

# SUPPLEMENT 7 (1-2009)

## Insertion Guide

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

(Covering general ordinances effective through 12-31-08  
and numbered through 08-181)

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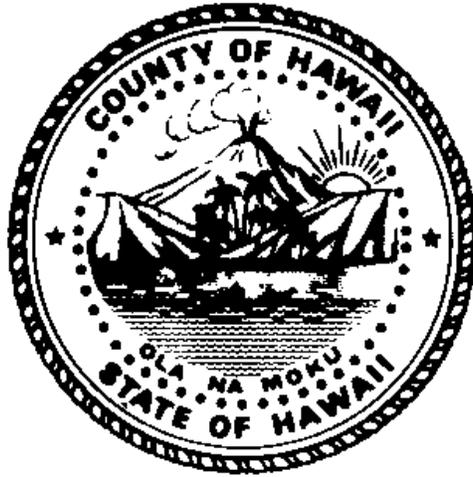
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# THE HAWAI‘I COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: **Supplement 7 (1-2009)**  
Contains ordinances effective through: **12-31-08**



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 1



## Chapter 2

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- (b) No refund shall be granted for any fee of \$50 or less.
  - (c) Notwithstanding the ninety day time limitation for requests and the amount of refund, the director of finance may refund the full amount of a permit that was inadvertently issued in duplicate.
  - (d) The director of finance may refund the full amount of any monies paid as security deposits, bid bonds and performance bonds after all stipulations of a contract have been completed.
- (1975 C.C., c. 2, art. 2, sec. 2.02; Am. 1977, Ord. No. 303, sec. 1; Am. 1994, Ord. No. 94-19, sec. 2.)

**Section 2-12.1. Encumbrances.**

“Encumbrance” means an obligation to pay funds from an appropriation, or a legal claim against an appropriation. When a contract is certified as to availability of funds, the amount certified is encumbered as of the date of certification. An appropriation by the council of State, Federal or private funds which are legally restricted by the terms of the grant or agreement to specific purposes shall be considered encumbered until the purposes of the grant or agreement are accomplished or abandoned.

(1991, Ord. No. 91-57, sec. 1.)

**Section 2-12.2. Lien parity.**

- (a) Payment on liens that are authorized by this code or by State statute and establish parity as to other liens shall be made as nearly as practical pro rata based on the respective unpaid amounts of all parity liens, including principal, penalty, interest, fees, and costs; provided that payments billed and collected separately with respect to any particular parity lien shall be applied separately to the unpaid amount of such parity lien.
  - (b) In the event of delinquencies, parity liens may be foreclosed together or in separate foreclosures and the amounts realized by foreclosure, together or separately, as applicable, shall be applied in the manner provided above for payments billed and collected together or separately.
  - (c) Notwithstanding any provision of this code to the contrary, foreclosure of any parity lien or liens shall not extinguish or otherwise affect any parity lien or liens for amounts that are not satisfied by such foreclosure.
- (2008, Ord. No. 08-157, sec. 2)

**Article 5. Fire Department.**

**Section 2-13. Fire chief; appointment; qualifications.**

The fire chief shall be appointed by the fire commission and may be removed by the fire commission at its sole discretion. Any motion for removal of the fire chief must contain a statement of reasons, and the fire chief must be allowed to respond to the statement of reasons before being removed. The fire chief shall have a minimum of five years of training and experience in fire control, including at least three years of experience in a responsible administrative capacity.

(1973, Ord. No. 2, sec. 2; Am. 2001, Ord. No. 01-109, sec. 1.)

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**Section 2-14. Powers, duties and functions.**

The fire chief shall:

- (1) Perform firefighting and emergency services in order to save lives and property from fires and from emergencies arising on land, or the sea and hazardous terrain;
- (2) Train, equip, maintain and supervise a force of firefighting and emergency services personnel;
- (3) Monitor the construction and occupancy standards of buildings for the purposes of fire prevention and life safety;
- (4) Provide educational programs related to fire prevention and life safety;
- (5) Appoint the deputy fire chief and the private secretaries to the fire chief and the deputy fire chief;
- (6) Appoint members of the department under established personnel rules and regulations, and statutes; and
- (7) Have such other powers, duties and functions as may be required by ordinance.

(1973, Ord. No. 2, sec. 4; Am. 2001, Ord. No. 01-109, sec. 1.)

**Section 2-15. Fire commission.**

There shall be a fire commission, which shall consist of nine members. One member shall be a resident of each council district. The commission may appoint such staff and engage such consultants as necessary for the performance of its duties. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in section 13-4, Hawai‘i County Charter 2000.

(2001, Ord. No. 01-109, sec. 2.)

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## ADMINISTRATION

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**Section 2-15.1. Powers, duties and functions.**

The fire commission shall:

- (1) Adopt rules necessary for the conduct of its business and review rules for the administration of the department;
- (2) Review the annual budget prepared by the fire chief and make recommendations thereon to the mayor, the managing director and the council;
- (3) Review the department’s operations as deemed necessary, for the purposes of recommending improvements to the fire chief;
- (4) Evaluate at least annually the performance of the fire chief and submit a report to the mayor, the managing director and the council;
- (5) Review personnel actions within the department for conformance with the policies under section 7-4.6,\* Hawai‘i County Charter;
- (6) Hear complaints of citizens concerning the department or its personnel and, if necessary, make recommendations to the fire chief on appropriate corrective actions; and
- (7) Submit an annual report to the mayor, managing director and the council on its activities.

Except for purposes of inquiry or as otherwise provided in the Hawai‘i County Charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department. (2001, Ord. No. 01-109, sec. 2.)

\* Editor’s Note: Reference should be to section 7-4.2 per 2000 Hawai‘i Charter revisions.

**Article 6. Volunteer Fire Department.****Section 2-16. Volunteer fire department created.**

There is created and established for and within the County a department to be known as the Hawai‘i volunteer fire department to train volunteers in the prevention of fires and to aid in the control of fires. The department shall have its principal office in the Hilo fire station. (1975 C.C., c. 2, art. 3, sec. 5.01.)

**Section 2-16.1. Volunteer fire stations.**

In accordance with provisions of section 46-13.1, Hawai‘i Revised Statutes, the following volunteer fire stations are established in the County of Hawai‘i to be sited and operated by the head of the volunteer fire department pursuant to powers granted under this article:

- (1) Pepe‘ekeo volunteer fire station.
- (2) Kūlani volunteer fire station.
- (3) Volcano volunteer fire station.
- (4) Hawaiian Acres volunteer fire station.
- (5) Fern Forest volunteer fire station.
- (6) Fern Acres volunteer fire station.
- (7) Miloli‘i volunteer fire station.
- (8) Kona Paradise volunteer fire station.
- (9) Kona Village volunteer fire station.
- (10) Ka‘ū pūlehu volunteer fire station.
- (11) Four Seasons volunteer fire station.
- (12) Pa‘auilo volunteer fire station.
- (13) Waiki‘i volunteer fire station.
- (14) Hawaiian Beaches volunteer fire station.

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- (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.
  - (G) Old Kona Airport Park picnic pavilions and Events Pavilion excluding the runway and areas surrounding the runway, Pawai Bay, and the park area at the end of the runway.
- (3) Ka‘ū:
- (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; Am. 2008, Ord. No. 08-121, sec. 1.)

**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‘ū:
    - (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‘ū:
    - (A) Punalu‘u Beach Park;
    - (B) Whittington Beach Park.
  - (4) Puna:
    - (A) Harry K. Brown Park;

**Division 3. Street Names.****Section 14-85. Procedures for naming and renaming streets.**

- (a) New streets. Streets to be created by land division, whether public or private, serving or with the potential to serve three or more lots or units shall be named by the subdivider and approved by the director during the review and approval of the subdivision.
- (b) Naming or renaming existing streets. The County council, director, street owner, or property owner along the street may initiate the naming or renaming of an existing street. When naming or renaming is initiated by the street owner or property owner, the petition must be signed by owners representing at least two-thirds of the parcels, dwelling units or businesses located along the affected street or portion of the street. When initiated by the County council, the council may direct the director by resolution. The director will name or rename a street in accordance with the criteria set forth in this article.
- (c) Notification. After a street is named, the director must notify all appropriate public agencies and the property owners along the affected street.

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

**Section 14-86. Street name criteria.**

Street names shall meet the following criteria:

- (a) No duplication. To eliminate potential confusion, duplication of street names within the same judicial district or zip code zone shall not be permitted. Streets with the same name but different street type designations shall be considered duplicate street names.
- (b) Continuity. Streets continuing through an intersection or are segments of a planned alignment shall keep the same name.
- (c) Directionals. The director may add directional indicators, such as north and west, to street name proposals as deemed appropriate.
- (d) Other Criteria. The director may specify other street naming criteria in rules.

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

**Section 14-87. Street name signs.**

- (a) Requirement. Every intersection must have signs naming all the intersecting streets.
- (b) Standards. The design and installation of street name signs, whether public or private street, must meet the minimum standards of the department of public works.
- (c) Responsibility. For new streets created by land division, the subdivider shall be responsible to provide and install the street name signs prior to final subdivision approval. For existing public streets, the State or County as appropriate shall install and maintain the street name signs. For private streets, the street owner is responsible to install and maintain the street name signs. At the request of the majority of the owners of a private street, and upon receipt of a fee sufficient to cover the cost of materials and labor as determined by the County, the County may fabricate, erect, and thereafter maintain the street name signs.

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

**Division 4. Violations.****Section 14-88. Enforcement of numbering or street name requirements.**

- (a) Notice and order. Whenever there is reason to believe there has been a violation of the requirements of this article, the director shall give notice to the owner to comply and order corrective action within thirty days from the date of notification. Such notice and order shall be sent via certified mail, with return receipt requested, to the owner. The date shown on the return receipt shall be the date from which the thirty-day period shall commence for compliance.

- (b) Appeal. 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 5-6.3, County Charter. An appeal to the board of appeals shall stay the provisions of the director’s order pending the final decision of the board of appeals.
- (c) Penalty. If the owner fails to comply within the thirty-day period, the owner will be subject to a fine of \$25, and a further penalty of a like sum for every thirty days thereafter that such person shall neglect or refuse to correct the violation. 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, and provided that administrative appeals have been exhausted or the time for filing such appeals has elapsed without appeal, 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.

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

**Section 14-89. Enforcement of street name sign or address tampering or defacement.**

- (a) Violation. Except for repair, replacement, or relocation within twenty-four hours, no person may alter, deface, or remove any address number or street sign.
- (b) Criminal prosecution.
  - (1) Any person violating or causing or permitting the violation in the preceding paragraph, shall be guilty of a violation, and upon conviction thereof shall be sentenced as follows:
    - (A) For a first offense, by a fine not exceeding \$500.
    - (B) 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.
  - (2) 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.
  - (3) 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.

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

**Article 15. Genetically Engineered (Transgenic) Taro (kalo) and Coffee.**

**Section 14-90. Purpose.**

The purpose of this article is to protect the taro (kalo) and coffee industry from genetic engineering and preserve agriculturally-based practices and cultural traditions associated with taro (kalo) and coffee within the County of Hawai‘i.

(2008, Ord. No. 08-154, sec. 1.)

**Section 14-91. Definitions.**

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

“Genetic engineering” means a process or technology employed whereby the hereditary apparatus of a living cell is altered, modified, or changed so that the cell can produce more or different chemicals or perform completely new functions.

“Person” includes natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations or any officer, agent, employee, factor, or any other personal representative thereof, in any capacity, acting either for himself or for any other person, under personal appointment or pursuant to law.

“Recombinant DNA” means the transfer of genes, regulatory sequences, or nucleic acid between hosts by the use of vectors or laboratory manipulations and includes the insertion, excision, duplication, inactivation, or relocation of specific genes, regulatory sequences, or sections of nucleic acid. This term does not apply to a material or an organism developed exclusively through traditional methods of breeding, hybridization, or nondirected mutagenesis.

“Release” means a discharge, emission or liberation of any genetically engineered organisms, or the product of a genetically engineered organism, into the open environment.

(2008, Ord. No. 08-154, sec. 1.)

**Section 14-92. Genetically engineered (transgenic) taro (kalo), unlawful.**

It shall be unlawful for any person to test, propagate, cultivate, raise, plant, grow, introduce or release genetically engineered (transgenic) or recombinant DNA taro (kalo).

(2008, Ord. No. 08-154, sec. 1.)

**Section 14-93. Genetically engineered (transgenic) coffee, unlawful.**

It shall be unlawful to test, propagate, cultivate, raise, plant, grow, introduce or release genetically engineered (transgenic) or recombinant DNA coffee.

(2008, Ord. No. 08-154, sec. 1.)

**Section 14-94. Penalty.**

Any person violating any provision of this article shall be guilty of a violation, and upon conviction thereof, shall be sentenced by a fine not exceeding \$1,000.

(2008, Ord. No. 08-154, sec. 1.)

**Section 14-95. Injunctive relief.**

Proceedings for injunctive relief in a court of competent jurisdiction may be heard for potential violations of this article.

(2008, Ord. No. 08-154, sec. 1.)

**Article 16. Lowest Law Enforcement Priority of Cannabis Ordinance.**

**Section 14-96. Purpose.**

The purpose of this article is to:

- (1) Provide law enforcement more time and resources to focus on serious crimes;
- (2) Allow our court systems to run more efficiently;
- (3) Create space in our prisons to hold serious criminals;
- (4) Save taxpayers money and provide more funding for necessities such as education and health care; and
- (5) Reduce the fear of prosecution and the stigma of criminality from non-violent citizens who harmlessly cultivate and/or use cannabis for personal, medicinal, religious, and recreational purposes.

(2008, Ord. No. 08-181, sec. 2.)

**Section 14-97. Findings.**

- (a) The Institute of Medicine has found that cannabis (marijuana) has medicinal value and is not a gateway drug.
- (b) According to the U.S. Centers for Disease Control, the use of cannabis (marijuana) directly results in zero deaths per year.

- (c) According to the National Institute of Drug Abuse (NIDA), the marijuana eradication program has not stopped cannabis cultivation in the county, rather the program has only decreased the availability of the plant, which increases its “street” value, resulting in more crime.
  - (d) The National Institute of Drug Abuse (NIDA) also reported that a large increase of the use of methamphetamine, crack cocaine, and other hard drugs was related to the marijuana eradication program’s implementation.
  - (e) According to public record, the ‘mandatory program review’ for the marijuana eradication program, required by section 3-16 of the County Charter to be performed at least once every four years, has never been performed in the thirty years that the program has existed.
  - (f) Law abiding adults are being arrested and imprisoned for nonviolent cannabis offenses, clogging our court dockets, overcrowding our prisons, tying up valuable law enforcement resources and costing taxpayers hundreds of thousands of dollars in Hawai‘i County alone each year.
  - (g) The citizens of the Cities of Hailey, Idaho; Denver, Colorado; Seattle, Washington; Columbia, Missouri; Eureka Springs, Arkansas and Santa Barbara, Oakland, Santa Monica and Santa Cruz, in California, and the citizens of Missoula County, Montana, all voted for cannabis (marijuana) to be placed as law enforcement’s lowest priority within the past five years.
- (2008, Ord. No. 08-181, sec. 3.)

**Section 14-98. Definitions.**

“Adult” means any individual who is twenty one years of age or older.

“Adult personal use” means the use of cannabis on private property by adults. It does not include:

- (1) Distribution or sale of cannabis;
- (2) Distribution, sale, cultivation, or use of cannabis on public property;
- (3) Driving under the influence; or
- (4) The commercial trafficking of cannabis, or the possession of amounts of cannabis in excess of the amounts defined as being appropriate for adult personal use.

“Marijuana”, (as defined in the Hawai‘i Revised Statutes of Chapter 712-1240) means cannabis.

“Cannabis” means all parts of the cannabis plant, whether growing or not; the seeds thereof; the resin extracted from any part of the cannabis plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

“Lowest Law Enforcement Priority” means a priority such that all law enforcement activities related to all offenses other than the possession or cultivation of cannabis for adult personal use shall be a higher priority than all law enforcement activities related to the adult personal use of cannabis. The Lowest Law Enforcement Priority regarding possession or cultivation of cannabis shall apply to any single case involving twenty four or fewer cannabis plants at any stage of maturity or the equivalent in dried cannabis, where the cannabis was intended for adult personal use.

The “dried equivalent” of twenty four or fewer cannabis plants shall be presumed to be twenty four or fewer ounces of usable cannabis, excluding stems and other non active parts. A greater amount may also fall under the Lowest Law Enforcement Priority provisions described herein if such amount is shown by competent evidence to be no more than the dried equivalent of twenty four plants.

(2008, Ord. No. 08-181, sec. 4.)

**Section 14-99. Lowest law enforcement priority policy relating to the adult personal use of cannabis.**

- (a) The cultivation, possession and use for adult personal use of cannabis shall be the Lowest Law Enforcement Priority for law enforcement agencies in the county.
- (b) The council, the police commissioner, the chief of police and all associated law enforcement staff, deputies, officers and any attorney prosecuting on behalf of the county shall make law enforcement activity relating to cannabis offenses, where the cannabis was intended for adult personal use, their Lowest Law Enforcement Priority. Law enforcement activities relating to cannabis offenses include but are not limited to the prosecution of cannabis offenses involving only the adult personal use of cannabis.

- (c) Neither the chief of police, the police commissioner, nor any attorney prosecuting on behalf of the county, nor any associated law enforcement staff, deputies, nor officers shall seek, accept or renew any formal or informal deputization or commissioning by a federal law enforcement agency for the purpose of investigating, citing, or arresting adults, nor for searching or seizing property from adults for cannabis offenses subject to the Lowest Law Enforcement Priority of cannabis where such activities would be in violation of that policy, nor shall such authorities exercise such powers that may be ancillary to deputization or commissioning for another purpose.
  - (d) The council shall not authorize the acceptance or the issuing of any funding that is intended be used to investigate, cite, arrest, prosecute, search or seize property from adults for cannabis offenses in a manner inconsistent with the county's Lowest Law Enforcement Priority policy.
- (2008, Ord. No. 08-181, sec. 5.)

**Section 14-100. County prosecuting attorneys.**

To the full extent allowed by the Constitution of the State of Hawai'i, the people, through their county government, request that neither the county prosecuting attorney nor any attorney prosecuting on behalf of the county shall prosecute any violations of the sections of chapter 712-1240 of the Hawai'i Revised Statutes regarding possession or cultivation of cannabis in a manner inconsistent with the Lowest Law Enforcement Priority, as described in section 14-98 and 14-99 of this article; in cases where the amount possessed or grown is less than twenty four plants or the dried equivalent, possession for adult personal use shall be presumed.

(2008, Ord. No. 08-181, sec. 6.)

**Section 14-101. Expenditure of funds for cannabis enforcement.**

- (a) Neither the council, nor the police commissioner, nor the chief of police, nor any attorneys prosecuting on behalf of the county, nor any associated law enforcement staff, deputies, or officers shall spend or authorize the expenditure of any public funds for the investigation, arrest, or prosecution of any person, nor for the search or seizure of any property in a manner inconsistent with the Lowest Law Enforcement Priority as defined in section 14-98 and 14-99 of this article.
  - (b) The council shall not support the acceptance of any funds for the marijuana eradication program.
- (2008, Ord. No. 08-181, sec. 7.)

**Section 14-102. Community oversight.**

The council shall ensure the timely implementation of this chapter by working with the chief of police and/or the police commissioner to:

- (1) Provide for procedures to receive grievances from individuals who believe that they were subjected to law enforcement activity contrary to the Lowest Law Enforcement Priority of cannabis, which is described in section 14-98 and 14-99 of this article; and
- (2) Publish a report semi-annually on the implementation of this chapter every first day of June and every first day of December, from this day forward, with the first report being issued June 1, 2009. These reports shall include but not be limited to: the number of all arrests, citations, property seizures, and prosecutions for all cannabis offenses in the county, the number of complaints regarding marijuana eradication over-flights; the breakdown of all cannabis arrests and citations by race, age, specific charge, and classification as infraction, misdemeanor, or felony, the estimated time and money spent by the county on law enforcement and punishment for adult cannabis offenses, and any instances of officers or deputies assisting in state or federal enforcement of adult cannabis offenses. These reports shall be published with the cooperation of the county prosecuting attorney, the chief of police, and all associated law enforcement staff in providing needed data.

(2008, Ord. No. 08-181, sec. 8.)

**Section 14-103. Notification of local, state, and federal officials.**

- (a) After the enactment of this article, the county clerk shall send letters on an annual basis (every June 1<sup>st</sup> of each year) to the mayor of the county, the county of Hawai‘i voters’ Congressional Delegation, Hawai‘i’s U.S. senators, the county of Hawai‘i voters’ representatives in the Hawai‘i State Legislature, the Governor of Hawai‘i, and the President of the United States. This letter shall state; “The citizens of the County of Hawai‘i have passed an initiative to make Cannabis offenses the Lowest Law Enforcement Priority, where the Cannabis is intended for adult personal use, and request that the federal and state branches of government remove criminal penalties for the cultivation, possession and use of Cannabis for adult personal use; the citizens also request that Cannabis policies here within the county of Hawai‘i be dealt with from our local law enforcement only.” The letters may also state, be it the will of the county council; that according to the three year study performed by the National Institute on Drug Abuse, more people used methamphetamine as a result of the marijuana eradication program; they may also express that methamphetamine is a growing problem in our community and more help would be appreciated in that area, and that the first action that would help in that area would be to end the marijuana eradication program.
- (b) This duty shall be carried out until state and federal laws are changed accordingly.  
(2008, Ord. No. 08-181, sec. 9.)

**Section 14-104. Statutory and constitutional interpretation.**

All provisions in this article shall only be implemented to the full extent that the Constitution of the State of Hawai‘i and the Hawai‘i Revised Statutes allows, and in the event, and only in the event, that a court of competent jurisdiction determines that any provision in any section of this article may not be directed by voter initiative or by action of the council, then that specific mandatory provision only shall be deemed advisory and expression of the will of the people that the provision shall be implemented into law by whichever government branch or official who has the power to implement it, and that the council shall take all actions within their power to work with those branches of government to express the will of the people and encourage, support, and request the implementation of those provisions.  
(2008, Ord. No. 08-181, sec. 10.)

**Section 14-105. Severability.**

In the event, and only in the event, that a court of competent jurisdiction should find one or more of the sections, or parts of the sections of this article illegal, or any provision of this article or the application thereof to any person or circumstance is held invalid, the remainder of the article and the application of such provisions to other persons or circumstances shall not be affected thereby.  
(2008, Ord. No. 08-181, sec. 11.)

**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  
Kaūmana Caves  
Kaūmana 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  
     (1) Uncle David K. Calles, Sr. Horseshoe Courts  
 ‘Ō‘ōkala Park  
 Pa‘auilo Park  
 Pana‘ewa Equestrian Center  
 Pana‘ewa Park  
 Pana‘ewa Rainforest Zoo and Gardens  
 Pāpa‘aloha 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  
Old Kona Airport Park  
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  
 Kea‘au 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; Am. 2008, Ord. No. 08-121, sec. 2; Am. 2008, Ord. No. 08-142, 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.

- (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.

**KONA.** The document identified as "Mapping the Future: Kona Community Development Plan Volume 1" is adopted by reference subject to later amendments by ordinance, and may be cited as the "Kona CDP." The planning area for the Kona CDP encompasses the judicial districts of North and South Kona.

**NORTH KOHALA.** The document identified as "North Kohala Community Development Plan" is adopted by reference subject to later amendments by ordinance, and may be cited as the "North Kohala CDP." The planning area for the North Kohala CDP encompasses the judicial district of North Kohala.

**PUNA.** The document identified as "Puna Community Development Plan" is adopted by reference subject to later amendments by ordinance, and may be cited as the "Puna CDP." The planning area for the Puna CDP encompasses the judicial district of Puna and the Volcano Census Designated Place that includes the Volcano Golf Course subdivision in the district of Ka'u.

**SOUTH KOHALA.** The document identified as "South Kohala Community Development Plan" is adopted by reference subject to later amendments by ordinance, and may be cited as the "South Kohala CDP." The planning area for the South Kohala CDP encompasses the judicial district of South Kohala. (2008, Ord. No. 08-98, sec. 3; Am. 2008, Ord. No. 08-116, sec. 2; Am. 2008, Ord. No. 08-131, sec. 2; Am. 2008, Ord. No. 08-151, sec. 2; Am. 2008, Ord. No. 08-159, sec. 2.)

##### 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.)

**Chapter 18****PUBLIC TRANSPORTATION****Article 1. Common Carriers.****Division 1. General Provisions.****Section 18-1. Definitions.**

As used in this chapter:

“Carrier” means every person, individual, corporation, joint stock company, firm, association, lessee, trustee, receiver, or trustee appointed by any court, who or which owns, controls, operates, or manages a passenger-carrying motor vehicle, such as a sampan bus, taxi or other vehicle exempted from chapter 271, Hawai‘i Revised Statutes, operated in the transportation of the general public, over a prescribed route on a regular schedule over any public street or highway within the County, but not including:

- (1) Persons transporting passengers without charge in motor vehicles owned or operated by such person, where such transportation is provided in conjunction with and in furtherance of a related primary business purpose or enterprise of that person, except that this exemption shall not apply to persons making any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation as a travel agent or broker or a person engaged in tour or sightseeing activities, nor shall this exemption apply where the transportation is undertaken by a person to evade the regulatory purposes of this chapter;
- (2) Sightseeing buses;
- (3) Private transportation services of churches and employers;
- (4) Student transportation; and
- (5) Any mass transit system owned, maintained, and operated by the County including, but not limited to, motor buses, street railroads, and fixed rail facilities.

“Commission” means the County transportation commission.

“Handicapped” means any individual meeting one or more of the following standards and guidelines:

- (1) Any individual who by reason of illness, injury, advanced age, congenital malfunction, or other incapacity or disability, is unable to compete in the open job market for a period of more than one year.
- (2) Any individual unable to perform one or more of the following functions necessary to effectively utilize public transportation facilities without significant difficulty:
  - (A) Negotiate a flight of stairs;
  - (B) Boarding or alighting from a public transit vehicle; or
  - (C) Walking more than two hundred feet.
- (3) Any individual unable without special facilities, special assistance, and special planning or design to utilize the public transit system as effectively as persons who are not so affected.

Supporting evidence of the handicap shall be required by a licensed physician or agency involved in physical or mental handicap programs. The handicap identification card issued by the County transportation agency shall be recognized for certified handicapped individuals.

“Public highways” mean the same as the definition of public highways in section 264-1, Hawai‘i Revised Statutes, including both State and County highways, but operation upon rails is not transportation on the public highways.

“Safety glass” means any product composed of glass, manufactured, fabricated, or treated so as to substantially prevent shattering and flying of the glass when struck or broken or any other or similar product as may be approved by the director of finance.

“Senior citizen” means any individual age sixty and over who maintains a senior citizen identification card issued by the County department of parks and recreation, elderly activities division.

“Student” means any individual currently attending an educational institution certified by the State and maintains supporting evidence of present enrollment such as a student identification card.

“Taxi” or “taxicab” means a vehicle designed to carry not more than eight passengers operated by a taxicab driver, which is used in the movement of passengers for hire on the public highways and which is directed to a destination by the passenger for hire or on the passenger’s behalf and which operates on call or demand.

(1975 C.C., c. 5, art. 1, sec. 1, art. 5, sec. 2.01; Am. 1979, Ord. No. 464, sec. 1; Am. 1982, Ord. No. 805, sec. 1; Am. 1986, Ord. No. 86-15, sec. 1; Am. 1990, Ord. No. 90-19, sec. 2; Am. 2008, Ord. No. 08-107, sec. 2.)

**Section 18-2. Safety glass required.**

No person shall sell any new motor vehicle nor shall a reconstructed motor vehicle be registered which is designed or to be used for the purpose of transporting passengers for compensation or as a school bus unless the vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.

(1975 C.C., c. 5, art. 5, sec. 2.01.)

**Division 2. County Transportation Commission.**

**Section 18-3. Membership.**

There shall be a County transportation commission composed of nine commissioners. One commissioner shall be appointed from each of the nine respective County council districts. Commissioners shall be appointed by the mayor with the approval of the council and may be removed by the mayor with the approval of the council. Commissioners shall serve staggered terms of five years, one member to be appointed to a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years. No member shall be eligible for a second appointment to the commission prior to the expiration of two years, provided that members of the commission initially appointed for a term of one year and two years shall be eligible to succeed themselves for an additional term. In the transitional period following the amendment of this section of the code, vacancies on the transportation commission shall be filled in ascending council district order as such order may exist at the time an appointment is made by the mayor.

(1975 C.C., c. 5, art. 1, sec. 2; Am. 1987, Ord. No. 87-57, sec. 1; Am. 1994, Ord. No. 93-69, sec. 1.)

**Section 18-4. Mass transit administrator as chief administrator.**

The mass transit administrator shall be the chief administrator and may assign any clerk, stenographer, agent or other assistant from the mass transportation agency\* to the commission as may be necessary and define their powers and duties.

(1975 C.C., c. 5, art. 1, sec. 2.01; Am. 1995, Ord. No. 95-18, sec. 2; Am. 2004, Ord. No. 04-58, sec. 4.)

\* **Editor’s Note:** Agency’s name changed to “Mass Transit Agency”, by Ordinance 04-58, section 3.

**Section 18-5. Commission’s powers and duties.**

The commission shall have general supervision over carriers including taxicabs and shall perform the duties and exercise the powers imposed or conferred upon it by division 3 of this article and article 2 of this chapter. In addition, the commission may serve as an advisory body to the mass transit agency and, upon request of the mayor or council, advise on other transportation-related matters.

(1975 C.C., c. 5, art. 1, sec. 2.02; Am. 1987, Ord. No. 87-57, sec. 1; Am. 1990, Ord. No. 90-19, sec. 3.)

**Division 4. Passenger Capacity.****Section 18-15. Determination of carrier capacity.**

The seating (i.e., passenger carrying) capacity of each motor vehicle common carrier of passengers, as defined in section 288-2, Hawai'i Revised Statutes, operating over any public street or highway within the County shall be determined and rated as follows:

- (1) If the length of any seating space in the vehicle is twenty-two inches or less, the seating capacity of the space is one passenger.
- (2) If the length of any seating space is more than twenty-two inches but not more than thirty-eight inches, the seating capacity is two passengers; provided, that for any motor vehicle common carrier transporting children to and from school or during school excursions and outings under any school bus transportation contract with the State, if the length of any seating space is more than thirty-eight inches but less than forty inches, the seating capacity is three passengers below nineteen years of age.
- (3) Each additional fifteen inches shall be seating space for an additional passenger.
- (4) In determining the seating capacity of a vehicle of the so-called "sampan bus" type, where there is no divisional space between the side and end seats, the inside perimeter of the seat shall be measured to determine the length of the seat and the same shall be considered as but one continuous seating space.
- (5) The seating space occupied by the chauffeur shall be included in and considered as part of the rated seating space of each vehicle.
- (6) In fixing the capacity of any vehicle whose passenger seating capacity, as determined by subsection (a), is in excess of seventeen passengers, if the examiner of chauffeurs of the County department of finance finds that the minimum inside distance from the aisle floor to the ceiling of any vehicle is seventy-four inches, except any vehicle used exclusively for the transportation of school students in which case the minimum inside distance shall be seventy inches, and that the construction of the vehicle may safely carry an additional number of standing passengers in excess of the actual passenger seating capacity of the vehicle, then the examiner of chauffeurs may fix and allow a rated passenger carrying capacity to the vehicle in excess of the "rated seating capacity," and for all purposes of this article, the rated passenger carrying capacity, so determined, shall be the "rated seating capacity" of the vehicle, except that the motor vehicle common carrier transporting children to and from school or during school excursions and outings under any school bus transportation contract with the County, the rated passenger carrying capacity shall be the actual passenger seating capacity of the vehicle.
  - (A) In determining the number of standing passengers which the vehicle may carry in excess of its actual passenger seating capacity, the examiner of chauffeurs shall consider as a basis for a determination, but not be limited to, a minimum area of one and one-half square feet of aisle floor space per standing passenger.
  - (B) No vehicle, whose "rated seating capacity," includes standing passengers therein shall be permitted to carry passengers in excess of its actual passenger seating capacity (as distinguished from its "rated seating capacity") within any area of the County outside the geographical limits of the City of Hilo; provided that the council may by resolution extend and take away the privilege of carrying standing passengers in any vehicle to any other area of the County and for any period as the council finds necessary.

(1975 C.C., c. 5, art. 2, sec. 1; Am. 2008, Ord. No. 08-107, sec. 3.)

**Section 18-16. Children excepted from consideration.**

A child under the age of five years not occupying seating space shall not be considered a passenger within the meaning of this division.  
(1975 C.C., c. 5, art. 2, sec. 2.)

**Section 18-17. Seating capacity determined by examiner of chauffeurs.**

The examiner of chauffeurs of the County department of finance shall measure the seating space of every common carrier vehicle and shall determine the seating capacity of each vehicle.  
(1975 C.C., c. 5, art. 2, sec. 4; Am. 2008, Ord. No. 08-107, sec. 4.)

**Section 18-18. Vehicle to bear notice of seating capacity.**

The seating capacity of each vehicle, except a sedan operated as a taxicab, shall be painted in numerals at least six inches high upon the right exterior of the vehicle, in a place and color as the examiner of chauffeurs shall direct. The seating capacity of each vehicle shall also be indicated in numerals two inches high, painted in the upper right corner of the windshield in a manner as to be readily legible from the inside of the vehicle.  
(1975 C.C., c. 5, art. 2, sec. 5.)

**Section 18-19. Rated capacity limit.**

No license shall be issued in the County under section 445-222,\* Hawai‘i Revised Statutes, for any motor vehicle common carrier of passengers allowing for the carrying of passengers of a number in excess of the rated seating capacity of the vehicle.  
(1975 C.C., c. 5, art. 2, sec. 3.)

\* **Editor’s Note:** Section 445-222, Hawai‘i Revised Statutes, was repealed by Act 67, Session Laws of Hawai‘i, 1996.

**Section 18-20. Penalty.**

If any common carrier motor vehicle for passengers operating upon or using the public streets or highways of the County carries passengers (including the chauffeur) in excess of the rated seating capacity, the chauffeur of the vehicle shall be guilty of a misdemeanor and shall be sentenced to pay a fine up to \$500.  
(1975 C.C., c. 5, art. 2, sec. 6.)

**Division 5. Bus Terminals and Parking.****Section 18-21. Bus terminal location; city buses.**

The Waiākea portion of the bayfront parking area next to Mo‘oheau Park is set aside for the purpose of a bus terminal for city buses.  
(1975 C.C., c. 5, art. 5, sec. 1.01.)

**Section 18-22. Bus terminal location; country buses.**

The Waiākea-makai portion of the bayfront parking area is set aside for the purpose of a bus terminal for country buses.  
(1975 C.C., c. 5, art. 5, sec. 1.02.)

**Section 18-23. Rules and regulations.**

The council shall make rules and regulations for the parking of city and country buses.  
(1975 C.C., c. 5, art. 5, sec. 1.03.)

- (2) The demonstrated need, as shown by the applicant for a certificate, for additional taxicab service in the County that is not, or cannot be, accomplished by existing companies;
  - (3) The financial responsibility of the applicant;
  - (4) In consideration of the current status of the County's public transportation system, the ratio of population in the area to be served to the number of taxicabs currently in operation;
  - (5) Any prior experience by the applicant in the taxicab industry, and the moral character of the applicant;
  - (6) The interests of the applicant in establishing a local business to legitimately serve the citizens of this County as well as visitors to the island; and
  - (7) Any other factors which the commission may deem advisable or necessary.
- (b) Upon approval by the commission of an application, an applicant will be issued a certificate. Each certificate will authorize the applicant to operate one taxicab. The certificate may contain such other terms or conditions as the commission deems appropriate. It will be a condition of the certificate that the applicant has thirty days to comply with the requirements of this chapter regarding taxicabs and obtain a taxicab license for the current year.
- (c) Certificates to operate taxicabs are transferable with the prior approval of the commission. An application must be submitted for approval to the commission by the proposed new owners in accordance with the requirements of section 18-32 in the same manner as an application for a new taxicab. The commission shall hold a hearing on the proposed change of owner in the same manner as for a new application, except that if the service is to be provided under the same terms and conditions as provided in the original certificate, the service will be assumed to be justified by public convenience and necessity. Upon the approval of a transfer of ownership, the new certificate holder will have thirty days to comply with the requirements of this chapter regarding taxicabs and obtain a taxicab license in the certificate holder's name for the current year.
- (d) A successful applicant for a certificate who fails to obtain a taxicab license for the current year within thirty days after the certificate is granted shall be subject to revocation proceedings by the commission under section 18-8 of this chapter.
- (e) An applicant whose application for a certificate is denied by the commission shall receive in writing a statement detailing the reasons for denial of the application. An appeal of the decision of the commission may be made to the circuit court of the third circuit in accordance with section 18-13 of this chapter.
- (1990, Ord. No. 90-119, sec. 6.)

**Section 18-34. Personal use by driver.**

- (a) Whenever a taxicab equipped with a taximeter is in personal use of the driver and not for hire, a "special" sign shall be affixed to the flag of the taximeter.
  - (b) The director of finance shall prescribe the size and specification of the "special" metal sign and the sign shall be furnished by the director at cost.
- (1975 C.C., c. 5, art. 3, sec. 8; Am. 2008, Ord. No. 08-107, sec. 5.)

**Section 18-35. Cruising.**

- (a) Except in those areas controlled by the Federal or State government or its agencies where cruising is prohibited by statute, rule, regulation, directive, or order, a driver of a taxicab shall be permitted to cruise in search of patronage at anytime.
  - (b) This section shall not apply to any taxicab driver soliciting patronage at any steamship wharf or airplane terminal.
- (1975 C.C., c. 5, art. 3, sec. 7.)

**Section 18-36. Unauthorized possession of taxicab paraphernalia.**

No person who does not possess a valid taxicab license issued pursuant to the provisions of this article shall permit any motor vehicle owned, operated or otherwise under the control of such person to be equipped with, carry or display any:

- (a) Taximeter;
- (b) Fare box;
- (c) Taxicab driver's permits; or
- (d) Any sign, light, or other device that identifies such motor vehicle as a taxicab.

(1981, Ord. No. 719, sec. 1; Am. 1990, Ord. No. 90-19, sec. 6.)

**Section 18-37. Penalties.**

Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding \$500.

(1975 C.C., c. 5, art. 3, sec. 11; Am. 1981, Ord. No. 719, sec. 2.)

**Section 18-37.1. Taxicab license.**

(a) The director of finance shall issue taxicab licenses and collect the required fees in accordance with the provisions of this article and any other applicable provisions of the law. Each license issued shall allow the applicant to operate one taxicab. The issued licenses shall not be transferable.

(b) No taxicab license shall be issued to any applicant unless the applicant has been granted a certificate of public convenience and necessity by the commission and submit evidence of compliance with the requirements of this article regarding:

- (1) Posting of taxicab driver's permit;
- (2) Posting of fare schedule;
- (3) Physical condition of taxicab;
- (4) Taxicab roof sign;
- (5) Taxicab control number;
- (6) Taximeter inspection;
- (7) Trade name and markings; and
- (8) Financial responsibility.

(c) Fees.

(1) All licenses issued under this section shall expire on June 30 of the current licensing year. An application for the renewal of such license for the following year may be made on or after the first day of June.

(2) The annual fee for a taxicab license shall be \$120; provided that, when a license fee has already been paid on a vehicle and that vehicle is, within the year, replaced by another vehicle, the unexpired portion of the license fee paid on the vehicle so replaced shall be credited to the license fee payable for the substitute vehicle. For the purposes hereof the unexpired portion of the license fee paid on the vehicle which has been replaced shall be that portion of the annual fee which is equal to one-twelfth of said fee multiplied by the number of full months remaining during the current licensing year.

Whenever a vehicle licensed as a taxicab is replaced by another vehicle under the provisions of this article, the sum of \$10 in addition to the license fee shall be assessed against the owner of the vehicle so replaced to defray the administrative costs incurred by the County.

When the initial application for such license is made in any month other than July, the license fee shall be reduced by one-twelfth of the annual fee for each full month of the license year which shall have elapsed at time of the application.

(3) Upon payment of fees required by this section, the director of finance shall issue a decal to be placed on the left side of the rear bumper as evidence that current fees have been paid. When a decal is lost, stolen or mutilated, a replacement shall be issued upon collection of a fee of \$1.

**Section 18-37.9. Condition of taxicabs.**

No vehicle shall be operated as a taxicab unless it is in a reasonably clean and safe condition inside, so as not to damage the person, clothing or possessions of a passenger. The vehicle's exterior shall be reasonably clean and shall be essentially free from cracks, breaks and major dents. It shall be painted to provide adequate protection and appearance. Each operating wheel shall be equipped with hub caps, wheel covers, or other suitable covering. Repairs done to comply with this section shall be done within a reasonable time based on availability of parts and labor.

(1990, Ord. No. 90-19, sec. 23; Am. 2008, Ord. No. 08-107, sec. 6.)

**Section 18-37.10. Taxi sign.**

A taxicab shall be identified with a sign (which may be a dome light sign) on the roof of the taxicab. The name of the individual owning or operating the taxicab or the name of the firm shall be shown on the front of the sign and it will be optional to place either the name or telephone number of such individual or firm on the rear of the sign. Except as provided in this article, the type, design, and placement of the sign shall be as specified by the director of public works of the County of Hawai'i. The sign may be a detachable type so that it may be removed when the vehicle is not used for taxicab purposes.

(1990, Ord. No. 90-19, sec. 24; Am. 2001, Ord. No. 01-108, sec. 1; Am. 2008, Ord. No. 08-107, sec.7.)

**Section 18-37.11. Taxicab control numbers.**

No person may operate a taxicab unless the taxicab is clearly identified and marked as prescribed herein with a taxicab control number assigned by the director of finance. The taxicab control number shall be prominently posted on the exterior surfaces of the front and rear bumpers of the taxicab. The taxicab control number posted on the taxicab as prescribed herein may be either painted onto the surfaces or be comprised of decals provided by the taxicab company owner, or operator, and shall conform to such other requirements or specifications as the director of finance may prescribe by rule.

(1990, Ord. No. 90-19, sec. 25.)

**Section 18-37.12. Trip route.**

No operator of a taxicab may transport a passenger except to the requested destination by the most direct or economical route unless specifically instructed or agreed to by the passenger.

(1990, Ord. No. 90-19, sec. 26.)

**Section 18-37.13. Evidence of financial responsibility.**

(a) The director of finance shall require evidence of financial responsibility from the owner and/or operator of a taxicab or taxicab company before issuing a taxicab license and decal to engage in the taxicab business. The owner and/or operator shall have insurance in force and other evidence of financial responsibility so long as the taxicab is used in business.

Such evidence of financial responsibility shall be evidenced by an insurance policy as required below.

The director of finance shall retain the original copy of the insurance policy issued by a company licensed to do business in the State of Hawai'i. The policy shall be duly countersigned by its authorized Hawai'i agent complete with all endorsements and attachments or a certified copy thereof. Such policy shall provide for primary public liability insurance coverage in the amount of \$100,000 because of bodily injury to or death of one person in any accident, and in the amount of \$200,000 because of bodily injury to or death of two or more persons in any one accident, and property damage insurance in the amount of \$50,000 because of damage to or destruction of property of owners in any one accident for each taxicab for hire. All policies shall be on a fiscal year basis ending on June 30 of each year. Insurance policies on

vehicles regulated under this article shall contain a provision that the policy will not be reduced in coverage or cancelled without thirty calendar days’ prior written notice to the director of finance by the authorized Hawai‘i agent for the insurance company.

In addition to the coverage above, if the taxicab operator or taxicab company is participating in a County sponsored shared-ride taxi program or renting a road taxi stand space from the County, they shall comply with the insurance requirements of those programs and the County of Hawai‘i shall be named as additional insured on the policy.

- (b) If at any time after the issuance of the taxicab license and license decal the required insurance coverage is reduced or cancelled, the director of finance shall revoke or suspend the taxicab license and license decal. Such revocation shall be done in accordance with section 18-11 hereof and chapter 91, Hawai‘i Revised Statutes.

(1990, Ord. No. 90-19, sec. 27.)

**Section 18-37.14. Rulemaking powers.**

The director of finance and the chief of police are authorized to promulgate any rules or regulations not inconsistent with this chapter, having the force and effect of law, as provided for in chapter 91, Hawai‘i Revised Statutes, in the administration and enforcement of this article.

(1990, Ord. No. 90-19, sec. 28.)

**Section 18-37.15. Appeals.**

An applicant whose application for a taxicab license has been denied, revoked or suspended by the director of finance may file within thirty days after receipt of said revocation, suspension or denial an appeal for a hearing with the commission.

(1990, Ord. No. 90-19, sec. 29.)

**Section 18-37.16. Trade names and markings.**

The director shall have the power to approve or disapprove the use of a trade name or marking by a taxicab or taxicab company. A trade name or marking may be disapproved if its use may cause confusion or misidentification, or it is in any other way undesirable.

(1990, Ord. No. 90-19, sec. 30.)

**Section 18-37.17. Shared-ride taxi service.**

Notwithstanding any provision contained in this article to the contrary, any taxicab company or operator may provide public transit service by participating in a County-sponsored shared-ride taxi program.

(1990, Ord. No. 90-37, sec. 6.)

**Division 2. Driver’s Permit.**

**Section 18-38. Permit required; content.**

No person shall drive a taxicab without first obtaining a taxicab driver’s permit from the director of finance. The permit shall be mounted in a prominent place within the taxicab being driven by the person to whom it was issued. The permit shall be mounted so that it is visible to all passengers. The permit shall bear a serial number, the name of the person, the person’s address, and a recent color photograph of the person, two copies of which shall be furnished by the applicant, the photograph to be no less than three inches in height and two inches in width. It shall be a violation of this section for any person to alter such taxicab driver’s certificate.

(1975 C.C., c. 5, art. 3, sec. 2; Am. 1990, Ord. No. 90-19, sec. 7; Am. 2008, Ord. No. 08-107, sec. 8.)

**Section 18-39. Issuance requirements; exception.**

No taxicab driver’s permit shall be issued to any person unless such person shall:

- (1) Have a reasonable knowledge of the traffic laws of the County;

- (2) Have a reasonable knowledge of the locations of streets, roads, and highways, and of important County and State buildings and places within the County;
  - (3) Be able to speak and understand the English language well enough to converse satisfactorily with English-speaking people, except that this paragraph shall not apply to any applicant whose sole occupation from September 1, 1955, has been that of a taxicab driver;
  - (4) Be eighteen years of age or older at the time of application;
  - (5) Have a valid State of Hawai'i driver's license; and
  - (6) Be in compliance with the standards promulgated by the director of finance relating to moral character and physical fitness of the applicant based on prior records or certified documents thereto.
- (1975 C.C., c. 5, art. 3, sec. 2; Am. 1990, Ord. No. 90-19, sec. 8; Am. 2008, Ord. No. 08-107, sec. 9.)

**Section 18-40. Expiration; renewal; waiver of examination.**

- (a) Every taxicab driver's permit issued under this article shall expire, unless otherwise revoked or cancelled, one year after the issuance thereof and shall be renewed on or before its expiration date upon reexamination. A new set of color photographs shall be furnished by an applicant with each application for renewal.
  - (b) The director of finance may waive examination upon renewal of a permit.
  - (c) Whenever a driver's license of any taxicab driver is suspended or revoked, the director of finance shall require that the taxicab driver's permit be surrendered to and be retained by the director of finance, except that at the end of the period of suspension, the permit so surrendered shall be returned to the licensee.
- (1975 C.C., c. 5, art. 3, sec. 2; Am. 1990, Ord. No. 90-19, sec. 9; Am. 2008, Ord. No. 08-107, sec. 10.)

**Section 18-41. Permit fee.**

The following fees are established for the issuance of a taxi driver permit; the fees to be deposited in the general fund of the County:

- (1) Initial issuance, \$10.
  - (2) Renewal, \$5.
  - (3) Duplicate to replace lost or mutilated certificate, or corrected certificate, \$5.
- (1975 C.C., c. 2, art. 10, sec. 8; Am. 1977, Ord. No. 315, sec. 1; Am. 1990, Ord. No. 90-19, sec. 10.)

**Section 18-42. Permit revocation or suspension.**

Any taxicab driver's permit issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction whenever:

- (1) The holder of the permit is found to be disqualified by any of the provisions of this article;
  - (2) The holder of the permit has been convicted for a violation of this article;
  - (3) The holder of the permit ceases to drive a taxicab for a period of thirty consecutive days without previously having filed with the director of finance a written notice of intention to cease driving and having been granted permission by the director of finance authorizing the cessation of operation or driving; or
  - (4) The holder of the permit has been convicted of driving while intoxicated or of violating chapter 329, Hawai'i Revised Statutes, or the Federal narcotics laws.
- (1975 C.C., c. 5, art. 3, sec. 3; Am. 1990, Ord. No. 90-19, sec. 11; Am. 2008, Ord. No. 08-107, sec. 11.)

**Section 18-43. Appeal to circuit court.**

Any applicant who has been refused a taxicab driver's permit after at least three examinations, or who has been refused any examination, may appeal the refusal to the circuit court by filing a petition in the court within thirty days of the date of the refusal. The appeal shall not operate as a stay to the order or decision appealed from. The appeal shall be subject to the procedure and rules prescribed by the court.

(1975 C.C., c. 5, art. 3, sec. 4; Am. 1990, Ord. No. 90-19, sec. 12.)

**Division 3. Taximeters and Fares.****Section 18-44. Installation requirements.**

- (a) Every taxicab while operating within the County shall be equipped with a taximeter so mounted in the taxicab that the reading indicator showing the amount of fare to be charged shall at all times be plainly visible to the passenger. The taximeter shall also be attached to the taxicab so that it is possible for a person standing outside the vehicle to tell whether the taximeter is in use or not.
- (b) Between the hours of sunset and sunrise, the reader indicator showing the amount of fare to be charged shall be well lighted and readily discernible by the passenger riding in the taxicab.
- (c) The taximeter shall be operated mechanically by a mechanism of standard design and construction. Except when a taximeter is being cleared, the primary indicating element shall be susceptible of advancement only by motion of the vehicle wheels or by time mechanism.
- (d) The taximeter shall have a position recording mileage only and another position waiting time. The taximeter may also have a position to calculate fares upon the basis of a combination of mileage traveled and time elapsed, as provided in section 18-49.
- (e) The taximeter shall have thereon a flag or other convenient and effective means to denote when the taxicab is employed and when it is not employed.
- (f) The taximeter shall be sealed at all points and connections which, if manipulated, would affect its correct reading and recording.

(1975 C.C., c. 5, art. 3, sec. 5; Am. 1979, Ord. No. 501, sec. 1.)

**Section 18-45. Operation during taxi use.**

- (a) When a taxicab equipped with a taximeter is employed by a passenger, it shall be the duty of the driver to throw the flag or other convenient and effective means of the taximeter into the appropriate employed position, so as to record mileage while the taxicab is in motion and to record waiting time while the taxicab is standing at the direction of the passenger.
- (b) When a taximeter designed to calculate fares upon the basis of a combination of mileage traveled and time elapsed is operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the mileage mechanism whenever the vehicle is in motion at such a speed that the rate of mileage revenue equals or exceeds the time rate, as determined by the division of measurement standards of the State department of agriculture, and may be actuated by the time mechanism whenever the vehicle speed is less than this and when the vehicle is not in motion.
- (c) Means shall be provided for the vehicle operator to render the time mechanism either operative or inoperative with respect to the fare-indicating mechanism.
- (d) The flag or other convenient and effective means of the taximeter shall be kept in the appropriate employed position until the termination of the trip. At the termination of the trip, it shall be the duty of the driver to throw the flag or other convenient and effective means of such taximeter into the nonemployed position.
- (e) This section shall not apply when a taxicab is being operated as a shared-ride taxi under a County-sponsored public transit program.

(1975 C.C., c. 5, art. 3, sec. 5; Am. 1979, Ord. No. 501, sec. 1; Am. 1990, Ord. No. 90-37, sec. 3.)

**Section 18-46. Registration and inspection required.**

- (a) No driver or owner of a taxicab shall offer or let the taxicab for hire unless the taximeter installed therein or adjusted for any change in mileage rate is first registered with and inspected by the State division of measurements standards and found to calculate and register fares correctly in conformity with the rates as set forth in this article and a seal attesting thereto is placed on the taximeter.

- (b) It shall be the duty of the owner or driver of any taxicab equipped with a taximeter to submit the taxicab to the State division of measurements standards for inspection, testing, and sealing on the date established by the division. Every inspection shall include the examination and inspection of the taximeter affixed in the taxicab, every wheel, tire, gear shaft, and every part of the taxicab which may affect or control the operation of the taximeter.

(1975 C.C., c. 5, art. 3, sec. 5; Am. 1979, Ord. No. 501, sec. 1.)

**Section 18-47. Inspection fees.**

The taxicab driver shall pay the fees as may be established by the State division of measurements standards for each taximeter inspection, the frequency of which shall be established by the division.

(1975 C.C., c. 5, art. 3, sec. 5; Am. 1979, Ord. No. 501, sec. 1.)

**Section 18-48. Repair and testing of defective meter.**

- (a) If, upon the required inspection, the State division of measurements standards finds that a taximeter is not calculating and registering a fare in conformity with the rates set forth in this article, no person shall operate the taxicab for business purposes or permit the taxicab to be operated until its taximeter is repaired, inspected, tested, and found to be calculating and registering a fare in conformity with the rates set forth in this article and a seal is placed thereon.

- (b) Nothing contained in this section shall prohibit the replacement of a taximeter with another which conforms with this article.

(1975 C.C., c. 5, art. 1, sec. 5; Am. 1979, Ord. No. 501, sec. 1.)

**Section 18-49. Schedule of fares.**

- (a) No driver or owner of a taxicab while operating the taxicab within the County shall charge, demand, collect, or receive a fare other than that based on the following schedule, except as provided by this section:

- (1) Initial meter actuation shall equal \$3 and shall entitle customer to one-eighth of a mile or less, or one minute waiting or elapsed time or less.
- (2) Thereafter, 40 cents for each additional one-eighth of a mile or fraction thereof.
- (3) Forty cents for each additional one minute of waiting or elapsed time or fraction thereof.

- (b) Where a taximeter is designed to calculate fares upon the basis of a combination of mileage traveled and time elapsed, as provided in section 18-44 the rates of fare upon the combination of mileage traveled and time elapsed shall be the same as fixed by subsection (a).

- (c) The foregoing rates or charges shall be subject to the following exceptions and conditions whichever the case may be:

- (1) Fares are only applicable to the use of the taxicabs when actually occupied by or standing at the direction of the passenger for hire or when occupied by parcels, baggage or property transported for hire; provided that no other charges shall be made for the use of a taxicab for hire except as provided herein.
- (2) A driver, owner or lessee who owns, operates, controls or dispatches a taxicab may give a discount to handicapped persons, senior citizens, or students. Such discount shall not exceed twenty percent of the meter fare.
- (3) The driver, owner or lessee of a taxicab may waive the baggage charges prescribed in section 18-52.

- (d) This section shall not apply when a taxicab or taxicab company is carrying passengers under a County-sponsored public transit program.

- (e) The schedule of fares may be evaluated on an annual basis, no later than June 30 of each year, to make a determination of either proposed increase or decrease to the current taxi fares.

(1975 C.C., c. 5, art. 3, sec. 6; Am. 1978, Ord. No. 365, sec. 1; Am. 1979, Ord. No. 501, sec. 1; Am. 1988, Ord. No. 88-19, sec. 1, Ord. No. 88-39, sec. 1; Am. 1990, Ord. No. 90-19, sec. 13, Ord. No. 90-37, sec. 4; Am. 1996, Ord. 96-161, sec. 1; Am. 2005, Ord. No. 05-24, sec. 1; Am. 2008, Ord. No. 08-149, sec. 1.)

**Section 18-50. Waiting time stipulation.**

No taxicab driver shall charge for waiting time, unless a passenger directs the taxicab driver to wait. (1975 C.C., c. 5, art. 3, sec. 6; Am. 1978, Ord. No. 365, sec. 1; Am. 1979, Ord. No. 501, sec. 1.)

**Section 18-51. Computation of distance for fares.**

Whenever, pursuant to a request, it is necessary for a taxicab to leave its fixed taxi stand to pick up a passenger, the distance between the fixed taxi stand and the point of pickup shall not be added to the distance over which the passenger is actually transported, when computing the total amount of fare which may be charged under section 18-49. The distance a taxicab must travel in order to return to its fixed taxi stand after discharging a passenger shall not be included in the mileage for which any fare may be charged. (1975 C.C., c. 5, art. 3, sec. 6; Am. 1978, Ord. No. 365, sec. 1; Am. 1979, Ord. No. 501, sec. 1.)

**Section 18-52. Baggage charge.**

A taxicab driver may charge \$1 for each piece of baggage, except that any small bag such as a train case, briefcase, or a package that is carried into the cab by the passenger shall be conveyed without charge. For each surfboard or bicycle transported a charge of \$3 may be made. (1975 C.C., c. 5, art. 3, sec. 6; Am. 1978, Ord. No. 365, sec. 1; Am. 1979, Ord. No. 501, sec. 1; Am. 1990, Ord. No. 90-19, sec. 14.)

**Section 18-53. Rate charges.**

The rates of fare effective on January 3, 1980 shall not be charged by individual taxicabs until taximeters have been adjusted by owners and the meters have been tested and sealed by the State division of measurements standards no later than ninety days after January 3, 1980. (1975 C.C., c. 5, art. 3, sec. 6; Am. 1978, Ord. No. 365, sec. 1; Am. 1979, Ord. No. 501, sec. 1.)

