ 30-3.4 and 30-3.5 to Art. 3 of R.O. 1978 (1983 Ed.) Ch. 30; adds R.O. 1978 (1983 Ed.) § 30-4.2; amends R.O. 1978 (1983 Ed.) §§ 5-38.3, 30-3.2 and 30-4.1; repeals R.O. 1978 (1983 Ed.) § 30-3.1, leasing of city property to nonprofit corporations and community associations (28-3, 28-4)
90-15	2-23-1990	Adds R.O. 1978 (1983 Ed.) § 21A-5.10-2; amends R.O. 1978 (1983 Ed.) § 21A-3.160-1 and Ch. 21A, Tables 3-A and 12-A, and amends Art. 9 of R.O. 1978 (1983 Ed.) Ch. 21A, land use ordinance, golf courses (Repealed by Ord. 99-12)
90-16	2-23-1990	Amends Ord. 89-75, appropriations for FY 1989-90 executive capital budget (amendment No. 3) (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
90-17	2-28-1990	Amends R.O. 1978 (1983 Ed.) §§ 32-6.2(a)(4) and 32-6.3, development plan special provisions for Koolaupoko; amends portion of development plan land use map for Koolaupoko (24-6) (Special)
90-18	3-9-1990	Amends portion of zoning map No. 6, Red Hill-Ft. Shafter (Special)
90-19	3-9-1990	Adds R.O. 1978 (1983 Ed.) §§ 8-5.10 and 8-5.11, lien for collection of delinquent real property taxes (8-5)
90-20	3-9-1990	Amends portion of development plan public facilities map for Waianae (Special)
90-21	3-9-1990	Amends portion of development plan land use map for primary urban center (Special)
90-22	3-9-1990	Amends portion of development plan public facilities map for Koolaupoko (Special)
90-23	3-9-1990	Amends portion of development plan public facilities map for primary urban center (Special)
90-24	3-9-1990	Adds article to R.O. 1978 (1983 Ed.), historic preservation (40-10)
90-25	3-29-1990	Amends portion of zoning map No. 2, Kahala-Kuliouou (Special)
90-26	3-29-1990	Adds article to R.O. 1978 (1983 Ed.) Ch. 13, noise control (41-6)
90-27	3-29-1990	Interim restrictions on grading and building permit issuance in Lanikai hillside area of Kailua (Special) (Eff. 3-16-1990)
90-28	3-29-1990	Repeals and replaces R.O. 1978 (1983 Ed.) Ch. 19, plumbing code (19-1, 19-2, 19-3, 19-4, 19-5, 19-6; amended by Ord. 99-73) (Eff. 5-28-1990)
90-29	3-29-1990	Amends Ord. 89-96, improvement district assessment levy for Nanakuli (Special)
90-30	4-11-1990	Amends portion of zoning map Nos. 13 and 14, Makakilo and Barber's Point-Kahe-Nanakuli (Special)
90-31	4-11-1990	Amends R.O. 1978 (1983 Ed.) § 8-10.20, exemptions from real property taxation for low- and moderate-income housing (8-10)
90-32	4-11-1990	Amends portion of development plan public facilities map for Koolaupoko (Special)
90-33	4-11-1990	Amends R.O. 1978 (1983 Ed.) §§ 27-3.1—27-3.4, admission fees for Honolulu Zoo and Foster Botanic Garden (10-2)
90-34	4-11-1990	Amends portion of development plan land use map for Ewa (Special)
90-35	4-11-1990	Amends portion of development plan public facilities map for Ewa (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
90-36	4-11-1990	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
90-37	5-1-1990	Amends Ord. 89-74, appropriations for FY 1989-90 executive operating budget (amendment No. 3) (Special)
90-38	5-3-1990	Adds article to R.O. 1978 (1983 Ed.), acquisition of property by eminent domain (Repealed by Ord. 16-29)
90-39	5-3-1990	Amends portion of zoning map No. 4, Nuuanu-McCully (Special)
90-40	5-22-1990	Amends portion of development plan public facilities map for central Oahu (Special)
90-41	5-22-1990	Amends R.O. 1978 (1983 Ed.) §§ 32-1.1, 32-1.2(g) and 32- 1.4(1), development plan common provisions, references to land use ordinance (24-1)
90-42	5-22-1990	Amends portion of development plan public facilities map for primary urban center (Special)
90-43	5-22-1990	Amends R.O. 1978 (1983 Ed.) § 32-1.5(A)(i), (iv) and (v), development plan common provisions (24-1)
90-44	5-22-1990	Improvement district assessment levy for Ewa Beach (Ewa Beach sewers) (Special)
90-45	5-29-1990	Amends Ord. 89-75, appropriations for FY 1989-90 executive capital budget (amendment No. 4) (Special)
90-46	5-29-1990	Authorizes issuance and sale of general obligation bonds for water system improvements (Special)
90-47	6-6-1990	Appropriations for FY 1990-91 legislative budget (Special) (Eff. 7-1-1990)
90-48	6-6-1990	Amends R.O. 1978 (1983 Ed.) § 6-4.3, salaries of appointed officials of the council (5-3)
90-49	6-6-1990	Amends R.O. 1978 (1983 Ed.) §§ 2-18.1 and 2-18.2, execution of executive operating budget and executive capital budget ordinances (2-17)
90-50	6-6-1990	Amends R.O. 1978 (1983 Ed.) § 11-1.5(b), sewers (14-1)
90-51	6-6-1990	Amends portion of development plan public facilities map for Koolaupoko (Special)
90-52	6-5-1990	Appropriations for FY 1990-91 executive operating budget (Special) (Eff. 7-1-1990)
90-53	6-5-1990	Appropriations for FY 1990-91 executive capital budget (Special) (Eff. 7-1-1990)
90-54	6-20-1990	Adds article to R.O. 1978 (1983 Ed.) Ch. 3, appointment to boards, commissions and committees (3-9)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
90-55	7-3-1990	Adds article to R.O. 1978 (1983 Ed.) Ch. 13, animal nuisances; repeals Art. 24 of R.O. 1978 (1983 Ed.) Ch. 13, barking dogs (12-2)
90-56	7-3-1990	Amends R.O. 1978 (1983 Ed.) §§ 17-1.2(a), 17-3.6 and 17-5.1(a), electrical code (17-1, 17-3, 17-5) (Eff. 9-1-1990)
90-57	7-3-1990	Repeals Arts. 1—5, 7 and 8 of R.O. 1978 (1983 Ed.) Ch. 16, and adds new Arts. 1—5 and 7—10 to R.O. 1978 (1983 Ed.) Ch. 16, building code (16-1, 16-2, 16-3, 16-4, 16-7, 16-8, 16-9, 16-10, 16-11) (Eff. 10-1-1990) (Art. 9, Ch. 16, repealed by Ord. 97-16)
90-58	7-3-1990	Amends portion of State land use district map for Ewa (Special)
90-59	7-3-1990	Amends portion of development plan public facilities map for Koolau-poko (Special)
90-60	7-3-1990	Amends portion of development plan public facilities map for central Oahu (Special)
90-61	7-25-1990	Amends portion of zoning map No. 7, Halawa-Pearl City (Special)
90-62	7-25-1990	Adds chapter to R.O. 1978 (1983 Ed.), water management (30-1, 30-2, 30-3) (Amended in part by Ord. 91-61)
90-63	7-25-1990	Amends portion of development plan public facilities map for primary urban center (Special)
90-64	7-25-1990	Amends portion of development plan public facilities map for Ewa (Special)
90-65	7-25-1990	Amends portion of development plan public facilities map for East Honolulu (Special)
90-66	7-25-1990	Amends portion of development plan public facilities map for central Oahu (Special)
90-67	7-25-1990	Improvement district assessment levy for Makaha (Special)
90-68	7-26-1990	Adds article to R.O. 1978 (1983 Ed.), reporting of real property interests owned or acquired by foreign persons (Repealed by Ord. 04-03)
90-69	7-26-1990	Amends portion of zoning map No. 2, Kahala-Kuliouou (Special)
90-70	8-7-1990	Authorization for general obligation bonds and bond anticipation notes (Special)
90-71	8-22-1990	Renumbers R.O. 1978 (1983 Ed.) §§ 23-4.2—23-4.4 to be 23-4.5—23-4.7; adds new §§ 23-4.2—23-4.4, grading (29-4)
90-72	8-22-1990	Amends portion of zoning map No. 7, Halawa-Pearl City (Special)
90-73	8-22-1990	Adds R.O. 1978 (1983 Ed.) § 15-16.8, traffic code (15-16)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
90-74	9-12-1990	Amends R.O. 1978 (1983 Ed.) § 30-3.3, lease and rental of city property (38-3)
90-75	9-26-1990	Amends portion of zoning map No. 22, Heeia-Kaneohe-Maunawili (Special)
90-76	9-26-1990	Amends R.O. 1978 (1983 Ed.) § 15-13.12, traffic code, motorcycle, motor scooter and moped parking (15-13)
90-77	10-16-1990	Adds R.O. 1978 (1983 Ed.) § 15-26.10A; amends R.O. 1978 (1983 Ed.) §§ 12-5.17, 13-14.6, 15-6.7, 15-13.6, 15-15.1, 15-16.2, 15-16.8, 15-22.11, 15-23.6, 15-24.11-A, 15-26.1, 15-26.3, 15-26.4, 15-26.6, 15-26.10; repeals R.O. 1978 (1983 Ed.) §§ 15-4.2, 15-13.7, 15-22.12, 15-22.13, 15-23.7, 15-23.8 and 15-26.5, traffic code (violations) (10-1, 15-6, 15-13, 15-15, 15-16, 15-22, 15-23, 15-24, 15-26, 35A-5) (Eff. 1-1-1991)
90-78	10-16-1990	Amends portions of zoning map Nos. 8 and 13, Waipahu and Makakilo (Special)
90-79	10-22-1990	Adds article to R.O. 1978 (1983 Ed.) Ch. 15, traffic code, closure of certain county highways to large passenger carrier vehicles (15-27) (Eff. 1-20-1991)
90-80	10-24-1990	Adds article to R.O. 1978 (1983 Ed.) Ch. 5; renumbers R.O. 1978 (1983 Ed.) Ch. 11, Art. 10 to be Art. 11 and adds new Article 10 to Ch. 11; amends R.O. 1978 (1983 Ed.) 11-1.2; adds new Appendix to R.O. 1978 (1983 Ed.) Ch. 11, wastewater systems and fees (6-47, 14-1, 14-10, 14-11)
90-81	10-26-1990	Regulating for an interim period the granting of applications for conditional use permits in designated portions of the OR&L right-of-way (Special) (Amended by Ords. 91-26 and 91-79)
90-82	10-26-1990	Adds section to R.O. 1978 (1983 Ed.) Ch. 3, Art. 3, art inspection, inventory and maintenance (3-2)
90-83	10-26-1990	Regulating for an interim period development within portions of Kalihi Valley (Special) (Amended by Ord. 91-81)
90-84	10-26-1990	Amends R.O. 1978 (1983 Ed.) §§ 12-1.9, 12-1.11 and 12-1.12, taxicabs (35A-1) (Eff. 7-1-1991)
90-85	11-26-1990	Amends portion of zoning map No. 5, Kalihi-Nuuanu (Special)
90-86	11-26-1990	Amends portion of the development plan public facilities map for Ewa (Special)
90-87	11-26-1990	Amends portion of the development plan land use map for the primary urban center (Special)
90-88	11-26-1990	Amends portion of the development plan public facilities map for the North Shore (Special)
90-89	11-21-1990	Amends R.O. 1978 (1983 Ed.) § 32-1.2, development plan common provisions (24-1)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
90-90	11-26-1990	Amends portion of the development plan public facilities map for Ewa (Special)
90-91	11-26-1990	Amends R.O. 1978 (1983 Ed.) Ch. 24, improvement by assessment (14-19, 14-20, 14-21, 14-22, 14-23, 14-24, 14-25, 14-26)
90-92	11-26-1990	Adds R.O. 1978 (1983 Ed.) § 13-29.5, enforcement of disposal of weeds, garbage, trash and waste from property (40-7)
90-93	11-26-1990	Amends R.O. 1978 (1983 Ed.) §§ 21A-3.140-1, Ch. 21A, Tables 4-A—12-A, Ch. 21A, Art. 9; repeals R.O. 1978 (1983 Ed.) §§ 21A-3.140-2 and 21A-4.40-19, land use, pet-keeping regulations (Repealed by Ord. 99-12)
90-94	11-26-1990	Amends portion of zoning map Nos. 9 and 10, Waipio (Crestview) and Waipio (Mililani) (Special)
90-95	11-23-1990	Adds article to R.O. 1978 (1983 Ed.) Ch. 13, condominium real property leases (41-33)
90-96	12-14-1990	Amends R.O. 1978 (1983 Ed.) §§ 6-1.3 and 6-1.5, standards of conduct (3-8)
90-97	12-14-1990	Amends R.O. 1978 (1983 Ed.) §§ 13-20.5 and 13-20.6, swimming pools (16-6)
90-98	12-14-1990	Amends R.O. 1978 (1983 Ed.) § 15-23.2, traffic code, charges for parking (15-23)
91-01	2-5-1991	Amends portions of development plan land use map and public facilities map for primary urban center (Special)
91-02	2-7-1991	Amends Exhibit B to 2-18.3, executive capital budget bill form (Eff. beginning with FY 1991-92 annual budget bills)
91-03	2-27-1991	Amends R.O. 1978 (1983 Ed.) §§ 32-3.2(a)(3), (b)(1)(A) and (b)(4), development plan special provisions for Ewa; amends portions of development plan land use map and public facilities map for Ewa (24-3) (Special)
91-04	2-27-1991	Amends R.O. 1978 (1983 Ed.) § 32-5.2, development plan special provisions for central Oahu; amends portion of development plan land use map for central Oahu (24-5) (Special)
91-05	2-27-1991	Amends portion of development plan public facilities map for primary urban center (Special)
91-06	2-27-1991	Adds section to R.O. 1978 (1983 Ed.) Ch. 30, Art. 4, child care (11-1)
91-07	2-27-1991	Amends R.O. 1978 (1983 Ed.) §§ 23-1.4 and 23-4.2, grading, soil erosion and sediment control (29-1, 29-4)
91-08	2-27-1991	Amends R.O. 1978 (1983 Ed.) §§ 23-2.2 and 23-2.3, grading, soil erosion and sediment control (29-2)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
91-09	2-27-1991	Amends Ord. 89-150, regulating for an interim period urban development within Oahu hillsides (Special)
91-10	3-5-1991	Amends portions of development plan land use map for Koolau-poko (Special)
91-11	3-13-1991	Amends a portion of zoning map No. 9, Waipio (Crestview) (Special) (Amended by Ords. 92-19 and 01-42)
91-12	3-14-1991	Regulates for an interim period development within Barber's Point shoreline area (Special)
91-13	3-14-1991	Amends R.O. 1978 (1983 Ed.) §§ 15-23.2 and 15-23.5, traffic code, public parking (15-23)
91-14	3-14-1991	Amends portions of development plan land use map for primary urban center (Special)
91-15	3-14-1991	Amends R.O. 1978 (1983 Ed.) § 32-2.2, development plan special provisions for primary urban center (24-2)
91-16	3-18-1991	Amends Ord. 90-53, appropriations for FY 1990-91 executive capital budget (amendment No. 1) (Special)
91-17	3-21-1991	Amends portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
91-18	3-21-1991	Amends portion of zoning map No. 5, Kalihi to Nuuanu (Special)
91-19	3-21-1991	Amends portion of development plan public facilities map for Ewa (Special)
91-20	3-21-1991	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
91-21	3-21-1991	Amends Ord. 90-52, appropriations for FY 1990-91 executive operating budget (amendment No. 1) (Special)
91-22	4-22-1991	Regulates for an interim period development in Waikiki (Special)
91-23	4-23-1991	Adds section to Art. 4 of R.O. 1978 (1983 Ed.) Ch. 24, and amends R.O. 1978 (1983 Ed.) §§ 24-2.1 and 24-3.5, public works infrastructure, improvement districts (14-20, 14-21, 14-22)
91-24	4-23-1991	Amends R.O. 1978 (1983 Ed.) § 2-19.2, executive operating budget bill form (2-18) (Eff. beginning with FY 1991-92 annual budget bills)
91-25	4-23-1991	Adds section to R.O. 1978 (1983 Ed.) Ch. 20, Art. 5; amends §§ 20-5.3 and 20-5.5, public works, construction of improvements (14-17)
91-26	4-23-1991	Amends Ord. 90-81, OR&L right-of-way interim development controls (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
91-27	5-1-1991	Adds new Arts. 1A, 1B and 1C to R.O. 1978 (1983 Ed.) Ch. 28, public transit; adds R.O. 1978 (1983 Ed.) §§ 4-2.1 and 4-2.3, OMPO; amends R.O. 1978 (1983 Ed.) 2-4.2, 2-8.1, 2-9.1, 2-12.1, 2-16.1, 2-16.3 and 2-18.2, public transit authority; 5-23.2, bus transportation fund; 6-2.2 and 6-4.2(b), bonds and salaries of officers and employees; 13-41.2, 13-41.9 and 13-46.1, public transit authority; 15-2.22, 15-2.28, 15-3.1(a), 15-6.7, 15-14.8, 15-15.3, 15-15.4, traffic code; 28-2.1, 28-2.2, 28-2.3, 28-2.5, 28-2.6, 28-3.1, 28-3.2, 28-3.4, 28-4.1, 28-4.2, 28-4.3, 28-4.5, 28-4.6 and 28-4.7, public transit; and 30-1.2, lease and rental of city real property; rennumbers and amends R.O. 1978 (1983 Ed.) § 4-2.1 to be 4-2.2, 4-2.2 to be 4-2.4, 4-2.3 to be 4-2.5 and 4-2.4 to be 4-2.6, public transit authority; and repeals R.O. 1978 (1983 Ed.) Ch. 28, Art. 1, public transit (Eff. 1-1-1992) (2-4, 2-5, 2-8, 2-12, 2-17, 2-19, 4-2, 5-1, 15-2, 15-3, 15-6, 15-14, 15-15, 15B-2, 15B-3, 15B-4, 15B-6, 38-1, 41-1) (Art. 9, Ch. 2, repealed by Ord. 16-29; Art. 5, Ch. 13, repealed by Ord. 97-02)
91-28	5-7-1991	Adds section to R.O. 1978 (1983 Ed.) Ch. 18, Art. 7; and amends R.O. 1978 (1983 Ed.) § 18-5.4(d), fees and permits for technical codes (18-5, 18-7)
91-29	5-7-1991	Amends R.O. 1978 (1983 Ed.) §§ 26-10.1 and 26-10.3(e), use of malls (13-10)
91-30	5-29-1991	Adds article to R.O. 1978 (1983 Ed.) Ch. 1, personal names on signs relating to public projects and governmental activities (1-14)
91-31	5-30-1991	Appropriations for FY 1991-92 executive operating budget (Special) (Eff. 7-1-1991)
91-32	5-30-1991	Appropriations for FY 1991-92 executive capital budget (Special) (Eff. 7-1-1991)
91-33	6-5-1991	Appropriations for FY 1991-92 legislative budget (Special) (Eff. 7-1-1991)
91-34	6-5-1991	Amends R.O. 1978 (1983 Ed.) Ch. 11, Appx. G, sewer service charges and Appx. H, cesspool charges (Appx. A, B) (Eff. 7-1-1991)
91-35	6-5-1991	Amends portion of development plan public facilities map for North Shore (Special)
91-36	6-5-1991	Amends portion of zoning map No. 9, Waipio (Special)
91-37	6-25-1991	Amends portion of development plan land use map for Koolaupoko (Special)
91-38	6-25-1991	Amends R.O. 1978 (1983 Ed.) § 13-36.7, exceptional trees (40-8)
91-39	7-29-1991	Amends portion of zoning map No. 4, Nuuanu-McCully (Special)
91-40	7-29-1991	Amends portion of development plan public facilities map for primary urban center (Special)
91-41	7-29-1991	Amends portion of development plan public facilities map for Ewa (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
91-42	7-29-1991	Amends portion of development plan public facilities map for North Shore (Special)
91-43	7-29-1991	Amends portion of development plan public facilities map for North Shore (Special)
91-44	7-29-1991	Amends portions of development plan public facilities map for Koolaupoko (Special)
91-45	7-29-1991	Amends portion of development plan public facilities map for Koolaupoko (Special)
91-46	7-29-1991	Amends portion of development plan public facilities map for Koolaupoko (Special)
91-47	7-29-1991	Amends portion of development plan public facilities map for Ewa (Special)
91-48	7-29-1991	Amends portion of development plan public facilities map for primary urban center (Special)
91-49	7-29-1991	Amends portion of development plan public facilities map for primary urban center (Special)
91-50	7-29-1991	Amends portion of development plan public facilities map for primary urban center (Special)
91-51	7-29-1991	Amends portion of development plan public facilities map for Koolaupoko (Special)
91-52	7-29-1991	Amends portion of development plan public facilities map for primary urban center (Special)
91-53	7-29-1991	Amends portion of development plan public facilities map for Waianae (Special)
91-54	7-29-1991	Amends portion of development plan public facilities map for Koolaupoko (Special)
91-55	7-29-1991	Amends portion of development plan public facilities map for primary urban center (Special)
91-56	7-29-1991	Amends portion of development plan public facilities map for Koolauloa (Special)
91-57	7-29-1991	Amends portions of development plan public facilities maps for primary urban center, central Oahu and Ewa (Special)
91-58	7-29-1991	Amends portions of development plan public facilities maps for Koolaupoko and primary urban center (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
91-59	8-21-1991	Amends R.O. 1978 (1983 Ed.) § 6-4.2, salaries of appointed officials of the executive branch (5-3)
91-60	8-21-1991	Amends R.O. 1978 (1983 Ed.) § 13-29.2, disposal of weeds, garbage, trash and waste from property (40-7)
91-61	8-21-1991	Amends portion of Ord. 90-62, Oahu water management plan (30-1)
91-62	8-21-1991	Authorization for general obligation bonds and bond anticipation notes (Special)
91-63	8-21-1991	Improvement district assessment levy for Kahaluu (Kahaluu sewers) (Special)
91-64	8-21-1991	Improvement district assessment levy for Kahaluu (Kahaluu sewers) (Special)
91-65	9-20-1991	Amends portion of zoning map No. 13, Makakilo, and zoning map No. 14, Barber's Point-Kahe-Nanakuli (Special)
91-66	9-20-1991	Amends R.O. 1978 (1983 Ed.) § 9-4.2, collection and disposal charges (9-4)
91-67	10-8-1991	Amends portion of zoning map No. 22, Heeia-Kaneohe-Maunawili (Special)
91-68	10-8-1991	Amends portion of development plan public facilities map for primary urban center (Special)
91-69	10-8-1991	Amends portion of primary urban center development plan public facilities map (Special)
91-70	10-9-1991	Amends R.O. 1978 (1983 Ed.) §§ 28-2.1, 28-2.2, 28-2.3, 28-2.5, 28-2.7, 28-4.3, 28-4.4, 28-4.5 and 28-4.7, fare structure and activities prohibited on public transit (15B-2, 15B-4) (Eff. 1-1-1992)
91-71	10-18-1991	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
91-72	10-18-1991	Amends R.O. 1978 (1983 Ed.) § 15-23.2, charges for parking (15-23)
91-73	10-18-1991	Amends portion of development plan public facilities map for primary urban center (Special)
91-74	10-29-1991	Amends Ord. 91-31, appropriations for FY 1991-92 executive operating budget (amendment No. 1) (Special)
91-75	10-31-1991	Amends Ord. 91-32, appropriations for FY 1991-92 executive capital budget (amendment No. 1) (Special)
91-76	11-4-1991	Amends portion of development plan public facilities map for central Oahu (Special)
91-77	11-4-1991	Amends R.O. 1978 (1983 Ed.) § 32-1.13, development plan common provisions (24-1)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
91-78	11-4-1991	Amends R.O. 1978 (1983 Ed.) § 32-1.13, development plan common provisions (24-1)
91-79	11-4-1991	Amends Ord. 90-81, extends interim period for granting of applications for conditional use permits in designated portions of the OR&L right-of-way (Special)
91-80	11-7-1991	Disclosure of interests of city officials (Honolulu Rapid Transit Development Project) (Special)
91-81	11-7-1991	Amends Ord. 90-83, extends interim period for controls on development within portions of Kalihi Valley (Special)
91-82	11-13-1991	Adds R.O. 1978 (1983 Ed.) § 32-1.15, development plan common provisions (24-1)
91-83	11-14-1991	Authorizes mayor to enter into a development agreement with the governor of the State of Hawaii relating to the Honolulu rapid transit project (Special)
91-84	11-27-1991	Amends R.O. 1978 (1983 Ed.) § 8-7.1, property tax valuations (8-7)
91-85	11-27-1991	Amends portion of zoning map No. 6, Red Hill-Fort Shafter (Special)
91-86	11-27-1991	Adds R.O. 1978 (1983 Ed.) §§ 11-11.3 and 11-11.4, penalty for sewers; amends R.O. 1978 (1983 Ed.) §§ 11-1.2, 11-1.6 and 11-11.1, public works infrastructure requirements (14-1)
91-87	11-27-1991	Enacts the provisions in and adopts the Revised Ordinances of Honolulu 1990 (Not codified)
91-88	12-17-1991	Adds Art. 34 to R.O. 1978 (1983 Ed.) Ch. 41, regulated activities within the city, sound levels for Waikiki Shell (41-8)
91-89	12-17-1991	Amends portion of development plan public facilities map for primary urban center (Special)
91-90	12-17-1991	Amends portions of the development plan land use map and public facilities map for the primary urban center (Special); amends R.O. 1978 (1983 Ed.) 32-2.2, primary urban center development plan special provisions (24-2)
91-91	12-17-1991	Amends R.O. 1978 (1983 Ed.) § 32-6.2, urban design principles and controls for Koolau-poko (special provisions) (24-6)
91-92	12-17-1991	Amends portion of the development plan land use map for East Honolulu (Special)
91-93	12-17-1991	Adds to R.O. 1978 (1983 Ed.) § 11-11.2, penalty for sewers; amends R.O. 1978 (1983 Ed.) §§ 11-1.2, 11-1.6, 11-5.1, 11-5.5, 11-5.6 and 11-5.8, general provisions and industrial wastewaters (14-1, 14-5, 14-11)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
91-94	12-17-1991	Amends Ord. No. 89-150 regulating for an interim period urban development within Oahu hillsides (Special)
91-95	12-16-1991	Adds Ch. 38 to R.O. 1978 (1983 Ed.), residential condominium, cooperative housing and residential planned development leasehold conversion (Eff. 1-1-1992) (Repealed by Ord. 05-001)
91-96	12-16-1991	Adds Ch. 39 to R.O. 1978 (1983 Ed.), maximum annual renegotiated lease rent; repeals ROH 1990, Art. 33, Ch. 41, condominium real property leases (39-1)
92-01	1-16-1992	Adds Art. 4 to Ch. 30, water conservation measures for nonresidential properties; adds § 2-12.2, street lighting to be energy efficient; amends § 22-2.3, installation and energizing of street lighting system (22-2, 30-4) (Amended by Ord. 92-109)
92-02	1-16-1992	Amends portion of development plan land use map for North Shore (Special)
92-03	1-16-1992	Amends portion of development plan land use map for Ewa (Special); amends 24-3.2, development plan special provisions, urban design principles and controls for Ewa
92-04	1-16-1992	Amends portion of development plan land use map for Waianae (Special)
92-05	1-16-1992	Amends portion of development plan land use map for central Oahu (Special)
92-06	3-10-1992	Amends Ord. 91-31, appropriations for FY 1991-92 executive operating budget (amendment No. 2) (Special)
92-07	3-10-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-08	3-10-1992	Amends portion of development plan public facilities map for Ewa (Special)
92-09	3-10-1992	Amends portion of development plan public facilities map for North Shore (Special)
92-10	3-10-1992	Amends portion of development plan public facilities map for Ewa (Special)
92-11	3-10-1992	Amends portion of development plan public facilities map for Ewa (Special)
92-12	3-10-1992	Amends portion of development plan public facilities map for Ewa (Special)
92-13	3-10-1992	Amends portion of development plan public facilities map for Koolaupoko (Special)
92-14	3-10-1992	Amends portion of development plan public facilities map for Koolaupoko (Special)
92-15	3-10-1992	Improvement district assessment levy for Leilehua (Leilehua Lane sewers) (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
92-16	3-10-1992	Amends § 19-4.1, uniform building code (Eff. 9-7-1992) (Amended by Ord. 99-73)
92-17	3-10-1992	Amends § 3-6.3, boards and commissions
92-18	3-10-1992	Amends Ord. 91-32, appropriations for 1991-92 executive capital budget (amendment No. 2) (Special)
92-19	3-11-1992	Amends a portion of zoning map No. 9, Waipio (Crestview) (Special) (Amended by Ord. 01-42)
92-20	4-6-1992	Amends §§ 8-2.1 and 8-2.2, real property tax
92-21	4-6-1992	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
92-22	4-6-1992	Amends portion of development plan land use map for central Oahu (Special)
92-23	4-6-1992	Amends portion of State land use district boundary map for central Oahu (Special)
92-24	4-6-1992	Amends §§ 15-16.5, 15-23.2, traffic code, employee and public parking
92-25	4-6-1992	Amends portion of development plan land use map for central Oahu (Special)
92-26	4-6-1992	Amends portion of development plan public facilities map for Ewa (Special)
92-27	4-6-1992	Amends portion of development plan public facilities map for Ewa (Special)
92-28	4-6-1992	Amends portion of development plan public facilities map for Ewa (Special)
92-29	4-6-1992	Amends Ord. 91-31, appropriations for FY 1991-92 executive operating budget (amendment No. 3) (Special)
92-30	4-6-1992	Amends portion of development plan public facilities maps for primary urban center and central Oahu (Special)
92-31	4-6-1992	Regulates for an interim period development within portions of the IMX-1 industrial-commercial mixed use zoning district (Special)
92-32	4-27-1992	Amends portion of zoning map No. 5, Kalihi-Nuuanu (Special)
92-33	4-27-1992	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
92-34	4-27-1992	Adds Ch. 23, shoreline setbacks
92-35	4-27-1992	Adds Art. 6 to Ch. 10, beach and inland cabin camping facilities (Repealed by Ord. 96-49)
92-36	4-27-1992	Improvement district assessment levy for Kahaluu (Kahaluu sewers) (Amends Ord. 91-64) (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
92-37	4-27-1992	Improvement district assessment levy for Kahaluu (Kahaluu sewers) (Amends Ord. 91-63) (Special)
92-38	4-27-1992	Amends § 8-4.2, remission of taxes in cases of certain natural disasters, amends §§ 8-6.1 and § 8-10.22, real property tax
92-39	4-24-1992	Adds Art. 8 to Ch. 9, glasphalt paving (Eff. 1-1-1993) (14-30)
92-40	5-8-1992	Authorization for general obligation bonds (Special)
92-41	5-15-1992	Amends portion of zoning map No. 4, Nuuanu-McCully (Special)
92-42	5-15-1992	Adds Art. 15 to Ch. 1, ordinance revision
92-43	5-15-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-44	5-15-1992	Amends portion of development plan land use map for Koolau-poko (Special)
92-45	5-15-1992	Amends portion of State land use district map for Waipahu (Special)
92-46	5-15-1992	Amends portion of development plan land use map for central Oahu (Special)
92-47	5-15-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-48	5-15-1992	Amends portion of development plan public facilities map for East Honolulu (Special)
92-49	5-15-1992	Amends portion of development plan public facilities map for Waianae (Special)
92-50	5-15-1992	Amends portion of development plan public facilities map for Waianae (Special)
92-51	5-15-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-52	5-15-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-53	5-15-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-54	5-15-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-55	5-15-1992	Amends portion of development plan public facilities map for central Oahu (Special)
92-56	5-15-1992	Amends portion of development plan public facilities map for central Oahu (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
92-57	5-15-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-58	6-12-1992	Adds § 3-9.5, composition of boards and commissions
92-59	6-12-1992	Amends §§ 24-1.2 and 24-1.8, development plan common provisions
92-60	6-12-1992	Amends § 9-4.2, disposal facility charges (Eff. 7-1-1992)
92-61	6-12-1992	Adds Art. 5 to Ch. 20, requirements for smoke detectors in existing highrise residential buildings
92-62	6-12-1992	Amends Ord. 91-32, appropriations for FY 1991-92 executive capital budget (amendment No. 3) (Special)
92-63	6-12-1992	Amends §§ 8-7.1, 8-10.5 and 8-10.20, real property tax (Eff. tax year beginning 7-1-1993)
92-64	6-12-1992	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
92-65	6-12-1992	Amends § 41-17.1, vehicle weight tax; adds Art. 48 to Ch. 6, motor vehicle registration fund (Eff. 1-1-1993) (Art. 48, Ch. 6, repealed by Ord. 97-42) (15A-3, 15A-4)
92-66	6-12-1992	Amends §§ 12-1.9 and 12-1.15, taxicab fees (Eff. 1-1-1993) (35A-1)
92-67	6-12-1992	Amends § 6-21.2, bikeway fund (Eff. 7-1-1992)
92-68	6-12-1992	Amends §§ 20-4.3 and 20-4.5, fireworks license and permit fees (Eff. 7-1-1992) (20-6)
92-69	6-12-1992	Amends § 7-3.1, dog licensing fees (Eff. 7-1-1992) (12-3.1)
92-70	6-12-1992	Amends §§ 12-5.2, 12-5.3 and 12-5.6, pedicab fees and licenses (Eff. 7-1-1992) (35A-5.2, 35A-5.3, 35A-5.6)
92-71	6-12-1992	Amends § 12-2.3, U-drive vehicle licensing fees (Eff. 7-1-1992) (35A-2.3)
92-72	6-12-1992	Amends § 7-5.1, dog and cat spay/neuter fees (Eff. 7-1-1992) (12-5.1)
92-73	6-12-1992	Amends §§ 29-6.1 and 29-6.2, peddler licensing fees (Eff. 7-1-1992) (13-6.1, 13-6.2)
92-74	6-12-1992	Amends Table 18-A, fees for building permits
92-75	6-12-1992	Amends § 8-11.1, increase minimum real property tax (Eff. beginning tax year 1993)
92-76	6-12-1992	Amends §§ 10-4.1 and 10-4.2, golf course green fees (Eff. 7-1-1992)
92-77	6-17-1992	Appropriations for FY 1992-93 executive operating budget and program (Special) (Eff. 7-1-1992)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
92-78	6-17-1992	Appropriations for FY 1992-93 executive capital budget and program (Special) (Eff. 7-1-1992)
92-79	6-24-1992	Appropriations for FY 1992-93 legislative budget (Special) (Eff. 7-1-1992)
92-80	6-24-1992	Amends Appendix A, sewer service charge schedules; amends Appendix B, cesspool charge schedules (Special) (Eff. 7-1-1992)
92-81	6-29-1992	Amends portion of zoning map No. 13, Makakilo (Special) (Unilateral agreement was amended by Ord. 99-60)
92-82	6-29-1992	Amends § 16-1.1, building code (Amended by Ord. 12-34; 13-3, 17-49)
92-83	6-29-1992	Amends Ord. 91-31, appropriations for FY 1991-92 executive operating budget (amendment No. 4) (Special)
92-84	6-29-1992	Authorization for general obligation bonds and bond anticipation notes (Special)
92-85	6-30-1992	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
92-86	7-8-1992	Amends § 28-3.2, real property leases (Repealed by Ord. 04-33)
92-87	7-21-1992	Amends portion of development plan land use map for central Oahu (Special)
92-88	7-21-1992	Amends § 20-1.1, fire code (20-1; Ord. 15-45; Am. Ord. 17-14)
92-89	7-21-1992	Amends portion of development plan public facilities map for central Oahu (Special)
92-90	7-21-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-91	7-21-1992	Amends portion of State land use district map for Mililani (central Oahu) (Special)
92-92	7-21-1992	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
92-93	7-21-1992	Amends portion of development plan public facilities map for Ewa (Special)
92-94	9-10-1992	Amends § 8-7.3(a); repeals § 8-7.3(k), dedicated lands (Amended by Ord. 04-34; Am. Ord. 07-4, 11-26, 12-16, 15-32, 17-2)
92-95	9-10-1992	Amends § 38-3.1; adds § 38-3.4, real property leases to child care and human services providers
92-96	9-10-1992	Amends portion of development plan public facilities map for Ewa (Special)
92-97	9-10-1992	Amends portion of development plan public facilities map for East Honolulu (Special)
92-98	9-10-1992	Amends portion of development plan public facilities map for Ewa (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
92-99	9-10-1992	Amends portion of development plan public facilities map for Ewa (Special)
92-100	9-10-1992	Amends portion of development plan public facilities map for Ewa (Special)
92-101	9-10-1992	Amends §§ 21-3.120, 21-6.20, 21-8.30-3; repeals and replaces §§ 21-6.20-1, 21-6.20-2; amends Art. 9, Ch. 21, land use, ohana dwellings (21-2.140-1, Ch. 21, App. 21-B)
92-102	9-10-1992	Amends portion of development plan public facilities map for Koolaupoko (Special)
92-103	9-10-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-104	9-10-1992	Amends portion of development plan public facilities map for Koolaupoko (Special)
92-105	9-10-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-106	9-10-1992	Amends portion of zoning map No. 14, Barber's Point-Nanakuli (Special)
92-107	10-7-1992	Amends § 18-4.1, applications for permits
92-108	10-7-1992	Adds Ch. 37, city real property transactions
92-109	10-5-1992	Amends Ord. 92-01, §§ 30-4.1 and 30-4.2, water management
92-110	10-20-1992	Amends §§ 21-3.20(b), 21-3.70-1, 21-3.70-3(c), 21-3.70-6, 21-3.70-11, 21-3.80, 21-3.120(c) and (d), 21-4.40-4 and 21-9.1, Tables 21-3.1(A), 21-5.3-A, land use, miscellaneous amendments (Repealed by Ord. 99-12)
92-111	10-27-1992	Amends §§ 9-4.2 and 9-4.6, refuse disposal charges; adds Art. 49, Ch. 6, recycling fund (Eff. 6-1-1993, 4 percent surcharge applied to all delinquent refuse disposal charges and to charges as of 6-30-1993)
92-112	10-27-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-113	10-27-1992	Amends Ord. 92-16, § 19-4.1, plumbing code, water conservation (Amended by Ord. 99-73)
92-114	10-27-1992	Amends portion of development plan public facilities map for Waianae (Special)
92-115	10-27-1992	Amends portion of development plan public facilities map for Ewa (Special)
92-116	10-27-1992	Amends portion of development plan land use map for central Oahu (Special)
92-117	10-27-1992	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
92-118	10-27-1992	Amends portion of zoning map No. 5, Kalihi-Nuuanu (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
92-119	10-27-1992	Authorization for general obligation bonds (Special)
92-120	10-27-1992	Amends portion of zoning map No. 7, Halawa-Pearl City (Special)
92-121	10-27-1992	Amends § 15-23.6; adds § 15-23.7, traffic code, off-street parking for People's Open Market
92-122	11-10-1992	Amends §§ 14-12.2, 14-12.9, 14-12.12, 14-12.22, 14-12.23, 14-13.3, 14-13.1, 14-13.3, 14-13.4, 14-13.5, 14-13.7, 29-1.3, 29-2.3, 29-2.7, 29-2.9; adds §§ 14-12.24, 14-12.25, 14-12.26, 14-12.27, 14-12.28, 14-12.29, 14-12.30, 14-12.31 and 14-12.32, public works infrastructure
92-123	11-18-1992	Amends § 40-8.7, exceptional trees
92-124	11-18-1992	Amends §§ 8-3.1 and 8-9.1, real property tax
92-125	11-18-1992	Amends portion of development plan public facilities map for Waianae (Special)
92-126	11-18-1992	Amends § 35A-5.9, pedicab fares
92-127	11-18-1992	Amends Ord. 92-77, appropriations for FY 1992-93 executive operating budget (amendment No. 1) (Special)
92-128	11-18-1992	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
92-129	11-18-1992	Amends portion of development plan public facilities map for Koolaupoko (Special)
92-130	11-18-1992	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
92-131	11-18-1992	Authorization for general obligation bonds (Special)
92-132	12-9-1992	Amends portion of zoning map No. 2, Kahala-Kuliouou (Special)
92-133	12-17-1992	Adds Art. 26, Ch. 41, private security uniforms
92-134	12-17-1992	Environmental assessment of city facilities (Special)
92-135	12-17-1992	Repeals and replaces Ch. 19, plumbing code (Eff. 3-15-1993) (Amended by Ord. 99-73)
92-136	12-17-1992	Amends portion of development plan public facilities map for primary urban center (Special)
92-137	12-17-1992	Adds § 9-4.7, refuse collection and disposal charges
92-138	12-17-1992	Amends § 24-3.2, development plan special provisions for Ewa; amends portion of development plan land use map for Ewa (Special)
92-139	12-17-1992	Amends portion of development plan land use map for central Oahu (Special)
92-140	12-17-1992	Amends portion of development plan land use map for Koolaupoko (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
92-141	12-17-1992	Amends portion of development plan land use map for Koolauloa (Special)
92-142	12-17-1992	Amends Ord. 92-78, appropriations for FY 1992-93 executive capital budget (amendment No. 1) (Special)
92-143	12-17-1992	Amends § 24-1.3, development plan common provisions
92-144	12-17-1992	Amends §§ 24-2.1, 24-2.2, 24-2.4, development plan special provisions for primary urban center; amends portion of the development plan land use map for primary urban center (Special)
93-01	2-9-1993	Adds article to Ch. 2, annual review of fees and charges (2-22) (Repealed by Ord. 16-29)
93-02	2-9-1993	Amends §§ 21-3.90-2, 21-3.90-5, land use ordinance, political campaign signs (Repealed by Ord. 99-12)
93-03	2-9-1993	Amends §§ 21-3.60, 21-3.80, and 21-9.1 (definition of floor area); adds § 21-3.60-2, land use ordinance, rooftop structures (Repealed by Ord. 99-12)
93-04	2-9-1993	Amends §§ 14-1.2, 14-1.9(a); repeals § 14-8.3; renumbers §§ 14-8.3 and 14-8.4, public works/sewers
93-05	2-9-1993	Amends § 9-1.11, recycling program
93-06	2-9-1993	Adds § 8-10.22, slaughterhouse real property tax exemption (Eff. tax year 1994)
93-07	2-25-1993	Amends §§ 24-1.2 and 24-1.12, development plan common provisions
93-08	2-25-1993	Amends a portion of zoning map No. 4, Nuuanu-McCully (Special) (Sec. II and Exhibit "B" of Ord. 93-08 were repealed by Ord. 07-6, and all conditions set forth in the UA and Declaration for Conditional Zoning dated 2-11-1993 were released)
93-09	2-25-1993	Amends Ord. 92-77, appropriations for FY 1992-93 executive operating budget (amendment No. 2) (Special)
93-10	2-25-1993	Amends Ord. 92-78, appropriations for FY 1992-93 executive capital budget (amendment No. 2) (Special)
93-11	3-19-1993	Amends § 24-1.2, development plan common provisions
93-12	3-19-1993	Amends development plan public facilities map for primary urban center (Special)
93-13	3-19-1993	Amends § 8-10.20, real property tax exemptions
93-14	3-19-1993	Amends § 24-1.12, development plan common provisions
93-15	3-19-1993	Amends development plan public facilities map for East Honolulu (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
93-16	3-19-1993	Amends portion of zoning map No. 23, Kailua-Lanikai-Keolu (Special)
93-17	3-19-1993	Amends development plan public facilities map for the primary urban center (Special)
93-18	3-19-1993	Interim development control ordinance for development along Kamehameha Highway near Heeia Kea Boat Harbor (Special)
93-19	3-19-1993	Amends § 9-1.4(b), collection of refuse
93-20	3-19-1993	Amends §§ 8-12.9(a), 8-12-10, real property tax appeal
93-21	3-25-1993	Authorization for general obligation bonds (Special)
93-22	4-16-1993	Adds article to Ch. 13, transit voucher program (15B-7); amends 15B-6.3, public transit operating revenues (Eff. date for transit voucher program implemented 60 days after enactment, 6-15-1993)
93-23	4-16-1993	Amends portion of zoning map No. 10, Waipio (Mililani); amends Ords. 86-112 and 89-123, unilateral agreement (Special)
93-24	4-27-1993	Amends article title to Ch. 41, Art. 14; amends §§ 41-14.1, 41-14.2 and adds § 41-14.9, regulation of smoking activities
93-25	4-28-1993	Amends development plan public facilities map for central Oahu (Special)
93-26	4-28-1993	Adds article to Ch. 1, codification of ordinances (1-16) (Eff. 1-1-1994)
93-27	4-28-1993	Amends development plan public facilities map for Ewa (Special)
93-28	4-28-1993	Amends Ord. 92-77, appropriations for FY 1992-93 executive operating budget (amendment No. 3) (Special)
93-29	4-28-1993	Amends § 20-4.16, fire code (Repealed by Ord. 02-47)
93-30	4-28-1993	Amends Ord. 92-78, appropriations for FY 1992-93 executive capital budget (amendment No. 3) (Special)
93-31	4-28-1993	Adds article to Ch. 2, department of wastewater management (2-23); amends 2-8.1 (Eff. 7-1-1993)
93-32	4-28-1993	Amends §§ 14-1.2, 14-2.1(b), 14-15.1, 14-17.2(a), 14-17.4, 14-17.7(a), 14-21.1, 14-21.4, 14-21.8, 14-22.4, 14-24.2, 14-24.7(a); adds § 14-17.8, wastewater management, public works (Eff. 7-1-1993)
93-33	4-28-1993	Amends Ord. 92-77, appropriations for FY 1992-93 executive operating budget (amendment No. 4) (Special)
93-34	5-21-1993	Amends development plan public facilities map for Koolauloa (Special)
93-35	5-21-1993	Amends development plan public facilities map for Koolauloa (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
93-36	5-21-1993	Amends development plan public facilities map for Koolaupoko (Special)
93-37	5-21-1993	Amends development plan public facilities map for primary urban center (Special)
93-38	5-21-1993	Amends development plan public facilities map for Koolaupoko (Special)
93-39	5-21-1993	Amends development plan public facilities map for central Oahu (Special)
93-40	5-21-1993	Amends development plan public facilities map for primary urban center (Special)
93-41	5-21-1993	Amends development plan public facilities map for primary urban center (Special)
93-42	5-21-1993	Amends development plan public facilities map for Koolauloa (Special)
93-43	6-7-1993	Amends Appendix A (sewer charges) and Appendix B (cesspool charges) (Eff. 7-1-1993)
93-44	6-14-1993	Amends portion of zoning map No. 15, Lualualei-Makaha (Special) (Unilateral agreement amended by Ord. 97-51)
93-45	6-14-1993	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
93-46	6-14-1993	Amends §§ 21-3.120, 21-4.40-20, 21-4.40-25, 21-5.110, 21-9.1; repeals § 21-4.40-5; amends Tables 21-3.1(A), 21-5.17(A) and (B), 21-5.18(A) and (B), 21-5.19(A) and (B), 21-5.20(A) and (B), land use ordinance, industrial and IMX districts (Repealed by Ord. 99-12)
93-47	6-14-1993	Amends § 6-45.1, rental assistance fund
93-48	6-14-1993	Appropriations for FY 1993-94 executive operating budget (Eff. 7-1-1993) (Special)
93-49	6-14-1993	Appropriations for FY 1993-94 executive capital budget (Eff. 7-1-1993) (Special)
93-50	6-14-1993	Appropriations for FY 1993-94 legislative budget (Eff. 7-1-1993) (Special)
93-51	6-14-1993	Amends § 15-13.9(a)(19), traffic code
93-52	6-14-1993	Amends § 2-9.2, urban house numbering (Repealed by Ord. 16-29)
93-53	6-14-1993	Adds § 1-12.3; amends §§ 1-12.1, 1-12.2; amends Art. 12, Ch. 1, title, recycling (Eff. 7-1-1993) (§ 1-12.2 repealed by Ord. 94-62, re-numbered § 1-12.3 to § 1-12.2)
93-54	6-14-1993	Amends portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
93-55	6-23-1993	Adds Article 10 to Ch. 3, boards and commissions

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
93-56	6-30-1993	Amends §§ 15B-2.1, 15B-2.2, 15B-2.3, 15B-2.5, 15B-6.1, 15B-6.3; adds § 15B-2.8, public transit (Eff. 10-1-1993)
93-57	7-9-1993	Amends development plan land use map for North Shore (Special)
93-58	7-9-1993	Amends development plan public facilities map for North Shore (Special)
93-59	7-9-1993	Amends Ch. 18; fees and permits for building, electrical, plumbing and sidewalk codes
93-60	7-28-1993	Amends §§ 10-4.1, 10-4.2, 10-4.3; adds §§ 10-4.6 and 10-4.7, golf fees
93-61	7-28-1993	Amends § 35A-2.6; adds 35A-2.7, U-Drive vehicles (Eff. 1-24-1994)
93-62	7-28-1993	Amends § 24-5.2, development plan special provisions for central Oahu
93-63	7-28-1993	Authorization for general obligation bonds and bond anticipation notes (Special)
93-64	7-28-1993	Amends development plan public facilities map for Koolau-poko (Special)
93-65	7-28-1993	Amends development plan public facilities map for primary urban center (Special)
93-66	7-28-1993	Amends portion of zoning map No. 3, Moiliili-Kaimuki (Special) (Unilateral agreement amended by Ord. 96-63)
93-67	7-28-1993	Amends portion of zoning map No. 2, Kahala-Kuliouou (Special)
93-68	8-11-1993	Amends §§ 41-14.1, 41-14.2, 41-14.5, smoking prohibited
93-69	8-27-1993	Adds § 15B-6.6, advertising on buses
93-70	8-27-1993	Adds § 21-5.90-2; renumbers § 21-5.90-2 to be § 21-5.90-3; amends § 21-8.30-8 and Table 21-5.16-B, BMX-4 district height limits (Repealed by Ord. 99-12)
93-71	8-27-1993	Amends portion of zoning map No. 4, Nuuanu-McCully (Special)
93-72	8-27-1993	Adds Art. 24 to Ch. 2, planning department (Amended by Ord. 08-8, 09-4, 16-29); amends § 2-14.3 (Repealed by Ord. 16-29), executive agencies
93-73	8-27-1993	Adds Art. 11 to Ch. 34, sale of toilets and urinals (Eff. 11-25-1993)
93-74	10-14-1993	Amends §§ 25-1.2, 25-1.3, 25-2.1, 25-3.2, 25-3.3; adds §§ 25-2.3, 25-8.3, Ch. 25, Art. 11; renumbers Ch. 25, Art. 11, to be Ch. 25, Art. 12, special management area, wetlands
93-75	10-14-1993	Repeals and replaces Art. 1, Ch. 16, adoption of uniform building code; amends 16-2.12, permit fees (Eff. 1-12-1994)
93-76	10-14-1993	Amends §§ 17-3.1 and 17-5.1, electrical code (Eff. 12-13-1993)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
93-77	10-14-1993	Adds Art. 12 to Ch. 34, sale of showerheads and faucets (Eff. 4-12-1994)
93-78	10-20-1993	Adds § 2-3.4, settlement of claims
93-79	11-4-1993	Amends portion of zoning map No. 9, Waipio (Makai) Crestview (Special)
93-80	11-4-1993	Adds § 12-1.11A, special operations for an interim period for Hanauma Bay Nature Park (subject to repeal on 12-31-1994)
93-81	11-4-1993	Amends portion of development plan public facilities map for North Shore (Special)
93-82	11-4-1993	Amends § 5-3.2, salaries of appointed officials of the executive branch; adds § 5-3.4, salaries of other employees of the executive branch (§ 5-3.4(b) Eff. 7-1-1994)
93-83	11-4-1993	Amends Ord. 93-48, appropriations for FY 1993-94 executive operating budget (amendment No. 1) (Special)
93-84	11-19-1993	Adds Arts. 17 and 18 to Ch. 1, sexual harassment
93-85	11-29-1993	Amends 35A-1.4(c), 35A-1.9(c), 35A-1.17, 35A-1.19(a), taxicabs (1990 ROH § 12-1.9 automatically repealed on 3-16-2017 per Ord. 16-38; 1990 ROH § 12-1.15 repealed by Ord. 16-38.)
93-86	11-29-1993	Amends portion of zoning map No. 5, Kalihi-Nuuanu (Special)
93-87	11-29-1993	Adds §§ 13-5.20, 13-5.21 (Repealed by Ord. 97-02), bus logo; amends § 15B-6.3, operating revenues
93-88	11-29-1993	Adds § 35A-1.22, no smoking prohibition in taxicabs
93-89	11-29-1993	Amends §§ 15B-2.1(a) and (e), 15B-2.2(a) through (g) and (k), bus pass fares (Eff. 3-1-1994)
93-90	11-29-1993	Amends §§ 15B-1.1, 15B-4.2, 15B-4.3(c) and (d), 15B-4.5, 15B-4.6, 15B-4.7, special transit service for persons with disabilities (Eff. 2-26-1994)
93-91	11-29-1993	Amends Ord. 93-49, appropriations for FY 1993-94 executive capital budget (amendment No. 2) (Special)
93-92	12-1-1993	Amends § 41-14.2, smoking prohibition in certain places
93-93	12-13-1993	Amends § 22-7.5, land area required for parks and playgrounds
93-94	12-13-1993	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special) (UA was amended by Ord. 02-58.)
93-95	12-13-1993	Amends § 8-2.1, notice of assessments for 1994 tax year (Eff. 1-1-1994)
93-96	12-13-1993	Amends portion of zoning map No. 18, Kawaiiloa-Waialea (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
93-97	12-13-1993	Amends portion of development plan land use map for Koolaupoko (Special)
93-98	12-13-1993	Amends § 24-6.2, development plan special provisions, urban design principles and controls for Koolaupoko
93-99	12-13-1993	Amends § 24-4.2, development plan special provisions, urban design principles and controls for East Honolulu
93-100	12-13-1993	Amends portion of development plan land use map for central Oahu (Special)
93-101	12-13-1993	Amends portion of development plan land use map for central Oahu (Special)
93-102	12-13-1993	Amends § 24-8.2, development plan special provisions, urban design principles and controls for the North Shore
93-103	12-13-1993	Amends portion of development plan land use map for Ewa (Special)
93-104	12-13-1993	Amends § 24-3.2, development plan special provisions, urban design principles and controls for Ewa
93-105	12-13-1993	Amends portion of development plan land use map for Waianae (Special)
93-106	12-13-1993	Amends § 24-9.2, development plan special provisions, urban design principles and controls for Waianae
93-107	12-13-1993	Amends portion of development plan public facilities map for Koolaupoko (Special)
93-108	12-13-1993	Amends portion of development plan public facilities map for Central Oahu (Special)
93-109	12-13-1993	Adds Art. 19 to Ch. 1, addition of unpaid civil fines (automatic repeal provision [6-30-1996] was removed by Ord. 96-42)
93-110	12-13-1993	Amends § 15A-3.1, vehicle weight tax (Eff. 3-14-1994)
93-111	12-13-1993	Amends portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa (Special)
93-112	12-22-1993	Amends § 8-10.20, other exemptions for tax year 1994 (Eff. 1-1-1994)
93-113	12-22-1993	Adds § 3-8.6, additional standards of conduct concerning campaign contributions and campaign assistance; amends §§ 3-6.3 and 3-6.6, request for opinions by officers or employees
93-114	12-22-1993	Amends portion of development plan land use map for Ewa (Special)
94-01	1-7-1994	Amends portion of development plan land use map for Waianae (Special)
94-02	2-10-1994	Real property tax refund established for transient vacation units for tax year beginning 7-1-1993 (Special)
94-03	2-10-1994	Amends § 15-16.5, city hall and satellite off-street parking

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
94-04	2-10-1994	Amends portion of zoning map No. 23, Kailua-Lanikai-Keolu (Special)
94-05	2-10-1994	Amends § 10-1.2, park rules
94-06	2-10-1994	Amending Ord. No. 4122 relating to the Yacht Club Terrace planned development-housing district No. R-28 at Kaneohe (Special)
94-07	2-10-1994	Amends portion of zoning map No. 21, Kualoa-Kahaluu (Special)
94-08	2-10-1994	Amends § 8-7.1, valuation—considerations in fixing (beginning with 1994-1995 tax year)
94-09	2-28-1994	Amends Ord. 93-49, appropriations for FY 1993-94 executive capital budget (amendment No. 1) (Special)
94-10	3-15-1994	Amends portion of State land use district boundary at Waikakalaua (Special)
94-11	3-15-1994	Amends §§ 35A-5.6, 35A-5.9, 35A-5.17 and 35A-5.18, pedicabs (Eff. 5-14-1994)
94-12	3-15-1994	Amends portion of development plan public facilities map for Koolaupoko (Special)
94-13	3-15-1994	Amends § 21-2.30, zoning maps and interpretations, minor zone changes
94-14	3-15-1994	Amends § 21-4.40-2, amusement facilities—outdoor, 21-3.120, nonconformities, Tables 21-5.20-A and B, IMX-1 district, and 21-9.1, definitions (Repealed by Ord. 99-12)
94-15	3-15-1994	Amends § 21-8.40, conditional zoning—agreements (Repealed by Ord. 99-12)
94-16	3-15-1994	Amends § 21-7.10-12, nonconforming structures within the flood hazard districts, § 21-7.10-13, flood hazard district exemptions (Repealed by Ord. 99-12)
94-17	3-15-1994	Amends Tables 21-5.4-A, 21-5.5-A, 21-5.12-A, 21-5.14-A, 21-5.15-A, 21-5.16-A, 21-5.20-A, land use ordinance, helistops (Repealed by Ord. 99-12)
94-18	3-15-1994	Amends §§ 21-1.40, 21-3.40, 21-3.60, 21-3.70-4, 21-3.120, 21-3.140-1, 21-3.150, 21-4.40-22, 21-4.40-28, 21-4.80-1, 21-5.40-1, 21-6.50-2, 21-7.60-12, 21-9.1, Tables 21-5.3-A, 21-5.4-A, 21-5.5-A, 21-5.7-B, 21-5.8-B, 21-5.9-B, 21-5.10-B, 21-5.10-C, 21-5.10-D, 21-5.11-B, 21-5.11-C, 21-5.11-D, 21-5.13-A, 21-5.14-A, 21-5.15-A, 21-5.16-A, 21-5.18-A, 21-7.1, 21-7.2, 21-7.3, 21-7.4, 21-7.5, 21-7.7; repeals 21-3.70-9, land use ordinance, miscellaneous amendments (Repealed by Ord. 99-12)
94-19	3-15-1994	Amends portion of development plan public facilities map for North Shore (Special)
94-20	3-15-1994	Amends portion of zoning map No. 3, Moiliili-Kaimuki (Special)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
94-21	4-28-1994	Establish pilot program to evaluate the purchase and use of alternative fuel vehicles and establish proposed schedule for city's purchase of alternative fuel vehicles (Special)
94-22	4-28-1994	Amends portion of zoning map No. 23, Kailua-Lanikai-Keolu (Special)
94-23	4-28-1994	Amends § 35A-2.4; repeals § 12-2.5, renumbers § 35A-2.6 as § 35A-2.5; repeals § 12-2.7; renumbers § 35A-2.8 as § 35A-2.6 and § 35A-2.9 as § 35A-2.7, U-Drive motor vehicles
94-24	4-28-1994	Amends § 10-1.2, park rules (parking meters)
94-25	4-28-1994	Amends §§ 21-3.60, 21-3.80, 21-4.40-38, 21-9.1, Tables 21-5.6-A, 21-5.7-A, 21-5.8-A, 21-5.9-A, 21-5.10-A, 21-5.11-A; adds §§ 21-3.60-3 and 21-3.60-4, land use ordinance, antennas and utility installations (Repealed by Ord. 99-12)
94-26	4-28-1994	Amends §§ 24-1.1, 24-1.2, 24-1.9, 24-1.10, 24-1.12, 24-1.13, 24-1.14, 24-2.4, 24-3.4, 24-4.4, 24-5.4, 24-6.4, 24-7.4, 24-8.4, 24-9.4, development plans
94-27	5-4-1994	Adds Art. 26 to Ch. 2, employment of private attorneys as special counsel to represent the city, its agencies, officers and employees
94-28	5-18-1994	Amends §§ 18-6.5, 30-4.2; adds § 30-4.6, water-conserving toilets and urinals (Amended by Ord. 94-67)
94-29	5-18-1994	Amends portion of zoning map No. 22, Heeia (Special)
94-30	5-18-1994	Amends §§ 21-3.120-1 and 21-9.1, transient vacation units (Repealed by Ord. 99-12)
94-31	5-18-1994	Amends § 21-3.120-2, bed and breakfast homes (Repealed by Ord. 99-12)
94-32	5-18-1994	Amends Ch. 30, Art. 4, title, §§ 30-4.1, 14-8.2, water conservation; adds § 30-4.7, ultra-low flush toilet rebate program (Sec. 30-4.7 was amended by Ord. 98-26)
94-33	5-24-1994	Amends portion of development plan public facilities map for the primary urban center (Special)
94-34	5-24-1994	Amends portion of development plan public facilities map for East Honolulu (Special)
94-35	5-24-1994	Amends portion of development plan public facilities map for Koolauloa (Special)
94-36	6-6-1994	Amends § 6-41.1, fee schedule for land use ordinance applications and variances
94-37	6-8-1994	Amends Ch. 4 title; adds Art. 6 to Ch. 4, services for deaf and hard-of-hearing persons regarding council and council committee meetings

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
94-38	6-8-1994	Adds Ch. 31, community economic development
94-39	6-9-1994	Amends § 2-12.1, bikeway system and master plan. (Within one year following the enactment of this ordinance, the director of transportation services shall submit to the council a proposed bikeway master plan, including a bikeway map, implementation plan, timetable, projected costs and sources of funding.)
94-40	6-8-1994	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
94-41	6-8-1994	Appropriations for FY 1994-1995 executive operating budget (Special) (Eff. 7-1-1994)
94-42	6-8-1994	Appropriations for FY 1994-1995 executive capital budget (Special) (Eff. 7-1-1994)
94-43	6-8-1994	Authorization for general obligation bonds and bond anticipation notes (Special)
94-44	6-8-1994	Adds article to Ch. 6, zoo animal purchase fund (6-50) (Repealed by Ord. 16-12)
94-45	6-8-1994	Appropriations for FY 1994-1995 legislative budget (Special) (Eff. 7-1-1994)
94-46	6-8-1994	Amends §§ 14-1.1, 14-1.2, 14-5.1; adds §§ 14-1.3, 14-1.4, 14-1.9, 14-1.11, 14-5.2, 14-5.6, 14-5.7, 14-5.8, 14-5.9, 14-5.10, 14-5.15, 14-5.16, 14-5.17, 14-5.18, 14-5.19, 14-5.20, 14-5.21; rennumbers 14-1.4 as 14-1.7 and 14-1.5 as 14-1.8; rennumbers 14-1.3 as 14-1.6, 14-1.7 as 14-1.10, 14-5.2 as 14-5.3, 14-5.3 as 14-5.4, 14-5.4 as 14-5.5, 14-5.5 as 14-5.11, 14-5.6 as 14-5.12, 14-5.7 as 14-5.13, 14-5.8 as 14-5.14 and amends these renumbered sections; repeals §§ 14-1.6, 14-5.9; wastewater management
94-47	6-15-1994	Adds article to Ch. 29, charitable sales activities on public places (29-12) (Repealed by Ord. 94-86, Sec. 3)
94-48	7-6-1994	Adds § 3-8.8, gifts to councilmember
94-49	7-6-1994	Adds § 3-8.7; amends §§ 3-6.3, 3-6.6, and 3-8.1, gifts to mayor, prosecuting attorney, and appointed officer or employee
94-50	7-6-1994	Amends Ch. 1, Art. 3, title, penalties and interest; adds § 1-3.3, interest on debts owed the city
94-51	7-6-1994	Amends portion of zoning map No. 5, Kalihi-Nuuanu (Special)
94-52	7-6-1994	Amends § 4-3.2, purpose of office of council services; adds § 4-3.3, authority of the director of council services
94-53	7-6-1994	Amends § 38-3.3, bidding not required—concessions, nonprofit zoo and botanical garden concessions

