

SUPPLEMENT 2 (7-2006)

Insertion Guide

Hawai'i County Code 1983 (2005 Edition) Volumes 1 - 3

(Covering general ordinances effective through 6-30-06
and numbered through 06-103)

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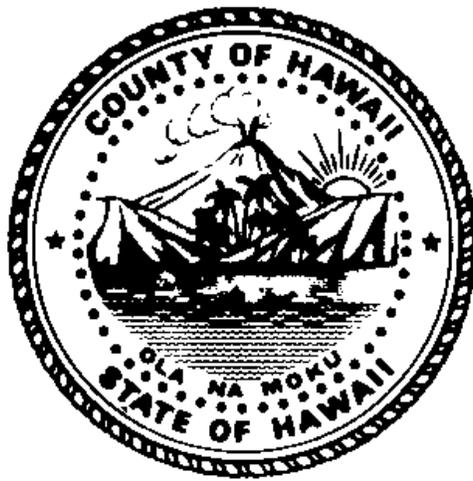
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THE HAWAI‘I COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: **Supplement 2 (7-2006)**
Contains ordinances effective through: **6-30-06**



A CODIFICATION OF THE GENERAL ORDINANCES
OF THE COUNTY OF HAWAI‘I
STATE OF HAWAI‘I

Office of the County Clerk
County of Hawai‘i
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- (2004, Ord. No. 04-22, sec. 2; Am. 2005, Ord. No. 05-116, sec. 1; Am. 2005, Ord. No. 05-137, sec. 1.)

Section 2-17. Head of volunteer fire department.

- (a) The fire chief of the County fire department shall be the head of the volunteer fire department. The head of the volunteer fire department shall:
- (1) Be vested with the management and control of the affairs, personnel, and property of the department, subject to the general authority and control of the council;
 - (2) With the consent and approval of the council, make expenditures of moneys appropriated by the council for the department;
 - (3) Not contract any debt on behalf of the department, not dispose of any property belonging to the department without the consent of the council;
 - (4) Make periodic reports to the council concerning the affairs and activities of the department; and
 - (5) Perform and discharge such other duties as may be assigned to the head of the volunteer fire department by the council.
- (1975 C.C., c. 2, art. 3, sec. 5.02; Am. 2004, Ord. No. 04-22, sec. 3.)

Section 2-18. Appointment of other personnel.

The council may provide for the appointment of other personnel as it deems necessary to carry out this article. All such appointees shall be paid monthly salaries as may be fixed in accordance with the provisions of the personnel classification laws.

(1975 C.C., c. 2, art. 3, sec. 5.03.)

Section 2-19. Volunteer personnel.

The organization of the volunteer fire department shall be patterned as closely as is practicable after that of the fire department. The head of the volunteer fire department shall appoint, with the approval of the council, such volunteer personnel as the head of the volunteer fire department deems necessary to fill the membership of the department. The qualifications for membership shall be as prescribed by the rules and regulations governing the conduct of the department. These rules and regulations shall be formulated by the department head and presented to the council for its approval.

(1975 C.C., c. 2, art. 3, sec. 5.04.)

Section 2-20. Mileage reimbursements for volunteer fire personnel.

All volunteer fire personnel residing in a district other than the district where a fire occurs and who are duly authorized to participate and aid in the control of that fire shall be reimbursed at such rates prescribed by, and subject to, the requirements set forth in section 2-101(b), for each mile actually and necessarily traveled, in the performance of their volunteer activities.

(1975 C.C., c. 2, art. 3, sec. 5.05; Am. 1989, Ord. No. 89-28, sec. 1; Am. 2006, Ord. No. 06-100, sec. 2.)

Section 2-21. Coordination of volunteer and regular fire departments.

In the event of a fire occurring at any place within the County, the head of the volunteer fire department shall place the personnel of this department under the direction and control of the County fire department, which may utilize the service of the personnel of the volunteer fire department to the fullest extent to aid in bringing such fire under control and to perform such other duties as may be necessary to provide for the maximum safety of the inhabitants of the area threatened by such conflagration.

(1975 C.C., c. 2, art. 3, sec. 5.06.)

Section 2-22. Use of County fire-fighting equipment.

The fire-fighting apparatus and facilities of the County fire department, necessary to carry out the purpose of this article shall be made available to the volunteer fire department when the chief engineer, County fire department, is satisfied that the efficiency of this department will not be seriously impaired.

(1975 C.C., c. 2, art. 3, sec. 5.07.)

Section 2-23. Benefits.

All persons who are members of the volunteer fire department while engaged in the training and performance of volunteer fire fighting shall be entitled to benefits as provided by this article.

(1975 C.C., c. 2, art. 3, sec. 5.08.)

Section 2-24. Extent of coverage.

In case of injury or death arising out of and in the performance of volunteer fire fighting or training, all persons included in section 2-23, shall be entitled to benefits as prescribed by chapter 386, Hawai‘i Revised Statutes. No person shall be excluded from receiving such benefits by reason of being an elected official, employer, or having an occupation which is excluded from coverage under chapter 386.

(1975 C.C., c. 2, art. 3, sec. 5.09.)

Section 2-25. Computation of wages.

For the purposes of the benefits under this article, average weekly wages or earnings shall be computed from the usual employment or occupation of the person upon the basis set forth in section 386-51, Hawai‘i Revised Statutes, or upon the basis of earnings at the rate of \$20 per week, whichever is most favorable to the claimant.

(1975 C.C., c. 2, art. 3, sec. 5.10.)

Section 2-26. Volunteers not members of volunteer fire department.

(a) All persons not members of the volunteer fire department who volunteer their services at fires and whose services are accepted by authorized persons and whose injuries or death arise out of and in the performance of volunteer fire fighting shall be paid their reasonable hospital and medical expenses as authorized by section 386-171, Hawai‘i Revised Statutes, and funeral expenses not to exceed \$300.

(b) “Authorized persons” as used in this section means such persons in the County fire department or volunteer fire department who are supervising or directing the fire-fighting operations.

(1975 C.C., c. 2, art. 3, sec. 5.11.)

Article 7. Planning Department.**Section 2-27. Planning Commission.**

There shall be a planning commission made up of nine members as provided for by Charter. The Commission shall:

- (1) Perform such duties as are prescribed by the Charter.

- (b) Registration of Lobbyists, Requirements.
- (1) Every lobbyist shall file a registration form with the County clerk within five days of becoming a lobbyist.
 - (2) Each lobbyist shall provide and certify the following information:
 - (A) The name, mailing address, and business telephone number of the lobbyist.
 - (B) The name and principal place of business of each person by whom the lobbyist is retained or employed or on whose behalf the lobbyist appears or works and a written authorization to act as a lobbyist from each person by whom the lobbyist is employed or with whom the lobbyist contracts.
 - (C) The subject areas on which the lobbyist expects to lobby.
 - (3) A lobbyist shall report any change in any of the information contained in the registration statement within ten days after the change has occurred.
 - (4) A lobbyist shall file a notice of termination within ten days after the lobbyist ceases the activity which required the lobbyist's registration. The lobbyist and the employer of the lobbyist shall remain subject, however, to the requirements of this article for the period during which the registration was effective.
 - (5) This section shall not apply to:
 - (A) Any individual who represents him or herself and not any other person before the council or administrative agency;
 - (B) Any Federal, State, or County official or employee acting in the official or employee's official capacity;
 - (C) Any elected public official acting in the official or employee's official capacity;
 - (D) Any newspaper or other regularly published periodical or radio or television station (including any individual who owns, publishes, or is employed by a newspaper or periodical or radio or television station) while publishing in the regular course of business news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislative or administrative action; and
 - (E) Any person who possesses special skills and knowledge relevant to certain areas of legislation, whose skills and knowledge may be helpful to the legislative and executive branches of County government, and who is appearing at the request of the council or an administrative agency, even though receiving reimbursement for the appearance.
- (c) Each lobbyist shall file a statement of expenditures with the County clerk on July 31 and January 31 of each year.
- (d) The July 31 report shall cover the period from January 1 through June 30 of the year of the report; and the January 31 report shall cover the period from July 1 through December 31 of the calendar year preceding the January 31 report.
- (1) The statement shall contain the following information:
 - (A) The name and address of each person with respect to whom expenditures for the purpose of lobbying in the total sum of \$25 or more per day were made by the person filing the statement during the statement period and the amount or value of such expenditure;
 - (B) The name and address of each person with respect to whom expenditures for the purpose of lobbying in the aggregate of \$150 or more were made by the person filing the statement during the statement period and the amount or value of such expenditures;

- (C) The total sum or value of all expenditures for the purpose of lobbying made by the person filing the statement during the statement period in excess of \$275 during the statement period;
 - (D) The name and address of each person making contributions to the person filing the statement for the purpose of lobbying in the total sum of \$25 or more during the statement period and the amount or value of such contributions; and
 - (E) The subject area of the legislative and administrative action which was supported or opposed by the person filing the statement during the statement period.
- (2) The receipt or expenditure of any money for the purpose of influencing the election or defeat of any candidate for an elective office or for the passage or defeat of any proposed measure at any special or general election is excluded from the reporting requirement of this section.
- (e) All statements and forms required by this section to be filed with the County clerk:
- (1) Shall be deemed properly filed when delivered or deposited in an established post office within the prescribed time, duly stamped, registered, or certified, and directed to the County clerk; provided, however, in the event it is not received, a duplicate of the statement shall be promptly filed upon notice by the County clerk of its nonreceipt; and
 - (2) Shall be preserved by the County clerk and shall constitute part of the public records of the County clerk, and shall be open to public inspection pursuant to section 92-51,* Hawai‘i Revised Statutes.
- (f) No lobbyist shall accept or agree to accept compensation in any way contingent on the enactment, defeat, or outcome of any proposed legislative or administrative action.
- (g) The board of ethics is empowered to render advisory opinions with respect to the application of this section to any person. No person who conforms their conduct to an advisory opinion of the board regarding this section shall be subject to the penalties provided herein.
- (h) Any person who wilfully fails to file any statement or report required by this section or who wilfully files a statement or report containing false information or material omission of any fact, who engages in activities prohibited by this section, or who fails to provide any information required by this section shall be guilty of a petty misdemeanor.
- (1984, Ord. No. 84-77, sec. 1; Am. 1986, Ord. No. 86-44, sec. 1, Am. 2006, Ord. No. 06-71, sec. 1.)

* **Editor’s Note:** Sections 92-50 to 92-52, Hawai‘i Revised Statutes, have been repealed and replaced with chapter 92F.

Section 2-91.4. Gifts.

No officer or employee shall solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of the officer’s or employee’s official duties or is intended as a reward for any official action on the officer’s or employee’s part.

(1995, Ord. No. 95-21, sec. 2; Am. 2002, Ord. No. 02-109, secs. 6 and 7.)

Section 2-91.5. Reporting of gifts.

- (a) Every officer and employee shall file a gifts disclosure statement with the County board of ethics on June 30 of each year if all the following conditions are met:
- (1) The officer or employee, or spouse or dependent child of an officer or employee, received directly or indirectly from one source any gift or gifts valued singly or in the aggregate in excess of \$100, whether the gift is in the form of money, service, goods, or in any other form;
 - (2) The source of the gift or gifts have interests that may be affected by official action or lack of action by the officer or employee; and

- (c) Payment for meal expenses must be supported by receipt or affidavit. Any excess cash advanced for meal expenses must be returned not later than five working days after completion of travel.
(1980, Ord. No. 520, sec. 1; Am. 1981, Ord. No. 744, sec. 1; Am. 2003, Ord. No. 03-1, sec.1.)

Section 2-97. Other allowable expenses.

- (a) Other allowable expenses include airfare, ground transportation (including tips), airport parking, business telephone calls, secretarial fees, registration fees, mileage claim for use of a private automobile and any expense relating to the conduct of official business.
- (b) Rental cost of U-drive cars and parking charges shall not exceed \$75 a day. U-drive cars may be used for personal business incidental to official travel; e.g., driving to restaurant for meals. The department head shall assure that funds are available and that rental is necessary and cost is reasonable.
- (c) Air travel shall be on commercial airlines at the economy class by the most direct route to and from the points specified in the travel authorization; provided that inter-island and intra-county travel by noncommercial and nonscheduled private aircraft (owned or rented) is authorized under the following conditions:
- (1) The pilot must possess a current private pilot's certificate issued by the Federal Aviation Administration;
 - (2) The aircraft must possess a current certificate of airworthiness issued by the Federal Aviation Administration;
 - (3) The aircraft must carry the following liability insurance:
 - (A) Bodily injury liability (excluding passenger) — \$100,000 for each person and \$300,000 for each occurrence.
 - (B) Property damage liability — \$100,000 for each occurrence.
 - (C) Passenger bodily injury insurance — \$100,000 for each person.
 - (D) The County of Hawai'i shall be named as additional insured under the policy.
 - (4) Payment for such travel by private aircraft shall be made at rates that traveler would have had to pay had the traveler traveled on scheduled, commercial airlines. Additional passengers will be paid the difference between the first traveler's payment and the operating cost of the privately owned aircraft or rental cost of a rented aircraft.

(1980, Ord. No. 520, sec. 1; Am. 1981, Ord. No. 744, sec. 1; Am. 1989, Ord. No. 89-139, sec. 1; Am. 1992, Ord. No. 92-47, sec. 1; Am. 2004, Ord. No. 04-83, sec. 2.)

Section 2-98. Adjustments and exceptions.

- (a) When government quarters and/or meals are furnished at no cost or at low cost, the amount of per diem allowance shall be reduced by the director of finance.
- (b) The mayor or council chairman, for their respective branches of government, may disallow any unauthorized, improper, or unreasonable expense. The mayor or council chairman may also authorize expenses in excess of the established limits or may authorize meals with business meetings, awards and recognition events, and entertainment of important persons, or may approve exceptions with good cause to any provision relating to travel and expenses.
- (c) The mayor may delegate the authority granted under this section to any department or agency head within the executive branch.
- (d) Meals may also be provided to employees who do not otherwise qualify under this section or under any negotiated employee contract while attending workshops, conferences, or training sessions at the request or direction of the department head and to the benefit of the County.

(1980, Ord. No. 520, sec. 1; Am. 1981, Ord. No. 744, sec. 1; Am. 1993, Ord. No. 93-51, sec. 2.)

Section 2-99. Funds for travel expenses.

Funds for traveling expenses at the specified per diem rates or meal allowance plus other known or determinable expenses may be secured by way of a cash advancement from the treasurer’s petty cash fund or by way of reimbursement upon completion of travel.

- (a) Per diem allowance for travel exceeding five days in duration shall be obtained through the requisition process unless time will not allow use of this method.
- (b) Any excess funds advanced for travel must be returned not later than five working days after completion of travel.

(1980, Ord. No. 520, sec. 1; Am. 1981, Ord. No. 744, sec. 1.)

Section 2-100. Reports.

- (a) Upon return from travel, but not later than five working days after return, a certificate of travel and claim for expense form shall be completed and filed with the director of finance.
- (b) In addition, after attendance at conferences, workshops, seminars, or educational meetings, a written report shall be prepared. This report shall discuss the subject matter covered and benefits of attendance. It may be an individual or group report and shall be filed with the mayor or council chairman, as the case may be, within thirty days after return.
- (c) This reporting requirement shall not apply to travel for in-service training sponsored by the department, or training that is approved in accordance with the County training policy.

(1980, Ord. No. 520, sec. 1.)

Section 2-101. Compensation for use of private automobile.

- (a) Mileage Allowance. A department head may authorize any officer or employee over whom the department head has administrative supervision to use privately owned automobiles on official business on a mileage allowance basis when publicly owned vehicles are not available or are impractical to use.
- (b) Rate. Employees who are excluded from the various bargaining units shall be paid the same rates provided for in negotiated contracts of bargaining units that these employees would have belonged to had they not been excluded. All other officers and employees of the County not covered by collective bargaining including County councilmembers and duly authorized volunteer police and fire personnel, shall be entitled to mileage reimbursement at a rate equal to the highest rate payable to any County employee in a bargaining unit.
- (c) Flat Monthly Allowance. The mayor may for the executive branch and the council chairman for the legislative branch authorize payment of monthly automobile allowance to any councilmember, officer or employee for the regular use of a privately owned automobile.

(1980, Ord. No. 520, sec. 1; Am. 1981, Ord. No. 744, sec. 1; Am. 1985, Ord. No. 85-31, sec. 1; Am. 1986, Ord. No. 86-130, sec. 1; Am. 2006, Ord. No. 06-100, sec. 3.)

Section 2-101.1. Mileage and meal reimbursements for volunteer police personnel.

All duly authorized volunteer police personnel, including but not limited to reserve police officers and police chaplains, shall be reimbursed at such rates prescribed by, and subject to, the requirements set forth in section 2-101(b), for each mile actually and necessarily traveled in the performance of their assigned duties. Meal allowances shall also be available to such volunteer personnel at such rates prescribed by, and subject to, the requirements set forth in section 2-96.

(1989, Ord. No. 89-28, sec. 2; Am. 2006, Ord. No. 06-100, sec. 4.)

Section 2-102. Conflicts with employee contracts.

If there are any conflicts between any provision of this section on travel expenses and any provision in a negotiated contract between the County and an exclusive representative and any provision of chapter 89C, Hawai‘i Revised Statutes, the latter provisions shall prevail.

(1980, Ord. No. 520, sec. 1; Am. 1981, Ord. No. 744, sec. 1.)

- (e) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the director may institute a civil action in the name of the County to collect the administrative penalty which shall be a government realization. In any proceeding to collect the administrative penalty imposed, the director need only show that:
- (1) Notice was given;
 - (2) A hearing was held or the time granted for requesting a hearing expired without a request for a hearing;
 - (3) The administrative penalty was imposed; and
 - (4) The penalty remains unpaid.
- (2005, Ord. No. 05-22, sec. 1.)

Section 2-205. Penalties.

Any person who violates this chapter or chapters 20 or 21, any rule adopted pursuant to these chapters, or any condition of a permit or variance issued pursuant to this chapter shall be fined not more than \$1,000 for each separate offense. Each day of each violation shall constitute a separate offense. Any action taken in court to impose or collect the penalty provided for in this subsection shall be considered a civil action.

(2005, Ord. No. 05-22, sec. 1.)

Section 2-206. Administrative penalties.

In addition to any other administrative or judicial remedy, the director is authorized to impose by order the penalties specified in section 2-205. If any party is aggrieved by the decision of the commission, the party may appeal in the manner provided in chapter 91 to the circuit court; provided that the operation of a cease and desist order will not be stayed on appeal unless specifically ordered by a court of competent jurisdiction.

(2005, Ord. No. 05-22, sec. 1.)

Section 2-207. Environmental management commission.

There shall be an environmental management commission consisting of nine members who shall be appointed by the mayor and confirmed by the council. One member shall be a resident of each council district. The terms of the members shall be prescribed in section 13-4 of the Hawai'i County Charter. The environmental management commission shall advise the department on waste reduction strategies, recycling, litter control, community involvement, and other issues related to the functions of the department, and shall exercise any other powers related to the functions of the department that may be delegated to it by ordinance. The commission shall hear and determine appeals from decisions of the director, including orders and denials of variances.

(2001, Ord. No. 01-110, sec. 2; Am. 2005, Ord. No. 05-22, sec. 1.)

Article 41. Disaster and Emergency Fund.

Section 2-208. Creation of fund.

Pursuant to section 10-12, Hawai'i County Charter, a special fund to be known as the disaster and emergency fund is created.

(2004, Ord. No. 04-4, sec. 2.)

Section 2-209. Funding.

The disaster and emergency fund shall be funded each fiscal year by the council appropriating a minimum of \$100,000.

(2004, Ord. No. 04-4, sec. 2; Am. 2006, Ord. No. 06-98, sec. 1.)

Section 2-210. Expenditures from the disaster and emergency fund.

The moneys in the disaster and emergency fund shall be only utilized for the following purposes:

- (1) To repair county facilities and infrastructure damaged by a natural or man-caused disaster or emergency.
- (2) To clean up property, including roads and sewage systems, damaged by a natural or man-caused disaster or other emergencies when such action serves a public purpose.
- (3) To provide immediate response for services to deal with public health and safety risks due to a natural or man-caused disaster or emergency in the form of personnel, equipment, materials, supplies, and service contracts.
- (4) To match federal, state, and/or private grants-in-aid to develop or restore public property to a safe and useable condition.
- (5) To pay for operational expenses of the County after a disaster or emergency when the County is unable to realize revenue at sufficient levels due to the disaster or emergency.
- (6) To pay for administrative expenses, which shall not exceed five percent of this fund.

(2004, Ord. No. 04-4, sec. 2; Am. 2006, Ord. No. 06-98, sec. 2.)

Section 2-211. Dissolution of the fund.

The disaster and emergency fund shall not be dissolved unless such dissolution is approved by a two-thirds vote of the County council.

(2004, Ord. No. 04-4, sec. 2.)

Section 2-212. Reimbursement from grants.

If the County should receive reimbursement for money advanced by the disaster and emergency fund, the grant money shall return to the disaster and emergency fund.

(2004, Ord. No. 04-4, sec. 2.)

Section 2-213. Administration of the fund.

The director of finance shall administer the disaster and emergency fund, which shall include investment of the fund.

(2004, Ord. No. 04-4, sec. 2.)

Article 42. Public Access, Open Space, and Natural Resources Preservation Fund**Section 2-214. Public access, open space, and natural resources preservation fund.**

- (a) A public access, open space, and natural resources preservation fund is hereby established. This special fund shall be administered and managed by the finance department.
- (b) The fund shall consist of monies from:
 - (1) The proceeds from the sale of any general obligation bonds, authorized and issued for the purposes of this article;
 - (2) Council appropriations for the purposes of this article;
 - (3) Any source of revenue dedicated by the Hawai'i County Charter or the Hawai'i County Code for the purposes of this article; and
 - (4) Grants and private contributions intended for the purposes of this article.
- (c) In adopting each fiscal year's operating budget, the council shall appropriate a minimum of \$250,000 to the public access, open space, and natural resources preservation fund.
 - (1) When the unencumbered balance in the fund (exclusive of bond proceeds) equals or exceeds \$5,000,000, no further county appropriations shall be made until the balance falls below \$5,000,000.
 - (2) Nothing in this section shall prevent the council from appropriating amounts in excess of the above minimum amounts to this fund.

- (d) The fund shall be used for acquiring lands or property entitlements in the County of Hawai'i for the following purposes:
- (1) Public outdoor recreation and education, including access to beaches and mountains;
 - (2) Preservation of historic or culturally important land areas and sites;
 - (3) Protection of natural resources, including buffer zones;
 - (4) Preservation of forests, beaches, coastal areas, natural beauty and agricultural lands; and
 - (5) Protection of watershed lands to preserve water quality and water supply.
- (2005, Ord. No. 05-85, sec. 2; Am. 2005, Ord. No. 05-166, sec. 1.)

Section 2-215. Public access, open space, and natural resources preservation commission.

- (a) There is established a public access, open space, and natural resources preservation commission. There shall be nine members on this commission, appointed by the mayor and confirmed by the council. The members may be removed upon recommendation by the mayor and the approval of the council. One member shall reside in each County council district. The members shall serve staggered terms of five years. Upon initial appointment of the commission, one member shall be appointed to a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years. Staff support shall be provided by the finance department.
- (b) No member shall be eligible for a second appointment to the commission prior to the expiration of two years, provided that members initially appointed for a term of one year and two years shall be eligible to succeed themselves for an additional term.
- (c) No member whose term has expired shall continue to serve on the commission, except that if no successor has been appointed and confirmed, the member shall continue to serve for ninety days or until a successor is appointed and confirmed, whichever comes first.
- (d) Any vacancy occurring in the commission shall be filled for the unexpired term.
- (e) Not more than a bare majority of the members shall belong to the same political party.
- (f) Members shall receive no compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. Necessary expenses may be paid in advance as per diem allowance pursuant to article 16.
- (g) A chairperson shall be elected from its membership annually.
- (h) The affirmative vote of a majority of those members present shall be necessary to make any action valid.
- (i) The commission shall have the power to establish its rules of procedure necessary for the conduct of its business, which rules shall contain the time and place of all regular meetings, and which shall specify that a quorum shall be a majority of the members to which the commission is entitled.
- (j) No person shall, by reason of occupation alone, be barred from serving as a member of this commission.
- (k) The council shall act to confirm or reject any appointment made to the commission by the mayor within forty-five days after receiving notice of the appointment from the mayor. If the council does not confirm or reject any such appointment within forty-five days, the appointee shall be deemed to have been confirmed.
- (l) The redrawing of the council district boundaries during a member's term shall not affect a member's eligibility to represent the district to which the member was appointed.

(2005, Ord. No. 05-166, sec. 2.)

Section 2-216. Oath of affirmation.

Before beginning their duties, each member appointed shall subscribe to the oath or affirmation before some person duly qualified to administer oaths:

"I, _____ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Hawai'i, and that I will faithfully discharge my duties as a member of the public access, open space, and natural resources preservation commission to the best of my ability."

(2005, Ord. No. 05-166, sec. 3.)

Section 2-217. Duties and responsibilities of the commission.

The duties and responsibilities of this commission are:

- (1) To develop and submit to the mayor, an initial island-wide prioritized list of qualifying lands worthy of preservation within six months of being confirmed to the commission by the council. Priorities shall be listed on an island-wide rather than district basis. The list shall include the significance of each parcel or entitlement identified, the reason for its priority, and its anticipated use after acquisition;
- (2) To update this list at any time, but at least annually by December 31 of each year; and
- (3) To explore methods of funding land acquisition and make recommendations to the mayor.
- (4) The commission shall give emphasis to land acquisitions where the County’s contribution can be leveraged to obtain State, Federal, and/or private funds.

(2005, Ord. No. 05-166, sec. 4.)

Section 2-218. Prioritized list of qualifying lands worthy of preservation.

- (a) The prioritized list developed by the commission shall be submitted to the mayor for comments and recommendation. Within sixty days after receipt, the mayor will submit the list to the council with comments and recommendations. The council shall, by resolution, select the land or lands to be preserved. Under no circumstances shall the purchase price paid for a property exceed the appraised value as prepared by an independent appraiser engaged by the County. Where there are multiple lands under consideration at any one time, priority shall be given to coastal lands and lands where matching funding is available to leverage the County contribution.
- (b) Negotiations for acquisition of lands to be preserved shall occur between the County and the seller or its commissioned agent, or a licensed broker only. The commission shall have no role in the negotiations other than in its advisory capacity.
- (c) Appraisals, title reports, surveying and other costs incidental to the acquisition of land shall be permitted uses of this fund. These costs shall be allocated equally between the seller and the buyer.
- (d) Adequate staff to carry out the provisions of this article and to manage the land acquired shall be provided in the department of finance to maximize the use of available funds by minimizing the payment of commission to outside agents to put together funding plans and to ensure that the County is a good steward of any land that comes under its control through this article.

(2005, Ord. No. 05-166, sec. 5.)

Article 43. Budget Stabilization Fund.**Section 2-219. Creation of fund.**

Pursuant to section 10-12, Hawai‘i County Charter 2000, a special fund to be known as the budget stabilization fund is created for the purpose of meeting general fund revenue shortfalls and to minimize the need for budget cuts or tax increases. The budget stabilization fund shall be a temporary supplemental source of funds for the County to use during times of financial hardships while a plan for cost reduction or revenue enhancement is developed.

(2006, Ord. No. 06-101, sec. 1.)

Section 2-220. Funding.

Each fiscal year following the creation of the budget stabilization fund, moneys shall be transferred to this fund as recommended by the mayor and approved by the council.

(2006, Ord. No. 06-101, sec. 1.)

Section 2-221. Use of fund.

This fund may be used only when there is a reduction in budgeted revenue and the director of finance determines that such use is necessary to prevent a reduction in the level of public services.

(2006, Ord. No. 06-101, sec. 1.)

Section 2-222. Appropriations.

Appropriations from this fund may occur only upon the following:

- (1) Written determination by the director of finance that such appropriations are necessary; and
- (2) Passage of an appropriations ordinance by two-thirds vote of the council.

(2006, Ord. No. 06-101, sec. 1.)

Section 2-223. Prohibition.

Appropriations from the budget stabilization fund to fund the acquisition, construction or alteration of a facility as part of a general capital improvement program shall be prohibited.

(2006, Ord. No. 06-101, sec. 1.)

Tree	Tax Map Key and Location	Owner
20. 'Ōhi'a Lehua <i>Metrosideros polymorpha</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i
21. Kōpiko <i>Psychotria hawaiiensis</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i
22. 'Ōhi'a Lehua <i>Metrosideros polymorpha</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i
23. Koa <i>Acacia koa</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i
24. 'Ōhi'a Lehua <i>Metrosideros polymorpha</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i
25. Grove of Mangoes <i>Mangifera indica</i>	1-3-08 Pohoiki Road	County of Hawai'i
26. Chinese Weeping Banyan	2-2-28:08 Kīlauea Ave.	State of Hawai'i
27. Grove of Monkeypod Trees	2-2-04:35 Kamehameha Ave. and Pauahi St.	County of Hawai'i
28. Grove of Monkeypod Trees	2-2-04:56 Kamehameha Ave. and Pauahi St.	County of Hawai'i
29. Gardenia Remyi	2-3-29:02 Waianuenu Ave.	County of Hawai'i
30. Terminalia chebula	2-3-01:2 Kamehameha Avenue	County of Hawai'i
31. Grove of Mangoes *	1-4-3, 4, 5, & 28 Government Beach Road	County of Hawai'i
32. 'Ōhi'a	1-5-1:56 Ka'ohē Homesteads, Pāhoa	Robert E. O'Neill

(1984, Ord. No. 84-53, sec. 1; Am. 1989, Ord. No. 89-102, sec. 1; Am. 1991, Ord. No. 91-140, sec. 2; Am. 1993, Ord. No. 93-8, sec. 1; Am. 1999, Ord. No. 99-27, sec. 1; Am. 2000, Ord. No. 00-121, sec. 1; Am. 2002, Ord. No. 02-123, sec 1; Am. 2003, Ord. No. 03-145, sec. 1; Am. 2005, Ord. No. 05-158, sec. 1; Am. 2006, Ord. No. 06-26, sec. 2.)

* **Editor's Note:** Ordinance 93-8, that added this grove of trees to the list, was amended by ordinance 06-26.

Article 11. Neighborhood Watch Signs.

Section 14-66. Purpose.

The purpose of this article is to provide assistance to communities which have organized a neighborhood watch program aimed at crime prevention and to encourage the formation of neighborhood watch programs by other communities by establishing the Neighborhood Watch Program under the County police department and authorizing the construction and installation of neighborhood watch signs at appropriate locations on public property.

(1987, Ord. No. 87-118, sec. 1.)

Section 14-67. Definitions.

- (a) As used in this article:
- (1) “Chief of police” means the chief of police of the County.
 - (2) “Neighborhood watch program” means a program established in accordance with the County police department’s neighborhood security watch program.
 - (3) “Neighborhood watch sign” means a sign constructed and installed at the direction of the police department and pursuant to the provisions of this article.
 - (4) “Public property” means any curbstone, lamppost, pole, parking meter, bridge, street sign, or traffic light located on public property. Public utility poles are excluded from this definition.
- (1987, Ord. No. 87-118, sec. 1; Am. 2001, Ord. No. 01-108, sec. 4.)

Section 14-68. Powers and duties.

Pursuant to the provisions of this article, the chief of police is authorized to:

- (a) Determine, with the assistance of the director of public works or the director’s duly authorized representative, the number and appropriate location of all neighborhood watch signs.
 - (b) Cause to be constructed and installed on public property, signs indicating that the area is protected by a neighborhood watch.
 - (c) Remove or cause to be removed, neighborhood watch signs located in neighborhoods where the neighborhood watch program has terminated.
- (1987, Ord. No. 87-118, sec. 1; Am. 2001, Ord. No. 01-108, sec. 1.)

Section 14-69. Application for approval.

- (a) Any person wishing to have a neighborhood watch sign placed in the person’s neighborhood shall submit an application to the chief of police. The application must identify:
- (1) The geographical boundaries of the neighborhood for which the application is being made.
 - (2) The number of homes situated within the boundaries of the designated neighborhood.
 - (3) The names, addresses, and phone numbers of each block captain and area coordinator.
 - (4) The number of homes participating in the neighborhood watch program.
- (b) No application for the construction and installation of signs shall be approved by the chief of police unless sixty percent of the homes within the boundaries of the designated neighborhood participate in the neighborhood watch program.
- (1987, Ord. No. 87-118, sec. 1.)

Section 14-70. Rules.

The chief of police is authorized to adopt rules pursuant to chapter 91, Hawai‘i Revised Statutes, as are necessary to implement, administer, and enforce the provisions of this article.

(1987, Ord. No. 87-118, sec. 1.)

Article 12. Official Bulletin Board.**Section 14-71. Official bulletin board established; purpose.**

There shall be an official bulletin board of the Hawai‘i County building for the posting of council and committee agendas and public notices of meetings of the County of Hawai‘i. This bulletin board is established in compliance with the provisions of article XIII, Hawai‘i County Charter.

(1994, Ord. No. 94-43, sec. 1.)

GENERAL WELFARE

Section 14-72. Official bulletin board location.

The official bulletin board of the Hawai'i County building at 25 Aupuni Street, Hilo, Hawai'i shall be located within the exterior covered walkway of the County building, immediately adjacent to its main entrance and shall be conspicuously displayed and identified by the words "public notices" appearing thereon. (1994, Ord. No. 94-43, sec. 1.)

Section 14-73. Official bulletin board custodian.

The clerk of the County of Hawai'i shall be responsible for controlling the use of the official bulletin board of the Hawai'i County building and for the posting and removal of all agendas and notices. (1994, Ord. No. 94-43, sec. 1.)

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Article 13. Soliciting for Money or Objects of Value.**Section 14-74. Definitions.**

- (a) As used in this article, unless otherwise specified:
- (1) “Aggressive manner” means:
 - (A) Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;
 - (B) Continuing to solicit from a person after the person has given a negative response to such soliciting;
 - (C) Intentionally or knowingly touching or causing physical contact with another person without that person’s consent in the course of soliciting;
 - (D) Intentionally or knowingly blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to stop or to take evasive action to avoid physical contact;
 - (E) Using violent or threatening gestures toward a person solicited;
 - (F) Following the person being solicited, with the intent of asking that person for money or other things of value;
 - (G) Speaking in a volume unreasonably loud under the circumstances. A person shall be considered to be speaking in a volume which is unreasonably loud, if considering the nature and purpose of the person’s conduct and the circumstances known to the person, including the nature of the location and the time of the day or night, the person’s conduct involves a gross deviation from the standard of conduct that a law-abiding citizen would follow in the same situation, or if the person fails to heed the admonition of a police officer that they are speaking in a volume which is unreasonably loud and that they should reduce the volume of their speech; or
 - (H) Soliciting money from anyone who is waiting in line for entry to a building or who is waiting in line for any other purpose.
 - (2) “Automated teller machine” means a device, linked to a financial institution’s account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.
 - (3) “Automated teller machine facility” means the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.
 - (4) “Downtown Hilo commercial area” means the area of Hilo bounded by the following: the Wailuku River on the west; Hilo Bay on the north; twenty feet east of the eastern most boundary of Ponahawai Street (this boundary shall also continue in a northerly direction, from the point twenty feet east of the Ponahawai Street and Kamehameha Avenue intersection, across Kamehameha Avenue, through Bayfront Park and the Hawai‘i Belt Road, to Hilo Bay) on the east; and twenty feet south of the southern most boundary of Kapiolani and Kaiulani Streets on the south (including the portion of Waianuenue Avenue which is contiguous to Kapiolani and Kaiulani Streets).

- (5) “Financial institution” means any Hawai‘i financial institution as defined in chapter 412, Hawai‘i Revised Statutes.
- (6) “Intentionally” shall be as defined in section 702-206, Hawai‘i Revised Statutes.
- (7) “Knowingly” shall be as defined in section 702-206, Hawai‘i Revised Statutes.
- (8) “Public place” means a place to which the public or a substantial group of persons has access including, but not limited to, any street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.
- (9) “Restaurant” means any retail eating establishment where meals or food are served or provided for on-site consumption by seated patrons that is licensed by the department of health to operate as a food service establishment.
- (10) “Soliciting” means asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. Soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

(1999, Ord. No. 99-1, sec. 1; Am. 1999, Ord. No. 99-153, sec. 4.)

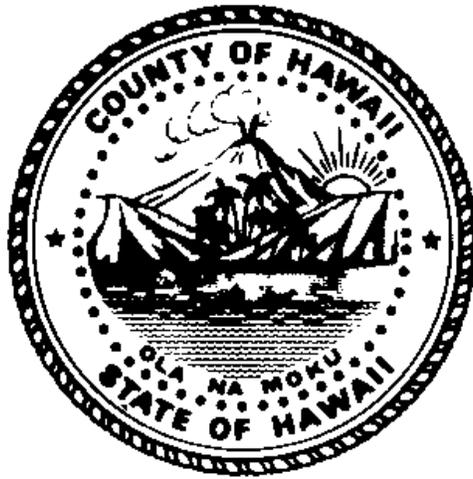
Section 14-75. Prohibited acts.

- (a) The following acts are prohibited within the areas described in subsection (b) of this section.
 - (1) No person shall solicit in an aggressive manner in any public place.
 - (2) No person shall solicit while under the influence of alcohol or a controlled substance.
 - (3) No person shall solicit by stating that funds are needed to meet a specific need, when the solicitor has the funds to meet that need, does not intend to use funds to meet that need, or does not have that need.
 - (4) No person shall solicit on private or residential property without permission from the owner or other person lawfully in possession of such property.
 - (5) No person shall solicit within twenty feet of public toilets.
 - (6) No person shall solicit within twenty feet of any entrance or exit of any financial institution or within twenty feet of any automated teller machine without the consent of the owner of the property or another person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.
 - (7) No person shall solicit within twenty feet of any entrance or exit of any restaurant without the consent of the owner of the property or another person legally in possession of such facility.
 - (8) No person shall solicit within ten feet of any entrance or exit to a building without the consent of the owner of the property or another person legally in possession of such facility, with the exception of public toilets, financial institutions, or restaurants from which soliciting shall be prohibited within twenty feet of the entrance or exit.
 - (9) No person shall solicit within ten feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility.
 - (10) No person shall solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street, for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting the sale of goods or services. Provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle.
 - (11) No person shall solicit in any public transportation vehicle; at any bus station or stop; or in any public parking lot or public parking structure.

THE HAWAI‘I COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: **Supplement 2 (7-2006)**
Contains ordinances effective through: **6-30-06**



A CODIFICATION OF THE GENERAL ORDINANCES
OF THE COUNTY OF HAWAI‘I
STATE OF HAWAI‘I

Office of the County Clerk
County of Hawai‘i
25 Aupuni Street
Hilo, Hawai‘i 96720
(808) 961-8386

Volume 2

billed by the department of finance. The tax shall be paid by the owner of each vehicle and collected by the director of finance. If any vehicle is transported into the County after the payment of the tax, no additional tax shall be imposed on that vehicle for the remaining period of the year for which such tax has been paid.

- (a) The rate for motor vehicles designed primarily for carrying passengers shall be $\frac{3}{4}$ of a cent per pound of the net weight of such vehicle. This category shall include buses, ambulances, and hearses.
- (b) The rate for trucks or noncommercial motor vehicles having a net weight of six thousand five hundred pounds or less and certified as noncommercial shall be $\frac{3}{4}$ of a cent per pound of the net weight of such vehicles.
 - (1) The owner of a truck or noncommercial motor vehicle who desires to have the vehicle tax at the passenger rate shall file a form furnished by the director of finance certifying that the truck or noncommercial motor vehicle is not being and will not be operated for compensation or for commercial purposes.
 - (2) Where the vehicle is currently registered as a commercial vehicle and the owner wishes to reclassify the vehicle as noncommercial, the owner shall:
 - (A) File a form furnished by the director of finance certifying that the vehicle is not being and will not be operated for compensation or for commercial purposes;
 - (B) Surrender the vehicle's current certificate of registration and license plates; and
 - (C) Pay a license fee of \$5.50 for the passenger vehicle license plates and emblem.
- (c) The rate for trucks or nonpassenger vehicles used for compensation or commercial purposes or having a net weight of over six thousand five hundred pounds shall be 2 cents per pound for such vehicle. This category includes trucks, truck-tractors and road tractors, trailers, and semi-trailers.
- (d) Any person who is totally disabled due to injuries received while on duty with the armed forces of the United States may apply for an exemption from the County motor vehicle weight tax, including minimum tax under section 24-18, for a single noncommercial vehicle, subject to proof of total service related disability from the Veterans Administration and approval by the director of finance.

(1975 C.C., c. 2, art. 10, sec. 7.01; Am. 1979, Ord. No. 396, sec. 1; Am. 2004, Ord. No. 04-8, sec. 2; Am. 2004, Ord. No. 04-66, sec. 2.)

Section 24-18. Motor vehicle tax; minimum tax; penalties for delinquency.

- (a) The minimum tax assessed under section 24-17 shall in no case be less than \$6.
- (b) Effective January 1, 1982, any vehicle weight tax imposed by section 24-17 for any year and not paid when due, shall become delinquent and a penalty of ten percent shall be added to, and become a part of, the tax collected.

(1979, Ord. No. 396, sec. 1; Am. 1982, Ord. No. 795, sec. 1.)

Section 24-19. Vehicle registration fees.

- (a) The fee for issuance for a new series of number plates for vehicles shall be \$5.
- (b) The fee for issuance of a tag or emblem for a vehicle, upon payment of the applicable tax, in any year shall be 50 cents.
- (c) The fee for replacement of a lost or mutilated number plate or plates, tag, or emblem, shall be as follows:
 - (1) Number plates, \$5.
 - (2) Tag or emblem, 50 cents.
- (d) The transfer of ownership fee for issuance of a new certificate of ownership shall be \$5.
- (e) The transfer fee for issuance of a new certificate of registration on a trailer shall be \$5.
- (f) The fee for dealer correction for each instance of correction of the registration record shall be \$5.
- (g) The fee for duplicate certificate of registration or certificate of ownership shall be \$5.
- (h) A fee of \$1 per certificate of registration shall be assessed and collected annually together with other applicable vehicle taxes and fees, to be used for highway beautification and disposal of abandoned vehicles.

- (i) An annual fee of \$12 per vehicle shall be charged for each vehicle registration, which shall be paid at the same time as the motor vehicle tax paid pursuant to section 24-17 of this chapter. The proceeds from this fee shall be allocated to establish a fund for the towing, removal, disposal and recycling of abandoned or discarded automobiles and automobile parts, and such fund entitled "vehicle disposal fund" is hereby established.
 - (j) An annual County registration fee of \$5 per vehicle shall be charged for each vehicle registration, which shall be paid at the same time as the motor vehicle tax paid pursuant to section 24-17 of this chapter.
 - (k) Any person who is totally disabled due to injuries received while on duty with the armed forces of the United States may apply for an exemption from subsections (a), (b), (h), (i), and (j) of this section, for a single noncommercial vehicle, subject to proof of total service related disability from the Veterans Administration and approval by the director of finance.
- (1979, Ord. No. 396, sec. 1; Am. 1982, Ord. No. 730, sec. 1; Am. 1982, Ord. No. 817, sec. 1; Am. 1985, Ord. No. 85-59, sec. 1; Am. 1989, Ord. No. 89-51, sec. 1; Am. 1994, Ord. No. 94-46, sec. 2; Am. 2002, Ord. No. 02-90, sec. 2; Am. 2003, Ord. No. 03-32, sec. 2; Am. 2004, Ord. No. 04-8, sec. 3.)

Section 24-20. Motor vehicle driver's permit and license fees.

The following fees are established for the application and renewal of motor vehicle instruction permits and driver's licenses:

- (a) Application for instruction permit, \$10.
 - (b) Application for driver's license or out-of-state transfer:
 - (1) Application for driver's license (not chargeable if applicant presents evidence of having paid to Hawai'i County the application for instruction permit fee), \$1.
 - (2) Application for out-of-state transfer with a valid out-of-state license, \$4.
 - (c) Reinstatement fee (payable upon the restoration of any license which has been suspended), \$20.
 - (d) Driver's license valid for two years, \$6.
 - (e) Renewal of driver's license valid for two years, \$6.
 - (f) Driver's license valid for four years, \$12.
 - (g) Renewal of driver's license valid for four years, \$12.
 - (h) Driver's license valid for six years, \$18.
 - (i) Renewal of driver's license valid for six years, \$18.
 - (j) Reactivation fee for each thirty-day period after the ninety-day grace period for renewal within one year of expiration, \$5.
 - (k) Duplicate license, \$5.
 - (l) Road test fees (categories 1, 2, and 3), \$5; (category 4), \$50.
 - (m) Written test fee, \$1.
 - (n) Oral examination fee, \$10.
 - (o) Provisional license valid until age nineteen, \$5 per year.
- (1975 C.C., c. 2, art. 10, sec. 8.01; Am. 1977, Ord. No. 315, sec. 1; Am. 1982, Ord. No. 798, sec. 1; Am. 1994, Ord. No. 94-88, sec. 1; Am. 1998, Ord. No. 98-10, sec. 1, Am. 2005, Ord. No. 05-163, sec. 2.)

Section 24-21. Motor vehicle driver's license examination fees.

The following fees are established for the examination of drivers applying for a driver's license:

- (a) Written examination fee, \$1.
 - (b) Oral examination fee (applicable to those requesting an oral examination, either for an instruction permit or for a license renewal in categories 1—3), \$10.
 - (c) Fees for commercial driver's licenses will be collected pursuant to the provisions of State law.
- (1975 C.C., c. 2, art. 10, sec. 8.01; Am. 1977, Ord. No. 315, sec. 1; Am. 1994, Ord. No. 94-88, sec. 2.)

Section 25-4-10. Mobile dwellings.

All mobile dwellings shall conform to the County building code (chapter 5 of this Code), and the Public Health Housing Code (chapter 2 of the State public health regulations), except:

- (1) When parked in a licensed mobile home park; or
- (2) When occupied for dwelling or sleeping purposes outside of a licensed mobile home park for less than thirty days in any one location.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-4-11. Power lines, utility substations, public buildings.

- (a) Communication, transmission, and power lines of public and private utilities and governmental agencies are permitted uses within any district.
- (b) Any substation used by a public or private utility for the purpose of furnishing telephone, gas, electricity, water, sewer, radio, or television shall be a permitted use in any district provided that the use is not hazardous or dangerous to the surrounding area and the director has issued plan approval for such use.
- (c) Public uses, structures and buildings and community buildings are permitted uses in any district, provided that the director has issued plan approval for such use.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2006, Ord. No. 06-86, sec. 2.)

Section 25-4-12. Telecommunication antennas.

- (a) A telecommunication antenna or tower shall be permitted in all districts, except RS, RD, RM, and RCX districts; provided that the antenna, tower, and its use are not hazardous or dangerous to the surrounding area and the director has issued plan approval for such use. A telecommunication antenna or tower may be permitted in the RS, RD, RM and RCX districts if a use permit is obtained for such use.
- (b) The minimum setbacks for a telecommunication antenna and tower are as follows:
 - (1) Freestanding antennas and towers shall be set back from every property line a minimum of one foot for every five feet of antenna or tower height.
 - (2) Telecommunication antennas and towers supported by guy wires shall be set back from every property line a minimum of one foot for every one foot of antenna or tower height.
- (c) The tower, together with the initial antennas and other equipment proposed to be installed thereon, shall have a hard survivability for sustained winds of at least one hundred miles per hour.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-4-13. Home occupations.

- (a) A home occupation shall be permitted as incidental and subordinate to the use of a dwelling in any district in which a dwelling is located, provided that the home occupation does not change the character and external appearance of the dwelling.
- (b) All home occupations shall comply with the following standards:
 - (1) The home occupation shall be conducted either entirely within the dwelling or, if outside the dwelling, the activity shall be screened from public view.
 - (2) No exterior signs, symbols, displays or advertisements relating to the home occupation shall be displayed, nor shall any interior signs be visible from the public view.
 - (3) Any materials, supplies or products relating to the home occupation which are stored outside of the dwelling or other fully enclosed building shall be screened from the public view.
 - (4) Articles sold on the premises shall be limited to those produced by the home occupation, or to instructional materials pertinent to the home occupation, or to services provided by the home occupation.

- (5) Only one employee shall be permitted in addition to household members under the home occupation.
 - (6) A minimum of one parking space shall be provided on the building site in addition to parking required for the dwelling use or other permitted uses if the home occupation involves customer or client visits or meetings. The director may require additional parking spaces where the director finds that such additional parking spaces may be reasonably necessary to avoid off-site or inappropriate parking locations. Any resident of a multiple-family dwelling may fulfill the parking requirement by the use of guest parking with the written approval of the building owner, manager or condominium association.
- (c) A person desiring to engage in a home occupation that involves any of the following activities, shall file with the director, a declaration in the form designated by the director, verifying that the home occupation will comply with all of the conditions contained in subsection (b) and will not involve any of the activities listed under subsection (e):
- (1) Frequent customer or client visits;
 - (2) Frequent deliveries or pickups;
 - (3) Storage of materials, supplies or products related to the home occupation outside of the dwelling or other fully enclosed building;
 - (4) Activities conducted outside of the dwelling; or
 - (5) Group instruction.
- (d) A special permit shall be obtained for any home occupation on a building site that is situated within either the State land use rural or agricultural district.
- (e) The following activities shall not be permitted as home occupations:
- (1) Contractor storage yards, including without limitation, the storage, use, repair or fabrication of equipment designed or intended for use in land excavation or in the construction of buildings or other structures or other similar heavy equipment.
 - (2) Repair, fabrication or painting of automobiles or other motorized vehicles, except those owned by household members and which are not sold or made available for sale within one year of such activity regarding any particular vehicle.
 - (3) Care, treatment or boarding of animals in exchange for money, goods, services or other consideration.
 - (4) Any activities and uses which are only permitted in industrial districts.
- (f) Any home occupation existing as of December 7, 1996, which involves any of the activities listed under subsection (c) may continue as a nonconforming use until September 30, 1997, at which time any such continued use without the filing of a declaration, as provided under subsection (c) shall be considered illegal under this chapter. Prior to September 30, 1997, any person may file a declaration for any home occupation existing as of December 7, 1996, which involves any of the activities listed under subsection (c), and upon the filing of such declaration, the use shall be considered a permitted use.
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-4-14. Flag lots.

A flag lot shall be permitted when sufficient street frontage is not available for more than one building site, provided the following conditions are met:

- (1) The access drive connecting the building site with the street shall have a minimum width of fifteen feet.
- (2) The access drive shall be the sole access for only one building site, unless dual access is approved by the director after consultation with the director of public works.

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(56)	02-106	9-12-2002	Puuanahulu Homesteads, North Kona	7-1-05:9, 10, 22, 26, 28-34, 39, 40, 41, 58 and 59	(Amends Ord. 01-64) (Effective Date 7-16-01)		
(57)	04-13	2-11-2004	Kaloko, North Kona	7-3-26:16	A-20a	A-10a	
(58)	04-14	2-11-2004	Kaloko, North Kona	7-3-27:10	A-20a	A-10a	
(59)	04-63	6-14-2004	Kaloko, North Kona	7-3-25:8	A-20a	A-5a	
(60)	04-89	8-12-2004	Kaloko, North Kona	7-3-26:15	A-20a	A-10a	
(61)	04-146	12-8-2004	Kaloko, North Kona	7-3-27:21	A-20a	A-10a	
(62)	04-147	12-8-2004	Kaloko, North Kona	7-3-25:7	A-20a	FA-3a	
(63)	05-65	5-16-2005	Kaloko, North Kona	7-3-26:11	A-20a	A-10a	
(64)	05-66	5-16-2005	Kaloko, North Kona	7-3-27:7	A-20a	A-10a	
(65)	05-67	5-16-2005	Kaloko, North Kona	7-3-27:6	A-20a	A-10a	
(66)	06-4	1-13-2006	Kaloko, North Kona	7-3-26:14	A-20a	A-10a	
(67)	06-58	5-12-2006	Kaloko, North Kona	7-3-26:13	A-20a	A-10a	
(68)	06-59	5-12-2006	Kaloko, North Kona	7-3-25:9	A-20a	A-5a	
(69)	06-82	6-16-2006	Kaloko, North Kona	7-3-24:8	A-20a	FA-3a	

ZONING MAP No. 7.02 – (North Kona)

§ 25-8-3

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	124	5-1-1968	Kealakehe, North Kona	7-4-08	A-1a	RD-3.75	6.02(a), 7.02(a)
(2)	132	6-19-1968	Pahoehoe 4th, North Kona	7-7-08:101	U	V-1.25	6.02(b), 7.02(b)
(3)	140	7-17-1968	Laaloa 1st, Laaloa 2nd and Kapalaalaea 1st, North Kona	7-7-07	U	RS-10	7.02(c)
(4)	141	8-7-1968	Hokukano 1st, North Kona and Keauhou 2nd, North Kona	7-9-12	A-5a	A-1a	7.02(d)
(5)	169	11-20-1968	Kealakehe Homesteads, North Kona	7-4-08	A-1a	RM.5	7.02(e)
(6)	198	3-5-1969	Kealakehe Homesteads, North Kona	7-4-04:10 and 7-4-09:19	A-1a	RS7.5	7.02(f)
(7)	247	8-20-1969	Kealakehe Homesteads, North Kona	7-4-08:Por. 17	RD-3.75	RM-5	7.02(h)
(8)	264	9-22-1969	Honuaino 2nd, North Kona	7-9-07:22	A-5a	CV-7.5 and A-1a	7.02(g-1) and 7.02(g-2)
(9)	287	12-15-1969	Kanaeue 2nd, North Kona	7-9-13:12	RS-15	CN-10	7.02(j)
(10)	297	1-28-1970	Keahuolu, North Kona	7-4-08:Por. 1	A-1a	CV-10	7.02(i)
(11)	303	2-26-1970	Keahuolu, North Kona	7-4-08:Por. 1	U	RS-15	7.02(k)
(12)	351	11-12-1970	Holualoa 2nd, North Kona	7-6-13:19	A-1a	CV-10	7.02(l)
(13)	438	12-22-1971	Kaloko, North Kona	7-3-08:Por. 32	A-3a	A-1a	7.02(m)

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(212)	03-162	12-19-2003	Holualoa 1st and 2nd, North Kona	7-6-8:Por. of 5 (formerly TMK: 7-6-8:Por. of 10)	A-1a	CV-1a	
(213)	03-163	12-19-2003	O'oma 1st, North Kona	7-3-7:40 and 41	A-5a	FA-2a	
(214)	04-29	3-18-2004	Puapuaanui, North Kona	7-5-17:21	A-5a	RS-15	
(215)	04-30	3-18-2004	Puaa 2nd, North Kona	7-5-12:38	A-5a	FA-3a	
(216)	04-56	5-27-2004	Puapuaa 2nd, North Kona	7-5-20:71 and 72	A-5a	RS-7.5	
(217)	04-103	9-14-2004	Kohanaiki, North Kona	7-3-19:28	A-3a	RA-.5a	
(218)	04-106	9-22-2004	O'oma 1st, North Kona	7-3-10:Por. of 3	A-5a	RM-4	
(219)	04-110	10-12-2004	Honokohau 1st and 2nd, North Kona	7-4-8:Por. 13 and 30	O	MCX-20 and MG-1a	
(220)	04-126	11-19-2004	Honuauia, North Kona	7-5-24:25	A-5a	FA-3a	
(221)	04-149	12-8-2004	Kalaoa 1st and 2nd, North Kona	7-3-011:068	A-5a	RS-20	
(222)	05-74	5-18-2005	Auhaukeae 1st, North Kona	7-5-9:67 and Por. of 54	A-1a and V-1.25	RM-2.5	
(223)	05-113	8-5-2005	Puapua'aiki 1st and Puapua'anui 1st, North Kona	7-5-17:19	A-5a	RM-2.5	
(224)	05-115	8-5-2005	Puapua'aiki 1st and Puapua'anui 1st, North Kona	7-5-17:1	A-5a	CN-20	
(225)	06-50	5-2-2006	Kalaoa 1st -4th, North Kona	7-3-49:36 and 37	O	MG-15a	
(226)	06-78	6-1-2006	Kahului 1st, North Kona	7-5-17:Por. 5 and 2	A-5a	RM-2.5	
(227)	06-85	6-16-2006	Kalaoa 5th, North Kona	7-3-61:1-10, 17, 18, 20-22, Por. 11, 12, 19, 24-26, 50, 53, 54	CN-10	RS-10	

ZONING MAP No. 7.03 – (South Kona)

§ 25-8-4

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	282	12-15-1969	Keeki 2nd, South Kona	8-3-13:13	A-5a	A-1a	7.03(a)
(2)	290	12-15-1969	Keeki 2nd, South Kona	8-3-10:50	A-5a	A-1a	7.03(b)
(3)	374	2-25-1971	Onouli 2nd, South Kona	8-1-18:9 and 10	A-5a	A-1a	7.03(c)
(4)	382	3-15-1971	Kilooa 1 and 2 and Waipunaula, South Kona	8-2-01:1	A-1a	CV-10	7.03(d)
(5)	421	8-31-1971	Keopuka, South Kona	8-1-15:Por. 27	RS-10	CV-10	7.03(e)
(6)	422	8-31-1971	Kalamakumu, South Kona	8-2-09:11	A-1a	RS-7.5	7.03(f)
(7)	440	1-11-1972	Kilooa 1 and 2, South Kona	8-2-01:71	A-1a	CV-10	7.03(g)
(8)	484	7-18-1972	Keopuka, South Kona	8-1-07:17	A-5a	RS-10	7.03(h)
(9)	485	7-18-1972	Kilooa 1 and 2 and Waipunaula, South Kona	8-2-03:Por. 12	A-1a	CN-7.5	7.03(i)
(10)	508	8-15-1972	Kealia 2nd, South Kona	8-6-02:33	A-20a	A-1a	7.03(k) Repealed by Ord. 117, 5-13-1975
(11)	511	8-28-1972	Kealakekua, South Kona	8-2-02:1, 3-8, Por. 11, 12-17, 23-30, 43	A-1a, A-5a	RS-10, CN-7.5	7.03(j-1 to j-4)
(12)	566	3-12-1973	Halekii, South Kona	8-1-03:35, 43, 44, 46 and Por. 47	A-5a	CV-7.5, RM-2 RS-10	7.03(l-1 to l-3)

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(58)	95-118	10-12-1995	Hienaloli 4th and 5th, North Kona	7-5-10:13 and 7-5-23:63	(Amends Ord. 92-36) (Effective Date 4-24-1992)		
(59)	96-61	5-22-1996	Waiaha 2nd and Kahului 1st, North Kona	7-1-18:61 and 7-5-19: Por. 5	(Amends Ord. 86-79) (Effective Date 7-9-1986)		
(60)	96-34	3-18-1996	Puaa 3rd, North Kona	7-5-18:14	RM-1	CV-10	
(61)	97-40	3-13-1997	Puaa 3rd, North Kona	7-5-18:19	RM-1	CV-10	
(62)	98-70	7-2-1998	Hienaloli 2nd, North Kona	7-5-10:15	RD-3.75, A-5a	RM-1	
(63)	98-113	11-19-1998	Keopu 1st, North Kona	7-5-04:6 and 13	(Amends Ord. 90-85) (Effective Date 7-16-1990)		
(64)	00-90	8-21-2000	Keahuolu, North Kona	7-4-15:15	(Amends Ord. 91-27) (Effective Date 3-21-1991)		
(65)	00-122	10-30-2000	Puaa 3rd, North Kona	7-5-18:15	RM-1	CV-10	
(66)	03-18	2-20-2003	Waiaha 1st, North Kona	7-5-18:8	RS-10	RM-4	
(67)	03-115	8-14-2003	Honuaula, North Kona	7-5-22:40	RM-1	CV-7.5	
(68)	06-44	4-12-2006	Puaa 1st, North Kona	7-5-9:23	RM-1	V-.75	