**Section 18-54. Multiple loading.**

- (a) Multiple loading of passengers is prohibited except in cases where the first passenger engaging the taxicab consents to the multiple loading.
  - (b) Each separate party of individuals or groups of individuals not traveling together who agree to share a taxicab shall pay the normal shortest route fare from point of origin to their destination, except that each fare of \$1.20 or more (not including nonmeter charges for baggage, surfboards, or bicycles) shall be reduced by twenty percent.
  - (c) A copy of a rate schedule containing the reduced rates for multiple loading shall be posted conspicuously within the taxicab in clear view of passengers. The rate schedule shall be purchased from the commission.
  - (d) This section shall not apply when a taxicab is being operated as a shared-ride taxi under a County-sponsored public transit program.
- (1975 C.C., c. 5, art. 3, sec. 8; Am. 1979, Ord. No. 502, sec. 1; Am. 1990, Ord. No. 90-37, sec. 5.)

**Section 18-55. Posting of rates of fare.**

- (a) A schedule of the rates of fare as provided in this article shall be posted in a conspicuous place within each taxicab so as to be readily visible to any passenger riding within the taxicab.
  - (b) The schedule of the rates of fare shall be legibly printed in bold-type letters not less than three thirty-seconds of an inch in height.
- (1975 C.C., c. 5, art. 3, sec. 9.)

### **Article 3. School Buses.**

#### **Division 1. General Provisions.**

##### **Section 18-56. Definitions.**

As used in this article:

- (1) "Driver" means any person in actual physical control of a school bus.
- (2) "School bus" means the same as the definition for school bus in section 296-47,\* Hawai'i Revised Statutes.
- (3) "School bus operator" means and includes every natural person, firm, copartnership, association, or corporation, binding itself into contract with the County to furnish transportation of school children to or from school as provided by section 296-47,\* Hawai'i Revised Statutes.

(1975 C.C., c. 5, art. 4, sec. 1.)

\* **Editor's Note:** Section 296-47, Hawai'i Revised Statutes, has been repealed.

##### **Section 18-57. Penalty.**

Any person convicted of a violation of this article shall, in addition to any penalty provided by contract, be sentenced to pay a fine of not more than \$500.

(1975 C.C., c. 5, art. 4, sec. 5.)

#### **Division 2. Specifications and Equipment.**

##### **Section 18-58. School bus construction; inspections.**

No vehicle shall be used as a school bus unless the County director of finance determines that the vehicle is safely constructed.

(1975 C.C., c. 5, art. 4, sec. 2.01; Am. 2008, Ord. No. 08-107, sec. 12.)

##### **Section 18-59. Fuel tank location; diesel exception.**

(a) Any gasoline tank shall be located entirely outside that part of the school bus utilized for carrying passengers. Each gasoline tank shall be equipped with an inlet for filling on the exterior of the bus.

(b) This section shall not apply to any diesel-powered bus.

(1975 C.C., c. 5, art. 4, sec. 2.02.)

##### **Section 18-60. Exhaust pipe requirements.**

The placement and installation of exhaust pipes of each school bus shall be as approved by the County department of finance. Every school bus shall be constructed and maintained as to prevent exhaust gases from entering the vehicle through the floor.

(1975 C.C., c. 5, art. 4, sec. 2.03; Am. 2008, Ord. No. 08-107, sec. 13.)

##### **Section 18-61. Door specifications.**

The entrance and exit door of any school bus, shall be placed on the right-hand side of the front of the bus, and shall be directly within the view and under the control of the driver. The entrance and exit shall at all times be kept clear for the ingress and egress of passengers. Every door shall be capable of positive uniform operation at all times.

(1975 C.C., c. 5, art. 4, sec. 2.04.)

**Section 18-62. Emergency exits.**

Each school bus shall be equipped with an emergency exit in the rear, or on the opposite side of the entrance door, to be opened outward and capable of being opened from either the interior or exterior of the bus. The emergency exit shall be equipped with positive devices to keep it closed when not in use and of a character to permit it to be opened readily when necessary without undue accessibility for unauthorized use. The size, location, and type of the emergency exit must meet with the approval of the County department of finance.

(1975 C.C., c. 5, art. 4, sec. 2.05; Am. 2008, Ord. No. 08-107, sec. 14.)

**Section 18-63. Aisles and ceilings.**

No aisle in a school bus shall be less than twelve inches in width. The ceiling of every school bus must be free from any projection likely to cause injury to a pupil. The ceiling over the aisle and backrest of seats of a school bus must be free from any projection.

(1975 C.C., c. 5, art. 4, sec. 2.06.)

**Section 18-64. Seat location.**

No seats for pupils shall be placed ahead of a line drawn crosswise of the bus immediately back of the driver's seat.

(1975 C.C., c. 5, art. 4, sec. 2.07.)

**Section 18-65. Seat specifications.**

Each pupil carried shall be provided with a sitting space which shall be free from any projection, safe, and of sufficient size to accommodate the student. Every seat shall be securely fastened to the part of the school bus supporting the seat.

(1975 C.C., c. 5, art. 4, sec. 2.08.)

**Section 18-66. Required safety equipment.**

Every school bus shall be equipped with an adequate horn, dual or supplementary braking system, rear vision mirror, headlights, taillights, speedometer, windshield constructed of safety glass, windshield wiper, steering, mechanical hand-signalling device if needed, and other equipment required by law.

(1975 C.C., c. 5, art. 4, sec. 2.09.)

**Section 18-67. Sanitary condition required.**

Every school bus shall be cleaned daily and kept in a sanitary condition at all times.

(1975 C.C., c. 5, art. 4, sec. 2.12.)

**Section 18-68. Metal screening required; exception.**

(a) Every side opening between the driver's seat and the rear shall be screened with metal screen of not more than one and three-fourths inch mesh and not less than no. sixteen gauge, all to the satisfaction of the County department of finance.

(b) This section shall not apply to any school bus equipped with safety glass windows which are permanently adjusted to permit not more than fifty percent of the top portion of the side openings from being opened.

(1975 C.C., c. 5, art. 4, sec. 2.15; Am. 2008, Ord. No. 08-107, sec. 15.)

**Section 18-69. Identification markings.**

The words "School Bus" shall be painted on the front and rear of each vehicle used as a school bus in a place and color as the examiner of chauffeurs shall direct. The wordings shall be in letters of not less than eight inches in height and in strokes of not less than three-quarters inch in width.

(1975 C.C., c. 5, art. 4, sec. 2.16.)

**Division 3. Drivers and Bus Operations.****Section 18-70. Liquor prohibited.**

No intoxicating liquor shall at any time be carried in a school bus or upon the person of the driver.  
(1975 C.C., c. 5, art. 4, sec. 3.09.)

**Section 18-71. Smoking restricted.**

Smoking by the bus driver shall be prohibited whenever pupils are being carried.  
(1975 C.C., c. 5, art. 4, sec. 3.08.)

**Section 18-72. Driver hours limited.**

No driver shall work as an operator or be otherwise employed for more than twelve hours in any twenty-four hour period.  
(1975 C.C., c. 5, art. 4, sec. 2.11.)

**Section 18-73. Talking with driver unnecessarily prohibited.**

No driver of a school bus shall carry on unnecessary conversation while the bus is in motion.  
(1975 C.C., c. 5, art. 4, sec. 2.10.)

**Section 18-74. Inspection before operating vehicles.**

Each school bus shall be inspected daily by the driver before use, to ascertain that the windshield is clean and that the lights, horn, and other equipment and mechanical features of the bus are in good and safe operating condition.  
(1975 C.C., c. 5, art. 4, sec. 3.10.)

**Section 18-75. Unsafe vehicle; alternative transportation.**

When any accident or damage occurs to or defect develops in the bus so as to make it unsafe for traveling, the driver shall immediately thereupon discontinue the use of the bus. The driver shall make all necessary arrangements for the safe transportation of the pupils to and from their respective destinations by another means.  
(1975 C.C., c. 5, art. 4, sec. 3.02.)

**Section 18-76. Repair of deficient vehicle; certification required.**

If any school bus is at any time found or known by the driver to be dangerous or unsafe for operation or reported by anyone to the driver as being dangerous or unsafe, the use of the school bus for the transportation of pupils shall be discontinued immediately, until properly examined, and if necessary, repaired, and a certification that the bus is in a safe condition must first be obtained in writing from an official inspection station appointed by the County director of finance.  
(1975 C.C., c. 5, art. 4, sec. 3.03; Am. 2008, Ord. No. 08-107, sec. 16.)

**Section 18-77. Conduct of passengers; driver's responsibility.**

Pupils being transported in a school bus shall be under the authority and control of and responsible directly to the driver of the bus. Continued disorderly conduct, or persistent refusal to submit to the authority of the driver shall be sufficient reason for refusing transportation to any pupil and for other punishment as the local school regulations may provide. The driver of any school bus shall be held responsible for the orderly conduct of pupils transported and shall immediately report any case of misconduct to the principal of the school.  
(1975 C.C., c. 5, art. 4, sec. 3.11.)

**Section 18-78. Discharging riders in a safe manner required.**

Whenever a school bus stops to discharge pupils who must cross the street or highway in order to reach their destination, the pupils must cross the street or highway in front of the bus, except that when it is not practicable to cross the street or highway in front of the bus, pupils may cross behind the bus. In either case, the bus shall not be moved until all pupils have crossed the street or highway. In either case, also, it shall be the responsibility of the driver to see that pupils do not cross the street or highway until they may safely do so. (1975 C.C., c. 5, art. 4, sec. 3.12.)

**Section 18-79. Driving violations to be reported to police.**

Each school bus operator shall report to the police department the license number of any motor vehicle, the operator of which is guilty of a violation of any traffic regulation, when the violation in any way endangers the safety of the pupils being transported. (1975 C.C., c. 5, art. 4, sec. 2.14.)

**Section 18-80. Manner of operation.**

Drivers of a school bus shall at all times operate the vehicle in a safe, prudent, and careful manner with due regard to the traffic and the use of highway by others. (1975 C.C., c. 5, art. 4, sec. 3.01.)

**Section 18-81. Bus operation.**

No driver while transporting school children shall leave the bus while the engine is running or the brakes are released. (1975 C.C., c. 5, art. 4, sec. 2.13.)

**Section 18-82. Dangerous loading prohibited.**

No person shall operate a school bus when it is so loaded or when any person is so seated as to interfere or obstruct the vision of the driver to the front, side, or, by means of the mirror, to the rear, or interfere with the operation of the bus. (1975 C.C., c. 5, art. 4, sec. 3.06.)

**Section 18-83. Doors closed while vehicle in motion.**

Every door shall be kept closed while the bus is in motion. (1975 C.C., c. 5, art. 4, sec. 3.13.)

**Section 18-84. Manner of stopping vehicle outside city.**

A school bus stopping to load or discharge pupils outside the City of Hilo shall stop as far to the right of the roadway as possible whenever the stop can be made with safety. (1975 C.C., c. 5, art. 4, sec. 3.14.)

**Section 18-85. Manner of backing vehicle.**

No school bus shall be put in reverse or be backed while on the school grounds or at any point or place where children enter or leave the bus unless the movement can be made in safety. (1975 C.C., c. 5, art. 4, sec. 3.04.)

**Section 18-86. Use of clutch.**

No school bus shall be operated with the clutch disengaged except when coming to a stop, or with the gears in neutral except when the bus is not in motion. (1975 C.C., c. 5, art. 4, sec. 3.07.)

**Section 18-87. Pulling trailer or transporting freight prohibited.**

No school bus shall, when being used for the transportation of pupils, be operated or driven with any trailer or other vehicle attached thereto, nor shall any school bus transport freight other than the school books and other school material carried by pupils while carrying school children.  
(1975 C.C., c. 5, art. 4, sec. 3.05.)

**Division 4. Inspections.****Section 18-88. Inspection of vehicles; issuance of certificate.**

The County director of finance or the director of finance's duly authorized subordinate, which shall include any official vehicle inspection station, shall, before any passenger license is issued to the bus, inspect the bus for which a license is requested, and if such person finds the bus to be in good serviceable and safe condition for the safe transportation of passengers, such person shall deliver to the applicant therefor a certificate setting forth the fact that the bus has been inspected and found to be safe for the transportation of pupils.

(1975 C.C., c. 5, art. 4, sec. 4.01; Am. 2008, Ord. No. 08-107, sec. 17.)

**Section 18-89. Monthly inspection required; certificate of inspection.**

- (a) Any vehicle used for the transportation of school children shall be subject to a thorough inspection monthly, by the County department of finance or any official inspection station so designated and authorized by the director of finance. When a vehicle has been inspected and found to be in a satisfactory operating condition, the department or inspection station shall issue a certificate of inspection, which certificate shall include a check list printed on the reverse side, certifying as to the equipment and mechanisms checked, and certifying to the adequacy and safety of the vehicle and equipment.
- (b) No vehicle without a certificate of inspection shall be used and no claims for the transportation of school children shall be paid unless accompanied by a certificate of inspection. A copy of the certificate shall be submitted each month to the district superintendent, Hawai'i island schools.

(1975 C.C., c. 5, art. 4, sec. 4.02; Am. 2008, Ord. No. 08-107, sec. 18.)

**Article 4. Public Transit System.****Division 1. Island-Wide Fare Structure.****Section 18-90. Fares.**

Every person using the mass transit service owned, maintained or operated by the County shall be charged the fares set out in the following schedules:

- (a) Hilo-Hāmākua-Waimea-Kohala-Kona.  
For one-way travel within each zone set out in fare schedule A, a base cash fare of 75 cents will be collected. For one-way travel between any two zones, the cash fare to be collected is set out in fare schedule A in section 18-92.
- (b) Hilo-Puna-Ka'ū.  
For one-way travel within each zone set out in fare schedule B, a base cash fare of 75 cents will be collected. For one-way travel between any two zones, the fare to be collected is set out in fare schedule B in section 18-92.
- (c) Fare prepayment discount.  
All tickets for travel between the points set out in above schedules can be prepurchased at a discount of ten percent off the scheduled cash fare. The monthly bus pass fare plan shall be based upon individual issuance of bus passes for travel within and between designated zones set out in the above schedules upon payment of the designated monthly bus fares to the mass transit agency. The ten percent discount in this paragraph shall not apply to the demand response fare.

- (d) Fare prepayment discount for senior citizens, handicapped persons and students.  
All tickets for travel by senior citizens, handicapped persons and students, between the points set out in the above schedules, can be prepurchased at a discount of thirty-three and one-third percent off the scheduled cash fare. The monthly bus pass fare plan shall be based upon individual issuance of bus passes for travel within and between designated zones set out in the above schedules upon payment of the designated monthly bus fares to the mass transit agency. The ten percent discount in paragraph (c) shall not apply to prepaid tickets and monthly bus passes purchased pursuant to this paragraph. The thirty-three and one-third percent discount in this paragraph shall not apply to the demand response fare.
- (e) Circuit fares.  
For same day round-trip travel discount based on the regular one-way fare, the circuit fare to be collected is set out in schedule C in section 18-92.
- (f) Shared-ride fares.  
Shared-ride program coupons may be purchased by the public through the mass transit agency and its designated coupon sales outlets in accordance with the following schedule:

**Coupon Price**

5 coupon book .....	\$15	(\$3 per coupon)
10 coupon book .....	\$25	(\$2.50 per coupon)
15 coupon book .....	\$30	(\$2 per coupon)

For one-way travel limited to a maximum of nine miles under the shared-ride program the fare to be collected is set out in fare schedule D in section 18-92.

- (g) Promotional fares.
  - (1) The purpose of this subsection is to provide lower bus fares when a new route or service is provided or to boost ridership on established routes.
  - (2) The transit administrator may establish fares on a temporary basis for a period not to exceed ninety calendar days for bus routes and services.
- (h) Island-wide transportation free zone.
  - (1) The purpose of this subsection is to provide the public with a transportation alternative to the private automobile. The provision of an effective public transportation system for the residents of the County of Hawai‘i will produce economic, social and lifestyle benefits for the residents of Hawai‘i County. The distances residents must travel for work, medical, education, and social needs will be alleviated by providing public transportation at no cost to the user.
  - (2) The County of Hawai‘i shall be designated a transportation kōkua zone. Riders boarding and alighting any regularly scheduled bus route operated by the County of Hawai‘i or its designee shall ride free of charge.
  - (3) The transportation kōkua zone shall not apply to County contracted shared-ride taxi services, County operated curb to curb van services, or County operated non-scheduled bus services.
  - (4) The County wide transportation kōkua zone shall terminate on December 31, 2009.
  - (5) Within one year of the kōkua zone’s effective date, and again not later than ninety days prior to December 31, 2009, the transit administrator shall report to the Hawai‘i County council on the impact of its implementation.

(1986, Ord. No. 86-15, sec. 2; Am. 1990, Ord. No. 90-37, sec. 7, Ord. No. 90-91, sec. 1; Am. 2004, Ord. No. 04-141, sec. 1; Am. 2005, Ord. No. 05-151, sec. 1; Am 2007, Ord. No. 07-141, sec. 2.)

## Chapter 19

### REAL PROPERTY TAXES

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**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:

“Affordable rental housing” means a residential unit where the rental cost does not exceed the affordable rental rate.

“Affordable rental rate” is a monthly rent not to exceed seventy-five percent of the Payment Standards as established by the office of housing and community development as of the first of January each year.

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

“Certification of rental rate” means the sworn statement of the parcel owner attesting under penalty of law the rental rate that the land owner will charge and maintain for all renters on that parcel for that calendar year.

“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.

“Date of classification” means July 1 of the tax year for which such classification is claimed.

“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; Am. 2008, Ord. No. 08-130, sec. 1.)

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## REAL PROPERTY TAXES

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**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.

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- (f) In determining the value of buildings, consideration shall be given to any additions, alterations, remodeling, modifications or other new construction, improvement or repair work undertaken upon or made to existing buildings as the same may result in higher assessable valuation of said buildings; provided, however, that the increase in value resulting from any additions, alterations, modifications or other new construction, improvements or repair work to buildings undertaken or made by the owner-occupant thereof pursuant to the requirements of any urban redevelopment, rehabilitation or conservation project under the provisions of part II of chapter 53, Hawai'i Revised Statutes, shall not increase the assessable valuation of any building for a period of seven years from the date of certification as hereinafter provided.

It is further provided that the owner-occupant shall file with the director of finance, in the manner and place which the director may designate, a statement of the details of the improvements certified in the following manner:

- (1) In the case of additions, alterations, modifications or other new construction, improvements or repair work to a building that are undertaken pursuant to any urban redevelopment, rehabilitation or conservation project as hereinabove mentioned, the statement shall be certified by the mayor or any government official designated by the mayor and approved by the council, that the additions, alterations, modifications, or other new construction, improvement or repair work to the buildings were made and satisfactorily comply with the particular urban redevelopment, rehabilitation or conservation act provision, or
  - (2) In the case of maintenance or repairs to a residential building undertaken pursuant to any health, safety, sanitation or other governmental code provision, the statement shall be certified by the mayor or any governmental official designated by the mayor and approved by the council, that:
    - (A) The building was inspected by them and found to be substandard when the owner-occupant made the claim, and
    - (B) The maintenance or repairs to the buildings were made and satisfactorily comply with the particular code provision.
- (g) Limitation on homeowner assessment.
- (1) For properties in the homeowner class as of January 1, 2004 and not dedicated to nonspeculative residential use, the assessed value of the property shall not increase more than three percent per tax year until the parcel is sold or any portion thereof sold by way of conveyance which is subject to conveyance tax under terms of chapter 247, Hawai'i Revised Statutes, at which time the property will be assessed at market value. In addition to the three percent limit of this subsection any improvements undertaken on the property within the tax year shall be assessed at market value. All parcels entering this class after January 1, 2004 shall have the assessed value as of January 1 of the following year and be subject to the above provisions.
  - (2) Those properties dedicated to nonspeculative residential use as of January 1, 2004 may terminate the dedication without imposition of retroactive taxes upon filing and approval of petition for such termination with the director of finance by September 1, 2009. Upon termination of the dedication these properties shall be assessed at the market value and subject to section 19-53(g)(1).
  - (3) Those properties dedicated to nonspeculative residential use as of January 1, 2004 may continue the dedication and upon termination of the dedication period the parcel shall be assessed at the market value and the year following the termination be subject to section 19-53(g)(1) unless the dedication is renewed as provided in section 19-58.1.
  - (4) Those properties dedicated to nonspeculative residential use as of the effective date of this ordinance may terminate the dedication without the imposition of retroactive taxes upon filing and approval of petition for termination of dedication with the director of finance by September 1, 2009.

For properties with an effective date of dedication prior to July 1, 2005, or renewals after July 1, 2005, the assessed value shall be the market value at January 1, 2004 and increased compounded annually by three percent; and for properties with an effective date of dedication after July 1, 2005, the assessed value shall be the market value at the effective date of dedication and increased compounded annually by three percent as set in the table below rounded to the nearest hundred dollars of assessed value:

<u>Effective Date of Dedication</u>	<u>Market Value at</u>	<u>Assessed Value Multiplier</u>
<u>Prior to July 1, 2005</u>	<u>January 1, 2004</u>	<u>1.1941</u>
<u>July 1, 2005</u>	<u>January 1, 2005</u>	<u>1.1593</u>
<u>July 1, 2006</u>	<u>January 1, 2006</u>	<u>1.1255</u>
<u>July 1, 2007</u>	<u>January 1, 2007</u>	<u>1.0927</u>
<u>July 1, 2008</u>	<u>January 1, 2008</u>	<u>1.0609</u>

- (5) Paragraphs 19-53(g)(2), (3), (4) and (5) shall be repealed upon the final participant in the nonspeculative residential use program being converted as provided above.
- (h) Eligibility for affordable rental housing class.
  - (1) Real property occupied as affordable rental housing must be rented at a rate not to exceed the affordable rental rate for the entire calendar year claimed and must be legally permitted by all codes.
  - (2) All rental units on affordable rental housing properties must be rented at the affordable rental rates.
  - (3) Affordable rental housing properties shall not be excluded by the owner’s principal residence also being on the property.
  - (4) For properties in the affordable rental housing class as of January 1, 2008, the assessed value of the property shall not increase more than three percent per tax year until the parcel is sold or any portion thereof sold by way of conveyance which is subject to conveyance tax under terms of chapter 247, Hawai‘i Revised Statutes, at which time the property will be assessed at market value. In addition to the three percent limit of this subsection, any improvements undertaken on the property within the tax year shall be assessed at market value. All parcels entering this class after January 1, 2008, shall have the assessed value as of January 1 of the following year and be subject to the above provisions.
- (i) Application for the affordable rental housing class.
  - (1) No affordable rental housing classification shall be granted unless the claimant shall annually have filed with the department of finance, on or before December 31 preceding the tax year for which such classification is claimed, a claim for such classification in such form as shall be prescribed by the department and shall include but not be limited to rental agreements signed by the renter or excise tax returns.
  - (2) No affordable rental housing classification shall be granted unless and until a Hawai‘i County real property tax assessor evaluates the property and establishes its current market value.
  - (3) The landowner shall submit a certification of rental rates affirming that the rental rates charged to all renters on that parcel shall be at the affordable rental rate and that rate will be maintained for the calendar year.

- (j) Breach of affordable rental housing class.
- (1) Rental of any unit during the calendar year at a rate higher than the affordable rental rate shall breach the classification.
  - (2) Any conveyance of the parcel or portion of the parcel subject to conveyance tax under terms of chapter 247, Hawai‘i Revised Statutes, shall breach the classification.
  - (3) Upon breach of the classification, the tax assessment shall be cancelled retroactive to the date of the classification, but for not more than a period of two years plus the current year, and all difference in the amount of taxes that were paid and those that would have been due from the assessment in the higher classification shall be payable with a ten percent penalty.

(1981, Ord. No. 613, sec. 56; Am. 1982, Ord. No. 834, sec. 2; Am. 1984, Ord. No. 84-21, sec. 1; Am. 1990, Ord. No. 90-136, sec. 2; Am. 1990, Ord. No. 90-157, sec. 1; Am. 1991, Ord. No. 91-143, sec. 2; Am. 1996, Ord. No. 96-71, sec. 2; Am. 1997, Ord. No. 97-84, sec. 1; Ord. No. 97-153, sec. 2; Am. 2000, Ord. No. 00-48, sec. 2; Am. 2003, Ord. No. 03-103, secs. 2 and 3; Am. 2004, Ord. No. 04-67, sec. 1, Ord. No. 04-121, sec. 2, Ord. No. 04-143, sec. 2; Am. 2006, Ord. No. 06-147, sec. 2; Am. 2007, Ord. No. 07-107, secs. 3 and 4; Am. 2007, Ord. No. 07-163, sec. 2; Am. 2008, Ord. No. 08-156, sec. 2.)

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**Section 19-53.1. Valuation of public utilities.**

- (a) Notwithstanding any section to the contrary, the director of finance, in determining the market value assessment of the property of the public utilities, may use the values for real property as set forth in the annual financial reports of the public utilities as filed with the Public Utilities Commission, pursuant to chapter 269, Hawai‘i Revised Statutes, as the basis for the director’s assessment, which shall be deemed prima facie correct. Due to the unique nature of the public utility and its equipment, assignment of values to individual tax map keys is not required.
- (b) For the purposes of this section, the following definitions are also adopted:
- (1) “Public utilities” are as defined in section 269-1, Hawai‘i Revised Statutes.
  - (2) “Outside plant” means public utility real property, predominantly production, transmission, collection, switching, and distribution facilities, that may consist of one or more of the following:
    - (A) Units that have physical and functional characteristics that are so similar that they are accounted for as a group or class and are generally installed on easements.
    - (B) Transmission cable, wire or pipes, including support or conduit structures.
    - (C) Substation equipment.
    - (D) Measuring and regulating equipment.
    - (E) Generation equipment.
    - (F) Storage equipment.
    - (G) Switching equipment.
  - (3) “Plant or structure” means public utility real property improvements that are not outside plant, such as buildings, generating stations, production plants, gas compressor stations, boilers, switching plants, dams and reservoirs, circuit equipment, radio systems, terminals, satellite facilities, storage, wells, pumping facilities, and including those items which are included in the outside plant definition above.
  - (4) “Property” is the same as defined in section 19-2.
- (c) Valuations are determined as follows:
- (1) Land. Land values are determined by the market value approach in accordance with section 19-53.
  - (2) Public utility real property generally classed as outside plant, as set forth in section 19-53.1(b)(2), including but not limited to, production, transmission, collection, switching or distribution substation equipment or measuring, regulating, generation, storage or switching equipment or improved property is appraised on the basis of its reproduction cost new less allowances for physical depreciation, functional obsolescence and economic obsolescence, if any. The reproduction cost new is determined by multiplying reported inventory original cost by appropriate price indices and/or by multiplying physical inventories by appropriate unit prices. The rate of depreciation is a function of the appraised property’s age, estimated service life and salvage factor. Such determinations and assessments of fair market value shall be made, to the extent possible, in accordance with the annual financial reports as filed with the Public Utilities Commission pursuant to chapter 269, Hawai‘i Revised Statutes, which shall be deemed prima facie correct. For all lands of public utilities not categorized by section 19-53(a), said improvements shall be taxed at a rate assigned to the industrial classification.
  - (3) Plant; Structure. The value of improvements that are plant or structure as set forth in section 19-53.1(b)(3), including but not limited to, buildings, generating stations, gas compressor stations, switching plants, dams and reservoirs, circuit equipment, radio systems, terminals, satellite facilities, storage, wells, and pumping stations, is determined using the same methodology as is used in appraising outside plant properties.
  - (4) For the purpose of liens and foreclosure, any outside plant property shall be considered a part of any system or plant to which it is a part of and to which a tax map key has been assigned.

- (d) Deferred or rollback tax.
- (1) A deferred or rollback tax shall be imposed on the owner of the agricultural land upon any of the following events:
    - (A) Conversion to any County zoned district other than agricultural, residential and agricultural, family agricultural, intensive agricultural, or agricultural project district as a result of a petition by the owner or lessee;
    - (B) The property is subdivided into parcels of less than five acres in size; or
    - (C) A condominium property regime is declared for the property having condominium units with an area equivalent to less than five acres in size.
  - (2) The deferred tax shall commence from the date the conversion was made retroactive to the date the agricultural use assessment was approved, but for not more than a period of two years plus the current year.
  - (3) The amount of deferred taxes shall be based on the difference between the assessed market value at highest and best use and the assessed agricultural use value of the land at the tax rate applicable for the respective years, with a ten percent penalty.
- (1981, Ord. No. 613, sec. 60; Am. 1997, Ord. No. 97-84, sec. 1; Am. 2004, Ord. No. 04-143, sec. 4.)

**Section 19-58. Certain lands dedicated for residential use.**

- (a) The term “owner” as used in this section means a person who is the fee simple owner of real property, or who is the lessee of real property whose lease term extends at least ten years from the effective date of the dedication.
- (b) A special land reserve is established to enable the owner of any parcel of land within a hotel, apartment, resort, commercial, or industrial district to dedicate the owner’s land for residential use and to have the land assessed at its value in residential use; provided that:
  - (1) The land dedicated shall be limited to a parcel used only for single-family dwelling residential use;
  - (2) The owner of the land dedicated shall use it as the owner’s principal residence and qualify to be in the homeowner’s class per section 19-53(e)(2)(A); and
  - (3) Not more than one parcel of land shall be dedicated for residential use by any owner.
- (c) If any owner desires to use the owner’s land for residential use and to have the land assessed at its value in this use, the owner shall so petition the director of finance and declare in the petition that if the petition is approved, the owner will use the land for single-family dwelling residential use only and that the land so dedicated will be used exclusively as the owner’s principal residence.
 

Upon receipt of any such petition, the director of finance shall make a finding of fact as to whether the land described in the petition is being used by the owner for single-family dwelling residential use only and exclusively as the owner’s principal residence. If the finding is favorable to the owner, the director shall approve the petition and declare the land to be dedicated.
- (d) The approval of the petition by the director of finance to dedicate shall constitute a forfeiture on the part of the owner of any right to change the use of the land for a minimum period of ten years. At least one hundred eighty days prior to the cancellation date, the department of finance shall notify the owner by mail of such cancellation. 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 on the use of the land or the sale of the property shall cancel the special tax assessment privilege retroactive to the date of the dedication, or the latest renewal ten-year period, and all differences in the amount of taxes that were paid and those that would have been due from assessment in the higher use shall be payable with a ten percent penalty from the respective dates that these payments would have been due. Failure to observe the restrictions on the use means failure for a period of over twelve consecutive months to use the land in the manner requested in the petition or the overt act of changing the use for any period, or the sale of the real property. Nothing in this subsection shall preclude the County from pursuing any other remedy to enforce the covenant on the use of the land.

The additional taxes and penalties, due and owing as a result of failure to use or any other breach of the dedication shall be a paramount lien upon the property as provided for by this chapter.

- (f) The director of finance shall prescribe the form of the petition. The petition shall be filed with the director of finance by September 1 of any calendar year and shall be approved or disapproved by December 15. If approved, the dedication shall be effective on July 1 of the following tax year.
  - (g) The owner may appeal any disapproved petition as in the case of an appeal from an assessment.
- (1981, Ord. No. 613, sec. 61; Am. 1997, Ord. No. 97-84, sec. 1.)

**Section 19-58.1. Certain lands dedicated to nonspeculative residential use. Only renewal petitions will be accepted.**

- (a) The term “owner” as used in this section shall mean the fee owner or the lessee of real property with an unexpired lease term of not less than five years from the effective date of the dedication.
- (b) Any owner of property who qualifies under sections 19-71 and 19-72 for home exemption and uses the property exclusively for residential use may dedicate said property in its entirety to nonspeculative residential use and have that parcel assessed in the manner provided by section 19-58.2, except that a husband and wife, although living separate and apart, shall be entitled to dedicate only one parcel to the nonspeculative residential use.

Exclusive residential use as used in this section shall not permit the owner to conduct any commercial activities on the property, except as otherwise permitted in sections 19-71(a) and (b). Those owners who have dedicated their property to agricultural use or receive the benefit of the agricultural use or native forest dedication shall not be eligible for this nonspeculative residential use dedication.

- (c) In the case of a renewal which immediately follows an expiring term, the assessment base for the new five- or ten-year dedication term shall be the dedicated value on the expiration date plus fifty percent of the amount of increase between the dedicated value and the market valuation as of January 1, preceding the termination of the dedication term.
- (d) If, during any period of dedication, any breach of the dedication requirements should occur, the special nonspeculative residential use assessment privilege shall be canceled and retroactive taxes shall be imposed. Breach of the dedication shall include termination of the dedication after September 1, 2009 or other unauthorized termination, the failure to maintain the home exemption status of the property, violating the exclusive residential use provision, dedicating the property to agricultural use or receiving the benefit of the agricultural use assessment, subdivision of the property into separate parcels, or the declaration of a condominium property regime, or the sale of the dedicated property or any portion thereof sold by way of a conveyance which is subject to conveyance tax under the terms of chapter 247, Hawai‘i Revised Statutes. Retroactive taxes due and owing as a result of the breach shall be a paramount lien on the property.

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- (1) Provided, that the nonspeculative residential use dedication shall not be breached if the dedicated property meets the criteria as listed below:

The following also includes provisions that are not subject to the conveyance tax under the terms of chapter 247, Hawai'i Revised Statutes, and are included for further clarification.

- (A) Transferred to the owner's heirs by testacy or intestacy,
  - (B) Jointly owned by spouses and upon the death of one spouse ownership is transferred to the surviving spouse,
  - (C) Transferred to a spouse or former spouse in connection with a property settlement agreement or decree of dissolution of a marriage or legal separation,
  - (D) Transferred to a trustee for the beneficial use of a spouse, or the surviving spouse of a deceased transferor, or by a trustee of such a trust to the spouse of the trustor,
  - (E) Subject to a title change between spouses and said change does not result in a loss of the home exemption status,
  - (F) And the heirs, surviving spouse, divorced spouse, or trustee, within sixty days after receiving title to the property, petitions the director, in writing, to continue the dedication and the property continues to qualify for the home exemption as defined in sections 19-71 and 19-72, or
  - (G) The dedication shall not be cancelled if the lessee purchases the leased fee interest from the lessor.
- (2) Provided further that, except as provided herein, retroactive taxes shall not be assessed when:
- (A) A person receives title to property dedicated to nonspeculative residential use by ways of testacy or intestacy and does not petition the director to continue the dedication as provided in section 19-58.1(d)(1)(A).
  - (B) The dedicated property is jointly owned by spouses and upon the death of one spouse, ownership is transferred to the surviving spouse, and the surviving spouse does not petition the director to continue the dedication as provided in section 19-58.1(d)(1)(B).
  - (C) The property is wholly or partially destroyed or damaged as a result of fire, seismic or tidal wave, volcanic eruption, earthquake, flood waters and wind or rain storm.

The owner may cancel the dedication for the reasons enumerated in paragraph (2)(C) by submitting written notice of the cancellation within sixty days of the damage or destruction. Cancellations shall become effective July 1 of the next tax year, and the property shall be assessed in accordance with section 19-53(a).

- (e) The director shall prescribe the form of the petition.
  - (f) Only renewal petitions will be accepted. Section 19-58.1 shall be repealed upon the final participant in the nonspeculative residential use program being converted as provided in subsection 19-53(g).
- (1990, Ord. No. 90-137, sec. 3; Am. 1991, Ord. No. 91-109, sec. 2; Am. 1991, Ord. No. 91-122, sec. 2; Am. 1997, Ord. No. 97-84, sec. 1; Am. 2003, Ord. No. 03-103, sec. 4; Am. 2004, Ord. No. 04-122, sec. 2; Am. 2008, Ord. No. 08-156, sec. 3.)

**Section 19-58.2. Nonspeculative residential use assessment.**

Properties approved by the director for dedication to nonspeculative residential use shall be assessed for real property tax purposes in the following manner:

- (a) Property, approved for nonspeculative residential use dedication, shall be assessed for real property tax valuation purposes on its market value as of the assessment date January 1 of the calendar year following the petition approval. This assessment shall be frozen for the dedication period, except for adjustments as provided for in this section.

- (b) Upon approval by the director of succeeding dedications by the owner of the same property, the assessed valuation shall continue to be assessed in accordance with the provisions of section 19-58.2(a).
  - (c) If any improvements are undertaken on the dedicated property, and such improvements increase the market value of the dedicated property, the assessment shall be increased based on the market value of the improvements undertaken, however, the assessed valuation for ensuing tax years shall be determined in accordance with the provisions of section 19-58.2(a).
  - (d) If any improvements are undertaken on the dedicated property, the owner shall obtain the required building permit for the construction of new or additional improvements or renovations of the dedicated property. Violation of this reporting requirement will result in cancellation of the dedication and activate payment of retroactive taxes and penalties.
  - (e) In the case where additional dwelling units are constructed or a single-family dwelling unit is renovated or converted into a two or more family dwelling unit all in accordance with article 6, chapter 25, Hawai‘i County Code of 1983, as amended, the dedication shall not be cancelled provided the owners within sixty days of the change submit a written petition to continue the dedication and file the claim for home exemption and the owners would continue to be eligible for the home exemption. If the owner fails to submit the written petition in a timely manner or uses the additional dwelling units or renovated areas for rental or income-producing purposes the dedication shall be cancelled and the retroactive taxes imposed.
  - (f) If the dedicated property loses the home exemption under which it was dedicated, or if the dedicated property or any portion thereof is sold by way of a conveyance which is subject to conveyance tax under the terms of chapter 247, Hawai‘i Revised Statutes, the dedication shall be deemed breached. Occupancy of a separate living unit by an immediate family member is permissible under this section and is not considered a breach of dedication provided all other provisions are met. For the purpose of this section immediate family is defined as: parents, brothers, sisters, spouses, children, parents-in-law, grandparents, and grandchildren.
  - (g) Retroactive assessments shall be imposed upon the breach of the dedication. The retroactive assessment shall be calculated as the cumulative difference between the amount that should have been owed without the dedication less the amount actually paid for each of the years deemed to be in breach plus penalty at a rate of ten percent. If the dedicated property is sold, the retroactive assessment for that year shall be calculated as the difference between the dedicated value and the higher of either the actual selling price or the value of the property at its actual use. In the case of properties dedicated to nonspeculative use, notice of assessment as prepared under section 19-27 shall delineate the dedicated value and market value, beginning tax year 1993-94.
  - (h) Section 19-58.2 shall be repealed upon the final participant in the nonspeculative residential use program being converted as provided in subsection 19-53(g).
- (1990, Ord. No. 90-137, sec. 3; Am. 1991, Ord. No. 91-122, sec. 3; Am. 1997, Ord. No. 97-84, sec. 1; Am. 2008, Ord. No. 08-156, sec. 3.)

**Section 19-58.3. Reserved.**

(1990, Ord. No. 90-137, sec. 3; Am. 1997, Ord. No. 97-84, sec. 1.)

**Section 19-58.4. Reserved.**

(1996, Ord. No. 96-71, sec. 3; Am. 1997, Ord. No. 97-84, sec. 1; Am. 2003, Ord. 03-103, sec 5.)

**Article 8. Dedications.**

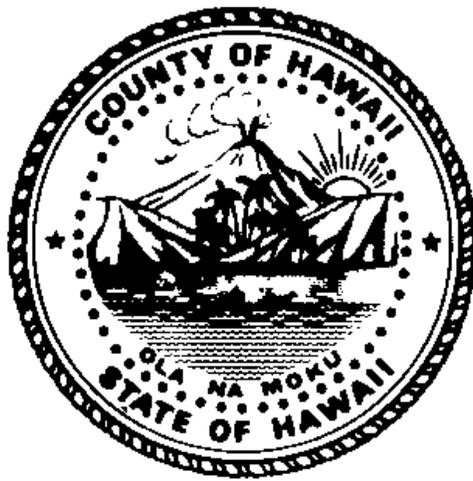
**Section 19-59. Native forest dedications.**

- (a) “Native forests” means lands which have sixty percent or greater native species forest cover.
  - (1) Native species are defined as those species indigenous to the Hawaiian islands. Indigenous in this context shall mean plants that became established or evolved in the Hawaiian islands without the aid of human beings.

# THE HAWAI‘I COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: **Supplement 7 (1-2009)**  
Contains ordinances effective through: **12-31-08**



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 2



### **Article 5. Sewer Connection Loan Program.**

#### **Section 21-37. Findings and purpose.**

Increasingly strict Federal and State government requirements springing from the Federal Water Pollution Control Act, P.L. 92-500, commonly called the Clean Water Act, have been placed on local governments to upgrade the treatment of wastewater. The County of Hawai‘i, as a condition of receiving Federal construction grants for wastewater treatment facilities, has been mandated by the Environmental Protection Agency to construct sewer lines and laterals in Hilo and Kona and to expedite full utilization of the collector lines by requiring existing houses adjacent to those sewer lines and laterals to connect to the sewer system.

While sewer connections to future new subdivisions can be planned to minimize the cost and the cost can be amortized in the mortgage, sewer connections to existing houses are more problematic. The cost of connecting an existing house to the sewer can be very expensive and varies greatly with the geology (soil or rock), the elevation of the house in relation to the lateral, the distance from the house to the lateral, and the topography and improvements between the house and the lateral. Many of the houses mandated for sewer hookup are owned by elderly people on fixed incomes who may find it financially difficult or impossible to pay for the connection at an estimated cost ranging from \$3,000 to over \$30,000.

Section 21-5, requires connection to the sewer of lots accessible to a sewer. Conditions of Federal Environmental Protection Agency grants for construction of wastewater facilities in Hilo and Kailua-Kona also require the County of Hawai‘i to ensure full utilization of those facilities by mandating connection of existing houses to the sewer systems. For the Hilo wastewater treatment and conveyance project, Federal EPA Grant no. C150062 02, condition no. 14 of Grant amendment no. 1 requires the County of Hawai‘i to enforce the sewer use ordinance and require each and every existing dwelling or dwelling equivalent accessible to a sewer in Hilo to connect to the collection system. For the Kailua-Kona Sewerage System, Federal EPA Grant no. C150080 06, condition no. 8 requires the County of Hawai‘i to assure the timely hookup of residences to collection sewers.

The connection cost may be financially burdensome for many owners. Therefore, the council finds that, in order to assure that all possible lots are connected to the sewer to meet Federal and State requirements, it is in the public interest to create, in cooperation with a bank or other financial institution, a program by which the County of Hawai‘i assists owners to connect to the sewer by guaranteeing loans for this purpose.

The guaranteed loan program would allow the owner to get a County-guaranteed loan from the bank or other financial institution after it agrees that the County of Hawai‘i shall place a lien on the property at the time the loan closes. The lien would be for the hookup cost, interest, loan fees and loan costs. The County of Hawai‘i would guarantee the bank or other financial institution that it will pay the balance of the loan in full should the owner default on the loan. If the owner cannot qualify for a loan, the County of Hawai‘i will pay a contractor for the hookup, and charge the same interest rate as the bank or financial institution that handles the County-guaranteed loan program.

This law shall cover the sewer connections which will be required in the following increments:

Waiākea Houselots	110 lots
Waiākea Mill Pond	100 lots
Ainako “A”	114 lots
Kalaniana‘ole Laterals	125 lots
Ainako “B”	93 lots
(Optional Hookups)	100 lots
Ali‘i Drive “A” — “F”	200 lots
Honoka‘a	100 lots

(1992, Ord. No. 92-136, sec. 1; Am. 2008, Ord. No. 08-117, sec. 1.)

**Section 21-38. Definitions.**

For purposes of this article, the following words and phrases, unless the context otherwise requires, shall be defined as indicated:

“Default” means the failure of a guaranteed borrower to make a required payment to a designated bank within ninety days of the date upon which the payment is due as stated in the contract between a designated bank and a guaranteed borrower.

“Designated bank” means any bank or financial institution approved by the director of finance pursuant to this article to provide loans to owners who are required to connect property to sewers by section 21-5.

“Guaranteed borrower” means an owner who has executed the appropriate agreements with the County of Hawai‘i required by this article and whose loan with a designated bank is guaranteed by the County of Hawai‘i in accordance with this article.

“Increment” means any one of the planned sewer construction projects stated in section 21-37.

“Owner” means:

- (1) A person or persons, including joint tenants, tenants in common, tenants by the entirety, corporations, and partnerships who hold the fee title to real property which is required to be connected to sewer lines pursuant to section 21-5; or
- (2) A person or persons, including joint tenants, tenants in common, tenants by the entirety, corporations and partnerships to whom has been entrusted pursuant to law the legal or equitable titles to real property which is required to be connected to sewer lines pursuant to section 21-5, and who are empowered to act as trustees of that real property for the benefit of another or others, or as trustees of a self-trusted revocable living trust; or
- (3) A person or persons who hold equitable title pursuant to an agreement of sale of real property which is required to be connected to sewer lines pursuant to this chapter; or
- (4) A person or persons who hold, under a lease for a term of five years or more for residential purposes, real property which is required to be connected to sewer lines pursuant to this chapter.

“Self-directed revocable living trust” means a trust formed for the purpose of management and administration of real property and in which the owner(s) of an interest in real property becomes settlor(s) and trustee(s) of the trust by making said real property the trust res, and administering said property for the benefit of the owner(s).

(1992, Ord. No. 92-136, sec. 1.)

**Section 21-39. Sewer connection loan program.**

- (a) Before the director, pursuant to section 21-5, notifies property owners in an increment of the requirement that they connect their properties to the sewer line, the director of finance shall be authorized to develop a sewer connection loan program for the purpose of guaranteeing loans used to connect lots which are a part of that increment to the sewer lines. The director of finance may consult with any banks or financial institutions about participation in a program of loan guarantees for owners of properties who are required to connect to sewers pursuant to section 21-5.
- (b) After consultation, the director of finance shall designate one or more banks or financial institutions to handle the County-guaranteed loan program. In designating a bank or financial institution, the director shall consider the interest rates offered on the loans by the bank, the number of months and monthly payments of the loan, and the willingness of the institution to make the same agreed-upon rate offered on the County-guaranteed loans available to others borrowing money to pay for sewer hookup fees whose loans are not guaranteed by the County of Hawai‘i. Any bank or financial institution which complies with the terms of the loan program shall qualify as a designated bank.

- (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 Mikokoī 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‘ū
- (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 Kaulalaa Road.
    - (B) Entering Kaulalaa Road from Pū'āla'a Road.
  - (11) Entering Ka'ohē Homestead Road from Cemetery Road.
  - (12) 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.
  - (13) Kapoho Lighthouse Road (portion of ER8(1)), entering the Kalapana to Honolulu Landing Beach Road.
  - (14) 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.
  - (15) Entering the Kurtistown Homestead Road (Post Office Road) intersection from the 13-Mile Road (Filipino Graveyard Road) in Kurtistown, Puna, Hawai'i.
  - (16) Entering Mahi'ai Road intersection from Amaumau Road from a southwesterly direction.
  - (17) Nānāwale Boulevard, Kēhau Road intersection, all approaches.
  - (18) 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; Am. 2008, Ord. No. 08-122, sec. 1.)

**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‘ū
- (e) Kohala
  - (1) Ka‘auhuhu Homestead Road, southbound approach to bridge crossing North Kohala Ditch adjacent to parcels identified by TMK Nos. (3) 5-5-002:007, 013, 054 and 125.
  - (2) 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; Am. 2008, Ord. No. 08-132, 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 Waiānuenue Avenue.
  - (3) Ainaola Drive, from Kawaiiani to its end in a westerly direction.
  - (4) Alohalani Drive, except at Haihai Street and Kaunaloa Street.
  - (5) ‘Amaulu 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 Waiānuenue 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‘ekee Street to its mauka terminus except at the Hawai‘i Belt Road.
  - (25) Kahaopea Street, except at Kino‘ole, Kīlauea and Kanoolehua 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 Kanoiehua 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 Kanoiehua 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 Kanoiehua 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 Kanoiehua 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
- (c) South Hilo
  - (1) Noe Street at its intersection with Kalili Street, for vehicles headed in the Puna direction.
  - (2) Pohakulani Street at its intersection with Ainaola Drive for vehicles traveling in the Puna direction.
- (d) Ka'ū
- (e) Kohala
- (f) Kona
- (g) Puna
  - (1) Kahakai Boulevard at its intersection with Pūnāwai Street for vehicles traveling in the mauka direction.
  - (2) Kea'au Loop at its intersection with Ha'a Street/Kea'au Loop, for vehicles headed in the Puna direction.

(1996, Ord. No. 96-163, sec. 2; Am. 1998, Ord. No. 98-84, secs. 1, 2.)

**Section 24-269. Schedule 17. Right turns only.**

The following are designated as areas restricted to right turns only:

- (a) Hāmākua
- (b) North Hilo
- (c) South Hilo
  - (1) Hāla'i Street at Waiānuenue Avenue, northwest bound 7:15 a.m. to 8:00 a.m. on school days only.
  - (2) Punahale Street, mauka bound at Kaūmana Drive.
  - (3) Punahale Street at Komohana Street, makai bound vehicle, 7:15 a.m. to 8:00 a.m. school days only.
- (d) Ka'ū
- (e) Kohala
- (f) Kona
  - (1) Sarona Road, east bound, at Kuakini Highway.
- (g) Puna

(1996, Ord. No. 96-163, sec. 2; Am. 2000, Ord. No. 00-140, sec. 1; Am. 2005, Ord. No. 05-90, sec. 2.)

**Section 24-270. Schedule 18. Left turns only.**

The following areas are restricted to left turns only:

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

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

**Section 24-271. Schedule 19. Prohibited left turn areas.**

The following are designated as prohibited left turn areas:

- (a) Hāmākua
- (b) North Hilo
- (c) South Hilo
  - (1) Aupuni Street at Pauahi Street.
  - (2) Banyan Way at Kalaniana'ole Street.

- (3) Kaūmana Drive, mauka bound at Punahale Street.
  - (4) Kīlauea Avenue between Hualālai Street and Pauahi Street.
  - (5) Kīlauea Avenue, north bound at Lanihuli Street.
  - (6) Lanihuli Street at Kīlauea Avenue.
  - (7) Mamo Street at Kamehameha Avenue.
  - (8) Waiānuenu Avenue, for the mauka bound traffic entering the Hilo Intermediate School, and for the makai bound traffic entering the Hilo High School parking lot and the track field between the hours of 1:00 p.m. to 3:30 p.m. on school days only.
- (d) Kaū
  - (e) Kohala
  - (f) Kona
    - (1) Kuakini Highway, north bound at Sarona Road.
    - (2) Route 180 at Route 11, for south bound motorists between the hours of 3:30 p.m. and 6:30 p.m., Monday through Friday except holidays.
  - (g) Puna
    - (1) Old 'Ōla'a-Pāhoa Road into Māmalahoa Highway in Kea'au, opposite the Kea'au Service Station.
- (1996, Ord. No. 96-163, sec. 2; Am. 2005, Ord. No. 05-90, sec. 3; Am. 2007, Ord. No. 07-86, sec. 1.)

**Section 24-272. Schedule 20. Prohibited right turn areas.**

The following are designated as prohibited right turn areas when appropriate signs or markings giving notice thereof shall be erected:

- (a) Hāmākua
  - (b) North Hilo
  - (c) South Hilo
    - (1) Waiānuenu Avenue, makai bound, into Komohana Street when traffic signal is red.
  - (d) Kaū
  - (e) Kohala
  - (f) Kona
    - (1) Kahakai Road, at its northern intersection with Ali'i Drive.
  - (g) Puna
- (1996, Ord. No. 96-163, sec. 2; Am. 1998, Ord. No. 98-76, sec. 1; Am. 1999, Ord. No. 99-25, sec. 1.)

**Section 24-273. Schedule 21. Permitted U-turn areas.**

The following areas are designated as U-turn areas when appropriate signs giving notice thereof shall be erected:

- (a) Hāmākua
  - (b) North Hilo
  - (c) South Hilo
    - (1) Intersection of Lihiwai Street and Liholiho Street.
  - (d) Kaū
  - (e) Kohala
  - (f) Kona
    - (1) Within Ka'ahumanu Square, Kailua-Kona.
  - (g) Puna
- (1996, Ord. No. 96-163, sec. 2; Am. 2008, Ord. No. 08-141, sec. 1.)

- (5) Kamehameha Avenue, west side, beginning from a point sixty feet south of Kalākaua Street and extending fifty feet in the southerly direction, from 2:00 p.m. to 3:00 p.m., on school days.
  - (6) Kapi'olani Street, east side, beginning from a point five feet north of the Church of Holy Apostles driveway and extending in the northern direction for a distance of forty feet.
  - (7) Kapi'olani Street, west side, beginning from a point eighty-eight feet southeast of the Hāmākua entrance driveway of the University of Hawai'i and extending in the southeastern direction for a distance of one hundred twenty feet, from 6:00 a.m. to 6:00 p.m. Monday through Saturday.
  - (8) East Kāwili Street, south side, beginning from a point ninety-three feet east of the intersection of Manono Street and East Kāwili Street and extending in the eastern direction for a distance of one hundred twenty feet, from 6:00 a.m. to 6:00 p.m., Monday through Saturday.
  - (9) East Kāwili Street, north side, beginning from a point one hundred eighteen feet west of the intersection of Hinano Street and East Kāwili Street and extending in the western direction for a distance of one hundred twenty feet, from 6:00 a.m. to 6:00 p.m., Monday through Saturday.
  - (10) Kekūanaō'a Street, south side, beginning from a point one hundred thirty-seven feet east of the Kīlauea Avenue intersection and extending in the eastern direction for a distance of fifty feet.
  - (11) Kīlauea Avenue, west side, beginning from a point three hundred eighty-three feet south of Kawaiiani Street and extending one hundred forty-eight feet in the southerly direction.
  - (12) Lanikāula Street, Puna side, beginning from a point five hundred seventy-one feet makai of Kapi'olani Street and extending one hundred sixty-one feet in the makai direction, from 7:00 a.m. to 8:00 a.m. and from 3:00 p.m. to 4:00 p.m. on school days.
  - (13) Mohouli Street, Hāmākua side, beginning at a point three hundred eighty feet mauka of Kīlauea Avenue and extending in the mauka direction for a distance of one hundred feet, from 7:00 a.m. to 8:00 a.m. and from 1:00 p.m. to 2:30 p.m. on school days.
  - (14) Waiānuenue Avenue, east side, beginning from a point sixty feet mauka of the Hāla'i Street intersection, and extending in the makai direction for a distance of forty feet.
  - (15) Waiānuenue Avenue, Hāmākua side, at the Hilo High School beginning at its exit and extending for seventy-five feet in the westerly direction, from 1:30 p.m. to 3:00 p.m. on school days only.
  - (16) Waiānuenue Avenue, Puna side, lane within the unloading area at Hilo High School between the passenger shed fronting the Hilo High School cafeteria and the passenger shed near the exit of the unloading area, from 2:00 p.m. to 3:00 p.m. on school days.
  - (17) Waiānuenue Avenue, Puna side, from the makai driveway of Hilo Intermediate School and extending one hundred eighty feet in the makai direction from 1:00 p.m. to 3:00 p.m. on school days.
  - (18) Waiānuenue Avenue, Puna side, beginning from a point sixty feet makai of Kino'ole Street and extending eighty feet in the makai direction.
  - (19) Waiānuenue Avenue, Puna side, beginning from a point eight hundred twelve feet makai of Laimana Street and extending two hundred twelve feet in the makai direction from 1:00 p.m. to 2:30 p.m. on school days.
  - (20) Waiānuenue Avenue, west side, beginning from the mauka side of the Hawai'i Public Library exit driveway and extending in the mauka direction for a distance of fifty feet.
  - (21) Waiānuenue Avenue, west side, beginning from a point sixty feet makai of the entrance to the Church of God, and extending in the mauka direction for a distance of forty feet.
- (d) Ka'ū  
(e) Kohala

- (1) Māmalahoa Highway, Route 190, south side, beginning from a point one hundred thirty feet east of the school driveway and extending two hundred fifty feet in the easterly direction from 7:00 a.m. to 8:00 a.m. and from 2:00 p.m. to 3:00 p.m. on school days.
  - (f) Kona
    - (1) Ali'i Drive, makai side, beginning from a point nine feet north of the Hulihe'e Palace yard driveway and extending in the northern direction for a distance of seventy-five feet.
    - (2) Palani Road, north side, beginning from a point ninety-five feet mauka of the mauka driveway of the Kailua Shopping Center and extending in the mauka direction for a distance of one hundred fifty feet.
    - (3) Palani Road, south side, beginning from a point two hundred fifty-eight feet mauka of the First Hawaiian Bank driveway and extending in the mauka direction for a distance of one hundred forty-five feet.
    - (4) Route 11, east side, from a point one-hundred ninety-seven feet north of Kinue Road and extending seventy-five feet in the northerly direction.
  - (g) Puna
    - (1) North Glenwood Road, beginning at a point 2.1 miles northwest of Highway 11 and extending one hundred feet in the northeasterly direction.
- (1996, Ord. No. 96-163, sec. 2; Am. 1996, Ord. No. 96-138, secs. 1, 2 and 3; Am. 1998, Ord. No. 98-74, sec. 1; Ord. No. 98-118, sec. 1; Am. 2001, Ord. No. 01-9, sec.1; Ord. No. 01-66, sec.1; Ord. No. 01-67, sec. 2; Am. 2003, Ord. No. 03-138, sec. 1; Am 2007, Ord. No. 07-167, sec. 1; Am. 2008, Ord. No. 08-110, sec. 1.)

**Section 24-275.1. Schedule 23.1. Public road taxi stand locations.**

When signs or markings are provided, public road taxi stands in the County shall be located at the following locations, and no person shall stop, stand, or park a vehicle therein:

- (a) Hāmākua
  - (b) North Hilo
  - (c) South Hilo
  - (d) Ka'ū
  - (e) Kohala
  - (f) Kona
    - (1) Ka'ahumanu Place, beginning from a point twenty-two feet north of the entrance to Kailua Pier, extending north for a distance of thirty-two feet. Two parallel parking stalls will be established in this location.
  - (g) Puna
- (1996, Ord. No. 96-163, sec. 2; Am. 2003, Ord. No. 03-139, sec. 1.)

**Division 4. Pedestrians.**

**Section 24-276. Schedule 24. Crosswalks.**

When appropriate signs or markings are provided, crosswalks in the County shall be located on the following streets:

- (a) Hāmākua
  - (1) Pakalana Street, makai of Kukui Street at the Honoka'a School entrance road.
  - (2) Pakalana Street, one hundred forty-five feet mauka of Māmane Street intersection near the Honoka'a Swimming Pool.
  - (3) Pakalana Street, at Honoka'a School fronting the Administration Building.
- (b) North Hilo
  - (1) Māmalahoa Highway, Hāmākua of the 'O'ōkala School.

- (105) Lanikāula Street, Puna side, from the entrance gate to Schultz Siding for a distance of forty feet toward Railroad Avenue and one hundred fifty feet toward Kanoelehua Avenue.
- (106) Lanikāula Street, Puna side, between the 'U' of the driveway fronting the University of Hawai'i - Hilo College Administration Building.
- (107) Lehua Street, Hāmākua side, from Pu'u'eo Street to Wainaku Avenue.
- (108) Lei Street, makai side.
- (109) Lele Street, makai side between Punahale Street and Kaūmana Drive.
- (110) Maiko Street.
- (111) Māmalahoa Highway in Pāpa'ikou, makai side, from a point two hundred twenty feet Hāmākua of Anderton Camp Road to the entrance of Kalaniana'ole School.
- (112) Māmalahoa Highway, makai side, beginning at a point three hundred seventy-five feet north of the Pāpa'ikou Transfer Station access road and extending five hundred twelve feet in the northerly direction to the unnamed government roadway.
- (113) Manini Street.
- (114) Manono Street, beginning at a point five hundred feet north of Leilani Street and extending seven hundred twenty feet in the northerly direction.
- (115) Manono Street, Hāmākua side, from Kamehameha Avenue to Pi'ilani Street.
- (116) Manono Street, Puna side, between the entrance and exit of the Civic Auditorium.
- (117) Mauna Kea Street, makai side.
- (118) Mauna Loa Street, makai side.
- (119) Mohala Place, Hāmākua side, for its entire length.
- (120) Mohouli Street, both sides, beginning at a point one hundred eighty-two feet northeast of Kino'ole Street and extending four hundred eighty-five feet in the southwesterly direction.
- (121) Mohouli Street, Hāmākua side, beginning at Kīlauea Avenue and extending one hundred fifty-five feet in the mauka direction.
- (122) Nawahi Lane, Puna side.
- (123) 'Ōhai Street, Hāmākua side, from Pu'u'eo Street to Wainaku Avenue.
- (124) Ohuohu Street, Puainako Street to Maka'ala Street.
- (125) Pana'ewa Street, makai side.
- (126) Pauahi Street, Hāmākua side, from Kamehameha Avenue for a distance of two hundred fifty feet in the mauka direction, and from a point two hundred thirty feet makai of Aupuni Street to Kīlauea Avenue.
- (127) Pauahi Street, Puna side, from Kamehameha Avenue for a distance of two hundred fifty feet in the mauka direction.
- (128) Ponahawai Street, from Kino'ole Street to a point seventy-five feet mauka of Ululani Street.
- (129) Ponahawai Street, on the Hāmākua side, beginning at Kapi'olani Street and extending one hundred fifty-two feet in the mauka direction.
- (130) Ponahawai Street, Puna side, beginning at a point three hundred feet makai of Kino'ole Street and extending five hundred thirteen feet in the makai direction.
- (131) Punahoa Street, makai side, Ponahawai Street to Mamo Street.
- (132) Punahoa Street, makai side, beginning from a point sixty-nine feet Hāmākua of Mamo Street and extending seventy-eight feet in the Hāmākua direction.
- (133) Punahoa Street, makai side, beginning from point two hundred sixty-seven feet Hāmākua of Mamo Street to Furneaux Lane.
- (134) Punahoa Street, mauka side, Ponahawai Street to Furneaux Lane.

- (135) Pu‘u‘eo Street, makai side, beginning at a point one hundred twenty feet Puna of ‘Ōhai Street and extending in the Hāmākua direction for a distance of one hundred fifty feet Hāmākua of ‘Ōhai Street.
  - (136) Pu‘u‘eo Street, makai side, from ‘Iliahi Street to Kauila Street.
  - (137) Railroad Avenue, west side, beginning at a point one hundred seventy-five feet north of Kūkila Street and extending four hundred seventy-four feet in the southerly direction.
  - (138) Shipman Street, beginning at a point two hundred ten feet east of Keawe Street and extending forty feet in the easterly direction towards Kamehameha Avenue.
  - (139) Uhu Street.
  - (140) Ululani Street, makai side, beginning at a point five hundred two feet Hāmākua of Kūkūau Street and extending two hundred eighty-five feet in the Hāmākua direction.
  - (141) Ululani Street, mauka side, between Waiānuenu Avenue and Wailoa Street.
  - (142) Waiānuenu Avenue, both sides, from the mauka access to Rainbow Drive to Waiiau Street.
  - (143) Waiānuenu Avenue, from Kaūmana Drive to Hāla‘i Street.
  - (144) Waiānuenu Avenue, from Keawe Street to a point one hundred feet mauka of Ululani Street.
  - (145) Waiānuenu Avenue, Hāmākua side, beginning at a point one hundred three feet mauka of Ululani Street, and extending in the mauka direction for a distance of three hundred ninety-three feet.
  - (146) Waiānuenu Avenue, Hāmākua side, beginning at a point one thousand three hundred twenty feet west of Ka‘iulani Street and extending seven hundred fifty six feet in the westerly direction.
  - (147) Waiānuenu Avenue, Puna side, from Kapi‘olani Street for a distance of one hundred feet in the makai direction.
  - (148) Wailuku Drive, Hāmākua side, from Keawe Street to Ka‘iulani Street.
  - (149) Wailuku Drive, Puna side, Kamehameha Avenue to Keawe Street.
  - (150) Wainaku Avenue, mauka side, beginning at Pukihae Bridge No. 1 and extending two hundred forty-five feet in the Puna direction.
  - (151) Wainaku Street, Kaiwiki Road to Ha‘aheo Road.
  - (152) Wainaku Street, makai side, beginning at a point two hundred eighty-two feet north of Lehua Street and extending one hundred eighty feet in the northerly direction.
  - (153) Wilson Street, Puna side.
- (d) Ka‘ū
- (1) Kamani Street, between Pīkake Street and Puahala Street.
  - (2) Kamani Street, south side, from the Ka‘ū Hospital access road and extending mauka for approximately five hundred thirty-five feet to the Old Government Road makai of Maile Street.
  - (3) Maile Street, makai side, in Pāhala, beginning at the access road to the mill located across from Pīkake Street and proceeding for one hundred fifty feet in the southwesterly direction towards Nā‘ālehu.
- (e) Kohala
- (1) Emmalani Street, both sides, for its entire length.
  - (2) Honomakua Road at Kohala High and Elementary School, from the exit driveway of the school cottage to the makai boundary of the school property.
  - (3) Hulukupuna Street, Kona side, from Emmalani Street for a distance of one hundred twenty-five feet in the makai direction.
  - (4) Ka-Uhiwai Street, west side, for its entire length.
  - (5) Lanikila Street, west side, for its entire length.
  - (6) Lindsey Road, both sides, beginning at Route 19 and extending two hundred fifty feet in the northerly direction, except along the passenger loading zone fronting Parker School.

- (42) Māmalahoa Highway, makai side, beginning at the south prolongation of Kīloa Road and extending one hundred twenty feet in the northerly direction.
  - (43) Melelina Street, on the makai side between Nani Kailua Drive and Aloha Kona Drive.
  - (44) Nahele Loop, mauka side, beginning at St. Paul Road and extending for one hundred sixty feet in the northerly direction.
  - (45) Nāpō‘opo‘o Beach Road, on the makai side, beginning at the Nāpō‘opo‘o Road intersection and extending to the northern terminus.
  - (46) Nāpō‘opo‘o Beach Road, on the mauka side, beginning at the Nāpō‘opo‘o Road intersection and extending three hundred thirty feet in the northerly direction.
  - (47) An old government lane in Kailua-Kona, located between the Kamaaina Lodge and the Ocean View Inn.
  - (48) Onipa‘a Street, Le‘ale‘a Street to Kealakehe School parking lot.
  - (49) Palani Road, north side, from a point fifty feet mauka of the Kailua Rubbish Dump Road to a point fifty feet makai of the Kailua Rubbish Dump Road.
  - (50) Sarona Road in Kailua-Kona, both sides.
- (g) Puna
- (1) Hale Pule Loop, from its northernmost intersection with the Volcano Highway to its intersection with Hale Kula Road.
  - (2) Mauka side of the government road in front of Harry K. Brown Park in Kalapana, from the entrance to the parking lot to six hundred feet in the Volcano direction.
  - (3) On the roadway on the ‘Ōla‘a to Kapoho Road from the ‘Ōla‘a boundary of Pāhoa Park to a point four hundred feet on the ‘Ōla‘a side of the Pāhoa Garage.
  - (4) Ka‘ū side of roadway in the vicinity of the old Nakamura Store in Kapoho on both sides of curve of Pāhoa-Kumukahi Lighthouse Road for a distance of eight hundred twenty feet west from a point approximately one thousand one hundred fifty feet northwest of Project marker F.A.P. No. S-4132 and ER-8.
  - (5) Kalapana Beach Road, from the Kapoho-Pāhoa-Kaimū intersection for a distance of two hundred forty feet in the Kapoho direction.
  - (6) Kalapana/Kapoho Beach Road, on the mauka side directly across from Puala‘a Beach Park for a total distance of four hundred thirty feet.
  - (7) Kamā‘ili Road, Kalapana side, from a point five hundred feet mauka of the truck runway ramp to a point three hundred feet makai of the truck runway ramp.
  - (8) Ka‘ohe Homestead Road, east side, from the athletic field driveway and extending southerly to an area just past the County of Hawai‘i Deep Well Site, a distance of one thousand two hundred twenty feet.
  - (9) Ka‘ohe Homestead Road, west side, from the Pāhoa Road to and including the Pāhoa School gym.
  - (10) Kauhale Street, on the west side, beginning at Pāhoa Road and extending two hundred twelve feet in the southerly direction.
  - (11) Kea‘au Civic Center Road, Puna (makai) side.
  - (12) Kea‘au-Pāhoa Road, north side, from Ka‘ohe Homestead Road and extending five hundred fifteen feet to the Sacred Hearts Church driveway.
  - (13) Māmalahoa Highway in Kea‘au, from the Kea‘au Store for a distance of one thousand feet in the volcano direction.
  - (14) Mauka side between Pāhoa town and the school.

- (15) Old Volcano Road, in Kea'au Village, both sides, beginning at a point eighty-two feet northeast of Pili Mua Street and extending nine hundred sixty feet in the northeasterly direction.
- (16) Route 130, east side, beginning at Kahakai Boulevard and extending three hundred fifty feet in the southerly direction toward Pāhoa Village.

(1996, Ord. No. 96-163, sec. 2; Am. 1996, Ord. No. 96-155, sec. 1; Am. 1997, Ord. No. 97-25, sec. 1; Ord. No. 97-28, secs. 1 and 2; Ord. No. 97-58, sec. 1; Ord. No. 97-109, sec. 1; Ord. No. 97-110, sec. 1; Ord. No. 97-123, sec. 1; Ord. No. 97-129, secs. 1 and 2; Am. 1998, Ord. No. 98-31, secs. 1, 2, 3; Ord. No. 98-40, sec. 2; Ord. No. 98-62, sec. 1; Ord. No. 98-73, secs. 1, 2; Ord. No. 98-74, secs. 2, 3, 4 and 5; Ord. No. 98-85, sec. 2; Ord. No. 98-89, secs. 1, 2; Am. 1999, Ord. No. 99-62, sec. 1; Ord. No. 99-84, sec. 3; Ord. No. 99-90, sec. 1; Ord. No. 99-92, secs. 1, 2; Ord. No. 99-128, sec. 1; Ord. No. 99-134, secs. 1--5; Am. 2000, Ord. No. 00-12, sec. 1; Ord. No. 00-29, secs. 1 and 2; Ord. No. 00-79, sec. 4; Ord. No. 00-80, sec. 1; Ord. No. 00-129, sec. 1; Ord. No. 00-130, sec. 2; Am. 2001, Ord. No. 01-8, sec. 1; Ord. No. 01-9, sec. 3; Ord. No. 01-119, sec. 3; Am. 2002, Ord. No. 02-91, sec. 1; Am. 2004, Ord. No. 04-25, secs. 1 and 2; Am. 2008, Ord. 08-174, sec. 1.)

**Section 24-281. Schedule 29. Parking prohibited during certain hours on certain streets; tow-away zone.**

When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified herein upon any of the streets or parts of streets as follows:

- (a) Hāmākua
- (b) North Hilo
  - (1) Old Māmalahoa Highway, mauka side, at Pāpa'aloa, beginning at a point two hundred thirty-three feet on the Hilo side of Kaiwilahilahi Bridge for a distance of one hundred fifty-four feet in the Hilo direction from 7:00 a.m. to 5:00 p.m.
- (c) South Hilo
  - (1) 'Alae Street, both sides, from Laimana Street to Hāla'i Street between the hours of 7:15 a.m. to 8:00 a.m. and 2:30 p.m. to 3:30 p.m. on school days.
  - (2) Banyan Drive, east side, beginning at a point nine hundred forty feet east northeast of Lihikai Street and extending five hundred seventy-one feet in the northeasterly direction between the hours of 11:00 p.m. and 5:00 a.m.
  - (3) Banyan Drive, makai side, 9:00 a.m. to 11:00 a.m. on Tuesdays.
  - (4) Banyan Drive, mauka side, 9:00 a.m. to 11:00 a.m. on Thursdays.
  - (5) Banyan Drive, north side, beginning at a point one thousand seventy-eight feet southwest of Lili'uokalani Park Perimeter Road to Lihikai Street between the hours of 11:00 p.m. and 5:00 a.m.
  - (6) Banyan Drive, south side, beginning at Lihikai Street and extending five hundred forty-one feet in the easterly direction between the hours of 11:00 p.m. and 5:00 a.m.
  - (7) Banyan Drive, west side, beginning at a point seven-tenths mile Puna of Lihikai Street and extending seven hundred eighty feet in the southerly direction towards Kamehameha Avenue between the hours of 11:00 p.m. and 5:00 a.m.
  - (8) Banyan Drive, west side, beginning at a point one hundred three feet south of Lili'uokalani Park Perimeter Road and extending five hundred eighty-five feet in the southerly direction between the hours of 11:00 p.m. and 5:00 a.m.
  - (9) Haili Street, Puna side, between Kino'ole Street and Ululani Street from 7:15 a.m. to 8:00 a.m. on school days.
  - (10) Hualālai Street, Puna side, between Ululani Street and the makai side of the St. Joseph School Cafeteria from 7:15 a.m. to 8:00 a.m. on school days; 1:45 p.m. to 2:30 p.m. on Mondays, Tuesdays, Thursdays and Fridays when school is in session; and 12:45 p.m. to 1:30 p.m. on Wednesdays when school is in session.

**Section 24-283. Schedule 31. One hour parking areas.**

When signs are erected giving notice thereof, vehicle parking on the following streets and portions of streets is limited to one hour:

- (a) Hāmākua
  - (b) North Hilo
  - (c) South Hilo
    - (1) Keawe Street, from Haili Street to Mamo Street.
    - (2) Kīlauea Avenue, southwest side, beginning from a point thirty-eight feet south of Aupuni Street and extending three hundred twelve feet in the southerly direction, except for those areas designated as No Parking Zones and Freight Loading Zones, between the hours of 8:00 a.m. and 8:00 p.m. from Mondays to Fridays.
  - (d) Ka‘ū
  - (e) Kohala
  - (f) Kona
    - (1) Māmalahoa Highway in Kainaliu, from Okamura Store to the Ka‘ū side of Aloha Theater.
  - (g) Puna
- (1996, Ord. No. 96-163, sec. 2; Am. 1997, Ord. No. 97-109, sec. 2; Am. 2000, Ord. No. 00-89, sec. 3; Am. 2006, Ord. No. 06-167, sec. 2.)

**Section 24-284. Schedule 32. Two hour parking areas.**

When signs are erected giving notice thereof, vehicle parking on the following streets and portions of streets is limited to two hours:

- (a) Hāmākua
- (b) North Hilo
- (c) South Hilo
  - (1) Aupuni Center public parking two rows of stalls along and adjacent to the northwest (Pauahi Street) and a single row of stalls along and adjacent to the southwest (Kīlauea Avenue) sides of the Aupuni Center building, Monday to Friday (excluding holidays) during the hours of 7:00 a.m. to 5:00 p.m. or as otherwise specified per facility.
  - (2) The old County Building parking lot located at the northeast corner of the Waiānuenu Avenue and Keawe Street intersection.
  - (3) The County parking lot (Kamehameha Parking Lot) along the mauka side of Kamehameha Avenue between Kalākaua Street and Mamo Street.
  - (4) Furneaux Lane, from Kīlauea Avenue to Kamehameha Avenue.
  - (5) Haili Street, on the Hāmākua side, beginning at a point one hundred twenty feet mauka of Kapi‘olani Street and extending one hundred eighty-nine feet in the mauka direction.
  - (6) Haili Street between Kamehameha Avenue and Kino‘ole Street.
  - (7) Kalākaua Street.
  - (8) Kamehameha Avenue, from Shipman Street to Waiānuenu Avenue.
  - (9) Kamehameha Avenue, from Waiānuenu Avenue to Ponahawai Street, except for applicable bus stops and loading zones during specified times as outlined in chapter 24, article 10, divisions 3 and 6.
  - (10) Kapi‘olani Street in Hilo, from the intersection with Haili Street to the entrance to Homelani Memorial Cemetery between the hours of 8:00 a.m. and 5:00 p.m.
  - (11) Keawe Street, from Wailuku Drive to Haili Street.
  - (12) Kekūanaō‘a Street, those marked parking stalls between Kīlauea Avenue and Honu Street.
  - (13) Kīlauea Avenue, mauka side, from Ponahawai Street to Kūkūau Street.
  - (14) Kīlauea Avenue, both sides, from Haili Street to Ponahawai Street.

- (15) Kīlauea Avenue, makai side, starting one hundred fifteen feet northwest of Kūkūau Street and extending forty-two feet in the Hāmākua direction.
  - (16) Kino‘ole Street, makai side, from Kalākaua Street to a point two hundred seventy-nine feet southeast of Mamo Street; mauka side, from Waiānuenu Avenue to Haili Street.
  - (17) Kino‘ole Street, makai side, the first ten stalls south of Ponahawai Street.
  - (18) Kino‘ole Street, mauka side, between Haili Street and Mamo Street, five marked stalls in front of Farmers’ Exchange.
  - (19) Kino‘ole Street, mauka side, the first six stalls south of Ponahawai Street and Central Fire Station.
  - (20) Kino‘ole Street, mauka side, from Waiānuenu Avenue to Wailuku Drive.
  - (21) Mamo Street, except for active loading and unloading zone access on Wednesdays and Saturdays, as set forth in section 24-288.1, schedule 36.1, active loading and unloading zones.
  - (22) Mohouli Street, Puna side, the last three parking stalls approaching Kīlauea Avenue.
  - (23) Ponahawai Street, Hāmākua side, from Kamehameha Avenue to Kino‘ole Street; Puna side, from Kīlauea Avenue to Kino‘ole Street.
  - (24) Punahoa Street.
  - (25) Shipman Street.
  - (26) Ululani Street, from Haili Street to the Hilo Hotel property.
  - (27) Ululani Street, from Waiānuenu Avenue to Wailuku Drive.
  - (28) Waiānuenu Avenue, from Keawe Street to Kamehameha Avenue.
  - (29) Waiānuenu Avenue, from a point one hundred feet from Ululani Street to Ka‘iulani Street.
  - (30) Wailuku Drive, from Ululani Street to Ka‘iulani Street.
- (d) Ka‘ū
- (e) Kohala
- (f) Kona
- (1) Ali‘i Drive in Kailua-Kona from Palani Road to and including Rueben’s Restaurant from 9:00 a.m. to 6:00 p.m., except on Sundays and holidays.
  - (2) Māmalahoa Highway, both sides, through Kainaliu Town, between the hours of 8:00 a.m. and 5:00 p.m.
  - (3) Palani Road, any marked parking stalls, between Kuakini Highway and Ali‘i Drive, between the hours of 9:00 a.m. and 6:00 p.m., except Sundays and holidays.
- (g) Puna
- (1) Highway 130, north side, beginning at a point one thousand six hundred ten feet west of the Kapoho-Kalapana junction and extending seven hundred forty-five feet in the westerly direction.
- (1996, Ord. No. 96-163, sec. 2; Am. 1997, Ord. No. 97-28, sec. 3; Am. 2000, Ord. No. 00-89, sec. 5; Ord. No. 00-131, secs. 1 and 2; Am. 2003, Ord. No. 03-4, sec. 2; Am. 2008, Ord. No. 08-111, sec. 1.)

**Section 24-284.1. Schedule 32.1. 8 hour parking areas.**

When signs are erected giving notice thereof, vehicle parking on the following streets and portions of streets is limited to eight hours:

- (a) Hāmākua
  - (b) North Hilo
  - (c) South Hilo
- (1) The County parking lot (Bayfront Parking Lot) along the makai side of Kamehameha Avenue between Kalākaua Street and Mamo Street.
  - (2) Haili Street, Puna side, from Kino‘ole Street, to Ululani Street.
  - (3) Hilo Armory parking lots, mauka and makai.
  - (4) Kamehameha Avenue, from Shipman Street to Wailuku Drive.

- (5) Kīlauea Avenue, makai side, starting two hundred forty-nine feet northwest of Kūkūau Street to Ponahawai Street.
  - (6) Kino'ole Street, mauka side, from Haili Street to Ponahawai Street, except those five marked stalls in front of Farmers' Exchange.
  - (7) Kino'ole Street, makai side, from a point two hundred sixty-nine feet southeast of Mamo Street to Ponahawai Street.
  - (8) Nawahi Lane.
  - (9) Ponahawai Street, Puna side, from Kamehameha Avenue to Kīlauea Avenue.
  - (10) Wailuku Drive, Kamehameha Avenue to Kino'ole Street.
- (d) Ka'ū
  - (e) Kohala
  - (f) Kona
  - (g) Puna
- (2000, Ord. No. 00-89, sec. 7; Ord. No. 00-131, sec. 3; Am. 2008, Ord. No. 08-108, sec. 1.)

**Section 24-285. Schedule 33. 24 hour parking areas.**

When signs are erected giving notice thereof, vehicle parking in the following areas is limited to twenty-four hours:

- (a) Hāmākua
    - (1) Waipi'o Valley Lookout parking area.
  - (b) North Hilo
  - (c) South Hilo
  - (d) Ka'ū
  - (e) Kohala
  - (f) Kona
  - (g) Puna
- (1996, Ord. No. 96-163, sec. 2.)

**Section 24-286. Schedule 34. No stopping, standing or parking areas.**

When signs or markings are erected giving notice thereof, no vehicle shall stop, stand or park on the following streets or portions of streets:

- (a) Hāmākua
  - (b) North Hilo
  - (c) South Hilo
    - (1) Kapi'olani Street, on the makai side, Haili Street to Waiānuenue Avenue, between 7:15 a.m. and 8:00 a.m. on school days.
    - (2) Waiānuenue Avenue, both sides, from a point two hundred forty feet makai of Laimana Street to Pūnāwai Street between the hours of 7:15 a.m. and 8:00 a.m. on school days.
    - (3) Waiānuenue Avenue, Puna side, beginning at a point one thousand twenty-four feet makai of Laimana Street and extending ninety feet in the makai direction.
  - (d) Ka'ū
  - (e) Kohala
  - (f) Kona
    - (1) In Captain Cook, on the west side of Route 11, beginning at a point 0.15 mile south of Nāpō'opo'o Road (Palipoko Road) intersection in a southerly direction to Hind Drive.
  - (g) Puna
- (1996, Ord. No. 96-163, sec. 2.)

**Section 24-286.1. Schedule 34.1. Angle parking permitted areas.**

When properly marked or signed, the following streets or portions of streets are designated as angle parking areas:

- (a) Hāmākua
    - (1) Aheahe Street.
    - (2) Ailuna Street.
    - (3) ‘Akahi Street.
    - (4) Hema Street.
    - (5) Holomalia Street.
    - (6) Ipuka Street.
    - (7) Kalākaua Street.
    - (8) Kamehameha Avenue, from Waiānuenu Avenue to Wailuku Drive.
    - (9) Kekaulike Street.
    - (10) Kupukupu Street.
    - (11) Shipman Street.
    - (12) Ululani Street, from its southern terminus to Hualālai Street.
    - (13) Wailuku Drive, from Kamehameha Avenue to Keawe Street.
  - (d) Ka‘ū
  - (e) Kohala
  - (f) Kona
- (1998, Ord. No. 98-2, sec. 2.)

**Division 6. Loading Zones.****Section 24-287. Schedule 35. Passenger loading zones.**

When signs are erected giving notice thereof, loading or unloading of passengers at the curb will be permitted on the following streets and portions of streets:

- (a) Hāmākua
  - (1) Pakalana Street:
    - (A) On the Waimea side of Pakalana Street fronting the covered walkway at Honoka‘a Elementary School in Hāmākua.
- (b) North Hilo
- (c) South Hilo
  - (1) Hualālai Street, Puna side, beginning at a point three hundred twenty feet mauka of Kino‘ole Street and extending in the mauka direction for a distance of sixty-five feet, from 7:15 a.m. to 8:00 a.m. and from 1:45 p.m. to 2:30 p.m. on school days only.
  - (2) Kamehameha Avenue at:
    - (A) Furneaux Lane.
    - (B) Haili Street.
    - (C) Kalākaua Street.
    - (D) Mamo Street.
  - (3) Ka‘iulani Street at:
    - (A) The Crippled Children's Center.

- (4) Kapi'olani Street:
  - (A) Mauka side, from a point thirty feet Puna of Waiānuenu Avenue and extending two hundred ninety feet in the Puna direction from 7:15 a.m. to 8:00 a.m. and from 1:00 p.m. to 3:00 p.m. on school days.
  - (B) Mauka side, from a point three hundred twenty feet Puna of Waiānuenu Avenue and extending one hundred seventeen feet in the Puna direction from 7:00 a.m. to 3:00 p.m. on school days.
  - (C) Mauka side, from a point forty-nine feet Puna of the Veterans Cemetery Access Road and extending one hundred ninety-six feet in the Puna direction from 7:15 a.m. to 8:00 a.m. and from 2:30 p.m. to 3:30 p.m. on school days.
- (5) Keawe Street at:
  - (A) Haili Street.
  - (B) Kalākaua Street.
  - (C) Mamo Street.
- (6) Keawe Street, west side, from a point one hundred eighty feet north of Kalākaua Street and extending twenty feet in the northerly direction, from 6:00 a.m. to 6:00 p.m.
- (7) Kīlauea Avenue at:
  - (A) Barenaba Lane.
  - (B) The Puna entrance to the Hilo Shopping Center.
  - (C) Hoku Street.
  - (D) Hualālai Street.
  - (E) Kamana Street.
  - (F) Kūkūau Street.
  - (G) Ponahawai Street.
- (8) Kīlauea Avenue, mauka side, from a point five hundred thirty-one feet south of Kawailani Street and extending eighty-seven feet in the southerly direction from 7:00 a.m. to 7:30 a.m. and from 1:00 p.m. to 2:30 p.m. on school days.
- (9) Kino'ole Street, makai side, from the Waiākeawaena School Puna boundary, to a point three hundred thirty-seven feet in the Hāmākua direction from 7:15 a.m. to 8:00 a.m., and 1:00 p.m. to 3:00 p.m. on school days.
- (10) Lehua Street, Puna side, beginning at a point four hundred sixty-five feet makai of Wainaku Street and extending forty feet toward Pu'u'eo Street from 7:00 a.m. to 5:30 p.m. except Saturdays, Sundays, and holidays.
- (11) Mohouli Street at:
  - (A) Chiefess Kapi'olani Elementary School on the Hāmākua side beginning at a point one hundred fifty-five feet mauka of Kīlauea Avenue and extending in the mauka direction for a distance of one hundred seventy feet, from 7:00 a.m. to 8:00 a.m. and 1:15 p.m. to 3:00 p.m. on school days.
- (12) Ululani Street at:
  - (A) The entrance to the Ululani Nursery and Hilo Commercial College.
- (13) Waiānuenu Avenue at:
  - (A) Hilo Intermediate School from Laimana Street to the makai exit driveway of the school from 1:30 p.m. to 3:00 p.m. on school days only.
  - (B) Hilo High School beginning at its exit and extending for seventy-five feet in the westerly direction from 1:30 p.m. to 3:00 p.m. on school days only.
  - (C) Kamehameha Avenue.

- (D) Keawe Street.
  - (E) Kekaulike Street.
  - (F) Kino'ole Street.
  - (G) Ululani Street.
- (14) Waiānuenu Avenue, Hāmākua side, beginning at a point forty feet mauka of Ka'iulani Street and extending two hundred twenty-five feet in the mauka direction from 1:00 p.m. to 2:30 p.m. on school days.
  - (15) The Puna-side lane within the unloading area off Waiānuenu at Hilo High School between 7:00 a.m. and 8:00 a.m. on school days.
  - (16) The Puna-side lane within the unloading area off Waiānuenu Avenue at Hilo High School between the passenger shed fronting the Hilo High School cafeteria and the passenger shed near the exit of the unloading area from 2:00 p.m. to 3:00 p.m.
  - (17) Waiānuenu Avenue, Puna side, beginning at a point one thousand one hundred fourteen feet makai of Laimana Street and extending one hundred five feet in the makai direction from 7:15 a.m. to 8:00 a.m. and 1:00 p.m. to 2:30 p.m. on school days.
- (d) Ka'ū
  - (e) Kohala
    - (1) Lindsey Road, east side, from a point fifty feet north of Route 19 and extending one hundred twelve feet north from 7:15 a.m. to 8:00 a.m. and 2:00 p.m. to 3:30 p.m. on school days.
  - (f) Kona
    - (1) Ali'i drive, east side, beginning from a point two-hundred twenty-nine feet north of Likana Lane and extending forty-seven feet in the northerly direction, 24 hours daily.
  - (g) Puna
    - (1) Ka'ohē Homestead Road, Kea'au side, in front of the Pāhoa School gymnasium extending for forty feet.
- (1996, Ord. No. 96-163, sec. 2; Am. 1996, Ord. No. 96-155, sec. 2; Am. 1997, Ord. No. 97-70, sec. 2; Am. 1999, Ord. No. 99-98, sec. 3; Ord. No. 99-134, sec. 6; Am. 2000, Ord. No. 00-12, sec. 3; Ord. No. 00-130, sec. 3; Am. 2001, Ord. No. 01-9, sec. 2, Ord. No. 01-30, sec. 1; Am. 2003, Ord. No. 03-41, sec. 1; Am. 2003, Ord. No. 03-138, sec. 3; Am. 2004, Ord. No. 04-46, sec. 1; Am. 2004, Ord. No. 04-101, sec. 1; Am. 2005, Ord. No. 05-59, sec. 1; Am. 2008, Ord. No. 08-109, sec. 1.)

**Section 24-288. Schedule 36. Freight loading zones.**

When signs are erected giving notice thereof, stopping, standing, or parking a vehicle in a freight and loading zone except for unloading or loading of materials is prohibited on the following streets and portions of streets:

- (a) Hāmākua
- (b) North Hilo
- (c) South Hilo
  - (1) Banyan Drive, beginning at a point one hundred eighty-two feet west of the Hilo Hawaiian Hotel entry driveway and extending forty-four feet in the westerly direction.
  - (2) Furneaux Lane, makai of Keawe Street, Puna side, twenty-five feet.
  - (3) Hanama Place, at its terminus. The fifty-five foot section on the makai side fronting the Kailua Trade Center.
  - (4) Hualālai Street, Puna side, directly in front of the St. Joseph School Cafeteria.
  - (5) Kalākaua Street, Puna side, from a point two hundred sixty-two feet mauka of the Kamehameha Avenue parking lot and extending twenty feet in the mauka direction.

- (6) Kamehameha Avenue, mauka side, from a point one hundred fifty feet Puna of Waiānuenu Avenue and extending thirty feet in the Puna direction.
  - (7) Keawe Street, makai side, Puna of Haili Street, twenty-five feet.
  - (8) Keawe Street, makai side, Pu‘u‘eo of Mamo Street, twenty-five feet.
  - (9) 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.
  - (10) Kīlauea Avenue, mauka side, beginning at a point fifty feet southeast of Barenaba Street and extending thirty feet in the southeasterly direction.
  - (11) Kīlauea Avenue, mauka side, beginning at Hōkū Street and extending forty-four feet in the Puna direction.
  - (12) 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.
  - (13) 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.
  - (14) 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.
  - (15) Kino‘ole Street, beginning 148.39 feet Puna of Haili Street, fifty feet.
  - (16) Kino‘ole Street, makai side, beginning from a point twenty feet Puna of ‘A‘ala Lane and extending forty feet in the Puna direction.
  - (17) 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.
  - (18) Kūkūau Street, Hāmākua side, beginning thirty feet mauka of Kīlauea Avenue, forty-five feet.
  - (19) Nawahi Lane, Hāmākua side, from a point thirty feet mauka of Kamehameha Avenue and extending sixty-two feet in the mauka direction.
  - (20) Ponahawai Street, Pu‘u‘eo side, mauka of Punahoa Street, thirty-five feet.
  - (21) 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.
  - (22) Pu‘u‘eo Street, mauka side, from a point thirty feet Hāmākua of ‘Ōha‘i Street and extending fifty feet in the Hāmākua direction.
  - (23) Ululani Street, makai side, from the Hāmākua driveway into McDonald's Restaurant and extending in the Puna direction for a distance of thirty feet.
  - (24) Waiānuenu Avenue, Puna side, beginning at a point two hundred seventy-one feet makai of Keawe Street and extending forty feet toward Kamehameha Avenue.
  - (25) 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‘ū
- (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; Am. 2008, Ord. No. 08-173, 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) Kamehameha Avenue, mauka side, beginning from a point one hundred eleven feet northwest of Shipman Street and extending fifty-eight feet in the northwesterly direction.
    - (3) Mamo Street, both sides, from Kamehameha Avenue to Punahoa Street, from 5:00 a.m. to 4:00 p.m., on Wednesdays and Saturdays.
    - (4) Punahoa Street, makai side, from Mamo Street to a point sixty-nine feet in the Hāmākua direction.
  - (d) Ka'ū
  - (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; Am. 2008, Ord. No. 08-140, 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.

## **Chapter 25**

### **ZONING**

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**Chapter 25****ZONING****Article 1. General Provisions.****Section 25-1-1. Title.**

The provisions of this chapter, inclusive of any amendments, shall be known as the zoning code. (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-1-2. Scope, purposes and applicability.**

- (a) This chapter shall be applied and administered within the framework of the general plan which is a long-range, comprehensive, general plan prepared to guide the overall future development of the County.
- (b) For the purpose of promoting health, safety, morals, or the general welfare of the County, this chapter regulates and restricts the height, size of buildings, and other structures, the percentage of a building site that may be occupied, off-street parking, setbacks, size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. Should any conflict between this chapter and other parts of the Code exist, this chapter shall prevail.

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

**Section 25-1-3. Severability.**

If any portion of this chapter, or its application to any person or circumstance, shall be held unconstitutional or invalid because it violates any provision of the County Charter or for any other reason, the remainder of the chapter and the application of such portion to other persons or circumstances shall not be affected thereby.

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

**Section 25-1-4. Adoption of rules.**

The director and the commission may, as appropriate, each adopt rules, in accordance with chapter 91, Hawai'i Revised Statutes, for the purpose of implementing the provisions of this chapter.

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

**Section 25-1-5. Definitions.**

- (a) Building construction and development terms that are not defined in this chapter shall be given their respective definitions as found in the building code (chapter 5).

- (b) The following words and phrases, unless the context otherwise requires, are defined as follows:

“Accessory building” means a building, no more than twenty feet in height, detached from and subordinate to a main building or main use on the same building site and used for the purposes customarily incidental to those of the main building or use.

“Accessory use” means a use which is customarily associated with and subordinate to the main or principal use and which is located on the same building site as the main or principal use.

“Adult day care home” means a private residence, approved by the state, providing supportive and protective care, without overnight accommodations, to a limited number of adult disabled or aged persons. The term shall not include day care centers for elderly, disabled and aged persons as defined by chapter 346, part IV, Hawai'i Revised Statutes, as amended.

“Agricultural activities” means income producing activities or uses as characterized by the cultivation of crops, including but not limited to flowers, vegetables, foliage, fruits, forage, and timber; and farming or ranching activities or uses related to animal husbandry, aquaculture, or game and fish propagation.

“Agricultural products processing, major” means activities involving a variety of operations on crops or livestock which may generate dust, noise, odors, pollutants or visual impacts that could adversely affect adjacent properties. These uses include, but are not limited to, slaughterhouses, mills, refineries, canneries and milk processing plants.

“Agricultural products processing, minor” means activities used for crop production, which are not regulated as major agricultural products processing and which involve a variety of operations on crops after harvest to prepare them for market, or further processing and packaging at a distance from the agricultural area. Included activities are cleaning, milling, pulping, drying, roasting, hulling, storing, packing, honey processing, poi-making, selling and other similar activities. Also included are the facilities or buildings related to such activities.

“Agricultural tourism” means visitor-related commercial activities or periodic special events designed to promote agricultural activities conducted on a working farm, ranch, or agricultural products processing facility.

“Alley” means a narrow street through a block primarily for access by service vehicles to the back or side of properties fronting on another street.

“Amusement and recreation facility, indoor” means an establishment providing indoor amusement or recreation. Typical uses include: martial arts studios; billiard and pool halls; electronic and coin-operated game rooms; bowling alleys; skating rinks; health and fitness establishments; indoor tennis, handball and racquetball courts; auditoriums; theaters; and indoor archery and shooting ranges.

“Amusement and recreation facility, major outdoor” means a permanent facility providing outdoor amusement and entertainment, including theme and other types of amusement parks, stadiums, skateboard parks, go-cart and automobile race tracks, miniature golf and drive-in theaters.

“Apartment house” means a multiple-family dwelling.

“Aquaculture” means the production of aquatic plant or animal life for food or fiber within ponds and other bodies of water.

“Authorized personnel” means a police officer or a person or persons authorized in writing by the director.

“Automobile service station” means a retail establishment which primarily provides gasoline, automobile accessories and service, but not including tire recapping or regrooving, body work, straightening of frames or body parts, steam cleaning, painting, welding, or storage of automobiles, except for storage of vehicles for short periods pending repair or servicing on the site and pick-up by the owner.

“Bed and breakfast establishment” means any single-family dwellings and/or guest houses (pursuant to section 25-4-9), which have been permitted on a building site, in which overnight accommodations and only breakfast meals are provided to a maximum of ten guests, for compensation, for periods of less than thirty days.

“Beginning of construction” means placing of construction materials in their permanent position, fastened in a permanent manner.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building height” means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (A) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
- (B) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in (A) above is more than ten feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

“Building line” means a line on a building site indicating the limit beyond which buildings or structures may not be erected.

“Retail establishment” means an establishment which sells commodities or goods to the consumer and may include display rooms and incidental manufacturing of goods for retail sale on premises only. Typical retail establishments include convenience stores, grocery and specialty food stores, general department stores, drug and pharmaceutical stores, hardware stores, pet shops, appliance and apparel stores, tour, travel and ticket agencies and other similar retail activities. The term does not include open storage yards for new or used building materials, yards for scrap, salvage operations for storage or display of automobile parts, service stations, repair garages or veterinary clinics and hospitals.

“School” means a place for teaching, demonstration, learning, or organized group instruction. Unless otherwise qualified, “school” means a place for primarily academic instruction equivalent to what is commonly known as pre-school, kindergarten, elementary school, intermediate school, high school, trade or vocational school, business school, college or a combination of any of them.

“Self-storage facility” means a structure or structures, containing individual locker compartments which allow individuals access to store possessions in these compartments. Each locker or storage area is self-contained and can be secured.

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

“Street” means a right-of-way for vehicle purposes and pedestrian traffic, and the placement of utilities, or a private right-of-way for vehicular purposes, which provides access to building sites.

“Street frontage” means that portion of a building site that has a common line with a street right-of-way line. The street frontage is designated as the front property line.

“Structure” means anything above existing grade constructed or erected with a fixed location on the ground, or requiring a fixed location on the ground, or attached to something having or requiring a fixed location on the ground. The term “structure” includes the term “building.”

“Surveyor” means a person duly registered as a professional land surveyor in the State.

“Telecommunications antenna” means an antenna, tower and other accessory structures for radio frequency (RF) transmissions intended for specific users who must have special equipment for transmission and/or reception. Also included are broadcasting facilities regulated by the Federal Communication Commission (FCC) under the Code of Federal Regulations, par. 74, which includes low power television. Included are land-mobile or two-way radio, and one-way radio paging service broadcasting. Also included are independent receiving facilities which do not qualify as accessory uses. Not included are portable, hand held and vehicular transceivers or radios; industrial, scientific and medical equipment operating at frequencies designated for that purpose by the Federal Communications Commission (FCC); marketed consumer products, such as microwave ovens, citizens band radios, ham radios and remote control toys; and facilities for the receiving of these transmissions, including individual radio and television appliances.

“Theater” means a facility which is used primarily for the performing arts or for the viewing of motion picture films. Included are performing arts centers, concert halls and other types of live theaters.

“Time share unit” means any multiple-family dwelling unit or hotel, which is owned, occupied or possessed, under an ownership and/or use agreement among various persons for less than a sixty-day period in any year for any occupant, and is regulated under the provisions of chapter 514E, Hawai‘i Revised Statutes, as amended.

“University” means a nationally-accredited institution of higher learning, whether classified as a “university” or a “college” and whether public or private, including community colleges, providing facilities for teaching, research and group learning and authorized to grant academic degrees.

“Use” means the purpose to which land or any structure or improvement thereon or both are or may be put. The word “use” is synonymous with terms “land use” and “use of land” unless the context clearly indicates otherwise.

“Warehousing” means the storage of raw materials, finished products, merchandise and/or other goods, within a building for subsequent delivery, transfer and/or pickup.

“Wholesaling and distribution” means the sale and/or distribution of manufactured and/or processed products, merchandise or other goods in large quantities for subsequent resale to retail establishments, and/or industrial, institutional and commercial users.

“Yard” means an open space on the same building site with a building, which open space lies between the building and the bounding lot lines, and is unoccupied and unobstructed from the ground upward except for landscaping and except for fences, walls, architectural features, pools, porte cocheres, cornices, canopies, roof overhangs, eaves, porches, balconies, terraces, fire escapes, stairs, ramps and other similar features authorized under article 4, division 4 of this chapter, and includes:

- (A) “Front yard” which is a yard lying between the street line on which the building site fronts or the future width line or the plan line for future street and a line parallel thereto which runs through the point of the building nearest to said street line, future width line or plan line. The depth of said yard is the distance between the parallel lines.
- (B) “Rear yard” which is a yard lying between the rear lot line and a line parallel thereto extended to intersect the side lot lines, which line runs through the point of a main building nearest the rear lot line. The depth of said yard is the distance between the parallel lines.
- (C) “Side yard” which is a yard lying between the front yard, the rear yard, the side lot line and a line parallel thereto which runs through the point of the building nearest to said lot line. The width of said yard is the distance between the parallel lines.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2000, Ord. No. 00-152, sec. 1; Am. 2002, Ord. No. 02-70, sec. 2; Am. 2007, Ord. No. 07-55, sec. 1, Am. 2007, Ord. No. 07-104, sec 2; Am. 2008, Ord. No. 08-155, sec. 2.)

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“Project area” means the area in which the project is expected to have an impact on the level of service of transportation facilities.

“Reasonable assumptions” means the percentage of full build-out that is expected to occur during the twenty-year period after the date of the application, as determined by the planning director.

“Transportation facilities” means State and County highways, roads, and public transportation facilities.

“Worse than the acceptable level of service” means that the level of service at the a.m. or p.m. peak is “E” or “F”.

(d) Traffic impact analysis report required.

- (1) A traffic impact analysis report (TIAR), prepared or updated within six months before the submission of the application, shall be included with the application for any change of zone that can generate fifty or more peak hour trips. The determination of peak hour trips shall be based on the Institute of Transportation Engineers, “Trip Generation Handbook”, or any other nationally recognized source. When the number of trips depends upon the exact future uses of the site, and those are unknown at the time of rezoning (for example, the types of commercial uses), the determination shall be based upon a typical mix of uses found in that zoning type in the community. The TIAR shall be certified as having been conducted in accordance with best practices by a professional engineer licensed in the State of Hawai‘i.
- (2) The TIAR shall assess impacts to transportation facilities in the immediate vicinity and general area of the project, and to the transportation facilities serving the project area.
- (3) The TIAR shall include projections for future growth in traffic, for a minimum of five, ten, and twenty years, and shall include other approved or proposed development that is expected to impact the project area, with reasonable assumptions about the build-out of such development.
- (4) The TIAR shall present an assessment of the impacts of the project on LOS and an evaluation of alternative plans for mitigating those impacts. The evaluation shall include budgetary cost estimates for the capital and operating costs of promising alternative plans.

(e) Mitigation required.

- (1) If the LOS for any transportation facility in the project area is (A) currently worse than the acceptable level of service, or (B) projected to become worse than the acceptable level of service during the five year period of the TIAR, any rezoning of the property, if approved, shall contain conditions that require mitigation of adverse traffic effects before occupancy of the project is permitted, or that occupancy be delayed until the level of service has reached the acceptable level and is no longer projected to be worse than the acceptable level.
- (2) Where the LOS deficiency is due to roadway or intersection deficiencies in the immediate vicinity of the project, the conditions of zoning shall require local mitigation. Where the deficiency in LOS is due to insufficient capacity in the transportation facilities serving the project area, the conditions of zoning shall require area mitigation.
- (3) If there is more than one way to mitigate an adverse effect, the director shall present to the council the pros and cons of the alternatives.

(f) Mitigation requirements will be deemed satisfied when:

- (1) A public agency has committed funds for area mitigation that will remove the LOS deficiency. In the case of the State, commitment of funds means that the governor has released funds to complete the improvement. In the case of the County, commitment of funds means that the council has appropriated funds to complete the improvement; or
- (2) The private developer’s commitment to implement mitigation has been secured by bond or equivalent security, or mandatory participation in an improvement district, community facilities district, or other equivalent means of guaranteeing performance.

- (g) A developer's area mitigation expenses shall be credited against any fair share or similar fee requirement for roads. A developer's local mitigation expenses shall be credited against any fair share or similar fee requirement for roads if the council determines that the mitigation substantially benefits the general public and was not necessary primarily for the benefit of the project. In general, roads that are necessary for access to or within a development or turn lanes for a private project shall not qualify for fair share credit.
- (h) The following types of rezoning applications shall be required to submit a TIAR when required by this section, but shall not be required to perform area mitigation:
- (1) Residential or other rezonings where the applicant commits, and the conditions of zoning require, that the project earn at least two times the number of affordable housing credits otherwise required under chapter 11, County affordable housing policy, provided further that the applicant shall be entitled to the full amount of "excess credits" under section 11-15, County affordable housing policy, based on the number of affordable housing credits normally required.
  - (2) Rezoning to CV, CN, MCX, PD, or ML where the council determines that the project will reduce regional traffic congestion by providing necessary commercial or light industrial opportunities to serve an area where there is a shortage of available space zoned for such uses, and substantial residential development has already been approved, provided that conditions of zoning shall ensure that any commercial development be of a scale consistent with the standards of a "neighborhood center" as described in the general plan.
- (i) The restrictions on occupancy shall not apply to the construction of infrastructure such as water tanks, roads, sewage treatment plants, or other project elements that do not generate substantial traffic.
- (j) The council may designate critical road areas by ordinance.
- (k) In a critical road area, all rezonings shall be subject to local and area mitigation, except as stated in subsection (h).
- (l) In order to determine whether a rezoning application meets the TIAR threshold of fifty or more peak hour trips, and to prevent applicants from going below the TIAR threshold by dividing a project into segments, the director shall review all development proposed on the same or adjacent properties, and shall include traffic that may be generated by any development application approved after the effective date of this ordinance, or by any other pending development application, if it is on a portion of the same lot or tax map key parcel, or an adjoining lot or tax map key parcel, or in the immediate vicinity of the development.
- (m) A change of zone application shall not be granted unless: (1) the department of water supply has determined that it can meet the water requirements of the project and issue water commitments using its existing system; or (2) specific improvements to the existing public water system, or a private water system equivalent to the requirements of the department of water supply will be provided to meet the water needs of the project and conditions of zoning delay occupancy until the necessary improvements are actually constructed.
- (n) To facilitate the development of village centers in rural areas that are not currently served by a public water system, the council may waive the water supply requirements for rezonings for commercial or light industrial uses in areas that do not currently have a public water system, and where the department of water supply has no plans to build a public water system, and which are (1) designated as an "urban and rural center" or "industrial area" on table 14-5 of the general plan and (2) designated for urban use on the land use pattern allocation guide map of the general plan; provided that conditions of zoning shall require water supply consistent with public health and safety needs such as sanitation and fire-fighting.
- (o) Nothing in this section shall limit the ability of the council to impose reasonable roadway or water improvement requirements on changes of zone or to deny change of zone applications to the extent otherwise allowed by law.
- (2007, Ord. No. 07-99, sec. 2.)

**Division 5. Variances.****Section 25-2-50. Variances permitted.**

Variances from the provisions of this chapter may be granted; provided that a variance shall not allow the introduction of a use not otherwise permitted within the district; and provided further that a variance shall not primarily effectuate relief from applicable density limitations.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-2-51. Grounds for variance.**

A variance may only be granted if the following is found:

- (a) There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available, or to a degree which obviously interferes with the best use or manner of development of that property; and
- (b) There are no other reasonable alternatives that would resolve the difficulty; and
- (c) The variance is consistent with the general purpose of the district, the intent and purpose of this chapter, and the general plan, and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.

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

**Section 25-2-52. Application for variance; requirements.**

Application for a variance shall be on a form prescribed for this purpose by the director and 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 the names and addresses of all surrounding owners and lessees of record of property interests in property within the boundaries established by section 25-2-4; and
- (5) Any other plans or information required by rules adopted by the director in accordance with chapter 91, Hawai'i Revised Statutes.

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

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- (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.

- (4) Temporary real estate offices and model homes, as permitted under section 25-4-8.
  - (5) Utility substations, as authorized under section 25-4-11.
  - (d) Plan approval shall be required in the RA and FA district prior to the construction or installation of any new structure or development, or of any addition to an existing structure or development which is to be used for minor agricultural products processing.
  - (e) Plan approval shall be required in the A district prior to the development of any trailer park or major agricultural products processing facility. The director shall determine whether an agricultural products processing facility shall be considered major or minor at the time of building permit review, or earlier at the applicant's request.
  - (f) Plan approval may be required as a condition of approval of any use permit, variance, or other action relating to a specific use, in which case the use or development so conditioned may not be established until plan approval has been secured.
  - (g) Plan approval shall be required for the establishment of any agricultural tourism activity, as permitted under section 25-4-15(b).
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999, Am. 2005, Ord. No. 05-155, sec. 2; Am. 2007, Ord. No. 07-56, sec. 3; Am. 2008, Ord. No. 08-155, sec. 3.)

**Section 25-2-72. Application for plan approval; requirements.**

An application for plan approval shall be on a form approved for such purpose by the director and shall be accompanied by:

- (1) A site plan, drawn to scale and fully dimensioned indicating clearly the following information:
    - (A) The location and dimension of the building site;
    - (B) The location, size, height, and use of all existing and proposed structures;
    - (C) All yards and open spaces;
    - (D) Location, height, and material of all fences and walls;
    - (E) The standard of improvement and location, number, and size of parking spaces, arrangement and on-site circulation of all off-street parking and loading facilities including points of access thereto from adjoining streets;
    - (F) The location, general nature, and type, and protection or shielding devices of all exterior lighting;
    - (G) All proposed landscaping and planting; and
    - (H) All proposed street dedication and improvement if any.
  - (2) Any other information required by rules adopted by the director in accordance with chapter 91, Hawai'i Revised Statutes.
  - (3) A site drainage plan under section 27-20 approved by the director of public works, where plan approval is required under section 25-2-71(a), (c)(2) and (c)(5), (d), (e), or (f). The site drainage plan shall comply with section 27-20(a) and (b) and section 27-24, and shall include a storm water disposal system to contain runoff caused by the proposed development, within the site boundaries, up to the expected one-hour, ten year storm event, as shown in the department of public works "Storm Drainage Standards," dated October 1970, or any approved revision, unless those standards specify a greater recurrence interval. The amount of expected runoff shall be calculated according to the department of public works "Storm Drainage Standards," dated October 1970, or any approved revision, or by any nationally-recognized method meeting with the approval of the director of public works. Runoff calculations shall include the effects of all improvements. Storm water shall be disposed into drywells, infiltration basins, or other approved infiltration methods. The development shall not alter the general drainage pattern above or below the development.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999, Am. 2007, Ord. No. 07-56, sec.3.)

**Section 25-2-73. Reserved.**

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2000, Ord. No. 00-152, sec. 2.)

**Section 25-2-74. Plan approval application requirements for telecommunication antennas.**

In addition to the application requirements for plan approval contained in section 25-2-72, an application for plan approval for a telecommunication antenna or tower shall contain the following information:

- (1) A plot plan showing the location of the proposed antenna or tower;
- (2) Building plans for the tower, certified by a licensed structural engineer, verifying that the tower, together with the initial antennas and other equipment proposed to be installed thereon, will have a hard survivability for sustained winds of one hundred miles per hour;
- (3) A statement from the Federal Aviation Administration that the application has not been found to be a hazard to air navigation; and
- (4) A statement from the Federal Communications Commission that the application complies with the regulations of the Commission or a statement that no such compliance is necessary.

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

**Section 25-2-75. Plan approval application requirements for agricultural tourism.**

In addition to the application requirements for plan approval contained in section 25-2-72, an application for plan approval for agricultural tourism operations shall include sufficient information to ensure the following provisions are met:

- (1) A statement whether the operation will allow visits by buses;
- (2) Adequate off street parking, loading/unloading, and turn-around space to accommodate all specified tour transportation modes, including buses, if they are allowed, shall be provided and shown on the site plan;
- (3) The subject property must have an existing legal access to a public highway, which may be via a private road or easement, and new driveways shall meet applicable county or state standards;
- (4) New and existing facilities to be utilized principally for the agricultural tourism activity shall be clearly indicated on the plot plan and shall not exceed one thousand square feet in total area, not including parking and vehicular accesses; and
- (5) Proof, acceptable to the director, of income from agricultural activities and/or agricultural products processing, or investment, as required under section 25-4-15(d)(1).

(2008, Ord. No. 08-155, sec. 4.)

**Section 25-2-76. Action on plan approval application.**

- (a) The director may issue plan approval subject to conditions or changes in the proposal which, in the director's opinion, are necessary to carry out and further the purposes of this chapter and the considerations contained in section 25-2-77.
- (b) The director may only issue plan approval for a bed and breakfast establishment if the proposed use meets all of the conditions contained in sections 25-2-77 and 25-4-7.
- (c) The director may only issue plan approval for a telecommunication antenna or tower if the proposed use meets all of the conditions contained in sections 25-2-77 and 25-4-12, and if the applicant provides all verification required under section 25-2-74.
- (d) The director may only issue plan approval for a temporary model home or real estate office if the proposed use meets all of the conditions in section 25-2-77 and 25-4-8.

- (e) The director shall render a decision to either approve or deny a plan approval application, other than for an agricultural tourism facility, within thirty days after acceptance of the application. If the director fails to render a decision within the thirty-day period, the application shall be considered approved without further certification by the director. For an agricultural tourism facility, the department shall conduct a site inspection prior to issuing plan approval, and the director shall render a decision to either approve or deny a plan approval application within sixty days after acceptance of the application. If the director fails to render a decision within the sixty-day period, the application shall be considered approved without further certification by the director.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2008, Ord. No. 08-155, sec. 5.)

**Section 25-2-77. Review criteria and conditions of approval.**

- (a) In reviewing a plan approval application, the director shall consider the proposed structure, development or use in relation to the surrounding property, improvements, streets, traffic, community characteristics, natural features, and may require conditions or changes to assure:
- (1) Adequate light and air, and proper siting and arrangements are provided for all structures and improvements;
  - (2) Existing and prospective traffic movements will not be hindered;
  - (3) Proper landscaping is provided that is commensurate with the structure, development or use and its surroundings;
  - (4) Unsightly areas are properly screened or eliminated;
  - (5) Adequate off-street parking is provided to serve the structure, development or use, regardless of the otherwise minimum requirements of this chapter;
  - (6) Access to the parking areas will not create potential accident hazards;
  - (7) Within reasonable limits, any natural and man-made features of community value are preserved; and
  - (8) Dust, noise, and odor impacts are mitigated.
- (b) The director shall require any conditions or changes in the proposal which, in the director's opinion, are necessary to carry out the purposes of this chapter and the considerations contained in subsection (a) above.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2007, Ord. No. 07-28, sec. 2; Am. 2008, Ord. No. 08-155, sec. 6.)

**Section 25-2-78. Construction in conformity with plan approval.**

Every structure, development and change of use for which plan approval is issued shall be constructed and developed in accordance with the terms, specifications and conditions contained in the plan approval permit.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2008, Ord. No. 08-155, sec. 7.)

**Section 25-2-79. Appeal of a plan approval decision.**

Any person aggrieved by the plan approval decision of the director may appeal the director's action to the board of appeals, in accordance with this chapter, within thirty days after date of the director's written decision.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2008, Ord. No. 08-155, sec. 8.)

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- (3) The building site area, including the access drive, shall be the minimum building site area required for the zoning district.
- (4) The minimum yards for a flag lot, excluding the access drive, shall be the minimum side yards required for a building site in the applicable zoning district.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2001, Ord. No. 01-108, sec. 1.)

**Section 25-4-15. Agricultural tourism.**

- (a) Agricultural tourism is permitted as an accessory use to agricultural processing facilities in the CG, CDH, CV, CN, ML, MG, and MCX districts.
- (b) Agricultural tourism is permitted as an accessory use to agricultural activities and agricultural processing facilities in the A, FA, IA, RA, and APD districts, subject to plan approval and in conformance with section 25-4-15(d).
- (c) Agricultural tourism activities in A, FA, IA, RA, and APD districts that do not conform to section 25-4-15(d) shall obtain a special permit in the state land use agricultural or rural districts, or a use permit in the state land use urban district.
- (d) Agricultural tourism operations shall comply with the following regulations:
  - (1) The agricultural activity or agricultural products processing facility must have a minimum of \$10,000 in verifiable gross sales, exclusive of any income from agricultural tourism activities or any other non-agricultural activities, for the year preceding the commencement of the agricultural tourism activity or, in the case of a new agricultural activity or agricultural products processing facility, provide evidence to the director's satisfaction that sufficient investment has been made in the planting of crops, acquisition of livestock, or construction of agricultural products processing facilities, that the agricultural activity or agricultural processing facility will achieve the minimum required gross sales;
  - (2) Agricultural tourism activities shall not commence prior to 8:00 a.m. or continue past 6:00 p.m. daily;
  - (3) The agricultural tourism operation shall have a maximum of thirty thousand visitors annually;
  - (4) All visitor and employee parking, loading/unloading, and vehicular turn-around areas shall be located off-street;
  - (5) The total area of spaces, including covered decks, lanais, tents or canopies, and gazebos, whether newly constructed or within existing structures, to be utilized principally for the agricultural tourism activity, but not including parking and vehicular access areas, shall not exceed one thousand square feet;
  - (6) Gross revenues from agricultural tourism shall not exceed the gross revenues of the associated agricultural activity and/or agricultural products processing facility, including revenues from adjacent parcels under the same ownership, except where it can be demonstrated to the director's satisfaction that the gross agricultural products/processing income is less than fifty percent of the total income due to unforeseen environmental or economic conditions for not more than two consecutive years, or, in the case of a new agricultural activity or agricultural products processing facility, that sufficient investment has been made so that it is reasonable to project that the operation's gross revenues from agricultural tourism will not exceed fifty percent of gross revenues, and provided further, that the sale of all items which include agricultural products grown or processed by the associated agricultural activity or agricultural processing facility shall be included in the gross revenues of the associated agricultural activity or agricultural processing facility;
  - (7) Sales of agricultural products grown on the island of Hawai'i, and processed agricultural products where the main ingredient was grown on the island of Hawai'i shall be allowed as part of the agricultural tourism operation. Incidental sales of non-agricultural promotional items, including but not limited to, coffee mugs, tee shirts, etc., shall be permitted provided:
    - (A) The items are specifically promotional to the site's agricultural activities and/or product; and

- (B) The gross revenues from the sale of non-agricultural promotional items shall be included with the gross revenues from the agricultural tourism activities;
- (8) Agricultural tourism in the A, FA, IA, and RA districts shall not include weddings, parties, restaurants, schools, catered events, or overnight accommodations, unless allowed by special permit or use permit; and
- (9) Annual events that promote an agricultural industry or agricultural area, and organized on a not-for-profit basis, are permitted in the A, FA, IA, RA, and APD districts without plan approval.
- (e) Any agricultural tourism activity that is not in compliance with the regulations under section 25-4-15(d) or appropriately permitted as provided by section 25-4-15(c) shall be considered illegal under this chapter, unless otherwise noted herein.
- (f) Any agricultural tourism activity in the A, IA, FA, RA, or APD districts, existing prior to the effective date of this section and conforming to the standards contained in section 25-4-15(d) and that has not received plan approval, may continue such use for twelve months following the effective date of this ordinance. After this date, continued use without having received plan approval shall be considered illegal under this chapter.
- (g) Any agricultural tourism activity in the A, IA, FA, RA, or APD districts, that does not conform to the standards in section 25-4-15(d), and which has not previously received a special permit or use permit for such activity, may continue such use for twelve months following the effective date of this ordinance, and, if an application for a special permit or a use permit has been received and accepted within the twelve month period, may continue such use until final action has been taken on the application. After twelve months from approval of this ordinance, or denial of the application, whichever occurs later, continued use shall be considered illegal under this chapter.
- (h) Any agricultural tourism activity that is currently operated under a special permit may continue to operate under the terms and conditions of the special permit, or apply to void the special permit and, if the permit is voided, operate under the standards of section 25-4-15(d).
- (i) An agricultural tourism activity that obtains plan approval, but becomes non-compliant with the standards of section 25-4-15(d) because of an increase in the number of visitors, shall apply for a special permit, but may continue to operate until a final decision is made on the special permit application.
- (j) An agricultural tourism activity which has received plan approval shall submit financial records to the director on request to verify compliance and shall maintain a count of visitors which shall be furnished to the director on request.
- (k) The director may use observations of visitor arrivals, including bus traffic, in estimating whether an agricultural tourism activity complies with section 25-4-15(d)(3), and may require that an activity allowed with plan approval apply for a special permit based on such observations. In that case, the activity may continue until a final decision is made on the special permit.
- (2008, Ord. No. 08-155, sec. 9.)

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**Division 2. Heights.****Section 25-4-20. Height; general rules.**

- (a) No building or structure hereafter erected shall exceed the established zoning district height limit, except as hereinafter permitted or otherwise regulated.
  - (b) If any existing structure exceeds the established zoning district height limits, it shall not be further increased in height.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-21. Basements and underground structures.**

In all districts, any number of floors below ground may be permitted.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-22. Exemptions from height limitations.**

- The following structures are exempt from zoning district height limits under the specified restrictions:
- (a) Chimneys, spires, belfries, water tanks, monuments, steeples, antennae, flag poles, vent pipes, fans, structures housing or screening elevator machinery and other similar features, not to exceed ten feet above the governing height limit.
  - (b) Safety railings not to exceed forty-two inches above the governing height limit.
  - (c) Utility poles and lines and telecommunication antennas not to exceed five hundred feet from existing grade.
  - (d) One antenna for an amateur radio station operation per building site, not to exceed ninety feet above existing grade.
  - (e) Wind machines, where permitted, provided that each machine shall be set back from all property lines one foot for each foot of height, measured from the highest vertical extension of the system.
  - (f) Any energy savings device, including heat pumps and solar collectors, not to exceed eight feet above the governing height limit.
  - (g) Nonresidential agricultural structures in the A and IA districts, not to exceed one hundred feet, as approved by the director upon finding that the additional height above forty-five feet is necessary.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-23. Accessory structure height limitations.**

An accessory structure shall not exceed twenty feet in height, unless otherwise specified in this chapter.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Division 3. Street Frontage, Lot Areas and Widths.****Section 25-4-30. Minimum street frontage.**

- The following minimum street frontage standards apply to every building site:
- (a) Fifty percent of the required building site average width for any building site in a zoning district providing for a minimum building site of one acre or less, except for flag lots, any building site located at the end of a cul-de-sac, and any building site where the access to the building site is by means of a roadway easement.

- (b) One hundred feet for any building site in a zoning district providing for a minimum building site of over one acre, except for flag lots, any building site located at the end of a cul-de-sac, and any building site where the access to the building site is by means of a roadway easement.
  - (c) The width of the pole or fifteen feet for any flag lot.
  - (d) Fifteen feet for any building site located at the end of a cul-de-sac.
  - (e) No street frontage shall be required for any building site where access to the building site is by means of a roadway easement.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-31. Minimum building site area; minimum average width.**

- (a) Unless otherwise specified in this chapter, each main building must be located on a building site having not less than the established zoning district minimum building site area.
  - (b) Any building site which has less area or width than that required by the established zoning district, may be used as a legal building site; provided that the owner of the building site owns no adjoining property at the same time.
  - (c) A building site shall be deemed to conform to the requirements for building site average width if any portion of the building site considered separately has the minimum building site area with the minimum average width.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-32. Reduction of building site below minimum area.**

- (a) A building site may not be reduced below the established zoning district minimum building site area, and an existing building site, which is below the minimum building site area, may not be further reduced in area, except as provided under section 25-3-5.
  - (b) Any legal building site reduced in area or average width by not more than twenty percent, by reason of the establishment of future width lines or plan lines for future streets or by the acquisition by a public agency for public purposes, shall be deemed to be a legal building site as to the remainder of the building site.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-33. Effect of delinquent tax sale; recordation of land.**

Any parcel of land that is not otherwise a legal building site does not become a legal building site by virtue of being sold at a delinquent tax sale, or by reason of recordation of the parcel of land at the State bureau of conveyances.

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

**Section 25-4-34. Waiver of minimum building site area for utilities.**

The required minimum building site area may be waived by the director for public utility or public rights-of-way subdivisions, or both, and any resulting remnant parcels.

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

**Division 4. Yards and Open Space.**

**Section 25-4-40. General requirements for yards and open space.**

- (a) On every building site, yards of the minimum width or depth as specified for the established zoning district shall be maintained open and unobstructed from the ground up, except as specified in sections 25-4-40 through 25-4-47.

- (b) No required yard or open space may fulfill the requirement for more than one building, building site, or use.
- (c) A building site shall have a front yard wherever it has a street frontage, except where the option of either a front or rear yard is allowed in CV and CG districts.
- (d) In CV and CG districts, where the building site is bounded by two or more streets, a minimum of one front yard shall be required. Its location shall be determined by taking into account the relationship and impact of the development to the adjoining streets.
- (e) Unless otherwise specified, yards, open spaces, and distances shall be measured horizontally.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-41. Triangular or irregular building sites.**

- (a) On any triangular-shaped building site, the rear yard shall be measured from the point most nearly opposite the street line and in the same manner as for a corner building site.
- (b) In the event a building site is so irregular in shape that it is impossible to establish side and rear yards, the director shall view the relationship between the building site and surrounding property and shall specify the required yards.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-42. Corner building sites.**

- (a) On any corner building site, the interior lines shall be side lot lines and all rear yard regulations shall be inapplicable.
- (b) On any corner building site in all zoning districts except in the CN district, within the area of a triangle formed by the street lines of such building site (ignoring any corner radius), and a line drawn between points on such street lines twenty-five feet from the intersection thereof, no fence, wall, hedge, or building shall be higher than three feet nor shall there be any obstruction to vision other than a post, column, or tree trunk clear of branches or foliage, between the height of three feet and eight feet above the level of the street or the level of the point of intersection if the streets are sloping.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-43. Fences and accessory structures.**

- (a) A perimeter boundary fence, wall or similar feature, six feet or less in height shall not be considered a structure and shall be permitted without any front, side or rear yard requirements. In addition, a fence which is constructed of strand material, such as barbed wire, hog wire, or chain link, which allows “see-through” visibility is permitted to a height of eight feet without any front, side, or rear yard requirements.
- (b) No fence, wall, architectural feature, or other obstruction shall be placed or be without gates or openings so as to prohibit complete access around any main building at all times.
- (c) Any accessory structure, including any fence, or wall over six feet in height, architectural feature or water tank, which is not connected to a building, may not extend into any required front, side or rear yard, but may be located next to any building without any open space requirement.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-44. Permitted projections into yards and open spaces.**

- (a) Except as may otherwise be restricted, roof overhangs, eaves, sunshades, sills, frames, beam ends, cornices, canopies, porches, balconies, terraces, fire escapes, stairs, ramps, above-grade pools and other similar features may extend four feet into any required yard or open space that is less than ten feet, five feet when required yard or space is from ten up to fifteen feet, and six feet when required yard is over fifteen feet; provided that:

- (1) No cornice, canopy, eave, porch, balcony, terrace, fire escape, stair, ramp or other similar feature shall be enclosed above or below the extension except that there may be individual posts or beams for support and open or grill-type railings no higher than four feet.
- (2) No chimney may extend more than two feet into any yard.
- (3) No above-grade pool may extend into any required front, side or rear yard if the pool is over six feet in height.

(b) The extensions permitted in this section apply separately to each building.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-45. Projection of porte-cocheres.**

An attractively designed porte-cochere may extend any distance into a front yard as a protection for arriving motorists and pedestrians.

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

**Section 25-4-46. Projection of pools.**

A pool constructed at-grade may extend any distance into a required yard or open space.

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

**Section 25-4-47. Minimum distance between main buildings on same building site.**

Unless otherwise specified, the minimum distance between main buildings on the same building site shall be fifteen feet, measured between the walls of the two buildings.

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

**Division 5. Off-Street Parking and Loading.**

**Section 25-4-50. Off-street parking and loading: purpose.**

- (a) Parking and loading standards are intended to minimize street congestion and traffic hazards, and to provide safe and convenient access to residences, businesses, public services and places of public assembly.
- (b) Off-street parking and loading spaces shall be provided in such number, at such location and with such improvements as required as set forth in this division.

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

**Section 25-4-51. Required number of parking spaces.**

(a) The number of parking spaces for each use shall be as follows:

- (1) Agricultural tourism: one for each three hundred square feet of gross floor area used principally for the agricultural tourism activity, but not fewer than three spaces, plus bus parking if buses are allowed.
- (2) Bed and breakfast establishments: one for each guest bedroom, in addition to one for the dwelling unit.
- (3) Bowling alleys: four for each alley.
- (4) Commercial uses, including retail and office uses in RCX, CN, CG, CV, MCX, V, RA, FA, A and IA districts: one for each three hundred square feet of gross floor area.
- (5) Day care centers: one for each ten care recipients of design capacity or one for every two hundred square feet of gross floor area, whichever is greater.
- (6) Dwellings, multiple-family: one and one quarter for each unit.
- (7) Dwellings, single-family and double-family or duplex: two for each dwelling unit.
- (8) Funeral homes and mortuaries: one for each seventy-five square feet of gross floor area.
- (9) Golf courses: four for every hole.

- (10) Hospitals: one for each bed.
  - (11) Hotels and lodges:
    - (A) For hotel guest units without a kitchen, one for every three units;
    - (B) For hotel guest units with a kitchen, one and one quarter for each unit.
  - (12) Industrial uses in ML, MG, MCX, RA, FA, A and IA districts: one for each four hundred square feet of gross floor area.
  - (13) Laundromats, cleaners (coin operated): one for every four machines.
  - (14) Major outdoor amusement and recreation facilities: one for each two hundred square feet of gross floor area within enclosed buildings, plus one for every three persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
  - (15) Meeting facilities, including churches: one for each seventy-five square feet of gross floor area.
  - (16) Nursing homes, convalescent homes, rest homes and homes for the elderly: one for every two beds.
  - (17) Parks: as determined by the director.
  - (18) Recreation facilities, outdoor or indoor, other than herein specified: one for each two hundred square feet of gross floor area, plus three per court (racquetball, tennis or similar activities).
  - (19) Rooming and lodging houses, religious, fraternal or social orders having sleeping accommodations: one for each two beds.
  - (20) Schools (elementary and intermediate): one for each twenty students of design capacity, plus one for each four hundred square feet of office floor space.
  - (21) Schools (high, language, vocational, business, technical and trade, college): one for each ten students of design capacity, plus one for each four hundred square feet of office floor space.
  - (22) Sports arenas, auditoriums, theaters, assembly halls: one for every four seats.
  - (23) Swimming pools (community): one for each forty square feet of pool area.
  - (24) Warehouse and bulk storage establishments where there is no trade or retail traffic: one for each one thousand square feet of gross floor area.
  - (b) No additional parking is required for any change of use in a building as long as the previous use of the building had the required number of parking stalls for that use; provided, that additional parking may be required for a change of use in any building where the building is converted from residential to commercial use or from warehouse and manufacturing use to retail or commercial use.
  - (c) Where uses and activities do not occur simultaneously, parking space requirements may be shared, provided that:
    - (1) The utilization of the combined parking is shown to the satisfaction of the director to be noncompeting as to time of use;
    - (2) The number of parking spaces is based on the largest parking requirement of those respective facilities;
    - (3) The parking areas are not more than one thousand feet from any of the buildings housing the activities; and
    - (4) The parking areas are encumbered for that use for the life of the facilities being served.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2008, Ord. No. 08-155, sec. 10.)

**Section 25-4-52. Method of determining number of parking spaces.**

- (a) When computation of required parking spaces results in a fractional number, the number of spaces required shall be the next highest whole number.
- (b) In stadiums, sports arenas, meeting facilities, and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-four inches of width shall be counted as a seat for the purpose of determining requirements for off-street parking.

- (c) If bicycle parking stalls are constructed on any building site, the total number of required parking spaces shall be reduced by one parking space for every five bicycle parking stalls constructed.
  - (d) At least sixty-seven percent of the required parking shall be standard-sized parking spaces, and thirty-three percent may be compact spaces.
  - (e) The director may increase the required number of parking spaces for any use during plan approval if the director reviews the proposed use and its impact to the immediate area and finds that the increase will further the public safety, convenience and welfare.
  - (f) If there is any doubt as to the requirements for off-street parking for any use not specifically mentioned or for any other reason, the director shall determine the required number of parking spaces for such use.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-53. Minimum dimensions of parking spaces.**

- (a) Standard-sized automobile parking spaces shall be at least eighteen feet in length and eight feet six inches in width, with curbside parallel spaces at least twenty-two feet in length.
- (b) Compact spaces shall be at least sixteen feet in length and seven feet six inches in width, with curbside parallel spaces at least eighteen feet in length.
- (c) Minimum aisle widths for parking bays shall be provided in accordance with the following:

<b>Angle of Parking to Curb</b>	<b>Minimum Width</b>
to 0° (parallel)	12'
to 45°	14'
to 60°	18'
to 90° (perpendicular)	24'

- (d) Parking spaces may have a three-foot unpaved car overhang area.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-54. Standards and improvements to off-street parking spaces.**

- (a) All parking spaces shall be arranged so as to be individually accessible.
  - (b) Except for one duplex dwelling or two single-family dwellings on any single building site, access to any individual parking space shall not be directly from or to a street but must be reached from an on-site access driveway of proper design and width to allow for passage of vehicles and necessary turning movements.
  - (c) In V, CN, CG, CV, MCX, ML, MG, RD, RM and RCX districts, parking spaces shall be paved.
  - (d) For any permitted use in the RS, RA, FA, A or IA districts, the pavement of parking spaces is not required, and any material may be used for the parking spaces that will eliminate erosion, mud and standing water.
  - (e) For any parking space containing a building column, that column may intrude six inches into the required width, provided that the building column shall not be located at the entry of the parking space. A wall shall not be considered a building column.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-5-44. Minimum building site area.**

The minimum building site area in the RCX district shall be seven thousand five hundred square feet. (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-5-45. Minimum building site average width.**

Each building site in the RCX district shall have a minimum average width of sixty feet. (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-5-46. Minimum yards.**

Minimum yards in the RCX district shall be as follows:

- (1) Front and rear yards: twenty feet; and
  - (2) Side yards, eight feet for a one-story building, plus an additional two feet for each additional story.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-5-47. Landscaping.**

Landscaping shall be provided on a minimum of twenty percent of the total land area of any building site in the RCX district, except for lots containing only one single-family dwelling and accessory buildings. Parking areas shall not be included within the area required for landscaping on any building site. (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2005, Ord. No. 05-155, sec. 6.)

**Section 25-5-48. Commercial use restrictions.**

- (a) Where commercial uses are integrated with residential uses in the RCX district, pedestrian access to the dwelling shall be independent from other uses and shall be designed to enhance privacy for residents.
  - (b) No floor of any building in the RCX district shall be used for both dwelling and commercial purposes.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-5-49. Other regulations.**

- (a) There may be more than one main building on any building site in the RCX district.
  - (b) Distance between main buildings on the same building site in the RCX district shall be at least fifteen feet.
  - (c) Plan approval shall be required for all new buildings and additions to existing buildings in the RCX district, except for construction of one single-family dwelling and any accessory buildings per lot.
  - (d) Exceptions to the regulations for the RCX district regarding heights, building site areas, building site average widths and yards, may be approved by the director within a planned unit development.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2005, Ord. No. 05-155, sec. 7.)

**Division 5. RA, Residential and Agricultural Districts.****Section 25-5-50. Purpose and applicability.**

The RA (residential and agricultural) district provides for activities or uses characterized by low density residential lots in rural areas where “city-like” concentrations of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with low density residential lots. The RA district is intended to be only within areas designated as being in the State land use rural or urban districts. (1996, Ord. No. 96-160, sec. 2; ratified and amended April 6, 1999.)

**Section 25-5-51. Designation of RA districts.**

Each RA (residential and agricultural) district shall be designated on the zoning map by the symbol “RA” followed by a number and the lower case letter “a” which indicates the required or minimum number of acres for each building site. For example RA-1a means a residential agricultural district with a minimum building site area of one acre.

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

**Section 25-5-52. Permitted uses.**

- (a) The following uses shall be permitted in the RA district:
- (1) Adult day care homes.
  - (2) Agricultural products processing, minor, provided that the site or buildings used for such processing, shall be located at least seventy-five feet from any street bounding the building site.
  - (3) Agricultural tourism as permitted under section 25-4-15.
  - (4) Animal hospitals.
  - (5) Aquaculture.
  - (6) Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants.
  - (7) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (8) Crop production.
  - (9) Dwelling, single-family, one per building site.
  - (10) Family child care homes.
  - (11) Group living facilities.
  - (12) Kennels, provided that the building site is a minimum of five acres in area and the structures are located at least one hundred feet away from any lot line.
  - (13) Livestock production (excluding pigs), provided that:
    - (A) The requirements of the department of health are met;
    - (B) Approval of the director is obtained; and
    - (C) Any feed or water area, salt lick, corral, run, barn, shed, stable, house, hutch, or other enclosure for the keeping of any permitted animal shall be located at least seventy-five feet from any lot line.
  - (14) Parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities.
  - (15) Public uses and structures, as permitted under section 25-4-11.
  - (16) Roadside stands for the sale of agricultural products grown on the premises.
  - (17) Stables, commercial or boarding, provided that the building site is a minimum of five acres in area and the structures are located at least one hundred feet away from any lot line.
  - (18) Telecommunications antennas, as permitted under section 25-4-12.
  - (19) Utility substations, as permitted under section 25-4-11.
  - (20) Veterinary establishments.
- (b) The following use may be permitted in the RA district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses.
- (c) The following uses may be permitted in the RA district, provided that if a building site is located within the State land use rural district, the following uses may be permitted if a special permit is obtained for such use:
- (1) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (2) Community buildings, as permitted under section 25-4-11.
  - (3) Country clubs, tennis clubs and other similar recreational facilities which include buildings or indoor recreational features.

- (4) Drive-in theaters.
  - (5) Guest ranches.
  - (6) Home occupations, as permitted under section 25-4-13.
  - (7) Lodges.
  - (8) Meeting facilities.
  - (9) Model homes, as permitted under section 25-4-8.
  - (10) Temporary real estate offices, as permitted under section 25-4-8.
  - (11) Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai'i Revised Statutes.
- (d) The following uses may be permitted in the RA district, provided that either a use permit is issued for each use if the building site is within the State land use urban district or a special permit is issued for each use if the building site is within the State land use rural district:
- (1) Crematoriums.
  - (2) Churches, temples and synagogues.
  - (3) Day care centers.
  - (4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (5) Major outdoor amusement and recreation facilities, includes stadiums, sports arenas, and other similar open air recreational uses.
  - (6) Mortuaries.
  - (7) Schools.
  - (8) Yacht harbors and boating facilities.
- (e) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the RA district.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2008, Ord. No. 08-155, sec. 11.)

**Section 25-5-53. Height limit.**

The height limit in the RA district shall be thirty-five feet.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-5-54. Minimum building site area.**

The minimum building site area in the RA district shall be one-half acre. RA districts having larger areas may be designated in increments of one-half acre up to a recommended maximum of three acres. The recommended maximum does not specify an absolute upper limit for any building site in the RA district.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-5-55. Minimum building site average width.**

Each building site in the RA district shall have a minimum average width of one hundred feet for the first one-half acre of required area, plus twenty feet for each additional one-half acre of required area; provided that no building site shall be required to have an average width greater than three hundred feet.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-5-56. Minimum yards.**

Minimum yards in the RA district shall be as follows:

- (1) Front and rear yards, twenty-five feet; and
- (2) Side yards, fifteen feet.

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

**Section 25-5-57. Other regulations.**

- (a) If any legal building site in the RA district has an area less than one-half acre, then the yard and height requirements for the building site shall be the same as the yard requirements for the RS district.
  - (b) Plan approval shall be required prior to the construction or installation of any new structure or development, or of any addition to an existing structure or development which is used for minor agricultural products processing.
  - (c) An ohana dwelling may be located on any building site in the RA district, as permitted under article 6, division 3 of this chapter.
  - (d) Exceptions to the regulations for the RA district regarding heights, building site areas, building site average widths and yards, may be approved by the director within a planned unit development pursuant to article 6, division 1 of this chapter.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Division 6. FA, Family Agricultural Districts.****Section 25-5-60. Purpose and applicability.**

The FA (family agricultural) district provides for a blend of small-scale agricultural operations associated with residential activities and which may be characterized by farm estates, small acreage farms, or subsistence lots. The FA district is intended to be in areas designated as being within the State land use agricultural district, where public services and infrastructure are appropriate to support the very low density residential needs of a rural community and where substantial number of parcels are less than five acres in size, and where a mix of uses will not conflict with or be detrimental to existing agricultural uses in the surrounding area.

In addition, this district is intended to be primarily comprised of agricultural lands less than five acres in area, which are not classified as A or B lands under the land study bureau's master productivity rating, or classified as prime, unique, or other important agricultural lands. Provided, that this district may include lands so classified if the lands are situated within an urban expansion or other urban designation under the general plan land use pattern allocation guide (LUPAG) map.

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

**Section 25-5-61. Designation of FA districts.**

Each FA (family agricultural) district shall be designated on the zoning map by the symbol "FA" followed by a number and the lower case letter "a" which indicates the required number of acres for each building site. For example, FA-1a means a family agricultural district with a minimum building site area of one acre.

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

**Section 25-5-62. Permitted uses.**

- (a) The following uses shall be permitted in FA districts:
  - (1) Agricultural products processing, minor, provided that the area or buildings used for such processing, shall be located at least seventy-five feet from any street.
  - (2) Agricultural tourism as permitted under section 25-4-15.
  - (3) Animal hospitals.
  - (4) Aquaculture.
  - (5) Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants.
  - (6) Campgrounds, parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities, where none of the recreational features are entirely enclosed in a building.

- (7) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (8) Crop production.
  - (9) Dwelling, single-family, as permitted under chapter 205, Hawai'i Revised Statutes and as permitted under section 25-5-67(b).
  - (10) Farm dwellings, as permitted under section 25-5-67(b) and (c).
  - (11) Game and fish propagation.
  - (12) Group living facilities.
  - (13) Kennels.
  - (14) Livestock, grazing; provided that any feed or water area, salt lick, corral, run, barn, shed, stable, house, hutch, or other enclosure for the keeping of any permitted animals shall be located at least seventy-five feet from any lot line.
  - (15) Public uses and structures, necessary for agricultural practices.
  - (16) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest.
  - (17) Riding academies, and rental or boarding stables.
  - (18) Roadside stands for the sale of agricultural products grown on the premises.
  - (19) Telecommunications antennas, as permitted under section 25-4-12.
  - (20) Utility substations, as permitted under section 25-4-11.
  - (21) Vehicle and equipment storage areas that are directly accessory to aquaculture, crop production, game and fish propagation, and livestock grazing.
  - (22) Veterinary establishments.
- (b) The following use may be permitted in the FA district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses.
- (c) The following uses may be permitted in the FA district, provided that a special permit is obtained for such use if the building site is located within the State land use agricultural district:
- (1) Adult day care homes.
  - (2) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (3) Community buildings, as permitted under section 25-4-11.
  - (4) Family child care homes.
  - (5) Home occupations, as permitted under section 25-4-13.
  - (6) Meeting facilities.
  - (7) Model homes, as permitted under section 25-4-8.
  - (8) Public uses and structures, other than those necessary for agricultural practices, as provided under section 25-4-11.
  - (9) Temporary real estate offices, as permitted under section 25-4-8.
  - (10) Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai'i Revised Statutes.
- (d) The following uses may be permitted in the FA district, provided that a use permit is issued for each use if the building site is outside of the State land use agricultural district or a special permit is issued for each use if the building site is within the State land use agricultural district:
- (1) Churches, temples and synagogues.
  - (2) Day care centers.
  - (3) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (4) Major outdoor amusement and recreation facilities, includes stadiums, sports arenas, and other similar open air recreational uses.