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
94-54	7-25-1994	Amends § 3-8.6; adds § 3-8.9, campaign contributions and assistance from lobbyists, standards of conduct (Eff. 1-1-1995)
94-55	7-27-1994	Amends portion of development plan land use map for Koolaupoko (Special)
94-56	7-29-1994	Amends portion of development plan land use map for Koolaupoko (Special)
94-57	7-29-1994	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special) (UA was amended by Ord. 06-26)
94-58	7-29-1994	Amends § 16-1.1(b), amendment No. (53), Uniform Building Code (Guardrails) (Eff. 8-29-1994) (Amended by Ord. 12-34; Ord. 13-3, 17-49)
94-59	7-29-1994	Amends portion of zoning map No. 22, Heeia-Maunawili (Special)
94-60	9-15-1994	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
94-61	9-15-1994	Amends § 15-23.1; repeals § 15-23.2; adds §§ 15-23.2, 15-23.2A, 15-23.2B, 15-23.2C, 15-23.2D, parking at municipal facilities. This ordinance shall not apply to parking concession contracts executed before 9-15-1994. (Carpool parking program shall be implemented no later than six months after the effective date of this ordinance, that is, 3-15-1995.)
94-62	9-15-1994	Amends Ch. 1, Art. 12, title; amends §§ 1-12.1, 1-12.2; repeals 1990 ROH § 1-12.2, recycled paper products. (Applies to any city procurement of paper products commenced on or after 9-15-1994.)
94-63	9-15-1994	Amends portions of boundaries of the special management area map for Ewa (Special) (Amended by Ord. 07-34)
94-64	9-15-1994	Adds § 21-4.40-8A; amends § 21-9.1 and Tables 21-5.3-A, 21-5.4-A, 21-5.5-A, 21-5.18-A, composting, major and minor (Repealed by Ord. 99-12)
94-65	9-15-1994	Amends development plan public facilities map for Koolauloa (Special)
94-66	9-15-1994	Amends portion of zoning map No. 18, Kawaiiloa-Waialea (Special)
94-67	9-15-1994	Amends §§ 18-6.5 and 30-4.6, exemptions, ultra-low flush toilets
94-68	9-21-1994	Adds new article to Ch. 10, policy on fees for organized recreational programs (10-7)
94-69	10-5-1994	Improvement district assessment levy for Kaneohe sewers (Special)
94-70	10-5-1994	Amends portion of State land use district boundary at Waialua. (Special)
94-71	10-5-1994	Amends portion of development plan land use map for central Oahu (Special)
94-72	10-27-1994	Amends portion of development plan public facilities map for Koolaupoko (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
94-73	10-27-1994	Amends §§ 14-1.2, 14-1.8, 14-5.13, 14-5.21, 14-9.1, sewers; repeals Ch. 14, Art. 11, penalty for sewers
94-74	10-27-1994	Adds § 2-17.4, notice of bid results
94-75	10-27-1994	Adds Ch. 32, building energy efficiency standards; amends § 16-5.1, energy conservation (Eff. 4-25-1995) (Ch. 32 was repealed by Ord. 09-30 and a new Ch. 32, building energy conservation code was added (Eff. 11-28-2009))
94-76	11-21-1994	Amends § 8-10.3, homeowner's tax exemption
94-77	11-21-1994	Amends § 38-6.8, dept. of auditoriums, bookings and cancellation—appeal, and § 2-16.1, use of parks areas and facilities, preference to Hawaii-based artists
94-78	11-21-1994	Amends §§ 15-2.23, 15-3.1, 15-4.7, 15-6.7, 15-18.3; repeals § 15-18.9, traffic code, to promote safe bicycling (Eff. 1-1-1995) (§ 15-4.7 was repealed by Ord. 95-15.)
94-79	11-21-1994	Amends §§ 8-7.1 and 8-7.3, real property taxation, lands dedicated to agricultural uses, tree farm property (§ 8-7.3 was amended by Ord. 04-34)
94-80	11-21-1994	Amends § 38-3.2, bidding not required—concessions, county cultural parks (Eff. upon enactment of State law exempting from State bidding requirements the operation of concessions at county cultural parks)
94-81	11-21-1994	Amends portion of zoning map No. 14, Barber's Point-Nanakuli (Special) (Unilateral agreement was amended by Ord. 98-08)
94-82	11-21-1994	Adds article to Ch. 40, distribution of tobacco products and tobacco promotional materials near certain schools and preschools (40-10) (Repealed by Ord. 98-10)
94-83	11-21-1994	Amends portion of zoning map No. 4, Nuuanu-McCully (Special)
94-84	11-21-1994	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
94-85	12-1-1994	Refunding of improvement district bonds issued pursuant to Ord. 87-88 to finance the cost of improvements in Halawa Business Park (Special)
94-86	12-2-1994	Repeals and replaces Ch. 13, Art. 12, charitable sales activities on public places in Waikiki; removed during 2020 codification; in accordance with § 13-12.16, this article has ceased to be effective as a result of the court decision upholding the city's peddling ordinance (Ch. 13, Art. 6)
94-87	12-16-1994	Amends §§ 35A-1.9 and 35A-1.10, taxicab driver's certificate, rate of fare, receipt required upon request (§ 35A-1.9 automatically repealed on 3-16-2017 per Ord. 16-38.)
94-88	12-16-1994	Amends portion of development plan public facilities map for primary urban center (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
94-89	12-16-1994	Amends §§ 4-3.2, 4-3.3, 5-3.3; adds § 4-3.4, office of council services, salaries of appointed officials of the council (Sec. 4-3.4 becomes effective 1-1-1995)
95-01	1-9-1995	Amends Ord. 94-42, appropriations for FY 1994-95 executive capital budget (amendment No. 1) (Special)
95-02	1-9-1995	Amends Ord. 94-41, appropriations for FY 1994-95 executive operating budget (amendment No. 1) (Special)
95-03	2-9-1995	Adds article to Ch. 34, secondhand dealers (Eff. 2-9-1995, provided any secondhand dealer license issued pursuant to HRS Ch. 445 before the effective date shall be valid for the term of the license) (34-6)
95-04	2-9-1995	Amends Ch. 34, Art. 1, title and §§ 34-1.1, 34-1.2; reenacts § 34-1.3; adds §§ 34-1.4, 34-1.5, 34-1.6; rennumbers § 34-1.4 as § 34-1.7, § 34-1.5 as § 34-1.8, § 34-1.6 as § 34-1.9, § 34-1.7 as § 34-1.10, § 34-1.8 as § 34-1.11, § 34-1.9 as § 34-1.12 and amends each, auctions (Eff. 2-9-1995, provided any auction license issued pursuant to HRS Ch. 445 before the effective date shall be valid for the term of the license)
95-05	2-9-1995	Adds article to Ch. 34, scrap dealers (Eff. 2-9-1995, provided any scrap dealer license issued pursuant to HRS Ch. 445 before to the effective date shall be valid for the term of the license) (34-7)
95-06	2-9-1995	Amends § 9-4.2, disposal charges (surcharge for recovering State and federal fees)
95-07	3-23-1995	Amends portion of development plan land use map for primary urban center (Special)
95-08	3-23-1995	Amends portion of zoning map No. 9, Waipio (Crestview) (Special)
95-09	4-27-1995	Amends § 2-4.2, powers and duties of budget and fiscal services director (writing off uncollectible debts and accounts of the city of \$1,000 or less and establishing service fee for dishonored checks by rules) (\$9 service fee for dishonored checks shall remain in effect until the rules are amended to change the service fee)
95-10	4-27-1995	Amends Ord. 94-42, appropriations for FY 1994-95 executive capital budget (amendment No. 2) (Special)
95-11	4-27-1995	Amends § 14-10.2, time of payment, wastewater system facility charge (for city or city-sponsored or State or State-sponsored housing project)
95-12	4-27-1995	Adds §§ 25-9.6, 25-9.7, shoreline management, voluntary and involuntary revocation or modification of permits (intended to have no effect on proceedings instituted before its effective date with respect to the revocation of any permit)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
95-13	5-18-1995	Amends §§ 21-3.90-1, 21-3.90-3, signs for second floor business establishments (Repealed by Ord. 99-12)
95-14	5-18-1995	Adds article to Ch. 2, volunteer services program (2-27) (Eff. 7-1-1995)
95-15	5-18-1995	Amends §§ 15-4.2, 15-4.6, 15-6.7, 15-13.6, 15-17.4, 15-21.6, 15-24.11, 15-26.3, 15-26.9, 15-27.10; repeals §§ 15-4.7, 15-11.1, 15-19.38, 15-21.1, 15-21.4, 15-24.7, 15-24.9, traffic code, eliminating and decriminalizing certain traffic offenses
95-16	5-18-1995	Amends §§ 9-1.2, 9-1.4, recycling of food waste
95-17	5-18-1995	Amends § 14-19.2, improvement district fees, sanitary sewer system (does not affect fees for certain sewer improvement districts accepted by council or created before effective date)
95-18	5-26-1995	Amends a portion of the development plan land use map for North Shore (Special)
95-19	5-26-1995	Amends a portion of zoning map No. 18, Kawaihoa-Waialea (Special) (Sec. II and Exhibit "B" of Ord. 95-19 were repealed, and all conditions set forth in the UA and Declaration for Conditional Zoning dated 5-17-1995 were released by Ord. 07-5)
95-20	5-31-1995	Amends § 15A-1.9, bicycle registration, decriminalizes penalty for violation
95-21	5-31-1995	Adds article to Ch. 12, cat identification program (7-6); amends § 3-5.2, authorization to issue summons; adds § 3-5.5, authorization to impound cats (cat owners shall be given 90 days following the effective date of this ordinance to comply with the identification and sterilization provisions thereof)
95-22	5-31-1995	Amends §§ 15B-2.1, 15B-2.2, 15B-2.3, 15B-2.5, 15B-4.5, raises bus and special transit service fares, establishes price of discounted tokens (Eff. 7-1-1995)
95-23	5-31-1995	Amends § 3-8.4(f), financial disclosures, penalty (provided that penalties shall not be imposed upon any "officer," "employee" or "candidate" whose required financial disclosure is due before January 1, 1996)
95-24	5-31-1995	Appropriations for FY 1995-96 executive operating budget (Eff. 7-1-1995) (Special)
95-25	5-31-1995	Appropriations for FY 1995-96 executive capital budget (Eff. 7-1-1995) (Special)
95-26	5-31-1995	Appropriations for FY 1995-96 legislative budget (Eff. 7-1-1995) (Special)
95-27	5-31-1995	Authorization for general obligation bonds and bond anticipation notes (Special)
95-28	5-31-1995	Amends Table No. 18-A of Ch. 18, to increase fees charged for building permits (Eff. 7-1-1995)
95-29	5-31-1995	Amends § 17-4.2, to increase charges for extra inspections and miscellaneous inspections under the electrical code (Eff. 7-1-1995)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
95-30	5-31-1995	Amends § 15-16.5 to increase employee parking fees for employees of the city and the civic center child care facility (Eff. 7-1-1995)
95-31	5-31-1995	Amends §§ 15A-4.4, 15A-4.5, 15A-4.6, to increase fees for certificates and duplicate certificates of title and for each correction of vehicle registration records (Eff. 7-1-1995)
95-32	5-31-1995	Amends § 15A-2.2, to increase driver's license fees, establish new fees relating to driver's licenses, and to repeal provisions establishing special fees for senior citizens (Eff. 7-1-1995)
95-33	5-31-1995	Amends § 12-3.1, to increase dog license and tag fees (Eff. 7-1-1995)
95-34	5-31-1995	Amends § 12-5.1, to increase fees for spaying/neutering cats and dogs and to repeal the waiver of those fees for cats and dogs owned by senior citizens (Eff. 7-1-1995)
95-35	5-31-1995	Amends §§ 10-2.1, 10-2.2, 10-2.3; repeals § 10-2.4; adds § 10-2.7, fees and charges for Foster Botanical Garden, Honolulu Zoo and community gardens (Eff. 7-1-1995)
95-36	5-31-1995	Adds §§ 10-2.11, fees and charges for Hanauma Bay Nature Park (Eff. 7-1-1995) (Repealed by Ord. 96-01); Ord. 96-19 added § 10-2.11, fees for Hanauma Bay Nature Preserve (Eff. 3-12-1997)
95-37	5-31-1995	Amend §§ 10-4.2, 10-4.3, 10-4.5; adds § 10-4.8, to increase green fees, golf club and cart rental rates, and provide for certain fees related to the automated golf tee time reservation system. (Eff. 7-1-1995)
95-38	5-31-1995	Adds §§ 10-2.4, 10-2.5, 10-2.6, fees for the use of and services relating to parks and recreational facilities (Eff. 7-1-1995)
95-39	5-31-1995	Amends § 9-4.2, disposal charges (increases charges at HPOWER, city transfer stations and landfills, deletes Waipahu Incinerator charges) (Eff. 7-1-1995)
95-40	5-31-1995	Amends § 9-4.2, disposal charges (increases surcharge on disposal charges to six percent) (Eff. 1-1-1996)
95-41	5-31-1995	Amends Ord. 94-41, appropriations for FY 1994-95 executive operating budget (amendment No. 2) (Special)
95-42	5-31-1995	Amends § 15-14.1, traffic code, allows for parking on mauka side of Ala Wai Blvd. at certain intersections
95-43	5-31-1995	Adds § 2-21.4, requires MRRC to charge a fine for overdue books, magazines, and other materials. (Eff. 7-1-1995)
95-44	5-31-1995	Adds article to Ch. 10, summer fun activities (10-8) (Eff. 1-1-1996)
95-45	5-31-1995	Repeals Ch. 1, Art. 15; adds § 1-16.3, ordinance revision

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
95-46	7-6-1995	Adds article to Ch. 41; amends §§ 40-5.1, 40-5.2, regulation of distribution of spray paints and wide-tipped markers (41-3)
95-47	7-6-1995	Amends portion of development plan public facilities map for primary urban center (Special)
95-48	7-6-1995	Amends § 15-4.10, enforcement of motor vehicle laws by special officers of the city
95-49	7-21-1995	Amends § 41-12.4; adds Art. 27 to Ch. 41, possession, use, and sale of pepper sprays for self-defense (termination date removed by Ord. 96-77)
95-50	7-21-1995	Amends § 22-3.8, permits for work of any character in unapproved subdivisions, by streamlining the development process and allowing an increase in the number of model homes permitted after tentative subdivision approval
95-51	8-11-1995	Adds new article to Ch. 10, professional sports activity at Hans L'Orange baseball facility (10-9)
95-52	9-1-1995	Amends portion of development plan public facilities map for North Shore (Special)
95-53	9-1-1995	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
95-54	9-1-1995	Amends Ord. 92-92, portion of zoning map No. 10, Waipio (Mililani) (Special)
95-55	9-1-1995	Amends Ord. 93-23, portion of zoning map No. 10, Waipio (Mililani) (Special)
95-56	9-1-1995	Amends portion of zoning map No. 10, Waipio (Mililani) (Special)
95-57	9-1-1995	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
95-58	9-1-1995	Adds § 2-18.6, line-item budget details
95-59	10-4-1995	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
95-60	10-4-1995	Improvement district assessment levy for Kahaluu sewers (Special) (Amended by Ord. 98-37)
95-61	10-4-1995	Amends § 38-3.3, bidding not required—concessions, to exempt certain concessionaires in Hans L'Orange Park
95-62	10-26-1995	Amends § 15A-3.1, vehicle weight tax; and § 15A-3.2, vehicle weight tax, delinquent penalties (Eff. 1-1-1996)
95-63	10-26-1995	Amends § 31-1.3, amendment or termination of enterprise zones
95-64	10-26-1995	Amends § 9-3.1, recycling by certain commercial establishments; and § 9-5.1, violation, penalty (Eff. 7-1-1996)
95-65	11-21-1995	Amends portion of development plan public facilities map for Koolauloa (Special)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
95-66	11-21-1995	Amends portion of State land use district boundary map (Kahuku Quadrangle) at Laie (Special)
95-67	12-18-1995	Amends §§ 8-10.1 and 8-10.14, relating to real property taxation (to repeal the exemption currently provided to privately owned properties that are leased to the State or county) (Eff. beginning with 1996-97 tax year)
95-68	12-18-1995	Amends §§ 3-2.1, 3-2.4, 3-2.7, relating to art in city buildings (transfers the arts procurement authority from the individual city agencies to the commission on culture and the arts and provides that lapsed appropriations for the acquisition of works of art may be reappropriated) (Eff. 7-1-1996)
95-69	12-18-1995	Amends § 15-2.29, vehicles and related terms; adds article to Ch. 15A, establishing inspection fees for reconstructed vehicles and motorcycles (15A-6)
95-70	12-18-1995	Amends portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
95-71	12-18-1995	Amends portion of development plan land use map for central Oahu (Special)
96-01	1-8-1996	Repeals Ord. 95-36 which added § 10-2.11 relating to fees and charges for Hanauma Bay Nature Park (repeals all the admission fees for Hanauma Bay Nature Park, including vehicle assessment fees) (See Ord. 96-19 below)
96-02	2-7-1996	Amends § 8-12.10, relating to real property tax assessment, to increase the costs to be deposited for an appeal to the board of review
96-03	2-7-1996	Amends portion of zoning map No. 5, Kalihi-Nuuanu (Special)
96-04	2-7-1996	Amends Ord. 95-25, appropriations for FY 1995-96 executive capital budget (amendment No. 1) (Special)
96-05	2-27-1996	Amends portion of zoning map No. 5, Kalihi-Nuuanu (Special)
96-06	2-27-1996	Amends portion of development plan land use map for Ewa (Special)
96-07	2-27-1996	Amends portion of zoning map No. 22, Heeia-Kaneohe-Maunawili (Special)
96-08	2-27-1996	Amends portion of development plan public facilities map for Ewa (Special)
96-09	3-29-1996	Adds Ch. 33, development agreements
96-10	3-29-1996	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
96-11	3-29-1996	Amends § 15B-2.6, suspension of bus fares for promotional and demonstration purposes
96-12	3-29-1996	Adds Art. 6 to Ch. 40, relating to graffiti (Shall apply only to graffiti placed on public property after effective date of ordinance)
96-13	3-29-1996	Amends portion of development plan land use map for the primary urban center (Special)
96-14	3-29-1996	Amends portion of zoning map No. 24, Waimanalo (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
96-15	3-29-1996	Amends §§ 8-2.1, 8-2.2, 8-3.5, 8-6.2, 8-6.3, 8-6.7, 8-7.3, 8-7.4, 8-7.5, 8-10.1, 8-10.3, 8-10.4, 8-10.5, 8-10.10, 8-10.12, 8-10.14, 8-10.15, 8-10.19, 8-10.22, 8-11.1, 8-12.1, 8-12.4, 8-12.7, relating to real property taxes (changing various real property tax deadlines) (Eff. beginning with 1997-98 tax year)
96-16	4-22-1996	Amends §§ 8-12.6, 8-12.7, boards of review for real property tax appeals
96-17	4-25-1996	Amends § 2-4.2, relating to capital improvement project reporting requirements of director of budget and fiscal services
96-18	4-25-1996	Adds Ch. 27, community facilities districts
96-19	4-25-1996	Adds § 10-2.8, fees for Hanauma Bay Nature Preserve; and adds Art. 51 to Ch. 6, Hanauma Bay Nature Preserve Fund (Eff. 3-12-1997)
96-20	4-25-1996	Adds § 9-3.5, food waste recycling, and amends § 9-5.1, violation—penalty (Eff. 1-1-1997)
96-21	4-25-1996	Amends portion of zoning map No. 4, Nuuanu-McCully (Special)
96-22	4-25-1996	Amends portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli (Special)
96-23	4-25-1996	Amends §§ 2-17.2, 2-18.2, 2-18.4, budget execution; operating budget bill form; and transfer and allocation of funds (shall apply to operating budget ordinances and amendments beginning 7-1-1996)
96-24	5-15-1996	Amends portion of development plan land use map for Central Oahu (Special)
96-25	5-15-1996	Amends portion of development plan public facilities map for the primary urban center (Special)
96-26	5-15-1996	Amends portion of State land use district boundary map at Ewa (Special)
96-27	5-15-1996	Amends portion of development plan public facilities map for Central Oahu (Special)
96-28	5-15-1996	Amends portion of zoning map No. 18, Kawaihoa-Waialea (Special)
96-29	5-15-1996	Authorization for general obligation refunding bonds (Special)
96-30	6-14-1996	Adds Art. 8 to Ch. 15B, transit management services contractor; amends §§ 15B-1.1, 15B-2.3, 15B-4.1, 13-5.3, 13-5.11, 13-5.17, 13-5.18, 15B-6.2, 13-6.5, 15-2.11 (§§ 13-5.3, 13-5.11, 13-5.17, 13-5.18 repealed by Ord. 97-02); repeals 1990 ROH §§ 13-6.3, 13-6.4, 13-6.5, 13-6.7, 13-6.8; relating to public transit (requires city bus system and special transit service to be managed, operated, and maintained by a single transit management services contractor) (Eff. 4-1-1997)
96-31	6-14-1996	Appropriations for FY 1996-97 executive capital budget (Eff. 7-1-1996) (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
96-32	6-14-1996	Adds § 2-18.7, report on position vacancies
96-33	6-14-1996	Amends § 41-28.1, aerial advertising prohibited, exceptions
96-34	6-14-1996	Amends §§ 14-12.1, 14-12.2, 14-12.9, 14-12.12, 14-12.22, 14-12.23, 29-1.3, 29-2.2, 29-2.3, 29-2.4, 29-2.8; adds §§ 29-2.1A, 29-2.2A, 29-2.2B, 29-4.4A, relating to public works infrastructure requirements including fees and services and relating to drainage, flood and pollution control, grading, grubbing, stockpiling, soil erosion and sediment control
96-35	6-14-1996	Amends portion of development plan public facilities map for Central Oahu (Special)
96-36	6-14-1996	Amends portion of development plan public facilities map for the primary urban center (Special)
96-37	6-14-1996	Amends § 17-5.1, updating city electrical code by adopting 1996 edition of the National Electrical Code (Eff. 8-13-1996)
96-38	6-14-1996	Repeals Ch. 19 and adds a new Ch. 19, plumbing code (Eff. 8-13-1996)
96-39	6-14-1996	Authorization for general obligation bonds and bond anticipation notes and authorization for refunding bonds (Special)
96-40	6-14-1996	Adds Art. 52 to Ch. 6, fee for convicted persons (shall be repealed two years after its effective date (6-14-1998); repealed on 6-14-1998)
96-41	6-14-1996	Amends § 10-2.7, fees for community garden (Eff. 7-1-1996)
96-42	6-14-1996	Amends Sec. 3 of Ord. 93-109 by deleting the automatic repeal provision (6-30-1996), thereby making Ch. 1, Art. 19, permanent
96-43	6-14-1996	Appropriations for FY 1996-97 executive operating budget (Eff. 7-1-1996) (Special)
96-44	6-14-1996	Appropriations for FY 1996-97 legislative budget (Eff. 7-1-1996) (Special)
96-45	6-14-1996	Adds Art. 53 to Ch. 6, special events fund (Eff. 7-1-1996)
96-46	7-9-1996	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
96-47	7-9-1996	Amends portion of development plan public facilities map for East Honolulu (Special)
96-48	7-9-1996	Amends portion of zoning map No. 7, Pearl City-Halawa (Special)
96-49	7-31-1996	Repeals Ch. 10, Art. 6, beach and inland camping facilities
96-50	7-31-1996	Amends §§ 18-3.1, 18-4.1, 18-4.2, 18-4.6, 18-5.3, 18-5.4, 18-5.6, 18-6.1, 18-6.2, 18-6.3, 18-6.4, 18-7.4, relating to fees and permits for building, electrical, plumbing and sidewalk codes

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
96-51	7-31-1996	Amends portion of development plan public facilities map for East Honolulu (Special)
96-52	7-31-1996	Amends § 3-2.7, art in city buildings
96-53	8-23-1996	Amends § 13-6.2, regulations affecting peddlers
96-54	8-23-1996	Amends §§ 15-2.18 (Amended by Ord. 17-51), 15-24.10 (Repealed by Ord. 14-25), 15-24.11, 15-29.1, 15-29.2, 15-29.3, 15-29.6, relating to parking for disabled persons
96-55	8-23-1996	Amends § 15B-2.1, fare structure; adds § 15B-2.9, authorizing police officers to ride on city buses without paying a fare
96-56	8-23-1996	Establishes a two-year pilot project to use volunteers to assist the Honolulu police department in enforcing the city and State disabled parking laws on public and private property. (Eff. 11-1-1996 and terminates on or before 11-1-98) (Ord. 99-01 established a permanent volunteer disabled parking enforcement program.)
96-57	10-10-1996	Amends portion of zoning map No. 6, Red Hill-Fort Shafter (Special)
96-58	10-10-1996	Amends §§ 1-2.4, 2-3.2, Ch. 2, Art. 6, title, 2-6.1 title, 2-6.2, 2-17.1, 2-19 (Amended by Ord. 13-39), 2, 3-2.6, 3-6.4, 3-6.8 (Repealed by Ord. 12-1), 3-8.2, 3-8.3, 3-8.4, 4-2.2, 4-2.3, 4-2.4, 4-4.3, 4-4.7, 6-35.2, 6-40.1, 8-1.2, 8-12.3, 8-12.7, 9-2.2, 9-4.2 title, 9-7.3, 10-1.3, 10-4.1, 11-1.2, 11-1.3, 13-1.1, 13-4.4, 13-6.2, 13-8.3, 13-8.4, 14-1.2, 14-5.12, 14-6.3, 14-6.6, 14-12.6, 14-12.19, 14-21.6, 14-23.2, 14-27.1, 14-31.2, 14-31.3, 14-32.3, 15-4.6, 15-6.7, 15-7.4, 15-14.8, 15-15.1, 15-16.4, 15-16.6, 15-19.22, 15-19.37, 15-20.1, 15-21.12, 15-24.1, 15-24.18, 15-24.21, 15-25.1, 15-26.10, 15B-2.3, 15B-6.1, 16-2.4, 16-10.4, 17-6.1, 18-3.1, 18-5.4, 18-6.5, 18-7.3, 20-3.1, 22-6.2, 22-7.3, 22-8.1, 25-1.3, 26-1.3, 26-1.4, 26-1.9, 30-1.2, 33-1.5, 33-1.6, 35A-2.6, 35A-5.7, 38-6.11, 40-7.1, 40-7.2, 41-8.3, 40-8.6, 41-10.3, 41-10.4, 41-14.2, relating to technical amendments to the ROH. Amendment to § 15B-2.3 takes effect on 4-1-1997.
96-59	10-10-1996	Adds Art. 4 to Ch. 41, prohibiting the sale of certain products that contain ephedrine
96-60	10-10-1996	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
96-61	10-10-1996	Amends portion of zoning map No. 8, Waipahu (Special) (Unilateral agreement was amended by Ord. 00-61.)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
96-62	10-31-1996	Amend §§ 21-3.30, 21-3.60, 21-3.70, 21-3.70-1, 21-3.70-2, 21-3.70-3, 21-3.70-4, 21-3.70-7, 21-3.70-10, 21-3.70-11, 21-3.70-14, 21-3.80, 21-3.90-1, 21-3.90-3, 21-3.120, 21-3.130, 21-3.140-1, 21-3.150, 21-3.160-2, 21-4.10, 21-4.30, 21-4.40, 21-4.70, 21-6.20-1, 21-6.50-11, 21-7.10-6, 21-7.10-7, 21-7.20-1, 21-7.30-4, 21-7.70-1, 21-8.10, 21-8.20, 21-8.30, 21-8.30-5, 21-8.30-6, 21-8.30-8, 21-9.1; Tables 21-3.1(A), 21-7.1, 21-7.2, 21-7.3, 21-7.4, 21-7.5, 21-7.7; repeals §§ 21-3.60-3, Ch. 21, Art. 5; adds new Ch. 21, Art. 5, various amendments to the land use ordinance (Repealed by Ord. 99-12)
96-63	10-31-1996	Amends unilateral agreement incorporated in Ord. 93-66 which amends a portion of zoning map No. 3, Moiliili-Kaimuki (Special)
96-64	11-27-1996	Amends portion of zoning map No. 17, Mokuleia-Haleiwa (Special)
96-65	11-27-1996	Amends portion of zoning map No. 24, Waimanalo (Special)
96-66	11-27-1996	Adds Art. 28 to Ch. 2, relating to city motor vehicles (prohibits take-home use of a city motor vehicle by most executive agency heads and deputy heads) (Eff. 1-2-1997)
96-67	11-27-1996	Amends §§ 15B-3.1, 15B-3.5, relating to conduct of passengers on city transit buses and special transit service vehicles and violation/penalties
96-68	11-27-1996	Amends portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
96-69	11-27-1996	Amends portion of zoning map No. 8, Waipahu (Special)
96-70	11-27-1996	Amends §§ 24-2.2, 24-2.3, relating to development plan special provisions for the primary urban center
96-71	12-18-1996	Amends portion of zoning map No. 3, Moiliili-Kaimuki (Special)
96-72	12-18-1996	Amends §§ 21-2.20, 21-3.90-3, 21-7.80-2, 21-9.1, Table 21-3.1(C), Exhibits 21-7.13 and 21-7.15; renumbers §§ 21-7.80 to 21-7.80-1, 21-7.80-3 to 21-7.80-4, 21-7.80-4 to 21-7.80-5, 21-7.80-5 to 21-7.80-6, 21-7.80-6 to 21-7.80-7, 21-7.80-7 to 21-7.80-8, Table 21-7.6 to Table 21-7.6(C); adds §§ 21-7.80, 21-7.80-3; 21-7.80-9, 21-8.30-9, Tables 21-7.6(A) and (B); repeals § 21-7.80-1 and Exhibit 21-7.14, relating to the Waikiki special district (Repealed by Ord. 99-12)
96-73	12-19-1996	Adds Art. 28 to Ch. 14, maintenance of private streets and roads
96-74	12-19-1996	Amends portion of development plan land use map for the primary urban center (Special)
96-75	12-19-1996	Amends portion of development plan land use map for Koolaupoko (Special)
96-76	12-19-1996	Amends portion of development plan land use map for Koolaupoko (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
96-77	12-19-1996	Amends §§ 41-27.4, 41-27.5, possession, use, and sale of pepper sprays for self-defense (license issued to sellers shall be valid until one year from the date of its issuance or until January 21, 1997, whichever last occurs, and shall be renewable)
96-78	12-19-1996	Amends portion of zoning map No. 22, Heeia-Kaneohe-Maunawili (Special)
96-79	12-20-1996	Amends portion of development plan land use map for Waianae (Special)
97-01	1-2-1997	Adds Art. 5 to Ch. 41, prohibiting the manufacture, possession, sale and distribution of certain products that contain gamma hydroxybutyrate (Sec. 3 of Ord. 97-01 was amended by Ord. 98-46)
97-02	2-12-1997	Adds Art. 11 to Ch. 3 and adds § 15B-6.7; repeals Art. 5, Ch. 13; amends various sections to conform to dissolution of public transit authority (Eff. 7-1-1997)
97-03	2-12-1997	Adds § 3-9.6, relating to boards, commissions and committees of the City and County of Honolulu (to provide for the removal of members of boards, commissions and committees who have not exercised due diligence in the performance of their duties; shall not apply to any failure to attend a meeting held before the effective date of this ordinance)
97-04	2-12-1997	Amends portion of zoning map No. 2, Kahala-Kuliouou (Special) (Unilateral agreement was amended by Ord. 99-08)
97-05	2-28-1997	Amends §§ 15-14.1, 15-15.1; repeals 15-14.9, relating to the traffic code
97-06	2-28-1997	Amends §§ 15-23.2 and 15-23.2A, relating to off-street municipal parking facilities
97-07	3-31-1997	Adds § 14-6.4A, determination of residential user discharge (Eff. 6-2-1998)
97-08	3-31-1997	Amends § 38-3.3, bidding not required, leasing to private developers (when directed by council, requires the city to appraise real property proposed to be leased or rented for a housing project)
97-09	3-31-1997	Amends portion of development plan public facilities map for Ewa (Special)
97-10	4-30-1997	Amends portion of development plan public facilities map for Ewa (Special)
97-11	4-30-1997	Adds Art. 8 to Ch. 34, panoram business regulation (Eff. 1-1-1998)
97-12	4-30-1997	Amends portion of zoning map No. 9, Waipio (Crestview) (Special)
97-13	4-30-1997	Amends § 13-4.7, relating to litter (authorizes the city to impose civil fines for violations regarding failure of property owners to maintain their premises and the sidewalk area abutting their property line free of litter)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
97-14	4-30-1997	Amends § 2-4.2, additional powers, duties and functions of the budget and fiscal services director (to allow payment of taxes and other fees by electronic means and to permit the budget and fiscal services director to establish a fee for the acceptance of electronic payments)
97-15	5-16-1997	Amends portion of development plan public facilities map for North Shore (Special)
97-16	5-16-1997	Repeals § 16-1.1 (1991 edition of the Uniform Building Code) and adopts § 16-1.1 (1994 edition of the Uniform Building Code); repeals Ch. 16, Art. 9, equal access for persons with disabilities; amends §§ 16-4.3, 16-5.1, 16-5.4, 16-5.5, Table No. 16-5G, building code (Eff. 8-14-1997); Article 5 of Chapter 16 was moved to Chapter 16B
97-17	5-16-1997	Amends §§ 3-2.6, 11-1.2, 11-1.3, to reflect that the department of human resources has been renamed the department of community and social resources
97-18	5-16-1997	Amends portion of development plan public facilities map for the Primary Urban Center (Special)
97-19	5-16-1997	Amends portion of zoning map No. 22, Heeia-Kaneohe-Maunawili (Special)
97-20	5-16-1997	Amends §§ 41-14.1, 41-14.2, 41-14.3, 41-14.5, relating to smoking (subject to certain exceptions, extends prohibitions against smoking in Ch. 41, Art. 14, to most indoor areas of the city) (Eff. 6-15-1997)
97-21	5-16-1997	Amends portion of development plan public facilities map for the Primary Urban Center (Special)
97-22	5-16-1997	Amends portion of development plan public facilities map for Koolaupoko (Special)
97-23	5-16-1997	Amends portion of development plan public facilities map for East Honolulu and Koolaupoko (Special)
97-24	5-22-1997	Adds Art. 29 to Ch. 2, relating to housing projects (prohibits presale or prelease of a dwelling unit in a proposed housing project on city property before council approval of the development agreement)
97-25	6-12-1997	Amends § 1-17.12, relating to sexual harassment training (Eff. 7-1-1997)
97-26	6-12-1997	Amends § 10-1.2, park rules, relating to metered parking at Kapiolani Park
97-27	6-12-1997	Amends portion of development plan public facilities map for Central Oahu (Special)
97-28	6-12-1997	Amends portion of development plan public facilities map for Central Oahu (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
97-29	6-12-1997	Amends portion of development plan public facilities map for Koolaupoko (Special)
97-30	6-12-1997	Amends portion of development plan public facilities map for the primary urban center (Special)
97-31	6-12-1997	Amends § 16-1.1, relating to the building code (requiring the implementation of adequate safety measures for excavation and fill work for certain construction)
97-32	6-12-1997	Amends portion of development plan public facilities map for the primary urban center (Special)
97-33	6-12-1997	Amends §§ 6-52.1, 6-52.3, relating to fees imposed on certain convicted persons (Repealed on 6-14-1998)
97-34	6-12-1997	Amends portion of development plan public facilities map for Koolaupoko (Special)
97-35	6-12-1997	Amends portion of development plan public facilities map for Koolaupoko (Special)
97-36	6-12-1997	Appropriations for FY 1997-98 legislative budget (Eff. 7-1-1997) (Special)
97-37	6-12-1997	Appropriations for FY 1997-98 executive operating budget (Eff. 7-1-1997) (Special)
97-38	6-12-1997	Appropriations for FY 1997-98 executive capital budget (Eff. 7-1-1997) (Special)
97-39	6-12-1997	Authorization for general obligation bonds and bond anticipation notes (Special)
97-40	6-12-1997	Adds Art. 54 to Ch. 6, relating to creation of a sewer revenue bond improvement fund (Eff. 7-1-1997)
97-41	6-12-1997	Adds Art. 55 to Ch. 6, relating to fees for civil service examinations (Eff. 7-1-1997 and shall terminate on 6-12-1998)
97-42	6-12-1997	Repeals Art. 48, Ch. 6, motor vehicle registration fund; amends §§ 15A-4.1 and 15A-6.2 to require registration fees and reconstructed vehicle inspection fees be deposited into the general fund (Eff. 7-1-1997)
97-43	6-12-1997	Amends §§ 6-53.2 and 6-53.3, relating to the special events fund (to include the revenues and expenditures of the Honolulu Zoo, Waikiki Shell, and the municipal golf courses) (Eff. 7-1-1997)
97-44	6-12-1997	Amends Ord. 85-90, relating to the City and County of Honolulu solid waste disposal facility special fund (Eff. 7-1-1997) (Ord. 85-90 was further amended by Ords. 99-22, 00-26, 01-29, 02-28, and 03-09)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
97-45	6-12-1997	Amends §§ 9-4.1 and 9-4.2, relating to refuse collection and disposal charges (Eff. 7-1-1997)
97-46	6-30-1997	Authorization to reimburse the general fund for the payment of principal and interest on certain general obligation bonds issued to finance facilities for the wastewater system and plants
97-47	7-1-1997	Amends § 18-3.1, relating to building permits (exempts certain one-story detached buildings accessory to crop production in agriculturally zoned districts from the building permit requirement)
97-48	7-1-1997	Improvement district assessment levy for Makaha sewers (Special) (Amended by Ord. 98-05)
97-49	8-22-1997	Repeals Ch. 24, Art. 3, and adds a new Ch. 24, Art. 3, development plan for Ewa (Eff. 10-21-1997)
97-50	8-22-1997	Amends Ch. 16A, housing code
97-51	8-22-1997	Amends unilateral agreement incorporated in Ord. 93-44 which amends a portion of zoning map No. 15, Lualualei-Makaha (Special)
97-52	8-22-1997	Repeals Ch. 41, Art. 3, dancing schools
97-53	8-22-1997	Amends §§ 15A-2.1, 15A-2.2, permit and license fees for driving motor vehicles (Eff. 7-1-1997)
97-54	9-17-1997	Adds Art. 30 to Ch. 2, personal services contracts (the first annual report required to be submitted for FY 1998)
97-55	10-8-1997	Amends §§ 8-2.2, 8-12.1, 8-12.4, 8-12.7, relating to real property tax deadlines (to move back certain real property tax deadlines, including the deadlines for the assessment lists and the real property tax appeals; [shall apply beginning with the 1997-1998 tax year])
97-56	10-8-1997	Amends §§ 8-4.2, 8-10.20, relating to real property tax assessment (deletes references to repealed chapters and provides that the mayor's declaration of a natural disaster is a basis for property tax relief to property owners)
97-57	10-8-1997	Amends Ch. 3, Art. 9, title, §§ 3-9.2, 3-9.3, 3-9.4 titles, Table 16-5G, §§ 41-5.3 and 41-14.4 (technical revisions)
97-58	10-17-1997	Authorizes issuance of general obligation refunding bonds (Special)
97-59	10-29-1997	Amends portion of development plan land use map for the Primary Urban Center (Special)
97-60	10-29-1997	Amends portion of development plan public facilities map for the Primary Urban Center (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
97-61	10-29-1997	Amends portion of development plan public facilities map for Central Oahu (Special)
97-62	10-29-1997	Amends portion of development plan public facilities map for Koolaupoko (Special)
97-63	10-29-1997	Amends portion of development plan public facilities map for Koolaupoko (Special)
97-64	10-29-1997	Amends portion of development plan public facilities map for Koolauloa (Special)
97-65	10-29-1997	Amends §§ 31-1.1 through 31-1.4, 31-2.2 and 31-3.2, enterprise zones (to clarify that enterprise zone incentives authorized by the city shall apply only to the extent authorized by, and only to enterprise zones as delineated by the city)
97-66	10-30-1997	Adds Art. 13 to Ch. 13, use of animals in solicitations in the Waikiki special district
97-67	11-26-1997	Amends title to Art. 5, Ch. 40; and amends §§ 40-5.1 through 40-5.3, relating to implements that may be used to make graffiti
97-68	12-17-1997	Amends portion of the development plan land use map for the primary urban center (Special)
97-69	12-17-1997	Amends portion of State land use district boundary map at Laie (Special)
97-70	12-17-1997	Adds Art. 20 to Ch. 1, relating to the city's drug and alcohol abuse training program (Eff. 7-1-1998)
97-71	12-17-1997	Amends portion of zoning map No. 21, Kualoa-Waiahole-Kahaluu (Special)
97-72	12-17-1997	Amends portion of zoning map No. 11, Wahiawa-Whitmore (Special)
97-73	12-17-1997	Amends portion of the development plan public facilities map for the primary urban center (Special)
97-74	12-17-1997	Amends §§ 21-3.30, 21-3.40, 21-3.70-12, 21-4.10, 21-5.20, 21-5.20-2, 21-5.30-4, 21-5.50-1, 21-5.60-1, 21-5.70-1, 21-5.90-3, 21-5.100-1, 21-5.110-1, 21-9.1; Tables 21-5.1-A, 21-5.1-B, 21-5.2-A, 21-5.3-A, 21-5.3-B, 21-5.4-A, 21-5.5-A, 21-5.5-B, 21-7.6(C); Exhibits 21-7.13, 21-7.16, 21-7.17, 21-7.18, miscellaneous minor technical amendments to the LUO (Repealed by Ord. 99-12)
97-75	12-17-1997	Amends portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
98-01	1-15-1998	Amends portion of zoning map No. 9, Waipio (Crestview) (Special) (Unilateral agreement was amended by Ord. 98-69)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
98-02	2-12-1998	Amends § 2-17.2, relating to the executive operating budget (changes the dollar threshold triggering the need for council approval of transfers of funds between characters of expenditures within an activity)
98-03	2-12-1998	Renumbers § 21-4.40-20 as § 21-4.40-19; adds § 21-4.40-20; amends Table 21-5.4-A and § 21-9.1, relating to the transfer of development rights for certain historic properties (Repealed by Ord. 99-12)
98-04	2-12-1998	Repeals Ch. 29, Art. 3, minors engaged in street trade
98-05	2-12-1998	Amendment to improvement district assessment levy for Makaha sewers (Special) (Amended by Ord. 98-51)
98-06	3-4-1998	Amends Appendix A, "Sewer Service Charge Schedules," § 14-6.4A, and repeals Sec. 4 of Ord. 97-07 relating to the effective date (updates the city's sewer service charge schedules and makes conforming amendments) (Eff. 6-2-1998)
98-07	3-4-1998	Adds § 2-8.2, creating a volunteer adopt-a-block graffiti and litter removal program (Eff. 7-2-1998)
98-08	3-4-1998	Amends unilateral agreement incorporated in Ord. 94-81 which amends a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli (Special)
98-09	3-4-1998	Amends Ord. 97-38, appropriations for FY 1997-98 executive capital budget (amendment No. 1) (Special)
98-10	3-23-1998	Repeals and adds Ch. 41, Art. 13, relating to the advertisement and distribution of cigarettes and tobacco products in a school zone
98-11	3-23-1998	Amends §§ 21-5.10-1, 21-5.20-5, 21-9.1 and Table 21-5.1-A relating to cemetery caretakers (amends LUO to permit dwellings for caretakers as an accessory use to cemeteries) (Repealed by Ord. 99-12)
98-12	3-23-1998	Amends §§ 13-7.1, 13-7.2, 13-7.4; adds § 13-7.6, relating to handbilling in the Waikiki special district
98-13	3-23-1998	Amends portion of zoning map No. 22, Heeia-Kaneohe-Maunawili (Special)
98-14	3-23-1998	Amends unilateral agreement incorporated in Ord. 89-28 which amends a portion of zoning map No. 6, Red Hill-Ft. Shafter (Special)
98-15	4-20-1998	Amends portion of zoning map No. 7, Halawa-Pearl City (Special)
98-16	4-20-1998	Amends portion of zoning map No. 7, Halawa-Pearl City (Special)
98-17	4-20-1998	Amends §§ 38-6.6, 38-7.1; adds § 38-6.12, relating to the lease and rental policy for city facilities
98-18	5-21-1998	Adds Art. 9 to Ch. 34, relating to lap dancing establishments

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
98-19	5-21-1998	Amends § 14-6.3, relating to sewer service charge schedules (providing for an annual review of the sewer service charge schedule)
98-20	5-21-1998	Amends § 2-17.3, relating to moneys earned on investment of funds (allowing crediting of funds other than the general fund for the moneys earned on the investment of city funds)
98-21	5-21-1998	Repeals §§ 6-47.1, 6-47.3; renumbers § 6-47.2 as § 6-47.1; and amends § 14-8.2, relating to sewer funds (abolishing the wastewater system facility charge fund)
98-22	5-21-1998	Repeals § 29-4.6, abolishing the litter control fund (Eff. 7-1-1998)
98-23	6-9-1998	Amends portion of development plan public facilities map for the Primary Urban Center (Special)
98-24	6-9-1998	Amends portion of zoning map No. 6, Red Hill-Fort Shafter (Special)
98-25	6-9-1998	Appropriations for FY 1998-99 legislative budget (Eff. 7-1-1998) (Special)
98-26	6-9-1998	Amends § 30-4.7, to renew ultra-low flush toilet rebate program (Sec. 4 was repealed by Ord. 00-05)
98-27	6-9-1998	Appropriations for FY 1998-99 executive operating budget (Eff. 7-1-1998) (Special)
98-28	6-9-1998	Appropriations for FY 1998-99 executive capital budget (Eff. 7-1-1998) (Special) (Amended by Ord. 99-07)
98-29	6-9-1998	Authorization for general obligation bonds and bond anticipation notes (Special)
98-30	6-9-1998	Repeals Art. 31, Ch. 6, housing assistance fund (Eff. 6-30-1998)
98-31	6-9-1998	Amends §§ 6-53.1, 6-53.3, relating to the special events fund (provides for the appropriation of excess funds in the special events fund by council resolution as single purpose moneys)
98-32	6-9-1998	Adds Art. 56 to Ch. 6, special reserve fund
98-33	6-9-1998	Amends portion of development plan public facilities map for the Primary Urban Center (Special)
98-34	6-9-1998	Amends portion of development plan public facilities map for the Primary Urban Center (Special)
98-35	6-9-1998	Amends portion of development plan public facilities map for Koolaupoko (Special)
98-36	6-9-1998	Amends portion of development plan public facilities map for the Primary Urban Center (Special)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
98-37	6-9-1998	Amendment to improvement district assessment levy for Kahaluu sewers (Special) (Amends Ord. 95-60, relating to the cost of authorized improvements)
98-38	6-30-1998	Amends portion of development plan public facilities map for the Primary Urban Center (Special)
98-39	6-30-1998	Amends portion of development plan public facilities map for the Primary Urban Center (Special)
98-40	6-30-1998	Amends portion of development plan land use map for Central Oahu (Special)
98-41	6-30-1998	Amends portion of development plan public facilities map for East Honolulu (Special)
98-42	6-30-1998	Adds Art. 14 to Ch. 13, unlawful signs within street rights-of-way and public malls, and amends § 16-1.1(6) by amending the amendments to § 105 of the Uniform Building Code, 1994 Edition, to add a new subdivision 105.3.5
98-43	7-23-1998	Adds Art. 31 to Ch. 2, seals and logotypes of executive agencies
98-44	7-23-1998	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special) (UA was amended by Ord. 06-26)
98-45	7-23-1998	Amends portion of zoning map No. 23, Kailua-Lanikai-Keolu (Special)
98-46	7-23-1998	Sec. 3 of Ord. 97-01, prohibiting the possession, sale and distribution of certain products that contain gamma hydroxybutyrate, was amended in order that the city's anti-drug policy, penalties and enforcement options be maintained in the event of the repeal or weakening of the State's anti-drug policy
98-47	7-23-1998	Amends portion of zoning map No. 5, Kalihi-Nuuanu (Special)
98-48	7-23-1998	Amends § 37-1.5, relating to the disposal of city real property
98-49	7-23-1998	Adds Art. 7 to Ch. 4, report on status of anticipated or ongoing collective bargaining
98-50	8-18-1998	Amends portion of development plan public facilities map for Koolaupoko (Special)
98-51	8-18-1998	Amendment to improvement district assessment levy for Makaha sewers (Special)
98-52	8-18-1998	Amends portion of zoning map No. 5, Kalihi-Nuuanu (Special)
98-53	8-18-1998	Amends §§ 14-31.2, 14-31.3, 14-31.4, 14-31.5, 14-31.7, and 14-31.8, relating to banners displayed on lampposts (permitting the display of banners on lampposts along certain streets surrounding the Hawaii Convention Center for events held at the center)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
98-54	8-20-1998	Adds Ch. 35, incentives for businesses to create new jobs; amends §§ 14-14.4 and 29-2.4, waiving certain permit fees for a qualified business
98-55	10-1-1998	Amends portion of the development plan land use map for Central Oahu (Special)
98-56	10-1-1998	Amends portion of zoning map No. 22, Heeia-Maunawili (Special)
98-57	10-1-1998	Amends portion of zoning map No. 15, Lualualei-Makaha (Special)
98-58	10-1-1998	Amends §§ 21-3.90-3, 21-7.60-1, 21-7.60-4, 21-7.60-12, 21-7.60-13, Table 21-7.4; adds Exhibit 21-7.10-A, relating to the Chinatown special district, land use ordinance (Repealed by Ord. 99-12)
98-59	10-28-1998	Adds Art. 32 to Ch. 2, city video monitoring of public activity
98-60	11-20-1998	Amends §§ 21-4.40-8A, 21-4.40-13, 21-4.40-29, 21-4.40-33, 21-4.40-40, 21-5.100-1, Tables 21-5.5-A and 21-5.5-B; adds § 21-4.40-7A, relating to the regulation of uses in industrial and industrial-commercial mixed use districts (LUO) (Repealed by Ord. 99-12)
98-61	11-20-1998	Amends portion of zoning map No. 8, Waipahu (Special)
98-62	11-20-1998	Amends §§ 6-15.2 and 6-15.6, relating to the furnishing of electronic data processing services (allowing the department of information technology to determine which type of medium is best suited for distributing public data electronically)
98-63	11-20-1998	Amends a portion of zoning map No. 2, Kahala-Kuliouou (Special)
98-64	11-20-1998	Amends § 14-21.6; repeals Ch. 2, Art. 19, to conform the ROH 1990 to the Hawaii Public Procurement Code and its related rules
98-65	11-20-1998	Amends portion of the development plan land use map for the Primary Urban Center (Special)
98-66	12-17-1998	Adds Art. 15 to Ch. 29, and amends § 29-11.2, publication dispensing racks in the Waikiki special district (Repealed by Ord. 02-10)
98-67	12-17-1998	Amends a portion of zoning map No. 1, Hawaii Kai (Special)
98-68	12-17-1998	Amends a portion of zoning map No. 15, Lualualei-Makaha (Special)
98-69	12-17-1998	Amends unilateral agreement incorporated in Ord. 98-01 which amends a portion of zoning map No. 9, Waipio (Crestview) (Special)
99-01	2-11-1999	Amends § 15-29.1, definitions; and adds § 41-28.7, volunteer disabled parking enforcement program (§ 41-28.7 repealed by Ord. 03-40)
99-02	3-12-1999	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
99-03	3-12-1999	Amends § 38-9.4, special performances (increases the maximum admission price per student for special performances at the Neal S. Blaisdell Center Concert Hall)
99-04	3-12-1999	Amends unilateral agreement incorporated in Ord. 4320 (Special)
99-05	3-12-1999	Adds Art. 11 to Ch. 38, lease and permit policy for the grounds of City Hall and the Honolulu Municipal Building; and amends § 13-6.2, regulations affecting peddlers
99-06	3-9-1999	Amends a portion of the development plan public facilities map for East Honolulu (Special)
99-07	3-9-1999	Amends Ord. 98-28, appropriations for FY 1998-99 executive capital budget (amendment No. 1) (Special)
99-08	3-30-1999	Amends unilateral agreement incorporated in Ord. 97-04 which amends a portion of zoning map No. 2, Kahala-Kuliouou (Special)
99-09	3-30-1999	Adds Art. 19 to Ch. 41, relating to lasers and laser products (establishes reasonable restrictions on the sale, possession, and use of lasers in the city)
99-10	3-30-1999	Amends § 2-15.2, relating to fees to be assessed by the Royal Hawaiian Band (repeals the fee for performance by the Royal Hawaiian Band at vessel arrival or departure)
99-11	3-30-1999	Authorization for general obligation bonds (Special)
99-12	5-10-1999	Repeals Ch. 21, land use ordinance, and adds a new Ch. 21, which streamlines the land use permitting process and ensures that adequate controls and review mechanisms are in place for certain proposed land uses
99-13	5-10-1999	Amends portion of the development plan public facilities map for Central Oahu (Special)
99-14	5-27-1999	Amends portion of development plan public facilities map for the Primary Urban Center (Special)
99-15	5-27-1999	Amends portion of development plan public facilities map for the Primary Urban Center (Special)
99-16	5-27-1999	Amends portion of development plan public facilities map for Koolau-poko (Special)
99-17	5-27-1999	Amends portion of development plan public facilities map for Central Oahu (Special)
99-18	5-28-1999	Amends a portion of zoning map No. 7, Halawa-Pearl City (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
99-19	5-28-1999	Repeals Art. 4, Ch. 24, East Honolulu development plan, and adds a new Art. 4, Ch. 24, which adopts a revised development plan for East Honolulu (Eff. 7-27-1999)
99-20	5-28-1999	Establishes a transportation pilot project to determine the feasibility of using public-private transportation partnerships to provide essential transportation services in areas currently underserved by the city transit bus system
99-21	5-28-1999	Amends § 2-8.2, adopt-a-block graffiti and litter removal program
99-22	6-3-1999	Amends § 9-7.4, glass incentive program; repeals Ch. 6, Art. 49, recycling fund; adds new Ch. 6, Art. 49, solid waste special fund; and amends Ord. 85-90, as amended by Ord. 97-44, solid waste special fund (Eff. 7-1-1999) (Ord. 85-90 was further amended by Ords. 00-26, 01-29, 02-28, and 03-09)
99-23	6-3-1999	Adds Art. 57 to Ch. 6, golf fund (creating a special fund for the management, operation and maintenance of the municipal golf courses); amends § 6-53.2, relating to the purpose of the special events fund (Eff. 7-1-1999)
99-24	6-10-1999	Amends § 15A-4.1, increasing the annual fee for the registration of a motor vehicle (Eff. 7-1-1999)
99-25	6-22-1999	Appropriations for FY 1999-2000 legislative budget (Eff. 7-1-1999) (Special)
99-26	6-22-1999	Appropriations for FY 1999-2000 executive operating budget (Eff. 7-1-1999) (Special)
99-27	6-22-1999	Appropriations for FY 1999-2000 executive capital budget (Eff. 7-1-1999) (Special)
99-28	6-22-1999	Authorizing the issuance and sale of general obligation bonds and bond anticipation notes (Special)
99-29	6-22-1999	Amends § 20-1.1, increasing permit fees (amended by Ord. 15-45; Am. Ord. 17-14), and § 6-11.1, increasing fees for copying maps, plans, and diagrams and conducting searches of real property tax records (Eff. 7-1-1999)
99-30	6-22-1999	Amends Table No. 18-A, increasing fees for the issuance of building permits (Eff. 7-1-1999)
99-31	6-22-1999	Amends §§ 6-41.1, 22-1.1, 22-1.2, and 25-5.1, increasing fees or fee schedules for permits and services provided by the department of planning and permitting (Eff. 7-1-1999)
99-32	6-22-1999	Amends §§ 9-1.1, 9-1.2, 9-1.4, 9-2.2, 9-2.3, 9-2.9, 9-2.10, 9-3.3, 9-3.5, 9-4.2, 9-4.3, 9-4.4, 9-4.6, 9-5.1, 9-6.1, 9-7.2, 9-7.3, and 14-30.3, relating to collection and disposal of refuse (Eff. 7-1-1999)
99-33	6-22-1999	Amends § 9-4.2(f), relating to disposal charges (Eff. 7-1-1999)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
99-34	6-22-1999	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
99-35	6-22-1999	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
99-36	6-22-1999	Amends a portion of the development plan public facilities map for Koolauloa (Special)
99-37	6-22-1999	Amends a portion of the development plan public facilities map for Central Oahu (Special)
99-38	6-22-1999	Amends a portion of zoning map No. 6, Red Hill-Fort Shafter (Special)
99-39	6-22-1999	Amends a portion of zoning map No. 23, Kailua-Lanikai-Keolu (Special)
99-40	6-22-1999	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
99-41	6-22-1999	Amends § 6-56.2, relating to the special reserve fund
99-42	6-22-1999	Adds § 8-10.23 to Ch. 8, Art. 10, establishing a seven-year real property tax exemption for qualifying construction work (applies to tax years beginning 7-1-2000 and ending on 6-30-2012)
99-43	6-30-1999	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
99-44	6-30-1999	Amends § 17-3.5, meter installation (relating to charging of electric vehicles)
99-45	6-30-1999	Amends a portion of the development plan public facilities map for the North Shore (Special)
99-46	8-2-1999	Adds Art. 10 to Ch. 34, nightclubs (establishes reasonable regulations for teenage and nude dancing nightclubs)
99-47	8-5-1999	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
99-48	8-5-1999	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
99-49	8-5-1999	Amends a portion of the development plan public facilities map for Central Oahu (Special)
99-50	8-5-1999	Amends a portion of the development plan public facilities map for Central Oahu (Special)
99-51	8-5-1999	Amends for a period of two years, subject to an extension, the affordable housing conditions in existing unilateral agreements to permit the sale of affordable housing units free from any conditions related to buyer eligibility and restrictions on transfer (Amended by Ord. 01-33)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
99-52	8-5-1999	Amends §§ 13-13.1 through 13-13.4; adds § 13-13.2A, relating to the use of animals in solicitations in the Waikiki special district
99-53	8-5-1999	Adds Art. 17 to Ch. 41, providing for the abatement of prostitution-related public nuisances
99-54	8-25-1999	Amends Ord. 86-88 (Hawaii Kai Marina zone change) by deleting Condition 4 of the unilateral agreement as a condition of the rezoning
99-55	8-25-1999	Requires the department of information technology to establish an “Internet Payments and Online Services Program” as a pilot program
99-56	10-6-1999	Amends a portion of zoning map No. 5, Kalihi-Nuuanu (Special)
99-57	10-6-1999	Amends a portion of zoning map No. 1, Hawaii Kai (Special)
99-58	10-6-1999	Amends a portion of zoning map No. 3, Moiliili-Kaimuki (Special)
99-59	10-6-1999	Amends §§ 17-1.2, 17-2.1, 17-3.1, 17-3.3, 17-3.6, 17-4.2, 17-5.1, Electrical Code, and adopts the 1999 Edition of the National Electrical Code (Eff. 12-5-1999)
99-60	11-4-1999	Amends the unilateral agreement incorporated in Ord. 92-81 which amends a portion of zoning map No. 13, Makakilo (Special)
99-61	11-4-1999	Amends a portion of zoning map No. 23, Kailua-Lanikai-Keolu (Special)
99-62	11-26-1999	Amends §§ 10-4.1 through 10-4.7; repeals § 10-4.8; and adds §§ 10-4.9, 10-4.10, 10-4.11, municipal golf course fees (Eff. 1-1-2000)
99-63	11-26-1999	Amends §§ 21-7.40 and 21-2.140-1, relating to the regulation of signs
99-64	11-26-1999	Amends § 41-14.2(m), to prohibit smoking at the Waikiki Shell except for designated smoking areas
99-65	11-26-1999	Amends § 9-4.3, refuse collection and disposal charges
99-66	11-26-1999	Adds Art. 23 to Ch. 41, unofficial age identification card
99-67	11-26-1999	Deletes unilateral agreement incorporated in Ord. 84-53 (Special)
99-68	11-26-1999	Amends a portion of zoning map No. 2, Kahala-Kuliouou (Special)
99-69	11-26-1999	Adds Art. 8 to Ch. 4; repeals §§ 24-3.10 and 24-4.10, public infrastructure maps
99-70	12-16-1999	Amends a portion of zoning map No. 14, Barber’s Point-Nanakuli (Special)
99-71	12-16-1999	Adds Art. 33 to Ch. 2, relating to the establishment of a first source program
99-72	12-16-1999	Repeals Ch. 24, Art. 7, Koolauloa development plan, and adds a new Ch. 24, Art. 7, Ko‘olau Loa sustainable communities plan (Eff. 2-14-2000)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
99-73	12-16-1999	Repeals Ch. 19 and adds a new Ch. 19, plumbing code (Eff. 2-14-2000)
99-74	12-16-1999	Amends a portion of the development plan land use map for the Primary Urban Center (Special)
99-75	12-16-1999	Amends a portion of the development plan land use map for Central Oahu (Special)
00-01	2-7-2000	Amends § 1-12.1, definitions, purchase of recycled paper products
00-02	3-30-2000	Amends §§ 13-7.2, 13-7.3, 13-7.4; repeals and reenacts Attachment A, relating to handbilling (amending the areas in which handbilling is permitted in the Waikiki special district)
00-03	3-30-2000	Repeals and adds Ch. 16, Art. 1, uniform building code, 1997 edition (Eff. 6-28-2000; later amended by Ord. 15-45; Ord. 17-14) and 28-1.3
00-04	3-30-2000	Amends a portion of zoning map No. 22, Heeia-Kaneohe-Maunawili (Special)
00-05	3-30-2000	Amends §§ 30-4.1 and 30-4.7, relating to water conservation (amending rebate program; to terminate on 7-1-2003)
00-06	3-30-2000	Amends §§ 14-17.8, 14-21.1, 14-21.3, 14-21.4, 14-21.8, 14-22.1, 14-22.2, 14-22.4, 14-24.2; adds 14-21.9, relating to improvement districts (streamlining the improvement district process)
00-07	3-30-2000	Repeals Ch. 6, Art. 28, special trust fund for Kukui Plaza
00-08	4-11-2000	Adds Art. 16 to Ch. 29, performing on public sidewalks (establishing guidelines for persons who perform on public sidewalks in Waikiki without charge) (Eff. 7-10-2000) This ordinance shall be repealed three years after its approval (4-11-2003)
00-09	4-19-2000	Adds § 21-5.500A; amends § 21-10.1 and Table 21-3, establishing real estate offices and travel agencies as permitted uses in the resort zoning district (LUO)
00-10	4-19-2000	Amends a portion of the development plan public facilities map for the North Shore (Special)
00-11	4-19-2000	Amends Ch. 25 title, §§ 25-1.3, 25-3.3, 25-4.1, 25-4.2, 25-5.1 through 25-5.5, and 25-7.1, relating to the special management area use permit procedures
00-12	4-19-2000	Amends a portion of State land use district boundary map at Ewa (Special)
00-13	4-28-2000	Adds Ch. 28, special improvement districts
00-14	5-10-2000	Repeals Art. 9, Ch. 24, Waianae development plan, and adds a new Art. 9, Ch. 24, which adopts the Waianae sustainable communities plan (Eff. 7-9-2000)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
00-15	5-10-2000	Repeals Art. 8, Ch. 24, North Shore development plan, and adds a new Art. 8, Ch. 24, which adopts the North Shore sustainable communities plan (Eff. 7-9-2000)
00-16	5-10-2000	Amends §§ 24-3.1, 24-3.3, 24-3.5 to 24-3.9, 24-3.11, Ewa development plan, and certain sections of the Ewa plan
00-17	5-10-2000	Amends a portion of zoning map No. 5, Kalihi-Nuuanu (Special)
00-18	6-6-2000	Appropriations for FY 2000-2001 legislative budget (Eff. 7-1-2000) (Special) (Amended by Ord. 01-31)
00-19	6-6-2000	Appropriations for FY 2000-2001 executive operating budget (Eff. 7-1-2000) (Special) (Amended by Ord. 01-32)
00-20	6-6-2000	Appropriations for FY 2000-2001 executive capital budget (Eff. 7-1-2000) (Special) (Amended by Ord. 01-03)
00-21	6-7-2000	Amends a portion of zoning map No. 22, Heeia-Kaneohe-Maunawili (Special)
00-22	6-7-2000	Amends §§ 27-2.4, 27-2.16, 27-3.2, 27-3.4, 27-3.7 through 27-3.10, 27-4.4, 27-4.10, 27-5.4, 27-6.8, 27-7.1, 27-7.3 through 27-7.6, 27-7.8, relating to community facilities districts
00-23	6-7-2000	Adds Art. 15 to Ch. 41, prohibiting bidi cigarettes (Eff. 8-6-2000)
00-24	6-7-2000	Authorizing the issuance and sale of general obligation bonds and bond anticipation notes (Special)
00-25	6-7-2000	Amends § 6-51.2, relating to concession fees for the Hanauma Bay Nature Preserve (Eff. 7-1-2000)
00-26	6-7-2000	Amends Ord. 85-90, as amended by Ords. 97-44 and 99-22, relating to revenues from the solid waste disposal facility account (Ord. 85-90 was further amended by Ord. 01-29, 02-28, and 03-09)
00-27	6-7-2000	Amends § 9-4.2, relating to disposal charges (Eff. 7-1-2000)
00-28	6-7-2000	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
00-29	6-7-2000	Amends a portion of the development plan public facilities map for Koolaupoko (Special)
00-30	6-7-2000	Amends a portion of the development plan public facilities map for Koolaupoko (Special)
00-31	6-7-2000	Amends a portion of the development plan public facilities map for Koolaupoko (Special)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
00-32	6-7-2000	Amends a portion of the development plan public facilities map for Koolaupoko (Special)
00-33	6-7-2000	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
00-34	6-7-2000	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
00-35	6-7-2000	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
00-36	6-7-2000	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
00-37	6-7-2000	Amends a portion of the development plan public facilities map for Waianae (Special)
00-38	6-7-2000	Amends a portion of the development plan public facilities map for the North Shore (Special)
00-39	6-7-2000	Amends §§ 18-3.1, 18-4.1, and 18-5.6, relating to fees and permits for building, electrical, plumbing and sidewalk codes
00-40	6-20-2000	Establishes Waikiki special improvement district No. 1 (Eff. 7-1-2000) (Amended by Ord. 01-22)
00-41	6-27-2000	Amends a portion of the development plan public facilities map for Central Oahu (Special)
00-42	7-27-2000	Improvement district assessment levy for Waimano Sewers (Special)
00-43	7-27-2000	Amends § 41-1.3, by authorizing police to physically arrest persons using intoxicating liquor in certain public places
00-44	7-27-2000	Amends a portion of zoning map No. 15, Lualualei-Makaha (Special)
00-45	7-27-2000	Amends § 8-10.23, relating to a real property tax exemption for certain qualifying construction work
00-46	7-27-2000	Amends a portion of zoning map No. 1, Hawaii Kai (Special)
00-47	8-25-2000	Repeals Art. 6, Ch. 24, Koolaupoko development plan, and adds a new Art. 6, Ch. 24, which adopts the Koolaupoko sustainable communities plan
00-48	10-12-2000	Amends § 2-17.2, relating to the execution of the executive operating and capital budget ordinances [allows the transit management services contractor to transfer funds between characters of expenditure without council approval]
00-49	11-2-2000	Amends a portion of zoning map No. 3, Moiliili-Kaimuki (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
00-50	11-2-2000	Adds Art. 2 to Ch. 41, advertisement of intoxicating liquor and liquor products
00-51	11-2-2000	Amends a portion of zoning map No. 7, Halawa-Pearl City (Special)
00-52	11-2-2000	Amends § 8-1.18, relating to real property tax refund accounts, funds, and payments
00-53	11-2-2000	Amends §§ 35-2.3, 35-2.4, 35-2.5, relating to real property tax rebates for businesses creating new jobs
00-54	11-2-2000	Amends §§ 40-8.3, 40-8.7, by increasing the number of members in the arborist advisory committee and updating the city's register of exceptional trees
00-55	11-2-2000	Amends a portion of zoning map No. 13, Barber's Point-Kahe-Nanakuli (Special)
00-56	11-2-2000	Amends a portion of zoning map No. 10, Waipio Mauka (Mililani) (Special)
00-57	11-2-2000	Amends a portion of State land use district boundary map at Waipio (Special)
00-58	11-2-2000	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
00-59	11-30-2000	Amends § 29-16.8, relating to performing on public sidewalks in Waikiki (eliminates the exception which allows certain city-sponsored performers to perform without a permit) (Repealed 4-11-2003)
00-60	11-30-2000	Adds Art. 16 to Ch. 41, prohibiting the sale or giving away of herbal cigarettes to persons under eighteen years of age (Eff. 1-29-2001)
00-61	11-30-2000	Amends the unilateral agreement incorporated in Ord. 96-61 which amends a portion of zoning map No. 8, Waipahu (Special)
00-62	11-30-2000	Amends a portion of zoning map No. 24, Waimanalo (Special)
00-63	12-6-2000	Amends § 8-10.5, real property tax exemption for the homes of totally disabled veterans
00-64	12-6-2000	Amends §§ 8-6.1 and 8-7.4, relating to real property taxation (lands dedicated for golf course use; shall apply to the tax years beginning 7-1-2001)
00-65	12-7-2000	Amends §§ 8-6.1 and 8-10.20, relating to real property taxation (deletes the real property tax exemption for public service companies; shall apply to the tax years beginning 7-1-01)
00-66	12-7-2000	Amends § 8-7.1, relating to real property taxation (adds "public service" as a new general land class and defining language; shall apply to tax years beginning with the 2001-2002 tax year)
00-67	12-8-2000	Adds Art. 18 to Ch. 41, additional areas of significant prostitution-related activity

