SUMMARY OF PROPOSED COMMITTEE DRAFT:

BILL 44 (2020) -
RELATING TO HANAUMA BAY NATURE PRESERVE.

PROPOSED CD1 makes the following amendments:

A. In SECTION 1, clarifies that the purpose of the ordinance is to, among other things, establish (as opposed to adopt) an entrance fee for licensed motor carriers (as opposed to licensed motor vehicles).

B. Deletes SECTION 2 of the bill, renumbers all subsequent SECTIONS of the bill accordingly, and moves the new definitions that were being created in former SECTION 2 to new ROH Section 10-2.11(a)(4) in renumbered SECTION 2 (which sets forth ROH Section 10-2.11 in its entirety) so that the new definitions only apply to ROH Section 10-2.11(a)(3) and (4) instead of to all of ROH Chapter 10.

C. In new SECTION 2, revises the definitions of "common carrier by motor vehicle" and "contract carrier by motor vehicle" in new ROH Section 10-2.11(a)(4) to only reference the HRS Section where those definitions are set forth (HRS Section 271-4).

D. Makes miscellaneous technical and nonsubstantive amendments.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **44 (2020), CD1**
PROPOSED

A BILL FOR AN ORDINANCE

RELATING TO HANAUMA BAY NATURE PRESERVE.

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

SECTION 1. Purpose. The purpose of this ordinance is to increase the entrance fee for nonresidents and vehicle parking fee and to establish an entrance fee for licensed motor carriers entering the Hanauma Bay Nature Preserve.

SECTION 2. Section 10-2.11, Revised Ordinance of Honolulu 1990, is amended to read as follows:

"**Sec. 10-2.11 Fees for Hanauma Bay Nature Preserve.**

(a) The following fees [~~shall be assessed~~] apply for entrance to the Hanauma Bay Nature Preserve:

(1) For nonresidents of Hawaii, 13 years of age and older, to enter the lower preserve (beyond the scenic lookout): [~~$7.50~~] $10.00 per person.

(2) For vehicles entering the preserve, a [~~$1.00~~] $3.00 parking fee [~~shall~~] will be assessed; provided that this parking fee [~~shall~~] must be refunded for all vehicles departing from the preserve within 15 minutes of their entry.

(3) For licensed motor carriers entering the preserve, the following fees apply:

(A) For motor vehicles that can accommodate 1 to 7 passengers: $10.00;

(B) For motor vehicles that can accommodate 8 to 25 passengers: $20.00; and

(C) For motor vehicles that can accommodate 26 or more passengers: $40.00.

(4) For purposes of this subdivision and subdivision (3):

"Common carrier by motor vehicle" means the same as defined in HRS Section 271-4, as may be amended or superseded.

"Contract carrier by motor vehicle" means the same as defined in HRS Section 271-4, as may be amended or superseded.

"Licensed motor carrier" shall mean a motor carrier with a current certificate of public convenience and necessity or permit issued by the public utilities commission authorizing the transportation of persons.

"Motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle.

"Motor vehicle" means the same as defined in HRS Section 271-4, as may be amended or superseded.

(b) The director of parks and recreation [~~is authorized to~~] may waive the fees provided by this section and [~~to~~] allow entry of any person to the Hanauma Bay Nature Preserve as part of an educational or promotional program or package made available or authorized by the city.

(c) Customers of a commercial scuba diving and snorkeling permittee and the permittee shall pay the applicable fees established in [~~subdivisions~~] subsections (a)(1) and (a)(2).

(d) Hawaiians entering the Hanauma Bay Nature Preserve to exercise their traditional and customary rights for subsistence, cultural, and religious purposes shall be exempt from paying the fees established in [~~subdivisions~~] subsection (a)(1) and/or (a)(2) as the case may be; provided that nothing in this subsection shall be construed as allowing activities which may be otherwise prohibited by the [~~Hawaii Revised Statutes~~] HRS or administrative rules of the department of land and natural resources. For purposes of this section, "Hawaiian" means the same as defined in HRS Section 11-1."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New ordinance 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.

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ikaika Anderson (br)

DATE OF INTRODUCTION:

May 13, 2020
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu