HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 36 (2026)

A BILL FOR AN ORDINANCE

RELATING TO ORDINANCE REVISION.

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

SECTION 1. Purpose and findings. The purpose of this ordinance is to make certain changes to ordinances codified in the Revised Ordinances of Honolulu 2021 ("ROH"), as needed, for the purposes of: (1) deleting obsolete or unnecessary provisions relating to small businesses and emerging technologies and ordinances that have been invalidated due to judicial findings of unconstitutionality; or (2) updating references due to the repeal of certain State of Hawai'i ("State") statutes.

The City Council ("Council") finds that:

Ordinance 1217 (now codified as ROH Chapter 34, Article 3) was enacted in 1950 to regulate shooting gallery permits. Per Departmental Communication 759 (1988) ("D-759 (1988)"), it was determined by the Corporation Counsel that private gun clubs with private gun ranges were outside the scope of the ordinance, and therefore enforcement of the ordinance against such gun ranges did not apply. At the time of enactment, the legislative intent of the ordinance was determined to pertain to recreational amusement or carnival type games popular during that time. Efforts were made to amend Ordinance 1217 through Bill 146 (1988) to subject shooting ranges of private gun clubs to shooting gallery permit requirements and prohibit disqualified permit applicants from handling firearms in private gun clubs. Despite the Honolulu Police Department's concerns set forth in D-759 (1988) that private gun club shooting ranges were not regulated under the ordinance, the bill was ultimately filed in 1990. As a result, private gun clubs with a private gun range continue to be outside the scope of shooting gallery regulations or permit requirements. Since shooting gallery permits have not been issued in many years and the ordinance does not effectively impose or enforce permit requirements on private gun club ranges, which have outpaced shooting galleries in use and popularity, the regulation is outdated and unnecessary.

Although Ordinance 806 (now codified as ROH Chapter 34, Article 4) was enacted in 1939 to regulate operating hours of skating rinks and impose penalties for violations, the City and County of Honolulu ("City") does not regulate similar enterprises. Thus, the ordinance is outdated and unnecessary.

Ordinance 79-26 (now codified as ROH Chapter 34, Article 5), was enacted in 1979, pursuant to the authority granted to the City by the State under Sections 445-161 to 445-165, Hawaii Revised Statutes ("HRS"), to regulate public shows through

licensing requirements. However, HRS Sections 445-161 to 445-165 were repealed by Act 208, Session Laws of Hawaii 1982, thus making the ordinance outdated and unnecessary.

HRS Section 445-113 authorizes the counties to adopt ordinances that further regulate certain types of permitted advertising devices, including vehicular advertisements. Pursuant to this authority and in the interest of public safety and aesthetic considerations, the City enacted Ordinance 79-23 (now codified as ROH Chapter 41, Article 29) in 1979 to regulate vehicular advertising as authorized under HRS Section 445-113.

Shortly after its enactment, Ordinance 79-23 was challenged in federal court in *Beetleboards of America, Inc., et al., v. City and County of Honolulu, et al.*, Civil No. 79-0198, with the United States District Court for the District of Hawai'i ruling that the ordinance was unconstitutional on its face, deeming it invalid, and permanently enjoining the City from enforcing it.

The Council further finds that the retention of obsolete ordinances in the ROH may cause confusion and create unreasonable expectations among the public that such ordinances will be implemented and enforced. In addition, the unconstitutional nature of Ordinance 79-23 as determined by a court decision also renders it obsolete or unnecessary and therefore appropriate for repeal.

SECTION 2. Chapter 34, Article 3, Revised Ordinances of Honolulu 2021 ("Shooting Galleries"), is repealed.

SECTION 3. Chapter 34, Article 4, Revised Ordinances of Honolulu 2021 ("Operation of Certain Amusement Facilities"), is repealed.

SECTION 4. Chapter 34, Article 5, Revised Ordinances of Honolulu 2021 ("Regulations Governing Public Shows"), is repealed.

SECTION 5. Chapter 41, Article 29, Revised Ordinances of Honolulu 2021 ("Vehicular Advertising"), is repealed.

SECTION 6. Section 15-24.21, Revised Ordinances of Honolulu 2021 ("Permits for special transit service vehicles"), is amended by amending subsection (d) to read as follows:

"(d) To be eligible for a permit under this section, a vehicle [~~shall~~] must be:

(1) Under the registered ownership of a:

(A) Proprietorship, partnership, or for-profit corporation, the primary business activity of which is the transportation of mobility-handicapped passengers upon demand or arrangement; or

(B) Nonprofit corporation that provides the service of transporting mobility-handicapped passengers upon demand or arrangement.

The department may require the proprietorship, partnership, [~~or~~] for-profit corporation, or nonprofit corporation to submit satisfactory evidence of compliance with this [~~paragraph;~~] subdivision; and

(2) If the registered owner is a:

(A) Proprietorship, partnership, or for-profit corporation, clearly marked with a business identification sign [~~lawful under Chapter 41, Article 29~~]; or

(B) Nonprofit corporation, clearly marked by a sign, graphics, or lettering relating to the corporation's name or service performed."

SECTION 7. Section 41-2.3, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 41-2.3 Exceptions.**

The following [~~shall be~~] are 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)~~] (2) 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)~~] (3) 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)~~] (4) The placement of any material in a newspaper or magazine of general circulation."

SECTION 8. Section 41-13.3, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 41-13.3 Exceptions.**

The following [~~shall be~~] are 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; and

[~~(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)~~] (2) 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."

SECTION 9. In SECTIONS 6, 7, and 8, ordinance material to be repealed is bracketed and stricken and new material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

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SECTION 10. This ordinance takes effect upon its approval; provided that any permits or licenses issued pursuant to the articles under Chapter 34, Revised Ordinances of Honolulu 2021, that are repealed by this ordinance will remain valid until the expiration of the permit or license.

INTRODUCED BY:

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_____

DATE OF INTRODUCTION:

_____

_____

MAY 5 2026

Honolulu, Hawai'i

_____

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

_____

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ___.

_____

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:
Ordinance Revision; Business Regulations; Repeal

Description:
Repeals certain outdated, obsolete, or unnecessary ROH provisions relating to regulation of businesses, including ROH provisions governing small businesses and emerging technologies, including shooting galleries, operation of certain amusement facilities, and public shows. Repeals certain ROH provisions deemed unconstitutional due to judicial findings, including vehicular advertising (held to be unconstitutional on its face and was permanently enjoined from enforcement). Updates references due to the repeal of certain State of Hawai'i statutes. Makes conforming amendments to related sections.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.