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
00-68	12-8-2000	Amends §§ 12-4.1, 12-4.2, 12-4.3, 12-4.9; repeals § 3-5.1, relating to stray dogs (increases the penalties for repeat violations)
00-69	12-8-2000	Amends § 15-16.6, relating to storage parking of commercial vehicles (Eff. 6-6-2001)
00-70	12-8-2000	Amends the unilateral agreement incorporated in Ord. 86-88 which amends a portion of zoning map No. 1, Hawaii Kai (Special)
00-71	12-8-2000	Amends a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa (Special)
00-72	12-11-2000	Adds Art. 7 to Ch. 12, regulation of dangerous dogs (Eff. 7-1-2001)
00-73	12-11-2000	Amends §§ 12-2.2, 12-2.4, 12-2.6, 12-2.7, 12-2.10, 12-2.11, relating to animal nuisances
00-74	12-11-2000	Amends a portion of zoning map No. 3, Moiliili-Kaimuki (Special)
01-01	2-5-2001	Amends a portion of the development plan land use map for the Primary Urban Center (Special)
01-02	3-6-2001	Amends §§ 28-3.2, 28-3.4, and 28-3.6, relating to special improvement districts
01-03	3-6-2001	Amends Ord. 00-20, appropriations for FY 2000-01 executive capital budget (amendment No. 1) (Special)
01-04	3-29-2001	Amends a portion of zoning map No. 14, Barber's Point-Nanakuli (Special)
01-05	3-29-2001	Adds § 15-13.13, relating to parking placards
01-06	3-29-2001	Amends § 8-1.14, relating to confidential real property tax records
01-07	3-29-2001	Amends a portion of zoning map Nos. 12 and 13, Ewa Beach-Iroquois Point and Makakilo (Special)
01-08	3-29-2001	Amends § 41-2.3, relating to advertisement of alcohol
01-09	3-29-2001	Amends § 34-2.1; repeals §§ 41-4.2 and 41-4.3, relating to hotel guest registration
01-10	3-29-2001	Amends §§ 28-4.1 through 28-4.3, relating to special improvement districts
01-11	3-29-2001	Amends §§ 22-9.2 and 22-9.5, relating to memorials and names for city parks, sites, and facilities
01-12	4-19-2001	Amends §§ 21-2.90-2, 21-10.1, and Table 21-3; adds § 21-5.610A, relating to elderly housing (LUO)
01-13	4-19-2001	Amends a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa (Special)
01-14	4-19-2001	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
01-15	4-19-2001	Amends a portion of zoning map No. 9, Waipio (Crestview) (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
01-16	4-19-2001	Amends a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa (Special)
01-17	4-19-2001	Amends §§ 15-24.2 and 15-26.1, relating to the traffic code (amends the penalty and enforcement provisions relating to putting glass or other injurious substances on a highway)
01-18	4-19-2001	Amends § 41-12.3, relating to prohibited activities in the city
01-19	4-19-2001	Adds Art. 24 to Ch. 41, wearing of masks or disguises
01-20	4-19-2001	Amends §§ 15B-2.1, 15B-2.2, 15B-2.3, and 15B-4.5, relating to fares on the city transit system (Eff. 7-1-2001)
01-21	5-9-2001	Amends § 38-11.3, relating to the use of the grounds of City Hall and the Honolulu Municipal Building
01-22	5-9-2001	Amends Sec. 3 of Ord. 00-40 and Sec. 9(c) of the Waikiki business improvement district plan, attached as Exhibit A, relating to the Waikiki special improvement district No. 1
01-23	6-4-2001	Amends § 8-10.19, relating to historic residential real property
01-24	6-4-2001	Appropriations for FY 2001-2002 executive operating budget (Eff. 7-1-2001) (Special)
01-25	6-4-2001	Appropriations for FY 2001-2002 executive capital budget (Eff. 7-1-2001) (Special)
01-26	6-4-2001	Appropriations for FY 2001-2002 legislative budget (Eff. 7-1-2001) (Special) (Amended by Ord. 02-21)
01-27	6-4-2001	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes (Special)
01-28	6-4-2001	Authorizes the issuance and sale and specifies certain terms of general obligation commercial paper (Special) (Amended by Ords. 04-36 and 10-15)
01-29	6-4-2001	Amends Sec. 11 of Ord. 85-90, as amended by Ords. 97-44, 99-22, and 00-26, relating to revenues from the solid waste disposal facility account (Ord. 85-90 was further amended by Ord. 02-28 and 03-09)
01-30	6-4-2001	Adds Art. 48 to Ch. 6, relating to the solid waste improvement bond fund (Eff. 7-1-2001)
01-31	6-20-2001	Amends Ord. 00-18, appropriations for FY 2000-01 legislative budget (Special)
01-32	6-29-2001	Amends Ord. 00-19, appropriations for FY 2000-01 executive operating budget (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
01-33	7-2-2001	Amends Secs. 2 and 6 of Ord. 99-51 to: add a definition of “owner-occupant”; and extend the waiver of restrictions on the sale and transfer of affordable housing units
01-34	7-2-2001	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
01-35	7-2-2001	Adds § 3-6.8, to require each city management or supervisory officer or employee to complete a training program on the standards of ethical conduct (Eff. 7-1-2001)
01-36	7-2-2001	Amends § 15-21.8, to conform the vehicle height restriction in the city traffic code to State law
01-37	7-2-2001	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
01-38	7-2-2001	Amends a portion of the development plan public facilities map for Central Oahu (Special)
01-39	7-2-2001	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
01-40	7-26-2001	Amends a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa (Special)
01-41	7-26-2001	Amends a portion of zoning map No. 3, Moiliili-Kaimuki (Special)
01-42	7-26-2001	Amends a portion of zoning map No. 9, Waipio (Crestview) (Special) (Amends Ords. 91-11 and 92-19 by amending a unilateral agreement and addendum incorporated therein by reference)
01-43	8-9-2001	Amends §§ 10-1.1, 10-1.2, 10-1.6, 12-4.1, 12-4.4; adds § 10-1.7, relating to dogs in city parks
01-44	8-9-2001	Add § 2-18.8, relating to park land acquisition
01-45	8-9-2001	Amends § 13-6.4, penalty for the violation of regulations affecting peddlers (maximum penalty for imprisonment reduced from one year to 30 days)
01-46	8-9-2001	Adds Art. 14 to Ch. 32; amends § 32-2.2; repeals § 32-8.6, relating to the building energy efficiency standards (establishes roof heat gain requirements for new low-rise residential buildings and certain additions to existing low-rise residences) (Eff. 9-8-2001)
01-47	8-9-2001	Amends Table 3-1, §§ 32-5.3, 32-6.3, 32-8.3, 32-8.4, 32-9.3, 32-9.4, 32-10.3, 32-11.3, relating to building energy efficiency standards (updates and revises the city’s building energy efficiency standards for nonresidential and high-rise residential buildings) (Eff. 12-7-2001) (Re-numbered as Ch. 16B)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
01-48	8-9-2001	Amends § 15-4.6, use of bicycles, skateboards, roller skates and similar devices restricted (corrects reference numbers)
01-49	9-26-2001	Amends § 15-13.9, authority to store vehicles, and § 15-14.1, stopping, standing or parking prohibited in specified places (traffic code)
01-50	9-26-2001	Amends § 15-16.5, City Hall and satellite off-street parking
01-51	9-26-2001	Amends §§ 3-6.1 and 3-6.7, relating to the Ethics Commission
01-52	9-26-2001	Repeals existing Exhibit A and adds a new Exhibit A following § 2-18.2; adds Exhibit B following § 2-18.3; amends §§ 2-18.3, 8-10.9, 14-6.3, 14-7.3, 14-10.3, 14-10.4, 30-4.7; repeals Appendices A, B, and D of the General Appendix, Vol. III, and reenacts them as Appendices 14-B, 14-C, and 14-D, relating to technical revisions
01-53	11-1-2001	Amends Ch. 20, Art. 2, Title; §§ 20-2.1, 20-2.2, 20-2.3, 20-2.5; adds § 20-2.3A, relating to fire safety in existing business buildings (Eff. 1-1-2002)
01-54	11-1-2001	Amends §§ 1-23.2, relating to the city seal (authorizing the manufacture or reproduction for display, or the noncommercial display on the USS Honolulu)
01-55	11-1-2001	Amends § 1-16.3, relating to ordinance revision
01-56	11-1-2001	Amends § 15-13.13, relating to parking placards
01-57	11-26-2001	Amends §§ 6-44.3 and 6-44.4, relating to fees and charges for services of special duty police officers (Eff. 1-25-2002)
01-58	11-26-2001	Amends §§ 12-1.1 and 12-1.3, relating to cockfighting and penalties thereto
01-59	11-26-2001	Improvement district assessment levy for Kaneohe Bay sewers (Special)
01-60	11-26-2001	Amends §§ 8-10.1 and 8-11.1; adds § 8-10.27, establishing an exemption from real property taxation for public service companies, providing for the application for the exemption, and providing that the exempt properties are not subject to the minimum tax. (For tax year 2002-2003, the deadline for filing the claim for exemption shall be November 30, 2001.)
01-61	11-26-2001	Amends § 15-21.11, relating to the traffic code (modifying the current restrictions on trucks carrying loads of certain weight using portions of Kaneohe Bay Drive)
01-62	12-28-2001	Amends §§ 15B-2.6 and 15B-4.5, relating to suspension of special transit service fares for promotional and demonstration purposes
01-63	12-28-2001	Adds Art. 9 to Ch. 40, alarm systems (Eff. 4-27-2002)
01-64	12-28-2001	Amends §§ 14-1.1, 14-1.2, 14-1.8, and 14-5.1, relating to public works infrastructure requirements including fees and services by amending Articles 1 and 5 relating to public sewers

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
01-65	12-28-2001	Amends § 9-4.2, relating to refuse disposal charges
01-66	12-28-2001	Amends § 21-9.80-4 (LUO), relating to the Waikiki special district [extending the deadline from 12-31-2001 to 12-31-2006 for submission to DPP of an application for a project needing planned development-resort or planned development-commercial approval]
02-01	2-13-2002	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
02-02	2-13-2002	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
02-03	2-13-2002	Amends §§ 4-8.1 through 4-8.4, public infrastructure maps, to clarify the role of DPP in reviewing council-proposed revisions to the maps
02-04	2-13-2002	Amends a portion of zoning map No. 5, Kalihi-Nuuanu (Special)
02-05	2-13-2002	Amends §§ 12-7.1 and 12-7.3; repeals §§ 12-7.2, 12-7.4 and 12-7.5; adds § 12-7.2; renumbers § 12-7.6 to § 12-7.4, § 12-7.7 to § 12-7.5, § 12-7.8 to § 12-7.6, § 12-7.9 to § 12-7.7, relating to dangerous dogs
02-06	02-21-2002	Amends §§ 41-14.1 through 41-14.4, 41-14.6, 41-14.9, to extend the prohibitions against smoking in Ch. 41, Art. 14, to additional areas of the city (Eff. 7-1-2002)
02-07	3-6-2002	Amends § 15-7.2, to promote public safety by establishing more appropriate speed limits on certain streets
02-08	3-6-2002	Amends § 15-13.13, relating to fees for parking placards
02-09	3-6-2002	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special) (UA was amended by Ord. 02-58.)
02-10	3-28-2002	Adds Ch. 13, Art. 11 (Eff. 3-28-2002); repeals Ch. 13, Arts. 11A and 15, relating to publication dispensing racks (Eff. 7-1-2002) (The uncodified portion of Part II was repealed by Ord. 14-7)
02-11	4-16-2002	Amends § 3-8.2, relating to standards of conduct (allows members of boards and commissions to continue to participate in the customary activities of their professions)
02-12	4-16-2002	Amends a portion of the development plan land use map for the Primary Urban Center (Special)
02-13	5-3-2002	Amends a portion of zoning map No. 7, Halawa-Pearl City (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
02-14	5-3-2002	Adds new Art. 5A to Ch. 14 and new Art. 34 to Ch. 2; amends §§ 9-1.2, 9-1.5, 9-1.7, 9-2.4, 9-3.5, 14-1.2, 14-1.3, 14-1.8, 14-5.19, 14-8.2, 14-12.2, 14-12.23, relating to waste (addresses commercial fats, oils, and grease waste and commercial cooking oil waste) (Eff. 10-15-2002, except Sec. 16 which shall take effect 5-3-2002)
02-15	5-3-2002	Amends §§ 3-6.3, 3-6.5, 3-6.8, 3-8.5, 3-8.7, 3-8.8, relating to ethics (Eff. 7-1-2002)
02-16	5-3-2002	Amends a portion of zoning map No. 5, Kalihi-Nuuanu (Special)
02-17	5-3-2002	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
02-18	5-3-2002	Amends § 15B-2.1, relating to transit bus passes (allowing DTS to create a program for the issuance of college and university bus passes)
02-19	5-10-2002	Amends § 21-9.90-4 and Table 21-9.7 (LUO), relating to the Haleiwa special district (establishing drive-thru facilities as a permitted use)
02-20	6-14-2002	Amends a portion of the development plan land use map for Central Oahu (Special)
02-21	6-14-2002	Amends Ord. 01-26, appropriations for FY 2001-2002 legislative budget (Special)
02-22	6-14-2002	Amends a portion of the State land use district boundary map at Honouliuli (Special)
02-23	6-14-2002	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
02-24	6-14-2002	Amends a portion of the development plan public facilities map for Central Oahu (Special)
02-25	6-14-2002	Appropriations for FY 2002-2003 legislative budget (Eff. 7-1-2002)
02-26	6-14-2002	Appropriations for FY 2002-2003 executive operating budget (Eff. 7-1-2002)
02-27	6-14-2002	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes (Special)
02-28	6-14-2002	Amends Sec. 11 of Ord. 85-90, as amended by Ords. 97-44, 99-22, 00-26, and 01-29, relating to revenues from the solid waste disposal facility account (Ord. 85-90 was further amended by Ord. 03-09)
02-29	6-14-2002	Amends a portion of zoning map No. 10, Waipio (Mililani) (Special)
02-30	6-14-2002	Amends § 6-20.2, relating to fees for the disposal of abandoned and derelict vehicles and beautification of highways

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
02-31	6-14-2002	Amends a portion of the development plan public facilities map for Central Oahu (Special)
02-32	6-14-2002	Amends § 9-4.2, disposal charges for businesses and federal, State and city agencies
02-33	6-14-2002	Appropriations for FY 2002-2003 executive capital budget (Eff. 7-1-2002) (Certain line items vetoed by the mayor were overridden by the city council; certain line item vetoes were sustained)
02-34	6-27-2002	Amends § 32-14.2, relating to low-rise residential roof heat gain requirements (technical and nonsubstantive amendments) (Re-numbered as Ch. 16B)
02-35	6-27-2002	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
02-36	6-27-2002	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
02-37	7-12-2002	Amends Ch. 13, Art. 4, litter control (clarifies and strengthens the enforceability of the city's litter control ordinance)
02-38	7-30-2002	Amends a portion of zoning map No. 1, Hawaii Kai (Special)
02-39	7-30-2002	Amends §§ 8-7.1, 8-7.3, and 8-10.23, relating to real property taxation (shall apply to the tax years beginning July 1, 2004 and thereafter)
02-40	7-30-2002	Amends a portion of the State land use district boundary map at Kokokahi (Special)
02-41	7-30-2002	Amends a portion of zoning map No. 23, Kailua-Lanikai-Keolu (Special)
02-42	7-30-2002	Amends a portion of zoning map No. 7, Halawa-Pearl City (Special)
02-43	7-30-2002	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
02-44	7-30-2002	Amends a portion of zoning map No. 22, Heeia-Kaneohe-Maunawili (Special)
02-45	8-21-2002	Amends §§ 8-2.1, 8-2.2, 8-7.1, 8-9.1, 8-11.1; repeals § 8-10.3, relating to real property tax valuations (shall apply to the tax years commencing July 1, 2003 and thereafter)
02-46	8-21-2002	Amends § 30-4.7, relating to water conservation (extends the rebate program for ultra-low flush toilets from July 1, 2003 to July 1, 2008)
02-47	10-10-2002	Repeals and adds a new Art. 1 to Ch. 20 (§ 20-1.1), adoption of the State fire code; amends §§ 20-3.1 and 20-3.2; repeals §§ 20-3.2, 20-3.4, 20-3.5, and Ch. 20, Art. 4, relating to fire protection and fireworks
02-48	10-10-2002	Establishes the Fort Street Mall special improvement district No. 2

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
02-49	10-10-2002	Amends § 28-3.6, special assessment notice to owners of land
02-50	10-10-2002	Amends §§ 13-10.3, 15-2.4, 15-6.7, 15-25.1, relating to Fort Street Mall (addresses vehicular travel on the mall)
02-51	10-10-2002	Amends §§ 10-1.1, 13-1.1, 13-10.2, relating to parks (provides that a “public park” or “park” generally does not include a “mall”)
02-52	10-30-2002	Adds a new Ch. 33A, impact fees for traffic and roadway improvements in Ewa
02-53	10-30-2002	Amends §§ 17-3.2, 17-3.5, 17-5.1; adds § 17-3.5A, relating to the electrical code (amends the electrical code of the City and County of Honolulu and adopts the 2002 Edition of the National Electrical Code) (Eff. 12-29-2002)
02-54	10-30-2002	Amends Ch. 3, Art. 5, Title; §§ 3-5.1 through 3-5.5; §§ 12-2.4, 12-6.1, 12-6.3 through 12-6.5, and § 12-6.7, relating to animal control (clarifies and strengthens ordinance provisions regarding animal control)
02-55	10-31-2002	Amends §§ 14-8.2, 14-8.3, 38-4.1, addresses and clarifies certain transactions between the city and the board of water supply
02-56	11-27-2002	Amends a portion of zoning map No. 6, Red Hill-Fort Shafter (Special)
02-57	11-27-2002	Amends §§ 8-7.1 and 8-7.3 by making technical nonsubstantive amendments to the ROH
02-58	11-27-2002	Amends the unilateral agreement in Ords. 93-94 and 02-09 (zoning map No. 12, Ewa Beach-Iroquois Point) (Special)
02-59	11-27-2002	Repeals Ord. 4336 relating to the Sunset PD-H District No. R-41 at Waialea, North Shore and amends Ord. 86-119 relating to zoning map No. 18, Kawaihoa-Waialea (Special)
02-60	11-27-2002	Amends §§ 14-7.1, 14-7.3, and Appendix 14-C, relating to cesspools (providing for the city to pump cesspools only on a per-call basis, rather than on a periodic basis, after June 30, 2004, and adjusting the cesspool charge schedules)
02-61	11-27-2002	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
02-62	12-20-2002	Repeals Art. 5, Ch. 24, Central Oahu development plan, and adds a new Art. 5, Ch. 24, which adopts the Central Oahu sustainable communities plan (Eff. 2-18-2003)
02-63	12-20-2002	Amends §§ 21-2.90-2, 21-3.50, 21-5.290, 21-5.510, 21-10.1, and Table 21-3; adds §§ 21-5.10A and 21-8.60, relating to the regulation of agricultural uses
02-64	12-20-2002	Adds § 38-2.15, competitive sealed proposals
02-65	12-20-2002	Amends § 20-2.3A, relating to fire safety in existing telecommunications buildings

## Honolulu - Tables

02-66	12-20-2002	Amends § 2-15.2, relating to performances by the Royal Hawaiian Band (reinstating a fee for performances at vessel arrivals or departures)
02-67	12-20-2002	Amends § 15B-2.1, relating to transit bus passes (allowing DTS to issue unrestricted bus passes to city employees)
02-68	12-20-2002	Amends §§ 8-10.17, 8-10.18, 8-11.1; adds § 8-10.25, relating to the real property tax exemption for low- and moderate-income housing (shall apply to tax years beginning 7-1-2004)
03-01	2-12-2003	Amends a portion of zoning map No. 9, Waipio (Crestview) (Special)
03-02	3-11-2003	Amends a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli (Special)
03-03	3-28-2003	Amends Ch. 28, Art. 6, title, §§ 38-6.2 through 38-6.12, 38-7.1, 38-7.3 through 38-7.7, 38-8.1, 38-9.2 through 38-9.7; deletes § 38-7.2, relating to the department of enterprise services
03-04	5-1-2003	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
03-05	5-1-2003	Amends § 8-10.1; adds § 8-10.26, relating to real property taxes (establishes an exemption from real property taxation for property used for certain types of nonprofit organization thrift shops) (Shall apply to tax years beginning 7-1-04)
03-06	6-19-2003	Adds § 15-4.11, operation of motorized devices restricted
03-07	6-19-2003	Adds § 10-2.9, fees for the use of facilities at Waipio Peninsula Soccer Park, Central Oahu Regional Park facilities, Hans L'Orange baseball facility, and other facilities for special events
03-08	6-19-2003	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes (Special)
03-09	6-19-2003	Amends Sec. 11 of Ord. 85-90, as amended by Ords. 97-44, 99-22, 00-26, 01-29, and 02-28, relating to revenues from the solid waste disposal facility account
03-10	6-19-2003	Amends § 10-2.8, increasing fees for the Hanauma Bay Nature Preserve (Eff. 7-1-2003)
03-11	6-19-2003	Amends Appendix 14-D, updating the city's wastewater system facility charge schedule (Eff. 7-1-2003)
03-12	6-19-2003	Amends §§ 6-11.1, 6-27.1, Ch. 6, Art. 40 title, §§ 6-40.2, 6-41.1, 14-12.12, 14-12.22, 14-13.1, 14-14.8, 14-14.10, Table No. 18-A, §§ 22-1.1, 22-1.2, 23-1.12, 25-5.1, 26-1.4, 29-2.4 relating to fees for permits and services administered by the department of planning and permitting
03-13	6-19-2003	Amends § 6-20.2, relating to the highway beautification and disposal of abandoned vehicles revolving fund (increases the highway beautification fee from \$3.75 to \$5) (Eff. 7-1-2003)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
03-14	6-19-2003	Amends § 12-5.1, relating to a spay/neuter clinic for dogs and cats (increases the fees to make the program self-sufficient) (Eff. 7-1-2003)
03-15	6-19-2003	Amends a portion of the development plan public facilities map for the Primary Urban Center (Special)
03-16	6-19-2003	Amends a portion of zoning map No. 21, Kualoa-Waiahole-Kahaluu (Special)
03-17	6-19-2003	Appropriations for FY 2003-2004 legislative budget (Eff. 7-1-2003)
03-18	6-19-2003	Appropriations for FY 2003-2004 executive capital budget (Eff. 7-1-2003)
03-19	6-19-2003	Amends § 15B-2.1, relating to city bus fares
03-20	6-19-2003	Amends § 9-4.2, relating to refuse and other solid waste disposal charges (Eff. 7-1-2003)
03-21	6-19-2003	Amends §§ 6-51.2 and 6-51.4, relating to the Hanauma Bay Nature Preserve fund (Eff. 7-1-2003)
03-22	6-19-2003	Appropriations for FY 2003-2004 executive operating budget (Eff. 7-1-2003)
03-23	7-16-2003	Amends §§ 41-10.3 and 41-10.4, relating to air guns (making it unlawful for any person to display or carry an air gun on public property unless it is properly secured)
03-24	7-16-2003	Adds Art. 11 to Ch. 41, relating to replica guns
03-25	7-16-2003	Amends § 15-24.14, relating to an exception for the transportation of explosives through tunnels (allows operating divisions of the United States Department of Defense or its contractors to transport munitions and explosives through Interstate H-3)
03-26	8-20-2003	Adds Art. 6A to Ch. 13; amends §§ 13-1.1, 13-6.1, 13-6.2, 13-6.4, and 15-13.6, relating to peddling (authorizes, under certain circumstances, a merchant of a store to peddle on an abutting portion of a Chinatown sidewalk or mall)
03-27	9-26-2003	Amends §§ 15B-2.1 through 15B-2.3, 15B-2.5, 15B-2.7, 15B-2.8, 15B-3.1, 15B-4.5, 15B-6.1, 15B-6.3, 15B-7.1; adds § 15B-2.10, relating to public transit fares (modifies the bus fare structure and increases certain fares)
03-28	10-8-2003	Amends §§ 8-11.1, 8-13.1 and Art. 13 title, 8-13.2, 8-13.4, 8-13.5; repeals § 8-13.3; adds new §§ 8-13.3 and 8-13.6, relating to a real property tax credit for low-income, elderly households and shall apply to the tax year beginning July 1, 2004 and the tax years thereafter
03-29	10-8-2003	Amends § 10-1.7, relating to animals in public parks (corrects a statutory cross-reference)
03-30	10-15-2003	Amends § 3-9.6; adds new Art. 12, sunshine training law

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
03-31	10-28-2003	Amends §§ 41-1.1 and 41-1.2, relating to intoxicating liquor in public places
03-32	10-28-2003	Amends § 14-6.3 (re-numbered § 14-6.2) and Appendix 14-B; repeals § 14-6.2, relating to wastewater (updates the city's sewer service charge schedules) (Sec. 4 of Ord. 03-32 shall take effect on 1-1-05)
03-33	11-20-2003	Amends a portion of zoning map No. 21, Kualoa-Waiahole-Kahaluu (Special)
03-34	11-20-2003	Adds Arts. 9 and 10 to Ch. 4 ; amends § 4-3.4, relating to agencies of the legislative branch
03-35	11-20-2003	Amends §§ 41-10.4 and 41-11.2, relating to the display of guns
03-36	11-20-2003	Amends a portion of zoning map No. 23, Kailua-Lanikai-Keolu (Special)
03-37	11-20-2003	Amends §§ 21-2.40-1, 21-2.90-1, 21-2.90-2, 21-2.130, 21-2.140-1, 21-4.30, 21-4.60, 21-4.70-1, 21-4.110, 21-5.10, 21-5.90, 21-7.20, 21-7.40, 21-7.60, 21-7.70, 21-9.30-5, 21-10.1; Tables 21-3, 21-3.4, 21-3.5; Figures 21-3.2, 21-3.10, 21-4.1, 21-10.4, making miscellaneous minor, technical or nonsubstantive revisions to the land use ordinance
03-38	11-19-2003	Amends §§ 21-9.80-4, 21-9.80-5, 21-9.80-6, 21-9.80-7; Tables 21-6.3, 21-9.6(A), (B), (C); Figures 21-9.1, 21-9.2 (LUO), relating to the Waikiki special district
03-39	12-18-2003	Amends a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli (Special)
03-40	12-18-2003	Amends §§ 2-27.2, 2-27.3; adds §§ 2-27.6 and 2-27.7; and deletes § 41-28.7, relating to volunteers (establishing a volunteer policing program within HPD)
03-41	12-18-2003	Amends § 15-24.22, relating to the transporting of animals (requiring that horses and cattle be transported within enclosed vehicles) (Eff. 6-15-2004)
03-42	12-24-2003	Amends § 15A-3.1, relating to the motor vehicle weight tax (increases the motor vehicle weight tax rate) (Eff. 1-1-2004)
04-01	2-12-2004	Adds Art. 5 to Ch. 30, relating to water (prohibits the introduction of unnecessary chemical additives, considered to be medication, into Oahu's drinking water supply)
04-02	2-12-2004	Amends a portion of zoning map No. 7, Halawa-Pearl City (Special)
04-03	2-27-2004	Repeals Art. 14 of Ch. 8, reporting of Honolulu real property interests owned or acquired by foreign persons
04-04	3-24-2004	Amends a portion of zoning map No. 7, Halawa-Pearl City (Special)
04-05	4-7-2004	Amends a portion of zoning map No. 7, Halawa-Pearl City (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
04-06	4-7-2004	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
04-07	4-7-2004	Amends § 9-4.2, disposal charges for businesses and federal, State and city agencies (disposal discount for recycling operations)
04-08	4-7-2004	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special) (UA was amended by Ord. 06-25)
04-09	4-7-2004	Amends §§ 21-9.10-2, 21-9.10-4, 21-9.10-5, 21-9.10-7 through 21-9.10-9, 21-9.10-11; repeals § 21-9.10-13; and adds a new § 21-9.10-13, relating to flood hazard districts (to conform with current language in the National Flood Insurance Program [NFIP] regulations) (LUO) (Repealed by Ord. 14-9)
04-10	4-29-2004	Amends §§ 9-1.7 and 9-1.11, relating to city government recycling (requiring city agencies to engage in recycling) (Eff. 7-1-2004)
04-11	5-12-2004	Amends §§ 37-1.1, 37-1.6, 37-1.9; adds § 37-1.11, relating to the sale of city real property (imposes conditions on the proposed sale of high value city real property)
04-12	5-27-2004	Amends §§ 14-10.1, 14-10.2, and Appendix 14-D; adds § 14-10.6, relating to wastewater system facility charges (reduces the wastewater system facility charges for low-income housing projects)
04-13	5-27-2004	Amends §§ 15-26.1 through 15-26.4, 15-26.9, and 15-26.12, relating to administrative fines (allows for the issuance of administrative citations for violations of the traffic code) (Eff. 7-1-2005)
04-14	6-21-2004	Repeals Art. 2 of Ch. 24, and adds a new Art. 2, which adopts the development plan for the Primary Urban Center
04-15	6-21-2004	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes (Special)
04-16	6-21-2004	Amends § 9-4.2, relating to the collection and disposal of refuse (increases the unit charge at disposal facilities) (Eff. 1-1-2005)
04-17	6-21-2004	Adds § 8-10.27, relating to historic property (establishes a partial real property tax exemption for historic commercial properties) (Eff. 7-1-2005)
04-18	6-21-2004	Amends Ord. 03-22, appropriations for FY 2003-04 executive operating budget (amendment No. 1) (Special)
04-19	6-21-2004	Amends Ord. 03-17, appropriations for FY 2003-04 legislative budget (Special)
04-20	6-21-2004	Amends the purpose of the Pauahi Project Expend, HI R-15 fund
04-21	6-21-2004	Amends §§ 15-16.5, 15-22.4, 15-22.8, 15-23.2, 15-23.2A, relating to parking fees (increases public parking fees) (Eff. 7-1-2004)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
04-22	6-21-2004	Amends Ch. 6, Art. 26 title and §§ 6-26.3 and 6-26.4, relating to special funds (amends the housing and community development rehabilitation loan revolving fund)
04-23	6-21-2004	Appropriations for FY 2004-2005 legislative budget (Eff. 7-1-2004) (Special)
04-24	6-21-2004	Appropriations for FY 2004-2005 executive operating budget (Eff. 7-1-2004) (Special)
04-25	6-21-2004	Appropriations for FY 2004-2005 executive capital budget (Eff. 7-1-2004) (Special)
04-26	7-29-2004	Adds Art. 12 to Ch. 16, relating to the building code (encourages indigenous Hawaiian architecture)
04-27	7-29-2004	Amends §§ 18-4.1, 29-1.3, 29-2.2, 29-3.1, relating to permits (authorizes, under certain conditions, the director of DPP to require the submittal of an engineering slope hazard report with a grading or building permit application)
04-28	8-4-2004	Allows certain owners and lessees of agricultural land to request real property tax compromises for tax year July 1, 2004 through June 30, 2005
04-29	8-26-2004	Amends a portion of zoning map No. 24, Waimanalo (Special)
04-30	8-26-2004	Amends §§ 21-9.60-8 and 21-9.60-9, relating to the Chinatown special district (LUO) (allows one- and two-family dwellings if located above the ground floor)
04-31	10-6-2004	Amends § 8-10.3, relating to real property taxation (modifies the existing homeowner exemption for real property taxes) (shall apply to the tax years beginning July 1, 2005)
04-32	10-6-2004	Amends §§ 15-2.16, 15-22.3 through 15-22.7, 15-22.9, 15-22.11, 15-23.2, 15-23.2A, relating to parking
04-33	10-6-2004	Amends §§ 38-3.1, 38-3.3, 38-3.4, 38-4.1, 38-4.2; repeals § 38-3.2, relating to the leasing of city real property without public bidding for housing and human services
04-34	10-6-2004	Amends §§ 8-7.1, 8-10.24; repeals and adds new § 8-7.3; adds new § 8-10.28, relating to real property taxation (relates to agricultural lands) (shall apply to tax years beginning July 1, 2005)
04-35	10-13-2004	Amends §§ 8-7.1 and 8-10.24, relating to real property taxation (clarifies real property tax ordinance provisions regarding the classification of time share units for tax purposes) (shall apply to tax years beginning July 1, 2005)
04-36	10-27-2004	Amends Ord. 01-28, authorizing the city to issue general obligation commercial paper to clarify and facilitate the use of such debt (Special) (Amended by Ord. 10-15)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
04-37	10-27-2004	Amends § 14-7.3 and Appendix 14-C, relating to cesspool charges (establishes reduced per-call cesspool pumping service charges for eligible low-income households) (shall apply retroactively to per-call cesspool service provided by the city on or after July 1, 2004) (certain households entitled to rebates in accordance with Section 5 of Ord. 04-37)
04-38	10-27-2004	Amends § 8-10.15; adds Art. 58 to Ch. 6, relating to real property taxation of military housing (shall apply to the tax years beginning July 1, 2004)
04-39	10-27-2004	Relating to real property taxation (for tax year 2004-2005 only, to waive penalties and interest for delinquent real property taxes owed for real property classified agricultural that is actually used for agricultural purposes, if the taxes levied are not paid when due and the owner of the property either applies for and is granted a real property tax compromise, or appeals the assessment and the appeal is upheld) (shall apply to the tax year July 1, 2004 to June 30, 2005)
04-40	11-10-2004	Amends § 15-23.2A, relating to attendant parking facilities (amends the monthly parking rates at the city's attendant parking facilities)
04-41	11-29-2004	Adds § 1-7.10, relating to the absence of the mayor from the city (requires the mayor to notify the council when the mayor will be absent from the city)
04-42	12-15-2004	Amends §§ 12-2.2 and 12-2.5, relating to animal nuisances (regulates peafowl consistent with the regulation of chickens) (shall take effect ninety days after its approval, March 15, 2005)
04-43	12-15-2004	Amends §§ 8-13.1, 8-13.2, and 18-13.3, relating to the county tax credit (requires that the property owner qualify for "very low income" set by HUD) (shall apply to the tax year beginning July 1, 2005)
04-44	12-15-2004	Adds § 8-4.3, relating to the payment of real property taxes by persons called to active military duty
04-45	12-15-2004	Amends a portion of zoning map Nos. 12, 13, and 14, Ewa Beach-Iroquois Point, Makakilo, and Barber's Point-Nanakuli (Special)
04-46	12-15-2004	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special) ("School Site" zone change designated on Exhibit A-1 shall become effective on July 2, 2007)
05-001	2-9-2005	Repeals Ch. 38, residential condominium, cooperative housing and residential planned development leasehold conversion
05-02	2-9-2005	Adds to Ch. 8 a new Art. 16, relating to real property taxation (establishes a one-time tax credit for septic tank system)
05-003	3-9-2005	Amends § 8-2.1 and adds to Ch. 6 a new Art. 59, land conservation fund (enables real property taxpayers to voluntarily contribute moneys for land conservation purposes) shall apply to tax years beginning July 1, 2005)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
05-004	3-9-2005	Amends § 8-10.3, relating to real property tax exemption for homes
05-005	3-31-2005	Amends §§ 35A-1.1, 35A-1.3, 12-1.9 (Automatically repealed on 3-16-2017 per Ord. 16-38), 35A-1.9, 35A-1.11, 12-1.15 (Repealed by Ord. 16-38), 35A-1.14, relating to taxicabs (addresses taxicab regulation)
05-006	3-31-2005	Amends § 14-8.2, relating to the expenditure of moneys from the sewer fund (prohibits the use of moneys in the sewer fund to reimburse the general fund for expenses incurred in prior fiscal years)
05-007	3-31-2005	Amends §§ 12-7.2, 12-7.3, and 12-4.9, relating to dogs (strengthens the current city ordinance to protect the public better from dangerous dogs and to deter dog owners from violating the ordinance)
05-008	3-31-2005	Amends §§ 6-46.2 and 6-46.3, amending the housing development special fund (enables the exchange of land acquired using moneys from the housing development special fund if the exchange is for the development of housing in the City and County of Honolulu)
05-009	4-21-2005	Amends §§ 8-12.7, 8-12.11, and adds § 8-12.14, relating to real property tax appeals (allows the director of budget and fiscal services to settle certain real property tax appeals) (shall apply to the tax year beginning July 1, 2006)
05-010	5-26-2005	Amends § 15-14.1, relating to parking (re-establishes stopping, standing or parking prohibitions on Ala Wai Boulevard at certain intersections where parking is now allowed)
05-011	5-26-2005	Amends Ord. 04-24, appropriations for FY 2004-2005 executive operating budget (amendment No. 1) (Special)
05-012	6-17-2005	Amends Ord. 04-25, appropriations for FY 2004-2005 executive capital budget (amendment No. 1) (Special)
05-013	6-22-2005	Appropriations for FY 2005-2006 legislative budget (Eff. 7-1-2005) (Special)
05-014	6-22-2005	Appropriations for FY 2005-2006 executive operating budget (Eff. 7-1-2005) (Special)
05-015	6-22-2005	Authorizing the issuance and sale of general obligation bonds and bond anticipation notes (Special)
05-016	6-22-2005	Amends § 15A-3.1, relating to motor vehicle weight tax (effective with vehicle weight taxes assessed for the registration period beginning 1-1-2006)
05-017	6-22-2005	Amends §§ 38-6.2, 38-7.1, and 38-9.3, relating to the department of enterprise services (amends the lease and rental policy for the Neal S. Blaisdell Center and the Waikiki Shell)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
05-018	6-22-2005	Repeals Appendix 14-B and adds a new Appendix 14-B, relating to sewer service charges (updates the city's sewer service charge schedules) (Eff. 7-1-2005)
05-019	6-22-2005	Amends Appendix 14-D, relating to wastewater system facility charge (updating the city's wastewater system facility charge schedule) (Eff. 7-1-2005)
05-020	6-22-2005	Adds to Ch. 38 a new Art. 12 and amends § 38-3.1, relating to telecommunications facilities on city property (Eff. 7-1-2005)
05-021	6-22-2005	Amends § 10-3.2, relating to filming (addresses the fee for filming at a park or recreational facility) (Eff. 7-1-2005)
05-022	6-22-2005	Adds a new Ch. 10A, amends § 10-2.1, and repeals §§ 10-2.2 and 10-2.3, relating to botanical gardens (establishes regulations for use and authorizes DPR to establish fees for use)
05-023	6-22-2005	Appropriations for FY 2005-2006 executive capital budget (Eff. 7-1-2005) (Special)
05-024	7-15-2005	Amends § 20-1.1, relating to the fire code of the City and County of Honolulu
05-025	7-15-2005	Amends Ch. 6, Art. 44 title, §§ 6-44.1 and 6-44.5; adds a new § 6-44.6, relating to fees for police services (authorizes HPD to charge fees for providing additional police services at special activities)
05-026	8-22-2005	Amends §§ 8-13.1, 8-13.2, and 8-13.3, relating to the county tax credit (makes the tax credit available to more homeowners by raising the income ceiling and lowering the tax liability threshold for homeowners) (shall apply to the tax year beginning July 1, 2007) (Amended by Ord. 06-08)
05-027	8-23-2005	Adds to Ch. 6 a new Art. 60, establishing a general excise and use tax surcharge for the City and County of Honolulu
05-028	8-23-2005	Amends § 21-5.370, relating to the off-site joint development of two or more zoning lots
05-029	10-13-2005	Amends a portion of zoning map No. 4, Nuuanu-McCully (Special)
05-030	10-13-2005	Amends §§ 8-1.18 and 8-12.12, relating to real property taxation
05-031	11-21-2005	Amends § 15-2.4, relating to authorized emergency vehicles (includes any vehicle used by the department of the medical examiner in the performance of the department's official duties)
05-032	11-21-2005	Amends § 17-5.1, relating to the electrical code (amends the electrical code of the City and County of Honolulu and adopts the 2005 Edition of the National Electrical Code) (Eff. 1-20-2006)
05-033	11-21-2005	Amends § 1-17.2, repeals Ch. 4, Art. 1, and adds to Ch. 3 a new Art. 13, relating to lobbyists (transfers from the council to the ethics commission the duties and obligations regarding the registration and restriction of lobbying activities) (Eff. 12-21-2005)
05-034	11-21-2005	Amends a portion of zoning map No. 3, Moiliili-Kaimuki (Special)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
05-035	11-21-2005	Amends §§ 1-19.3 and 1-19.5, relating to the addition of unpaid civil fines to taxes, fees, or charges collected by the city
05-036	11-21-2005	Amends § 40-5.3, relating to graffiti (increases the maximum fine for violations)
05-037	12-22-2005	Amends § 16-1.1, relating to the building code (amends the building code in relation to equal access to rest room facilities)
05-038	12-22-2005	Amends § 13-8.2, relating to structures on public sidewalks (increases the allowable height of newsstands on public sidewalks and makes conforming amendments)
05-039	12-22-2005	Amends § 10-3.2, relating to filming (addresses the fee for commercial filming activities at a park or recreational facility)
05-040	12-22-2005	Amends § 1-8.1; adds § 1-8.3; and renumbers §§ 1-8.3 and 1-8.4 to §§ 1-8.4 and 1-8.5, relating to intergovernmental agreements (requires council approval of action plans concerning certain federal moneys)
05-041	12-22-2005	Amends § 8-1.18, relating to real property taxes (extends the number of years an adjustment may be made due to errors in the amount of taxes assessed)
06-1	2-8-2006	Amends Ord. 05-014, appropriations for FY 2005-06 executive operating budget (amendment No. 1) (Special)
06-02	2-8-2006	Amends § 22-9.3, relating to the naming of city parks, sites and facilities (Sec. 4 of Ord. 06- 02 provides that it shall be repealed on July 31, 2006)
06-03	2-8-2006	Amends Ord. 05-023, appropriations for FY 2005-06 executive capital budget (amendment No. 1) (Special)
06-04	2-27-2006	Amends §§ 8-10.1 and 8-10.3, relating to real property tax exemptions for low-income elderly persons (shall apply to the tax years beginning July 1, 2007)
06-05	2-27-2006	Amends § 15-13.11, relating to mopeds (authorizes appropriate parking for mopeds)
06-06	2-27-2006	Adds § 2-9.3, green building standards for city facilities
06-07	2-27-2006	Amends § 8-10.3, relating to the homeowner's exemption for real property taxation (provides tax relief to homeowners by increasing the real property tax exemption for real property occupied as the owner's principal home) (shall apply to tax years beginning July 1, 2007)
06-08	2-27-2006	Amends § 8-13.2, relating to the county tax credit (expands the availability of the real property tax credit) (shall apply to the tax year beginning July 1, 2006) (Amends Ord. 05-026)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
06-09	3-9-2006	Amends §§ 9-1.2, 9-1.4; and adds § 9-1.12, establishing an islandwide curbside recycling program (Eff. 1-1-2007)
06-10	3-10-2006	Amends § 8-11.1, establishing a new way of setting real property rates
06-11	3-15-2006	Adds § 15-13.14, relating to motor vehicles parked on public streets, highways, or pedestrian malls (makes it unlawful for persons to tamper with or remove parts from motor vehicles parked on public streets, highways, or pedestrian malls)
06-12	3-15-2006	Amends §§ 15A-2.1 and 15A-2.2, relating to permit and license fees for driving motor vehicles (establishes a fee for the issuance of a provisional driver's license)
06-13	3-15-2006	Amends § 15-13.9, relating to the parking of vehicles (authorizes the police department and the department of customer services to remove certain vehicles parked on public streets and highways and grassy areas adjacent to streets)
06-14	3-15-2006	Amends §§ 1-8.1 and 1-8.2, relating to intergovernmental relations
06-15	3-15-2006	Amends §§ 21-2.140-1, 21-4.110, 21-8.20, 21-8.20-1, and 21-10.1 (LUO), relating to ohana dwellings (deletes the maximum floor area restrictions for ohana dwelling units)
06-16	4-28-2006	Amends § 18-6.5, relating to the waiver of building permit fees (waives building permit fees for the replacement of dilapidated homes on Hawaiian home lands)
06-17	4-28-2006	Adds § 15A-3.3, exempts buses used as homeless shelters from the motor vehicle weight tax
06-18	4-28-2006	Amends Ords. 06-1 and 05-014, appropriations for FY 2005-06 executive operating budget (amendment No. 2) (Special)
06-19	4-28-2006	Amends §§ 8-13.1 and 8-13.3, relating to the county tax credit (shall apply to the tax years beginning July 1, 2007)
06-20	5-31-2006	Amends § 10-1.2, park rules, relating to parking meter violations
06-21	5-31-2006	Allows the city's one-time tax credit against real property tax liability to be granted to additional property owners who have replaced their cesspools with septic tank systems on their respective properties (shall be repealed 120 days after its approval, 9-28-2006)
06-22	5-31-2006	Amends § 38-12.1, relating to the lease of city property for telecommunications facilities
06-23	6-20-2006	Amends Ch. 6, Art. 56 title, and §§ 6-56.1 through 6-56.5, relating to the special reserve fund by changing the name of the fund, revising certain provisions, and clarifying its administration

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
06-24	6-20-2006	Amends a portion of zoning map No. 5, Kalihi-Nuuanu (Special)
06-25	6-20-2006	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
06-26	6-20-2006	Amends Ords. 94-57 and 98-44, which amend a portion of zoning map No. 12, Ewa Beach- Iroquois Point, by amending conditions in two existing unilateral agreements related to a future child-care facility for Ewa by Gentry (Special)
06-27	6-20-2006	Adds § 9-1.13, relating to an integrated solid waste management plan
06-28	6-20-2006	Amends a portion of zoning map Nos. 13 and 14, Makakilo and Barber's Point-Kahe- Nanakuli (Special)
06-29	6-20-2006	Amends a portion of the State land use district boundary map at Kapolei (Special)
06-30	6-23-2006	Relates to real property tax valuations (a one-time real property tax discount is established for the 2006-07 tax year) (shall apply to the tax year beginning July 1, 2006)
06-31	6-23-2006	Appropriations for FY 2006-2007 legislative budget (Eff. 7-1-2006) (Special)
06-32	6-23-2006	Appropriations for FY 2006-2007 executive operating budget (Eff. 7-1-2006) (Special)
06-33	6-23-2006	Appropriations for FY 2006-2007 executive capital budget (Eff. 7-1-2006) (Special)
06-34	6-23-2006	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes (Special)
06-35	6-23-2006	Adds § 38-6.13; amends §§ 38-7.1 and 38-9.3, relating to the co-promotion of events by the department of enterprise services
06-36	6-23-2006	Amends § 10-2.1, relating to admission fees for the Honolulu zoo (increases nonresident admission fees)
06-37	6-23-2006	Adds to Ch. 6 a new Art. 61, relating to the transit fund
06-38	8-3-2006	Amends §§ 8-12.6 and 8-12.7, relating to real property taxation (provides for additional boards of review)
06-39	9-1-2006	Amends § 15-24.20, relating to parades (limits the number of certain parades or other activities in the Waikiki special district) (shall not apply to parades or activities scheduled to occur before January 1, 2007)
06-40	9-1-2006	Amends § 9-1.1, relating to solid waste (establishes new recycling, reuse, composting and waste diversion goals for the city for its solid waste)
06-41	9-1-2006	Adds § 9-1.14, relating to solid waste (requires the city to increase the tonnage of municipal solid waste converted to energy by the year 2010)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
06-42	9-1-2006	Amends § 38-7.1, relating to the lease and rental of city facilities
06-43	9-1-2006	Amends § 8-13.3, relating to the county tax credit
06-44	9-1-2006	Amends Ord. 06-32, appropriations for FY 2006-2007 executive operating budget (amendment No. 1) (Special)
06-45	11-13-2006	Amends § 38-3.1, clarifying when a lease for real property acquired by eminent domain proceedings may be renewed or extended for more than one year
06-46	11-13-2006	Improvement district assessment levy for Kailua Road sewers (Special)
06-47	12-1-2006	Adds to Ch. 10 a new Art. 10, relating to the rental of surfboard lockers on Kuhio Beach
06-48	12-1-2006	Amends § 41-18.1 and Art. 18, Exh. B, relating to prostitution (amends the downtown prostitution-free zone established in accordance with HRS 712-1207)
06-49	12-21-2006	Amends §§ 15-23.2 and 15-23.2A, relating to metered and attendant parking facilities (Kaimuki 1 facility)(shall take effect upon the department of transportation services' written announcement, signed by the director of transportation services, of the conversion of the Kaimuki 1 [12th Avenue/11th Avenue] from metered to attendant parking)
06-50	12-22-2006	Adds to Ch. 15B a new Art. 9, and amends § 4-8.3, relating to requirements for transit stations
06-51	12-27-2006	Amends § 40-8.7, relating to exceptional trees (amends the register of exceptional trees)
06-52	12-27-2006	Amends § 15B-3.1, relating to prohibited activities on city buses and special transit vehicles (regulates the use of electronic devices)
06-53	12-27-2006	Amends a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli (Special)
07-001	1-6-2007	Amends §§ 6-60.1 and 4-8.3, relating to transit (selects the transportation mode for the city's locally preferred alternative) (Part IV, Sec. 7, was amended by Ord. 09-1)
07-2	3-8-2007	Adds § 12-7.8, relating to the reporting of dog bites (requires the reporting of dog bite incidents to facilitate the prevention of multiple attacks by a dangerous dog)
07-3	3-8-2007	Amends § 15-13.10 and adds § 15-13.15, relating to motor vehicles (addresses dangerous motor vehicles parked near schools)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
07-4	3-9-2007	Amends §§ 8-7.1 and 8-7.3, relating to real property taxation (amends certain provisions relating to the dedication of lands for agricultural use; except for those petitions approved for remittance pursuant to § 4 of Ord. 07-4, shall apply to the tax years beginning July 1, 2008)
07-5	3-30-2007	Amends a portion of zoning map No. 18, Kawaihoa-Waialea (Special) (Sec. II and Exhibit "B" of Ord. 95-19 are repealed, and all conditions set forth in the UA and Declaration for Conditional Zoning dated 5-17-1995 are released.)
07-6	3-30-2007	Amends a portion of zoning map No. 4, Nuuanu-McCully (Special) (Sec. II and Exhibit "B" of Ord. 93-08 are repealed, and all conditions set forth in the UA and Declaration for Conditional Zoning dated 2-11-1993 are released.)
07-7	4-26-2007	Amends § 8-10.1; adds § 8-10.29, establishing a tax exemption for properties designated as kuleana land (shall apply to the tax years beginning July 1, 2008)
07-8	4-26-2007	Amends § 21-9.30-4; repeals and replaces Exhibits 21-9.1 and 21-9.2 (LUO), relating to the Hawaii Capital Special District
07-9	4-26-2007	Amends a portion of zoning map No. 4, Nuuanu-McCully (Special)
07-10	5-17-2007	Amends §§ 8-7.1, 27-3.6, and 40-7.2, relating to the designation of real property tax classifications
07-11	5-17-2007	Amends § 15A-3.3, relating to shelter buses (amends the definition of shelter bus)
07-12	5-17-2007	Amends § 6-29.4, simplifying grant reporting requirements
07-13	5-17-2007	Amends §§ 15B-1.1, 15B-2.1 through 15B-2.3, 15B-2.5, 15B-2.6, 15B-2.8, 15B-2.9, 15B-3.1, 15B-3.2, 15B-3.4, 15B-3.5, 15B-4.5; and adds to Ch. 15B a new Art. 10, relating to the city ferry system
07-14	5-17-2007	Amends Table 21-3, the Master Use Table (LUO), relating to vacation cabins
07-15	5-17-2007	Amends Table 21-3, the Master Use Table (LUO), relating to amusement and recreation facilities, indoor
07-16	5-17-2007	Amends a portion of zoning map No. 22, Heeia-Kaneohe-Maunawili (Special)
07-17	6-20-2007	Amends § 10.1.2, relating to park rules (makes it unlawful for any person to fail to comply with signs and notices posted in public parks)
07-18	6-20-2007	Adds to Ch. 6 a new Art. 62, creating a clean water and natural lands fund for land conservation
07-19	6-20-2007	Adds to Ch. 6 a new Art. 63, creating an affordable housing fund to provide and maintain affordable housing for persons earning less than 50 percent of the median household income in the city

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
07-20	6-20-2007	Amends §§ 8-13.2, 8-13.3, 8-13.5, and 8-13.6, relating to the county tax credit (shall apply to tax years beginning July 1, 2008)
07-21	6-20-2007	Provides a one-time real property tax credit of \$200 to eligible owners of real property (shall apply to the tax year July 1, 2007 to June 30, 2008)
07-22	6-20-2007	Repeals Art. 1 of Ch. 16 and adds a new Art. 1; amends § 16-2.3, Art. 3 title, §§ 16-3.1 through 16-3.8, adds a new § 16-3.9, and amends §§ 16-3.10, 16-3.11, and 16-8.5, relating to the building code (shall take effect 90 days after the date of approval, September 18, 2007)
07-23	6-20-2007	Appropriations for FY 2007-2008 legislative budget (Eff. 7-1-2007) (Special)
07-24	6-20-2007	Appropriations for FY 2007-2008 executive operating budget (Eff. 7-1-2007) (Special)
07-25	6-20-2007	Appropriations for FY 2007-2008 executive capital budget (Eff. 7-1-2007) (Special)
07-26	6-20-2007	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes (Special)
07-27	6-20-2007	Amends § 6-56.3, relating to the reserve for fiscal stability fund (provides for the deposit of interest earned on the deposits of this fund to this fund) (Eff. 7-1-2007)
07-28	6-20-2007	Adds to Ch. 6 a new Art. 64, relating to the establishment of a special reserve fund for other post-employment benefits (Eff. 7-1-2007) (Repealed by Ord. 15-7)
07-29	6-20-2007	Repeals Appendix 14-B and adds a new Appendix 14-B, relating to sewer service charges (updates the city's sewer service charge schedules) (Eff. 7-1-2007)
07-30	6-20-2007	Amends §§ 8-13.1 through 8-13.3, relating to the real property tax credit for low-income homeowners (shall apply to tax years beginning July 1, 2008)
07-31	6-20-2007	Amends a portion of zoning map No. 12, Ewa-Beach-Iroquois Point (Special)
07-32	7-20-2007	Amends a portion of zoning map No. 3, Moiliili-Kaimuki (Special)
07-33	7-20-2007	Amends §§ 12-4.3 and 12-6.5, relating to the sterilization of dogs and cats (requires dogs and cats to be sterilized before their adoption from the city's animal control contractor)
07-34	7-20-2007	Amends portions of boundaries of the special management area map for Ewa (Special) (Amends Ord. 94-63)
07-35	7-20-2007	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
07-36	8-30-2007	Amends § 8-3.3, relating to the penalty for delinquent real property taxes
07-37	10-4-2007	Amends §§ 4-8.1 through 4-8.4, relating to public infrastructure maps
07-38	10-4-2007	Amends a portion of zoning map No. 15, Lualualei-Makaha (Special)
07-39	10-4-2007	Amends a portion of zoning map No. 9, Waipio (Crestview) (Special)
07-40	10-4-2007	Amends § 1-8.2, relating to intergovernmental relations (modifies the approval process for certain intergovernmental agreements)
07-41	10-29-2007	Amends a portion of zoning map No. 1, Hawaii Kai (Special)
07-42	10-29-2007	Amends a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli (Special)
07-43	10-29-2007	Amends §§ 3-6.3, 3-8.4, and 3-8.5; and adds to Ch. 3 a new Art. 14, relating to civil fines for violations of the ethics law (Eff. 11-28-2007)
07-44	10-29-2007	Amends the Fort Street Mall special improvement district plan, designated as Exhibit A in Ord. 02-48
07-45	11-26-2007	Amends §§ 9-1.3 through 9-1.6 and 9-1.10; adds a new § 9-1.15, relating to solid waste (establishes a curbside recycling pilot project and program)
07-46	11-26-2007	Amends a portion of zoning map No. 3, Moiliili-Kaimuki (Special)
07-47	11-26-2007	Amends §§ 8-1.2, 8-12.7, 8-12.11, and 8-12.14, relating to real property assessment (simplifies the appeal process, where appeals may be settled by the director)
07-48	11-26-2007	Amends §§ 8-12.9 and 8-12.10, relating to real property tax assessment re filing a notice of appeal to the board of review
07-49	11-26-2007	Amends §§ 8-2.1 and 8-2.3, relating to real property assessment (provides for electronic notification of the assessment)
07-50	12-28-2007	Amends § 8-2.1, relating to the real property assessment notice (shall apply to the tax years beginning July 1, 2009)
08-1	2-7-2008	Amends § 18-6.5, relating to building permits and fees (exempts photovoltaic solar electric power systems from the payment of certain permit fees)
08-2	2-7-2008	Adds to Ch 13 a new Art. 17, relating to aggressive panhandling
08-3	3-6-2008	Amends § 15-19.12, relating to the traffic code (eliminates the minimum height requirement for auxiliary driving lamps)
08-4	3-6-2008	Amends § 15B-2.6, relating to public transit fares (authorizes the council to suspend public transit fares for periods of up to one fiscal year)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
08-5	3-6-2008	Amends § 8-12.11, relating to real property assessment appeals
08-6	3-6-2008	Amends §§ 3-1.2 and 3-1.4; adds § 3-1.5; and renumbers § 3-1.5 to 3-1.6, relating to temporary vacancies on boards, commissions or committees
08-7	5-1-2008	Amends § 2-18.6, relating to line-item budget details
08-8	5-1-2008	Repeals Art. 24 of Ch. 2; adds new Art. 24, department of planning and permitting (relating to council proposals to amend the general plan, development plans, the zoning ordinances, and the subdivision ordinance)
08-9	6-18-2008	Amends § 35A-1.9, relating to taxicabs (allows the director of customer services to establish a fuel surcharge for taxis)
08-10	6-18-2008	Provides a one-time real property tax credit of \$100 to eligible owners of real property (shall apply to the tax year July 1, 2008 to June 30, 2009)
08-11	6-18-2008	Appropriations for FY 2008-2009 legislative budget (Eff. 7-1-2008) (Special)
08-12	6-18-2008	Appropriations for FY 2008-2009 executive operating budget (Eff. 7-1-2008) (Special)
08-13	6-18-2008	Appropriations for FY 2008-2009 executive capital budget (Eff. 7-1-2008) (Special)
08-14	6-18-2008	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes (Special)
08-15	6-18-2008	Relates to real property taxation and: (a) provides that the “Improved Residential” class in the 2008 assessment notice is the “Residential” class in § 8-7.1(c)(1)(A); and (b) confirms that for the 2008-2009 tax year only, any reference to the “Residential” class in the assessment list and subsequent documents used or issued by the director of budget and fiscal services is a reference to the “Improved Residential” class that appears in the 2008 assessment notices (shall apply to the tax year July 1, 2008 through June 30, 2009)
08-16	6-18-2008	Adds to Ch. 4 a new Art. 11, establishing for council standing committees the number of members necessary to establish a quorum to do business and the number of members necessary to make any action of the committee valid
08-17	6-18-2008	Amends § 6-42.2, relating to the city’s deferred compensation program
08-18	6-18-2008	Adds to Ch. 1 a new Art. 21, relating to city advertisements (requiring all city advertisements to include a statement that the ads are paid for by the taxpayers of the City and County of Honolulu)
08-19	8-7-2008	Amends § 21-2.70, relating to the transmission of planning commission recommendations to the council (LUO)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
08-20	9-4-2008	Amends §§ 15B-1.1, 15B-2.1 through 15B-2.3, 15B-2.5 through 15B-2.7, 15B-3.1, 15B-3.2, 15B-4.1 through 15B-4.7, 15B-6.1, 15B-6.2, 15B-6.3, 15B-6.4 through 15B-6.7, 15B-7.1, 15B-8.1 through 15B-8.9, 15B-10.1 through 15B-10.6, relating to public transit (clarifies operations of TheBus and TheHandi-Van and establishes procedures for improved and efficient operations)
08-21	9-4-2008	Adds to Ch. 1 a new Art. 22, relating to Hawaiian language signs of the city (requires that all city signs with Hawaiian names and language include the proper Hawaiian spelling)
08-22	9-4-2008	Amends § 10-1.1, relating to public parks (defines camping)
08-23	9-4-2008	Adds to Ch. 10 a new Art. 11, relating to public parks (establishes procedures governing the disposition of abandoned and unattended property on park land) (Repealed by Ord. 11-29)
08-24	9-4-2008	Amends § 1-8.2, relating to intergovernmental agreements (requires that a copy of the final or draft version of an intergovernmental agreement be provided to the council before the council's approval)
08-25	9-29-2008	Amends a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli (Special)
08-26	9-29-2008	Amends portions of zoning map Nos. 13 and 14, Makakilo and Barber's Point-Kahe-Nanakuli (Special)
08-27	9-29-2008	Amends a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli (Special)
08-28	10-30-2008	Adds to Ch. 2 a new Art. 35, requiring the city to purchase ENERGY STAR qualified products when such products are available and cost effective
08-29	10-30-2008	Amends §§ 15A-2.1 and 15A-2.2, relating to permit and license fees for driving motor vehicles (establishes the fee for issuance of driver licenses) (Eff. 11-3-2008)
08-30	11-21-2008	Amends a portion of zoning map Nos. 12 and 13, Ewa Beach-Iroquois Point and Makakilo (Special)
08-31	11-21-2008	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
08-32	12-18-2008	Adds to Ch. 2, Art. 9, a new § 2-9.4, relating to electrical energy consumption by city agencies and operations (establishes an annual reporting requirement detailing and evaluating the city's annual overall energy usage and conservation efforts) (Repealed by Ord. 16-29)
08-33	12-18-2008	Amends § 1-8.1, relating to intergovernmental agreements (includes certain arrangements with nongovernmental entities as intergovernmental agreements that may be subject to council approval)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
09-1	2-12-2009	Amends Part IV, Section 7, of Ord. 07-001, relating to transit, to require the city administration to submit to the council certain information regarding the request for proposals or invitation for bids for the mass transit project
09-2	2-12-2009	Amends § 8-12.11, relating to real property taxation (conforms language to Ord. 07-47)
09-3	3-12-2009	Amends a portion of zoning map No. 18, Kawaihoa-Waialea (Special)
09-4	3-25-2009	Repeals § 13-9.3; adds §§ 21-9.100, 21-9.100-1 through 21-9.100-4; and amends §§ 2-24.1 and 21-9.20-6, relating to transit-oriented development (provides for the establishment of transit-oriented development special districts and accompanying land use regulations around rapid transit stations)
09-5	3-25-2009	Amends §§ 21-2.140-1, 21-7.20, 21-7.40, and 21-7.60, relating to signs
09-6	5-7-2009	Adds to Ch. 15, Art. 24, a new § 15-24.23, prohibiting the use of certain mobile electronic devices while operating motor vehicles (Eff. 7-1-2009); expired 10-25-2017. See Ord. 17-39
09-7	5-7-2009	Amends §§ 14-31.2 and 14-31.5, relating to banners (amendments made to the definition of “authorized street” shall be repealed on July 31, 2009)
09-8	5-7-2009	Amends § 18-5.3, relating to building permits
09-9	6-10-2009	Amends §§ 3-8.4 and 3-8.5, relating to civil fines for violations of the ethics laws (Eff. 7-10-2009)
09-10	6-26-2009	Appropriations for FY 2009-2010 legislative budget (Eff. 7-1-2009) (Special)
09-11	6-26-2009	Appropriations for FY 2009-2010 executive operating budget (Eff. 7-1-2009) (Special)
09-12	6-26-2009	Appropriations for FY 2009-2010 executive capital budget (Eff. 7-1-2009) (Special)
09-13	6-26-2009	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes (Special)
09-14	6-26-2009	Adds to Ch. 6 a new Art. 65, relating to the transit improvement bond fund
09-15	6-26-2009	Amends § 15A-3.1, relating to motor vehicle weight tax (increases the motor vehicle weight tax)
09-16	6-26-2009	Amends § 6-20.2, relating to highway beautification and disposal of abandoned vehicles revolving fund (increases the highway beautification and disposal of abandoned vehicles fee)
09-17	6-26-2009	Amends §§ 15B-2.1 and 15B-2.10, relating to public transit (amends the fare structure of TheBus) (Eff. 7-1-2009)
09-18	6-26-2009	Repeals and reenacts §§ 10-4.2 and 10-4.3, relating to fees for use of municipal golf courses (increases golf fees) (Eff. 7-1-2009)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
09-19	6-26-2009	Amends § 10-2.1, relating to admission fees for the Honolulu Zoo (increases the admission fees for the Honolulu Zoo and deletes the sale of the annual family pass) (Eff. 7-1-2009)
09-20	6-26-2009	Amends §§ 10-1.2, 10-2.4, 10-2.6, and 10-2.8, relating to the department of parks and recreation (amends the fee for attendant/custodial services, Honolulu Zoo parking meter rates, and Hanauma Bay Nature Preserve admission fees)
09-21	6-26-2009	Amends § 6-44.3, relating to fees for special duty requests (increases administrative fees and the amount of the special duty workers' compensation fund)
09-22	6-26-2009	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
09-23	7-30-2009	Amends § 38-12.2; amends and renumbers § 38-12.3 to § 38-12.4; and adds a new § 38-12.3, relating to telecommunications facilities on city property
09-24	7-30-2009	Amends §§ 8-10.1 and 8-10.9 and adds a new § 8-10.30, relating to the real property taxation exemption for schools (modifies the requirements to include nonprofit and for-profit child care centers) (shall apply to tax years beginning July 1, 2010)
09-25	7-30-2009	Adds to Ch. 15B a new Art. 11, relating to public transit (allows public use of designated public transit facilities for a fee)
09-26	9-9-2009	Adds § 21-5.500A and amends Table 21-3 and § 21-10.1, relating to plant nurseries (clarifies LUO provisions relating to plant nurseries)
09-27	9-29-2009	Adds to Ch. 10 a new Art. 12, relating to fees for after-school programs
09-28	9-29-2009	Amends §§ 15B-2.1, 15B-2.7, and 15B-4.5, relating to public transit (amends the public transit fare provisions for disabled persons)
09-29	9-29-2009	Amends § 17-5.1, adoption of the national electrical code (Eff. 11-28-2009)
09-30	9-29-2009	Repeals Ch. 32, building energy efficiency standards, and adds a new Ch. 32 (no numbered Ch. 16B), building energy conservation code (Eff. 11-28-2009)
09-31	9-29-2009	Amends § 8-10.12, relating to the real property tax exemption for alternate energy improvements (shall apply to tax years beginning July 1, 2010)
09-32	10-30-2009	Amends §§ 8-7.1, 8-7.5, 8-10.1, 8-10.3, and 8-10.4, relating to real property taxation (adds "homeowner" as a new general land class; shall apply to tax years beginning July 1, 2010)
09-33	10-30-2009	Amends § 21-5.450, relating to meeting facilities in industrial districts (removes the 1,000-foot separation and three-month vacancy restrictions for meeting facilities located in industrial districts)
09-34	12-31-2009	Amends a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
09-35	12-31-2009	Amends a portion of zoning map No. 3, Moiliili-Kaimuki (Special)
10-1	2-11-2010	Amends § 12-5.1, relating to the public spay and neuter fees for dogs and cats (increases the fees charged for spay and neuter services) (shall apply to spay/neuter certificates sold on July 1, 2010 and thereafter)
10-2	2-11-2010	Amends §§ 9-1.2 and 9-4.2, relating to disposal charges for city-operated or city-contracted transshipment facilities (allows the city to charge for disposal of refuse at transshipment facilities)
10-3	3-31-2010	Amends § 15-22.8, relating to street usage permits (amends the street usage permit fees relating to the enclosure or obstruction of parking meter spaces incidental to construction)
10-4	3-31-2010	Amends §§ 10-1.1, 10-1.2, and 10-1.3, regulating tents in the parks maintained by the City and County of Honolulu
10-5	3-31-2010	Amends §§ 10-1.1 and 10-1.2, regulating shopping carts in the parks maintained by the City and County of Honolulu
10-6	5-6-2010	Amends §§ 18-7.3 and 18-7.4, relating to fees and permits for building, electrical, plumbing and sidewalk codes (increases the fines for unpermitted building activities) (shall apply to violations that occur after May 6, 2010)
10-7	5-6-2010	Amends a portion of zoning map No. 9, Waipio (Crestview) (Special)
10-8	6-24-2010	Provides a one-time real property tax credit of \$100 to eligible owners of real property (shall apply to the tax year July 1, 2010 to June 30, 2011)
10-9	6-24-2010	Amends §§ 8-3.1 and 8-11.1, to adjust the minimum real property tax
10-10	6-24-2010	Appropriations for FY 2010-2011 legislative budget (Eff. 7-1-2010) (Special)
10-11	6-24-2010	Appropriations for FY 2010-2011 executive operating budget (Eff. 7-1-2010) (Special)
10-12	6-24-2010	Appropriations for FY 2010-2011 executive capital budget (Eff. 7-1-2010) (Special)
10-13	6-24-2010	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes (Special)
10-14	7-20-2010	Amends § 8-7.5, relating to real property tax assessments (permits dedication for residential use in mixed-use zoning and transit-oriented development areas for real property tax purposes) (shall apply to tax years beginning on July 1, 2011)
10-15	7-20-2010	Amends Ord. 01-28, to amend the authorization for the city to issue general obligation commercial paper to clarify and facilitate the use of such debt (Special)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
10-16	8-30-2010	Amends §§ 9-1.2, 9-1.4, 9-1.6, 9-2.2, 9-2.3, 9-2.6, 9-2.7, 9-3.2, 9-3.4, 9-5.1, 9-7.2, and 9-7.3; repeals § 9-1.10; adds §§ 9-4.8, 9-5.3, and 9-5.4, relating to bulky wastes (allows the city to assess fines for incorrect placement of bulky wastes) (shall take effect on January 1, 2011)
10-17	9-2-2010	Amends a portion of the Oahu water management plan (OWMP), enacted by Ord. 90-62 and codified as Chapter 30, Articles 1, 2, and 3; and adds Article 2A, Waianae watershed management plan
10-18	9-2-2010	Amends a portion of the Oahu water management plan (OWMP), enacted by Ord. 90-62 and codified as Chapter 30, Articles 1, 2, and 3; and adds Article 2B, Ko‘olau loa watershed management plan
10-19	9-2-2010	Amends §§ 21-2.20, 21-2.60, 21-2.70, 21-2.90-1, 21-2.100, 21-2.140-1, Table 21-3, §§ 21-4.30, 21-4.110, 21-5.350, 21-5.380, 21-5.450, 21-5.700, Table 21-6.1, §§ 21-7.20, 21-8.30, Exhibit 21-9.10-A, §§ 21-9.80-4 and 21-10.1; adds §§ 21-5.80A, 21-5.510A, and 21-8.20A, miscellaneous amendments and additions to the land use ordinance
10-20	9-2-2010	Amends § 22-3.9, relating to improvements in unapproved streets, provides for council acceptance of streets and roadways that are constructed by developers in conformity with city standards
10-21	9-2-2010	Amends § 22-7.9, relating to park dedication (allows developers of highrise multiple-family developments to meet their park dedication requirements by providing a private park and playground on a level other than the ground level)
10-22	9-2-2010	Amends § 8-12.12, relating to real property taxation (provides for the payment of interest on the amount of taxes refunded to a taxpayer where the taxpayer receives a final determination from the board of review that is wholly or partly in favor of the appealing taxpayer) (shall apply only to certain tax refunds made to the taxpayer from and after September 2, 2010)
10-23	9-2-2010	Amends §§ 40-8.4, 40-8.5, and 40-8.7, relating to exceptional trees (clarifies the powers, duties, and procedures of the arborist advisory committee and amends the register of exceptional trees)
10-24	9-2-2010	Amends § 21-4.30, relating to agricultural fences (increases the allowable height of fences on certain agricultural lands)
10-25	10-5-2010	Adds a new Art. 6 to Ch. 20; amends § 20-1.1, regulating the use of fireworks (Eff. 1-2-2011)
10-26	10-27-2010	Amends § 13-1.1 and adds a new Art. 18 to Ch. 13, relating to the regulation of sidewalks, to provide for pedestrian safety by establishing a pedestrian use zone
10-27	10-27-2010	Amends a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Special)
10-28	10-27-2010	Amends a portion of zoning map No. 23, Kailua-Lanikai-Keolu (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
10-29	10-27-2010	Amends §§ 22-9.3 and 22-9.5, to amend the requirements for the naming of city parks, sites and facilities to allow a portion of a park, site or facility to be named for a person who has made significant service contributions to the community
10-30	10-27-2010	Amends § 8-7.5, relating to real property tax assessments (clarifies dedications for residential use for real property tax purposes) (shall apply to tax years beginning on July 1, 2011)
10-31	10-27-2010	Amends §§ 8-7.1 and 8-7.5, relating to real property taxation (replaces “homeowner” and “nonhomeowner” real property tax classifications with the “residential” real property tax classification) (shall apply to tax years beginning July 1, 2011)
10-32	12-22-2010	Amends §§ 23-1.5, 23-1.7, 23-1.8, 25-1.3, 25-3.3, 25-5.2, 25-5.4, and 25-5.5; adds § 25-6.3, relating to shoreline setbacks and the special management area (miscellaneous amendments)
11-1	2-7-2011	Amends §§ 12-4.1 and 12-4.4, relating to the regulation of dogs (conforms the Revised Ordinances to federal regulations regarding the exemption of service dogs from a leash requirement)
11-2	3-11-2011	Amends § 1-8.2, relating to intergovernmental agreements (allows city departments to use facilities owned by other government entities to hold public meetings or hearings)
11-3	5-3-2011	Repeals Art. 8 of Ch. 24 and adds a new Art. 8 to adopt a new North Shore Sustainable Communities Plan
11-4	5-3-2011	Amends a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa (Special)
11-5	5-4-2011	Provides a one-time real property tax relief to eligible property owners of real property (Special)
11-6	6-21-2011	Amends § 9-4.2, by terminating the discount on disposal charges recyclers receive for disposing of recycling residue and by exempting community cleanup events from solid waste disposal charges (Superceded by Ord. 11-25)
11-7	6-8-2011	Repeals § 8-10.22 and adds a new § 8-10.22 (re-numbered § 8-10.19) to add definitions and clarifying provisions to facilitate enforcement of real property tax exemption requirements for historic residential real property dedicated for preservation
11-8	6-21-2011	Amends § 15A-2.2 by increasing the fee for issuance of driver’s license and duplicate permit or license
11-9	6-21-2011	Appropriations for FY 2011-2012 legislative budget (Eff. 7-1-2011) (Special)
11-10	6-21-2011	Appropriations for FY 2011-2012 executive operating budget (Eff. 7-1-2011) (Special)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
11-11	6-21-2011	Appropriations for FY 2011-2012 executive capital budget (Eff. 7-1-2011) (Special)
11-12	6-21-2011	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes (Special)
11-13	6-21-2011	Amends § 15-16.5, relating to city hall and satellite off-street parking
11-14	6-21-2011	Amends § 10-4.2, increasing golf fees
11-15	6-21-2011	Amends § 38-7.1, repeals § 38-9.3, and adds a new § 38-9.3, increasing facility rental rates at the Neal S. Blaisdell Center and Waikiki Shell
11-16	6-21-2011	Amends § 10-2.1 by increasing the admission fees for the Honolulu Zoo
11-17	6-21-2011	Repeals Appendix B and Appendix D of Chapter 14, adds a new Appendix B and Appendix D updating the city's sewer service charge and wastewater system facility charge schedules
11-18	6-21-2011	Amends Chapter 1, Article 8 title, and §§ 1-8.1 and 1-8.2 by requiring council approval for certain private agreements
11-19	6-21-2011	Amends § 10-2.9 and § 10-2.9 title, providing for fees for the use and rental of parks and recreational facilities
11-20	6-21-2011	Adds a new section § 10-2.10 relating to fees for campsite use
11-21	6-21-2011	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for the Honolulu Authority for Rapid Transportation capital budget ordinance (Special)
11-22	6-27-2011	Appropriations for FY 2011-2012 Honolulu Authority for Rapid Transportation operating budget (Eff. 7-1-2011) (Special)
11-23	6-27-2011	Appropriations for FY 2011-2012 Honolulu Authority for Rapid Transportation capital budget and program (Eff. 7-1-2011) (Special)
11-24	6-27-2011	Amends § 6-61.4, to provide for the reimbursement to the general fund or highway fund from the transit fund for expenditures related to the development of a locally preferred alternative for a mass transit project
11-25	6-27-2011	Amends § 9-4.2, to change the discount on disposal charges that recyclers receive for disposing recycling residue (Supersedes Ord. 11-6)
11-26	9-2-2011	Amends § 8-7.3 by revising the availability of real property tax incentives for dedicated agricultural land
11-27	9-28-2011	Amends a portion of zoning map No. 24, Waimanalo (Special)
11-28	10-20-2011	Amends §§ 25-1.3 and 25-3.3, relating to the special management area ordinance to expedite and facilitate work on projects that have been or may have been delayed due to Special Management Area permitting requirements

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
11-29	12-9-2011	Amends § 13-1.1, adds a new Art. 19, repeals §§ 29-18.2, 29-18.7, and Chapter 10, Art. 11 to clarify definitions and establish a procedure for the removal and disposal of personal property stored on public property
11-30	12-14-2011	Amends §§ 21-7.40, 21-9.80-4, 21-9.80-6, 21-2.110-2, Tables 21-9.6(A) and 21-9.6 (B), and Exhibit 21-9.13, and repeals § 21-9.80-7, to amend the provisions in the Land Use Ordinance pertaining to the Waikiki special district
11-31	12-14-2011	Amends a portion of zoning map No. 3, Moiliili-Kaimuki (Special)
12-1	2-9-2012	Amends §§ 3-6.3, 3-6.4, 3-6.5, 3-6.6, 3-6.8 (Repealed by Ord. 12-1), and adds new §§ 3-6.9 and 3-6.10, by providing definitions and amend procedures related to the Ethics Commission
12-2	3-1-2012	Amends §§ 10-1.1, 10-1.2, 10-1.3, and 10-3.2, by adding definitions and amend restrictions related to commercial activities at city beach parks
12-3	3-2-2012	Repeals Chapter 24, Article 9 and reenacts a new Article 9, by amending the Wai'anae Sustainable Communities Plan
12-4	3-2-2012	Repeals Chapter 20, Article 1 and reenacts a new Article 1, by amending the State fire code
12-5	3-2-2012	Amends §§ 3-12.4 and 3-12.5, by amending procedures related to Sunshine law training program requirements
12-6	4-3-2012	Amends § 15-13.6, by amending time limits for itinerant vendors on streets and highways
12-7	5-10-2012	Amends §§ 14-1.2, 14-6.6, 14-10.2, 14-10.5, and Appendix 14-B, by amending public works infrastructure requirements, and fees for public sewer services
12-8	5-10-2012	Amends Chapter 34 by adding a new Article 9, related to regulation of plastic bags (Eff. 7-1-2015)
12-9	5-10-2012	Amends § 10-2.4, clarifying when fees are charged for use of certain city recreational facilities
12-10	5-25-2012	Repeals § 8-10.4, repealing the tax exemption for air pollution control facilities
12-11	5-25-2012	Repeals § 8-10.11, repealing the tax exemption for pulp and paper manufacturers
12-12	5-25-2012	Clarifies definitions of real property and improvements and redevelopment options in §§ 38-3.5 and 38-3.4 with respect to the Affordable Housing Preservation Initiative (Special)
12-13	5-25-2012	Amends §§ 15-23.2, 15-23.2A, and 15-23.5, amending parking fees and use of revenues for certain city parking facilities

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
12-14	5-25-2012	Amends § 8-7.5, amending definitions related to dedication of property for residential use
12-15	5-25-2012	Creates a new Article 29 in Chapter 14, establishing a Complete Streets policy for the City and County of Honolulu
12-16	5-25-2012	Amends § 8-7.3, amending provisions concerning the dedication of agricultural land
12-17	6-15-2012	Amends Ord. 01-28, clarifying and facilitating the City's use of general obligation commercial paper
12-18	6-22-2012	Appropriations for FY 2012-2013 legislative budget (Eff. 7-1-2012) (Special)
12-19	6-22-2012	Appropriations for FY 2012-2013 executive operating budget (Eff. 7-1-2012) (Special)
12-20	6-22-2012	Appropriations for FY 2012-2013 executive capital budget (Eff. 7-1-2012) (Special)
12-21	6-22-2012	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for amounts appropriated for the FY 2012-2013 executive capital budget (Special)
12-22	6-22-2012	Appropriations for FY 2012-2013 Honolulu Authority for Rapid Transportation operating budget (Special)
12-23	6-22-2012	Appropriations for FY 2012-2013 Honolulu Authority for Rapid Transportation capital budget (Special)
12-24	6-22-2012	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for amounts appropriated for the FY 2012-2013 Honolulu Authority for Rapid Transportation capital budget (Special)
12-25	6-22-2012	Amends § 3-6.8, expanding the ethics training requirement to all city personnel
12-26	7-25-2012	Amends §§ 10-1.1 and 10-1.3, relating to expressive activities in parks
12-27	7-25-2012	Amends § 15-25.1, relating to parking regulations for mopeds on the Fort Street Mall
12-28	8-15-2012	Amends §§ 10-1.2 and 10-1.3, regulations relating to commercial activities at certain city beach parks
12-29	8-31-2012	Amends § 8-10.1, relating to requirements and penalty provisions relating to certain real property tax exemptions
12-30	8-31-2012	Amends Chapter 30 by adding a new Article 2C, relating to the Ko'olau Poko Watershed Management Plan

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
12-31	8-31-2012	Amends §§ 3-6.8, 3-6.9, 3-8.4, 3-8.5, 3-8.6, and 3-8.7, clarifying application of the City's ethics laws
12-32	9-27-2012	Repeals Article 24 of Chapter 6, relating to farmers home administration loan fund
12-33	9-27-2012	Amends the title of Article 6A, Chapter 13, and amends §§ 13-6A.1 and 13-6A.2, relating to peddling in certain designated areas
12-34	10-18-2012	Makes the following amendments to Chapter 16, relating to the building code: repeals and reenacts new Articles 1, 5 and 12; reenacts a new Article 9; amends the title of Article 6; amends §§ 16-2.3, 16-3.1, 16-3.2, 16-3.3, 16-3.4, 16-3.5, 16-3.6, 16-3.8, 16-3.10, 16-6.2, 16-6.6, 16-7.1, 16-7.3, 16-7.8, 16-7.9, 16-10.3, 16-10.4; 16-11.3; 16-11.5; repeals and reenacts new §§ 16-7.5 and 16-7.6; and enacts new Articles 13 and 14
12-35	10-18-2012	Amends a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa (Special)
12-36	10-18-2012	Amends §§ 6-18.2, 15-16.5, and 15-23.5, relating to the Joint Management Traffic Center Garage and deposit of certain revenues therefrom into the bus transportation fund
12-37	11-29-2012	Amends § 9-4.2, relating to termination of the recycling residue discount (Eff. July 1, 2013)
12-38	12-21-2012	Amends § 17-3.1, relating to the electrical code
12-39	12-21-2012	Amends § 9-1.13, relating to the preparation of integrated solid waste management plans
12-40	12-21-2012	Amends § 40-9.1, relating to alarm systems
13-1	3-7-2013	Amends § 18-6.5, relating to permit fees for photovoltaic solar electric power systems (Eff. 30 days after 3-7-2013)
13-2	3-7-2013	Amends § 1-8.3, relating to approval of consolidated plan and annual action plans relating to Community Planning and Development programs of the U.S. Department of Housing and Urban Development
13-3	3-7-2013	Amends § 16-1.1, relating to the building code
13-4	4-8-2013	Amends Chapter 2 by adding a new Article 36, and amends § 22-2.3, relating to street lighting
13-5	4-8-2013	Amends § 41-14.2, relating to the prohibition of smoking at certain city beach parks
13-6	4-8-2013	Repeals Article 9 of Chapter 41, relating to permitting for palmistry

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
13-7	4-8-2013	Amends Chapter 6 by adding a new Article 52, relating to the Grants in Aid Fund
13-8	4-19-2013	Amends Chapter 13 by adding a new Article 16, relating to nuisances on public sidewalks
13-9	4-26-2013	Amends §§ 40-7.4 and 40-7.5, relating to the disposal of weeds, garbage, trash and waste from property
13-10	4-19-2013	Amends § 21-2.40-1, Table 21-3 and § 21-5.360, relating to hotels within the BMX-3 district under the Land Use Ordinance
13-11	4-19-2013	Amends a portion of Zoning Map No. 3 (Moiiliili-Kaimuki) (Special)
13-12	5-1-2013	Amends §§ 10-1.1, 10-1.2 and 10-1.7, relating to public parks and shoreline access
13-13	5-20-2013	Amends a portion of Zoning Map No. 12 (Ewa-Iroquois Pt.) (Special)
13-14	5-23-2013	Repeals Article 1 of Chapter 6, relating to the Municipal Stores Revolving Fund
13-15	5-23-2013	Amends § 2-18.6, relating to line-item budget details
13-16	6-14-2013	Amends §§ 6-41.1, 18-6.1, and 23-1.12, relating to fees for certain permits and services
13-17	6-21-2013	Amends §§ 6-45.2, 6-45.4, and 6-45.5 relating to requirements concerning the rental assistance fund
13-18	6-21-2013	Appropriations for FY 2013-2014 legislative budget (Eff. 7-1-2013) (Special)
13-19	6-21-2013	Appropriations for FY 2013-2014 executive operating budget (Eff. 7-1-2013) (Special)
13-20	6-21-2013	Appropriations for FY 2013-2014 executive capital budget (Eff. 7-1-2013) (Special)
13-21	6-21-2013	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for amounts appropriated for the FY 2013-2014 executive capital budget (Special)
13-22	6-21-2013	Appropriations for FY 2013-2014 Honolulu Authority for Rapid Transportation operating budget (Eff. 7-1-2013) (Special)
13-23	6-21-2013	Appropriations for FY 2013-2014 Honolulu Authority for Rapid Transportation capital budget (Eff. 7-1-2013) (Special)
13-24	6-21-2013	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for amounts appropriated for the FY 2013-2014 Honolulu Authority for Rapid Transportation capital budget (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
13-25	6-21-2013	Addresses agricultural dedications for real property taxation purposes (Special) (to be repealed 11-1-2016)
13-26	7-22-2013	Repeals Chapter 24, Article 3 and reenacts a new Article 3, and adopts the revised 'Ewa Development Plan
13-27	7-21-2013	Amends §§ 41-14.1, 41-14.2, and 41-14.3, relating to the prohibition of smoking in certain places
13-28	7-21-2013	Amends §§ 41-14.1, 41-14.2, 41-14.3, and 41-14.9, relating to the prohibition of smoking in certain places
13-29	7-23-2013	Creates a new Article 15 in Chapter 1, relating to online access to city forms (Eff. 7-1-2014)
13-30	8-23-2013	Repeals § 15-25.1(d), relating to parking on Banyan Court Mall
13-31	8-23-2013	Amends § 15B-2.1(b), relating to the islandwide public transit fare structure
13-32	9-26-2013	Amends § 8-10.3(e), repealing the in lieu of home exemption (to be repealed 6-30-2039)
13-33	9-26-2013	Amends § 8-7.1, relating to real property tax classification
13-34	10-24-2013	Amends portion of Zoning Map No. 4 (Nuuanu-McCully) (Special)
13-35	10-24-2013	Amends portion of Zoning Maps No. 22 (Heeia-Kaneohe-Maunawili) and No. 23 (Kailua-Lanikai-Keolu) (Special)
13-36	10-24-2013	Amends portion of Zoning Map No. 17 (Mokuleia-Waialua-Haleiwa) (Special)
13-37	11-27-2013	Amends portion of Zoning Map No. 4 (Nuuanu-McCully) (Special)
13-38	11-27-2013	Amends portion of Zoning Maps No. 9 (Waipio (Crestview)) and No. 10 (Waipio (Mililani)) (Special)
13-39	11-27-2013	Creates a new Article 19 in Chapter 2, relating to open data requirements
13-40	11-27-2013	Amends § 6-52.4 and Ord. 13-7, Section 3, by amending certain provisions relating to grants in aid
13-41	12-20-2013	Amends § 8-7.1, relating to real property tax classification
14-1	2-10-2014	Amends § 3-8.4, relating to financial disclosure reporting requirements
14-2	3-28-2014	Amends §§ 13-11.11 and 13-11.13, prohibiting certain uses of publication dispensing racks
14-3	3-28-2014	Adds new section 40-9.10, and amends §§ 40-9.1 and 40-9.2, relating to alarm system permits

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
14-4	3-28-2014	Adds new sections 22-1.5 and 33-1.5A, and amends §§ 6-27.1, 6-40.2, 6-41.1, 14-12.12, 14-12.22, 14-13.1, 14-14.8, 14-14.10, 18-6.2, 18-7.5, 22-1.1, 22-1.2, 23-1.12, 25-5.1, 26-1.4, 29-2.4, 33A-1.3, relating to fees for certain permits and services administered by the department of planning and permitting
14-5	3-28-2014	Adds a new section 15-13.16 and amends § 15-13.6, authorizing certain parking stalls for mobile food vendors. (Eff. 9-27-2014; to be repealed 9-27-2016)
14-6	3-28-2014	Creates a new Article 11 in Chapter 14, relating to the use of indigenous and Polynesian introduced plants in public landscaping
14-7	4-17-2014	Amends §§ 13-11.3, 13-11.6, 13-11.9, 13-11.10, relating to dispensing racks and publication dispensing rack enclosures in Waikiki
14-8	4-30-2014	Amends portion of Zoning Map No. 7 (Halawa-Pearl City) (Special)
14-9	5-22-2014	Repeals §§ 21-9.10, 21-9.10-1 through 21-9.10-14 and reenacts a new § 21-9.10, amends § 21-10.1, and creates a new Chapter 21A, relating to flood hazard areas
14-10	6-20-2014	Amends § 21-2.110-2 and adds a new § 21-9.100-5, relating to interim planned development permits for transit-oriented development within close proximity to future rail stations
14-11	6-20-2014	Amends portion of Zoning Map No. 11 (Wahiawa-Whitmore) (Special)
14-12	6-20-2014	Amends § 10-2.10, amending the fees for camping
14-13	6-20-2014	Amends § 9-4.3, relating to refuse collection and disposal charges
14-14	6-20-2014	Amends portion of Zoning Map No. 21 (Kualoa-Waiahole-Kahaluu) (Special)
14-15	6-20-2014	Amends portion of Zoning Map No. 15 (Lualualei-Makaha) (Special)
14-16	6-23-2014	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes (Special)
14-17	6-23-2014	Appropriations for FY 2014-2015 legislative budget (Eff. 7-1-2014) (Special)
14-18	6-23-2014	Appropriations for FY 2014-2015 executive operating budget (Eff. 7-1-2014) (Special)
14-19	6-23-2014	Appropriations for FY 2014-2015 executive capital budget (Eff. 7-1-2014) (Special)
14-20	6-23-2014	Appropriations for FY 2014-2015 Honolulu Authority for Rapid Transportation operating budget (Eff. 7-1-2014) (Special)
14-21	6-23-2014	Appropriations for FY 2014-2015 Honolulu Authority for Rapid Transportation capital budget (Eff. 7-1-2014) (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
14-22	6-23-2014	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for capital improvement projects of the Honolulu Authority for Rapid Transportation (Special)
14-23	7-23-2014	Amends portion of Zoning Map No. 22 (Heeia-Kaneohe-Maunawili) (Special)
14-24	7-23-2014	Amends §§ 3-2.7(d), 3-2.8, 6-47.1, 6-50.2 (Repealed by Ord. 16-12), 9-1.11(e), 9-3.1(c), 10-2.9, 11-1.2, 11-1.3, 15B-4.1, 35A-5.11 and repeals §§ 4-7.2, 10-7.2, and 12-1.22 relating to agency reporting requirements
14-25	7-23-2014	Amends §§ 2-27.6, 15-24.11, 15-29.1 through 15-29.5, the article title for Chapter 15, Article 29, and repeals §§ 15-2.18 and 15-24.10 relating to parking for persons with disabilities
14-26	9-16-2014	Creates a new Article 15 in Chapter 13, relating to public sidewalks
14-27	9-16-2014	Creates a new Article 20 in Chapter 41, relating to urinating and defecating in public
14-28	9-16-2014	Creates a new Article 21 in Chapter 41, relating to urinating and defecating in public
14-29	9-25-2014	Amends §§ 34-14.1 and 34-14.2, relating to the use of bags provided to customers (Eff. 7-1-2015)
14-30	10-23-2014	Amends § 29-4.4 and creates a new § 29-4.8 in Chapter 29, Article 4, relating to grading violations and penalties
14-31	10-23-2014	Amends § 29-2.4A, relating to grading without a permit
14-32	10-23-2014	Amends a portion of Zoning Map No. 15 (Lualualei-Makaha) (Special)
14-33	10-23-2014	Amends § 8-13.2, relating to the real property tax credit for low-income homeowners
14-34	10-23-2014	Amends § 29-2.2B, relating to stockpiling of soil, and requires the department of facility maintenance to adopt rules having the force and effect of law for the implementation of Article 2, Chapter 29 (Section 3, Special)
14-35	12-2-2014	Creates a new Article 15A in Chapter 13, relating to public sidewalks
14-36	12-2-2014	Amends §§ 16A-1.1, 16A-1.3, 16A-2.1, 16A-3.1, 16A-10.1, 16A-10.3, and 16A-10.5, repeals Article 9 of Chapter 16A and reenacts a new Article 9, relating to the housing code
14-37	12-22-2014	Amends § 14-28.2(a), relating to maintenance of private streets and roads
15-1	2-11-2015	Creates a new Article 15B in Chapter 13, relating to public pedestrian malls in the downtown and Chinatown areas
15-2	2-11-2015	Amends a portion of zoning map No. 6, Moanalua (Special)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
15-3	3-5-2015	Amends § 15-23.2, relating to public off-street parking
15-4	3-5-2015	Amends § 8-12.7, relating to real property tax boards of review
15-5	3-5-2015	Amends § 6-51.2, relating to the Hanauma Bay Nature Preserve fund
15-6	3-30-2015	Adds new section 8-7.6, relating to real property tax relief for properties used for low-income rental housing
15-7	3-30-2015	Repeals Chapter 6 Article 64, relating to the other post-employment benefits reserve fund
15-8	4-22-2015	Creates a new Article 31 in Chapter 6, relating to a regional park fund
15-9	4-22-2015	Amends a portion of zoning map No. 17, Waialua (Special)
15-10	5-18-2015	Amends § 28-1.5, relating to special improvement districts
15-11	5-18-2015	Establishes the Waikiki Beach Special Improvement District No. 3 (Special)
15-12	5-20-2015	Amends §§ 40-8.7 and 40-8.9, relating to exceptional trees
15-13	5-20-2015	Amends portions of zoning maps No. 12 and No. 13 (Special)
15-14	6-3-2015	Amends §§ 13-15A.1, 13-15A.2(a), 13-15A.2(d), and Exhibits 2, 3, 10, and 11 in Article 15A, and creates new Exhibits 14 and 15 in Article 15A, relating to sitting or lying on public sidewalks
15-15	6-22-2015	Amends §§ 29-4.2, 29-4.4, 29-4.6, and 29-4.7, relating to public works infrastructure requirements including fees and services
15-16	6-22-2015	Amends §§ 16-10.2(a) and 16-10.4, relating to building code
15-17	6-22-2015	Amends § 17-3.6, relating to electrical code
15-18	6-22-2015	Amends §§ 18-7.2(a) and 18-7.4, relating to fees and permits for building, electrical, plumbing and sidewalk
15-19	6-22-2015	Amends § 25-9.1, relating to special management area
15-20	6-22-2015	Amends §§ 13-4.6(b) and 13-4.7, relating to streets, sidewalks, malls and other public places
15-21	6-22-2015	Amends §§ 40-7.4(a) and 40-7.5, relating to regulated activities within the city
15-22	6-22-2015	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for amounts appropriated for the FY 2015-2016 executive capital budget (Special)
15-23	6-22-2015	Amends §§ 8-1.2 and 8-10.12(b) and (c), relating to valuation of solar energy and solar water heating improvements for real property tax purposes

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
15-24	6-22-2015	Appropriations for the FY 2015-2016 legislative budget (Special)
15-25	6-22-2015	Appropriations for the FY 2015-2016 executive operating budget (Special)
15-26	6-22-2015	Appropriations for the FY 2015-2016 executive capital budget (Special)
15-27	6-22-2015	Appropriations for the FY 2015-2016 Honolulu Authority for Rapid Transportation operating budget (Special)
15-28	6-22-2015	Appropriations for the FY 2015-2016 Honolulu Authority for Rapid Transportation capital budget (Special)
15-29	6-22-2015	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for amounts appropriated for the FY 2015-2016 Honolulu Authority for Rapid Transportation capital budget (Special)
15-30	6-22-2015	Creates a new Article 28 in Chapter 6, relating to the Waipio Peninsula Soccer Park Fund
15-31	7-23-2015	Amends a portion of zoning map No. 7, Halawa-Pearl City (Special)
15-32	7-23-2015	Amends § 8-7.3, relating to real property taxation of agricultural lands
15-33	7-23-2015	Amends § 8-10.3(a), relating to real property tax exemptions for homes
15-34	7-23-2015	Amends § 8-1.16, relating to real property tax deadlines
15-35	8-19-2015	Creates a new Article 28 in Chapter 15, relating to car sharing
15-36	8-19-2015	Amends § 8-10.21, relating to the real property tax exemption for credit unions
15-37	8-19-2015	Creates a new Article 55 in Chapter 6, to establish a fund to address mitigation costs relating to the construction of the transit project
15-38	8-19-2015	Creates a new Article 15 in Chapter 16, relating to baby diaper-changing accommodations
15-39	8-19-2015	Creates a new Article 3 in Chapter 41, relating to city-owned streams
15-40	9-2-2015	Amends § 13-15B.1, relating to public pedestrian malls in the downtown and Chinatown areas
15-41	9-14-2015	Creates new §§ 21-2.140-1(o) and 21-5.720, and amends Tables 21-3, 21-3.2, and 21-6.1, and §§ 21-6.30(d), 21-6.40(c), 21-8.20(c), and 21-10.1
15-42	10-22-2015	Creates a new Article 37 in Chapter 2, relating to the Honolulu Zoo
15-43	10-22-2015	Amends § 38-3.3, relating to affordable rental leases
15-44	10-22-2015	Amends § 15-24.20, relating to parades

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
15-45	11-19-2015	Repeals Article 1, Chapter 2, and creates a new Article 1 in Chapter 2, relating to the adoption of the State fire code
15-46	11-20-2015	Amends Ord. 01-28, relating to general obligation commercial paper (Special)
15-47	11-20-2015	Amends a portion of zoning map No. 3, Moiliili-Kaimuki (Special)
15-48	11-20-2015	Amends the Waikiki Special District Zoning Precinct Boundaries (Special)
15-49	11-20-2015	Creates a new Article 38 in Chapter 2, relating to solar photovoltaic systems
15-50	11-23-2015	Creates a new section, § 1-11.3, relating to discrimination
15-51	11-20-2015	Amends § 8-10.3, relating to real property tax exemptions for homes
16-1	2-1-2016	Amends Chapter 6, Article 60, relating to the transportation surcharge; repeal of Chapter 6, Article 60 on 12-31-22; enactment of a new Chapter 6, Article 60 on 1-1-23
16-2	2-8-2016	Creates two new sections, §§ 15-2.31 and 15-2.32, in Article 2 of Chapter 15, and amends §§ 15-2.16, 15-13.3(a), 15-18.6, 15-22.2, 15-22.8, 15-22.11, relating to complete streets
16-3	3-3-2016	Amends § 8-10.3(a), relating to real property tax exemption for homes
16-4	3-16-2016	Amends § 9-4.2, relating to collection and disposal charges
16-5	3-21-2016	Creates a new Article 6, in Chapter 10, relating to cultural sites
16-6	3-29-2016	Relates to on-street parking in certain areas of Ewa Beach and prescribes reporting requirements for HPD by July 1, 2018 (Sunset on 12-31-18) (Special)
16-7	3-29-2016	Relates to the renewal for bed and breakfast homes and transient vacation units of nonconforming use certificates (Special)
16-8	5-6-2016	Amends § 8-7.6, relating to real property tax relief for properties for low-income rental housing
16-9	5-18-2016	Creates a new section, § 9-1.10, in Article 1 of Chapter 9, and amends § 9-5.1, relating to refuse
16-10	6-20-2016	Relates to the disposal of green waste (Sunset on 12-31-2019) (Special)
16-11	6-20-2016	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for amounts appropriated for the FY 2016-2017 executive capital budget projects (Special)
16-12	7-1-2016	Creates a new Article 24, in Chapter 6, repeals Article 50 in Chapter 6, and amends §§ 6-53.2(a) and (b), relating to the Honolulu Zoo (Eff. 7-1-2017)
16-13	7-1-2016	Appropriations for the FY 2016-2017 legislative budget (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
16-14	7-1-2016	Appropriations for the FY 2016-2017 executive operating budget and program (Special)
16-15	7-1-2016	Appropriations for the FY 2016-2017 executive capital budget and program (Special)
16-16	7-1-2016	Appropriations for the FY 2016-2017 Honolulu Authority for Rapid Transportation operating budget (Special)
16-17	7-1-2016	Appropriations for the FY 2016-2017 Honolulu Authority for Rapid Transportation capital budget (Special)
16-18	7-1-2016	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for amounts appropriated for the FY 2016-2017 Honolulu Authority for Rapid Transportation capital budget projects (Special)
16-19	7-21-2016	Creates new sections 14-10.7 and 18-5.8 and amends §§ 18-6.5, 22-7.5, and 29-2.4, relating to incentives for accessory dwelling units production (Sunset for 14-10.7, 29-2.4(g), and 18-5.8 on 6-30-2018) (sunset date amended to 6-30-2020 by Ord. 17-30)
16-20	7-21-2016	Amends §§ 8-13.2, 8-13.3, 8-13.5, 8-13.6, relating to the real property tax credit for low income homeowners
16-21	7-21-2016	Creates new sections 8-10.31 and 8-10.32, relating to industrial lands and exemptions, applying to tax years beginning July 1, 2017 and ending June 30, 2027
16-22	8-17-2016	Amends § 15-16.5, relating to the Kapalama Hale parking facility
16-23	8-17-2016	Amends a portion of zoning map No. 24 (Waimanalo) (Special)
16-24	8-17-2016	Amends § 14-28.2, relating to private streets and roads
16-25	8-17-2016	Creates a new Article 6 in Chapter 35A, amends §§ 35A-1.1 and 35A-1.3(a), and repeals §§ 12-1.9 and 12-1.18 (now Chapter 35A), relating to private transportation services and drivers (Eff. 1-15-2017)
16-26	9-23-2016	Amends § 21-9.100.5, relating to public housing in transit-oriented development special districts
16-27	10-21-2016	Amends a portion of zoning map No. 12 (Ewa Beach-Iroquois Point) (Special)
16-28	10-21-2016	Amends portions of boundaries of the special management area map for Ewa (Special)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
16-29	10-21-2016	Creates new sections 2-1.2, 2-8.3, 2-24.9 through 2-24.15 (and designates those sections as a new Part B in Article 24, Chapter 2), 2-24.16 through 2-24.17 (and designates those sections as a new Part C in Article 24, Chapter 2), 2-23.2, and a new Article 39 in Chapter 2; designates sections 2-24.1 through 2-24.8 as a new Part A in Article 24, Chapter 2; amends the title of Chapter 2, the titles of Articles 4, 6, 7, 8, 13, 23, 25, and 29 in Chapter 2; amends §§ 2-3.1(d), 2-4.1, 2-4.2, 2-5.1, 2-5.3, 2-6.1, 2-6.2, 2-7.1, 2-8.1, 2-8.3(b), 2-12.1, 2-13.1, 2-17.1, 2-18.8(a), 2-21.1, 2-23.1, 2-24.1, 2-24.2, 2-24.4 through 2-24.8, 2-25.1, 2-26.3(a), 2-28.1, 2-26.1(b), 2-28.2(b), 2-29.1, 2-30.1 through 2-30.3, 2-30.4(a) and (b), 2-30.5(a), 2-31.1, 2-31.2, 9-1.5(a); and repeals §§ 2-8.2, 2-12.2, Articles 9, 10, 14, 20, and 22 in Chapter 2, relating to the executive branch of the city
16-30	10-21-2016	Amends §§ 21A-1.3, 21A-1.7, 21A-1.8, 21A-1.13, and 21A-1.14, relating to flood hazard areas
16-31	10-21-2016	Creates a new Article 2D in Chapter 30, relating to the Oahu water management plan
16-32	10-21-2016	Amends §§ 15-23.2A(a) and (f), relating to parking attendant facilities
16-33	11-21-2016	Amends § 14-19.1, relating to infrastructure
16-34	11-21-2016	Amends § 40-8.7, relating to exceptional trees
16-35	11-21-2016	Creates a new § 1-8.6 and amends §§ 1-8.1 through 1-8.3, relating to intergovernmental and private grant agreements
16-36	12-16-2016	Amends §§ 6-46.1 through 6-46.3, relating to the housing development special fund
16-37	12-16-2016	Amends § 8-10.18, relating to real property taxation
16-38	12-16-2016	Creates a new section, § 35A-1.9, amends §§ 35A-1.1, 35A-1.17, 35A-1.20, and the new article created by § 2 of Ord. 16-25 (now numbered as Article 6, Chapter 35A); repeals Article 4, Chapter 35A; and repeals Section 7 of Ord. 16-25, relating to private transportation services and drivers (Eff. 1-15-2017)  As per § 7 of the ordinance, amends § 35A-1.3; and repeals § 35A-1.9, relating to private transportation services and drivers (Eff. 3-16-2017)
17-1	2-10-2017	Amends §§ 15B-2.1 and 15B-6.11, relating to public transit (Eff. 7-1-2017)
17-2	2-10-2017	Amends §§ 8-7.3(e) and (m), relating to real property dedication for government owned agricultural land (applies to tax years beginning July 1, 2016 and thereafter)
17-3	2-10-2017	Amends §§ 10-1.1 through 10-1.3, and 10-1.6(d), relating to public parks; and directs the director of parks and recreation to draft and submit a bill amending ROH Chapter 10, Article 2 within 180 days of the effective date (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
17-4	3-9-2017	Amends a portion of zoning map No. 6 (Red Hill – Fort Shafter) (Special)
17-5	3-9-2017	Creates a new Article 16 in Chapter 16, relating to automated external defibrillators (Eff. 1-1-2018)
17-6	3-9-2017	Amends § 8-12.10, relating to real property taxation (applies to tax years beginning July 1, 2017 and thereafter)
17-7	3-10-2017	Creates a new § 15A-4.7 and amends the article title, relating to motor vehicle registration (Eff. 7-1-2017)
17-8	4-7-2017	Amends § 14-28.2(b), relating to private streets and roads
17-9	4-7-2017	Amends a portion of zoning map No. 6 (Red Hill-Fort Shafter) (Special)
17-10	4-7-2017	Amends a portion of zoning map No. 6 (Red Hill-Fort Shafter) (Special)
17-11	4-7-2017	Amends Chapter 6, Article 60; repeals Chapter 6, Article 60 on 12-31-2022; repeals Section 3 in Ord. 16-1 (which would have repealed Chapter 6, Article 60 on 12-31-2022); amends Chapter 6, Article 60 (Eff. 1-1-2023), as it was enacted in Section 4 of Ord. 16-1; relating to the transportation surcharge (Section 3 of Ord. 17-11 was repealed on 9-7-2017 by Ord. 17-48)
17-12	4-7-2017	Amends § 8-11.1, relating to real property taxation (applies to tax years beginning 7-1-2017)
17-13	4-7-2017	Amends §§ 8-7.1(c)(3) and 8-7.5, relating to real property taxation (applies to tax years beginning 7-1-2018)
17-14	4-7-2017	Amends § 20-1.1, relating to the fire code of the City and County of Honolulu
17-15	5-11-2017	Amends § 13-15A.2(a), and adds new Exhibits 16 and 17 in Chapter 13, Article 15A, relating to public sidewalks
17-16	5-12-2017	Creates a new Article 40 in Chapter 2, relating to sponsorships (Sunsets on 5-12-2022)
17-17	5-12-2017	Amends a portion of zoning map No. 22 (Heeia – Kaneohe –Maunawili) (Special)
17-18	5-12-2017	Amends a portion of zoning map No. 6 (Red Hill – Fort Shafter) (Special)
17-19	5-26-2017	Creates a new Article 17 in Chapter 16, relating to bicycle facilities
17-20	5-26-2017	Amends § 21-9.100-2(a), relating to transit-oriented development
17-21	6-7-2017	Creates a new § 2-13.2, relating to city parks and recreational facilities
17-22	6-28-2017	Amends § 16A-2.1, relating to the housing code (Eff. 7-28-2017)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
17-23	6-28-2017	Amends § 10-2.1, relating to admission fees for the Honolulu Zoo (Retains certain zoo fees in effect on 6-27-2017 until administrative rules are adopted) (Special)
17-24	6-28-2017	Amends § 15A-3.1, relating to motor vehicle weight tax (Eff. 1-1-2018)
17-25	6-28-2017	Amends § 15-22.4(a), relating to parking meters
17-26	6-28-2017	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for the amounts appropriated in the FY 2017-18 capital budget ordinance (Special)
17-27	6-28-2017	Amends § 15B-2.1(b), relating to public transit fare structure of TheBus and TheHandi-Van (Eff. 1-1-2018)
17-28	6-28-2017	Creates a new section, § 29-1.6, and amends §§ 29-1.1, 29-1.2, 29-1.3, 29-2.4(a), and 14-13.1(c), relating to erosion, sediment, and pollution control
17-29	6-28-2017	Amends § 10-4.2, relating to fees for use of municipal golf courses (Eff. 7-1-2017)
17-30	6-28-2017	Amends Section 8 of Ord. 16-19, by changing the sunset date for §§ 14-10.7, 29-2.4(g), and 18-6.5, from 6-30-2018 to 6-30-2020, relating to incentives for accessory dwelling units production (Special)
17-31	6-28-2017	Appropriations for the FY 2017-18 legislative budget (Eff. 7-1-2017) (Special)
17-32	6-28-2017	Appropriations for the FY 2017-18 executive operating budget and program (Eff. 7-1-2017) (Special)
17-33	6-28-2017	Appropriations for the FY 2017-18 executive capital budget and program (Eff. 7-1-2017) (Special)
17-34	6-28-2017	Appropriations for the FY 2017-18 Honolulu Authority for Rapid Transportation operating budget (Eff. 7-1-2017) (Special)
17-35	6-28-2017	Appropriations for the FY 2017-18 Honolulu Authority for Rapid Transportation capital budget (Eff. 7-1-2017) (Special)
17-36	6-28-2017	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for the amounts appropriated for the FY 2017-18 Honolulu Authority for Rapid Transportation capital budget (Special)
17-37	7-24-2017	Amends §§ 34.14.1 and 34.14-9.2, relating to the use of bags provided to customers (in Section 2, the definition of “plastic checkout bag” in § 34.14.1 will be effective 1-1-2020; in Section 3, the new definition of “plastic film bag” in § 34.14.1 will be effective 7-1-2018; in Section 4, the amended definition of “reusable bag” in § 34.14.1 will be effective 7-1-2018; in Section 5, the amendments to § 34.14.2 are effective 7-1-2018)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
17-38	7-25-2017	Amends §§ 40-2.1 through 40-2.3, relating to the maintenance of channels, streambeds, streambanks and drainageways
17-39	7-27-2017	Amends § 15-24.23, relating to mobile electronic devices (Eff. 10-25-2017)
17-40	7-27-2017	Amends §§ 21-1.20(a), 21-2.20(k), 21-2.40-1(c), 21-2.140-1(i), 21-2.150-2, 21-3.20, 21-3.50-4(c), 21-3.140-1(c), 21-4.50, 21-4.110(d), 21-5.10A, 21-5.160(c), 21-5.380(a), 21-5.390, 21-5.700, 21-8.20(c), 21-9.80-3(b), 21-9.80-4(c) and (d), 21-9.100-5(d), 21-10.1, repeals Figure 21-2.1, and enacts a new Figure 21-2.1, relating to the land use ordinance
17-41	8-21-2017	Amends § 13-15A.2(a), repeals Exhibit 6-A and Exhibit 15 in Chapter 13, Article 15A, and enacts a new Exhibit 6-A and Exhibit 15, relating to public sidewalks
17-42	8-24-2017	Repeals Article 6 in Chapter 24, and enacts a new Article 6 in Chapter 24, to adopt the revised Koolau Poko Sustainable Communities Plan for the City and County of Honolulu
17-43	8-24-2017	Amends the city's spay and neuter clinic program by authorizing the City administration, in conjunction with an animal control contractor, to establish a pilot program to reduce the city's freeroaming cat overpopulation. The pilot program will commence on 9-1-2017 and terminate on June 30, 2018 (see Section 2(c) of this ordinance), relating to the public spay and neuter clinic for dogs and cats (Special)
17-44	8-24-2017	Creates a new Article 15 in Chapter 3, relating to city boards and commissions
17-45	8-24-2017	Amends § 15-16.1, relating to parking time limits
17-46	8-24-2017	Amends Chapter 21, Table 21-3 and § 21-5.700(c), relating to wind machines
17-47	8-24-2017	Repeals § 3-6.4, relating to ethics commission staff
17-48	9-7-2017	Amends § 6-60.2(a) and (b) (as enacted by Ord. 17-11); repeals Section 3 of Ord. 17-11; repeals Article 60 of Chapter 6 (Eff. 12-31-2022); and amends Article 60 of Chapter 6 (Eff. 1-1-2023), as it was enacted by Ord. 16-1 and amended by Ord. 17-11, relating to the transportation surcharge (Special)
17-49	9-8-2017	Amends § 16-1.1, relating to the building code
17-50	9-8-2017	Creates a new § 21-5.380A and amends § 21-5.380, relating to joint development
17-51	9-21-2017	Creates a new § 15-2.18 and amends § 15-14.1(a), relating to curb ramps
17-52	9-21-2017	Creates a new Article 5 in Chapter 15B and a new § 15B-8.4A, and amends §§ 15B-4.1, 15B-4.2, 15B-4.5, 15B-6.2, 15B-8.2, 15B-8.3, 15B-8.4(a), 15B-8.7, relating to special transit service

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
17-53	10-17-2017	Amends §§ 41-14.1, 41-14.2, and 41-14.4(a), relating to smoking
17-54	10-26-2017	Creates new §§ 21-9.100-6 through 21-9.100-12; amends §§ 21-2.110-2, 21-9.20-2, 21-9.100, 21-9.100-1 through 21-9.100-4, and 21-9.20-6; adds new Figures 21-9.3 through 21-9.15, a new Table 21-9.8, and new Exhibits 21-9.19 and 21-9.20; and repeals and replaces Figure 21-2.1, relating to the transit-oriented development special district (Effective: 4-3-2018)
17-55	10-26-2017	Creates a new § 21-6.150; amends Article 10 in Chapter 21 (§ 21-10.1), §§ 21-3.90-1(c), 21-3.110-1(c), 21-3.120-2(c), 21-3.140-1(c), 21-5.210, 21-5.480, and 21-6.140(b); and repeals and replaces Figures 21-3.3, 21-3.5, and 21-3.7, relating to miscellaneous land use ordinance amendments
17-56	10-26-2017	Amends a portion of zoning map No. 8 (Waipahu) (Special) (This ordinance takes effect on the effective date of Bill 58 (2017) either in its original or amended form)
17-57	10-17-2017	Amends §§ 28-1.5 and 28-2.9, relating to special improvement districts
17-58	10-17-2017	Establishes the Waikiki Transportation Management Association Special Improvement District No. 4 (Special)
17-59	11-17-2017	Amends § 21-4.110(b), relating to nonconforming structures
17-60	11-17-2017	Amends § 40-3.1, relating to city-owned streams
18-1	2-15-2018	Creates new §§ 8-10.33, 8-10.34, and 14-10.8; amends §§ 18-6.5 and 22-7.3, relating to affordable housing incentives (Sunset on 6-30-2027, provided that the following will not be repealed: amendments made to §§ 18-6.5(e) and (f) in Section 5 of Ord. 18-1; and amendments made to §§ 22-7.3(a) through (i) in Section 6 of Ord. 18-1)
18-2	2-15-2018	Amends § 15-6.7(d), relating to bicycle lanes
18-3	2-15-2018	Amends §§ 6-11.1, 6-11.4, and 6-11.5, relating to the fee schedule for public records
18-4	2-15-2018	Creates a new § 10-2.11, relating to Waimanalo Bay Beach Park
18-5	2-15-2018	Creates a new Article 12 in Chapter 15B and amends § 15B-1.1, relating to bus stops (Effective: 6-15-2018)
18-6	3-13-2018	Regulates for an interim period the issuance of building permits for the planning and development of large residential structures in residential districts in order to provide time for the city to establish appropriate policies in its long-range plans and zoning ordinances to address the impacts of such structures (Special)
18-7	3-15-2018	Amends § 40-7.2, relating to the disposal of weeds, garbage, trash, and waste from property

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
18-8	3-15-2018	Amends § 18-6.5, relating to fees
18-9	3-15-2018	Creates a new Article 14 in Chapter 8, relating to real property taxation (applies to tax years beginning July 1, 2019 and thereafter)
18-10	4-3-2018	Creates a new Chapter 29, amends § 8-10.33 (as enacted by Section 2 of Ord. 18-1), relating to establishing an affordable housing requirement; also requests the Department of Planning and Permitting to submit to the Council a status report on the effectiveness of Chapter 38, no later than 4-3-2023 (Special)
18-11	4-13-2018	Amends a portion of zoning map No. 17 (Mokuleia - Waialua - Haleiwa) (Special)
18-12	4-13-2018	Amends a portion of zoning map No. 22 (Heeia - Kaneohe - Maunawili) (Special)
18-13	4-13-2018	Amends §§ 15-2.2 and 15-2.29, relating to mopeds
18-14	5-3-2018	Creates a new Article 4 in Chapter 20 and amends § 20-1.1, relating to fire safety, and includes by reference the building fire and life safety evaluation form (Exhibit A of Ord. 18-14) (Special)
18-15	5-9-2018	Creates a new § 15-24.7, relating to the traffic code and public safety
18-16	5-9-2018	Amends §§ 10-4.2 and 10-4.3(a), relating to fees for use of municipal golf courses (Effective: 7-1-2018)
18-17	5-11-2018	Amends § 8-7.6(a), relating to real property tax relief for properties used for low-income rental housing, applying to tax years beginning July 1, 2019 and thereafter
18-18	5-23-2018	Amends §§ 40-1.1 and 40-1.3, relating to damage to public property
18-19	6-21-2018	Amends § 21-9.80-4(d), relating to planned development-resort and planned development-apartment projects
18-20	6-21-2018	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for the amounts appropriated in the FY 2018-19 capital budget ordinance (Special)
18-21	6-21-2018	Amends §§ 18-6.3(b) and (c), and Table 18-A in Chapter 18, relating to fees for certain permits and services administered by the department of planning and permitting
18-22	6-22-2018	Appropriations for the FY 2018-19 legislative budget (Effective: 7-1-2018) (Special)
18-23	6-22-2018	Appropriations for the FY 2018-19 executive operating budget (Effective: 7-1-2018) (Special)

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
18-24	6-22-2018	Appropriations for the FY 2018-19 executive capital budget and program (Effective: 7-1-2018) (Special)
18-25	6-22-2018	Appropriations for the FY 2018-19 Honolulu Authority for Rapid Transportation operating budget (Effective: 7-1-2018) (Special)
18-26	6-22-2018	Appropriations for the FY 2018-19 Honolulu Authority for Rapid Transportation capital budget (Effective: 7-1-2018) (Special)
18-27	6-22-2018	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for the amounts appropriated for the FY 2018-19 Honolulu Authority for Rapid Transportation capital budget (Special)
18-28	7-25-2018	Amends a portion of zoning map No. 23 (Kailua - Lanikai - Keolu) (Special)
18-29	8-31-2018	Amends §§ 15-18.10 and 15-26.10(a), relating to bicycle paths
18-30	8-31-2018	Repeals Article 21 in Chapter 2 and creates a new Article 21, relating to the department of customer services
18-31	9-27-2018	Creates a new § 15B-6.8, relating to buses
18-32	9-27-2018	Amends § 15-21.11, relating to the use of Kaneohe Bay Drive
18-33	9-27-2018	Amends §§ 16-10.1 and 16-10.4, relating to the building code
18-34	10-11-2018	Creates a new Article 20 in Chapter 13, relating to obstructions on public sidewalks. The ordinance also requires the Office of Housing and the Department of Community Services to submit a comprehensive written report to the Council outlining the City Administration's implementation plan and action steps taken to expedite the deployment of homeless services and housing solutions in each of the nine City Council districts, pursuant to Resolution 18-158, FD1; enforcement of Article 20, Chapter 13 is pursuant to the Council acceptance of the written report for the Council district by resolution. (Special)
18-35	10-11-2018	Creates a new Article 21 in Chapter 13, relating to illegal lodging. The ordinance also requires the Office of Housing and the Department of Community Services to submit a comprehensive written report to the Council outlining the City Administration's implementation plan and action steps taken to expedite the deployment of homeless services and housing solutions in each of the nine City Council districts, pursuant to Resolution 18-158, FD1; enforcement of Article 21, Chapter 13 is pursuant to the Council acceptance of the written report for the Council district by resolution. (Special)
18-36	10-11-2018	Creates a new Article 22 in Chapter 2, related to age-friendly Honolulu
18-37	10-18-2018	Amends § 3-15.3, relating to city boards and commissions
18-38	10-18-2018	Amends § 18-7.5, relating to violations of stop work orders

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
18-39	11-1-2018	Amends Section 3 of Ord. 07-001 and Section 15 of Ord. 01-28, as amended by Ords. 04-36, 10-15, and 15-46, relating to funding for transit (Special)
18-40	11-14-2018	Amends §§ 40-2.2 and 40-2.3, relating to city streams
18-41	11-28-2018	Creates a new § 18-5.9 and amends § 18-2.1, relating to building permits
18-42	12-3-2018	Creates a new Article 2 in Chapter 37, relating to the acquisition of real property for city facilities and purposes
18-43	12-3-2018	Amends § 15-17.1, relating to crosswalks
18-44	12-21-2018	Amends §§ 21-9.90, 21-9.90-1 through 21-9.90-6, and Table 21-9.7, repeals and adds new Exhibits 21-9.16, 21-9.17, and 21-9.18 in Chapter 21, and amends a portion of zoning maps No. 17 (Mokuleia - Waialua - Haleiwa), and No. 18 (Kawailoa - Waialea) (Special)
18-45	12-21-2018	Amends § 14-28.2, relating to private streets and roads
18-46	12-21-2018	Prohibits improvements to Ala Moana Regional Park on the makai side of Ala Moana Park Drive that will result in either the widening of existing walkways or reduction of grassy areas (Special)
19-1	3-22-2019	Creates a new Article 30 in Chapter 15, and amends § 15-13.9, relating to restricted parking zones. (Effective: 7-1-2019)
19-2	3-22-2019	Amends a portion of zoning map No. 6 (Red Hill-Fort Shafter) (Special)
19-3	5-1-2019	Amends §§ 21-3.70-1, 21-6.40, 21-10.1 and Table 21-6.1, relating to detached dwellings
19-4	5-2-2019	Amends § 20-1.1, § 20-4.3 as enacted by Section 3 of Ordinance 18-14, and the building fire and life safety evaluation form as prescribed in Section 4 (marked Exhibit A) of Ordinance 18-14 (Special)
19-5	5-3-2019	Amends § 10-1.2, relating to parking meters at public parks
19-6	5-3-2019	Amends portions of the State Land Use District Boundary Map (Kahuku Quadrangle) (Special)
19-7	5-14-2019	Amends § 8-10.3, relating to property tax exemptions (applies to tax years beginning July 1, 2020)
19-8	5-21-2019	Creates a new Chapter 32 “Affordable Rental Housing”; amends § 18-6.5; and amends §§ 8-10.33, 8-10.34, 14-10.8, and 22-7.3 as enacted by Ordinance 18-1; establishes a temporary program to facilitate the development of affordable rental housing in the apartment, apartment mixed use, and business mixed use zoning districts by relaxing certain zoning and building code standards, and offering certain financial incentives (Special)

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
19-9	5-24-2019	Amends § 15-24.20, relating to parades and activities on streets
19-10	6-20-2019	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for the amounts appropriated in the FY 2019-20 capital budget ordinance (Special)
19-11	6-20-2019	Creates a new Article 30 in Chapter 41, establishing a domestic violence program
19-12	6-25-2019	Appropriations for the FY 2019-20 legislative budget (Effective: 7-1-2019) (Special)
19-13	6-25-2019	Appropriations for the FY 2019-20 executive operating budget (Effective: 7-1-2019) (Special)
19-14	6-25-2019	Appropriations for the FY 2019-20 executive capital budget (Effective: 7-1-2019) (Special)
19-15	6-25-2019	Appropriations for the FY 2019-20 Honolulu Authority for Rapid Transportation operating budget (Effective: 7-1-2019) (Special)
19-16	6-25-2019	Appropriations for the FY 2019-20 Honolulu Authority for Rapid Transportation capital budget (Effective: 7-1-2019) (Special)
19-17	6-25-2019	Authorizes the issuance and sale of general obligation bonds and bond anticipation notes for the amounts appropriated for the FY 2019-20 Honolulu Authority for Rapid Transportation capital budget (Special)
19-18	6-25-2019	Creates a new Article 2A in Chapter 21, and new §§ 21-2.150-3 and 21-5.730; amends §§ 8-10.4, 21-2.150-2, 21-4.110-1, 21-4.110-2, 21-5.640, 21-10.1, and Tables 21-3, 21-6.1, 21-6.2, 21-6.3, and 21-9.6(A), relating to short-term rentals, which include hosted bed and breakfast homes and unhosted transient vacation units; allows holders of nonconforming use certificates for bed and breakfast homes and transient vacation units to continue to operate their bed and breakfast homes and transient vacation units under existing nonconforming use certificate regulations; sets forth advertising requirements and prohibitions relating to short-term rentals (Special) (Effective 8-1-2019)
19-19	7-22-2019	Relating to car-sharing; amending §§ 15-13.9; 15-22.4; 15-23.2A; 15-28.1; 15-28.3; 15-28.4; 15-28.5; 15-28.7; repealing § 15-28.2
19-20	8-22-2019	Adoption of State Electrical Code; new Chapter 17 - Electrical Code; § 17-1.1
19-21	9-19-2019	Relating to construction inspections; § 18-3.1; Table 18A
19-22	9-19-2019	Relating to intergovernmental and private grant agreements; §§ 1-8.2; 1-8-.7
19-23	9-19-2019	Relating to loading zones and bus stops; §§ 15-13.9; 15-15.5
19-24	- 2019	Relating to community workforce agreements; §§ 2-42.1 through 2-42.4

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<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
19-25	11-7-2019	Amending Ord. 18-39 (Special)
19-26	11-21-2019	Creates a new Article 9 to Chapter 2, establishing a program for extended lifeguard services within the Department of Emergency Services; §§ 2-9.1, 2-9.2
19-27	11-21-2019	Relating to watersheds and water reservoirs; §§ 40-4.1; 40-4.4
19-28	11-21-2019	Relating to exceptional trees; §§ 40-8.7
19-29	12-15-2019	Creates a new Article 31 in Chapter 15, relating to Shared Mobility - Micromobility Vehicle Parking, and amends §§ 15-13.9 and 38-3.2
19-30	12-15-2019	Relating to plastic and to address the provision of certain single-use plastic goods and plastic bags, adding a new definition and amending § 34-14.1, repealing, amending and adding a new Article 13 to Chapter 34
19-31	12-15-2019	Relating to motorcycles and mopeds, amends §§ 15-2.29 and 15-19.28
19-32	12-15-2019	Relating to real property taxation, amends § 8-7.1 (valuation—considerations in fixing)
20-1	2-13-2020	Creates a new Article 8 to Chapter 12, relating to dog microchip license and identification program, amending §§ 3-5.4, 12-2.2, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-6.1, 12-6.2, 12-6.5, 12-6.7, 12-7.1, and 12-7.2; repealing Article 3 of Chapter 12, adding § 12-4.12, renaming Article 6 of Chapter 12 and adding §§ 12-6.9 and 12-6.10
20-2	2-13-2020	Creates a new Article 43 to Chapter 2, Keep Hawaii Hawaii - promise to our Keiki pledge
20-3	3-5-2020	Creates a new Article 10 to Chapter 2, Office of Climate Change, Sustainability and Resiliency
20-4	3-5-2020	Relating to unlawful disposal of refuse or bulky waste, amending §§ 42-1.2, 42-1.10, and 42-5.3
20-5	3- -2020	Relating to funds, amending §§ 6-56.2 and 6-56.4
20-6	5-20-2020	Relating to condominium property regimes, amending §§ 21-4.110, 21-5.720 and 21-8.20
20-7	5-20-2020	Amends §§ 16-1.1, 16-2.1, 16-9.1, and 16-14.1, adopting revised Building Code
20-8	6-4-2020	Relating to city advertisements; amending §§ 1-21.1 and 1-21.2
20-9	6-4-2020	Relating to the affordable housing fund, amending §§ 6-63.2 and 6-63.3
20-10	6-4-2020	Amends Chapter 16B, Building Energy Conservation Code

## Honolulu - Tables

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
20-11	6-4-2020	Adding a new §§ 18-6.6, 43-10.9, amending §§ 18-6.5 and 43-10.8, relating to affordable housing incentives
20-12	6-4-2020	Rezones land situated at Haleiwa, Oahu, Hawaii.
20-13	6- -2020	Amending §§ 8-10.33, 8-10.34, 14-10.8, 18-6.5, 38B-1.1, 38B-1.6, 38B-2.1, 38B-2.2, relating to affordable rental housing
20-14	6-9-2020	Amending Article 42 of Chapter 2, repealing § 2-42.4 and repealing and replacing §§ 2-42.2 and 2-42.3
20-15	6-18-2020	Amending § § 13-15A.2, relating to public sidewalks
20-16	6-18-2020	Authorizing the issuance and sale of general obligation bonds and bond anticipation notes of the City and County of Honolulu in a maximum principal amount equal to the aggregate of the amounts appropriated in the capital budget ordinance of said city and county for the fiscal year ending June 30, 2021, and specified in said ordinance to be financed from the proceeds of the sale of such bonds and to be expended from the general improvement bond fund, the highway improvement bond fund, solid waste improvement bond fund, or the housing development special fund.
20-17	6-18-2020	Amends § 10-4.2 relating to fees for use of municipal golf courses
20-18	6-18-2020	Amends §§ 6-41.1, 18-6.2, 22-1.1, 25-5.1, 26-1.12, 29-1.10 and Table 18-A in Article 7 of Chapter 18; repeals § 22-1.5
20-19	6-18-2020	Amends §§ 6-18.1, 6-18.2, 6-61.3, 15-15.5, 15-23.5, 15B-4.5, 15B-6.3
20-20	6-18-2020	Amends Ord. 16-19, as amended by Ord. 17-30, relating to incentives for accessory dwelling unit production.
20-21	6-18-2020	Relating to the legislative budget for the fiscal year July 1, 2020 to June 30, 2021 (Special)
20-22	6-18-2020	Relating to the executive operating budget and program for the fiscal year July 1, 2020 to June 30, 2021 (Special)
20-23	6-18-2020	Relating to the executive capital budget and program for the fiscal year July 1, 2020 to June 30, 2021 (Special)
20-24	6-18-2020	Relating to the Honolulu authority for rapid transportation operating budget for the fiscal year July 1, 2020 to June 30, 2021 (Special)
20-25	6-18-2020	Relating to the Honolulu authority for rapid transportation capital budget for the fiscal year July 1, 2020 to June 30, 2021 (Special)

## References to Ordinances

<b>Ord. No.</b>	<b>Approval Date</b>	<b>Description</b>
20-26	6-18-2020	Authorizing the issuance and sale of general obligation bonds and bond anticipation notes of the City and County of Honolulu in a maximum principal amount equal to the aggregate of the amounts appropriated for the Honolulu authority for rapid transportation capital budget projects in the Honolulu authority for rapid transportation capital budget and program ordinance for the fiscal year ending June 30, 2021, and specified in said ordinance to be financed from the proceeds of the sale of such bonds and to be expended from the transit improvement bond fund (Special)
20-27	7-23-2020	Amends §§ 15B-1.1 and adding § 15B-2.11, relating to bus passes
20-28	9-17-2020	Amends § 18-4.1, relating to building permit applications
20-29	9-17-2020	Amends § 18-3.1, relating to permits required
20-30	9-17-2020	Ord. 19-18 takes effect on August 1, 2019; provided that Sections 5 and 17 of this ordinance take effect on October 1, 2020; and provided further that Sections 6, 10, 11, 12, and the following amendments to the Revised Ordinances of Honolulu in Sections 9 and 13 of this ordinance, take effect on April 30, 2021
20-31	10-22-2020	Amends §§ 10-2.4 and 10-2.6, relating to public parks
20-32	10-22-2020	Amending § 10-2.8, relating to Hanauma Bay Nature Preserve
20-33	10-22-2020	Amends § 21-5.290, relating to group living facilities
20-34	10-22-2020	Amends § 38-7.1, relating to the department of enterprise services
20-35	10-22-2020	Amends § 8-13.3(a), relating to county tax credit

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