ZONING MAP No. 7.05 -- (Kailua-Honalo Urban)

§ 25-8-6

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	126	5-15-1968	Keaouhou 1st and 2nd, North Kona	7-8-10	RD-3.75	RM-2	7.05(a)
(2)	141	8-7-1968	Keaouhou 2nd, North Kona	7-9-12	RS-10	VH-75	7.05(b)
(3)	168	11-20-1968	Waiaha 2nd, North Kona	7-5-17:18	RS-15	RS-7.5	7.05(c)
(4)	176	11-20-1968	Holualoa, North Kona	7-6-14:22	RM-1.5	V-1.25	7.05(d)
(5)	230	6-19-1969	Kahaluu, North Kona	7-8-13	V-.75	VH-75	7.05(e)
(6)	267	10-15-1969	Kawanui 1st, North Kona	7-9-14:14, 15, and 16	RS-7.5	CV-7.5	7.05(f)
(7)	281	12-15-1969	Honuaino, North Kona	7-9-09:30	RS-10	CV-7.5	7.05(h)
(8)	419	8-31-1971	Kawanui 1st, North Kona	7-9-14:13	RS-7.5	CV-7.5	7.05(i)
(9)	420	8-31-1971	Honuaino 3rd, North Kona	7-9-07:29	RS-10	CV-10	7.05(k)
(10)	431	11-5-1971	Kahaluu, North Kona	7-8-14:6, 74, 81-84	V-1.25 RM-.75, RS-10	RS-7.5	7.05(j)
(11)	477	6-27-1972	Keaouhou 1st, North Kona	7-8-10		O, RS-10, RM-.75	7.05(l-1 to l-4)
(12)	595	6-27-1973	Kahaluu and Keaouhou 1st, North Kona	7-8-10:Por. 3, 7-8-13:3, 5-10, 29, 30 and Por. 26	RS-10	RM-3.0	7.05(m)
(13)	614	11-28-1973	Keaouhou 2nd, North Kona	7-8-10:Por. 39	RS-10	CV-10	7.05(n) Am. by Ord. 111, 5-2-1975
(14)	25	4-29-1974	Keaouhou 1 and Keaouhou 2, North Kona	7-8-10:44, 48 and Por. 36, 7-8-13:18, 48, and 99	RS-10, VH-.75, O, RM-2.0	O, VH-1.5	7.05(o-1 to o-7)

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(80)	03-75	5-13-2003	Ouli, South Kohala	6-2-11:12	A-5a	RA-2a	
(81)	03-77	5-13-2003	Ouli, South Kohala	6-2-11:31	A-5a	RA-2a	
(82)	03-122	8-27-2003	Ouli, South Kohala	6-2-11:19	A-5a	RA-2a	
(83)	03-124	8-27-2003	Ouli, South Kohala	6-2-11:13	A-5a	RA-2a	
(84)	04-12	2-11-2004	Ouli, South Kohala	6-2-11:34	A-5a	RA-2a	
(85)	04-48	4-27-2004	Waikoloa, South Kohala	6-8-2:Por. of 33	O	ML-1a	
(86)	04-86	8-12-2004	Ouli, South Kohala	6-2-11:10	A-5a	RA-2a	
(87)	04-88	8-12-2004	Ouli, South Kohala	6-2-11:16	A-5a	RA-2a	
(88)	05-33	3-17-2005	Ouli, South Kohala	6-2-11:9	A-5a	RA-2a	
(89)	05-35	3-31-2005	Ouli, South Kohala	6-2-11:33	A-5a	RA-2a	
(90)	05-64	5-16-2005	Kahua 1st, North Kohala	5-9-6:5	A-5a	FA-3a	
(91)	05-120	8-25-2005	Ouli, South Kohala	6-2-9:26	A-5a	RA-2a	
(92)	05-157	12-15-2005	Waikoloa, South Kohala	6-8-02:Por. 16, 6-8-03: Por. 32	(Amends Ord. 95-51) (Effective Date 03-21-1995)		
(93)	06-3	1-13-2006	Ouli, South Kohala	6-2-11:30	A-5a	RA-2a	
(94)	06-69	5-22-2006	Pāhoā, North Kohala	5-5-008:Por. 046	A-20a	RS-7.5	

ZONING MAP (Upolu Point-Kaauhuhu Homesteads)

§ 25-8-8

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	167	11-20-1968	Kaauhuhu Homesteads, North Kohala	5-5-01:25	A-20a	A-3a	7.06(b)
(2)	298	1-28-1970	Kahei Homesteads, North Kohala	5-5-01:56	A-20a	A-1a	7.06(d)
(3)	571	4-13-1973	Kaauhuhu Homesteads, Kaauhuhu, North Kohala	5-5-01:Por. 22, 41 and 69	A-20a	A-3a	7.06(j)
(4)	131	7-14-1975	Kokoiki, North Kohala	5-5-04:20	A-20a	A-1a	7.06(m)
(5)	247	2-9-1977	Kahei Homesteads, North Kohala	5-5-01:53 and 55	A-20a	A-5a	7.06(q)
(6)	437	5-31-1979	Kaauhuhu, Mahukona 1st and Nunulunui, North Kohala	5-5-01:Por. 5	A-20a	A-10a	7.06(t)
(7)	619	9-11-1980	Kaauhuhu, North Kohala	5-5-01:29	A-20a	A-5a	7.06(v)
(8)	815	8-24-1982	Kaauhuhu Homesteads, North Kohala	5-5-01:22	A-20a	A-5a	7.06(w)
(9)	865	3-24-1983	Mahukona 2nd and Puukumau, North Kohala	5-4-01:10 and 11, 5-7-02:13	A-20a	A-3a, A-10a	7.06(x-1 to x-3)
(10)	867	3-24-1983	Kaauhuhu Homesteads 2nd, North Kohala	5-5-02:10	A-20a	A-3a	7.06(z)
(11)	83-15 (Am. Ord. 865)	9-14-1983	Puukumau, North Kohala	5-4-01:11	A-20a	A-10a	
(12)	83-40	10-26-1983	Kahei, North Kohala	5-5-07:Por. 10	A-20a	A-5a	
(13)	83-56	12-12-1983	Honoipuu and Puakea, North Kohala	5-6-01:Por. 24 and 43	A-20a	A-10a	
(14)	85-48	6-20-1985	Kaauhuhu, Kahei, Kealahewa 1st, 2nd and 3rd, Honoipuu, Puakea, Kukuipahu, Ilio Lahuiki, Awalua, Haena and Kapunapuna North Kohala	5-5-01:60, 64 5-5-03:17 and Pors. 9 and 16, 5-6-01:20 and 21	A-20a	A-1a, A-2a, A-600a, O	

ZONING MAP (Kawaihae-Puako)

§ 25-8-12

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	139	7-17-1968	Kawaihae 2nd, South Kohala	6-2-01	A-40a	RM-5, O	7.06(a), 7.06(b)
(2)	152	9-18-1968	Ouli, South Kohala	6-2-02	CV-10	V-1.25	7.10(a)
(3)	152	9-18-1968	Ouli, South Kohala	6-2-02	V-1.25	Open	7.10(b)
(4)	275	11-26-1969	Ouli, South Kohala	6-2-02	A-1a	RS-20	7.10(b-1 to b-2)
(5)	500	8-1-1972	Ouli, Waimea, South Kohala	6-2-02:Por. 4	O	V-1.25	7.10(c)
(6)	602	7-18-1980	Ouli, South Kohala	6-2-02:Por. 4	O	V-1.25	7.10(d) Am. by Ord. 642, 10-17-1980
(7)	808	7-23-1982	Ouli, South Kohala	6-2-02:Por. 4	A-1a	RM-20	7.10(e)
(8)	84-45	8-13-1984	Ouli, South Kohala	6-2-02:Por. 4, 18 and 19	A-1a and O	O, RM-20, V-1.25	
(9)	84-84	11-30-1984	Lalamilo, South Kohala	6-6-02:25	O	RS-15	
(10)	86-46	6-2-1986	Ouli, South Kohala	6-2-01:62, 63, 78, 79 and Por. 51, 6-2-02:Por. 12	A-1a, U	CV-10, O, RS-20, ML-10, RS-15, RM-6	
(11)	88-50	5-2-1988	Ouli, South Kohala	6-2-2:5	RS-15, O	RS-5a	
(12)	88-152	10-27-1988	Lalamilo, South Kohala	6-6-2:3 to 6	O	RS-20	
(13)	89-106	7-25-1989	Lalamilo, South Kohala	6-6-02:19	O	RS-20	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(14)	90-64	5-27-1990	Ouli, Waimea, South Kohala	6-2-01:Por. 51	RM-6, RS-15, ML-10, CV-10, O	RM-6, RS-15, ML-10, CV-10, O	
(15)	91-49	5-22-1991	Ouli, South Kohala	6-2-02:Por. 12	RS-20, O	O, RS-20	
(16)	92-16	2-26-1992	Lalamilo, South Kohala	6-9-01:Por. 7	O	RS-10	
(17)	94-53	5-18-1994	Ouli, South Kohala	6-2-02:Por. 13	O	RM-1.5	
(18)	94-127	12-7-1994	Lalamilo, South Kohala	6-9-03:22	V-1.25	CV-15	
(19)	95-107	9-13-1995	Ouli, Waimea, South Kohala	6-2-13:1, 2 and 7	RS-15, RM-6, RM-15, CV-10, O	RS-15, RM-6, RM-15, CV-10, O	
(20)	03-120	8-27-2003	Waimea, Lalamilo, South Kohala	6-9-3:15	V-1.25	RS-10	
(21)	05-153	12-2-2005	Kawaihae 1st, South Kohala	6-1-3:15	O	MCX-1a	
(22)	06-5	1-13-2006	Ouli, South Kohala	6-2-16:1-19	RM-15	RS-15	

ZONING MAP No. 7.11--(Hamakua District)
§ 25-8-15

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	86-12	2-24-1986	Waikoekoe, Hamakua	4-7-07:48	A-40a	A-20a	
(2)	86-13	2-24-1986	Waikoekoe, Hamakua	4-7-07:39	A-40a	A-35a	
(3)	90-26	4-9-1990	Waikoekoe, Hamakua	4-8-06:Por. 35	A-40a	RS-15	
(4)	91-132	12-27-1991	Hamakua	Numerous	A-5a, A-20a, A-40a	A-20, 000a	
(5)	91-133	12-26-1991	Keaa, Puopaha, Kalakalaula, Kukuihaele, Waikoekoe, Lalakea, Kanahonua, Hamakua	4-8-01:4 and 5, 4-8-02:4 and Por. 5, 4-8-03:Por. 6, 4-8-04:1, 2 and Por. 3, 4-8-05:1, 3, 4, 5, 6 and Por. 2, 4-8-06:2, 4-8-08:1, 2, 19 and 23	A-40a	V-13, CV-10, A-1a, A-3a, O	
(6)	91-134	12-26-1991	Kanahonua, Waikoekoe, Keaa, Puopaha, Kalakalaula, Hamakua	4-8-01:Por. 4, 4-8-06:43, 44 and Pors. 1 and 11	A-40a	CV-10, RM-5 RM-10, A-1a	
(7)	92-84	7-22-1992	Waikoekoe, Hamakua	4-8-06:Por. 35	(Amends Ord. 90-26) (Effective Date 4-9-1990)		
(8)	94-63	6-8-1994	Waikoekoe and Kanahonua, Hamakua	4-8-06:13, 43, Por. 9, 11 and 44	RS-15, A-40a	V-43, RS-7.5, RS-15, V-18, V-43, A-1a	
(9)	01-22	3-6-2001	Waikoekoe and Kanahonua, Hamakua	4-8-6:3, 13 and Por. of 44	RS-15, V-43	V-25	
(10)	01-79	9-24-2001	Waikoekoe and Kanahonua, Hamakua	4-8-06:43 and Pors. of 9 and 11	RS-15, V-18, V-43, A-1a	A-40a	
(11)	06-81	6-16-2006	Waikoekoe, Hamakua	4-7-007:048	A-20a	FA-3a	

ZONING MAP No. 7.12--(Hamakua District Homesteads)

§ 25-8-16

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	581	6-8-1973	Kaao Homesteads, Hamakua	4-5-03:Por. 16	A-5a	A-1a	7.12(a)
(2)	588	6-27-1973	Kaao Homesteads, Hamakua	4-5-03:Por. 14	A-5a	A-1a	7.12(b)
(3)	341	4-24-1978	Paalaea, Papaanui, Haina and Namoku, Hamakua	4-5-10:Por. 1, 2 and 31	A-5a, A-40a	RS-10	7.12(c-1 to c-3)
(4)	404	12-27-1978	Ahualoa Homesteads, Ahualoa, Hamakua	4-6-07:68	A-5a	A-3a	7.12(d)
(5)	534	2-12-1980	Namoku and Papaanui, Hamakua	4-5-10:82 and Por. 31	RS-10, A-40a	A-5a, RS-10	7.12(e-1 to e-2)
(6)	882	5-16-1983	Ahualoa, Hamakua	4-6-06:11	A-40a	A-5a	7.12(f)
(7)	84-72	10-23-1984	Papaanui, Paalaea and Kaao, Hamakua	4-5-10:85	RS-10	CV-7.5	
(8)	85-18	4-3-1985	Paalaea, Papaanui, Haina and Namoku, Hamakua	4-5-10:Pors. 1, 2 and 31	(Amends Ord. 341) (Effective Date 4-24-1978)		
(9)	91-54	6-14-1991	Paalaea, Papaanui, Haina and Namoku, Hamakua	4-5-10:1, 31, 121, 198-116 (formerly 4-5-10: Por. 1, 2 and 31)	(Amends Ord. 85-18) (Effective Date 4-3-1985)		
(10)	91-132	12-27-1991	Hamakua	Numerous	A-5a, A-20a, A-40a	A-20,000a	
(11)	96-9	2-23-1996	Hauola, Opihilala, Hamakua	4-3-3:31	A-40a	A-1a	
(12)	98-14	2-24-1998	Hauola, Opihilala, Hamakua	4-3-3:31	(Amends Ord. 96-9) (Effective Date 2-23-1996)		

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Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(303)	05-140	10-11-2005	Waiākea, South Hilo	2-2-27:42	RS-10	CN-10	
(304)	05-141	10-11-2005	Waiākea, South Hilo	2-4-9:26	RS-15	RS-10	
(305)	05-142	10-11-2005	Waiākea, South Hilo	2-2-35:9 & 10	RS-10	ML-20	
(306)	05-154	12-2-2005	Kalalau, South Hilo	2-6-8:Por. 22	RM-1	RM-10	
(307)	05-159	12-15-2005	Waiākea, South Hilo	2-2-49:24	CN-10	MCX-20	
(308)	06-28	2-24-2006	Ponahawai, South Hilo	2-3-36:18	A-1a	CN-20	
(309)	06-47	4-12-2006	Waiākea, South Hilo	2-2-28:30, 32, 33	RS-10	CG-10	
(310)	06-57	5-12-2006	Ponahawai, South Hilo	2-3-36:Por. 18 & 2-3-37:6	(Repeals Ord. 72-487) (Effective Date 8-1-1972)		

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ZONING MAP No. 7.30--(Papaikou-Onomea)

§ 25-8-34

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	286	12-15-1969	Papaikou, South Hilo	2-7-28:16 and 17	RS-7.5	CV-10	7.30(a)
(2)	499	8-1-1972	Kalaoa, South Hilo	2-7-31:1, 2, 20	RS-20	RS-15	7.30(b)
(3)	537	11-14-1972	Waitua, South Hilo	2-6-13:Por. 5 and 7	A-20a	A-1a	7.30(c-1 to c-2)
(4)	27	4-29-1974	Alemai, South Hilo	2-7-32:Por. 18	A-20a	A-1a	7.30(d)
(5)	669	2-10-1981	Papaikou, South Hilo	2-7-04:Por. 119	A-20a	RS-10	7.30(3)
(6)	84-50	9-4-1984	Paukaa, South Hilo	2-7-03:26	A-20a	RS-15	
(7)	85-34	4-22-1985	Waitua, South Hilo	2-6-17:02	A-20a	RS-15	
(8)	86-111	9-26-1986	Papaikou, South Hilo	2-7-33:15	RS-6.5	CV-10	
(9)	90-115	9-26-1986	Papaikou, South Hilo	2-7-33:15	(Amends Ord. 86-111) (Effective Date 9-26-1986)		
(10)	90-144	11-30-1990	Paukaa, South Hilo	2-7-38:3	A-20a	A-3a	
(11)	91-28	3-21-1991	Paukaa, South Hilo	2-7-38:Por. 1	A-20a	A-5a	
(12)	96-121	10-18-1996	Paukaa, South Hilo	2-7-3:27	A-20a	RS-15	
(13)	96-152	12-5-1996	Papaa--Halepuna, South Hilo	2-6-12:Por. 4; 2-6-13:Por. 7	A-20a	RS-15	
(14)	98-100	10-19-1998	Paukaa, South Hilo	2-7-38:3	A-20a	A-3a	
(15)	06-29	2-24-2006	Wainaku, South Hilo	2-6-32:04 & 05	A-20a and RS-15	FA-5a	

ZONING MAP No. 7.31--(Pepeekeo)

§ 25-8-35

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	456	3-23-1972	Pepeekeo and Makahanaloa, South Hilo	2-8-07:Por. 1 and 53	RS-7.5	MG-5a	7.31(a)
(2)	71	11-14-1974	Pepeekeo and Makahanaloa, South Hilo	2-8-07:Por. 3 and 6	A-20a	RS-10, CV-10, RM-3.5, O	7.31(b-1 to b-2) Repeals Ord. 47, 7-9-1974
(3)	256	3-30-1977	Pepeekeo and Makahanaloa, South Hilo	2-8-07:Por. 3 and 6	A-20a, O	RS-10	7.31(e)
(4)	84-16	8-13-1984	Makahanaloa, South Hilo	2-8-07:Por. 53	RS-7.5	MG-5a	
(5)	05-50	4-18-2005	Makahanaloa, South Hilo	2-8-8:103, Por. 104, Por. 95, and Por. 3	CV-10, ML-20 and MG-5a	RS-20, A-20a and ML-20	

Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	Code §
04-149	12-8-04	Kalaea 1st and 2nd, North Kona	7-3-011:068	A-5a	RS-20	25-8-3
04-150	12-8-04	Waiākea, South Hilo	2-2-32:93	CN-10	MCX-20	25-8-33
05-1	1-11-05	Waiākea, South Hilo	2-2-49:26	RS-10	MCX-20	25-8-33
05-2	1-11-05	Waiākea, South Hilo	2-2-37:31	RS-10	MCX-20	25-8-33
05-3	1-11-05	Waiākea Homesteads, South Hilo	2-4-38:16	FA-3a	RS-15	25-8-33
05-4	1-11-05	Waiākea, South Hilo	2-2-21:30	RS-10	RCX-10	25-8-33
05-26	2-18-05	Kapoho, Puna	1-4-73:1	O	FA-2a	25-8-22
05-33	3-17-05	Ouli, South Kohala	6-2-11:9	A-5a	RA-2a	25-8-7
05-35	3-31-05	Ouli, South Kohala	6-2-11:33	A-5a	RA-2a	25-8-7
05-50	4-18-05	Makahalanaloa, South Hilo	2-8-8:103, Por. 104, Por. 95, and Por. 3	CV-10, ML-20 and MG-5a	RS-20, ML-20 and A-20a	25-8-35
05-64	5-16-05	Kahua 1st, North Kohala	5-9-6:5	A-5a	FA-3a	25-8-7
05-65	5-16-05	Kaloko, North Kona	7-3-26:11	A-20a	A-10a	25-8-2
05-66	5-16-05	Kaloko, North Kona	7-3-27:7	A-20a	A-10a	25-8-2
05-67	5-16-05	Kaloko, North Kona	7-3-27:6	A-20a	A-10a	25-8-2
05-74	5-18-05	Auhaukeae 1st, North Kona	7-5-9:67 and Por. of 54	A-1a and V-1.25	RM-2.5	25-8-3
05-102	6-17-05	Anaehoomalu, South Kohala	6-8-33:1-6, 16-18, 20-49	RM-3 and RM-4	RM-20	25-8-13

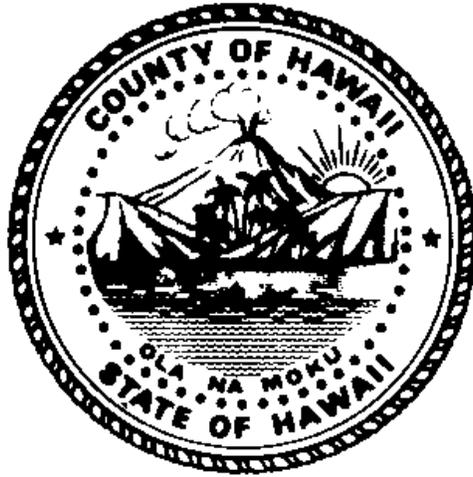
Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	Code §
05-103	6-17-05	Nānāwale Homesteads, Puna	1-5-11:10	RS-10	CV-10	25-8-6
05-105	6-17-05	Kalalau, South Hilo	2-6-8:Por. of 22 and 2-6-9:Por. of 8	A-20a and RM-1	RM-10 and A-20a	25-8-32 and 25-8-33
05-110	7-13-05	Waiākea, South Hilo	2-4-3:Por. 21	Amends Ord. 92-7		25-8-33
05-113	8-5-05	Puapua 'aiki 1 st and Puapua 'anui 1 st , North Kona	7-5-17:19	A-5a	RM-2.5	25-8-3
05-115	8-5-05	Puapua 'aiki 1 st and Puapua 'anui 1 st , North Kona	7-5-17:1	A-5a	CN-20	25-8-3
05-120	8-25-05	Ouli, South Kohala	6-2-9:26	A-5a	RA-2a	25-8-7
05-140	10-11-05	Waiākea, South Hilo	2-2-27:42	RS-10	CN-10	25-8-33
05-141	10-11-05	Waiākea, South Hilo	2-4-9:26	RS-15	RS-10	25-8-33
05-142	10-11-05	Waiākea, South Hilo	2-2-35:9 & 10	RS-10	ML-20	25-8-33
05-153	12-2-05	Kawaihae 1st, South Kohala	6-1-3:15	O	MCX-1a	25-8-12
05-154	12-2-05	Kalalau, South Hilo	2-6-8:Por. 22	RM-1	RM-10	25-8-33
05-157	12-15-05	Waikoloa, South Kohala	6-8-02:Por. 16, 6-8-03: Por. 32	Amends Ord. 95-51		25-8-7
05-159	12-15-05	Waiākea, South Hilo	2-2-49:24	CN-10	MCX-20	25-8-33
05-169	12-27-05	Waimea, South Kohala	6-4-17:40	A-40a	A-5a	25-8-11
06-3	1-13-06	Ouli, South Kohala	6-2-11:30	A-5a	RA-2a	25-8-7
06-4	1-13-06	Kaloko, North Kona	7-3-26:14	A-20a	A-10a	25-8-2

Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	Code §
06-5	1-13-06	Ouli, South Kohala	6-2-16:1-19	RM-15	RS-15	25-8-12
06-27	2-24-06	Kūkūāu 1st, South Hilo	2-4-8:33	Unzoned	A-80a	25-8-32
06-28	2-24-06	Ponahawai, South Hilo	2-3-36:18	A-1a	CN-20	25-8-33
06-29	2-24-06	Wainaku, South Hilo	2-6-32:04 & 05	A-20a and RS-15	FA-5a	25-8-34
06-44	4-12-06	Puaa 1st, North Kona	7-5-9:23	RM-1	V-75	25-8-5
06-47	4-12-06	Waiākea, South Hilo	2-2-28:30, 32, 33	RS-10	CG-10	25-8-33
06-50	5-2-06	Kalaoa 1st –4th, North Kona	7-3-49:36 and 37	O	MG-15a	25-8-3
06-57	5-12-06	Ponahawai, South Hilo	2-3-36:Por. 18 & 2-3-27:6	Repeals Ord. 72-487		25-8-33
06-58	5-12-06	Kaloko, North Kona	7-3-26:13	A-20a	A-10a	25-8-2
06-59	5-12-06	Kaloko, North Kona	7-3-25:9	A-20a	A-5a	25-8-2
06-69	5-22-06	Pāhoa, North Kohala	5-5-008:Por. 046	A-20a	RS-7.5	25-8-7
06-78	6-1-06	Kahului 1st, North Kona	7-5-17:Por. 5 and 2	A-5a	RM-2.5	25-8-3
06-81	6-16-06	Waikoekoe, Hāmākua	4-7-007:048	A-20a	FA-3a	25-8-15
06-82	6-16-06	Kaloko Mauka Subdivision, North Kona	7-3-24:8	A-20a	FA-3a	25-8-2
06-85	6-16-06	Kalaoa 5th, North Kona	7-3-61:1-10, 17, 18, 20-22, Por. 11, 12, 19, 24-26, 50, 53, 54	CN-10	RS-10	25-8-3

THE HAWAI‘I COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: **Supplement 2 (7-2006)**
Contains ordinances effective through: **6-30-06**



A CODIFICATION OF THE GENERAL ORDINANCES
OF THE COUNTY OF HAWAI‘I
STATE OF HAWAI‘I

Office of the County Clerk
County of Hawai‘i
25 Aupuni Street
Hilo, Hawai‘i 96720
(808) 961-8386

Volume 3

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CHAPTER NO.	CHAPTER TITLE	2000	2001	2002	2003	2004	2005	2006	2007
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12	Improvements by Assessments		01-108A, 01-123A	02-82A					
13	Minors								
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CHAPTER NO.	CHAPTER TITLE	2000	2001	2002	2003	2004	2005	2006	2007
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CHAPTER NO.	CHAPTER TITLE	2000	2001	2002	2003	2004	2005	2006	2007
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26	Fire								
27	Flood Control		01-108A						
28	State Land Use District Boundary Amendment Procedures								
29	Water Use and Development								
30	Development Agreements								
31	Enterprise Zone Program								
32	Special Improvement Financing by Community Facilities Districts		01-108A						
33	Tax Increment Districts		01-108A						
34	Public Access		01-108A						
35	Business Improvement District					04-94C			

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05-114	8-5-05	Puapua‘aiki 1 st and Puapua‘anui 1 st , North Kona	SLUB
05-115	8-5-05	North Kona Zone Map	ZA
05-116	8-5-05	Establishment of Ainaloa volunteer fire station	2-16.1
05-117	8-5-05	Capital improvements budget	--
05-118	8-10-05	Operating budget	--
05-119	8-25-05	Ouli, South Kohala	SLUB
05-120	8-25-05	North & South Kohala Districts Zone Map	ZA
05-121	8-25-05	Operating budget	--
05-122	8-25-05	Operating budget	--
05-123	8-25-05	Operating budget	--
05-124	8-25-05	General obligation bonds	--
05-125	8-25-05	General obligation bonds	--
05-126	8-25-05	General obligation bonds	--
05-127	9-14-05	Operating budget	--
05-128	9-14-05	Operating budget	--
05-129	11-13-05	Electrical code revision	9-3, 9-5, 9-9 -- 9-11(c), 9-12, 9-14, 9-16(a), 9-17 -- 9-19, 9-21(c), 9-25, 9-26, 9-33 and 9-35
05-130	9-14-05	Capital improvements budget	--
05-131	9-28-05	Capital improvements budget	--
05-132	9-28-05	Capital improvements budget	--
05-133	9-28-05	Capital improvements budget	--
05-134	9-28-05	General obligation bonds	--
05-135	9-28-05	Provide enhanced public notice of proposed development	23-58A and 23-17
05-136	9-28-05	Provide enhanced public notice of proposed development.	25-2-12, 25- 2-42(b), 25-2-53(a), 25-2-63(b), 25-6- 4(a), 25-6-22, 25-6- 44(b) and 25-6-54(b)
05-137	10-11-05	Establishment of Pu‘uanahulu volunteer fire station	2-16.1
05-138	10-11-05	Solid waste fees	20-46
05-139	10-11-05	County streets	21-1.2, 21-3.1, and 22-3.3--3.4
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05-141	10-11-05	City of Hilo Zone Map	ZA
05-142	10-11-05	City of Hilo Zone Map	ZA
05-143	10-11-05	Operating budget	--
05-144	10-11-05	Operating budget	--
05-145	10-11-05	Operating budget	--
05-146	10-11-05	Operating budget	--
05-147	10-27-05	Operating budget	--
05-148	11-17-05	Traffic Schedules	24-254

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05-149	11-17-05	Capital improvements budget	--
05-150	11-17-05	Capital improvements budget	--
05-151	11-17-05	Island-wide transportation free zone	18-90(h)
05-152	11-17-05	Operating budget	--
05-153	12-2-05	Kawaihae-Puako Zone Map	ZA
05-154	12-2-05	City of Hilo Zone Map	ZA
05-155	12-2-05	Plan Approval and Landscaping	25-2-71(a), 25-5-27(c), 25-5-37, 25-5-38(c), 25-5-47, 25-5-49(c), 25-5-97, 25-5-98(c), 25-5-107, 25-5-108(b), 25-5-117, 25-5-118(a), 25-5-127, 25-5-128(a), and 25-7-27
05-156	12-2-05	Operating budget	--
05-157	12-15-05	North & South Kohala Districts Zone Map	ZA
05-158	12-15-05	Exceptional Trees	14-65
05-159	12-15-05	City of Hilo Zone Map	ZA
05-160	12-15-05	Operating budget	--
05-161	12-15-05	Capital improvements budget	--
05-162	12-15-05	Operating budget	--
05-163	1-9-06	Motor vehicle driver's license fees	24-20
05-164	12-15-05	Charitable purposes exemptions	19-77
05-165	12-15-05	Water tank exemptions	19-54, 19-81
05-166	12-15-05	Public access, open space, and natural resources preservation commission.	2-214 -- 2-218
05-167	12-15-05	Operating budget	--
05-168	12-15-05	Operating budget	--
05-169	12-27-05	Lalamilo-Puukapu Zone map	ZA
05-170	12-27-05	Capital improvements budget	--
05-171	12-27-05	Capital improvements budget	--

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ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
06-1	1-13-06	Operating budget	--
06-2	1-13-06	Ouli, South Kohala	SLUB
06-3	1-13-06	North & South Kohala Districts Zone Map	ZA
06-4	1-13-06	North & South Kona Districts Zone Map	ZA
06-5	1-13-06	Kawaihae-Puako Zone Map	ZA
06-6	1-13-06	Operating budget	--
06-7	1-13-06	Operating budget	--
06-8	1-13-06	Operating budget	--
06-9	1-13-06	Operating budget	--
06-10	1-13-06	Capital improvements budget	--
06-11	1-13-06	Operating budget	--
06-12	1-13-06	General obligation bonds	--
06-13	1-13-06	Operating budget	--
06-14	1-13-06	Capital improvements budget	--
06-15	1-13-06	Capital improvements budget	--
06-16	2-8-06	Capital improvements budget	--
06-17	2-8-06	Operating budget	--
06-18	2-8-06	Capital improvements budget	--
06-19	2-8-06	Operating budget	--
06-20	2-8-06	General obligation bonds	--
06-21	2-8-06	Capital improvements budget	--
06-22	2-8-06	Operating budget	--
06-23	2-8-06	Operating budget	--
06-24	2-8-06	Operating budget	--
06-25	2-24-06	Capital improvements budget	--
06-26	2-24-06	Exceptional Trees	14-65
06-27	2-24-06	South Hilo District Zone Map	ZA
06-28	2-24-06	City of Hilo Zone Map	ZA
06-29	2-24-06	Pāpa‘ikou-Onomea Zone Map	ZA
06-30	2-24-06	Capital improvements budget	--
06-31	2-24-06	Operating budget	--
06-32	2-24-06	Operating budget	--
06-33	2-24-06	Capital improvements budget	--
06-34	2-24-06	Capital improvements budget	--
06-35	3-8-06	Operating budget	--
06-36	3-8-06	Capital improvements budget	--
06-37	3-8-06	Capital improvements budget	--
06-38	3-31-06	Operating budget	--
06-39	3-31-06	Operating budget	--
06-40	3-31-06	Capital improvements budget	--
06-41	3-31-06	Capital improvements budget	--
06-42	3-31-06	Capital improvements budget	--
06-43	3-31-06	Operating budget	--

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06-44	4-12-06	Kailua Urban Zone Map	ZA
06-45	4-12-06	Operating budget	--
06-46	4-12-06	Operating budget	--
06-47	4-12-06	City of Hilo Zone Map	ZA
06-48	4-12-06	Capital improvements budget	--
06-49	4-12-06	Operating budget	--
06-50	5-2-06	North Kona Zone Map	ZA
06-51		Charter amendment – boards and commissions	--
06-52	5-2-06	Operating budget	--
06-53	5-2-06	Operating budget	--
06-54	5-2-06	Operating budget	--
06-55	5-2-06	General obligation bonds	--
06-56	5-2-06	Operating budget	--
06-57	5-12-06	City of Hilo Zone Map	ZA
06-58	5-12-06	North & South Kona Districts Zone Map	ZA
06-59	5-12-06	North & South Kona Districts Zone Map	ZA
06-60		Charter amendment – Department of Civil Service	--
06-61	5-12-06	Operating budget	--
06-62	5-12-06	Operating budget	--
06-63	5-12-06	Operating budget	--
06-64	5-12-06	Operating budget	--
06-65	5-12-06	Operating budget	--
06-66	5-12-06	Operating budget	--
06-67	5-22-06	Capital improvements budget	--
06-68	5-22-06	Pāhoa, North Kohala	SLUB
06-69	5-22-06	North & South Kohala Districts Zone Map	ZA
06-70	5-22-06	Capital improvements budget	--
06-71	5-22-06	Registration of lobbyists	2-91.3(b)
06-72	5-22-06	Operating budget	--
06-73	5-22-06	Operating budget	--
06-74	5-22-06	Operating budget	--
06-75	5-22-06	Capital improvements budget	--
06-76	5-22-06	Capital improvements budget	--
06-77	6-1-06	Kahului 1st, North Kona	SLUB
06-78	6-1-06	North Kona Zone Map	ZA
06-79	7-1-06	Operating budget (FY 2006-2007)	--
06-80	7-1-06	Capital improvements budget (FY2006-2007)	--
06-81	6-16-06	Hāmākua District Zone Map	ZA
06-82	6-16-06	North & South Kona Districts Zone Map	ZA
06-83	7-1-06	Salary Ordinance of 2006	--
06-84		Charter amendment – Impeachment of elected officers	--
06-85	6-16-06	North Kona Zone Map	ZA
06-86	6-16-06	Sewer pump station	25-4-11
06-87	6-16-06	Operating budget	--
06-88	6-16-06	Operating budget	--

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06-89	6-16-06	Capital improvements budget	--
06-90	6-16-06	Capital improvements budget	--
06-91	6-16-06	Capital improvements budget	--
06-92	6-16-06	Capital improvements budget	--
06-93	6-16-06	Capital improvements budget	--
06-94	6-16-06	Operating budget	--
06-95		Charter amendment – Fire Department	--
06-96		Charter amendment – Verifying and certifying petitions for initiative and referendum, removal of elected officers and charter amendment or revision	--
06-97	6-30-06	Operating budget	--
06-98	6-30-06	Disaster and emergency fund expenditures	2-209 and 2-210
06-99	6-30-06	Capital improvements budget	--
06-100	6-30-06	Mileage reimbursement rates for duly authorized volunteer police and fire personnel	2-20, 2-101, and 2-101.1
06-101	6-30-06	Budget stabilization fund	2-219 -- 2-223
06-102	6-30-06	Capital improvements budget	--
06-103	6-30-06	Operating budget	--