



**A BILL FOR AN ORDINANCE**

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RELATING TO SUSTAINABILITY.

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

SECTION 1. The purpose of this ordinance is to allow the public to cultivate edible plants in City owned rights-of-way.

SECTION 2. Section 14-18.2, Revised Ordinances of Honolulu 1990 ("Definitions") is amended by amending the definition of "chief engineer" to read as follows:

"Chief engineer" means the director and chief engineer of the department of ~~public works~~ facility maintenance or such person's duly authorized representative.

SECTION 3. Section 14-18.2, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding a new definition of "Undeveloped portion of a sidewalk" to read as follows:

"Undeveloped portion of a sidewalk" means the portion of a sidewalk that is not improved with a concrete or asphalt concrete walkway."

SECTION 4. Section 14-18.8, Revised Ordinances of Honolulu 1990 ("Standards and specifications for sidewalks"), is amended by amending subsection (b) to read as follows:

"(b) Exceptions.

- (1) Winding Sidewalks. Any and all sidewalks shall be constructed adjacent to the property lines; provided, however, the chief engineer may authorize winding sidewalks and provided further, that such sidewalks shall not cause additional hazards to the public as the chief engineer may determine.
- (2) Other Surface Encroachments. The chief engineer may also authorize the placement of walls, fences, benches and other surface encroachments in the sidewalk area, provided that ~~[application]~~ applications for such encroachments are made in writing to the chief engineer and ~~[provided further, that such encroachments]~~ do not unduly interfere with the public use of ~~[such space]~~ the sidewalk area for utilities and pedestrian traffic. Such encroachments shall be removed at the owner's expense upon



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~~[notification]~~ being given notice by the ~~[building superintendent when recommended by the]~~ chief engineer that the ~~[space]~~ sidewalk area is needed for public use.

- (3) Notice. The ~~[building superintendent upon such recommendation by the]~~ chief engineer shall issue [a] the notice specified in subdivision (2) in writing to the owner directing the owner to remove the encroachments or improvements. The work ~~[shall]~~ must be done within such reasonable time limit as shall be stated in such notice, which in no case shall be less than 20 days nor more than 60 days. Said notice may be given by personal service or by mailing a copy ~~[of such notice]~~ thereof by certified mail to the owner.
- (4) Failure to Remove Encroachments. Upon failure of the owner to comply with such notice [within] by the time [mentioned] limit specified therein, the ~~[building superintendent]~~ chief engineer shall cause such encroachments to be removed. The costs ~~[thereby]~~ incurred by the city to remove the encroachments shall be billed to such owner and shall, if not paid to the city by such owner within 30 days after ~~[such]~~ the billing date, become a lien upon the property abutting such encroachments.
- (5) Construction of Walkways. Whenever the chief engineer finds that, in the interest of public safety or welfare, an asphalt concrete or concrete walkway is necessary for pedestrians, the chief engineer ~~[is authorized to]~~ may construct such a walkway.
- (6) Agricultural Use. No permit is required by the owner of a property fronting an undeveloped portion of a sidewalk for the planting of edible plants in the undeveloped portion of a sidewalk within a city-owned right-of-way; provided that:
  - (A) The sidewalk is in a residential zone;
  - (B) The edible plants do not obstruct public passage on the undeveloped portion of the sidewalk; and
  - (C) The property owner complies with standards established by the chief engineer for planting and maintaining edible plants in the undeveloped portion of a sidewalk."



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

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SECTION 5. Ordinance material to be repealed is bracketed and stricken. 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 bracketed material, or the underscoring.



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SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

*Kym Perie*

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DATE OF INTRODUCTION:

OCT 27 2020

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Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu