

SUPPLEMENT 6 (7-2008)

Insertion Guide

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

(Covering general ordinances effective through 06-30-08
and numbered through 08-105)

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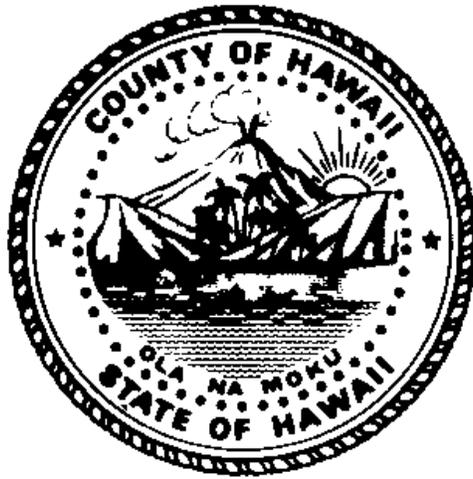
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THE HAWAI‘I COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: **Supplement 6 (7-2008)**
Contains ordinances effective through: **06-30-08**



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) 961-8255

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- (2) Perform such other duties as are assigned to it by state law or this Code.
- (3) Administer, adjudicate and authorize payment from the Geothermal asset fund and claims made against the Geothermal asset fund, provided that no payments shall be made nor obligation incurred for any claim for which there are insufficient funds in the Geothermal asset fund to satisfy. No claim made pursuant to this subsection will be deemed a claim against the County nor will the payment of any claim be construed as an admission of fault by the County or its officers, employees or agents.
- (4) The commission may incur expenses as are necessary to carry out these duties for which an appropriation has been made by the council. The planning director shall provide the commission with such administrative support as is necessary.

(1975 C.C., c. 2, art. 2, sec. 3.01; Am. 1995, Ord. No. 95-62, secs. 1 and 2.)

Section 2-28. Quorum; meetings.

- (a) The majority of the voting members of the planning commission shall constitute a quorum for the transaction of business and for the exercise of the powers and authority conferred upon the commission. All actions of the commission shall require the affirmative vote of a majority of its members.
- (b) The commission shall hold at least one meeting in each month and shall adopt rules for the transaction of business consistent with the laws of the State and the ordinances of the County.

(1975 C.C., c. 2, art. 2, sec. 3.02.)

Section 2-28.1. Community development plan.

Within sixty days after receipt of the planning director's recommendation on a draft community development plan or any amendment thereof, the planning commission shall transmit the draft community development plan or any amendment with its recommendation through the mayor to the County council. The commission shall recommend approval in whole or in part, with or without modifications, or rejection of the community development plan or any amendment. In the event the planning commission fails to act on the community development plan or amendment within the sixty-day period, such inaction shall be considered as an unfavorable recommendation by the planning commission, and the community development plan or amendment shall then be submitted through the mayor to the County council with such recommendation.

(2008, Ord. No. 08-71, sec. 2.)

Section 2-29. Records of findings required; location of office.

- (a) The commission shall keep a public record of its findings and determinations.
- (b) The office of the commission shall be in the County building at Hilo, Hawai'i, or such other place designated by the commission with the approval of the council.

(1975 C.C., c. 2, art. 2, sec. 3.02.)

Section 2-30. Publication of notice.

Whenever published notice of a Commission meeting is required, it shall be provided in accordance with state law.

(1975 C.C., c. 2, art. 2, sec. 3.02; Am. 1995, Ord. No. 95-62, sec. 3)

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Section 2-31. General plan; preparation; contents.

- (a) It shall be the function and duty of the planning director, with the approval of the planning commission, to prepare a general plan for the physical development of the County and to transmit the plan to the council for its consideration and action. The council shall adopt the general plan setting forth the council's policy for the long-range, comprehensive physical development of the County.
- (b) The general plan shall include a map of the County and shall contain a statement of:
- (1) Development objectives, standards and principles with respect to the most desirable use of land within the County for residential, recreational, agricultural, commercial, industrial, and other purposes;
 - (2) The most desirable density of population in the several parts of the County; a system of principal thoroughfares, highways, streets, and other public open spaces; the general location, relocation, and improvement of public buildings;
 - (3) The general location and extent of public utilities and terminals, whether publicly or privately owned, for water, sewers, light, power, transit, and other purposes;
 - (4) The extent and location of public housing projects;
 - (5) Adequate drainage facilities and control; and
 - (6) Such other matters as may, in the council's judgment, be beneficial to the social, economic, and governmental conditions and trends, and which are designed to assure the coordinated development of the County and to promote the general welfare and prosperity of its people.
- (c) Prior to submitting the general plan or any amendments to the council, the commission shall hold a public hearing at which interested persons are afforded a reasonable opportunity to be heard. Notice of the time and place of the hearing shall be given in the manner provided in section 2-30. The general plan shall be kept on file in the office of the commission.

(1975 C.C., c. 2, art. 2, sec. 3.03.)

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Section 2-32. Subdivision regulations.

The director, with the approval of the planning commission, shall prepare and submit to the council for its approval, regulations governing the subdivision of real property in the County. The regulations shall coordinate streets within subdivisions with other existing or planned streets, or with other features of the general plan for the adequate and convenient placing of open spaces for traffic, utilities, access for fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots, and for a proper distribution of population and traffic which will tend to create conditions favorable to public health, safety and morals. All such regulations shall be enacted as ordinances of the County and published as provided by law.

(1975 C.C., c. 2, art. 2, sec. 3.04.)

Section 2-33. Zoning regulations.

- (a) The director, with the approval of the planning commission, shall prepare and submit to the council for its approval, regulations to regulate and limit the height and bulk of buildings, to regulate and determine the area of yards, courts and other open spaces, and to regulate and restrict the location of trades and industries and the location of buildings designed for specific uses or creating districts for any such purposes. The regulations shall be enacted as ordinances of the County and published as provided by law.
- (b) The director, with the approval of the planning commission, may initiate at any time or upon application as provided in section 2-34 and recommend to the council the adoption of an ordinance amending or repealing any zoning regulation or the enactment of a new ordinance regulating land uses after a public hearing is held. Published notice of the hearing shall be given in the manner provided in section 2-30.
- (c) Notwithstanding any provision in this section, any ordinance regulating land use and affecting lands in a redevelopment project area shall be amended without the necessity of a public hearing to conform to the approved redevelopment plan upon acquisition of the lands by the Hawai‘i redevelopment agency in accordance with section 53-6, Hawai‘i Revised Statutes.

(1975 C.C., c. 2, art. 2, sec. 3.05.)

Section 2-34. Application for changes or new provisions.

- (a) Any application for a change, amendment or other modification or addition to any zoning ordinance may be filed with the director by the owner or lessee holding under a recorded lease of any real estate affected by any such ordinance or to be affected by the proposed changes, upon depositing with the director the sum of \$100 to cover all necessary costs.
- (b) When all the preliminary procedures have been complied with, the director shall refer the application to the commission. The commission shall consider and act upon the application by holding a public hearing, published notice of which shall be given in the manner provided by law.

(1975 C.C., c. 2, art. 2, sec. 3.06; Am. 1994, Ord. No. 94-14, sec. 2.)

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Section 2-75.1. Housing special funds.

- (a) There are created and established housing special funds to be known as the:
- (1) Kula‘imano Elderly Rental Housing Special Fund.
 - (2) ‘Ōuli Ekahi Rental Housing Special Fund.
- (b) All income generated from each rental housing project shall be deposited into its respective housing special fund to be expended by the housing administrator solely for the operation, maintenance and improvement of that particular rental housing project.
- (c) The housing administrator shall be responsible for the administration of all housing special funds in accordance with prescribed laws and procedures applicable to the expenditure of County funds.
- (1995, Ord. No. 95-149, sec. 1.)

Article 14. Mass Transit Agency.**Section 2-76. Creation.**

For the purpose of providing mass transit service in the County whether directly, jointly, or under contract with private parties, an agency to be known as the mass transit agency is created in order to implement chapter 51, Hawai‘i Revised Statutes.

(1975, Ord. No. 153, sec. 1; Am. 2004, Ord. No. 04-58, sec. 3.)

Section 2-77. Mass transit administrator created.

There shall be a mass transit administrator. The position of mass transit administrator shall be in the civil service and shall be filled through civil service recruitment procedures based on merit.

(1975, Ord. No. 153, sec. 1; Am. 2004, Ord. No. 04-58, sec. 3.)

Section 2-78. Duties of mass transit administrator.

The mass transit administrator shall have direct responsibility for the administration and operation of County mass transit service, whether such service is provided directly, jointly, or under contract with private parties. The mass transit administrator shall be under the direct supervision and control of the managing director and shall have the authority to staff the agency with necessary personnel to carry out the purposes of the agency.

(1975, Ord. No. 153, sec. 1; Am. 2004, Ord. No. 04-58, sec. 3.)

Section 2-78.1. Authority to adopt rules and regulations.

The agency is authorized to adopt reasonable rules and regulations as the agency deems necessary for the administration of the conduct of the agency’s business, including rules and regulations for fees and charges for permits for interior advertisements on buses. Rules shall be promulgated pursuant to Chapter 91, Hawai‘i Revised Statutes, as amended.

(2007, Ord. No. 07-85, sec 1.)

Article 15. Code of Ethics.

Section 2-79. Purpose.

The purposes of this article are to:

- (1) Prescribe standards of conduct for the guidance of County officers and employees;
- (2) Prohibit certain conduct involving County officers and employees; and
- (3) Set forth the procedure for the interpretation of ethics problems of County officers and employees.

(1975 C.C., c. 2, art. 8, sec. 1.)

Section 2-80. Interpretation of article.

This article shall be liberally construed to promote high standards of ethical conduct in County government.

(1975 C.C., c. 2, art. 8, sec. 2.)

Section 2-80.1. Distribution of mass mailings prohibited during campaign.

- (a) No newsletters, brochures, legislative summaries, or other mass mailings of material designed to support a candidate’s nomination, including electioneering communications as defined in section 11-207.6, Hawai‘i Revised Statutes, may be circulated, at public expense, by an incumbent council member within six months prior to a County election, or after any member has filed nomination papers, whichever comes first. This excludes public funds received by candidates from the Hawai‘i election campaign fund, pursuant to section 11-217, Hawai‘i Revised Statutes.
- (b) Any violation of this section constitutes use of government funds for campaign purposes, and shall be subject to any penalty, as authorized by law, including an administrative fine not to exceed \$1,000, for each violation, as the board of ethics may determine.

(2008, Ord. No. 08-49, sec 1.)

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Section 2-91. Appointing authority's power to discipline.

In addition to any other powers the appointing authority may have to discipline employees, the appointing authority may reprimand, put on probation, demote, suspend or discharge an employee found to have violated the standards of this article.

(1975 C.C., c. 2, art. 8, sec. 8.03.)

Section 2-91.1. Financial disclosures and disclosures of interest.

(a) Definitions. The following words used in this section shall have the respective meanings in this section:

- (1) "Candidate" has the meaning given it by section 11-191(3),* Hawai'i Revised Statutes;
- (2) "Elective" means all elective offices of the County of Hawai'i;
- (3) "Income" means gross income defined by section 61 of the Internal Revenue Code of 1954;
- (4) "Regulatory employee" means:
 - (A) Supervisors of inspectors employed by the department of public works and department of environmental management;
 - (B) Inspectors employed by the department of public works and department of environmental management;
 - (C) Supervisors of liquor control investigators;
 - (D) Liquor control investigators;
 - (E) Buyers and purchasing agents;
 - (F) Supervisors of real property tax appraisers;
 - (G) Real property tax appraisers;
 - (H) Planners employed by the planning department;
 - (I) Supervisors of inspectors employed by the department of water supply;
 - (J) Inspectors employed by the department of water supply;
 - (K) The legislative auditor.

(b) Filing of financial disclosures.

- (1) Candidates to Office. All candidates for elective office for the County of Hawai'i shall file a financial disclosure as provided herein within ten working days after the deadline for filing as a candidate for office.
- (2) Officers. All officers shall file a financial disclosure as provided herein within twenty working days after taking the oath of office or within twenty working days after the effective date of this section and annually thereafter on or before January 31 of each year until the end of the term of office.

If an officer is re-elected to office or reappointed to office for a new term, the foregoing requirement for filing financial disclosures shall be observed.

- (3) Regulatory Employees. All regulatory employees shall file a financial disclosure as provided herein on or before January 31, 1984, and thereafter biennially on or before January 31 of the biennium year. Persons becoming regulatory employees on or after January 31, 1984, shall file the initial financial disclosure as provided herein within thirty working days of commencement of employment or term of office.

(c) The disclosure of financial interests shall state the financial interests of the person disclosing, whether held in the person's name or by any other person for the person disclosing's use and benefit, and shall include:

- (1) The source, nature, and amount of all income of \$1,000 or more received during the preceding calendar year; provided that information that may be privileged by law need not be disclosed.
- (2) The name of each creditor to whom the value of \$3,000 or more was owed during the preceding calendar year and the original amount and amount outstanding; provided that debts arising out of retail installment transactions for the purchase of consumer goods need not be disclosed.

- (3) The amount and identity of every ownership or beneficial interest held during the disclosure period in any business having a value of \$5,000 or more, or interest equal to ten percent or more of the ownership of the business and, if the interest was transferred during the preceding calendar year, the date of the transfer; provided that an interest in the form of an account in a Federal or State regulated financial institution, an interest in the form of a policy in a mutual insurance company, or individual items in a mutual fund or a blind trust, if the mutual fund or blind trust has been disclosed pursuant to this paragraph, need not be disclosed.
 - (4) Every officership, directorship, trusteeship, or other fiduciary relationship held in a business during the preceding calendar year, the term of office and the annual compensation.
 - (5) A description of all real property in which the person now holds, or held during the preceding calendar year, an interest valued at \$5,000 or more, its tax map key, street address, and fair market value, and, if the interest was acquired or transferred during the preceding calendar year, the consideration paid or received for the interest and the name of the person or entity paying or receiving the consideration.
 - (6) The amount and identity of all creditor interests in an insolvent business held during the preceding calendar year having a value of \$5,000 or more.
 - (7) The names of clients personally represented before County agencies, except in ministerial matters, for a fee or compensation during the preceding calendar year and the names of the County agencies involved.
 - (8) On any item which calls for the stating of a dollar amount, this value may be reported by using an appropriate letter code as follows:
 - (A) Less than \$1,000;
 - (B) At least \$1,000 but less than \$10,000;
 - (C) At least \$10,000 but less than \$50,000;
 - (D) At least \$50,000 but less than \$100,000;
 - (E) At least \$100,000 but less than \$300,000;
 - (F) At least \$300,000 but less than \$700,000;
 - (G) At least \$700,000 but less than \$1,000,000;
 - (H) More than \$1,000,000.
- (d) Filing requirements.
- (1) All public financial disclosures shall be filed with the office of the County clerk. All confidential disclosures shall be filed with County board of ethics.
 - (2) The form for all public financial disclosures shall be as prescribed by the County clerk. The forms for confidential disclosures shall be as prescribed by the County board of ethics.
 - (3) Any officer or regulatory employee of the County shall file a financial disclosure as prescribed herein ten working days before an officer is to leave office or a regulatory employee is to terminate employment with the County. This requirement will also include transfer of an officer or regulatory employee from the County to either the State or Federal governments, or the transfer of an officer or regulatory employee to a County position for which financial disclosure is not required.
- (e) The financial disclosure statements of the following persons shall be public record and may be opened for inspection by the public during office hours of the County clerk:
- (1) All candidates for elective office.
 - (2) All elected officers.
 - (3) The administrative heads of the County agencies and their first deputies.
 - (4) The managing director and deputy managing director.
- All other financial disclosure statements required to be filed under this section shall be confidential and accessible only by action of the board of ethics.

- (f) Penalty.
- (1) Officers and regulatory employees subject to section 2-91.1(b).
Any officer or regulatory employee of the County who fails to file a financial disclosure as required in this section shall be subject to the provisions of section 2-91 hereof relating to noncompliance.
 - (2) Any candidate who fails to file a financial disclosure as prescribed herein shall be guilty of a misdemeanor and subject to a fine of \$1,000 and imprisonment of one year.
- (g) Notwithstanding any other disclosures filed under this section, it shall be incumbent upon all employees or officers of the County to make a full disclosure in writing to their appointing authority or to the council in the case of an elective officer, whenever the employee or officer possesses or acquires any interests, financial or otherwise, that might reasonably tend to create a conflict with the public interest in the performance of the public duties and responsibilities of the officer or employee. Any member of the council who knows he or she has a personal interest, direct or indirect, in any action proposed or pending before the council shall immediately disclose such interest.
- A copy of any disclosure of interest filed under this subsection shall be filed by the employee or officer with the County clerk which shall be a matter of public record.
- (1983, Ord. No. 841, sec. 1; Am. 1983, Ord. No. 83-7, sec. 1; Am. 1985, Ord. No. 85-35, sec. 1; Am. 1999, Ord. No. 99-54, sec. 1, Am. 2002, Ord. No. 02-109, sec. 5; Am. 2005, Ord. No. 05-41, sec. 1; Am. 2007, Ord. No. 07-131, sec. 1; Am. 2008, Ord. No. 08-50, sec. 2.)

* Editor's Note: Section 11-191, Hawai'i Revised Statutes, has been repealed.

Section 2-91.2. Post-employment.

- (a) No former officer or employee shall disclose any information which by law is not available to the general public and which the officer or employee acquired in the course of this person's official duties, nor shall the former officer or employee use such information for this person's personal gain or for the benefit of any other person. A former officer or employee may, however, disclose such information if requested by authorized governmental personnel, for official purposes.
- (b) No former officer or employee shall, within twelve months after the termination of the former officer or employee's employment or term of office with the County, assist and/or represent any person or business or act in a representative capacity for a fee, compensation, or other consideration, or otherwise act for the former officer or employee's own personal economic gain, in relation to any specific case, proceeding, contract, application, or pending legislation with which the former officer or employee, in the course of the former officer or employee's official duties with the County:
 - (1) Had been directly concerned;
 - (2) Had under active consideration; or
 - (3) Had obtained information which by law is not available to the general public.

For the purposes of this section, "represent" means to engage in direct communication on behalf of any person or business with a councilmember, a council employee, a particular County board, commission or agency, or their employees.

A former officer or employee may, however, assist a governmental entity in relation to such matters if requested by authorized governmental personnel for official purposes.
- (c) Nothing in this section shall prohibit any agency of the County from contracting with the former officer or employee to act on matters on behalf of the County.
- (d) Any fee, gift, profit, or other compensation received by a former officer or employee in violation of (a) or (b) above shall be forfeited to the County. The corporation counsel is authorized to take all measures necessary to recover such compensation.

- (e) In addition to any other penalty provided by law, whenever any former officer or employee has obtained, or assisted any other person to obtain, favorable County action and the former officer or employee violated (a) or (b) above in the course of the obtaining of such action, the County may void such action, provided that the County shall act to void the action within sixty days of its discovery of the violation and shall, insofar as possible, avoid damaging the interests of innocent third parties.
 - (f) The board of ethics is hereby empowered to receive petitions from, and render informal and formal advisory opinions to:
 - (1) Former officers or employees who request advisory opinions regarding their own conduct in relation to this section. A former officer or employee whose employment may violate the provisions of this section shall request an informal advisory opinion from the board prior to accepting or engaging in such employment; or
 - (2) Any member of the public concerning the conduct of a former officer or employee.
The board may initiate an investigation to determine whether the conduct of a former officer or employee is in violation of this section.
 - (g) A former officer or employee shall not be deemed in violation of this section with respect to conduct which conforms to an advisory opinion of the board, and none of the sanctions of this section may be applied to such conduct.
- (1984, Ord. No. 84-55, sec. 1; Am. 1996, Ord. No. 96-69, sec. 1.)

Section 2-91.3. Lobbyist registration.

- (a) Definitions. When used in this section:
 - (1) “Administrative action” means the proposal, drafting, consideration, amendment, enactment, or defeat by any administrative agency of any matter pending or proposed before the administrative agency, except ministerial matters.
 - (2) “Administrative agency” means a commission, board, agency, or other body, or official in the County government that is not a part of the legislative branch.
 - (3) “Contribution” means a gift, subscription, forgiveness of a loan, advance, or deposit of money, or anything of value and includes a contract, promise, or agreement, whether or not enforceable, to make a contribution.
 - (4) “Expenditure” means a payment, distribution, forgiveness of a loan, advance, deposit, or gift of money, or anything of value and includes a contract, promise, or agreement, whether or not enforceable, to make an expenditure. It does not include the expenses of preparing written testimony and exhibits for a hearing before the council or an administrative agency.
 - (5) “Legislative action” means the sponsorship, drafting, introduction, consideration, modification, enactment, or defeat of any bill, resolution, amendment, report, nomination, appointment, or any other matter pending or proposed in the council.
 - (6) “Lobbyist” means any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.
 - (7) “Lobbying” means communicating directly or through an agent, or soliciting others to communicate, with any official in the legislative or executive branch, for the purpose of influencing any legislative or administrative action.
 - (8) “Person” means a corporation, individual, union, association, firm, sole proprietorship, partnership, committee, club, or any other organization, or a representative of a group of persons acting in concert.

Article 35. Geothermal Asset Fund.**Section 2-176. Creation of fund.**

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

- (a) The Geothermal asset fund shall be funded by payments made by Puna Geothermal Venture, a Hawai'i Partnership, its successors or assigns and the State of Hawai'i for the purpose of compensating persons impacted by geothermal energy development activities pursuant to the provisions incorporated in Geothermal Resource Permit No. 2.
- (b) Payments from the asset fund shall be administered and expended in accordance with rules, regulations and procedures developed for that purpose and adopted by the Hawai'i County Planning Commission in accordance with chapter 91, Hawai'i Revised Statutes.
- (c) Expenses incurred by the planning commission such as administrative costs related to geothermal resource permits, geothermal development compliance activity and processing of claims against the asset fund shall not be charged to the asset fund.
- (d) All interest and earnings accrued from the money and assets deposited in the asset fund shall be expended for the purposes for which this fund has been created.
- (e) No claim made pursuant to this section will be deemed a claim against the county, nor will the payment of any claim be construed as an admission of fault by the county or its officers, employees or agents.
- (f) The denial of any claim made under this Geothermal Asset Fund, in whole or in part, shall not prevent the claimant from pursuing any other remedy at law against the geothermal permittee and State of Hawai'i.

(1995, Ord. No. 95-74, sec. 1.)

Article 36. Geothermal Relocation and Community Benefits Program.**Section 2-177. Establishment.**

The planning department is hereby authorized to establish a geothermal relocation and community benefits program for the relocation of owner-occupants residing near the Puna Geothermal Venture's plant and who want to be permanently relocated, and to fund expenditures for the benefit of Lower Puna, as defined herein, including, but not limited to, road improvements, water infrastructure development, land acquisition, parks and recreational facility needs, civil defense and mass transit improvements.

(1996, Ord. No. 96-2, sec. 1; Am. 2008, Ord. No. 08-37, sec. 1.)

Section 2-178. Purchase and sale of affected properties.

Notwithstanding any other provision of this Code, the planning director is hereby authorized to purchase the affected properties by negotiation for not more than one hundred thirty percent of the assessed value, as determined by the real property tax division of the department of finance and dispose of the affected properties by public auction or pursuant to article 19 of chapter 2, with the exception of the requirement for council resolution found in section 2-111(1).

(1996, Ord. No. 96-2, sec. 1; Am. 2008, Ord. No. 08-37, sec. 1.)

Section 2-179. Creation of geothermal relocation and community benefits fund.

Pursuant to section 10-12, Hawai'i County Charter, the special fund known as the geothermal relocation revolving fund is hereby renamed the geothermal relocation and community benefits fund. This fund shall be administered by the planning department.

(1996, Ord. No. 96-2, sec. 1; Am. 1998, Ord. No. 98-25, sec. 1; Am. 2008, Ord. No. 08-37, sec. 1.)

Section 2-180. Funding.

The geothermal relocation and community benefits program shall be funded by proceeds from the following sources:

- (1) Geothermal royalties received from the department of land and natural resources.
- (2) Proceeds from the sale of properties purchased under this program.
- (3) Rental fees from any of the properties purchased under this program.

(1996, Ord. No. 96-2, sec. 1; Am. 2008, Ord. No. 08-37, sec. 1.)

Section 2-181. Expenditures from fund.

The proceeds from the fund shall be used for the necessary expenses in administering and carrying out the purposes of the geothermal relocation and community benefits program. A minimum balance of \$1,000,000 shall be maintained in the fund for expenditures relating to geothermal relocation. Expenditures relating to the geothermal relocation and community benefits program include, but are not limited to:

- (1) The costs of any necessary appraisals required under this program;
- (2) The payment of necessary fees and expenses;
- (3) The costs for the purchase of an affected dwelling and property in accordance with this chapter, if necessary;
- (4) The costs necessary to dispose of or rent affected dwelling and property; and
- (5) Expenditures for public purposes including road improvement, water infrastructure, land acquisition, parks and recreational facility needs, civil defense, and mass transit improvements.

(A) Funds shall be expended in Lower Puna, which is defined as extending from Hawaiian Paradise Park subdivision to Kalapana and including Orchidland Estates, Ainaloa, Hawaiian Beaches, Hawaiian Shores, Kapoho, Pāhoa, Nānāwale, Leilani Estates, and other communities proximate to Pāhoa.

(B) Expenditures under this subsection shall be made in accordance with appropriations adopted by the Hawai'i County Council after receiving recommendations from the planning director.

(1996, Ord. No. 96-2, sec. 1; Am. 2008, Ord. No. 08-37, sec. 1.)

Section 2-182. Promulgation authority.

The planning director is authorized to promulgate rules and regulations for implementation of the relocation program.

(1996, Ord. No. 96-2, sec. 1.)

Article 37. Family Violence Advisory Commission.**Section 2-183. Organization.**

There shall be a commission composed of a minimum of nine but not to exceed fifteen members who shall be appointed by the mayor and may be removed by the mayor. The commission shall:

- (1) Prevent and reduce family violence in the County of Hawai'i by addressing island-wide issues and ramifications of family violence.
- (2) Promote public awareness and education about family violence in the County of Hawai'i.
- (3) To act to improve upon services offered to victims and their families.
- (4) Promote and facilitate inter-agency training on the dynamics of family violence.
- (5) Identify community concerns and assist with the study and investigation of resources, activities and political attitudes in the community that would assist the commission to address family violence.
- (6) Enhance communication, promote cooperation and coordinate services between member agencies.
- (7) Offer judicial and inter-agency training to provide the impetus for preventive measures and education directed at the community-at-large with emphasis on our children and youth.

(1997, Ord. No. 97-111, sec. 1.)

Section 2-184. Membership and tenure.

- (a) All members shall be appointed by the mayor and shall serve terms co-terminus with that of the mayor, which automatically ends at 12:00 noon on the first Monday of December following any mayoral election.
- (b) At the discretion of the mayor, reappointments are permissible.
- (c) Ex officio membership shall be permitted but these members shall not have voting privileges or qualify for mileage and other financial reimbursements. Ex officio members shall be selected according to their knowledge and experience in dealing with family and domestic violence.
- (d) Any vacancy may be filled upon the recommendation of the commission and approval of the mayor.
- (e) Members shall receive no compensation but shall be reimbursed mileage and other expenses as preapproved by the commission.

(1997, Ord. No. 97-111, sec. 1.)

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- (b) A sign permit is not transferable unless a notice of transfer is filed with the director within ninety days of the effective date of a transfer of the real property or business for which the sign is permitted. The director shall prescribe forms and any fees for this purpose.
(2004, Ord. No. 04-142, sec. 2.)

Section 3-17. Compliance with chapter.

Any permit, variance, or other approval issued pursuant to this chapter shall comply with all applicable requirements of this chapter.
(2004, Ord. No. 04-142, sec. 2.)

Section 3-18. Action on permit application.

- (a) Upon receiving an application for a sign permit, submitted pursuant to this chapter, the director shall:
- (1) Review the permit application for completeness; and
 - (2) If the application is deficient, identify and notify the applicant of the deficiencies; or
 - (3) If the application is complete, process the application.
- (b) Within sixty days of receiving a complete application for a sign permit, and unless the applicant has provided written consent for a time extension, the director shall either:
- (1) Issue the sign permit in writing, if:
 - (A) After an examination of the plans, specifications, and other data, the director finds that the sign(s) that is the subject of the application conforms in every respect with the requirements of this chapter and all applicable County, State, or Federal laws or regulations;
 - (B) The application has been reviewed and approved by the electrical inspector, if required pursuant to section 3-15;
 - (C) The application has been reviewed by the Kailua Village design commission, if required under article 2; and
 - (D) Applicable sign permit fees have been received; or
 - (2) Reject the sign permit in writing, if the sign that is the subject of the application fails in any way to conform with the requirements of this chapter.
- (c) In case of a rejection, the director shall:
- (1) Specify in writing the section or sections of this chapter with which the application is inconsistent; and
 - (2) Provide the applicant with information about any applicable variance or appeal processes contained in this chapter or otherwise permitted by law.

(2004, Ord. No. 04-142, sec. 2.)

Section 3-19. Permit contents and record.

- (a) Permits shall be numbered and shall contain the following information:
- (1) The permit number and the date of issuance;
 - (2) The name of the property owner and sign owner;
 - (3) The location of the sign(s), including tax map key number;
 - (4) In the case of a temporary sign or banner, the date of expiration of the permit; and
 - (5) The amount of any fees paid.

- (b) The director shall maintain for public inspection a record of all permits issued.

(2004, Ord. No. 04-142, sec. 2.)

Section 3-20. Inspection upon completion.

A permittee shall, upon completion of the installation, construction, erection, relocation or alteration of the sign, notify the director who shall inspect the sign for compliance with the permit and this chapter. The director may revoke any sign permit issued upon failure of the holder of the permit to comply with any provision of this chapter.

(2004, Ord. No. 04-142, sec. 2.)

Section 3-21. Time limit on permit.

If the work authorized under a sign permit is not started within twelve months after the date of issuance, or if work is suspended for more than ninety calendar days, the permit shall be void without any further action, and any sign installed, constructed, erected, relocated, or altered under that permit is in violation of this chapter.

(2004, Ord. No. 04-142, sec. 2.)

Division 6. Variances.**Section 3-22. Variances.**

- (a) In unique cases where strict enforcement of this chapter would result in unnecessary hardship or practical difficulty, and where desirable relief may be granted without detriment to the public interest, convenience or welfare, the Hawai'i County council may grant, by resolution, a request for a variance from any provision of this chapter.
- (b) Variance applications shall be submitted upon a form designated by the director and shall include at a minimum, the following information and attachments:
 - (1) The sign owner's and the property owner's name, phone number, and mailing address;
 - (2) The location, tax map key number, and zoning of the property upon which the sign is located;
 - (3) A map showing:
 - (A) The location of the sign; and
 - (B) All streets adjacent to the lot or building where the sign is located;
 - (4) A photo or drawing of the relevant sign(s);
 - (5) A citation of the code section from which a variance is requested;
 - (6) A complete copy of any sign permit application or rejection of the sign permit, if any;
 - (7) An explanation of any unique circumstances, in particular, those arising from peculiar physical conditions not ordinarily found in most districts, peculiarity of the business, or other special event or circumstance;
 - (8) An explanation of why granting the variance will not adversely affect the rights of adjacent property owners or tenants, including an explanation of alternative measures, if any, that the applicant is proposing to take in lieu of compliance with the applicable code section;
 - (9) If applicable, notice of the variance application shall be mailed by the applicant to all property owners and tenants within three hundred feet of the affected property not less than twenty days prior to the initial hearing by the Hawai'i County council, and prior to the date of the hearing, the applicant shall file with the council proof of service or of good faith efforts to serve notice of the hearing on the designated property owners. Such proof may consist of certified mail receipts, affidavits, or the like;
 - (10) An explanation of why the variance will not unreasonably violate the interest, safety, convenience, or general welfare of the public;
 - (11) An explanation of why a strict application of the terms of this chapter would work an unnecessary hardship and practical difficulty upon the applicant or the community;
 - (12) A draft resolution, that satisfies the requirements of sections 3-22 and 3-23, in both paper and electronic formats;

- (13) If applicable, the Kailua Village design commission's and/or any advisory commission's written recommendation; and
 - (14) Any fee(s), prescribed by this chapter.
 - (c) Upon review of a complete application, and, if applicable, the director shall forward the application through the planning director to the Kailua Village design commission and/or any other applicable advisory commission for review and recommendation, then to the appropriate council committee for its consideration and decision.
- (2004, Ord. No. 04-142, sec. 2; Am. 2008, Ord. No. 08-3, sec. 1.)

Section 3-23. Variances; criteria for granting.

- (a) Only in situations where the following conditions exist may a variance be granted:
 - (1) Granting the variance is necessitated by peculiar physical conditions not ordinarily found in most districts, because of the peculiarity of a business, or as a result of a special event or circumstance;
 - (2) Granting the variance will not adversely affect the rights of adjacent property owners or tenants;
 - (3) Granting the variance will not unreasonably violate the interest, safety, convenience, or general welfare of the public;
 - (4) A strict application of the terms of this chapter would work unnecessary hardship and practical difficulty upon the applicant or the community;
 - (5) Granting the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical ordinances, statutes, or rules; and
 - (6) The application is complete.
 - (b) In and of itself, prior construction of a sign without a permit, regardless of the cost or value of the sign, shall not be deemed to constitute sufficient reason to grant a variance.
 - (c) Council resolutions granting variance requests shall state the underlying factual basis for the council's findings that each of the requisite conditions to grant a variance has been satisfied.
- (2004, Ord. No. 04-142, sec. 2.)

Division 7. Fees.

Section 3-24. Permit/variance fees.

- (a) Applicants for sign permits pursuant to this chapter shall pay the following nonrefundable fees:
 - (1) For a new sign permit, \$25 for each sign; and
 - (2) For a sign permit for a sign erected prior to obtaining a sign permit \$100 for each sign.
 - (b) For sign variances, pursuant to this chapter, \$100 for each sign or an amount equal to ten percent of the total value of the sign(s), excluding installation costs, whichever is greater.
- (2004, Ord. No. 04-142, sec. 2.)

Section 3-25. Disposition of fees.

- (a) The following monies collected under this chapter shall be used exclusively to support the administration and enforcement of this chapter and efforts to educate and inform the public about the County's sign law:
 - (1) Permit and variance application fees; and
 - (2) Fines, minus costs of collection, that are collected pursuant to this chapter.
 - (b) The director of public works shall keep an accurate record, in a form approved by the director of finance, of all fees and fines received and any disbursements made pursuant to this chapter and shall deposit all monies received with the treasurer.
 - (c) The director of public works shall render an account of all monies received and disbursed pursuant to this article to the council on or before March 1 of each year.
- (2004, Ord. No. 04-142, sec. 2.)

Division 8. Construction Specifications.**Section 3-26. Wind resistance; support.**

Every sign shall be constructed to withstand, i.e. not flap, bend, or move when subjected to, wind pressure of not less than thirty pounds per square foot of area. In addition, all signs shall be rigidly and firmly braced, or securely attached or anchored to the building, structure, or ground.

(2004, Ord. No. 04-142, sec. 2.)

Section 3-27. Wood construction.

Any wood used for a new sign or for the repair of an existing sign shall be rot and termite resistant through an approved preservation method specified by the American Wood Preservation Association, or by any other preservation treatment approved by the director. All wood construction shall meet fire resistive requirements as specified by current building code requirements.

(2004, Ord. No. 04-142, sec. 2.)

Section 3-28. Construction specifications.

All signs shall be installed in compliance with building and electrical codes.

(2004, Ord. No. 04-142, sec. 2.)

Division 9. Location Specifications.**Section 3-29. Obstructing ingress and egress; obstructing fire-related structures.**

- (a) No sign or supports or hangings for any sign shall be erected so as to cover a door or window of any building or otherwise to prevent free ingress and egress to or from any window, door or fire escape of any building.
- (b) No sign shall be constructed in a manner which interferes with the free passage from one part of the roof to another part of the roof or interferes with any opening on the roof.
- (c) No sign shall be attached to any part of a fire escape or upon or to any stand pipe or fire escape support, or be placed nearer than two feet from any fire escape platform. Every sign shall be so arranged as to swing away from the fire escape or platform.

(2004, Ord. No. 04-142, sec. 2.)

Section 3-30. Interference with public alarms, signals and signs.

No sign or supports or hangings for any sign shall be placed in a position or manner which obstructs or interferes with any fire alarm, police alarm, sign, or any device maintained by or under public authority.

(2004, Ord. No. 04-142, sec. 2.)

Section 3-31. Projections beyond property line.

No sign or portion of any sign, except for marquee or projecting signs, may project over any public area or way outside of the property line upon which the sign is located. No sign shall be permitted to interfere with vehicular traffic or project over any public street except as may be permitted in section 3-9.

(2004, Ord. No. 04-142, sec. 2.)

Section 3-32. Distance above ground of projecting signs.

The lower edge of any sign projecting over any public area, except a marquee sign, shall have a vertical clearance of not less than nine feet.

(2004, Ord. No. 04-142, sec. 2.)

(3) When work for which a permit is required by this Code has commenced without obtaining said building permit, the fees specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed in this Code.

(b) Refunds. Refunds for permits shall be made in accordance with section 2-12 of the County Code.

All permits for which such refunds are made shall be void.

(c) Compliance with Hawai'i Revised Statutes: Identity of Licenses. It shall be unlawful for any permittee to perform or allow to be performed, any work covered by the permit issued in violation of chapter 444, Hawai'i Revised Statutes, relating to the licensing of contractors.

(d) Exemptions.

- (1) The County, all agencies of the County, and contractors with the County, shall be exempt from the requirement of paying any permit fee.
- (2) Habitat for Humanity Hilo and Habitat for Humanity Kona shall be exempt from the requirement of paying any permit fee. This exemption shall not apply to penalty fees when required under this chapter.

(e) The director of public works is authorized to promulgate rules pursuant to chapter 91, Hawai'i Revised Statutes, as amended, to impose an impact fee in compliance with sections 46-141 through 46-148 to recover two-thirds of the cost of new fire stations.

(1993, Ord. No. 93-85, sec. 2; Am. 1996, Ord. No. 96-89, sec. 1; Am. 2001, Ord. No. 01-108, sec. 1; Am. 2007, Ord. No. 07-113, sec. 2.)

Section 5-1.0.12.a. Amnesty Period.

(REPEALED. 2006, Ord. 06-120, sec. 2.)

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Section 5-1.0.13. Amending subsections (b), (c), (e) and (g) of section 305.

Subsections (b), (c), (e) and (g) of section 305 are amended to read:

(b) Posting of Building Permit. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted, in a conspicuous place on the site, the building permit. The building permit shall be readily visible for the building official to identify and make all required inspections.

(c) Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least 48 hours before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

It shall be the duty of the person requesting any inspections required by this Code to provide access to and means for proper inspection of such work.

(e) The first paragraph is deleted.

(g) Additional and Miscellaneous Inspections. A requested or scheduled inspection wherein the work to be inspected is not complete or ready for inspection, the permit holder of the permit shall pay the director of finance \$50 for each inspection. A requested inspection wherein no permit has been issued or for general requirements regarding the health, safety or welfare of the people, the person requesting the inspection shall pay the director of finance \$50 for each inspection.

(1993, Ord. No. 93-85, sec. 2.)

Section 5-1.0.14. Amending section 306.

Section 306 is amended as follows:

(a) The first sentence of subsection (a) is amended to read:

Sec. 306. (a) General. In addition to the inspections required by section 305, the owner shall employ one or more special inspectors independent of the contractors performing the work. The special inspector shall provide inspections during construction on the following types of work:

(b) Section 306(b) is amended by adding a paragraph to read:

The building official may impose reasonable fees to cover the cost to conduct examinations in licensing of special inspectors and issue registration cards.

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Chapter 7**CIVIL DEFENSE****Article 1. Civil Defense Organization.****Section 7-1. Purpose.**

Because of the possibility of disasters or emergencies of great destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, tsunami, volcanic eruption, earthquake, or other natural causes, and in order to insure that preparations of this County will be adequate to deal with such disasters or emergencies, to make adequate provision against shortages of food supplies and essential commodities, to maintain the strength, resources and economic life of the community and provide for prompt and effective action, to promote the national defense and civil defense in cooperation with the State and Federal governments, and to protect the public health, safety and welfare, this article is found and declared to be necessary.

(1975 C.C., c. 2, art. 5, sec. 1.01; Am. 2007, Ord. No. 07-121, sec. 2.)

Section 7-2. County civil defense agency created; organization.

- (a) The County civil defense agency shall perform civil defense functions within the County, and shall conduct functions outside the County as may be required pursuant to chapter 128, Hawai'i Revised Statutes (Civil Defense and Emergency Act).
- (b) The head of the County civil defense agency who shall be the deputy director, shall be appointed by the director of the State civil defense agency with the approval of the council and may be removed by the State director. Should the mayor be appointed as the deputy director, during the time of the mayor's absence or inability to serve, the mayor's successor shall be as provided by section 5-1.6, County Charter and section 2-8, Hawai'i County Code.
- (c) A full-time civil defense administrator shall be the chief administrative assistant to the deputy director and shall, within the delegated scope of authority, have all the duties and responsibilities of the deputy director, subject to the control of the deputy director or the deputy director's successor. The deputy director shall appoint the civil defense administrator in accordance with the merit system and the civil defense administrator's appointment shall be approved by the State director.

(1975 C.C., c. 2, art. 5, sec. 1.02; Am. 1974, Ord. No. 33, sec. 1.)

Section 7-3. Deputy director; duties.

The deputy director is responsible for the organization, administration, and operation of the civil defense agency in the County. It is the duty of the deputy director to coordinate the activities of all organizations for civil defense within the County, public or private, and to maintain liaison with and cooperate to the fullest extent with the State director to insure that the plans and programs of the County for the relief and general welfare of the people in the event of a disaster or emergency are fully integrated with the plans and programs of the State and Federal governments. The plans and programs shall be prepared by the deputy director and transmitted to the council for approval and shall be reviewed by the deputy director and resubmitted to the council for approval before March 31 of each year.

(1975 C.C., c. 2, art. 5, sec. 1.03.)

Section 7-4. Utilization of existing government services.

Each County department, agency and officer shall cooperate with and extend its services, materials and facilities to the County civil defense agency as may be requested by the deputy director.

(1975 C.C., c. 2, art. 5, sec. 1.04.)

Article 2. Disaster Control.**Section 7-5. Purpose.**

Because of the possibility of disasters of great destructiveness resulting from tsunami, volcanic eruptions, flood, earthquake, fire, or other natural causes, or from enemy attack, sabotage or other hostile action, and in order to insure the orderly evacuation of persons and property and to protect the public peace, health, and safety, and preserve the lives and property of the people of the County, it is necessary to regulate certain activities.

(1975 C.C., c. 3, art. 9, sec. 1; Am. 2007, Ord. No. 07-121, sec. 3.)

Section 7-6. Definitions.

As used in this article:

- (1) “Authorized person” means any:
 - (a) Police officer or County or State employee assigned to disaster duty during an impending disaster or disasters;
 - (b) National Guard members;
 - (c) Civil defense agency personnel, volunteers, or designees.
- (2) “Disaster” means any situation, usually catastrophic in nature, where numbers of persons are plunged into helplessness and suffering and as a result may be in need of food, clothing, shelter, medical care, or other necessities of life, and the governor of the State or the mayor of the County has declared a state of disaster or emergency.
- (3) “Impending disaster” means any situation where a catastrophe threatens an inhabited area and the civil defense agency has issued a warning that the inhabitants of the area should evacuate from the threatened area.

(1975 C.C., c. 3, art. 9, sec. 2; Am. 2005, Ord. No. 05-9, sec. 2; Am. 2008, Ord. No. 08-53, sec. 2.)

Section 7-7. Mayor to declare state of emergency.

The power to declare a state of disaster or emergency is conferred on the mayor.

(1975 C.C., c. 3, art. 9, sec. 2.)

Section 7-8. Water and water hauling charges.

- (a) If within any district of the County, upon a declaration of an emergency by the mayor, residents request that water be hauled to their residences, they shall pay the County an amount equivalent to fifty percent of the total standard commercial hauling charges.
- (b) One year after August 1, 1978, each resident shall pay the County an amount equal to seventy-five percent of the total standard commercial hauling charges.
- (c) Two years after August 1, 1978, each resident shall pay the County an amount equivalent to the total standard commercial hauling charges.
- (d) The County shall make water available for hauling at no charge to each requesting resident.

(1978, Ord. No. 376, sec. 1.)

Section 7-9. Loitering during tsunami warning.

A person commits the offense of loitering during an emergency if during a tsunami warning period, or during and immediately after a tsunami that person knowingly:

- (1) Loiters, loafs, or idles upon any public highway, public place, sidewalk, or beach, on foot or on any vehicle, in any coastal area, or area subject to tsunami action.
- (2) Disobeys any direction or command of any police officer directing traffic.

administrative authority that such work was urgently necessary and it was not practical to obtain a permit therefor before the commencement of work. In all such cases a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such a permit, the penalty will be charged.

(1994, Ord. No. 94-72, sec. 3.)

Section 9-41.1. Amnesty Period.

(REPEALED. 2006, Ord. No. 06-122, sec. 2)

Section 9-42. Permit fee exemptions.

- (1) The County and all contractors performing work under authority of the County shall be exempt from the requirements to pay permit fees.
- (2) Habitat for Humanity Hilo and Habitat for Humanity Kona shall be exempt from the requirement of paying any permit fee. This exemption shall not apply to penalty fees when required under this chapter.

(1994, Ord. No. 94-72, sec. 3; Am. 2007, Ord. No. 07-113, sec. 3.)

Section 9-43. Additional and miscellaneous inspections.

For a requested or scheduled inspection wherein the work to be inspected is not complete or ready for inspection, the permit holder of the permit shall pay the director of finance \$50 for each inspection. For a requested inspection wherein no permit has been issued or for general requirements regarding the health, safety or welfare of the people, the person requesting the inspection shall pay the director of finance \$50 for each inspection.

(1994, Ord. No. 94-72, sec. 3.)

Chapter 14**GENERAL WELFARE****Article 1. Alcoholic Beverages.****Section 14-1. Intoxicating liquors prohibited in certain public places.**

- (a) No person shall drink, offer to drink, or display in public view in the following public areas or buildings located thereon, any intoxicating liquors, whether in a bottle, jug, container or otherwise:
- (1) Public highways and public rights-of-way, public sidewalks, public breakwaters and public seawalls, except seawalls in parks where drinking is not prohibited;
 - (2) Public school grounds and buildings;
 - (3) Public areas or buildings contiguous to all public school grounds and buildings, except as provided herein;
 - (4) Public parks, except parks enumerated in section 14-2, on which children's playground equipment, such as slides, jungle gyms, seesaws and swings are located;
 - (5) That certain portion of parcel 24 consisting of some twenty-seven thousand ninety-nine square feet, more or less, being a portion of the property designated upon the tax maps of the Third Taxation Division as Tax Map Key No. (3)1-5-2-24, and located in Pāhoa, District of Puna, County and State of Hawai'i;
 - (6) South Hilo:
 - (A) Ainaola Park;
 - (B) Clem Akina Park;
 - (C) Ahualani Park;
 - (D) All public areas, except Coconut Island, located on the Waiākea Peninsula, makai of Kamehameha Avenue-Kalaniana'ole Avenue from the Wailoa River estuary to the site of the former Reeds Bay Restaurant (TMK Nos. 2-1-06:11, 12, 19, and 20);
 - (E) Drag Strip, Hilo;
 - (F) Kalākaua Park;
 - (G) Kaūmana Caves;
 - (H) Keikiland;
 - (I) Lanakila Center;
 - (J) Lincoln Park;
 - (K) Lōkahi Park;
 - (L) Mo'oheau Park;
 - (M) Pana'ewa Park;
 - (N) Honoli'i Beach Park;
 - (O) Richardson Park and Center;
 - (P) Skeet and Trap Range;
 - (Q) Waiākea Recreation Center;
 - (R) Waiākea-Waena Playground;
 - (S) Waiolama Canal Archery/Jogging Area;
 - (T) Zoo, Pana'ewa Rainforest;
 - (U) All cemeteries;
 - (V) All swimming pools;
 - (W) All tennis courts (except Edith Kanakaole);

- (X) Bakers Beach;
- (Y) Hualani Park;
- (Z) Mohouli Park;
- (AA) Wai'olena and Wai'uli Beach Parks, portion located between the pavilions and the west end of the seawall beginning at a point four-tenths of a mile west of Leleiwi Street and extending three hundred twelve feet in the westerly direction.
- (7) North/South Kona:
 - (A) Kailua Playground;
 - (B) Ku'emanu Heiau;
 - (C) Kailua Park, except as provided in section 14-2(a)(2)(F);
 - (D) All swimming pools;
 - (E) All tennis courts;
 - (F) Higashihara Park;
 - (G) Hillcrest Park;
 - (H) Kona Scenic Park.
- (8) Ka'u:
 - (A) Pāhala School Ground;
 - (B) All swimming pools;
 - (C) All tennis courts.
- (9) Puna:
 - (A) Glenwood Park;
 - (B) Kalapana Playground;
 - (C) All swimming pools;
 - (D) All tennis courts.
- (10) North Hilo/Hāmākua:
 - (A) Laupāhoehoe Playground;
 - (B) All swimming pools;
 - (C) All tennis courts;
 - (D) Waipi'o Lookout.
- (11) North/South Kohala:
 - (A) Church Row;
 - (B) All swimming pools;
 - (C) All tennis courts;
 - (D) Waikoloa Highway Park;
 - (E) Spencer Beach Park.

(1975 C.C., c. 3, art. 2, sec. 6.02; Am. 1982, Ord. No. 810, sec. 1; Am. 1987, Ord. No. 87-70, sec. 1; Am. 1990, Ord. No. 90-104, sec. 1; Am. 1993, Ord. No. 93-7, sec. 1; Am. 1996, Ord. No. 96-54, sec. 1; Am. 2008, Ord. No. 08-7, sec. 3.)

Section 14-2. Areas requiring permits for intoxicating liquors between the hours of 10:00 a.m. and 10:00 p.m.

- (a) Permits shall allow drinking of intoxicating liquors only between the hours of 10:00 a.m. and 10:00 p.m.
 - (1) South Hilo:
 - (A) Bayfront Beach;
 - (B) Coconut Island;
 - (C) Hilo Armory;
 - (D) Ho'olulu Complex;

- (E) Pōmaika‘i Senior Center;
 - (F) Wainaku Gym;
 - (G) Equestrian Center, Pana‘ewa;
 - (H) Hakalau Park;
 - (I) Honomū Park;
 - (J) Carvalho Park;
 - (K) Pepe‘ekeo Community Center;
 - (L) University Heights Park.
- (2) North/South Kona:
- (A) Hale Hālāwai;
 - (B) Hōnaunau Arena;
 - (C) Imin Center;
 - (D) Yano Hall;
 - (E) Greenwell Park;
 - (F) That area in the terminal at Kailua Park specifically designated by the director of parks and recreation.
- (3) Ka‘u:
- (A) Nā‘ālehu Park;
 - (B) Pahala Community Center.
- (4) Puna:
- (A) Pāhoa Neighborhood Facility;
 - (B) Volcano Community Center;
 - (C) Kurtistown Park;
 - (D) Mt. View Park;
 - (E) Shipman Park.
- (5) North Hilo/Hāmākua:
- (A) Honoka‘a Rodeo Arena;
 - (B) Haina Park;
 - (C) Honoka‘a Park.
- (6) North/South Kohala:
- (A) Kamehameha Park;
 - (B) Kohala Senior Center;
 - (C) Waimea Park;
 - (D) Waimea Senior Center.

(1975 C.C., c. 3, art. 2, sec. 6.03; Am. 1982, Ord. No. 810, sec. 2; Am. 1987, Ord. No. 87-70, sec. 1; Am. 1990, Ord. No. 90-122, sec. 2.)

Section 14-2.1. Intoxicating liquors allowed between the hours of 6:00 p.m. and 10:00 p.m.

- (a) No person shall drink, offer to drink, or display in public view in the following public areas or buildings located thereon, any intoxicating liquors, whether in a bottle, jug, container or otherwise, except between the hours of 6:00 p.m. and 10:00 p.m.
- (1) South Hilo:
- (A) Ainako Park;
 - (B) Kaiwiki Park;
 - (C) Kaūmana Park and Playground;
 - (D) Kaūmana Lani Park;
 - (E) Kula‘imano Park;

- (F) Malama Park;
 - (G) Pāpa‘ikou Park;
 - (H) Waiākea-Uka Park;
 - (I) Wainaku Playground.
 - (2) North/South Kona:
 - (A) Reserved.
 - (3) Ka‘u:
 - (A) Hawaiian Ocean View Park;
 - (B) Wai‘ōhinu Park.
 - (4) Puna:
 - (A) Hawaiian Beaches Park.
 - (5) North Hilo/Hāmākua:
 - (A) Āhualoa Park;
 - (B) Laupāhoehoe Senior Center;
 - (C) Pa‘auilo Park;
 - (D) Pāpa‘aloa Park.
 - (6) North/South Kohala:
 - (A) Waikoloa Village Park.
- (1987, Ord. No. 87-70, sec. 1.)

Section 14-2.2. Intoxicating liquors allowed between the hours of 10:00 a.m. and 10:00 p.m.

- (a) Persons may drink intoxicating liquors in the following public areas or buildings located thereon between the hours of 10:00 a.m. and 10:00 p.m.:
- (1) South Hilo:
 - (A) Carlsmith Park;
 - (B) Hilo Senior Center;
 - (C) James Kealoha Beach Park;
 - (D) Kolekole Beach Park;
 - (E) Wai‘olena and Wai‘uli Beach Parks, except a portion located between the pavilions and the west end of the seawall beginning at a point four-tenths of a mile west of Leleiwi Street and extending three hundred twelve feet in the westerly direction;
 - (F) Onekahakaha Beach Park.
 - (2) North/South Kona:
 - (A) Hōnaunau Boat Ramp;
 - (B) Ho‘okena Beach Park;
 - (C) Kahalu‘u Beach Park;
 - (D) Magic Sands Beach Park;
 - (E) Manini Point;
 - (F) Miloli‘i Beach Park;
 - (G) Nāpō‘opo‘o Beach Park;
 - (H) Pāhoehoe Beach Park;
 - (I) Oneo Park.
 - (3) Ka‘u:
 - (A) Punalu‘u Beach Park;
 - (B) Whittington Beach Park.
 - (4) Puna:
 - (A) Harry K. Brown Park;

- (B) Isaac Hale Beach Park;
- (C) Kaimū Beach Park.
- (5) North Hilo/Hamakua:
 - (A) Kukuihaele Social Hall;
 - (B) Laupāhoehoe Beach Park;
 - (C) Waikaumalo Park.
- (6) North/South Kohala:
 - (A) Kapa‘a Beach Park;
 - (B) Kēōkea Beach Park;
 - (C) Māhukona Beach Park;
 - (D) Māhukona Boat Ramp.

(1987, Ord. No. 87-70, sec. 1; Am. 1990, Ord. No. 90-104, sec. 2; Am. 1990, Ord. No. 90-122, sec. 3; Am. 1996, Ord. No. 96-54, sec. 2; Am. 2008, Ord. No. 08-7, sec. 4.)

Section 14-3. Permit application.

- (a) Only persons twenty-one years of age or older who show satisfactory proof of their age and who comply with the requirements set forth in this section shall be entitled to a permit.
- (b) Any person desiring to obtain a permit, required by section 14-2, shall make application in writing to the chief of police or the chief’s authorized representative. The application shall be signed by the applicant and the person who will be responsible for the conduct of all persons at the gathering or occasion, and shall include:
 - (1) The full name and address of the applicant, if an individual, and, if a firm, association, corporation or club, the full names and addresses of its principal officers.
 - (2) The full name and address of the person who will be responsible for the conduct of all persons at the occasion or gathering. Such person shall be of good moral character. The chief of police or the chief’s authorized representative may, in the chief of police’s or the chief’s authorized representative’s discretion, require proof of good moral character if they have good reason to doubt the moral character of the person. The proof shall be in the form of an affidavit signed by two or more responsible persons stating the duration and nature of their knowledge and acquaintance with the person and that the person is of good moral character.
 - (3) The place for which a permit is desired.
 - (4) The date and time for which a permit is desired. In no event shall the permit extend beyond 10:00 p.m.
 - (5) The nature of the occasion or gathering.
 - (6) The approximate number of persons to be in attendance.

(1975 C.C., c. 3, art. 2, sec. 6.04; Am. 1987, Ord. No. 87-70, sec. 1; Am. 1990, Ord. No. 90-122, sec. 4.)

Section 14-4. Permit conditions.

- (a) Permits shall be subject to all applicable laws and ordinances and to the following conditions which shall be set forth in the permit:
 - (1) No person who is intoxicated shall be permitted to be or remain upon the premises.
 - (2) No person shall intentionally destroy, damage or injure any property.
 - (3) No person shall dispose of any refuse, except in receptacles placed on the premises for that purpose.
 - (4) The responsible person shall be present at all times.

(1975 C.C., c. 3, art. 2, sec. 6.05.)

Section 14-5. Interpretation of article.

The provisions of this article shall not be construed to permit a person to sell intoxicating liquor by obtaining a special license or otherwise.

(1975 C.C., c. 3, art. 2, sec. 6.06.)

Section 14-6. Penalty.

Any person violating any provision of this article or any condition set forth in a permit issued under this article shall, upon conviction, be punished by a fine of not more than \$500.

(1975 C.C., c. 3, art. 2, sec. 6.07.)

Article 2. Firearms and Explosives.**Section 14-7. Definitions.**

(a) As used in this article, unless the context clearly requires otherwise:

- (1) "Agency" means organizations, public and private, whose operations are determined by the chief of police to require the use of one or more of the devices enumerated in section 14-9 to accomplish a proper purpose.
- (2) "Chief of police" means the chief of police of the County or the chief's authorized subordinate.
- (3) "Devices" means a shell, cartridge, bomb, gun, or aerosol capable of emitting an obnoxious substance in gas, vapor, liquid, or solid form.
- (4) "Employee" means all officers, agents, and employees of an agency whether or not such officer, agent, or employee has been issued a permit.
- (5) "Gun" means revolvers, pistols, rifles, fountain pen guns, riot guns, shot guns, and cannons, portable or fixed, except those regularly manufactured, and used with firearm ammunition.
- (6) "Obnoxious substance" means a substance enumerated in section 14-8 or its derivative.
- (7) "Shell, cartridge, or bomb" means a shell, cartridge, or bomb capable of being discharged or exploded by the use of a percussion cap, fuse, electricity, or other means to cause or permit the release or emission of an obnoxious substance.

(1975, Ord. No. 156, sec. 1.)

Section 14-8. Possession and use of obnoxious substance prohibited.

- (a) No person shall use a shell, cartridge, bomb, gun, or other device capable of emitting any liquid, gaseous, or solid substance or any combination thereof, which is injurious to a person or property, or which is nauseous, sickening, irritating or offensive to any of the senses; to injure, molest, discomfort, discommode, or coerce another in the use or control of their person or property or engage in a "crime of violence" as defined in Hawai'i Revised Statutes Title 37, which involves injury or threat of injury to the person or property of another.
- (b) No person shall possess, discharge, use, transport, sell, or offer to sell any shell, cartridge, bomb, gun, or other device capable of emitting chloroacetophenone (CN), orthochlorobenzylmalonitrile (CS), or their derivatives in any form.

(1975, Ord. No. 156, sec. 1; Am. 1995, Ord. No. 95-90, sec. 2.)

Section 14-9. Exceptions.

- (a) The chief of police and his subordinates may purchase, possess, discharge, use, and transport shells, cartridges, bombs, guns, and obnoxious substances in carrying out their duties.
- (b) Notwithstanding the prohibitions prescribed in subsections 14-8(a) and (b), private security officers who are employees of licensed private police or security agencies may purchase, possess, discharge, use, or transport shells, cartridges, bombs, guns, and other devices in carrying out their duties, subject however, to the conditions prescribed in sections 14-11 and 14-12.

- (b) Any offense occurring after the first year of the first offense, and each successive year thereafter, shall be subject to the provisions of subsection (a) as though it were the first instance of the offense.
(1990, Ord. No. 90-65, sec. 2.)

Article 4. Prohibition of Smoking in Certain Places.

Section 14-20. Definitions.

- (a) As used in this article, unless the context requires otherwise:
- (1) “Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets. “Incidental” means that for the prior calendar year, gross sales of food are less than one-third of gross sales of alcoholic beverages. A “bar” is authorized under a license issued by the department of liquor control.
 - (2) “Bowling alley” means a building where people go to bowl.
 - (3) “Building” means any area enclosed by a roof and at least three walls.
 - (4) “Business” means a sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.
 - (5) “Cigarette” means any roll for smoking made wholly or in part of tobacco, irrespective of size and shape and whether or not the tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.
 - (6) “Commercial building” means a building occupied by two or more commercial tenants.
 - (7) “Enclosed or partially enclosed area(s)” means area(s) closed in by a roof or overhang and at least two walls.
 - (8) “Hotel” means a transient vacation rental, other than a bed and breakfast home containing lodging or dwelling units.
 - (9) “Multifamily dwelling” means a building containing more than two dwelling units.
 - (10) “Nightclub” means a bar in which live entertainment is provided and in which facilities for dancing by patrons either by live entertainment or recorded music are provided.
 - (11) “Open to the public” means areas within any building available for use by or accessible to the general public during the normal course of business conducted therein by either private or public entities.
 - (12) “Restaurant” means any retail eating establishment where food is served or provided for on-site consumption by seated patrons that is authorized by the State department of health to operate as a food establishment, including any private food service establishment or club in which only members or their guests are permitted, but excluding a “bar.” If a restaurant includes an area devoted to the serving of alcoholic beverages, that area shall be deemed part of the “restaurant,” not a separate “bar,” for this article. An establishment that is a “restaurant” shall have that status for all hours of operation.
 - (13) “Smoke” or “smoking” means inhaling or exhaling the fumes of tobacco or any other plant material, or burning or carrying any lighted smoking equipment for tobacco or any other plant material; the personal habit commonly known as smoking, including smoking cigarettes, cigars, or pipes.
 - (14) “Tobacco product” means tobacco in any form including cigarettes.
- (1977, Ord. No. 279, sec. 2; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. 03-112, sec. 2; Am. 2007, Ord. No. 07-4, sec. 1.)

Section 14-21. Prohibition of smoking in certain places.

- (a) Except as otherwise provided in this article, smoking shall be prohibited in all enclosed places within the County, including but not limited to, the following places:
- (1) Patient rooms, wards, waiting rooms, lobbies, and public hallways of public and private health care facilities, including, but not limited to, hospitals, clinics, and physicians' and dentists' offices.
 - (2) Restaurants and bowling alleys, except as outlined in sections 14-21(a)(2)(A) and 14-21(a)(2)(B) below. If a restaurant or bowling alley contains an outdoor, open air or partially enclosed seating area where food and beverages are served, smoking is prohibited in this area of the establishment.
 - (A) Through August 31, 2004, smoking shall be permitted in a separate bar area of a restaurant when the business operating the restaurant refrains from designating the area as nonsmoking. A "separate bar area of a restaurant" means an indoor area of a restaurant that is in compliance with all of the following:
 - (i) The area is devoted primarily to the serving of alcoholic beverages for consumption by patrons in the area.
 - (ii) On a monthly basis, the gross sales of food to patrons for consumption in the area are less than one-third of the gross sales of alcoholic beverages to patrons for consumption in the area.
 - (B) Beginning September 1, 2004, a restaurant may continue to operate a separate bar area, as defined above, provided that:
 - (i) There is a physical separation (consisting of solid walls with no door or window opening into the restaurant area) between the separate bar area and restaurant;
 - (ii) The entrance into the bar area is totally separate and at least fifteen feet from the entrance into the restaurant; and
 - (iii) The restaurant and separate bar area have separate ventilation systems.
 - (3) Any enclosed or partially enclosed area or building owned, leased, operated, or maintained by the County, except for residential dwelling units which shall be regulated herein as multifamily dwellings.
 - (4) Except as provided in section 14-22, all business and not-for-profit establishments, including but not limited to, auditoriums, theaters, halls, museums, libraries, galleries, classrooms, private offices, conference or meeting rooms and all other enclosed facilities. This also includes common areas, including but not limited to, work areas, elevators, hallways, cafeterias, employee lounges, stairs, and restrooms.
 - (5) All enclosed or partially enclosed areas within multifamily dwellings that are open to the common use of all unit owners or residents, including but not limited to, lobbies, elevators, restrooms, hallways, corridors, stairways, waiting areas and recreation areas.
 - (6) All enclosed or partially enclosed areas within commercial buildings not subject to the exclusive use and possession of a tenant and open to the common use of the tenants of the building and their employees and customers, including but not limited to, common entrance areas, restrooms, lobbies, elevators, malls, hallways, corridors, escalators, stairways, and waiting or rest areas within commercial buildings.
 - (7) In the event a building is both a multifamily dwelling and a commercial building, as defined in this article, all common use areas except for private residences.
 - (8) All enclosed or partially enclosed areas within hotels that are open to the common use of the public, hotel guests, or hotel employees, including but not limited to, restrooms, lobbies, elevators, hallways, corridors, stairways, waiting areas, recreation areas, banquet halls, banquet rooms, and ballrooms.
 - (9) In the event a building is both a commercial building and a hotel, all common use areas except for hotel rooms rented to guests and designated as smoking rooms.
 - (10) All vehicles owned or leased by the County.
 - (11) Taxicabs.
 - (12) Private residences, during hours of operation, when used as a licensed child care, adult day care or health care facility, except in residences where the care facility is physically detached from the residence or is separated from the owner's area.

- (13) Smoking is prohibited, pursuant to HRS 328J-6, within a presumptively reasonable minimum distance of twenty feet from any entrance to, exit from, or any fresh air intake of any enclosed area where smoking is prohibited to insure that tobacco smoke does not enter the enclosed area through entrances, windows, ventilation systems, or other means.
 - (14) Areas within private residences, during hours of operation, that are used for the care of patients or clients in licensed residential care homes, except in residences where the care facility is physically detached from the residence or is completely separated by a solid wall with no other openings except closable doors or windows, which shall remain closed during hours of operation from the owner's area where clients or patients are not allowed.
- (b) Except as otherwise provided in this article, smoking of cigarettes or tobacco products, or use of any tobacco products shall be prohibited at all County parks and recreational facilities listed in section 15-68.1.
- (1977, Ord. No. 279, sec. 2; Am. 1977, Ord. No. 302, sec. 1; Am. 1982, Ord. No. 812, sec. 1; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2; Am. 2007, Ord. No. 07-4, sec. 2; Am. 2008, Ord. No. 08-56, sec. 1.)

Section 14-22. Exceptions.

- (a) Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt:
- (1) Private residences, except as prohibited in sections 14-21(a)(12) and 14-21(a)(14).
 - (2) Individual hotel and motel rooms that are rented to guests and are designated as smoking rooms.
 - (3) Bars.
- (1977, Ord. No. 279, sec. 2; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2.)

Section 14-23. Posting of signs.

- (a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this article, by the owner, operator, manager, or other person having control of such place.
 - (b) Alternate means of notification may be employed provided the effect thereof is equivalent to the notice given by signs described in subsection (a).
 - (c) Every public place and place of employment where smoking is prohibited by this article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
 - (d) Any person violating any of the provisions of this section shall be issued a notice of violation and shall comply with the provisions of this section within ten days. Thereafter, the violation shall carry a fine as provided in section 14-24(b) and/or 14-24(c). Each violation cited shall constitute a separate offense.
- (1977, Ord. No. 279, sec. 2; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2.)

Section 14-24. Violations and penalties.

- (a) It is unlawful for any person to smoke in a place within the County where smoking is prohibited.
 - (b) Any person violating any of the provisions of subsection 14 21(a) shall be fined not less than \$25 and not more than \$50. Any person violating subsection 14-21(b) shall be fined \$100 for each separate offense.
 - (c) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this article shall be guilty of an infraction, punishable by:
 - (1) A fine not exceeding \$100 for a first violation;
 - (2) A fine not exceeding \$200 for a second violation within one year of the date of the first violation; and
 - (3) A fine not exceeding \$500 for each additional violation within one year of the date of the preceding violation.
- (1977, Ord. No. 279, sec. 2; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2; Am. 2007, Ord. No. 07-4, sec 3.)

Section 14-24.1. Enforcement and administration.

- (a) Summons or citation.
- (1) There shall be provided for use by an officer or employee of the County duly authorized to issue a summons or citation, or any police officer a form of summons or citation for use in citing violators of this article which does not provide for the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court, shall be printed on a form commensurate with the form of other summons or citations used in modern methods of arrest, and so designed to include all necessary information to make the same valid within the laws and regulations of the State and the County.
 - (2) In every case, when a citation is issued, the original of the same shall be given to the violator, provided that the administrative judge of the district court may prescribe that the violator be given a carbon copy of the citation and provide for the disposition of the original and any other copies.
 - (3) Every citation shall be numbered, and each carbon copy shall bear the same number as its original.
- (b) Enforcement and administration of the provisions of section 14-23 shall be under the jurisdiction of the department of public works of the County, which department shall have the power to formulate any applicable rules and regulations necessary to carry out the provisions of section 14-23.
- (c) Except as provided in section 14-24.1(b), enforcement of this ordinance shall be under the jurisdiction of the County police department.
- (d) In addition to the foregoing, any police officer or other officer or employee of the County duly authorized to issue a summons or citation may eject from the premises any person to whom a citation has been issued and who continues to smoke after the person has been requested by the police officer or other duly authorized officer or employee to stop smoking.

(1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2.)

Section 14-24.2. Fire code.

Nothing in this article shall be construed as superseding applicable fire code provisions. Where a conflict between the provisions of this article and the fire code arises, the fire code provision will prevail.

(1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2.)

Article 5. Fireworks.**Section 14-25. Title.**

This article shall be known as the Fireworks Code and shall apply to the importation, storage, possession, sale, purchase, transfer and discharge of fireworks within the County of Hawai‘i.

(2000, Ord. No. 00-137, sec. 2.)

Section 14-26. Definitions.

- (a) Whenever used in this article, unless the context otherwise requires:
- (1) “Aerial common fireworks” means any firework, classified as in the regulations of the United States Bureau of Explosives or contained in the regulations of the United States Department of Transportation and designated as UN 0336 1.4G, which produces an audible or visible effect and which is designed to rise into the air and explode or detonate in the air or to fly about above the ground and which is prohibited for use by any person who does not have a permit for public display issued by the County under section 132D-16, Hawai‘i Revised Statutes. “Aerial common fireworks” include firework items commonly known as bottle rockets, sky rockets, missile-type rockets, helicopters, torpedoes, daygo bombs, roman candles, flying pigs, and jumping jacks, which move above the ground farther than inside a circle with a radius of twelve feet as measured from the point where the item was placed and ignited, aerial shells, and mines.
 - (2) “Common fireworks” means any firework designed primarily for retail sale to the public during prescribed dates and which produces visible or audible effects through combustion and which is classified as common fireworks by the United States Bureau of Explosives or contained in the regulations of the United States Department of Transportation and designated as UN 0336 1.4G.

Article 13. Soliciting for Money or Objects of Value.

Section 14-74. Definitions.

(a) As used in this article, unless otherwise specified:

“Aggressive manner” means:

- (1) 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;
- (2) Continuing to solicit from a person after the person has given a negative response to such soliciting;
- (3) Intentionally or knowingly touching or causing physical contact with another person without that person’s consent in the course of soliciting;
- (4) 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;
- (5) Using violent or threatening gestures toward a person solicited;
- (6) Following the person being solicited, with the intent of asking that person for money or other things of value;
- (7) Soliciting money from anyone who is waiting in line for entry to a building or who is waiting in line for any other purpose.

“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.

“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.

“Financial institution” means any Hawai‘i financial institution as defined in chapter 412, Hawai‘i Revised Statutes.

“Intentionally” shall be as defined in section 702-206, Hawai‘i Revised Statutes.

“Knowingly” shall be as defined in section 702-206, Hawai‘i Revised Statutes.

“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.

“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.

“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; Am. 2008, Ord. 08-21, sec. 1.)

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.
 - (12) No person shall solicit from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space.
- (b) Designated areas.
- (1) In a public place islandwide.
- (1999, Ord. No. 99-1, sec. 1; Am. 1999, Ord. No. 99-153, sec. 4; Am. 2008, Ord. 08-21, sec. 1.)

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Section 14-76. Enforcement.

It shall be the duty of the officers of the police department and such officers as are assigned by the chief of police to enforce the provisions of this article.

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

Section 14-77. Form of summons or citations.

There shall be provided for use by authorized police officers a form of summons or citation for use in citing violators of those traffic laws which do not mandate the physical arrest of such violators.

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

Section 14-78. Penalties.

Any violation of this article shall constitute a petty misdemeanor punishable by imprisonment for not more than thirty days or by a fine not to exceed \$100, or by both.

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

Article 14. Street Addressing And Naming.**Division 1. General Provisions.****Section 14-79. Purpose and applicability.**

- (a) The establishment of a uniform and systematic procedure for the assignment of addresses is vital for the health, safety and welfare of the community to provide an effective means of emergency location through the E911 system; expedite postal, utility service, and commercial delivery services; and reduce confusion for people trying to find a residence or business.
- (b) An address shall be assigned to all buildings, as defined in this article, and units within buildings which will be occupied for work or residence uses.
- (c) All streets shall be named, whether public or private, in accordance with this article.
- (d) No application for a building permit or subdivision shall be approved that does not conform to the requirements in this article.

(2004, Ord. No. 04-82, sec. 2.)

Section 14-80. Definitions.

- (a) "Address" shall mean that combination of street name, building number, and when necessary, a unit number that is assigned to a parcel, building, or unit within a building, and is unique to it, to indicate its location.
- (b) "Building" shall mean any structure that is designed for human occupation for working or living purposes. Structures which provide accessory uses to a business or residence, such as accessory storage, animal shelters, barns, housing of mechanical or scientific equipment, power generation, greenhouses, or other accessory uses located on the same parcel of land are not required to have an address.
- (c) "Director" means the planning director or designated representative.
- (d) "Private street" shall mean any street which is not under the control or ownership of any governmental agency.
- (e) "Street" means a vehicular way providing access to three or more lots or units, or with the potential to serve three or more lots or units; a vehicular way that is not a street shall be considered a driveway. The address for a building along a driveway shall use the name of the street which the driveway intersects.

(2004, Ord. No. 04-82, sec. 2.)

Section 14-81. Administration.

- (a) The director shall assign street names and building numbers within the County of Hawai'i pursuant to this article.
- (b) The director shall maintain official maps and databases of street names and addresses in a system that enables efficient searches or listing by property owner, address, and tax map key.
- (c) The director may grant reasonable exceptions to the requirements in this article upon consultation as appropriate with the director of public works, fire chief, and/or police chief to accommodate existing conditions or unusual street or land use patterns.
- (d) The director may adopt rules to implement this article.
(2004, Ord. No. 04-82, sec. 2.)

Division 2. Address Numbers.**Section 14-82. Procedures for assigning and changing addresses.**

- (a) Assignment of new address. The director is authorized to assign an appropriate number to each building upon application for a building permit or upon request by the property owner, lessee, tenant, renter or government agency. If circumstances indicate a reasonable need for consultation and consent by the property owner to any new or change of address application by a nonowner, the director may require such consultation and consent before issuing a new or change of address.
 - (1) For existing buildings without an address, the following information shall be provided to the director when applying for an address:
 - (A) Tax map key number of the property.
 - (B) Name of the property owner, and name of the applicant (if not the owner).
 - (C) Plot plan of the parcel showing all driveways and buildings.
 - (D) The director may request additional information as needed to determine the assignment of the correct number.
 - (2) Prior to the assignment of an address, the street that is to be part of the address shall have an official name. If the street does not have an official name, the applicant shall work with the planning department to name the street in accordance with the procedures and requirements set forth in Street Names, division 3 of the article.
 - (3) Provided the street has an official name, within fourteen calendar days of the filing of the application with the director, the director shall assign a building number and notify the applicant in writing of the assigned building number and any special requirements as to posting location, number size or other requirements.
 - (4) For new buildings, the director will assign building numbers as part of the building permit process. If the location of the driveway to the property should change after the issuance of the building permit, the applicant or the applicant's builder must notify the planning department prior to occupancy to determine whether a change in the building number is necessary.

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Article 4. Camping.

Section 15-39. Camping and trailer areas.

Camping and the use of trailers or other camper units are only permitted as follows:

- (1) At Laupāhoehoe Beach Park, Kolekole Beach Park, Isaac Hale Memorial Park,* Punalu‘u Black Sand Beach Park, Whittington Beach Park, Miloli‘i Beach Park, Ho‘okena Beach Park, Mahukona Park, Kapaa Park, and Samuel Spencer Beach Park,* the use of trailers or other camper units are permitted on any suitable place other than picnic or lawn areas. The camper shall give due regard to the rights and convenience of other users of the park, shall not obstruct any roadway or pathway, and shall not monopolize any facility intended for the use of all users of the park.
- (2) At Samuel Spencer Beach Park,* camping is permitted in two camping areas known as areas “A” and “B.” Area “A” is mauka of the large pavilion between the Hapuna boundary of the park and the outdoor courts. Area “B” is between the north side restroom and the central restroom.

(1975 C.C., c. 3, art. 1, sec. 2.4; Am. 2001. Ord. 01-3, sec. 4.)

* **Editor’s Notes:** Samuel Spencer Beach Park was renamed “Spencer Park at ‘Ōhai‘ula Beach” pursuant to Ordinance 03-135.
Isaac Hale Memorial Park was renamed “Isaac Kepo‘okalani Hale Beach Park” pursuant to Ordinance 08-35.

Section 15-40. Maps of camping areas.

The areas described in section 15-39 are outlined in red on the maps marked Exhibit A for Samuel Spencer Beach Park,* and by reference made a part of this chapter. Copies of these maps are kept on file and are available for public inspection in the office of the department of parks and recreation.

(1975 C.C., c. 3, art. 1, sec. 2.4; Am. 2001. Ord. 01-3, sec. 5.)

* **Editor’s Note:** Samuel Spencer Beach Park was renamed “Spencer Park at ‘Ōhai‘ula Beach” pursuant to Ordinance 03-135.

Section 15-41. Director to establish time limits.

The director may establish limitations on the length of time persons may camp within a park area, either in a single period or in combined separate periods. Such limitations shall be posted at campgrounds or other appropriate locations.

(1975 C.C., c. 3, art. 1, sec. 2.4.)

Section 15-42. Regulations governing camping areas.

- (a) The installation of permanent camping facilities is prohibited.
- (b) The digging or leveling of the ground at any campsite is prohibited, except with the permission of the director.
- (c) Camping equipment must be completely removed and the sites cleaned before departure.
- (d) Camping within twenty-five feet of any water hydrant, main road, or well-defined water course, except upon the direction of the director is prohibited.
- (e) Quiet shall be maintained in all campgrounds between the hours of 11:00 p.m. and 6:00 a.m.
- (f) The gathering of wood for use as fuel in campgrounds or picnic areas shall be limited to dead material on the ground, except where such gathering is prohibited by the director by the posting of appropriate signs.

(1975 C.C., c. 3, art. 1, sec. 2.4; Am. 1987, Ord. No. 87-131, sec. 2.)

Section 15-43. Camping permit required; issuance; denial.

- (a) Any person eighteen years of age or older, representing such person or such person’s family, a group, organization, or association wishing to camp at a designated camping area shall be required to obtain a camping permit authorizing the use of the grounds and facilities for camping purposes.

- (b) These permits may be obtained from the administrative office of the department of parks and recreation in Hilo or from any official of the department designated by the department to issue such permits. Each permit will reserve the use of the desired camping area for the stated date requested. The means of requesting for camping permits and receiving confirmation of the same can be done either through a direct visit to the above office or designated authority or by means of telephone or through the mail.
- (c) All permits shall be issued on a first-come, first-served basis but may be denied any person, group, organization or association when the use of the desired camping area may be dangerous to the campers or unreasonably inconvenient to the department such as:
 - (1) When the group is of an extraordinarily large size;
 - (2) When severe weather conditions are threatening;
 - (3) When there are inadequate facilities to meet the immediate needs of the camper or campers; or
 - (4) When repairs or improvements are being made to develop the campsite.

(1975 C.C., c. 3, art. 1, sec. 2.4.)

Section 15-44. Time limits.

No person shall be allowed to remain at any one specific camping area for a period longer than one week during the months of June through August and for a period not longer than two weeks during the other nine months of the year unless special permission is granted to extend the stay by the director. A camping period for the use of pavilions and sheds in camping areas is limited to three days and two nights' duration throughout the year unless special permission is granted by the director to extend the time limit.

(1975 C.C., c. 3, art. 1, sec. 2.4.)

Section 15-45. Assigned camping spaces.

The department may apportion and delineate the space within the camping area for the exclusive use of any person granted a permit to utilize the area; but the area shall not be less than forty square feet nor more than eighty square feet per person.

(1975 C.C., c. 3, art. 1, sec. 2.4.)

Section 15-46. Camping permit; minors.

All responsible persons eighteen years of age or older shall be allowed to secure a permit on their own to camp in any of the campsites. All minors below the age of eighteen shall be allowed to camp in the camping area provided that they will be under the direct supervision of a responsible adult for every ten minors. All minors from the same family accompanied by at least one of their parents shall be allowed to camp, regardless of the ratio of supervision between parent and children.

(1975 C.C., c. 3, art. 1, sec. 2.4.)

Section 15-47. Cancellation of permits.

Permits shall be automatically cancelled if they are not picked up or if the department is not notified of final verification of usage by the requesting party within forty-eight hours of actual usage. The department also reserves the right to terminate camping privileges, aside from natural causes, for the following reasons:

- (1) Tampering with or injuring signs, posters, markers, plants and other ornamental artifacts in the area;
- (2) Abuse of and physical damage to any building or other facility in the area;
- (3) Unnecessary and excessive littering of the area;
- (4) Common nuisance and disorderly behavior;
- (5) Being uncontrollably under the influence of liquor; and
- (6) For the violation of any other provision covered in this chapter.

(1975 C.C., c. 3, art. 1, sec. 2.4.)

Section 15-68.1. Parks and recreational facility schedule.**Parks**Hilo/Hāmākua

Afook-Chinen Civic Auditorium
Āhualani Park
‘Āinakō Park
‘Āinaola Park
Aunty Sally Kaleohano’s Lū‘au Hale
Bakers Beach
Carlsmith Beach Park
Charles “Sparky” Kawamoto Swim Stadium
Clem Akina Park
East Hawai‘i Cultural Center
Edith Kanakaole Multi-purpose Stadium
Francis F.C. Wong Stadium
Frank M. Santos Park
Gilbert Carvalho Park
Haina Park
Hakalau Veterans Park
Hilo Armory
Hilo Bayfront Soccerfields
Hilo Bayfront Beach
Hilo Drag Strip
Hilo Municipal Golf Course
Hilo Pōmaika‘i Senior Center
Hilo Skeet Range
Honoka‘a Park
Honoka‘a Rodeo Arena
Honoka‘a Swimming Pool
Honoli‘i Beach Park
Honomū Park
Ho‘olulu Complex
Hualani Park
James Kealoha Beach Park
Kaiwiki Park
Kalākaua Park
Kamanā Senior Center
Kanakea Pond
Ka‘ūmana Caves
Ka‘ūmana Lani Park
Keikiland Playground
Kolekole Gulch Park
Kūhiō Kalaniana‘ole Park
Kukuihaele Park
Kula‘imano Park

Laupāhoehoe Point Beach Park
 Laupāhoehoe Senior Center
 Laupāhoehoe Swimming Pool
 Leleiwi Beach Park
 Liholiho Garden
 Lili‘uokalani Gardens
 Lincoln Park
 (1) Dr. Ruth E. Oda Playground
 Lōkahi Park
 Mālama Park
 Mohouli Park
 Mokuola Island
 Mo‘oheau Park
 NAS Swimming Pool
 Onekahakaha Beach Park
 ‘Ō‘ōkala Park
 Pa‘auilo Park
 Pana‘ewa Equestrian Center
 Pana‘ewa Park
 Pana‘ewa Rainforest Zoo and Gardens
 Pāpa‘aloa Park
 Pepe‘ekeo Community Center
 Princess Abigail Wahīka‘ahu‘ula Kawanānakoā Center
 Reeds Bay Beach Park
 Richardson Ocean Park
 University Heights Park
 Waiākea Recreation Center
 Waiākea-Uka Park
 (1) Stanley Costales Waiākea-Uka Gym
 Waiākea Waena Park
 Waikaumalo Park
 Wainaku Gym
 Wainaku Playground
 Wai‘olena Beach Park
 Waipi‘o Look Out
 Wai‘uli Beach Park
 Walter C.K. Victor Baseball Complex

Ka‘ū

Kahuku Park
 Na‘alehu Park
 Pāhala Ballfield
 Pāhala Community Center
 Pāhala Swimming Pool
 Pāhala Tennis and Basketball Courts
 Punalu‘u Black Sand Beach Park
 Waiohinu Park
 Whittington Beach Park

Kohala

Kamehameha Park
 Kapa‘a Beach Park
 Keōkea Beach Park
 Lily Yoshimatsu Senior Center
 Mahukona Beach Park
 Mahukona Wharf
 North Kohala Senior Center
 North Kohala Veterans Field
 Spencer Park at ‘Ōhai‘ula Beach
 (1) Samuel Mahuka Spencer Pavilion
 Waikoloa Community Park
 Waikoloa Neighborhood Park
 Waimea Church Row Park
 Waimea Park

Kona

Arthur C. Greenwell Park
 Clarence Lum Won Park
 Hale Hālāwai
 Harold H. Higashihara Park
 Hōnaunau Boat Ramp
 Hōnaunau Rodeo Arena
 Ho‘okena Beach Park
 Kahalu‘u Beach Park
 Kailua Park
 Kailua Playground
 Kekuaokalani Gymnasium
 Kona Hillcrest Park
 Kona Imin Center
 Kona Waena Swimming Pool
 Ku‘emanu Heiau
 La‘aloa Bay Beach Park
 Magic Sands Beach Park
 Miloli‘i Beach Park
 Nākamalei Playground
 Pāhoehoe Beach Park
 Sgt. Rodney J. T. Yano Memorial Hall
 Wai‘aha Beach Park
 William Charles Lunalilo Playground

Puna

‘Āhalanui Park/Maunakea Pond
 A.J. Watt Gym
 Glenwood Park
 Hawaiian Beaches Park

Isaac Kepo‘okalani Hale Beach Park
 Kahakai Park
 Keaau Community Center
 Kurtistown Park
 Mt. View Park
 Pāhoa Aquatic Center
 Pāhoa Neighborhood Facility
 Herbert Shipman Park
 Volcano Park

Cemeteries

Hilo/Hāmākua

‘Alae Cemetery
 Veterans Cemetery No. 1
 Veterans Cemetery No. 2
 Waiākea Uka Cemetery
 Kihalani Cemetery (Laupāhoehoe)
 Kainehe Cemetery (Kūka‘iau)
 Pa‘alaea Cemetery (Honoka‘a)
 Kukuihaele Cemetery

Ka‘ū

Na‘alehu Cemetery

North/South Kohala

Kahei Cemetery
 Waimea Cemetery

Kona

West Hawai‘i Veterans Cemetery-Pu‘u Ho‘omaha O Na Po‘e Koa O Hawai‘i Komohana
 Hienaloli Cemetery (Keōpū)
 (2000, Ord. No. 00-15, sec. 2; Ord. No. 00-66, sec. 2; Ord. No. 00-113, secs. 1 and 2; Am. 2002, Ord. No. 02-58, sec. 2; Am. 2003, Ord. No. 03-99, sec. 2; Am. 2003, Ord. No. 03-135, sec. 2; Am. 2004, Ord. No. 04-79, sec. 2; Am. 2005, Ord. No. 05-40, sec. 2; Am. 2005, Ord. No. 05-96, sec. 2; Am. 2006, Ord. No. 06-127, sec. 2; Am. 2006, Ord. No. 06-149, sec. 3; Am. 2007, Ord. No. 07-22, sec. 4; Am. 2008, Ord. No. 08-7, sec. 5, Am. 2008, Ord. No. 08-22, sec. 2; Am. 2008, Ord. No. 08-35, sec. 2.)

Article 9. Farmers Markets.

Section 15-69. Intent.

It is the intent of this article to allow for the establishment of farmers markets at various County parks and facilities. Farmers markets will offer the general public the opportunity to buy and sell homegrown and homemade products and wares.
 (1993, Ord. No. 93-97, sec. 1.)

Chapter 16

PLANNING

Article 1. General Plan

Section 16-1. The County of Hawai'i general plan.

Article 2. Community Development Plans

Section 16-2. Adoption of community development plans.

Section 16-3. Review and amendment.

Article 3. CDP Action Committees

Section 16-4. CDP action committees.

Section 16-5. Membership and tenure.

Section 16-6. Duties and responsibilities of the CDP action committees.

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Chapter 16**PLANNING****Article 1. General Plan****Section 16-1. The County of Hawai'i general plan.**

- (a) That certain planning code known and designated as "County of Hawai'i general plan," as adopted on December 5, 1971, by the council of the County of Hawai'i, is hereby adopted by reference, subject to later amendments by ordinance, and may be cited as the "general plan."*
- (b) A copy of the general plan and amendments shall be available for public inspection at the planning department.

(1975 C.C., c. 7, art. 1, sec. 1; Am. 2006, Ord. No. 06-153, sec. 1; Am. 2007, Ord. No. 07-70, secs. 2, 3 and 4; Am 2008, Ord. No. 08-98, sec 2.)

* **Editor's Note:** A 2005 edition of the general plan was adopted by Ordinance 05-25. Ordinance 05-25 was subsequently amended by Ordinance 06-153 & Ordinance 07-70.

Article 2. Community Development Plans**Section 16-2. Adoption of community development plans.**

The community development plans listed below are adopted and incorporated by reference. A copy of the plans and amendments shall be available for public inspection at the planning department.

(2008, Ord. No. 08-98, sec. 3.)

Section 16-3. Review and amendment.

A comprehensive review of the community development plans shall commence within ten years from the date of adoption.

(2008, Ord. No. 08-98, sec. 3)

Article 3. CDP Action Committees**Section 16-4. CDP action committees.**

- (a) A community development plan (CDP) action committee shall succeed each CDP steering committee upon adoption of a community development plan.
- (b) The purpose of the CDP action committee is to be a proactive, community-based steward of the plan's implementation and update.
- (c) The planning department shall administer the CDP action committees and be responsible for developing a selection process for committee members and establishing rules of procedure, as needed.

(2008, Ord. No. 08-98, sec. 4).

Section 16-5. Membership and tenure.

- (a) The CDP action committee shall consist of nine members. All members shall have a primary residence in the area covered by the CDP. The members shall be appointed by the mayor and approved by the County council. Prior service as a member of a CDP steering committee shall not disqualify an individual from serving on the CDP action committee.

- (b) The members shall serve staggered terms of four years. Upon the initial appointment of the committee, three members shall serve for a term of two years, three members for a term of three years, and three members for a term of four years. When the term of a member expires, the member shall continue to serve until a successor is appointed. Members whose terms expire may not be reappointed for at least two years, however, members appointed for one year or less may be reappointed for an additional term without the passage of two years' time.
 - (c) The membership should reflect a broad cross-section of the community. The community development plan may specify more detailed selection criteria consistent with this objective.
 - (d) A chairperson shall be elected from its membership annually.
 - (e) Except as provided for in this section, the committee shall be governed by the County Charter, section 13-4.
- (2008, Ord. No. 08-98, sec 4.)

Section 16-6. Duties and responsibilities of the CDP action committees.

The duties and responsibilities of the committee are:

- (1) Provide ongoing guidance and advocacy to advance implementation of the CDP goals, objectives, policies, and actions;
- (2) Broaden community awareness of the CDP and build partnerships, as appropriate, with governmental and community-based organizations to implement CDP policies and actions;
- (3) Take into consideration statewide objectives and legislation for long-term and sustainable plans for the island as a whole;
- (4) Provide timely recommendations to the County on priorities relating to the County operational budget and the CIP budget and program;
- (5) Receive briefings, as requested, from the planning department on pending and approved permit applications involving property located within the planning area, and on other issues related to the CDP;
- (6) Receive briefings from other County agencies, as requested, on priority actions identified in the CDP, which briefings may be integrated and consolidated by the mayor's office or the planning department into a plan of action for the forthcoming year and a status report on the current year's plan of action;
- (7) Monitor the progress and effectiveness of the CDP including the need for CDP revisions based on emerging statewide plans, new technologies, innovative ideas, or changing conditions;
- (8) Review and make recommendations on interim amendments to the CDP;
- (9) Serve as the steering committee, as set forth in the general plan, in any comprehensive update of the CDP;
- (10) Provide recommendations to amend the general plan; and
- (11) Carry out other duties specified in the CDP and/or in agreement with the planning department.

(2008, Ord. No. 08-98, sec. 4)

Section 17-19. Amnesty period.
(REPEALED. 2007, Ord. No. 07-84, sec. 2)

Section 17-20. Reserved.
(2007, Ord. No. 07-84, sec. 2)

Division 3. Qualifications of Persons Performing Work.

Section 17-21. General provisions.

- (a) It shall be unlawful for any person to perform any work covered by this code in violation of those provisions of chapter 448E, Hawai'i Revised Statutes, relating to the licensing of electricians and plumbers.
 - (b) Unlicensed persons may perform work covered by this code providing such work performance is not in violation of chapter 444, Hawai'i Revised Statutes.
- (2007, Ord. No. 07-84, sec. 2)

Section 17-22. Reserved.
(2007, Ord. No. 07-84, sec. 2)

Section 17-23. Reserved.
(2007, Ord. No. 07-84, sec. 2)

Division 4. Inspections.

Section 17-24. Inspection required.

All plumbing and drainage systems shall be inspected by the administrative authority to ensure compliance with all the requirements of this code.
(2007, Ord. No. 07-84, sec. 2)

Intentionally left blank.

Section 17-25. Notification to administrative authority that work is ready for inspection.

- (a) It shall be the duty of the person doing the work authorized by the permit to notify the administrative authority orally or in writing, that said work is ready for inspection. Such notification shall be given not less than forty-eight hours before the work is to be inspected.
 - (b) It shall be the duty of the person doing the work authorized by the permit, to make sure that the work will stand the tests prescribed elsewhere in this code, before giving the above notification.
- (2007, Ord. No. 07-84, sec. 2)

Section 17-26. Reserved.

(2007, Ord. No. 07-84, sec. 2)

Section 17-27. Reserved.

(2007, Ord. No. 07-84, sec. 2)

Division 5. Fees.

Section 17-28. Permit fees.

- (a) Schedule of Fees
 - (1) Permit application fee \$10
 - (2) In addition:
 - For each plumbing fixture or trap (including drainage and vent piping)..... \$ 4
 - For installation, alteration, or repair of each building sewer, building drain, or vent piping..... \$20
 - For each industrial waste injector, grease interceptor, sewage ejector, and grinder pump, including its trap and vent..... \$12
 - For installation, alteration, or repair of water piping and/or water treating equipment \$ 4
 - For vacuum breakers or backflow protective devices installed subsequent to the installation of the piping or equipment served..... \$12
 - For each lawn sprinkler system on any one valve including backflow protection devices thereof..... \$12
 - For each electric water heater, solar or gas water heater, and/or vent..... \$ 4
 - For each new installation, alteration, or repairing of gas piping systems, house piping, and/or exterior piping for lamps, luau torches, and other miscellaneous equipment..... \$12
 - For each gas appliance..... \$ 4
 - For each medical gas piping serving one to five inlet(s) or outlet(s) for a specific gas..... \$50
 - For each additional medical gas inlet(s) or outlet(s)..... \$ 4
- (b) Where work for which a permit is required by this code is begun prior to obtaining a permit, the application fee shall be \$100 plus the additional fees specified in subsection (a). Payment of such fees shall not relieve any person, firm, or corporation from the obligation to comply with the requirements of this code.

Article 9. Nontaxable Property; Assessment.

Section 19-67. Nontaxable property.

Article 10. Exemptions.

Section 19-68. Claims for certain exemptions.
Section 19-69. Reserved.
Section 19-70. Assignment of partial exemptions.
Section 19-71. Homes.
Section 19-72. Home, lease, lessees defined.
Section 19-73. Homes of totally disabled veterans.
Section 19-74. Persons affected with Hansen's disease.
Section 19-75. Exemption, persons who are blind, deaf, and/or totally disabled.
Section 19-76. Nonprofit medical, hospital indemnity associations; tax exemption.
Section 19-77. Charitable, etc., purposes.
Section 19-78. Property used in manufacture of pulp and paper.
Section 19-79. Crop shelters.
Section 19-80. Exemption, dedicated lands in urban districts.
Section 19-81. Water tanks.
Section 19-82. Alternate energy improvements, exemption.
Section 19-83. Reserved.
Section 19-84. Public property, etc.
Section 19-85. Lessees of exempt real property.
Section 19-86. Property of the United States leased under the National Housing Act.
Section 19-87. Exemption for low and moderate-income housing.
Section 19-88. Claim for exemption.
Section 19-89. Exemptions for certain Hawaiian Homes property, and other agencies.
Section 19-89.1. Historic residential real property dedicated for preservation; exemption.
Section 19-89.2. Credit union exemption.
Section 19-89.3. Exemptions for enterprise zones.
Section 19-89.4. Hawai'i Island housing trust exemption.
Section 19-89.5. Kuleana land exemption.

Article 11. Determination of Rates.

Section 19-90. Real property tax; determination of rates.

Article 12. Appeals.

Section 19-91. Appeals.
Section 19-92. Appeals by persons under contractual obligations.
Section 19-93. Grounds of appeal, real property taxes.
Section 19-94. Second appeal.
Section 19-95. Small claims.
Section 19-96. Appointment, removal, compensation.
Section 19-97. Board of review; duties, powers, procedure before.
Section 19-98. Tax appeal court.
Section 19-99. Appeal to board of review.
Section 19-100. Costs; deposit for an appeal.

Section 19-101. Costs, taxation.
Section 19-102. Taxes paid pending appeal.
Section 19-103. Amendment of assessment list to conform to decision.

Article 13. Tax Credits.

Section 19-104. Solar water heater tax credit established.
Section 19-105. Administration.

Chapter 19**REAL PROPERTY TAXES****Article 1. Administration.****Section 19-1. Purpose.**

The purpose of this chapter is to implement the authority granted to the County to assess, impose and collect real property tax based on an amendment to the State constitution which was adopted on November 7, 1978, by the electorate. This chapter will provide for the administration, assessment, and collection of real property tax, including exemptions therefrom, dedication of land, and appeals.

(1981, Ord. No. 613, sec. 1; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-2. Definitions.

Wherever used in this chapter:

“Agriculture use value” means the productivity value for assessment purposes determined for lands being put to any agricultural use.

“Commercial agricultural activities” shall mean the use of property to generate income, monetary gain or economic benefit in the form of money or money’s worth of a minimum \$2,000 annual gross income per farm operation, which may include multiple parcels that need not be contiguous, and/or the use of property that adheres to generally accepted standards or recognized practices within that agricultural industry.

“Commercial agricultural use dedication” means the use of land on a continuous and regular basis that demonstrates the owner is engaged in commercial agricultural activities from:

- (1) Intensive agriculture;
- (2) Orchards;
- (3) Feed crops and fast rotation forestry; or
- (4) Pasture and slow rotation forestry.

“Continuous and regular basis” shall be evidenced by the recurring planting, cultivation and harvesting of crops or ongoing animal husbandry or aquaculture activities that adhere to generally accepted standards or recognized practices within that agricultural industry.

“County” means the County of Hawai‘i.

“Dedicated lands” are lands which are restricted in their use for specified periods of time by covenants executed between the landowners and the director of finance as provided by this chapter.

“Director” means the director of finance of the County of Hawai‘i or the director’s authorized representative.

“Duplex” and “double-family dwelling” means a building containing only two dwelling units.

“Dwelling unit” means one or more rooms designed for or containing or used as the complete facilities for the cooking, sleeping, and living area of a single-family only and occupied by no more than one family and containing a single kitchen.

“Farm dwelling” means a single-family dwelling located on and used in direct connection with a farm, or where the agricultural activity provides income to the occupant(s) of the dwelling. A farm dwelling includes employee housing for that farm.

“Feed crops and fast rotation forestry” includes, but is not limited to, such crops as forage, seed, cane, rice, and biomass grasses.

“Intensive agriculture” includes, but is not limited to, such crops as vegetables, ginger, taro, herbs, nurseries, foliage, cut and potted flowers, piggeries, dairy, poultry, feedlots, aquaculture, honey and honey bees.

“Market value” is the most probable sale price of a property in terms of money in a competitive and open market assuming that the buyer and seller are acting prudently and knowledgeably, allowing sufficient time for the sale, and assuming that the transaction is not affected by undue stress.

“Nondedicated agricultural use assessment” means the present use of agricultural or residential and agricultural zoned land on a continuous and regular basis that demonstrates the owner is engaged in agricultural activities from:

- (1) Intensive agriculture;
- (2) Orchards;
- (3) Feed crops and fast rotation forestry; and/or
- (4) Pasture and slow rotation forestry.

“Ohana dwelling” means a second dwelling unit permitted to be built as a separate or an attached unit on a building site, but does not include a guest house or a farm dwelling.

“Orchards” includes, but is not limited to, such crops as macadamia nuts, guava, banana, papaya, avocado, grapes, passion fruit, coffee, citrus, cacao, pineapple, noni and tropical specialty fruits.

“Pasture and slow rotation forestry” includes, but is not limited to, pasture and longer rotation forestry.

“Property” or “real property” means and includes all land and appurtenances thereof and the buildings, structures, fences, and improvements erected on or affixed to the same, and any fixture which is erected on or affixed to such land, buildings, structures, fences, and improvements, including all machinery and other mechanical or other allied equipment and the foundations thereof, whose use thereof is necessary to the utility of such land, buildings, structures, fences, and improvements, or whose removal therefrom cannot be accomplished without substantial damage to such land, buildings, structures, fences, and improvements, excluding, however, any growing crops.

“Single-family dwelling” means a building containing only one dwelling unit.

“Solar water heater” means a solar thermal energy system that qualifies for the State income tax credit authorized in the Hawai‘i Revised Statutes, section 235-12.5.

(1981, Ord. No. 613, sec. 2; Am. 1997, Ord. No. 97-84, sec. 1; Am. 2004, Ord. No. 04-143, sec. 1; Am. 2007, Ord. No. 07-107, sec. 2; Am. 2008, Ord. No. 08-93, sec. 1.)

Section 19-3. Duties and responsibilities of the director.

The director shall have the following duties and powers, in addition to any others prescribed or granted by this chapter:

- (1) **Assessment:** To assess, pursuant to law, all real property situated within the geographic boundary of the County for taxation of real property and to make any other assessment by law required to be made by the director.
- (2) **Collections:** To be responsible for the collection of all taxes imposed by this chapter and for such other duties as are provided by law.
- (3) **Construction of Revenue Laws:** To construe the provisions of this chapter, the administration of which is within the scope of the director’s duties, whenever requested by any officer or employee of the County, or by any taxpayer.
- (4) **Enforcement of Penalties:** To see that penalties are enforced when prescribed by this chapter (the administration of which is within the scope of the director’s duties) for disobedience or evading of its provisions, and to see that complaint is made against persons violating any provisions of this chapter; in the execution of these powers and duties, the director may call upon the corporation counsel or prosecuting attorney, whose duties it shall be to assist in the institution and conduct of all proceedings or prosecutions for penalties and forfeitures, liabilities and punishments for violation of the provisions of this chapter in respect to the assessment and taxation of real property.
- (5) **Forms:** To prescribe forms to be used in or in connection with the provisions of this chapter including forms to be used in the making of returns by taxpayers or in any other proceedings connected with the provisions of this chapter and to change the same from time to time as deemed necessary.

Article 9. Nontaxable Property; Assessment.

Section 19-67. Nontaxable property.

For purposes of accountability, the director of finance shall assess at the nominal sum of \$100 each parcel of real property which is completely exempt from taxation.

(1981, Ord. No. 613, sec. 70; Am. 1990, Ord. No. 90-138, sec. 3; Am. 1997, Ord. No. 97-84, sec. 1.)

Article 10. Exemptions.

Section 19-68. Claims for certain exemptions.

- (a) (1) None of the exemptions from taxation granted in sections 19-76 to 19-78, 19-89.2 and 19-89.5 shall be allowed in any case, unless the claimant shall have filed with the department of finance, on or before December 31 preceding the tax year for which such exemption is claimed, a claim for exemption in such form as shall be prescribed by the department.
- (2) The exemption from taxation granted for disabilities in sections 19-73 to 19-75 shall be allowed from the next tax payment date, provided that the claimant shall have filed a claim for the disability exemption along with a copy of the physician's certificate of disability with the department on or before June 30 for the first half payment or December 31 for the second half payment on such form as shall be prescribed by the department.
- (3) The exemption from taxation granted for principal home in section 19-71 shall be allowed from the next tax payment date, provided that the claimant shall have filed a claim for the home exemption on or before December 31 for the first half payment or June 30 for the second half payment on such form as shall be prescribed by the department.
- (b) A claim for exemption once allowed shall have continuing effect until:
 - (1) The exemption is disallowed;
 - (2) The assessor voids the claim after first giving no less than thirty days' notice (either to the claimant or to all claimants in the manner provided for by ordinance), that the claim or claims on file will be voided on a certain date;
 - (3) The five-year period for exemption, as allowed in section 19-78, expires; or
 - (4) The claimant makes the report required by subsection (d).
- (c) A claimant may file a claim for exemption even though there is on file and in effect a claim covering the same premises, or a claim previously filed and disallowed or otherwise voided. However, no such claim shall be filed if it is identical with one already on file and having continuing effect. The report required by subsection (d) may be accompanied by or combined with a new claim.
- (d) Any person who has been allowed an exemption under sections 19-71, 19-73 to 19-78, 19-89.2 or 19-89.5 has a duty to report to the assessor within thirty days after that person ceases to qualify for such an exemption for one of, but not limited to, the following reasons:
 - (1) That person ceases to be the owner, lessee, or purchaser of the exempt premises;
 - (2) A change in the facts previously reported has occurred concerning the occupation, use, or renting of the premises, buildings or other improvements thereon; or
 - (3) Some other change in status has occurred which affects the exemption.

Such report shall have the effect of voiding the claim for exemption previously filed, as provided in subsection (b)(4). The report shall be sufficient if it identifies the property involved, states the change in facts or status, and requests that the claim for exemption previously filed be voided.

In the event the property comes into the hands of a fiduciary who is answerable as provided for by this chapter, the fiduciary shall make the report required by this subsection within thirty days after the fiduciary's assumption of fiduciary duties or within the time otherwise required, whichever is later.

Any person who has a duty of making a report as required by this subsection, who within the time required fails to make a report, shall be liable for a civil penalty. The amount of the penalty shall be \$100. The penalty shall be recovered as provided for by ordinance. In addition to this penalty, the taxes due on the property plus any additional penalties and interest thereon shall be collected as property taxes and shall be a lien on the property as provided for by ordinance.

- (e) In addition to any penalty set forth in article 10, any individual who files a fraudulent claim for exemption or attests to any false statement, with the intent to defraud or to evade the payment of taxes or any part thereof, or who in any manner intentionally deceives or attempts to deceive the department of finance, shall be fined \$1,000. This fine shall attach as a paramount lien against the property for which the claim for exemption is filed.
- (f) If the assessor is of the view that, for any tax year, the exemption should not be allowed, in whole or in part, the assessor may at any time within two years of January 1 of that year disallow the exemption for that year, in whole or in part, and may add to the assessment list for that year the amount of value involved, in the manner provided for by ordinance for the assessment of omitted property; provided, that if an assessment or addition under this subsection is made after April 9 preceding the tax year, the taxes on the amount of value involved in the assessment or addition so made shall be made a lien as provided for by this chapter by recording a certificate setting forth the amount of tax involved, penalties, and interest.
- (g) In any case of recordation of a certificate for the amount of the civil penalty under subsection (d), or for the amount of tax, penalties, and interest assessed or added under subsection (f), a person shall be deemed to have an interest arising before the recordation of the certificate only if and to the extent that a person acquired the interest in good faith and for a valuable consideration without notice of a violation of the requirements of subsection (d) having occurred.

(1981, Ord. No. 613, sec. 72; Am. 1987, Ord. No. 87-116, sec. 2; Am. 1990, Ord. No. 90-138, sec. 4; Am. 1994, Ord. No. 94-24, sec. 1; Am. 1995, Ord. No. 95-83, sec. 2; Am. 1997, Ord. No. 97-84, sec. 1; Am. 2004, Ord. No. 04-123, sec. 2; Am. 2008, Ord. No. 08-11, secs. 3 & 4.)

Section 19-69. Reserved.

(1981, Ord. No. 613, sec. 73; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-70. Assignment of partial exemptions.

Unless otherwise specifically provided, allowable exemptions shall be applied first to the value of the buildings on the land and the remainder of the unused exemption, if any, to the value of the land.

(1981, Ord. No. 613, sec. 74; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-71. Homes.

- (a) Real property owned and occupied as a principal home shall be exempt to the following extent from property taxes:

- (1) Totally exempt where the value of the property is not in excess of \$40,000;
- (2) Where the value of the property is in excess of \$40,000, the exemption shall be the amount of \$40,000.

Provided that:

- (A) No such exemption shall be allowed to any corporation, co-partnership, or company;
- (B) The exemption shall not be allowed on more than one home for any one taxpayer and that such taxpayer shall certify under penalty of perjury that such taxpayer has no other home exemption in any other jurisdiction;

Section 19-89.1. Historic residential real property dedicated for preservation; exemption.

- (a) Portions of residential real property which are dedicated and approved by the director of finance as provided for by this section, shall be exempt except for the minimum tax from real property taxation. The owners shall assure reasonable visual access to the public.
 - (b) An owner of taxable real property that is the site of a historic residential property that has been placed on the Hawai'i Register of Historic Places after January 1, 1977, desiring to dedicate a portion or portions thereof for historic preservation, shall petition the director of finance.
 - (c) The director of finance shall approve the petition and determine what portion or portions of the real property shall be exempt except for the minimum tax from real property taxes. The director shall consult with the State Historic Preservation Office in making this determination. The director may take into consideration whether the current level of taxation is a material factor which threatens the continued existence of the historic property, and may determine the total area or areas of the real property that shall be exempted.
 - (d) The approval of the petition of the director shall constitute a forfeiture on the part of the owner of any right to change the use of the owner's property for a minimum period of ten years. The owner of a dedicated property must renew the dedication on or before September 1 of the tenth year of the original dedication or any subsequent renewal period in order to continue the dedication for the next ten years.
 - (e) Failure of the owner to observe the restrictions of subsection (d) shall cancel the tax exemption and privilege retroactive to the date of the dedication, and all differences in the amount of taxes that were paid and those that would have been due but for the exemption allowed by this section shall be payable together with penalty at ten percent from the respective dates that these payments would have been due, provided the provision in this paragraph shall preclude the County from pursuing any other remedy to enforce the covenant on the use of the land.
 - (f) Any person who becomes an owner of real property that is permitted an exemption under this section shall be subject to the restrictions and duties imposed under this section.
 - (g) The director shall prescribe the form of the petition. The petition shall be filed with the director by September 1 of any calendar year and shall be approved or disapproved by December 15 of such year. If approved, the dedication shall be effective July 1 of the following tax year.
 - (h) An owner applicant may appeal any determination as in the case of an appeal from an assessment.
 - (i) Subject to chapter 91, Hawai'i Revised Statutes, the director shall adopt rules and regulations decreed necessary to accomplish the foregoing.
- (1981, Ord. No. 837, sec. 2; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-89.2. Credit union exemption.

- (a) Real property owned in fee simple or leased for a period of one year or more by a Federal or State credit union which is actually and exclusively used for credit union purposes shall be exempt except for the minimum tax from real property taxes. If the property for which exemption is claimed is leased, the lease agreement shall be in force and recorded in the bureau of conveyances at the time the exemption is claimed. As used in this section, "Federal credit union" means a credit union organized under the Federal Credit Union Act of 1934, 12 U.S.C. chapter 14, as amended, and "State credit union" means a credit union organized under the Hawai'i Credit Act, chapter 412, Hawai'i Revised Statutes, as amended.
- (b) If any portion of the property which might otherwise be exempted under this section is used for commercial or other purposes not within the conditions necessary for exemption (including any use the primary purpose of which is to produce income even though such income is to be used for or in furtherance of the exempt purposes) that portion of the premises shall not be exempt but the remaining portion of the premises shall not be deprived of the exemption if the remaining portion is used exclusively

for purposes within the conditions necessary for exemption. In the event of an exemption of a portion of a building, the tax shall be assessed upon so much of the value of the building (including the land thereunder and the appurtenant premises) as the proportion of the floor space of the nonexempt portion bears to the total floor space of the building.

(1987, Ord. No. 87-116, sec. 4; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-89.3. Exemptions for enterprise zones.

Buildings or other like structures which are built as a result of new construction by a qualified business within an enterprise zone shall be exempt except for the minimum tax from real property taxes for a period of three years. A qualified business in an enterprise zone must satisfy the requirements of chapter 31 of this code and section 209E, Hawai‘i Revised Statutes, as amended.

(1995, Ord. No. 95-14, sec. 2; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-89.4. Hawai‘i Island housing trust exemption.

There shall be exempt, except for the minimum tax from real property taxes, those properties held by the Hawai‘i Island housing trust and its nonprofit special purpose entities, until such time as the properties are leased to individual homeowners.

(2006, Ord. No. 06-111, sec. 2.)

Section 19-89.5. Kuleana land exemption.*

- (a) For the purposes of this section, “kuleana land” means those lands granted to native tenants pursuant to L. 1850, p. 202, entitled “An Act Confirming Certain Resolutions of the King and Privy Council, Passed on the 21st Day of December, A.D. 1849, Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges,” as amended by L. 1851, p.98, entitled “An Act to Amend an Act Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges” and as further amended by subsequent legislation.
- (b) Those portions of real property zoned as residential or agricultural, and designated as kuleana land, shall pay the minimum real property tax set forth in subsection 19-90(g) as long as the real property is owned in whole or in part by a lineal descendant of the person(s) that received the original title to the kuleana land.
- (c) An application for this exemption shall be filed with the director on forms prescribed by the director. The application shall include documents verifying ownership of the portion of the parcel and that the condition set forth in subsection (b) has been satisfied. Verification of the condition set forth in subsection (b) shall be satisfied by either genealogy verification by the Office of Hawaiian Affairs or by court order stating that the applicant is a lineal descendant of the person(s) that received the original title to the kuleana land. The applicant/landowner shall be responsible for all costs.

(2008, Ord. No. 08-11, sec. 2.)

* **Editor’s Note:** Section 19-89.5 shall apply to the tax year beginning July 1, 2009 and the tax years thereafter.

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Article 11. Determination of Rates.**Section 19-90. Real property tax; determination of rates.**

- (a) Unless a different meaning is clearly indicated by the context, as used in this section:
- (1) “Net taxable lands” means all other real property exclusive of buildings.
 - (2) “Net taxable real property” or “net taxable buildings” or “net taxable lands” means, as indicated by the context, the percentage of the market value of property determined under section 19-46 which the director of finance certifies as the tax base as provided by this chapter, less exemptions as provided by this chapter and, in all cases where appeals from the director’s assessment are then unsettled, less fifty percent of the value in dispute.
- (b) The council may increase or decrease the tax rate for buildings and for all other real property, exclusive of buildings for net taxable land and net taxable buildings of each class of property established in accordance with section 19-53(e) of this chapter. A resolution setting the tax rates shall be adopted on or before June 20 preceding the tax year for which property tax revenues are to be raised according to the following procedures:
- (1) The council shall advertise its intention to increase or decrease tax rates and the date, time, and place of a public hearing in a newspaper of general circulation. The date of the public hearing shall not be less than ten days after the advertisement is first published and shall set forth the tax rates to be considered by the council.
 - (2) After the public hearing provided for in paragraph (1), the council shall readvertise and reconvene within three weeks to adopt a resolution fixing the tax rates for the tax year for which property tax revenues are to be raised. The advertisement shall state the new rates to be fixed and the date, time and place of the meeting scheduled for fixing such rates. The date, time, and place of the meeting shall also be announced at the public hearing required by paragraph (1). If the resolution fixing the tax rates is not adopted within three weeks from the public hearing required by paragraph (1), the council shall again advertise and meet as required by paragraph (1).
 - (3) If after adopting an increase or decrease in the tax rates as provided by paragraphs (1) and (2), the council determines that it requires a further increase or decrease in tax rates or fails to act in any specified period, the council shall readvertise and follow the requirements of paragraphs (1) and (2).
 - (4) If no action is taken by the council to increase or decrease the tax rates, then the tax rates as previously set shall be applicable to the subsequent tax year.

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Section 19-102. Taxes paid pending appeal.

The tax paid upon the amount of any assessment, actually in dispute and in excess of that admitted by the taxpayer, and covered by an appeal to the tax appeal court duly taken, shall be paid by the director into the "litigated claims account." If the final determination is in whole or in part in favor of the appealing taxpayer, the director shall repay to the taxpayer out of the account, or if investment of the account should result in a deficit therein, out of the general fund of the County, the amount of the tax paid upon the amount held by the court to have been excessive or nontaxable, together with interest at a rate to be determined by the director based upon the average interest rate earned on County investments during the previous fiscal year. Interest shall be calculated from the date of each payment into the litigated claims account. The balance, if any, of the payment made by the appealing taxpayer, or the whole of the payment, in case the decision is wholly in favor of the director, shall, upon the final determination become a realization of the general fund.

In a case of an appeal to a board of review, the tax paid upon the amount of the assessment actually in dispute and in excess of that admitted by the taxpayer, shall during the pendency of the appeal and until and unless an appeal is taken to the tax appeal court, be held by the director in the general fund of the County. In the event of final determination of the appeal in the board of review, the director shall repay to the appealing taxpayer out of the general fund the amount of the tax paid upon the amount held by the board to have been excessive or nontaxable, together with interest at a rate to be determined by the director based upon the average interest rate earned on County investments during the previous fiscal year. Interest shall be calculated from the date of each payment into the general fund of the County. The balance, if any, of the payment made by the appealing taxpayer, or the whole of the payment, in case the decision is wholly in favor of the director, shall, upon the final determination become a realization of the general fund.

(1981, Ord. No. 613, sec. 106; Am. 1991, Ord. No. 91-61, sec. 3; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-103. Amendment of assessment list to conform to decision.

The director shall alter or amend the assessment and the assessment list in conformity with the decision or judgment of the last board or court to which an appeal may have been taken.

(1981, Ord. No. 613, sec. 107; Am. 1997, Ord. No. 97-84, sec. 1.)

Article 13. Tax Credits.**Section 19-104. Solar water heater tax credit established.**

- (a) An owner of real property that has a single-family dwelling, ohana dwelling, farm dwelling, duplex, or double-family dwelling unit(s) and who installs a solar water heater on the owner's property on or after January 1, 2008, shall be entitled to a one-time tax credit per tax map key of up to \$300 under this article against the owner's real property tax liability, except for the minimum tax from all property taxes.
- (b) The credit shall be claimed against real property tax liability for the tax year immediately following approval of the application for the credit. The tax credit shall entitle the owner to a credit only for the single tax year. There shall be no carryover tax credit.

(2008, Ord. No. 08-93, sec. 2.)

Section 19-105. Administration.

- (a) The director shall determine the eligibility of the owner for the tax credit upon review and verification that the owner has installed a solar water heater on the owner's property.
- (b) The owner shall file an application with the department of finance on or before September 30 preceding the tax year in which the credit would be provided.
- (c) The director shall adopt rules having the force and effect of law for the administration, implementation, and enforcement of this article.

(2008, Ord. No. 08-93, sec. 2.)

Section 20-40. Explosives, radioactive wastes and other prohibited materials.

- (a) No person shall dump, place, or remove to any County disposal facility, including transfer stations, any prohibited materials as defined by the State department of health rules, regulations and standards, including any radioactive or chemical waste, any pesticides, explosives, blasting materials, fuses, live ammunition, or other substances that may explode upon contact with heat or fire.
 - (b) Prohibited wastes which have been rendered nonhazardous by chemical neutralization or stabilization in accordance with applicable rules, regulations and standards of the State department of health may be delivered directly to a landfill for disposal.
- (1975 C.C., c. 3, art. 10, sec. 10; Am. 1988, Ord. No. 88-160, sec. 5.)

Section 20-41. Dumping refuse prohibited.

No person shall dump or place refuse in or upon any vacant lot, public place, or in or upon the premises of another.

(1975 C.C., c. 3, art. 10, sec. 11.)

Section 20-42. Salvage of refuse restricted.

Any material delivered or deposited at the County dumping ground shall become the property of the County. No person shall separate, collect, carry off, or dispose any article from any County dumping ground unless authorized to do so by the director or the director's representative.

(1975 C.C., c. 3, art. 10, sec. 13; Am. 2001, Ord. No. 01-108, sec. 1; Am. 2002, Ord. No. 02-66, sec. 6.)

Section 20-43. Acceptance of refuse for disposal; restrictions.

- (a) Acceptance at landfills or other similar disposal areas.
 - (1) Any person having any nonprohibited rubbish, unburnable material, or refuse, excluding garbage, in the County, which is not acceptable at a transfer station, is authorized by the department to enter into and properly deposit such material into the designated area of the landfill on any day during the normal working hours of the landfill. All permitted materials, when properly deposited, shall be accepted by the department.
 - (2) Any person having any large or bulky material, such as a car, water heater or properly altered stove or refrigerator which does not contain any garbage, refuse, swill or any other rubbish at the time of disposal, is authorized by the department to enter into and properly deposit such material into the designated area of the landfill on any weekday during the normal working hours of the landfill. All permitted materials, when properly deposited, shall be accepted by the department.
 - (3) Any person having any small dead animal, such as a dog or cat, as well as garbage, is authorized by the department to enter into and properly deposit such material into the designated area of the landfill from 7:00 a.m. to 3:00 p.m. Permitted small dead animals and garbage, when properly deposited, shall be accepted by the department.
 - (4) Any unauthorized person entering into the landfill during nonworking hours or for purposes other than that permitted in this section shall be considered to be a trespasser, and shall be subject to the penalties of this article.
- (b) Acceptance at transfer stations.
 - (1) All acceptable household refuse, including shrubbery and yard trimmings, deposited into the transfer station solid waste container shall be accepted by the County for disposal on any day during normal working hours of the station. No item shall exceed four feet in any dimension or weigh more than fifty pounds.

- (2) Prohibited materials shall include all commercially hauled rubbish, garbage, swill or refuse, prohibited materials as defined by the State department of health and partially listed herein, refuse generated by a business, Federal or State agency, religious entity or nonprofit organization, construction or demolition wastes, abandoned vehicles, dead animals, animal carcasses and other similar organic wastes.
- (c) Except as permitted by the director, no material resulting from construction, land clearing, wrecking of any building or structure, or wastes generated by manufacturing, industrial, or agricultural processes such as meat, fish, poultry, vegetable, or fruit processing shall be acceptable for disposal in any County disposal facility.
- (d) Improper depositing of any material in any County landfill or transfer station is considered to be littering, and violators will be subject to the penalties of this article.
- (1975 C.C., c. 3, art. 10, sec. 14; Am. 1988, Ord. No. 88-160, sec. 6; Am. 1994, Ord. No. 94-87, sec. 5; Am. 2001, Ord. No. 01-108, sec. 1; Am. 2002, Ord. No. 02-66, sec. 7.)

Section 20-44. Burning on County dumping ground regulated.

No person shall set fire to or burn any paper, trash, or garbage deposited within a dumping ground used by the County for the depositing or dumping of trash or garbage without obtaining the permission of the superintendent authorizing and directing the burning.

(1975 C.C., c. 3, art. 10, sec. 12.)

Section 20-45. Penalty.

- (a) Any violation of this article is a petty misdemeanor.
- (b) In addition to the penalties in subsection (a), any person who violates the provisions of this article shall, upon conviction, be required to remove their refuse or shall be liable for the costs of removing that refuse.
- (c) Each day of violation shall constitute a separate offense.
- (1975 C.C., c. 3, art. 10, sec. 15; Am. 1984, Ord. No. 84-15, sec. 1; Am. 2007, Ord. No. 07-23, sec. 3.)

Article 4. Solid Waste Fees.

Section 20-46. Disposal fees.

- (a) Any refuse, except for prohibited materials, delivered by a business, Federal or State agency, religious entity, nonprofit organization or private citizen to the working face of a County landfill shall be charged by the ton or fraction thereof at rates as set forth herein.
- (b) In addition to the per ton charge or volume charge, items which cannot be disposed in the working face of the landfill in accordance with usual disposal practices or which require special handling and/or arrangements by landfill personnel shall be assessed a special handling charge at rates as set forth herein. Such items shall include but may not be limited to asbestos and confidential document destruction or other disposal requiring a witness. Tires, whether whole, cut, sliced, chipped or shredded, will not be accepted at any County landfill. All wire or cable must be cut to four-foot lengths prior to disposal at any County landfill or transfer station.
- (c) Administrative rules shall provide partial credit to commercial haulers for residential waste. The amount of the credit shall be no less than \$2 per month for each single-family household from which the hauler collects refuse, provided the hauler's account is current. The annual credit shall be equal to the landfill disposal fee multiplied by one and one-half tons per year per single-family household. The residential credit shall not exceed the total landfill tipping fees charged to the residential hauler for the month for which the credit is being claimed.

Commercial haulers who claim this credit shall provide documentation to the solid waste division including customer name, mailing address, and service address for each credit claimed. Claims for the residential credit must be submitted on or before the last day of the month following the month for which the credit is being claimed and the hauler's account must be current for the credit to be applied.

Names, mailing addresses, and service addresses of customers of residential haulers are subject to the disclosure limitations in section 92F, Hawai‘i Revised Statutes, as disclosure would cause substantial harm to the competitive position of the person from whom the information was obtained.

- (d) The mayor, with the approval of the council, may temporarily rescind the solid waste disposal fees for a specified period.
- (e) The mayor may waive solid waste disposal fees when it is in the best interest of the County. Fees may be waived for one-time events for community organizations, nonprofit organizations, or private property owners who are remediating illegal dump sites which were not of their creation. The mayor will give notice to the council when tip fee is waived.
- (f) On or before January 1, 2004, there shall be an analysis of past and projected expenses in the solid waste division. Factors to consider include, but are not limited to, capital improvement projects and any debt service for those projects, labor rates and any contractual obligations, equipment replacement and depreciation, and diversion programs. Estimates shall also be considered for total disposal expenses for businesses, Federal or State agencies, religious entities, nonprofit organizations or private citizens as compared to expenses for single-family household disposal at the island-wide solid waste transfer stations. The analysis will be done on an annual basis through January 1, 2007.

(1994, Ord. No. 94-87, sec. 6; Am. 1995, Ord. No. 95-41, sec. 2; Am. 1996, Ord. No. 96-21, sec. 2; Ord. No. 96-45, sec. 2; Am. 2003, Ord. No. 03-102, sec. 2; Am. 2005, Ord. No. 05-21, sec. 2; Am. 2005, Ord. No. 05-138, sec. 2; Am. 2008, Ord. No. 07-182, sec. 2.)

Section 20-47. Collection of fees.

- (a) All charges shall be collected by the solid waste division of the department. Billings shall be made monthly. Payments are due before the end of the month following the month in which charges are incurred. A finance charge of one and one-half percent monthly (annual rate of eighteen percent) shall be charged on all balances which are sixty or more days overdue. In addition to this, access to County solid waste facilities may be denied until the account is current.

(1994, Ord. No. 94-87, sec. 6; Am. 1997, Ord. No. 97-46 sec. 1.)

Section 20-48. Solid waste fund designation.

- (a) There is hereby created and established a special fund to be known as the “solid waste fund.”
- (b) All funds received from the collection of fees authorized by this chapter shall be deposited with the director of finance and shall be accounted for and be known as the “Solid Waste Fund” and shall be expended for the purpose of operating, maintaining and administering the County’s solid waste management, collection and disposal systems.

(1994, Ord. No. 94-87, sec. 6.)

Section 20-49. Fee schedule.

- (a) Charge rates shall be established as follows:

- (1) Landfill disposal.
 - (A) Rate by weight: Dollars per ton prorated accordingly.

Year beginning on July 1 of each calendar year.				
2003	2004	2005	2006	2007
\$45	\$55	\$65	\$75	\$85

- (B) When and if it is impossible or impractical due to power outage, disaster-related issues or other to determine an accurate weight, rates by vehicle size and volume shall be used:

TYPE I: Light trucks or other vehicles with a gross vehicle weight of less than 10,000 pounds with no more than three cubic yards of refuse charged as dollars per truck.

Year beginning on July 1 of each calendar year.				
2003	2004	2005	2006	2007
\$27	\$33	\$39	\$45	\$51

TYPE II: Medium trucks or other vehicles with a gross vehicle weight from 10,000 pounds to 19,999 pounds with no more than six cubic yards of refuse charged as dollars per truck.

Year beginning on July 1 of each calendar year.				
2003	2004	2005	2006	2007
\$56	\$66	\$76	\$86	\$96

TYPE III: Large trucks or other vehicles with a gross vehicle weight from 20,000 pounds to 25,999 pounds with no more than nine cubic yards of refuse charged as dollars per truck.

Year beginning on July 1 of each calendar year.				
2003	2004	2005	2006	2007
\$81	\$99	\$117	\$135	\$153

TYPE IV: All other trucks or vehicles with a gross vehicle weight of 26,000 pounds including commercial refuse hauling trucks or all other vehicles not qualifying as a Type I, II, or III:

1. Compacted. Dollars per cubic yard.

Year beginning on July 1 of each calendar year.				
2003	2004	2005	2006	2007
\$15	\$18	\$21	\$24	\$27

2. Not compacted. Dollars per cubic yard.

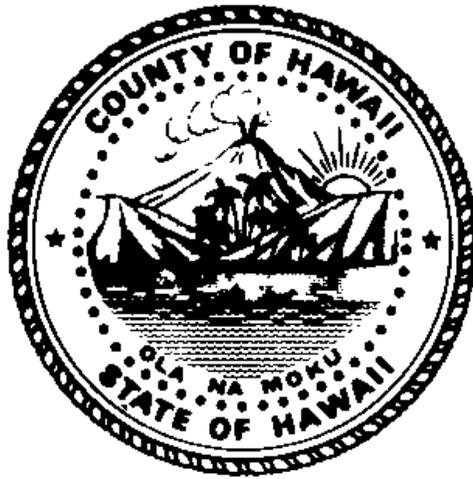
Year beginning on July 1 of each calendar year.				
2003	2004	2005	2006	2007
\$9	\$11	\$13	\$15	\$17

- (C) Special handling: \$85 per truck load or fraction thereof.

THE HAWAI‘I COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: **Supplement 6 (7-2008)**
Contains ordinances effective through: **06-30-08**



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
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Volume 2

Chapter 24

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Section 24-22. Disposition of fees.

All fees collected under this article shall be deposited in the general fund of the County of Hawai‘i as County realizations.

(1975 C.C., c. 2, art. 10, sec. 8.02; Am. 1977, Ord. No. 315, sec. 1.)

Article 5. Inspection of Vehicles.

Section 24-23. Department of finance to inspect vehicles.

The department of finance is designated as the County department having the responsibility for administering the periodic vehicle inspection program.

(1975 C.C., c. 6, art. 19, sec. 1; Am 2008, Ord. No. 08-100, sec. 2.)

Section 24-24. Periodic vehicle inspections.

Periodic safety inspection of vehicles shall be as provided by law and rules and regulations promulgated by the State director of transportation, formerly the State highway safety coordinator.

(1975 C.C., c. 6, art. 19, sec. 2; Am. 1986, Ord. No. 86-48, sec. 1.)

Section 24-25. Cost of inspection stickers; fee for certificate of inspection.

(a) The department of finance shall charge and collect from each operator of an official inspection station the sum of 20 cents for each vehicle inspection sticker denoting the month of expiration and the sum of 20 cents for each vehicle inspection sticker denoting the year of expiration.

(b) The person operating an official inspection station may charge not more than the following fees for the certificate of inspection and approval and affixing of inspection stickers, regardless of whether a certificate of approval is issued or whether affixing of inspection stickers is done:

Vehicle Inspection Fees:

Automobiles and Trucks	Not more than \$9.75
Motorcycles, Mopeds, and Trailers	Not more than \$4.25

(1975 C.C., c. 6, art. 19, secs. 3 and 4; Am. 1975, Ord. No. 136, secs. 1 and 2; Am. 1987, Ord. No. 87-63, sec. 1; Am. 2008, Ord. No. 08-100, sec. 3.)

Section 24-26. Designation of inspection stations; permit required; application; bond.

(a) The director of finance shall issue permits for and furnish instructions and all forms to official inspection stations for the inspection and adjustment of brakes, wheel alignment, lighting equipment, steering mechanism, horns, mirrors, windshield wipers, and other equipment of motor vehicles, trailers, and semitrailers.

(b) Application for the permit shall be made upon an official form and shall be granted only when the director of finance is satisfied that the station is properly equipped and has competent personnel to make such inspections and adjustments. Before issuing a permit, the director of finance may require the applicant to file a bond to make compensation for any damage to a vehicle during inspection due to negligence on the part of such applicant or the applicant’s employees.

(c) No permit for an official inspection station shall be issued to a station without the following equipment: Headlight testing machine and a wheel alignment gauge or tester as approved by the director of finance.

(1975 C.C., c. 6, art. 19, secs. 5A, 5B and 5D; Am. 2008, Ord. No. 08-100, sec. 4.)

Section 24-27. Inspection of inspection stations; permit revocation.

The director of finance shall supervise and cause inspections to be made of inspection stations and shall revoke and require the surrender of the permit issued to a station which the director of finance finds is not properly equipped or conducted.

(1975 C.C., c. 6, art. 19, sec. 5C; Am. 2008, Ord. No. 08-100, sec. 5.)

Section 24-28. Permit nontransferable; posting of permit.

No permit for an official station shall be assigned, transferred, or used at any location other than therein designated. Every permit shall be posted in a conspicuous place at the location designated.

(1975 C.C., c. 6, art. 19, sec. 6A.)

Section 24-29. Safety inspectors; certificates of inspection and approval; safety stickers; inspection reports.

- (a) No person may conduct motor vehicle safety inspections unless such person is first certified as a safety inspector by the director of finance.
- (b) A safety inspector shall not issue a certificate of inspection and approval to the owner of an inspected vehicle, and shall not affix an official safety sticker to an inspected vehicle, unless, after inspecting the vehicle pursuant to the rules and regulations of the State director of transportation, the safety inspector determines that the vehicle's equipment is in good working condition and proper adjustment and the vehicle is in safe operating condition.
- (c) A report of each inspection conducted shall be made to the director of finance pursuant to the rules and regulations promulgated by the State director of transportation.

(1975 C.C., c. 6, art. 19, secs. 6B and 6C; Am. 1986, Ord. No. 86-48, sec. 2; Am. 2008, Ord. No. 08-100, sec. 6.)

Section 24-30. Representation as official inspection station; permit necessary.

- (a) No person shall in any manner represent any place as an official inspection station unless such place is operating under a valid permit issued by the director of finance.
- (b) No person other than a person operating an inspection station under a valid permit shall issue a certificate of inspection and approval.

(1975 C.C., c. 6, art. 19, sec. 7; Am. 2008, Ord. No. 08-100, sec. 7.)

Section 24-31. False certificates prohibited.

- (a) No person shall make, issue, or knowingly use any imitation or counterfeit of an official certificate of inspection and approval.
- (b) No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval knowing the certificate to be fictitious, or issued for another vehicle, or issued without an adequate inspection having been made.

(1975 C.C., c. 6, art. 19, sec. 8.)

Article 6. Equipment.**Division 1. General Provisions.****Section 24-32. Scope and effect of article.**

- (a) No person shall drive or move, and no owner shall cause or knowingly permit to be driven or moved on any highway, any vehicle or combination of vehicles: (1) which is in such unsafe condition as to endanger any person, (2) which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or (3) which is equipped in any manner in violation of this chapter.

Section 24-96. Warning devices required.

- (a) Air Brakes. Every bus, truck or truck-tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below fifty percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.
- (b) Vacuum Brakes. Every truck-tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or tow-away operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.
- (c) Combination of Warning Devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be adequate means of satisfying this requirement.

(1975 C.C., c. 6, art. 18, sec. 29J.)

Section 24-97. Performance ability of brakes.

- (a) Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:
 - (1) Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification;
 - (2) Decelerating to a stop from not more than twenty miles per hour at not less than the feet per second per second tabulated herein for its classification; and
 - (3) Stopping from a speed of twenty miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.
- (b) Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

* **Editor's Note:** Section 24-97 continues on the next page.

(c) Table of Required Brake Performance.

Classification of Vehicles	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Brake system application and braking distance in feet from an initial speed of 20 m.p.h.
A Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating	52.8%	17	25
B-1 All motorcycles and motor-driven cycles	43.5%	14	30
B-2 Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less	43.5%	14	30
C-1 Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds	43.5%	14	40
C-2 Combination of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less	43.5%	14	40
C-3 Buses, regardless of the number of axles, not having a manufacturer's gross weight rating	43.5%	14	40
C-4 All combinations of vehicles in driveaway-tow-away operations	43.5%	14	40
D All other vehicles and combinations of vehicles	43.5%	14	50

(1975 C.C., c. 6, art. 18, sec. 31.)

Section 24-98. Maintenance of brakes.

All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practical with respect to the wheels on opposite sides of the vehicle.

(1975 C.C., c. 6, art. 18, sec. 32.)

Section 24-99. Brakes on motor-driven cycles.

(a) The director of finance is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which the director of finance finds will not comply with the performance ability standard set forth in section 24-97 or which in the director of finance’s opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

- (b) No person shall operate on any highway any vehicle referred to in this section in the event the director of finance has disapproved the braking system upon such vehicle.
(1975 C.C., c. 6, art. 18, sec. 33; Am. 2008, Ord. No. 08-100, sec. 8.)

Section 24-100. Hydraulic brake fluid requirements.

- (a) The term hydraulic fluid as used in this section means the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.
- (b) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.
- (c) Hydraulic brake fluid shall conform to the current standards and specifications of the Society of Automotive Engineers applicable to such fluid.
- (d) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section.
- (e) No person shall service any vehicle with brake fluid unless it complies with the requirements of this section.
(1975 C.C., c. 6, art. 18, sec. 34.)

Division 4. Mirrors, Windshields and Mud Guards.

Section 24-101. Mirror required.

Every motor vehicle shall be equipped with a mirror or mirrors so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of the vehicle.
(1975 C.C., c. 6, art. 18, sec. 37.)

Section 24-102. Windshields; visibility unobstructed; stickers.

- (a) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of the vehicle which obstructs the driver's clear view of the highway or any intersecting highway.
- (b) Posters or stickers approved by the director of finance shall be placed at the lower right-hand corner of the front windshield of a left-hand driven motor vehicle or at the lower left-hand corner of the front windshield of a right-hand driven motor vehicle. However, such posters or stickers so placed shall not cover an area greater than four inches by six inches, except for nonresidence permits or for military requirements, in which cases an additional area of four and one-half inches by six inches may be used. Furthermore, a poster or sticker of any size may be placed upon the front windshield if it is shown to the satisfaction of the director of finance that such placement will not obstruct the driver's clear view.
- (c) No person shall drive any motor vehicle with any nontransparent material or object suspended within the windshield area as viewed from the driver's seat, except rear view mirrors nor shall any person drive any motor vehicle upon the hood or radiator of which is attached any fixture or ornament of any material which vibrates, swings, or flutters within view of the driver of the vehicle.
(1975 C.C., c. 6, art. 18, secs. 38A, 38B and 38C; Am. 1988, Ord. No. 88-11, sec. 1; Am. 2008, Ord. No. 08-100, sec. 9.)

Section 24-103. Windshield wiper required.

- (a) The windshield on every motor vehicle shall be equipped with a device for cleaning rain or other moisture from the windshield. Such device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- (b) Every windshield wiper upon a vehicle shall be maintained in good working order.
(1975 C.C., c. 6, art. 18, secs. 38D and 38E.)

Section 24-104. Windshields, fenders, and bumpers required; exception.

- (a) Every motor vehicle upon a highway, excepting a motorcycle or motor scooter, shall be equipped with a windshield and front and rear bumpers.
 - (b) Every motor vehicle upon a highway shall be equipped with fenders for all wheels.
 - (c) Where the type of vehicle and the usage of the vehicle make the foregoing equipment impractical, such equipment may be eliminated upon approval of the director of finance.
- (1975 C.C., c. 6, art. 18, sec. 39; Am. 2008, Ord. No. 08-100, sec. 10.)

Section 24-105. Mud and spray guard required.

No person shall operate on any highway any motor vehicle, trailer, or semi-trailer unless equipped with fenders, covers, or devices, including flaps or splash aprons, or unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle.

(1975 C.C., c. 6, art. 18, sec. 40.)

Section 24-106. Safety glazing material required.

- (a) No person shall sell any new motor vehicle nor shall any new motor vehicle be registered unless such vehicle is equipped with safety glazing material of a type meeting the current specifications of the Society of Automotive Engineers wherever glazing material is used in doors, windows and windshields.
 - (b) Subsection (a) of this section shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows, and windshields in the driver's compartments of such vehicles.
- (1975 C.C., c. 6, art. 18, sec. 42A.)

Section 24-107. Safety glazing material defined; broken material prohibited.

- (a) The term safety glazing materials means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources, or by these safety glazing materials when they may be cracked or broken.
 - (b) No person shall operate a motor vehicle which is equipped with safety glazing material which is shattered or broken.
- (1975 C.C., c. 6, art. 18, secs. 42B and 42C.)

Division 5. Muffler and Exhaust System.**Section 24-108. Muffler defined.**

Muffler as used in this division means a device consisting of a series of baffle plates, chambers, or perforated tube or tubes with spun glass, spun steel, or other type of sandwich packing, or of other mechanical design or construction, for the purpose of receiving exhaust gas and controlling exhaust noise from the motor of a motor vehicle.

(1975 C.C., c. 6, art. 18, sec. 36A.)

Section 24-109. Muffler required; excessive or unusual noise defined.

- (a) No person shall operate a motor vehicle on a public highway or street unless the motor vehicle is equipped, at all times, with a muffler or mufflers in constant operation and of such length and size or of sufficient capacity for the motor and exhaust system to prevent the escape of excessive or annoying fumes or smoke, and excessive or unusual noise.

- (b) The areas of streets, described in schedule 28, section 24-280 are designated as no-parking zones when appropriate signs or markings giving notice thereof are erected.
(1975 C.C., c. 6, art. 15, sec. 8.)

Section 24-197. Parking prohibited during certain hours.

- (a) When official signs are erected giving notice thereof, no person shall stop, stand or park a vehicle any longer than is reasonably necessary to take on or discharge passengers or freight, upon any of the streets or portions thereof within the County, between the hours indicated on such signs, of any day, except Sundays and public holidays.
- (b) The areas of streets, described in schedule 29, section 24-281, are designated as “parking prohibited during certain hours zones” when appropriate signs or markings giving notice thereof are erected.
(1975 C.C., c. 6, art. 15, sec. 9; Am. 1996, Ord. No. 96-41, sec. 10.)

Section 24-198. Parking spaces; manner of parking; exception.

- (a) The director of public works may establish, mark, and designate a consecutive series of parking spaces for the parallel or angle parking of motor vehicles where there is an apparent need for parking spaces.
- (b) Wherever parking spaces are so established, marked off and designated, no driver of any vehicle, except single vehicles of a length or width greater than the marked space, shall park such vehicle outside of a designated space.
- (c) In city or street blocks, wherever parking spaces are so established, marked off, and designated, no driver of any vehicle, except single vehicles of a length or width greater than the marked space, shall park such vehicle outside of an established, marked off, and designated space.
- (d) The provisions of this section shall not be applicable to vehicles parked in areas designated as freight-loading zones when such parking is permitted.
(1975 C.C., c. 6, art. 15, sec. 10; Am. 2001, Ord. No. 01-108, sec. 1.)

Section 24-199. Abandoned special mobile equipment, vehicles, trailers, and equipment on wheels prohibited; disposition.

- (a) No person shall abandon any special mobile equipment, vehicle, trailer, or equipment on wheels, whether operational or nonoperational, on the public highway.
- (b) For the purposes of this section, any special mobile equipment, vehicle, trailer, or equipment on wheels, whether operational or nonoperational, left unattended on any public or private street or thoroughfare which is subject to this chapter for more than twenty-four hours shall be deemed abandoned and may immediately be taken into custody by the police department. All such vehicles are declared to be public nuisances.
- (c) Such special mobile equipment, vehicles, trailers, or equipment on wheels shall be disposed of as required by chapter 290, Hawai'i Revised Statutes, as amended.
- (d) Where the registered owner of the abandoned special mobile equipment, vehicle, trailer, or equipment on wheels can be located, the registered owner of such special mobile equipment, vehicle, trailer, or equipment on wheels shall be subject to a fine of \$250 and all reasonable expenses incurred by such removal.
- (e) The provisions of this section shall not be interpreted to contravene the provisions of 20-38.
(1975 C.C., c. 6, art. 5, sec. 11; Am. 1975, Ord. No. 119, sec. 1; Ord. No. 146, sec. 1; Am. 1989, Ord. No. 89-60, sec. 2; Am. 1994, Ord. No. 94-101, sec. 2; Am. 2008, Ord. No. 08-92, sec. 2.)

Section 24-200. Registered owner's responsibility; registration plate as prima facie evidence as its parking.

In any proceedings for violation of this article, the serial number displayed on the registration plate attached to the vehicle involved in such violation shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked the vehicle at the point where, and during the time when, the violation occurred.

(1975 C.C., c. 6, art. 15, sec. 12.)

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Section 24-201. Parking for authorized vehicles.

- (a) Vehicles of government agencies, public utility companies, garages, contractors or any other person may stand and park contrary to the parking provisions set forth in this chapter when the owner or operator of such vehicle holds a special permit issued by the chief of police granting such authorization for a limited time. The permit shall be either in the possession of the driver or on the vehicle at the time. No owner or driver shall violate any of the specific terms or conditions of the permit.
 - (b) The director of public works is hereby authorized to designate and identify special parking zones or stalls, by appropriate signs and/or markings, for the sole use of County of Hawai‘i lifeguards assigned to the public facility and for emergency vehicles during the working hours of the lifeguard at the following locations:
 - (1) Kahoa Street leading to Honoli‘i Beach Park- two vehicles.
 - (2) Ali‘i Drive at La‘aloa Beach Park (Magic Sands)- two vehicles.
- (1975 C.C., c. 6, art. 15, sec. 13; Am. 1993, Ord. No. 93-99, sec. 1; Am. 1999, Ord. No. 99-15, sec. 1; Ord. No. 99-57, sec. 1; Am. 2001, Ord. No. 01-100, sec.1; Ord. No. 01-108, sec. 1.)

Section 24-202. Stopping, standing, or parking on Federal-aid highways.

- (a) Where official signs are erected, giving notice thereof, no person shall stop, stand, or park a vehicle upon any Federal-aid highway, subject to the exemptions granted emergency vehicles.
 - (b) For the provisions of subsection (a), the State highway engineer for the County of Hawai‘i is authorized to erect “No-Parking” signs upon any portion of the Federal-aid highway where the State highway engineer deems it necessary.
 - (c) No person shall park a vehicle upon any Federal-aid highway for a period of time longer than sixty minutes between the hours of 2:00 a.m. and 6:00 a.m. of any day; subject, however, to the exemptions granted emergency vehicles.
 - (d) Where parking is permitted on a Federal-aid highway, all parking shall be parallel to the pavement with all wheels entirely off the traveled way.
 - (e) There shall be no parking on or crossing over the medians.
- (1975 C.C., c. 6, art. 15, sec. 14.)

Section 24-202.1. Parking prohibited in tow or tow-away zones.

- (a) When official signs are erected designating a street or portion thereof as a tow or tow-away zone, no person shall stop, stand or park a vehicle, even momentarily, between the hours indicated on such sign; provided, however, that stops may be made for the expeditious loading or unloading of freight in official loading and unloading zones; and provided, further, that buses may stop for the expeditious loading and unloading of passengers in official bus stops. In no case shall the stop for the loading or unloading of freight exceed thirty minutes and for the loading and unloading of passengers exceed three minutes. Provided, however, that when requested for noncommercial or nonbusiness purposes only, the County council may by resolution suspend for a period of not more than one week any parking prohibition herein provided.
- (b) The chief of police is hereby authorized to remove or cause to be removed a vehicle from a street or highway to a storage area or other place of safety under the provisions of this section. The chief of police shall promulgate and adopt such rules and regulations as are necessary to carry out such removal and storage of vehicles pursuant to the enforcement of this section.
- (c) The County is hereby authorized to contract with another entity for the towing and storage of vehicles pursuant to this section and the rules and regulations promulgated and adopted pursuant to this section.

Chapter 24**VEHICLES AND TRAFFIC****TRAFFIC SCHEDULES****Division 1. Speed Limits.****Section 24-253. Schedule 1. 10 mile per hour limit.**

A speed limit of ten miles per hour is established as set forth in this schedule upon the streets or portions of streets as follows:

- (a) Hāmākua
 - (1) Banyan Street.
 - (2) Ilima Street.
 - (3) Kamani Street, Pīkake Street to its terminus.
 - (4) Kawila Street.
 - (5) Nienie Place.
 - (6) ‘Ōhai Street, Pīkake Street to its terminus.
 - (7) Ulu Street.
 - (8) Wiliwili Street.
 - (b) North Hilo
 - (c) South Hilo
 - (1) Lihikai Street, the one-way portion, between Keliipio Place and the unnamed roadway to the pier and lighthouse.
 - (d) Ka‘u
 - (e) Kohala
 - (f) Kona
 - (1) Nāpō‘opo‘o Beach Road, from the Hikiau Heiau to the Kahauloa Houselots Road.
 - (g) Puna
 - (1) ‘Opīhikao-Kamā‘ili Road, between points 2.8 and 3.0 miles makai of Route 130.
- (1996, Ord. No. 96-163, sec. 2; Am. 1999, Ord. No. 99-135, sec. 1; Am. 2001, Ord. No. 01-96, sec.1.)

Section 24-253.1. Schedule 1.1. 15 mile per hour limit.

A speed limit of fifteen miles per hour is established as set forth in this schedule upon the streets or portions of streets as follows:

- (a) Hāmākua
 - (1) Kika Street.
 - (2) Koa Street.
 - (3) Koniaka Place.
 - (4) Maile Street.
 - (5) Milo Street.
 - (6) Naupaka Street.
 - (7) ‘Ōhai Street, Pakalana Street to its terminus.
 - (8) Pōhākea Road, from a point 2.4 miles mauka of the Old Māmalahoa Highway to the terminus of the paved portion, all trucks over one ton.
 - (9) Rickard Place.
 - (10) Wailana Place.

- (b) North Hilo
 - (1) Kapehu Camp Subdivision, North Hilo:
 - (A) Kaalau Street.
 - (B) Ko‘i Loop.
 - (C) Ko‘i Place.
 - (c) South Hilo
 - (1) ‘Amauulu Road, Wainaku Street to a point two hundred twenty feet mauka of Waimalino Lane.
 - (2) Hāla‘i Street, Haili Street to its terminus.
 - (3) Hina Street.
 - (4) Kohola Street, from Kīlauea Avenue to ‘Iolani Street.
 - (5) Kole Street, Kekūanō‘a Street to Kohola Street.
 - (6) Leimana Street.
 - (7) Maiko Street, ‘Ō‘io Street to Manini Street.
 - (8) Malia Street.
 - (9) Manini Street, Kekūanaō‘a Street to Kohola Street.
 - (10) ‘Ō‘io Street, Kohola Street to Maiko Street.
 - (11) ‘Ōma‘o Street, from Kaūmana Drive to a point six hundred sixty feet in the southeasterly direction.
 - (d) Ka‘u
 - (e) Kohala
 - (f) Kona
 - (1) Ali‘i Drive, from Palani Road to Walua Road (vicinity of Kona Hilton Hotel).
 - (2) Hōnaunau Beach Road.
 - (3) Old Māmalahoa Highway, Kaloko Drive to Onaona Drive.
 - (4) Miloli‘i Access Road, from a point four miles west of State Highway Route 11 to its southern terminus in Miloli‘i Village.
 - (5) Palani Road, from Kuakini Highway to Ali‘i Drive.
 - (6) Walua Road, Wikolia Street to Sunset Drive.
 - (g) Puna
 - (1) Ka‘ohe Homestead Road, from Route 130 for a distance of .5 mile.
 - (2) Maluhia Road.
- (1996, Ord. No. 96-163, sec. 2; Am. 1996, Ord. 96-145, sec. 1; Am. 1997, Ord. No. 97-11, sec. 1; Am. 1999, Ord. No. 99-65, sec. 6; Ord. No. 99-85, sec. 1; Am. 2001, Ord. No. 01-62, sec.1; Ord. No. 01-119, sec. 1; Am. 2008, Ord. No. 08-43, sec. 1; Am. 2008, Ord. No. 08-99, sec. 1.)

Section 24-254. Schedule 2. 20 mile per hour limit.

A speed limit of twenty miles per hour is established as set forth in this schedule upon the streets or portions of streets as follows:

- (a) Hāmākua
 - (1) Old Honoka‘a-Waipī‘o Road, from its intersection with the State Highway (FAS 240) on the Honoka‘a side of Kukuihaele Village to the Waipi‘o Valley Lookout.
 - (2) Kamani Place, Pakalana Street to its terminus.
 - (3) Mauna Loa Street.
- (b) North Hilo
- (c) South Hilo
 - (1) Aipuni Street.
 - (2) ‘Alae Street, between Laimana Street and Hāla‘i Street.
 - (3) Anderton Camp Road in Pāpa‘ikou, from the Māmalahoa Highway for a distance of 1,700 feet in the mauka direction.
 - (4) Hilo Country Club Drive.
 - (5) Hōkū Street.

- (4) Pāhala Village, Ka‘u:
- (A) Hala Street.
 - (B) Hapu Street.
 - (C) Hau Street.
 - (D) Hīnano Street.
 - (E) Huapaia Street.
 - (F) Ilikake Street.
 - (G) Ilima Street.
 - (H) Kamani Street from Pīkake Street to a point approximately two hundred fifty feet east of Koali Street.
 - (I) Kaumahana Street.
 - (J) Kou Street.
 - (K) Lehua Street.
 - (L) Maile Street from Kamani Street to the Pāhala Community Clubhouse.
 - (M) ‘Ōhia Street.
 - (N) Pakalana Street.
 - (O) Puahala Street.
 - (P) Pumeli Street
- (e) Kohala
- (1) Paniolo Avenue, from Waikoloa Road to Paniolo Place.
 - (2) Puakō Beach Road, from a point five hundred feet makai of the Rubbish Dump Road southerly to its terminus.
- (f) Kona
- (1) Hualālai Road, North Kona, from Ali‘i Drive to the Old Māmalahoa Highway.
 - (2) Kealakaa Street.
 - (3) Keauhou Bay Resort area, North Kona:
 - (A) ‘Ehukai Street.
 - (B) Hōlua Road.
 - (C) Kamehameha III Road, makai of Ali‘i Drive.
 - (D) Unnamed south access road (Access Road B) from Ali‘i Drive into the Keauhou Bay area.
 - (E) The cul-de-sac street off Kamehameha III Road in Area 5.
 - (4) Konawaena School Road, from Māmalahoa Highway to the school.
 - (5) Kuakini Highway, beginning at a point four hundred feet south of Hualālai Road to its terminus at the Old Kona Airport.
 - (6) Miloli‘i Access Road, from State Highway Route 11 to a point four miles in the westerly direction.
 - (7) Nāpō‘opo‘o Road.
 - (8) Palani Road, from Queen Ka‘ahumanu Highway to Kuakini Highway.
 - (9) Māmalahoa Highway, from the terminus of the State Highway in Honalo to a point four thousand one hundred feet in a southerly direction.
- (g) Puna
- (1) Ainaloa Boulevard, from Highway 130 to Stardust Drive.
 - (2) North Ala Road, Route 11 to Huina Road.
 - (3) North Glenwood Road, from Route 11 to a point 2.2 miles in the westerly direction.
 - (4) Hāpu‘u Road, from Nānāwale Boulevard to Maui Road.
 - (5) Haunani Road, Old Volcano Highway to its terminus.
 - (6) Huina Road, beginning at a point 0.8 mile west of Volcano Highway and extending 1.6 miles to Luhi Road.
 - (7) Kēhau Road, from Nānāwale Boulevard to Maui Road.

- (8) Kukui Camp Road, from the Hawaii Belt Road to its terminus.
- (9) North Kulani Road, Route 11 to Pacific Paradise Gardens Subdivision.
- (10) Pāhoa Road, from a point 0.75 miles Pāhoa of Kahakai Boulevard to the Kapoho-Pāhoa-Kalapana Road junction.
- (11) Pāhoa Solid Waste Disposal Road, known as the Pāhoa By Pass Road, for its entire length.
- (12) Old Volcano Highway, in Volcano Village.
- (13) Old Volcano Road in Kea'au Village, from its intersection with Highway 11, approximately 0.2 mile north of Mile Post 8, and extending in a northerly direction to its intersection with Kea'au Loop Road, in the vicinity of Mile Post 7.
- (14) 'Opihikao-Kamā'ili Road, between points 1.1 and 2.8 miles makai of Route 130.
- (15) 'Opihikao-Kamā'ili Road, between a point 3 miles makai of Route 130 and Route 137.
- (16) Pohoiki Road, between a point 1.55 miles makai of Route 132 and Route 137.
- (17) Wright Road, in Volcano Village.

(1996, Ord. No. 96-163, sec. 2; Am. 1996, Ord. No. 96-145, sec. 2; Am. 1997, Ord. No. 97-2, sec. 2; Ord. No. 97-76, sec. 1; Ord. No. 97-94, sec. 1; Ord. No. 97-97, sec. 1; Am. 1998, Ord. No. 98-131, secs. 1, 2; Am. 1999, Ord. No. 99-65, secs. 7, 8; Ord. No. 99-85, sec. 2; Ord. No. 99-135, sec. 2; Am. 2000, Ord. No. 00-39, sec. 1; Am. 2001, Ord. No. 01-62, sec. 2; Ord. No. 01-96, sec. 2; Am. 2008, Ord. No. 08-63, sec. 2.)

Section 24-256. Schedule 4. 30 mile per hour limit.

A speed limit of thirty miles per hour is established as set forth in this schedule upon the streets or portions of streets following:

- (a) Hāmākua
 - (1) Mauna Kea Road, from a point 2.46 miles north of the Saddle Road intersection to Hale Pōhaku.
- (b) North Hilo
- (c) South Hilo
 - (1) Hoaka Road, Ainaola Drive to Malaai Road.
 - (2) Kalaniana'ole Street, James Kealoha Park Access Road to Leleiwi Street.
 - (3) Kīlauea Avenue from Ponahawai Street to Lono Street.
 - (4) Lama Street, Kanoelehua Street to Railroad Avenue.
 - (5) Leilani Street, from Kanoelehua Avenue to Kekūanaō'a Street.
 - (6) Makalika Street, Kanoelehua Street to Railroad Avenue.
 - (7) Māmaki Street, Stainback Highway to Awa Street.
- (d) Ka'u
 - (1) Kamā'oa Road, from a point 0.4 mile west of Route 11 for a distance of 2.6 miles towards South Point Road.
- (e) Kohala
 - (1) Māmalahoa Highway in Waimea, from Lindsey Road to a point five thousand five hundred feet in the Honoka'a direction, in the vicinity of Fukushima Store.
 - (2) Kawaihae Road (FAP Route 19), Māmalahoa Highway to the beginning of the State Highway.
- (f) Kona
 - (1) Ali'i Drive, from Walua Road (vicinity of Kona Hilton Hotel) to Kamehameha III Road in Keauhou.
 - (2) Māmalahoa Highway, from Honokōhau (Palani) Junction to the Keauhou Junction.
 - (3) Māmalahoa Highway, from a point four thousand one hundred feet in a southerly direction from the terminus of the State Highway in Honalo to the terminus of the State Highway at Captain Cook.

- (g) Puna
- (1) Huina Road, Volcano Highway to a point 0.8 mile west.
 - (2) Kalapana Beach Road, from a point 2.35 miles north of the Kapoho-Kumukahi intersection to the Kaimū-Pāhoa-Kapoho intersection.
 - (3) Kalapana-Kapoho Beach Road, from a point 2.35 miles south of the Kapoho-Kumukahi intersection to the National Park boundary.
 - (4) North Kūlani Road, Pacific Paradise Gardens Subdivision to Ihope Road.
 - (5) Pāhoa Road, from Kahakai Boulevard for a distance of 0.75 mile in the Pāhoa direction.
- (1996, Ord. No. 96-163, sec. 2; Am. 1997, Ord. No. 97-76, sec. 2; Am. 1997, Ord. No. 97-97, sec. 2; Am. 1998, Ord. No. 98-131, secs. 3, 4; Am. 2003, Ord. No. 03-95, sec. 1; Am. 2008, Ord. No. 08-63, sec. 1.)

Section 24-257. Schedule 5. 35 mile per hour limit.

A speed limit of thirty-five miles per hour is established as set forth in this schedule upon the streets or portions of streets as follows:

- (a) Hāmākua
- (b) North Hilo
- (c) South Hilo
 - (1) Ainako Avenue.
 - (2) Ainaola Drive, from Kawaihāni Street to Malaai Road.
 - (3) Akolea Road, from Waiānuenu Avenue to Haleloke Street.
 - (4) Chin Chuck Road, Hawai‘i Belt Road to a point 1.6 miles west.
 - (5) Haihai Street.
 - (6) Haleloke Street.
 - (7) ‘Iwalani Street, between Kawaihāni Street and Puainako Street.
 - (8) Kaiwiki Road, beginning at the Old Hawai‘i Belt Road and extending a distance of 0.6 mile in the mauka direction.
 - (9) Kalaniana‘ole Street, from Kamehameha Avenue to James Kealoha Park Access Road.
 - (10) Kamehameha Avenue, from Ponahawai Street to Route 19, in the vicinity of the old Hilo Iron Works.
 - (11) Kaūmana Drive.
 - (12) Kawaihāni Street, from mauka terminus to Kino‘ole Street.
 - (13) Kāwili Street between Kino‘ole Street and Puainako Street.
 - (14) Kekūanaō‘a Street.
 - (15) Kīlauea Avenue, from Lono Street to Hale Manu Drive.
 - (16) Kino‘ole Street, from Haihai Street to Ponahawai Street.
 - (17) Komohana Street, from Ainaola Drive to Puainako Street.
 - (18) Komohana Street, between Ponahawai Street and Waiānuenu Avenue.
 - (19) Kūkūau Street, from Komohana Street to its mauka terminus.
 - (20) Kumukoa Street, from Mohouli Street to Lanikāula Street.
 - (21) Lanikāula Street, from Kumukoa Street to Kanoelehua Avenue.
 - (22) Māmalahoa Highway, from its junction with the Hawai‘i Belt Road at Andrade Camp Road toward Hilo to its junction with the Hawai‘i Belt Road at Pāpā‘ikou in the vicinity of Kalaniana‘ole School.
 - (23) Manono Street, from Kamehameha Avenue to Kāwili Street.
 - (24) Mohouli Street, from Komohana Street to Kino‘ole Street.
 - (25) Mohouli Street, Uluwai Street to Kaūmana Drive.
 - (26) Pauahi Street, from Kamehameha Avenue to Kīlauea Avenue.

- (27) Railroad Avenue, from a point eight hundred forty feet south of Kūkila Street to its southern terminus.
- (28) Saddle Road, from Country Club Drive to the 18.8 mile point.
- (29) Stainback Highway, Route 11 to a point eight hundred ninety feet west of the Pana‘ewa Zoo access road.
- (30) Waiānuenu Avenue, from mauka terminus to Hāla‘i Street.
- (d) Ka‘u
 - (1) South Point Road.
- (e) Kohala
 - (1) Māmalahoa Highway in Waimea from Lindsey Road to a point four thousand feet in the Kona direction.
 - (2) Mānā Road, from Māmalahoa Highway for a distance of two thousand two hundred feet.
 - (3) Paniolo Avenue from Paniolo Place to its terminus.
 - (4) Puakō Beach Road, from the Queen Ka‘ahumanu Highway to a point five hundred feet makai of the Rubbish Dump Road.
 - (5) Waikoloa Road, beginning at ‘Auwaiakeakua Gulch Bridge and extending 1.1 miles in the mauka direction.
- (f) Kona
 - (1) Ali‘i Drive, from the Kamehameha III Road intersection southerly to its terminus.
 - (2) Hina-Lani Street, Māmalahoa Highway (Route 190) to ‘Anini Street.
 - (3) Hiona Street.
 - (4) Ka‘iminani Drive, Queen Ka‘ahumanu Highway to Lau‘i Street.
 - (5) Ka‘iminani Drive, .75 mile east of Lau‘i Street to Route 190.
 - (6) Kaloko Drive, from the Hawai‘i Belt Road (Route 190) to a point .5 mile in the easterly direction.
 - (7) Kamehameha III Road, from Kuakini Highway to Ali‘i Drive.
 - (8) Kuakini Highway, from a point five hundred feet south (mauka) of the Ala Keanawai intersection to a point four hundred feet south of Hualālai Road.
 - (9) Palani Road, from FASC Route 180 (Hōlualoa Road) to Queen Ka‘ahumanu Highway.
- (g) Puna
 - (1) South Glenwood Road, from Route 11, to a point 0.86 mile in the southeasterly direction.
 - (2) Hāpu‘u Road, from Maui Road to its northern terminus.
 - (3) Kahakai Boulevard, from Pūnāwai Street to its terminus at the makai end.
 - (4) Kēhau Road, from Maui Road to its northern terminus.
 - (5) North Kūlani Road, Ihope Road to Stainback Highway.
 - (6) Leilani Estates Avenue.
 - (7) Nānāwale Boulevard.
 - (8) ‘Opihikao-Kamā‘ili Road, between Route 130 and a point 1.1 miles in the makai direction.
 - (9) Pohoiki Road, between Route 132 and a point 1.55 miles in the makai direction.
 - (10) Route 132, from Route 130 to the Pohoiki Road Junction.

(1996, Ord. No. 96-163, sec. 2; Am. 1997, Ord. No. 97-2, sec. 1; Ord. No. 97-94, sec. 2; Ord. No. 97-96, sec. 1; Am. 1998, Ord. No. 98-42, sec. 1; Ord. No. 98-101, sec. 1; Am. 1999, Ord. No. 99-84, sec. 1; Ord. No. 99-135, sec. 3; Am. 2000, Ord. No. 00-39, sec. 2; Ord. No. 00-96, secs. 1 and 2; Am. 2001, Ord. No. 01-62, sec. 3; Am. 2003, Ord. No. 03-8, secs. 1 and 2; Am. 2003, Ord. No. 03-95, sec. 2.)

Section 24-258. Schedule 6. Reserved.

* **Editor's Note:** Since this schedule duplicated schedule 5, the streets listed under this schedule were moved to schedule 5.

- (7) Kahaopea Street, Ohuohu Street intersection, all approaches.
 - (8) Kalanikoa Street, Kuawa Street intersection, all approaches.
 - (9) Entering Kamokuna Street from Laehala Street.
 - (10) Entering Kamokuna Street from the unnamed road which passes through James Kealoha Park.
 - (11) Keliipio Place, at Lihikai Street.
 - (12) Entering Kēōkea Loop Road from Apapane Road.
 - (13) Komohana Street, Kawaihā Street intersection, all approaches.
 - (14) Kūkūāu Street, both approaches to Kapi‘olani Street.
 - (15) Kūkūāu Street, both approaches to Kino‘ole Street.
 - (16) Kūkūāu Street, both approaches to Komohana Street.
 - (17) Kūkūāu Street, both approaches to Mohouli Street.
 - (18) Kūkūāu Street, both approaches to Ululani Street.
 - (19) Entering Laimana Street from ‘Alae Street.
 - (20) Entering Lanihuli Street from Lei Street.
 - (21) The unnamed roadway into the pier and lighthouse, at Lihikai Street.
 - (22) Entering Manulele Street from Oliana Street.
 - (23) Entering Mikokoi Street from Awela Street.
 - (24) Ohuohu Street, Ho‘ohua Street intersection, all approaches.
 - (25) Entering Pōhaku Street from Kūkila Street.
 - (26) Entering Ponahawai Street from Punahoa Street.
 - (27) Pua Avenue, Desha Avenue intersection, all approaches.
 - (28) Haili Street, Kapi‘olani Street intersection, all approaches.
- (d) Ka‘u
- (e) Kohala
- (1) Hi‘iaka Street, southwest approach to Hale Ali‘i Street and ‘Āinahua Alanui Street.
 - (2) Entering Hōkū‘ula Road from Lindsey Road.
 - (3) Entering Kamoā Road from Serrao Road.
 - (4) Entering Kamuela-Kawaihā Road from Kawaihā Park Road at Kohala.
 - (5) At the Puako-Kawaihā-Rockefeller junction, entering the Hāpuna Bay Access Road (Hawai‘i Project No. G-3257-01-60) at South Kohala, from the Old Puakō-Kawaihā Road, moving in the Kawaihā direction, except on right turn movement when such movement may be made with care to avoid collision.
- (f) Kona
- (1) Entering the intersection of Ali‘i Drive and Hualālai Road from both approaches of Ali‘i Drive and the mauka approach of Hualālai Road.
 - (2) Konalani Street into Ala Keanawai at Kailua-Kona.
 - (3) Kuakini Highway, Kaiwi Street intersection, all approaches, except the right-turn lane on Kuakini Highway northbound approach to Kaiwi Street which shall be a yield condition.
 - (4) Entering the intersection of Palani Road and Ali‘i Drive from the northern approach of Ali‘i Drive (from the direction of Kailua Wharf).
 - (5) Entering the intersection of Palani Road and Kuakini Highway from both approaches of Kuakini Highway and the makai approach of Palani Road.
 - (6) Pualani Street/Wikolia Street intersection, all approaches.
 - (7) Middle Ke‘ei Road, Painted Church Road intersection, all approaches.
 - (8) Ali‘i Drive, Kaleiopapa Street intersection, all approaches.
 - (9) Ali‘i Drive, Lunapule Road intersection, all approaches.
 - (10) Ali‘i Drive, Royal Poinciana Drive intersection, all approaches.
- (g) Puna
- (1) Entering Ali‘i Papa Street from Huakai Street.
 - (2) Entering Anuheā Street from Ali‘i Papa Street.
 - (3) Entering Anuheā Street from Anuheā Place.

- (4) Entering Anuheha Street from Puolani Street.
 - (5) Entering Anuheha Street from Wohi Place.
 - (6) Entering the Kahakai Boulevard-Pūnāwai Street intersection from the northeastern leg of Kahakai Boulevard and from Pūnāwai Street, the southwestern leg of the intersection.
 - (7) Kalapana to Honolulu Landing Beach Road entering Kapoho to Kapoho Lighthouse Road (ER8(8)).
 - (8) The westerly leg, Kalapana towards Pāhoa lane, of the Pāhoa-Kalapana Road at the triangular intersection between the Kapoho-Kalapana Coastal Road and Pāhoa-Kalapana Road.
 - (9) Kaniahiku Houselots:
 - (A) Entering Halelo Place from Mako Way.
 - (B) Entering Halelo Place from Naele Road.
 - (10) Kaniahiku Subdivision:
 - (A) Entering Kaulani Road from Kaulalau Road.
 - (B) Entering Kaulalau Road from Pū'āla'a Road.
 - (11) Entering the Kapoho-Kalapana Coastal Road from the eastern leg of the Pāhoa-Kalapana Road at the triangular intersection between the Kapoho-Kalapana Coastal Road and the Pāhoa-Kalapana Road.
 - (12) Kapoho Lighthouse Road (portion of ER8(1)), entering the Kalapana to Honolulu Landing Beach Road.
 - (13) Entering Kea'au Loop from Ha'a Street. When posted, drivers of vehicles shall stop at the intersection of Ha'a Street and Kea'au Loop.
 - (14) Entering the Kurtistown Homestead Road (Post Office Road) intersection from the 13-Mile Road (Filipino Graveyard Road) in Kurtistown, Puna, Hawai'i.
 - (15) Entering Mahi'ai Road intersection from Amaumau Road from a southwesterly direction.
 - (16) Nānāwale Boulevard, Kēhau Road intersection, all approaches.
 - (17) Entering 'Ōla'a New Tract Road from Peck Road.
- (1996, Ord. No. 96-163, sec. 2; Am. 1996, Ord. No. 96-145, sec 3; Am. 1999, Ord. No. 99-65, secs. 9, 10; Am. 2000, Ord. No. 00-38, sec. 1; Ord. No. 00-49, sec. 1; Ord. No. 00-71, sec. 1; Am. 2001, Ord. No. 01-85, sec. 1; Ord. No. 01-96, sec.3.; Am. 2002, Ord. No. 02-46, sec. 1; Am. 2002, Ord. No. 02-47, secs. 1 and 2; Am 2002, Ord. No. 02-55, sec. 1; Am. 2006, Ord. No. 06-131, sec. 1; Am. 2008, Ord. No. 08-44, sec. 1; Am. 2008, Ord. No. 08-61, sec. 1; Am. 2008, Ord. No. 08-62, secs. 1 & 2.)

Section 24-265. Schedule 13. Yield locations.

When properly sign posted, vehicles shall yield right-of-way at the following locations:

- (a) Hāmākua
 - (1) Ka'āpahu Road, east approach to Kalōpā Gulch Bridge, No. 44-7, eight hundred thirty-five feet northwest of Ho'o Kahua Road.
 - (2) Ka'āpahu Road, east approach to Kalōpā Gulch Bridge No. 44-7, one thousand two hundred twenty-seven feet northwest of Ho'o Kahua Road.
 - (3) Pōhākea Homestead Road, makai bound at the narrow bridge (bridge number 43-5), located 1.6 miles west of State Highway 19.
- (b) North Hilo
 - (1) Kihalani Homestead Road, mauka bound lane; the right turn from Old Māmalahoa Highway.
- (c) South Hilo
 - (1) Haihai Street, westbound, the right-turn lane to Ainaola Drive.
 - (2) Kāhoa Street, northwest approach to Bridge No. 26-5.(3)
 - (3) Kīlauea Avenue, north bound, at Bridge No. 22-7, approaching Haihai Street.
 - (4) Waiānuenu Avenue, westbound, the through lane intersecting the extension of Lele Street near Carvalho Park.
 - (5) Ka'iulani Street at southbound approach to Bridge No. 23-3.

- (d) Ka‘u
- (e) Kohala
 - (1) Route 19, northwest bound, the right turn lane to Lindsey Road.
- (f) Kona
 - (1) Kuakini Highway, northbound, the right-turn lane to Kaiwi Street.
- (g) Puna

(2000, Ord. No. 00-87, sec. 2; Ord. No. 00-130, sec. 1; Am. 2001, Ord. 01-85, sec. 2; Am. 2002, Ord. No. 02-87, sec. 1; Am. 2003, Ord. No. 03-53, sec. 1; Am. 2004, Ord. No. 04-125, sec. 1; Am. 2007, Ord. No. 07-118, sec. 1; Am. 2008, Ord. No. 08-45, sec. 1.)

Section 24-266. Schedule 14. Through streets.

When properly sign posted, the following streets or portions of streets are designated as through streets:

- (a) Hāmākua
 - (1) Ilima Street.
 - (2) Lehua Street, from Māmane Street to Pakalana Street.
 - (3) Maile Street.
 - (4) ‘Ōhi‘a Street, except at Māmane Street.
 - (5) Pakalana Street, from Māmane Street to the Hawai‘i Belt Road.
 - (6) Pīkake Street.
- (b) North Hilo
 - (1) Kīlau Homestead Road in Laupāhoehoe.
- (c) South Hilo
 - (1) Akea Street, except at Kaunaloa and Haihai Streets.
 - (2) Ainako Avenue, from Kaūmana Drive to Waiānuenu Avenue.
 - (3) Ainaola Drive, from Kawailani to its end in a westerly direction.
 - (4) Alohalani Drive, except at Haihai Street and Kaunaloa Street.
 - (5) ‘Amauulu Road, from Wainaku Avenue to its end.
 - (6) Andrews Avenue.
 - (7) Baker Avenue, Kalaniana‘ole Street to its southern terminus, except at Desha Avenue.
 - (8) Banyan Drive, except at Lihiwai Street and Kamehameha Avenue.
 - (9) Bishop Street, from Kamehameha Avenue to Waiolama Canal.
 - (10) Haihai Street, from Kino‘ole Street to the Ainaola Drive.
 - (11) Haili Street, from Kino‘ole Street to Hāla‘i Street.
 - (12) Hāla‘i Street, from Hāla‘i Hill to Waiānuenu Avenue, except at Haili Street from a southerly (Puna) direction and at Punahale Street from a northerly (Hāmākua) direction.
 - (13) Hale Nani Street, from Kapi‘olani Street westerly to its end.
 - (14) Heahea Street, from Ainaola Drive to its southern terminus.
 - (15) Hema Street, except at Kapi‘olani Street.
 - (16) Hīnano Street, except at Pi‘ilani, Kekūanaō‘a and Lanikāula Streets.
 - (17) Hōkū Street, from Kīlauea Avenue to Kino‘ole Street.
 - (18) Holomua Street, from Kāwili Street to Maka‘ala Street.
 - (19) Hookano Street, from Kupulau Road to Ho‘olaule‘a Street.
 - (20) Hualālai Street, from Kīlauea Avenue to Kino‘ole Street.
 - (21) Ioana Street, from Wilder Road to its eastern terminus.
 - (22) ‘Iolani Street.
 - (23) Ipuka Street.
 - (24) Ka‘akepa Street, from Pepe‘ekeo Street to its mauka terminus except at the Hawai‘i Belt Road.
 - (25) Kahaopea Street, except at Kino‘ole, Kīlauea and Kanoelehua Streets.

- (26) Kainehe Street, from Kamehameha Avenue to Aalapuna Street.
- (27) Ka'iulani Street, from Waiānuenu Avenue to its end.
- (28) Kaiwiki Road, from Māmalahoa Highway to its end.
- (29) Kalaniana'ole Street, from Kamehameha Avenue to its end.
- (30) Kalanikoa Street, from Lanikāula Street to Pi'ilani Street, except at Kekūanaō'a Street.
- (31) Kamehameha Avenue, from Wailuku Drive to Kalaniana'ole Street, except entering intersection with Waiānuenu Avenue from a northerly (Pu'u'eo) direction.
- (32) Kapaka Street, except at Haihai Street.
- (33) Kapi'olani Street, from Ponahawai Street to its end in a southeasterly direction.
- (34) Ka'uhane Avenue.
- (35) Kaūmana Drive, from Hilo Country Club Road to Waiānuenu Avenue.
- (36) Kaunaloa Street.
- (37) Kawailani Street, from Kino'ole Street to its end in the mauka direction, except at Komohana Street.
- (38) Kāwili Street, from Kanoelehua Avenue to Kīlauea Avenue, except at Manono Street.
- (39) Keawe Street, from Pu'u'eo Street to Kīlauea Avenue, except at Wailuku Drive.
- (40) Kekūanaō'a Street, from Kīlauea Avenue to Kanoelehua Avenue.
- (41) Keo Street, from Wilder Road to its eastern terminus.
- (42) Kīlauea Avenue, from Haili Street to Haihai Street, except at Mamo Street.
- (43) Kilikina Street, from Ainako Avenue to its terminus.
- (44) Kilohana Street, from Kamehameha Avenue to Banyan Drive.
- (45) Kino'ole Street, from Waiānuenu Avenue to Haihai Street.
- (46) Komohana Street, from Kawailani Street to Waiānuenu Avenue.
- (47) Kūkūau Street, from Kīlauea Avenue to its southern terminus, except at Kino'ole Street, Ululani Street, Kapi'olani Street, Komohana Street, and Mohouli Street.
- (48) Kula'imano Road, from the Old Māmalahoa Highway to its mauka terminus except at the Hawai'i Belt Road.
- (49) Kumula Street, from the west intersection with Kulala Street and looping with Kulala Street, except at the Kula'imano Homestead Road.
- (50) Kumula Street, except at Ka'akepa Street and at the mauka intersection with Kulala Street.
- (51) Lahaina Street, except at Ainako Avenue and Kaūmana Drive.
- (52) Lama Street, except at its intersection with the Hawai'i Belt Road.
- (53) Lanikāula Street, from Kīlauea Avenue to Kanoelehua Avenue, except at Manono Street.
- (54) Laukapu Street, except at Kekūanaō'a and Lanikāula Streets.
- (55) Loloa Drive, from Hawai'i Belt Road westerly to its end.
- (56) Maka'ala Street, from Kāwili Street to Kanoelehua Avenue.
- (57) Makahana Street, from Kula'imano Road to Pepe'ekeo Street.
- (58) Makalika Street, except at its intersection with the Hawai'i Belt Road.
- (59) Mamo Street, from Kamehameha Avenue to Kino'ole Street, except at Keawe Street.
- (60) Manono Street, from Kamehameha Avenue to Kāwili Street, except at Kekūanaō'a Street and Lanikāula Street.
- (61) Mikioi Street, except at Paipai and No'eau Streets.
- (62) Mililani Street, except at Kekūanaō'a Street, Lanikāula Street, and Pi'ilani Street.
- (63) Mohouli Street, from Kīlauea Avenue to Kaūmana Drive, except at Kino'ole Street, and Komohana Street.
- (64) Nēnē Street.

- (b) North Hilo
 - (1) On the makai side of Māmalahoa Highway in Laupāhoehoe from the Honoka‘a intersection with the Hawai‘i Belt Road to the Kihalani Homestead Road.
 - (2) On the mauka side of Māmalahoa Highway in Laupāhoehoe from the Kihalani Homestead Road to the Hilo side of the cutoff road to the Hawai‘i Belt Road.
- (c) South Hilo
 - (1) On the Hāmākua side of Ainako Avenue between Kaūmana Drive and Lahi Street.
 - (2) Haihai Street, Hāmākua side, from Kino‘ole Street to Nālani Street.
 - (3) On the east side of Kaūmana Drive from ‘I‘iwipōlena Street to Ainako Avenue.
 - (4) On the south (Puna) side of Kaūmana Drive from the vicinity of the entrance to Kaūmana School to a point approximately four hundred feet west (mauka) of Laua‘e Road, a distance of approximately four thousand five hundred fifty feet.
 - (5) On the south side of Kawailani Street from Kino‘ole Street to Komohana Street.
 - (6) On the Puna side of Kūkūau Street from Kīlauea Avenue to Kino‘ole Street.
 - (7) On the makai side of Māmalahoa Highway from a point two hundred twenty feet Hāmākua of Anderton Camp Road to the entrance of Kalaniana‘ole School.
 - (8) On the makai side of Māmalahoa Highway from Pua Lane to the Ha‘aheo School Road.
 - (9) On the makai side of Māmalahoa Highway from the Spanish Camp Road to the Hakalau Store in Hakalau.
- (d) Ka‘u
 - (1) On the south side of Kamani Street between Pīkake Street and Puahale Street in Pāhala.
 - (2) On the south side of Kamani Street from the Ka‘u Hospital access road and extending mauka for approximately five hundred thirty-five feet to the Old Government Road makai of Maile Street.
- (e) Kohala
- (f) Kona
 - (1) On the makai side of Ali‘i Drive from a point approximately five hundred feet south of Hualālai Road to the junction of Ali‘i Drive with the Kailua-Keauhou Middle Road (in the vicinity of the Kona Hilton Hotel).
 - (2) On the makai side of Māmalahoa Highway from Hōlualoa School traveling in a northerly direction for a distance of two miles.
 - (3) On the makai side of Māmalahoa Highway from the Konawaena School Road traveling in a northerly direction for a distance of two miles.
 - (4) On the mauka side of Māmalahoa Highway from Hōlualoa School traveling in a southerly direction for a distance of 1.2 miles.
 - (5) On the mauka side of Māmalahoa Highway from the Konawaena School Road traveling in a southerly direction for a distance of 1.9 miles.
- (g) Puna
 - (1) On the makai side of Māmalahoa Highway in ‘Ōla‘a from the Old Slaughterhouse Road (Old Volcano Road) to Milo Street.
 - (2) On the mauka side of the ‘Ōla‘a-Kapoho Road, from the Pāhoa School (Homestead) Road, to a point on the Kapoho end of the Pāhoa Village.

(1996, Ord. No. 96-163, sec. 2.)

Section 24-278. Schedule 26. Roads closed to pedestrian traffic.

The following are hereby established and designated as roads closed to pedestrian traffic:

- (a) Hāmākua
- (b) North Hilo
- (c) South Hilo

- (1) Waiānuenu Avenue in South Hilo, from Kapi‘olani Street to Hāla‘i Street, during the school hours of 7:00 a.m. to 8:00 a.m. and 2:00 p.m. to 3:00 p.m., except at marked crosswalks.
 - (d) Ka‘u
 - (e) Kohala
 - (f) Kona
 - (g) Puna
- (1996, Ord. No. 96-163, sec. 2.)

Division 5. Parking.

Section 24-279. Schedule 27. Parking on pavement prohibited at all times.

When signs are erected giving notice thereof, no person shall at any time park a vehicle upon any of the following described streets or portions of streets:

- (a) Hāmākua
 - (1) Loke Street, both sides, between Ohia Street and Miulana Place.
 - (b) North Hilo
 - (c) South Hilo
 - (1) Desha Avenue, both sides, between Andrews Avenue and Baker Avenue.
 - (2) Hualilili Street, both sides, beginning at Kaūmana Drive and extending one hundred sixty-eight feet in the southeasterly direction.
 - (3) Ka‘ie‘ie Homestead Road, for its entire length.
 - (4) Kīlauea Avenue, both sides, between Kawaiiani Street and Ohea Street.
 - (5) Pukihae Street, for its entire length.
 - (6) The old Māmalahoa Highway, mauka side, beginning at the Plantation Road and ending at the unnamed roadway leading into Onomea Park Subdivision.
 - (d) Ka‘u
 - (e) Kohala
 - (1) Pomaika‘i Place, both sides, for its entire length.
 - (f) Kona
 - (1) Ali‘i Drive from Disappearing Sands Beach to the County park adjacent to Keauhou Hotel, except as provided in schedule 28, sections 24-280(d)(9) and (d)(10).
 - (2) Belt Highway, mauka side, beginning at station 30+30 and extending four hundred thirty-five feet in the southerly direction to the Phillips 66 service station in Kainaliu.
 - (3) The first street off Kinue Road mauka of Māmalahoa Highway and located between Māmalahoa Highway and Muliwai Place in the J. M. Tanaka Subdivision in Kealakekua, South Kona.
 - (g) Puna
- (1996, Ord. No. 96-163, sec. 2; Am. 1997, Ord. No. 97-141, sec. 1; Am. 2008, Ord. No. 08-41, sec. 1.)

Section 24-280. Schedule 28. No parking at anytime.

When signs are erected giving notice thereof, no person shall at any time park a vehicle upon any of the following described streets or portion of streets:

- (a) Hāmākua
 - (1) Kika Street, Waipi‘o side, in Honoka‘a.
 - (2) Ko‘a Street, makai side, in Honoka‘a.
 - (3) Koniaka Place, for its entire length.
 - (4) Kukui Street, beginning at Pakalana Street and extending five hundred ninety feet in the easterly direction.

- (6) Kamehameha Avenue, mauka side, from a point twenty feet northwest of Shipman Street and extending fifty feet in the northwesterly direction.
 - (7) Kamehameha Avenue, mauka side, from a point one hundred fifty feet Puna of Waiānuenu Avenue and extending thirty feet in the Puna direction.
 - (8) Keawe Street, makai side, Puna of Haili Street, twenty-five feet.
 - (9) Keawe Street, makai side, Pu‘u‘eo of Mamo Street, twenty-five feet.
 - (10) Keawe Street, mauka side, beginning at a point fifty-six feet Puna of Kalākaua Street and extending in the Puna direction for a distance of twenty-three feet.
 - (11) Kīlauea Avenue, mauka side, beginning at a point fifty feet southeast of Barenaba Street and extending thirty feet in the southeasterly direction.
 - (12) Kīlauea Avenue, mauka side, beginning at Hoku Street and extending forty-four feet in the Puna direction.
 - (13) Kīlauea Avenue, mauka side, beginning at a point five hundred eighty-seven feet Puna of Hualālai Street and extending forty-four feet in the Puna direction.
 - (14) Kīlauea Avenue, mauka side, beginning from a point thirty feet Puna of Mamo Street and extending in the Puna direction for a distance of thirty feet.
 - (15) Kīlauea Avenue, mauka side, beginning from a point two hundred seventy feet Puna side of Mamo Street and extending forty-four feet in the Puna direction.
 - (16) Kino‘ole Street, beginning 148.39 feet Puna of Haili Street, fifty feet.
 - (17) Kino‘ole Street, makai side, beginning from a point twenty feet Puna of Aala Lane and extending forty feet in the Puna direction.
 - (18) Kino‘ole Street, mauka side, beginning from a point one hundred twenty-four feet Hāmākua of Haili Street and extending forty-two feet in the Hāmākua direction.
 - (19) Kūkūau Street, Hāmākua side, beginning thirty feet mauka of Kīlauea Avenue, forty-five feet.
 - (20) Nawahi Lane, Hāmākua side, from a point thirty feet mauka of Kamehameha Avenue and extending sixty-two feet in the mauka direction.
 - (21) Ponahawai Street, Pu‘u‘eo side, mauka of Punahoa Street, thirty-five feet.
 - (22) Punahoa Street, makai side, beginning from a point one hundred forty-seven feet Hāmākua of Mamo Street and extending one hundred twenty feet in the Hāmākua direction.
 - (23) Pu‘u‘eo Street, mauka side, from a point thirty feet Hāmākua of ‘Ōha‘i Street and extending fifty feet in the Hāmākua direction.
 - (24) Ululani Street, makai side, from the Hāmākua driveway into McDonald's Restaurant and extending in the Puna direction for a distance of thirty feet.
 - (25) Waiānuenu Avenue, Puna side, beginning at a point two hundred seventy-one feet makai of Keawe Street and extending forty feet toward Kamehameha Avenue.
 - (26) Wainaku Street, mauka side, from a point forty-two feet south of ‘Amaulu Street and extending forty-four feet in the southerly direction.
- (d) Ka‘u
- (e) Kohala
- (f) Kona
- (1) Ali‘i Drive, east side, beginning from a point two-hundred seventy-six feet north of Likana Lane and extending sixty feet in the northerly direction, 24 hours daily.
 - (2) Ali‘i Drive, east side, beginning from a point five-hundred thirty-three feet north of Likana Lane and extending forty-six feet in the northerly direction, 24 hours daily.
 - (3) Ali‘i Drive, in Kailua-Kona, makai side, on the curb cut-out in front of the Kona Inn Shopping Center, south of Hulihe‘e Palace.

- (4) Ali'i Drive, in Kailua-Kona, mauka side, in the vicinity of the Kona Galley.
 - (5) Ali'i Drive, in Kailua-Kona, mauka side, in the marked zone fronting the Moku'aikaua Church and the Kim Chong Building.
 - (6) Ali'i Drive, west side, beginning from a point one-hundred fifty-four feet south of Kakina Lane, and extending seventy-seven feet in the southerly direction.
 - (7) Ali'i Drive, west side, from a point three hundred-twenty feet south of Hualālai Road and extending sixty feet in the southerly direction, from 4:00 a.m. to 10:30 a.m., excluding Sundays and holidays.
 - (8) Belt Highway in Kainaliu, at Oshima Store.
 - (9) Hanama Place, at its terminus. The fifty-five foot section on the makai side fronting the Kailua Trade Center.
 - (10) Likana Lane, east side, from the edge of the County parking lot nearest Ali'i Drive and extending northwesterly for forty-four feet between the hours of 8:00 a.m. and 4:00 p.m. except Sundays and public holidays.
 - (11) Sarona Road, south side, beginning from a point one hundred eighty-two feet east of Ali'i Drive and extending one hundred feet in the easterly direction.
- (g) Puna
- (1) Kauhale Street, west side, beginning at a point three hundred ninety feet south of Highway 130 and extending forty-four feet in the southerly direction.
 - (2) Pāhoa Road, makai side, beginning at a point three-tenths of a mile Hilo side of the Kapoho-Kalapana junction and extending twenty-six feet in the Hilo direction.
- (1996, Ord. No. 96-163, sec. 2; Am. 1997, Ord. No. 97-18, sec. 1; Ord. No. 97-72, sec. 1; Ord. No. 97-109, sec. 3; Am. 1998, Ord. No. 98-73, sec. 3; Ord. No. 98-134, secs. 1, 2; Am. 1999, Ord. No. 99-75, sec. 1; Ord. No. 99-82, sec. 1; Ord. No. 99-92, sec. 3; Am. 2000, Ord. No. 00-37, sec. 1; Ord. No. 00-129, sec. 2; Am. 2001, Ord. No. 01-08, sec. 2; Ord. No. 01-67, sec. 1; Am. 2004, Ord. No. 04-44, sec. 1; Am. 2005, Ord. No. 05-59, sec. 2; Am. 2008, Ord. No. 08-8, sec. 1.)

Section 24-288.1. Schedule 36.1.* Active loading and unloading zones.

When signs are erected giving notice thereof, active loading or unloading shall be permitted on the following streets and portions of streets:

- (a) Hāmākua
 - (b) North Hilo
 - (c) South Hilo
 - (1) Kamehameha Avenue, mauka side, beginning from a point ninety-four feet west of Mamo Street and extending forty-four feet in the westerly direction, from 5:00 a.m. to 4:00 p.m., on Wednesdays and Saturdays.
 - (2) Mamo Street, both sides, from Kamehameha Avenue to Punahoa Street, from 5:00 a.m. to 4:00 p.m., on Wednesdays and Saturdays.
 - (3) Punahoa Street, makai side, from Mamo Street to a point sixty-nine feet in the Hamakua direction.
 - (d) Ka'u
 - (e) Kohala
 - (f) Kona
 - (g) Puna
- (1996, Ord. No. 96-163, sec. 2; Am. 1998, Ord. No. 98-73, sec. 4; Am. 2008, Ord. No. 08-95, sec. 1.)

***Editor's Notes:** Section number revised from 24-288.01 to 24-288.1.
Schedule number revised from 36.01 to 36.1.

Division 8. Restrictions on Certain Vehicles.

Section 24-293. Schedule 41. Use of certain streets by certain vehicles restricted.

The following classes of vehicles are precluded from the use of the designated streets when appropriate signs giving notice thereof are erected:

- (a) Hāmākua
 - (1) Pakalana Street, from Lehua Street to Māmane Street, makai bound only:
 - (A) Any vehicle with a gross vehicle weight rating (GVWR) of more than ten thousand pounds shall not travel in the makai-bound direction.
 - (B) This restriction shall be lifted during emergencies as may be declared by the office of civil defense.
 - (2) Waipi‘o Valley Access Road.
 - (A) Restricted to four-wheel drive vehicles only.
 - (B) Any vehicle with a gross vehicle weight rating (GVWR) of more than ten thousand pounds shall not travel on this road. This restriction shall not be applicable to utility, emergency or delivery vehicles providing services to business establishments and residents in Waipi‘o Valley.
 - (C) Vehicle shall be engaged in four-wheel drive mode.
 - (D) Makai-bound vehicle shall yield to mauka-bound vehicle.
 - (E) These restrictions may be lifted during emergency situations as deemed necessary by the Civil Defense Agency.
- (b) North Hilo
- (c) South Hilo
- (d) Ka‘u
- (e) Kohala
- (f) Kona
 - (1) Vehicles with three or more tons gross vehicle weight. The provisions hereof shall not be applicable to utility, emergency, or delivery vehicles and school buses providing services to residents of the hereinafter designated streets. Further, these restrictions shall be lifted during the period of any emergency declared by the office of civil defense.
 - (A) Kupuna Street in the North Kona District.
 - (B) Lako Street in the North Kona District.
 - (2) Any vehicle with five or more tons of gross vehicle weight shall not be permitted to use Kaiminani Street in the Kona Palisades Subdivision as a through street between the Hawai‘i Belt Highway and the Queen Ka‘ahumanu Highway. This restriction shall become effective as soon as appropriate signs giving notice thereof are erected. This restriction shall not be applicable to utility, emergency or delivery vehicles and school buses providing services to residents of the Kona Palisades and adjoining subdivisions. Further, these restrictions shall be lifted during periods of emergency as may be declared by the office of civil defense.
- (g) Puna
(1996, Ord. No. 96-163, sec. 2; Am. 2001, Ord. No. 01-70, sec. 1, 2; Am. 2006, Ord. No. 06-164, sec. 2.)

Division 9. Bicycles.

Section 24-294. Schedule 42. Bicycle lanes.

The following areas are bicycle lanes:

- (a) Hāmākua
- (b) North Hilo

- (c) South Hilo
 - (1) Kāwili Street, both sides, between Puainako Street and Kīlauea Avenue.
- (d) Ka‘u
- (e) Kohala
- (f) Kona
 - (1) Kuakini Highway, mauka side, between Palani Road and the Old Kona Airport.
 - (2) Kuakini Highway, both sides, between Palani Road and Hualālai Road.
- (g) Puna
(1996, Ord. No. 96-163, sec. 2; Am. 2008, Ord. No. 08-94, sec. 1.)

Section 24-295. Schedule 43. Bicycle routes.

The following areas are bicycle routes:

- (a) Hāmākua
- (b) North Hilo
- (c) South Hilo
 - (1) Kalaniana‘ole Street, Kamehameha Avenue to Lokoaka Street.
 - (2) Kapi‘olani Street, both directions, between Kāwili Street and Lanikāula Street.
 - (3) Kāwili Street, both directions, between Kīlauea Avenue and Hawai‘i Community College.
- (d) Ka‘u
- (e) Kohala
- (f) Kona
- (g) Puna
(1996, Ord. No. 96-163, sec. 2; Am. 1997, Ord. No. 97-130, sec. 1.)

Division 10. Tow or Tow-Away Zones.

Section 24-296. Schedule 44. Reserved.

* **Editor’s Note:** Since this schedule duplicated schedule 29, the streets listed under this schedule were moved to schedule 29.

Article 11. Schedules -- Private Streets.

Division 1. Speed Limits.

Section 24-297. Schedule 1. 10 mile per hour limit.

A speed limit of ten miles per hour is established as set forth in this schedule upon the private streets or portions of private streets as follows:

- (a) Hāmākua
- (b) North Hilo
- (c) South Hilo
- (d) Ka‘u
- (e) Kohala
- (f) Kona
- (g) Puna

(1999, Ord. No. 99-65, sec. 14.)

Section 24-298. Schedule 2. 15 mile per hour limit.

A speed limit of fifteen miles per hour is established as set forth in this schedule upon the private streets or portions of private streets as follows:

- (a) Hāmākua

294. Entering Route 11 from Leilani Parkway.
 295. Entering Route 11 from Orchid Parkway.
 296. Entering Sea Breeze Parkway from Catamaran Lane.
 297. Entering Sea Breeze Parkway from 'Iwalani Parkway.
 298. Entering Sea Breeze Parkway from Lotus Blossom Lane.
 299. Entering Sea Breeze Parkway from Orchid Parkway.
 300. Entering Sea Breeze Parkway from Plumeria Lane.
 301. Entering Sea Breeze Parkway from Reef Parkway.
 302. Entering Seaview Drive from Catamaran Lane.
 303. Entering Seaview Drive from 'Iwalani Parkway.
 304. Entering Seaview Drive from Koa Lane.
 305. Entering Seaview Drive from Pineapple Parkway.
 306. Entering Seaview Drive from Plumeria Lane.
 307. Entering Seaview Drive from Reef Parkway.
 308. Entering Tiki Lane from Coconut Drive.
 309. Entering Tiki Lane from Coral Parkway.
 310. Entering Tiki Lane from Donola Drive.
 311. Entering Tiki Lane from Keaka Parkway.
 312. Entering Tiki Lane from Ocean View Parkway.
 313. Entering Tiki Lane from 'Ōhi'a Drive.
 314. Entering Tiki Lane from Outrigger Drive.
 315. Entering Tiki Lane from Sea Breeze Parkway.
 316. Entering Tradewind Boulevard from Aloha Boulevard (4 way stop).
 317. Entering Tradewind Boulevard from 'Ānuenue Drive.
 318. Entering Tradewind Boulevard from Coconut Drive.
 319. Entering Tradewind Boulevard from Coral Parkway.
 320. Entering Tradewind Boulevard from Hukilau Drive.
 321. Entering Tradewind Boulevard from Island Boulevard (4 way stop).
 322. Entering Tradewind Boulevard from Kailua Boulevard (4 way stop).
 323. Entering Tradewind Boulevard from Kona Drive.
 324. Entering Tradewind Boulevard from Lei Parkway.
 325. Entering Tradewind Boulevard from Luau Drive.
 326. Entering Tradewind Boulevard from Mahimahi Drive.
 327. Entering Tradewind Boulevard from Ocean View Parkway.
 328. Entering Tradewind Boulevard from 'Ōhi'a Drive.
 329. Entering Tradewind Boulevard from Outrigger Drive.
 330. Entering Tradewind Boulevard from Palm Parkway.
 331. Entering Tradewind Boulevard from Poinciana Drive.
 332. Entering Tradewind Boulevard from Princess Ka'iulani Boulevard (4 way stop).
 333. Entering Tradewind Boulevard from Sea Breeze Parkway.
 334. Entering Tradewind Boulevard from Sea View Drive.
 335. Entering Tree Fern Lane from Coconut Drive.
 336. Entering Tree Fern Lane from Kona Drive.
 337. Entering Walaka Drive from Catamaran Lane.
- (e) Kohala
(f) Kona

(g) Puna

(1) Ainaloa Subdivision.

1. Entering Ainaloa Boulevard from Ainaloa Way.
2. Entering King Kamehameha Boulevard from Kuleana Street.
3. Entering King Kamehameha Boulevard from Menehune Way.

(1) Mauna Loa Estates Subdivision.

1. Lanihuli Road at Third Street.

(1) Nānāwale Estates Subdivision.

1. Camden Circle, entering Tutu Lane.
2. Cameo Circle, entering Leisure Lane.
3. Center Circle, entering Leisure Lane.
4. Colby Circle, entering Priscilla Road.
5. Colleen Circle, entering Tutu Lane.
6. Coral Circle, entering Tutu Lane.
7. Cottage Circle, entering Priscilla Road.
8. Crestview Circle, entering Priscilla Road.
9. Hibiscus Road, entering Lehua Road.
10. Lehua Circle, entering Lehua Road.
11. Pīkake Road, entering Hibiscus Road.
12. Tutu Lane, entering Priscilla Road.

(1999, Ord. No. 99-65, sec. 14; Am. 1999, Ord. No. 99-136, sec. 2; Am. 2001, Ord. No. 01-62, sec. 7.)

Section 24-308. Schedule 12. Through streets.

When properly sign posted, the following private streets or portions of private streets are designated as through streets:

(a) Hāmākua

- (1) Old Sugar Mill Road
- (2) Old Railroad Way

(b) North Hilo

(c) South Hilo

(d) Ka‘u

(1) Hawaiian Ocean View Estates Subdivision.

1. Aloha Boulevard, except at Route 11, Hawai‘i Boulevard, King Kamehameha Boulevard, Tradewind Boulevard and Marlin Boulevard.
2. Hawai‘i Boulevard, except at Route 11 and Aloha Boulevard.
3. Island Boulevard, except at Tradewind Boulevard.
4. Kailua Boulevard, except at King Kamehameha Boulevard, Tradewind Boulevard and Marlin Boulevard.
5. King Kamehameha Boulevard, except at Route 11, Princess Ka‘iulani Boulevard, Aloha Boulevard and Kailua Boulevard.
6. Marlin Boulevard, except at Aloha Boulevard and Kailua Boulevard.
7. Princess Ka‘iulani Boulevard, except at Hawai‘i Boulevard, King Kamehameha Boulevard and Tradewind Boulevard.
8. Tradewind Boulevard, except at Princess Ka‘iulani Boulevard, Aloha Boulevard, Kailua Boulevard and Island Boulevard.

(e) Kohala

(f) Kona

(g) Puna

(1) Ainaloa Subdivision.

1. Ainaloa Drive.

- (2) Mauna Loa Estates Subdivision.
 1. Jade Avenue, except at Highway 11.
 2. Ruby Avenue, except at First Street.
 3. Pearl Avenue, except at Highway 11.
- (3) Nānāwale Estates Subdivision.
 1. Ali'i Road, except at its intersection with Kapuna Road.
 2. Flower Road, except at its intersection with Nānāwale Boulevard.
 3. Forest Road, except at its intersection with Nānāwale Boulevard.
 4. Hāpu'u Road, except at its intersection with Forest Road and Nānāwale Boulevard.
 5. Kapuna Road, except at its intersection with Nānāwale Boulevard and Mauna Ke'a Road.
 6. Kēhau Road, except at its intersections with Forest Road and Nānāwale Boulevard.
 7. Mauna Ke'a Road, except at its intersections with Seaview Road, Hāpu'u Road and Kēhau Road.
 8. Mayzee Road, except at its intersections with Kapuna Road and Maluhia Road.
 9. Seaview Road, except at its intersection with Nānāwale Boulevard.

(1999, Ord. No. 99-65, sec. 14; Am. 1999, Ord. No. 99-136, sec. 3; Am. 2001, Ord. No. 01-62, sec. 8; Am. 2008, Ord. No. 08-40, sec. 1.)

Section 24-309. Schedule 13. Reserved.

(1999, Ord. No. 99-65, sec. 14.)

Section 24-310. Schedule 14. Reserved.

(1999, Ord. No. 99-65, sec. 14.)

Section 24-311. Schedule 15. Reserved.

(1999, Ord. No. 99-65, sec. 14.)

Section 25-2-31. Criminal prosecution.

- (a) Any person whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, shall be guilty of a violation, and upon conviction thereof shall be sentenced as follows:
 - (1) For a first offense, by a fine not exceeding \$500.
 - (2) For a subsequent conviction which occurs within five years of any prior conviction for violation of this chapter, by a fine of not less than \$500 but not exceeding \$1,000.
- (b) After a conviction for a first violation under this chapter, each further day of violation shall constitute a separate offense if the violation is a continuance of the subject of the first conviction.
- (c) The imposition of a fine under this section shall be controlled by the provisions of the Hawai'i Penal Code relating to fines, sections 706-641 through 706-645, Hawai'i Revised Statutes.
- (d) Any authorized personnel may issue a summons or citation to an alleged violator in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by penal summons, by complaint, by warrant or such other judicial process as is permitted by statute or rule of court.
- (e) Any authorized personnel issuing a summons or citation for a violation of this chapter may take the name and address of the alleged violator and shall issue to the alleged violator a written summons or citation notifying the alleged violator to answer at a place and at a time provided in the summons or citation.
- (f) There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of this chapter which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid under the laws and regulations of the State of Hawai'i and the County.
- (g) In every case when a citation is issued, the original of the same shall be given to the violator, provided that the administrative judge of the district court may prescribe the giving to the violator of a carbon copy of the citation and provide for the disposition of the original and any other copies.
- (h) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

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

Section 25-2-32. Right of entry for authorized personnel.

When it is necessary to make an inspection to enforce the provisions of this chapter, or when the authorized personnel has reasonable cause to believe that there exists upon a building or upon a premises or upon a building site a condition which is contrary to or in violation of this chapter which makes the building or premises or the building site unsafe, dangerous or hazardous, the authorized personnel may enter the building or premises or the building site at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if the building or premises is occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the authorized personnel shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the authorized personnel shall have recourse to the remedies provided by law to secure entry.

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

Section 25-2-33. Limited liability of authorized personnel.

The authorized personnel charged with the enforcement of this chapter, acting in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the authorized personnel because of such act or omission performed by the authorized personnel in the enforcement of any provision of this chapter or other pertinent laws or ordinances implemented through the enforcement of this chapter shall be defended by the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.

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

Section 25-2-34. Injunctive action.

The County may maintain an action for an injunction to restrain any violation of the provisions of this chapter and may take any other lawful action to prevent or remedy any violation.

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

Section 25-2-35. Administrative enforcement.

- (a) In lieu of or in addition to enforcement pursuant to sections 25-2-31, 25-2-32, and 25-2-34, if the director determines that any person is violating any provision of this chapter, any rule adopted thereunder, or any permit issued pursuant thereto, the director may have the person served by personal service or by certified mail, with a notice of violation and order pursuant to this section. The director may also have a copy of the notice of violation and order posted at the building site.
- (b) The notice of violation shall include at least the following information:
 - (1) Date of the notice;
 - (2) Name and address of the person noticed;
 - (3) Section number of the provision, or rule, or the permit which has been violated;
 - (4) Nature of the violation; and
 - (5) Location and time of the violation.
- (c) The order may require the person to do any or all of the following:
 - (1) Cease and desist from the violation;
 - (2) Correct the violation at the person's own expense before a date specified in the order;
 - (3) Pay a civil fine not to exceed \$500 in the manner at the place and before the date specified in the order;
 - (4) Pay a civil fine not to exceed \$500 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.
- (d) The order shall advise the person that the order shall become final thirty days after the person's receipt of the order, unless the director's decision is appealed to the board of appeals within the thirty-day period.
- (e) The provisions of the order issued by the director under this section shall become final thirty days after the receipt of the order, unless the director's action is appealed to the board of appeals as provided in this section.
- (f) Any person adversely affected by any order issued under this section, may within thirty days after the service of the order, appeal the order to the board of appeals as provided by section 6-10.2, County Charter and sections 25-2-20 through 25-2-24. An appeal to the board of appeals shall not stay the provisions of the director's order pending the final decision of the board of appeals.

- (g) The director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the director need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid.
 - (h) Annually, on September 1, the director shall file with the bureau of conveyances, liens on all properties which have been the subject of fines levied under this section, which remain unpaid for one year or more after final adjudication and the expiration of the time for any further appeal.
 - (i) Fines, assessed under this section shall constitute a lien upon the subject property upon the filing of said lien with the bureau of conveyances. This lien shall be considered for purposes of authority, to be the equivalent liens which arise pursuant to the provisions of chapter 19 of this Code.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2008, Ord. No. 08-66, sec. 2.)

* **Editor's Note:** Section 5-6.3 was amended and renumbered by the 2000 amendments to the Charter. It can now be found in section 6-10.2 of the County Charter.

Section 25-2-36. Remedies cumulative.

The remedies provided in this chapter shall be cumulative and not exclusive.
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Division 4. Amendments.

Section 25-2-40. When zoning code may be amended.

This chapter may be amended by changing the boundaries of districts or by changing any other provision in this chapter whenever the public necessity and convenience and the general welfare require such amendment, and when such amendment would be consistent with the goals, policies and standards of the general plan.
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-2-41. Who initiates amendment.

An amendment may be submitted by the council, the director, the owner of the property, or any other person with the property owner's authorized consent.
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-2-42. Amendments initiated by property owners and other persons.

- (a) An application for a change of zoning district by a property owner, or any other person with the property owner's consent, shall be on a form prescribed by the director and shall be accompanied by:
 - (1) A filing and processing fee of \$500 plus \$25 per lot or unit proposed by the amendment.
 - (2) A description of the property in sufficient detail to determine its precise location.
 - (3) A plot plan of the property, drawn to scale with all existing and proposed structures shown thereon, and any other information necessary to a proper determination relative to the specific request.
 - (4) A list of the names, addresses and tax map key numbers for those owners and lessees of record of surrounding properties who are required to receive notice under section 25-2-4.
 - (5) A County environmental report. A County environmental report shall not be required for any amendment where either an environmental impact statement or an environmental assessment and negative declaration have been prepared and issued in compliance with chapter 343, Hawai'i Revised Statutes, as amended.

- (6) Any other plans or information required by rules adopted by the director in accordance with chapter 91, Hawai'i Revised Statutes.
- (b) Within ten days after filing an application for a change of zone, the applicant shall serve notice of the application on surrounding owners and lessees of record, as provided by section 25-2-4. The applicant shall also post a sign for public notification on the property as provided by section 25-2-12.
- (c) In considering an amendment initiated by a property owner or other person which proposes to change the district classification of any property, the director shall consider the purposes of the existing and proposed district and the purposes of this chapter and shall recommend a change in a district boundary only where it would result in a more appropriate land use pattern that will further the public necessity and convenience and the general welfare, and be consistent with the goals, policies and standards of the general plan.
 - (1) The director shall recommend either the approval or denial of the proposed amendment to the commission subject to conditions which would further the intent of this chapter and the general plan and other related ordinances.
 - (2) The director shall make the recommendation within one hundred twenty days after an application has been accepted by the director.
 - (3) If the director fails to make a recommendation on the proposed amendment within the one-hundred-twenty-day period, the application shall be forwarded to the commission without any recommendation from the director, and the director's failure to act shall be considered a favorable recommendation on the application.
- (d) The commission shall review any application initiated by a property owner or other person for a change of zone and shall forward its recommendation on the application to the council through the mayor for the council's consideration and action.
 - (1) In reviewing the application, the commission shall hold at least one public hearing and shall provide reasonable notice of the date of the hearing to the applicant. The commission shall also provide notice by publication of the hearing, as provided in this chapter.
 - (2) Within ten days after receiving notice of the date of the public hearing, the applicant shall serve notice of the hearing on surrounding owners and lessees of record as provided by section 25-2-4. The applicant shall also serve notice on owners and lessees of record interests in other properties which the commission may find to be directly affected by the proposed amendment.
 - (3) Within ninety days after receipt of the application from the director, unless a longer period is agreed to by the applicant, the commission shall transmit the proposed change of zone ordinance together with its recommendations thereon through the mayor to the council. The commission shall recommend approval in whole or in part, with or without modifications, or rejection of such application. In the event that the commission fails to act on the application within the ninety-day period, the application shall be considered an unfavorable recommendation by the commission, and the application shall be transmitted through the mayor to the council with such recommendation.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2005, Ord. No. 05-136, sec. 3.)

Section 25-2-43. Amendments initiated by the council and director.

- (a) Any amendment initiated by the director shall be reviewed by the commission.
 - (1) The amendment shall be submitted to the commission with the director's justification and recommendation on the amendment.
 - (2) Upon receipt of a proposed amendment from the director, the commission shall hold at least one public hearing. Notice of the hearing by the publication shall be provided by the commission in accordance with section 25-2-5, except that when a proposed amendment involves a specific parcel of land, notice shall be provided by the commission in accordance with subsections (c) and (d).

- (3) Within sixty days after receipt of the amendment from the director, the commission shall transmit the proposed amendment together with its recommendations thereon through the mayor to the council. The commission shall recommend approval in whole or in part, with or without modifications, or rejection of such amendment. In the event that the commission fails to act on the amendment within the sixty-day period, such inaction shall be considered as unfavorable recommendation by the commission, and the amendment shall then be submitted through the mayor to the council with such recommendation.
- (b) The council shall refer any proposed council-initiated amendment to this chapter to the director and the commission with requests for their respective comments and recommendations thereon, prior to the first reading of any such amendment. The director and the commission shall each submit comments and recommendations on the proposed amendment to the council within one hundred twenty days from the date that the amendment is transmitted by the council to the director and the commission.
 - (1) The director shall submit comments and any recommendations to both the commission and the council within the one-hundred-twenty-day review period.
 - (2) The commission shall hold at least one public hearing on the proposed amendment. Notice of the hearing by publication shall be provided by the commission in accordance with section 25-2-5, except that when a proposed amendment involves a specific parcel of land, notice shall be provided by the commission in accordance with subsections (c) and (d).
 - (3) The commission shall transmit the amendment together with its recommendations thereon through the mayor to the council. The commission shall recommend approval in whole or in part, with or without modifications, or rejection of such amendment. In the event that the commission fails to act on the amendment within the one-hundred-twenty-day review period, such inaction shall be considered as an unfavorable recommendation by the commission.
 - (4) After the one-hundred-twenty-day review period has expired, the council may proceed to act on the proposed amendment as it deems appropriate.
- (c) Notice by mail to surrounding owners and lessees of record of properties within the boundaries established by section 25-2-4, shall not be required for any amendment initiated by the council or the director. In lieu of mailing written notice to surrounding property owners and lessees of record, the director shall publish notice of the commission's public hearing in at least two newspapers of general circulation in the County, once a week for three consecutive weeks, with the last notice to be at least ten days prior to the hearing. The notice shall specify the time, date and place of the hearing, its purpose and a description of any property which may be involved.
- (d) Notice to owners of any properties specifically subject to the proposed amendment shall be provided by mail from the director, no later than thirty days prior to the commission's public hearing on the amendment.

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

Section 25-2-44. Conditions on change of zone.

- (a) Within any ordinance for a change of zone, the council may impose conditions on the applicant's use of the property subject to the change of zone provided that the council finds that the conditions are:
 - (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
 - (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.

- (b) Changes or alterations of conditions of any change of zone ordinance shall be processed in the same manner as a zone change, unless the council authorizes the changes or alterations to be made by the director. A request for any change or alteration of conditions shall be submitted in writing to the director, in lieu of the application required for an applicant-initiated change of zone. The request shall be accompanied by a filing fee of \$250.
 - (c) Failure to fulfill any conditions of the zone change within the specified time limitations, or any extensions thereto, may be grounds for the enactment of an ordinance making further zone changes or for rezoning the affected property back to its original zoning designation or a more appropriate zoning designation, upon initiation by either the director or the council in accordance with section 25-2-43.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-2-45. Nonsignificant zoning changes.

- (a) The director may administratively grant any nonsignificant zoning change. A nonsignificant zoning change must comply with the designations for the property set forth in the general plan and any development plan adopted by ordinance, and not result in an increase or decrease in any zoning designation affecting more than five percent of the area, or one acre, of any lot, whichever is less.
- (b) The applicant for a nonsignificant zoning change shall give notice to surrounding owners and lessees of record, pursuant to section 25-2-4, and shall post a sign for public notification as provided by section 25-2-12.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2008, Ord. No. 08-48, sec. 2.)

Section 25-2-46. Concurrency requirements.

- (a) Purpose. In addition to requirements otherwise imposed, this section creates concurrency standards for roads and water supply in change of zone actions.
- (b) Applicability. This section applies to any application for change of zoning district, or for an extension of time to perform a condition of zoning, received by the planning department after the effective date of this ordinance.
- (c) Definitions. As used in this section:

“Acceptable level of service” means that the level of service of a transportation facility at the a.m. and p.m. peak hour is “D” or better.

“Approved development” means development for which zoning has been granted by the County.

“Critical road area” means a geographical area where any of the transportation facilities serving the area have been determined by the council to be worse than the acceptable level of service.

“Immediate vicinity of a project” means the area in which transportation facilities will be required to mitigate impacts caused primarily by the project.

“Level of service, or LOS” means a qualitative measure describing operational conditions within a traffic stream, and shall be determined using the procedures in the latest edition of the Highway Capacity Manual, Transportation Research Board.

“Mitigation” means specific actions to reduce traffic congestion. Mitigation is of two types: “local mitigation” which consists of improvements to roads and intersections that are in the immediate vicinity of a project, including channelization of intersections, turn lanes into a project and similar improvements. “Area mitigation” consists of improvements which increase the capacity of an arterial or other major road, such as additional lanes, in the general region containing the project, or construction of a new arterial or collector road in the general area containing the project, or improvements to public transportation such as buses or park and ride facilities, sufficient to offset the traffic demand generated by the project.

“Occupancy” means (1) the issuance of a certificate of occupancy for a commercial, multifamily, industrial building, hotel or other structure requiring a certificate of occupancy; (2) the issuance of a building permit for residential buildings that do not require a certificate of occupancy; or (3) final subdivision approval for subdivisions where dwellings are allowed, but dwellings are not being constructed before sale of any lot.

Section 25-2-53. Notice of action on variance application.

- (a) Upon acceptance of a variance application, the director shall fix a date for the director's action on the application. Within ten days after receiving notice of such date, the applicant shall serve notice of the application on surrounding owners and lessees of record, as provided by section 25-2-4. The applicant shall also serve notice on owners and lessees of record of interests in other properties which the director may find to be directly affected by the variance sought. Except for setback variances, the applicant shall also post a sign for public notification on the property as provided by section 25-2-12.
- (b) The director shall publish notice of the date of the proposed decision by the director and the date by which written comments must be received by the director in at least two newspapers of general circulation in the County, at least ten days prior to the date of the director's proposed decision.
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2005, Ord. No. 05-136, sec. 4.)

Section 25-2-54. Actions by director on variance.

- (a) The director shall, within sixty days after acceptance of a variance application, deny the application or approve it subject to conditions.
- (b) The conditions imposed by the director shall bear a reasonable relationship to the variance granted. All actions shall contain a statement of the factual findings supporting the decision.
- (c) If the director fails to act within the prescribed period, the application shall be considered as having been denied, and the director shall immediately inform the applicant of such denial.
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-2-55. Reserved.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 1999, Ord. No. 99-112, sec. 5.)

Section 25-2-56. Reserved.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 1999, Ord. No. 99-112, sec. 7.)

Section 25-2-57. Reserved.

(1996, Ord. No. 96-160, sec. 2, ratified April 6, 1999; repealed Ord. No. 99-112, sec. 8.)

Section 25-2-58. Appeals.

- (a) If the director denies a variance application, such decision is final except, that, within thirty days after the date of the written decision, the applicant may appeal such action to the board of appeals, pursuant to the rules of practice and procedure of the board of appeals.
- (b) Any person aggrieved by the decision of the director in the issuance of a variance decision may appeal the director's action to the board of appeals, in accordance with this chapter, within thirty days after the date of the director's written decision.
(1999, Ord. No. 99-112, sec. 6.)

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Division 6. Use Permits.**Section 25-2-60. Purpose.**

Use permits are permits for certain permitted uses in zoning districts which require special attention to insure that the uses will neither unduly burden public agencies to provide public services nor cause substantial adverse impacts upon the surrounding community.

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

Section 25-2-61. Applicability; use permit required.

- (a) The following uses shall be permitted within designated County zoning districts only if a use permit is obtained for the use from the commission:
- (1) Bed and breakfast establishments in RS districts.
 - (2) Crematoriums in all districts.
 - (3) Churches, temples and synagogues, including meeting facilities for churches, temples, synagogues and other such institutions, in RS, RD, RM, RA, FA and A districts; provided that a minimum building site area of ten thousand square feet is required within the RS, RD, RM, and RA districts.
 - (4) Day care centers in RS, RD, RM, RA, FA and A districts, provided that a minimum building site area of ten thousand square feet shall be required within the RS, RD, RM, and RA districts.
 - (5) Golf courses and related golf course uses including golf driving ranges, golf maintenance buildings, and golf club houses in the RS, RD, RM, RCX, RA, FA, A, V, CG, CV, and O districts.
 - (6) Group living facilities that exceed the criteria in subsection 25-1-5(b), paragraph (b) of the definition of "group living facility" in the RS, RD, RM, RCX, RA, FA, A, CN, CG, CV, and V districts.
 - (7) Hospitals, sanitariums, old age, convalescent, nursing and rest homes, and other similar uses devoted to the care or treatment of the aged, the sick, or the infirm in the RS, RD, RM, RCX, RA, FA, A, and V districts, provided that a minimum building site area of ten thousand square feet shall be required within the RS, RD, RM, RCX and RA districts.
 - (8) Major outdoor amusement and recreation facilities in RS, RD, RM, RCX, RA, A, CN, CG, CV, MCX, ML, MG and O districts.
 - (9) Mortuaries in RS, RD, RM, RCX, RA, FA and A districts.
 - (10) Schools in RS, RD, RM, RA, FA and A districts, provided that a minimum building site area of ten thousand square feet shall be required within the RS, RD, RM, and RA districts.
 - (11) Telecommunication antennas and towers in RS, RD, RM, and RCX districts.
 - (12) Yacht harbors and boating facilities in the RS, RD, RM, RCX, RA, V, CG, CV, MCX, ML, MG and O districts.
 - (13) Wind energy facilities in the O district; provided that the property is within the state land use agricultural district.
 - (14) Other unusual and reasonable uses which are not specifically permitted in any zoning district with the approval of the director and the concurrence of the council by resolution.
- (b) Any use which received an approval as a conditionally permitted use prior to September 25, 1984, or which received prior approval through the use permit process, is considered a legal use of the affected parcel and may be expanded or enlarged without obtaining another use permit, provided such expansion, enlargement or addition is in full compliance with this chapter and the applicable district regulations.
- (c) A use permit shall not be required for any use described in subsection (a) above, if a special permit is obtained for that use, pursuant to section 205-6, Hawai'i Revised Statutes.

(1996, Ord. No. 96-160, sec. 2; ratified and amended April 6, 1999; Am. 2007, Ord. No. 07-55, sec. 2; Am. 2008, Ord. No. 08-2, sec. 2.)

Section 25-2-62. Application for use permit; requirements.

- (a) An application for a use permit shall be made to the commission, in accordance with its rules, on a form prescribed by the commission.

- (b) The application shall be accompanied by:
- (1) A filing fee of \$250;
 - (2) A description of the property in sufficient detail to determine the precise location of the property involved;
 - (3) A plot plan of the property, drawn to scale, with all existing and proposed structures shown thereon;
 - (4) A list of names, addresses and tax map key numbers for those owners and lessees of record of surrounding properties who are required to receive notice under section 25-2-4; and
 - (5) A written description of the proposed use and a statement of objectives and reasons for the request, including an analysis of how the request satisfies each of the standards contained in section 25-2-65.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-2-63. Procedure for use permit.

- (a) Upon acceptance of a use permit application, the commission shall fix a date for a public hearing. The public hearing shall be commenced no later than sixty days after the acceptance of a use permit application by the director.
 - (b) The applicant shall serve notice of the use permit application on surrounding owners and lessees of record as provided by section 25-2-4. The applicant shall also serve notice on owners and lessees of record interests in other properties which the commission may find to be directly affected by the use permit sought. The applicant shall also post a sign for public notification on the property as provided by section 25-2-12.
 - (c) Prior to the public hearing, the commission shall publish notice of the public hearing in accordance with the requirements of this chapter.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 1999, Ord. No. 99-112, sec. 9; Am. 2005, Ord. No. 05-136, sec. 5.)

Section 25-2-64. Action on use permit.

- (a) Within ninety days after acceptance of a use permit application, the commission shall either deny or approve the application. The commission's decision shall be accompanied by a statement of factual findings supporting the decision, together with any conditions imposed upon a use permit approval.
 - (b) In approving any use permit application, the commission may issue the approval subject to conditions, including hours of daily operation and terms of the use permit. The conditions imposed by the commission shall bear a reasonable relationship to the use permit granted.
 - (c) If the commission fails to render a decision within the prescribed period, the application shall be considered as being approved, provided that no written objection to the use permit is received by the commission.
 - (d) Concurrent requests may be acted upon by the commission in conjunction with a use permit application.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-2-65. Criteria for granting a use permit.

A use permit may be granted by the commission upon finding that:

- (1) The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of this chapter, and the general plan;
- (2) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character, to surrounding properties; and
- (3) The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

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

Section 25-2-66. Appeal of a use permit decision.

Within thirty days after the date of the commission's written decision, any person aggrieved by the decision may appeal the commission's action to the third circuit court pursuant to chapter 91, Hawaii Revised Statutes.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 1999, Ord. No. 99-112, sec. 10.)

Section 25-2-67. Revocation of a use permit.

- (a) A use permit shall be revoked by the commission at the request of any property owner who holds the use permit sought to be revoked or at the request of any other person with the property owner's consent upon the submission of a written statement to the commission verifying that the use approved under the use permit issued has either not been established or has been abandoned.
- (b) The commission may revoke any use permit upon request of the director if:
 - (1) There have been continual violations of the use permit; or
 - (2) The use authorized under the use permit is creating a threat to the health or safety of the community; or
 - (3) The use authorized under the use permit has been abandoned for a continuous period of two years.
- (c) The proceeding to revoke a use permit, upon request of the director, shall require written notice to the property owner and to the person who has been issued the permit prior to the commission taking action to revoke the permit.
- (d) A property owner or other person affected by the proposed revocation of a use permit ordered by the commission, may, within thirty days after the mailing of the commission's order, appeal the commission's action to the third circuit court pursuant to chapter 91, Hawaii Revised Statutes.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 1999, Ord. No. 99-112, sec. 11.)

Division 7. Plan Approval.**Section 25-2-70. Purpose.**

Plan approval provides a method of allowing closer inspection of certain development and inspection of all development in certain districts in order to ensure conformance with the general plan, to assure that the intent and purpose of this chapter are carried out, and to ensure pertinent conditions of previous approvals related to the development have been implemented.

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

Section 25-2-71. Applicability; plan approval required.

- (a) Plan approval shall be required prior to the construction or installation of any new structure or development or any addition to an existing structure or development in all districts except in the RS, RA, FA, A and IA districts, and except for the construction of one single-family dwelling and any accessory buildings per lot.
- (b) Plan approval shall be required in all districts prior to the change of the following uses in existing buildings:
 - (1) Residential to commercial use;
 - (2) Warehouse and manufacturing to retail use.
- (c) Plan approval shall be required in all applicable districts prior to the construction or establishment of the following improvements and uses:
 - (1) Bed and breakfast establishments as permitted under section 25-4-7.
 - (2) Public uses, structures and buildings and community buildings, as permitted under section 25-4-11.
 - (3) Telecommunication antennas and towers, as permitted under section 25-4-12.

Section 25-5-161. Designation of O districts.

Each O (open) district shall be designated by the symbol "O."
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-5-162. Permitted uses.

- (a) The following uses shall be permitted in the O district:
- (1) Aquaculture activities and facilities.
 - (2) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (3) Community buildings, as permitted under section 25-4-11.
 - (4) Existing churches and temples of historical significance.
 - (5) Forestry.
 - (6) Game preserves.
 - (7) Growing of plants provided such growth does not impair a view intended to be preserved in the O district.
 - (8) Heiaus, historical areas, structures, and monuments.
 - (9) Natural features, phenomena, and vistas as tourist attractions.
 - (10) Private recreational uses involving no aboveground structure except dressing rooms and comfort stations.
 - (11) Public parks.
 - (12) Public uses and structures, as permitted under section 25-4-11.
 - (13) Telecommunication antennas, as permitted under section 25-4-12.
 - (14) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the O district, provided that a use permit is issued for each use:
- (1) Crematoriums.
 - (2) Golf courses.
 - (3) Yacht harbors and boating facilities; provided that the use, in its entirety, is compatible with the stated purpose of the O district.
 - (4) Wind energy facilities; provided that the property is within the state land use agricultural district.
- (c) Uses considered directly accessory to the uses permitted in this section shall also be permitted in the O district.
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2008, Ord. No. 08-2, sec. 3; Am. 2008, Ord. No. 08-46, sec. 1.)

Section 25-5-163. Height limit.

There shall be no height limit in the O district, except as specified as a condition of approval attached to any use permit or plan approval. For this purpose, the height limit in the adjoining districts shall be used as guides.
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-5-164. Minimum building site area.

There shall be no minimum building site area in the O district, except as a condition of approval attached to any plan approval. For this purpose, the minimum building site area regulations in the adjoining districts shall be used as guides.
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-5-165. Minimum building site average width.

There shall be no minimum building site average width in the O district, except as specified as a condition of approval attached to any plan approval. For this purpose the minimum building site average width regulations in the adjoining districts shall be used as guides.
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Section 25-5-166. Minimum yards.

There shall be no minimum yards in the O district, except as specified as a condition of approval attached to any plan approval. For this purpose, the minimum yard regulations in the adjoining districts shall be used as guides.

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

Section 25-5-167. Other regulations.

Plan approval shall be required for all new structures and additions to existing structures in the O district. (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

Article 6. Optional Development Regulations.**Division 1. Planned Unit Development (P.U.D.).****Section 25-6-1. Purpose.**

The purpose of planned unit development (P.U.D.) is to encourage comprehensive site planning that adapts the design of development to the land, by allowing diversification in the relationships of various uses, buildings, structures, open spaces and yards, building heights, and lot sizes in planned building groups, while still insuring that the intent of this chapter is observed.

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

Section 25-6-2. Minimum land area required.

The minimum land area required for a P.U.D. shall be two acres.

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

Section 25-6-3. Application for P.U.D. permit; requirements.

An application for a P.U.D. permit shall be on a form prescribed for this purpose by the director and shall be accompanied by:

- (1) A filing fee of \$500.
- (2) A written description of the proposed project, including the following information:
 - (A) A description of the property in sufficient detail to determine the precise location of the property involved;
 - (B) A statement of objectives and reasons for the requested P.U.D. permit, including an analysis of how the request satisfies the standards contained in section 25-6-10;
 - (C) A list of all requested deviations or variances from the requirements of chapter 23 (subdivisions) and chapter 25 (zoning), Hawai‘i County Code;
 - (D) A schedule for the timetable of the proposed development; and
 - (E) An analysis of the relationship of the proposed development to the general plan.
- (3) Drawings and plans comprising a general development plan covering the entire area of the P.U.D., and providing the following information:
 - (A) Uses, dimensions, and locations of proposed structures;
 - (B) Widths, alignments, and improvements of proposed streets and pedestrian and drainage ways;
 - (C) Any proposed subdivision of property for individual parcel sale;
 - (D) Parking areas;
 - (E) Public areas and uses; and
 - (F) Landscaping and open spaces.

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	Honuauula, 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	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(228)	06-105	7-17-2006	Kau, North Kona	7-2-5:1	A-3a and O	PD	
(229)	06-106	7-17-2006	Kau, North Kona	7-2-15:1-43, 46-86	(Amends Ord. 93-45 that amended Ord. 88-23 and Ord. 850 -- Effective Date 5-12-1993)		
(230)	06-128	9-28-2006	O'oma 1st, North Kona	7-3-010:051	(Amends Ord. 04-106 Effective Date 9-22-2004)		
(231)	06-137	11-8-2006	Hienaloli 4th and 5th, North Kona	7-5-10:Por. of 13 (Formerly 7-5-23:63)	(Amends Ord. 95-118 that amended Ord. 92-36 -- Effective Date 10-12-1995)		
(232)	06-152	12-13-2006	Moeauoa 2nd, North Kona	7-5-3:7, 8, 9	A-5a	RA-1a and RM3.5	
(233)	07-11	2-21-2007	Kaloko, North Kona	7-3-51:96	ML-1a	MCX-1a	
(234)	07-160	10-19-2007	Kalaoa 4th, North Kona	7-3-028:082-102	(Amends 97-56 Effective Date 4-7-1997)		
(235)	07-174	12-4-2007	O'oma 1st, North Kona	7-3-010:003	A-5a	RM-1	
(236)	08-58	5-08-2008	Various, North and South Kona	7-9-12:4 & 11; 8-1-4:3, 7, 65 & 68; 8-1-27:16, 20, 21, 27-43; 8-1-28:9, 10, 19-28, 30, 44-47; 8-1-30:1-3, 5-9, 12-53; 8-1-32:1-54; 8-1-33:1-20; 8-1-34:1-25(formerly 7-9-12:Por. 3, 4 & 11 and 8-1-4:Por. 3)	(Amends Ord. 96-7 Effective Date 1-15-1996)		
(237)	08-59	5-08-2008	Various, North and South Kona	7-9-12:4, 6, 9, 29; 8-1-4:3, 56, 59-62, 64, 70; 8-1-26:1-3, 5-9, 11-57; 8-1-27:1-15, 17-26, 33-38, 43; 8-1-28:1-3, 7-18, 28-38, 40-43; 8-1-29:1, 2, 4, 6-46, 53-59, 62, 63; 8-1-30:1-9, 49, 51 (formerly 7-9-06:Por. 1, 7-9-12:Por. 3 & 4 and 8-1-4:Por. 3)	(Amends Ord. 96-8 Effective Date 1-15-1996)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(331)	07-136	10-10-2007	Waiākea, South Hilo	2-2-036:090	RS-10	MCX-20	
(332)	07-137	10-10-2007	Ponahawai, South Hilo	2-3-037:009	A-1a	CN-20	
(333)	07-166	11-2-2007	Waiākea, South Hilo	2-3-37:15	A-1a	RM-5.5	
(334)	08-6	1-23-2008	Waiākea, South Hilo	2-2-034:084	RS-10	CN-20	
(335)	08-20	3-10-2008	Waiākea, South Hilo	2-2-036:025 and 026	RS-10	CN-10	
(336)	08-36	4-11-2008	Waiākea, South Hilo	2-4-14:42	RS-15	RS-10	
(337)	08-39	4-11-2008	Waiākea, South Hilo	2-2-040:121	RS-10	CN-20	
(338)	08-65	5-08-2008	Waiākea, South Hilo	2-4-010:031	RS-15	RS-10	
(339)	08-72	5-20-2008	Waiākea, South Hilo	2-2-48:93 and Por. 13	(Amends Ord. 95-55) (Effective date 4-26-1995)		
(340)	08-96	6-30-2008	Waiākea, South Hilo	2-2-35:47	(Amends Ord. 07-40) (Effective date 4-4-2007)		

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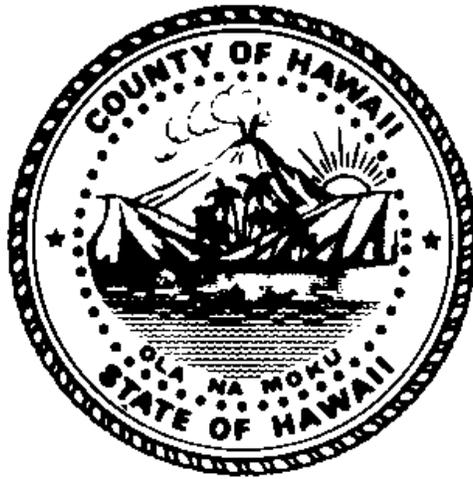
Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	Code §
07-174	12-4-07	O'oma 1 st , North Kona	7-3-010:003	A-5a	RM-1	25-8-3
07-181	12-26-07	Waikoloa, Waimea	6-7-002:020:Por. 051	A-40a, ML-20	CV-7.5	25-8-11
07-183	12-26-07	Keauhou, Ka'u	9-9-006: Por. 008	Amends Ord. 94-98		25-8-28
08-6	1-23-08	Waiākea, South Hilo	2-2-034:084	RS-10	CN-20	25-8-33
08-20	3-10-08	Waiākea, South Hilo	2-2-036:025 and 026	RS-10	CN-10	25-8-33
08-36	4-11-08	Waiākea, South Hilo	2-4-14:42	RS-15	RS-10	25-8-33
08-39	4-11-08	Waiākea, South Hilo	2-2-040:121	RS-10	CN-20	25-8-33
08-58	5-08-08	North and South Kona	7-9-12:4 & 11; 8-1-4:3, 7, 65 & 68; 8-1-27:16, 20, 21, 27-43; 8-1-28:9, 10, 19-28, 30, 44-47; 8-1-30:1-3, 5-9, 12-53; 8-1-32:1-54; 8-1-33:1-20; 8-1-34:1-25 (formerly 7-9-12: Por.3, 4 & 11 and 8-1-4:Por. 3)	Amends Ord. 96-7		25-8-3
08-59	5-08-08	North and South Kona	7-9-12:4, 6, 9, 29; 8-1-4:3, 56, 59-62, 64, 70; 8-1-26:1-3, 5-9, 11-57; 8-1-27:1-15, 17-26, 33-38, 43; 8-1-28:1-3, 7-18, 28-38, 40-43; 8-1-29:1, 2, 4, 6-46, 53-59, 62, 63; 8-1-30:1-9, 49, 51 (formerly 7-9-6:Por. 1, 7-9-12:Por. 3 & 4 and 8-1-4:Por. 3)	Amends Ord. 96-8		25-8-3

Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	Code §
08-65	5-8-08	Waiākea, South Hilo	2-4-010:031	RS-15	RS-10	25-8-33
08-72	5-20-08	Waiākea, South Hilo	2-2-48:93 and Por. 13	Amends Ord. 95-55		25-8-33
08-96	6-30-08	Waiākea, South Hilo	2-2-35:47	Amends Ord. 07-40		25-8-33

THE HAWAI‘I COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: **Supplement 6 (7-2008)**
Contains ordinances effective through: **06-30-08**



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) 961-8255

Volume 3

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- Park dedication code 8-1 et seq.
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21	Sewers								
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07-163	11-2-07	Real property taxes	19-53(a)
07-164	11-2-07	Indigenous architecture	5-2.15.1 -- 5-2.15.6
07-165	11-2-07	Operating budget	--
07-166	11-2-07	City of Hilo Zone Map	ZA
07-167	11-21-07	Traffic Schedules	24-275
07-168	11-21-07	Operating budget	--
07-169	11-30-07	Floodplain management	27-1, 27-5, 27-6, 27-8, 27-12, 27-14, 27-16 -- 27-18, 27-20, 27-22 -- 27-28, 27-30, 27-34, 27-37
07-170	7-1-08	Hawai'i County cultural resources commission	New Article
07-171	12-11-07	Kailua village business improvement district no. 1	--
07-172	12-4-07	Operating budget	--
07-173	12-4-07	O'oma 1 st , North Kona	SLUB
07-174	12-4-07	North Kona Zone Map	ZA
07-175	12-4-07	Capital improvements budget	--
07-176	12-4-07	Operating budget	--
07-177	12-4-07	Operating budget	--
07-178	12-4-07	Operating budget	--
07-179	12-4-07	Nonconforming uses and building provisions for off-street parking and loading	25-4-65.1
07-180	12-26-07	Puukapu, South Kohala	SLUB
07-181	12-26-07	Lalamilo-Puukapu Zone Map	ZA
07-182	6-26-08	Refuse	20-46
07-183	12-26-07	Ka'u District Zone Map	ZA
07-184	12-26-07	Capital improvements budget	--
07-185	12-26-07	Operating budget	--
07-186	12-26-07	Operating budget	--
07-187	12-26-07	Operating budget	--

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08-1	--	Charter amendment – Windward and Leeward Planning Commissions	--
08-2	1-10-08	Wind energy facilities within the open district	25-2-61, 25-5-162
08-3	1-14-08	Variances	3-22
08-4	1-10-08	Operating budget	--
08-5	1-10-08	Operating budget	--
08-6	1-23-08	City of Hilo Zone Map	ZA
08-7	1-23-08	Intoxicating liquors prohibited in certain public places and naming Wai‘olena Beach Park and Wai‘uli Beach Park	14-1, 14-2.2, 15-68.1
08-8	1-23-08	Traffic Schedules	24-288
08-9	1-23-08	Operating budget	--
08-10	1-23-08	Operating budget	--
08-11	2-5-08	Real property tax exemption for Kuleana Land	19-68, 19-89.5
08-12	2-22-08	Operating budget	--
08-13	2-22-08	Operating budget	--
08-14	2-22-08	Operating budget	--
08-15	2-22-08	Operating budget	--
08-16	2-22-08	Capital improvements budget	--
08-17	2-22-08	Capital improvements budget	--
08-18	2-22-08	Capital improvements budget	--
08-19	2-22-08	Capital improvements budget	--
08-20	3-10-08	City of Hilo Zone Map	ZA
08-21	3-10-08	Ban on soliciting for money or objects of value	14-74, 14-75
08-22	3-10-08	Renaming the Kona Scenic Park to Clarence Lum Won Park	15-68.1
08-23	3-10-08	Operating budget	--
08-24	3-10-08	Capital improvements budget	--
08-25	3-10-08	Capital improvements budget	--
08-26	3-10-08	Capital improvements budget	--
08-27	3-10-08	Operating budget	--
08-28	3-10-08	Operating budget	--
08-29	3-10-08	Operating budget	--
08-30	3-10-08	Operating budget	--
08-31	3-30-08	Operating budget	--
08-32	3-30-08	Operating budget	--
08-33	3-30-08	Operating budget	--
08-34	3-30-08	Operating budget	--
08-35	3-30-08	Renaming the Isaac Hale Memorial Park to Isaac Kepo‘okalani Hale Beach Park	15-68.1
08-36	4-11-08	City of Hilo Zone Map	ZA
08-37	4-11-08	Geothermal relocation and community benefits program	2-177 -- 2-182

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08-38	4-11-08	Operating budget	--
08-39	4-11-08	City of Hilo Zone Map	ZA
08-40	4-11-08	Traffic Schedules	24-308
08-41	4-11-08	Traffic Schedules	24-279
08-42	Ord. 08-42 (eff. 4-11-08) amends ord. 07-170 that shall take effect on 1-1-09	Hawai'i County cultural resources commission	Adds New Article to Chapter 2
08-43	4-11-08	Traffic Schedules	24-253.1
08-44	4-11-08	Traffic Schedules	24-264
08-45	4-11-08	Traffic Schedules	24-265
08-46	4-11-08	Permitted uses within the open district	25-5-162
08-47	4-11-08	Operating budget	--
08-48	4-21-08	Non-significant zoning changes	25-2-45
08-49	4-21-08	Campaign mailing restrictions	2-80.1
08-50	4-21-08	Financial disclosures by regulatory employees	2-91.1
08-51	4-21-08	Operating budget	--
08-52	4-21-08	Operating budget	--
08-53	4-21-08	Civil defense disaster control	7-6
08-54	4-21-08	Operating budget	--
08-55	4-21-08	Capital improvements budget	--
08-56	4-22-08	Smoking	14-21
08-57	Shall take effect on date that board of ethics adopts relevant rules.	Imposition of administrative fines for violations of the County Code of ethics	Adds New Section to Chapter 2
08-58	5-08-08	North Kona Zone Map	ZA
08-59	5-08-08	North Kona Zone Map	ZA
08-60	5-08-08	Capital improvements budget	--
08-61	5-08-08	Traffic Schedules	24-264
08-62	5-08-08	Traffic Schedules	24-264
08-63	5-08-08	Traffic Schedules	24-255, 24-256
08-64	Shall take effect after the occurrence of events listed in the bill.	Traffic Schedules	24-267
08-65	5-08-08	City of Hilo Zone Map	ZA
08-66	5-08-08	Administrative enforcement	25-2-35
08-67	5-08-08	Capital improvements budget	--
08-68	5-08-08	Operating budget	--
08-69	5-08-08	Operating budget	--

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08-71	5-20-08	Planning commission review of draft community development plans or amendments thereof.	2-28.1
08-72	5-20-08	City of Hilo Zone Map	ZA
08-73	5-20-08	Operating budget	--
08-74	5-20-08	Operating budget	--
08-75	5-20-08	Operating budget	--
08-76	5-20-08	Operating budget	--
08-77	5-20-08	Capital improvements budget	--
08-78	7-01-08	Operating budget FY 2008-2009	--
08-79	7-01-08	Capital improvements budget FY 2008-2009	--
08-80	--	Charter amendment – initiative and referendum	--
08-81	--	Charter amendment – legislative auditor	--
08-82	--	Charter amendment – civil and criminal fines	--
08-83	6-16-08	Operating budget	--
08-84	6-16-08	Operating budget	--
08-85	7-01-08	Salary Ordinance of 2008	--
08-86	6-16-08	Capital improvements budget	--
08-87	6-16-08	Operating budget	--
08-88	6-16-08	Operating budget	--
08-89	6-16-08	Capital improvements budget	--
08-90	6-16-08	Capital improvements budget	--
08-91	6-16-08	Capital improvements budget	--
08-92	6-30-08	Abandoned special mobile equipment, vehicles, trailers, and equipment on wheels.	24-199
08-93	6-30-08	Tax credits	19-2, 19-104, 19-105
08-94	6-30-08	Traffic Schedules	24-294
08-95	6-30-08	Traffic Schedules	24-288.1
08-96	6-30-08	City of Hilo Zone Map	ZA
08-97	6-30-08	Operating budget	--
08-98	6-30-08	Community development plans and community development plan action committee.	16-1 -- 16-6
08-99	6-30-08	Traffic Schedules	24-253.1
08-100	6-30-08	Inspections of vehicle and equipment.	24-23, 24-25, 24-26, 24-27, 24-29, 24-30, 24-99, 24-102, 24-104
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08-102	6-30-08	Operating budget	--
08-103	6-30-08	Operating budget	--
08-104	6-30-08	Operating budget	--
08-105	6-30-08	Operating budget	--