- (5) Mortuaries.
  - (6) Schools.
  - (e) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the FA district.
- (1996, Ord. No. 96-160, sec. 2; ratified and amended April 6, 1999; Am. 2008, Ord. No. 08-155, sec. 12.)

**Section 25-5-63. Height limits.**

The height limit in FA districts shall be thirty-five feet for any residential structure, including any single-family dwelling or farm dwelling, and forty-five feet for all other structures.

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

**Section 25-5-64. Minimum building site area.**

The minimum building site area in the FA district shall be one acre. Other FA districts having larger areas may be designated in increments of one acre up to a recommended maximum of five acres.

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

**Section 25-5-65. Minimum building site average width.**

Each building site in the FA district must have a minimum average width of one hundred twenty feet for the initial one acre of required area plus twenty feet for each additional acre of required area; provided that no building site shall be required to have an average width greater than three hundred feet.

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

**Section 25-5-66. Minimum yards.**

- (a) Except as otherwise provided in this section, the minimum yards in the FA district shall be thirty feet for front and rear yards and twenty feet for side yards.
  - (b) In the FA district, accessory buildings and enclosures (other than fences under eight feet high) for the shelter and confinement of any livestock shall be at least thirty feet from the side and rear property lines.
  - (c) Appropriate additional setbacks from adjacent residential zoned lands may be required by the director for those facilities and uses which may include more frequently used machinery and equipment in order to minimize potential lighting, odor, vector and air and water quality impacts.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-5-67. Other regulations.**

- (a) If any legal building site in an FA district has an area of less than one acre, then the yard and height requirements for the building site shall be the same as the yard and height requirements in the RA district.
- (b) One single-family dwelling or one farm dwelling shall be permitted on any building site in the FA district. A farm dwelling is a single-family dwelling located on or used in connection with a farm or if the agricultural activity provides income to the family occupying the dwelling.
- (c) Additional farm dwellings may be permitted in the FA district only upon the following conditions:
  - (1) A farm dwelling agreement for each additional farm dwelling, on a form prepared by the director, shall be executed between the owner of the building site, any lessee having a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement, and the County. The agreement shall require the dwelling to be used for farm-related purposes.
  - (2) The applicant shall submit an agricultural development and use program, farm plan or other evidence of the applicant's continual agricultural productivity or farming operation within the County to the director. Such plan shall also show how the farm dwelling will be utilized for farm-related purposes.

- (d) An ohana dwelling may be located on any building site in the FA district, as permitted under article 6, division 3 of this chapter.
  - (e) Exceptions to the regulations for the FA district regarding heights, building site areas, building site average widths and yards, may be approved by the director within a planned unit development.
  - (f) Plan approval shall be required prior to the construction or installation of any new structure or development, or of any addition to an existing structure or development which is used for minor agricultural products processing.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

### **Division 7. A, Agricultural Districts.**

#### **Section 25-5-70. Purpose and applicability.**

The A (agricultural) district provides for agricultural and very low density agriculturally-based residential use, encompassing rural areas of good to marginal agricultural and grazing land, forest land, game habitats, and areas where urbanization is not found to be appropriate.

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

#### **Section 25-5-71. Designation of A districts.**

Each A (agricultural) district shall be designated on the zoning map by the symbol “A” followed by a number together with the lower case letter “a” which indicates the required or minimum number of acres for each building site. For example, A-10a means an agricultural district with a minimum building site area of ten acres.

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

#### **Section 25-5-72. Permitted uses.**

- (a) The following uses shall be permitted in the A district:
  - (1) Agricultural parks.
  - (2) Agricultural products processing, major and minor.
  - (3) Agricultural tourism as permitted under section 25-4-15.
  - (4) Animal hospitals.
  - (5) Aquaculture.
  - (6) Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants.
  - (7) Campgrounds, parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities, where none of the recreational features are entirely enclosed in a building.
  - (8) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (9) Crop production.
  - (10) Dwelling, single-family, as permitted under chapter 205, Hawai‘i Revised Statutes and as permitted under section 25-5-77(b).
  - (11) Farm dwellings, as permitted under section 25-5-77(b) and (c).
  - (12) Fertilizer yards utilizing only manure and soil, for commercial use.
  - (13) Forestry.
  - (14) Game and fish propagation.
  - (15) Group living facilities.
  - (16) Kennels.
  - (17) Livestock production, provided that piggeries, apiaries, and pen feeding of livestock shall only be located on sites approved by the State department of health and the director, and must be located no closer than one thousand feet away from any major public street or from any other zoning district.

- (18) Public uses and structures which are necessary for agricultural practices.
  - (19) Retention, restoration, rehabilitation, or improvement of building or sites of historic or scenic interest.
  - (20) Riding academies, and rental or boarding stables.
  - (21) Roadside stands for the sale of agricultural products grown on the premises.
  - (22) Telecommunication antennas, as permitted under section 25-4-12.
  - (23) Utility substations, as permitted under section 25-4-11.
  - (24) Vehicle and equipment storage areas that are directly accessory to aquaculture, crop production, game and fish propagation, livestock grazing and livestock production.
  - (25) Veterinary establishments.
  - (26) Wind energy facilities.
- (b) The following use may be permitted in the A district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses.
- (c) The following uses may be permitted in the A district, provided that a special permit is obtained for such use if the building site is located within the State land use agricultural district:
- (1) Adult day care homes.
  - (2) Airfields, heliports, and private landing strips.
  - (3) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (4) Community buildings, as permitted under section 25-4-11.
  - (5) Excavation or removal of natural building material or minerals, for commercial use.
  - (6) Family child care homes.
  - (7) Guest ranches.
  - (8) Home occupations, as permitted under section 25-4-13.
  - (9) Lodges.
  - (10) Meeting facilities.
  - (11) Model homes, as permitted under section 25-4-8.
  - (12) Public dumps.
  - (13) Public uses and structures, other than those necessary for agricultural practices, as provided under section 25-4-11.
  - (14) Temporary real estate offices, as permitted under section 25-4-8.
  - (15) Trailer parks with density of three thousand five hundred square feet of land area per trailer, provided that plan approval is secured prior to commencing such use.
  - (16) Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai‘i Revised Statutes.
- (d) The following uses may be permitted in the A district, provided that a use permit is issued for each use if the building site is outside of the State land use agricultural district or a special permit is issued for each use if the building site is within the State land use agricultural district:
- (1) Crematoriums.
  - (2) Churches, temples and synagogues.
  - (3) Day care centers.
  - (4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (5) Major outdoor amusement and recreation facilities.
  - (6) Mortuaries.
  - (7) Schools.

- (e) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the A district.
  - (f) No building site shall be established after December 1, 1996 which shall in any way restrict or limit aquaculture, horticulture, production of crops, keeping of livestock, game and fish propagation, or the processing, sale or other commercial use of the products of such uses.
- (1996, Ord. No. 96-160, sec. 2; ratified and amended April 6, 1999; Am. 2008, Ord. No. 08-155, sec. 13.)

**Section 25-5-73. Height limit.**

The height limit in the A district shall be thirty-five feet for any residential structure, including any single-family dwelling, or farm dwelling, and forty-five feet for all other structures. The director may, however, permit by plan approval, any nonresidential agricultural structures to be constructed to a height of one hundred feet, if the director determines that the additional height above the forty-five foot height limit is necessary.

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

**Section 25-5-74. Minimum building site area.**

The minimum building site area in the A district shall be five acres.

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

**Section 25-5-75. Minimum building site average width.**

Each building site in the A district shall have a minimum average width of two hundred feet for the first five acres of required area plus twenty feet for each additional acre of required area. Provided that no building site shall be required to have an average width greater than one thousand feet.

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

**Section 25-5-76. Minimum yards.**

- (a) Except as otherwise provided in this section, the minimum yards in the A district shall be thirty feet for front and rear yards, and twenty feet for side yards.
- (b) For accessory uses such as shade cloth structures used in controlling the amount of sunlight in the raising of plants and flowers, rear, side and front yards in the A district shall be at least ten feet, except where the A district shares common boundaries with urban zones and main government roads.
- (c) For accessory uses such as plastic roofed and shade cloth wooden or metal framed structures used in controlling the amount of sunlight, rainfall, wind and other elements of nature in the raising of fruits, vegetables and similar agricultural products, rear, side and front yards shall be at least ten feet except where:
  - (1) Exterior walls of any type other than shade cloth are added to the wooden or metal framed structure;
  - (2) The specific use allowed is abandoned; and
  - (3) The A district shares common boundaries with urban zones and main government roads.

(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 1999, Ord. No. 99-110, sec. 1.)

**Section 25-5-77. Other regulations.**

- (a) If any legal building site in the A district has an area of less than five acres, then the yard, minimum building site average width and height requirements for the building site shall be the same as the yard and height requirements in the FA district.
- (b) One single-family dwelling or one farm dwelling shall be permitted on any building site in the A district. A farm dwelling is a single-family dwelling that is located on or used in connection with a farm or if the agricultural activity provides income to the family occupying the dwelling.

- (c) Additional farm dwellings may be permitted in the A district only upon the following conditions:
- (1) A farm dwelling agreement for each additional farm dwelling, on a form prepared by the director, shall be executed between the owner of the building site, any lessee having a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement, and the County. The agreement shall require the dwelling to be used for farm-related purposes.
  - (2) The applicant shall submit an agricultural development and use program, farm plan or other evidence of the applicant's continual agricultural productivity or farming operation within the County to the director. Such plan shall also show how the farm dwelling will be utilized for farm-related purposes.
- (d) An ohana dwelling may be located on any building site in the A district, as permitted under article 6, division 3 of this chapter.
- (e) Exceptions to the regulations for the A district regarding heights, building site areas, building site average widths and yards, may be approved by the director within a planned unit development.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

### **Division 8. IA, Intensive Agricultural Districts.**

#### **Section 25-5-80. Purpose and applicability.**

The IA (intensive agricultural) district provides for the preservation of important agricultural lands as provided for in the general plan and characterized by a mix of small and large scale commercial farms and other agricultural operations which may include residential use in the form of farm dwellings closely tied to intensive agricultural use. The lands in the IA district are those lands which have the soil, quality, growing season, and moisture supply needed to sustain high yields of crops generally or of specific crops of statewide or local importance when managed according to modern farming methods. All IA districts shall be located within the State land use agricultural or conservation district.

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

#### **Section 25-5-81. Designation of IA districts.**

The IA (intensive agricultural) district shall be designated by the symbol "IA" followed by a number together with the lower case letter "a" which indicates the required or minimum number of acres for each building site.

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

#### **Section 25-5-82. Permitted uses.**

- (a) The following uses shall be permitted in the IA district:
- (1) Agricultural parks.
  - (2) Agricultural products processing, major and minor.
  - (3) Agricultural tourism as permitted under section 25-4-15.
  - (4) Aquaculture.
  - (5) Cemeteries, as permitted under chapter 6, article 1 of this Code.
  - (6) Crop production.
  - (7) Farm dwellings, as permitted under sections 25-5-87(b) and (c).
  - (8) Forestry.
  - (9) Livestock production, provided that piggeries, apiaries and pen feeding of livestock shall not be closer than one thousand feet to any major road or to any district other than the A district on building sites approved by the State department of health and the director.
  - (10) Public uses and structures which are necessary for agricultural practices.

- (11) Telecommunication antennas, as permitted under section 25-4-12.
  - (12) Utility substations, as permitted under section 25-4-11.
  - (b) The following uses may be permitted in the IA districts, provided that a special permit is obtained for such use:
    - (1) Crematoriums.
    - (2) Churches.
    - (3) Community buildings as permitted under section 25-4-11.
    - (4) Day care centers.
    - (5) Hospitals.
    - (6) Public uses and structures, other than those necessary for agricultural purposes, as permitted under section 25-4-11.
    - (7) Uses other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai'i Revised Statutes.
  - (c) In IA districts in areas with over thirty percent slope, in gullies, and where rough terrain discourages intensive agricultural uses, the director may approve any other uses which are permitted in the RA, FA or A districts.
  - (d) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the IA district.
  - (e) No building site shall be established in the IA district which shall in any way restrict or limit the uses permitted under this section.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2008, Ord. No. 08-155, sec. 14.)

**Section 25-5-83. Height limit.**

The height limit in the IA district shall be thirty-five feet for any residential structure, including any farm dwelling, and forty-five feet for all other structures. The director may, however, permit by plan approval, any nonresidential agricultural structures to be constructed to a height of one hundred feet, if the director determines that the additional height above the forty-five foot height limit is necessary.

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

**Section 25-5-84. Minimum building site area.**

The minimum building site area in the IA district shall be five acres.

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

**Section 25-5-85. Minimum building site average width.**

Each building site in the IA district shall have a minimum average width of two hundred feet for the first five acres of required area, plus twenty feet for each additional acre of required area. Provided that no building site shall be required to have an average width greater than one thousand feet.

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

**Section 25-5-86. Minimum yards.**

- (a) Except as otherwise provided in this section, the minimum yards required in the IA district shall be thirty feet for front and rear yards, and twenty feet for side yards.
- (b) For accessory uses such as shade cloth structures used in controlling the amount of sunlight in the raising of plants and flowers, rear, side and front yards in the IA district shall be at least ten feet, except where the IA district shares common boundaries with urban zones and main government roads.

- (c) For accessory uses such as plastic roofed and shade cloth wooden or metal framed structures used in controlling the amount of sunlight, rainfall, wind and other elements of nature in the raising of fruits, vegetables and similar agricultural products, rear, side and front yards shall be at least ten feet except where:
- (1) Exterior walls of any type other than shade cloth are added to the wooden or metal framed structure;
  - (2) The specific use allowed is abandoned; and
  - (3) The IA district shares common boundaries with urban zones and main government roads.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 1999, Ord. No. 99-110, sec. 2.)

**Section 25-5-87. Other regulations.**

- (a) If any building site in the IA district has an area of less than five acres, then the minimum yards shall be the same as the yards in an FA district having an area requirement nearest to that of the subject building site in the IA district.
- (b) One farm dwelling shall be permitted on any building site in the IA district, if it is located on or used in connection with a farm or if the agricultural activity provides income to the family occupying the dwelling. In the case where agricultural activity has not been established, a farm dwelling agreement shall be entered into with the County to insure that agricultural activity will be established by the applicant within three years from the date that the building permit for the farm dwelling is issued.
- (c) Additional farm dwellings may be permitted in the IA district only upon the following conditions:
- (1) A farm dwelling agreement for each additional farm dwelling, on a form prepared by the director, shall be executed between the owner of the building site, any lessee having a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement, and the County. The agreement shall require the dwelling to be used for farm-related purposes.
  - (2) The applicant shall submit an agricultural development and use program, farm plan or other evidence of the applicant's continual agricultural productivity or farming operation within the County to the director. Such plan shall also show how the farm dwelling will be utilized for farm-related purposes.
- (d) Exceptions to the regulations for the IA district regarding heights, building site areas, building site average widths and yards, may be approved by the director within a planned unit development.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Division 9. V, Resort-Hotel Districts.**

**Section 25-5-90. Purpose and applicability.**

The V (resort-hotel) district applies to areas to accommodate the needs and desires of visitors, tourists and transient guests. It applies to specific areas where public roads and public utilities are available or where suitable alternate private facilities are assured. It may apply to a single isolated hotel or resort with or without a commercial mall or shopping section.

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

**Section 25-5-91. Designation and density of V districts.**

- (a) Each V (resort-hotel) district shall be designated on the zoning map by the symbol "V" followed by a number which indicates the required land area, in thousands of square feet, for each dwelling unit or for each separate rentable unit in the case of hotels, resorts, inns, lodges, motels, motor hotels, motor lodges, or other similar rentable units.

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(42)	87-35	4-1-1987	Keekee 1st, South Kona	8-1-12:55	RM-1.5	CV-10	
(43)	88-30	3-7-1988	Kealakekua and Ka'awaloa, South Kona	8-2-2:33 and Por. 2	U, A-5a	RA-2a	
(44)	88-56	5-12-1988	Onouli 2nd, South Kona	8-1-5:2	A-20a	A-10a, A-5a	
(45)	88-73	5-31-1988	Keōpuka, South Kona	8-1-6:44	(Amends Ord. 86-110) (Effective Date 9-26-1986)		
(46)	88-93	6-30-1988	Kealakekua and Ka'awaloa, South Kona	8-2-2:33 and Por. 2	(Amends Ord. 88-30) (Effective Date 3-7-1988)		
(47)	89-133	10-17-1989	Haleki'i, South Kona	8-1-01:25	(Amends Ord. 323) (Effective Date 11-23-1977)		
(48)	89-143	11-20-1989	Keekee 1st and 2nd, South Kona	8-1-03:7, 60 and Por. 20	A-5a	RS-10, RS-15	
(49)	90-107	9-14-1990	Ke'ei 2nd, South Kona	8-3-10:05	A-2a	A-5a	
(50)	92-39	4-24-1992	Keekee 1st and 2nd, South Kona	8-1-03:7, Pors. 20 and 60	(Amends Ord. 89-143) (Effective Date 11-20-1989)		
(51)	92-119	10-29-1992	Kealakekua, South Kona	8-2-15:Por. 227-9-12:Por. 3, 4, and 5; 8-1-04:Por. 3	CN-7.5 A-5a, U	RS-10 A-1a	
(52)	94-73	6-28-1994	Honua'ino 3rd and 4th, Hōkūkano 1st and 2nd, Kanāueue 1st and 2nd, Ilikahi, Kanakau 1st and 2nd, Kalukalu 1st, 2nd & 3rd, Onouli 1st, North and South Kona				
(53)	95-1	12-30-1994	Keekee 2nd, South Kona	8-1-03:34 and Por. 50	A-5a	A-1a	

Paragraph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(54)	96-7	1-15-1996	Honua'ino 3rd and 4th, Hōkūkano 1st and 2nd, Haleki'i, Keekee 1st and 2 <sup>nd</sup> , Ilikahi, Kanakau 1st and 2nd, Kalukalu 1st, 2nd and 3rd and Onouli 1st, North and South Kona	7-9-12:14, 11, Por.3; 8-1-4: Por. 3	U	A-1a	
(55)	96-8	1-15-1996	Honua'ino 3rd and 4th, Hōkūkano 1st and 2nd, and Kanāueue 1st and 2nd, Haleki'i, Keekee 1st and 2nd, Ilikahi, Kanakau 1st and 2nd, Kalukalu 1st, 2nd and 3rd and Onouli 1st, North and South Kona	7-9-06:Por. 1; 7-9-12:Pors. 3, 4, and 5; 8-1-04:Por. 3	A-5a, U	A-1a	
(56)	97-36	3-13-1997	Kalukalu 1st, 2nd and 3rd, South Kona	8-1-04:Por. 3	A-1a	V-6.0	
(57)	97-98	7-14-1997	Kahauloa 2nd, South Kona	8-2-08:57	A-5a	FA-1a	
(58)	97-133	10-23-1997	Ka'awaloa, South Kona	8-1-9:18, 19, 21, Pors. 20, 22, 23, 24	A-5a	APD	
(59)	98-19	2-24-1998	Kanakau 1st and 2nd and Kalukalu 1st-3rd, South Kona	8-1-4:Por. 52	RS-15	CV-7.5	
(60)	00-120	10-12-00	Keekee 2nd, South Kona	8-1-3: Pors. 34 and 50	A-1a, A-5a	RS-10	
(61)	03-38	3-6-03	Waipuna'ula, South Kona	8-2-3:31	A-5a	RA-1a	
(62)	03-93	6-18-03	Kalukalu 1 <sup>st</sup> , South Kona	8-1-2:Por. of 40	RS-15 and A-1a	CV-10	
(63)	03-94	6-18-03	Keōpuka, South Kona	8-1-7:10	A-5a	FA-3a	
(64)	04-145	12-8-04	Puaa 2nd, North Kona	7-5-9:40	RM-1	V-1	
(65)	08-150	11-5-08	Kealakekua, South Kona	8-2-13:Por. of 2	(Amends Ord. 465) (Effective Date 8-29-1979)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(50)	95-119	10-12-1995	Kahuā 1st and Waikā, North Kohala	5-9-07:03	(Amends Ord. 91-83) (Effective Date 2-12-1987)		
(51)	96-5	1-12-1996	Hanaula, North Kohala	5-4:3	A-20a	A-3a	
(52)	96-117	9-26-1996	‘Ōuli, Lanikepu, Lālāmilo, Waikoloa and Pu‘ukapu, Waimea, South Kohala	6-2-01:9, 6-7-01:Por. 25; 6-7-02:9, 48, Por. 17; 6-8-01:Por. 1, 8	A-40a, A-3a, RS-7.5, RS-10, RS-15, RS-20 RD-5, RM-2, RM-3, CV-7.5, ML-20	A-40a, RA-1a, RS-7.5, RS-10, RM-5.0, CV-7.5, ML-20	
(53)	96-153	12-5-1996	Waikoloa, Waimea, South Kohala	6-8-01:Por. 25, 36, 37, 38 39, 40	(Amends Ord. 93-1) (Effective date 1-8-93)		
(54)	97-102	7-14-1997	Kahuā 1st, North Kohala	5-9-01:8	A-5a	RS-15	
(55)	98-36	4-23-1998	Hanaula, North Kohala	5-4-06:21 and 36	A-20a, RS-15	RS-10	
(56)	98-72	7-2-1998	‘Ōuli, South Kohala	6-2-9:25	A-5a	RA-2a	
(57)	98-87	8-27-1998	Kahuā 1st, North Kohala	5-9-07:7	A-20a	A-3a	
(58)	98-112	11-19-1998	‘Ōuli, South Kohala	6-2-11:22	A-5a	RA-2a	
(59)	98-114	11-19-1998	Kahuā, North Kohala	5-9-08:5	A-20a	A-3a	
(60)	99-50	5-4-1999	‘Ōuli, South Kohala	6-2-11:6	A-5a	RA-2a	
(61)	99-64	5-13-1999	‘Ōuli, South Kohala	6-2-11:5	A-5a	RA-2a	
(62)	99-78	6-24-1999	‘Ōuli, South Kohala	6-2-11:27	A-5a	RA-2a	
(63)	99-94	8-19-1999	‘Ōuli, South Kohala	6-2-9:10	A-5a	RA-2a	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(64)	99-121	10-22-1999	‘Ōuli, South Kohala	6-2-11:18	A-5a	RA-2a	
(65)	00-14	2-8-2000	‘Ōuli, South Kohala	6-2-11:11	A-5a	RA-2a	
(66)	00-95	9-1-2000	‘Ōuli, South Kohala	6-2-11:36	A-5a	RA-2a	
(67)	01-1	1-2-2001	‘Ōuli, South Kohala	6-2-11:28	A-5a	RA-2a	
(68)	01-2	1-2-2001	‘Ōuli, South Kohala	6-2-9:22	A-5a	RA-2a	
(69)	01-81	9-24-2001	‘Ōuli, South Kohala	6-2-11:23	A-5a	RA-2a	
(70)	01-117	11-30-2001	‘Ōuli, Waimea, South Kohala	6-2-05:18	A-3a	RA-2a	
(71)	02-3	1-8-2002	‘Ōuli, Waimea, South Kohala	6-2-11:15	A-5a	RA-2a	
(72)	02-21	2-12-2002	Kahuā 1st, North Kohala	5-9-07:7	A-20a	A-3a	
(73)	02-25	2-28-2002	‘Ōuli, Lanikepu, Lālamilo, Waikoloa and Pu‘ukapu, Waimea, South Kohala	6-2-01:9; 6-7-01:Por. 25; 6-7-02:9, 48, Por. 17; and 6-8-01:Por. 1, and 8	(Amends Ord. 96-117) (Effective Date 9-26-96)		
(74)	02-28	2-28-2002	‘Ōuli, South Kohala	6-2-11:8	A-5a	RA-2a	
(75)	02-69	5-30-2002	‘Ōuli, South Kohala	6-2-11:26	A-5a	RA-2a	
(76)	02-93	8-19-2002	‘Ōuli, South Kohala	6-2-7:2	A-5a	RA-2a	
(77)	03-35	3-6-2003	‘Ōuli, South Kohala	6-2-11:25	A-5a	RA-2a	
(78)	03-71	5-13-2003	‘Ōuli, South Kohala	6-2-9:9	A-5a	RA-2a	
(79)	03-73	5-13-2003	‘Ōuli, South Kohala	6-2-11:3	A-5a	RA-2a	

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

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(95)	06-109	7-27-2006	‘Ōuli, South Kohala	6-2-9:17	A-5a	RA-2a	
(96)	06-155	12-7-2006	‘Ōuli, South Kohala	6-2-11:20	A-5a	RA-2a	
(97)	07-106	8-14-2007	Kahuā Ist, North Kohala	5-9-007:007	A-20a	A-3a	
(98)	07-112	9-11-2007	Waimea, South Kohala	6-5-001:020	A-40a, A-1a	A-400a	
(99)	07-127	9-20-2007	Waikoloa, South Kohala	6-8-002:Por. 016, 6-8-003:Por. 032	(Amends Ord. 05-157 that amended Ord. 95-51 and 90-160 -- Effective Date 12-15-05)		
(100)	08-139	10-7-2008	Puehuehu and Kapu‘a, North Kohala	5-4-008:Por. 002	A-20a	RS-15	
(101)	08-179	12-31-2008	Waikā, North Kohala	5-9-007:003	(Amends Ord. 95-119) (Effective Date 10-12-95)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(16)	92-103	9-11-1992	Kapa‘au, North Kohala	5-4-05:Por. 58	RS-15	CV-10	
(17)	95-35	3-7-1995	Pūhūehu, North Kohala	5-4-07:3	RS-15	CV-10	
(18)	97-3	1-20-1997	Kapa‘au, North Kohala	5-4-05:88	(Amends Ord. 92-103) (Effective Date 9-11-91)		
(19)	98-36	4-23-1998	Hana‘ula, North Kohala	5-4-06:21 and 36	A-20a, RS-15	RS-10	
(20)	98-93	9-16-1998	Pūhūehu, North Kohala	5-4-7:Por. 2	RS-15	CV-10	
(21)	08-139	10-7-2008	Pūhūehu and Kapu‘a, North Kohala	5-4-008:Por. 002	A-20a	RS-15	

**ZONING MAP (Hala'ula-Niuli'i)**

**§ 25-8-10**

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	285	12-15-1969	Pueke, North Kohala	5-3-07:Por. 01	A-20a	RS-15	7.06(c)
(2)	109	5-2-1975	Pueke, North Kohala	5-3-10:50	RS-15	CN-10	7.08(c)
(3)	87-75	7-13-1987	Makapala, North Kohala	5-2-09:30	RS-15	CV-10	
(4)	89-156	12-11-1989	Makapala, North Kohala	5-2-09:30	(Amends Ord. 87-75) (Effective Date 7-13-1987)		

**ZONING MAP No. 7.17--(Laupāhoehoe-Nīnole)**

**§ 25-8-21**

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	318	11-23-1997	Manowai'ōpae Homesteads, North Hilo	3-6-08:6	RS-15	RS-10	7.17
(2)	95-106	8-23-1995	Puualaea, North Hilo	3-6-11:26	O	RS-10	
(3)	96-87	7-26-1996	Kīhalani, North Hilo	3-5-5:2	A-20a	A-5a	
(4)	08-160	11-20-2008	Manowai'ōpae, North Hilo	3-6-008:002	RS-15	RS-10	

ZONING MAP No. 7.18--(Puna District)

§ 25-8-22

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	251	9-3-1969	Kapoho, Halekamahina, Puua, Puna	1-4-01:17	A-3a	A-1a	7.18(a)
(2)	266	10-8-1969	Kurtistown, 'Ōla'a, Puna	1-7-05:18	A-20a	A-10a	7.18(b)
(3)	418	8-31-1971	Halekamahina, Puna	1-4-01:42	A-3a	A-1a	7.18(c)
(4)	541	12-1-1972	Kaniahiku Village, Kaniahiku, Puna	1-4-34:13 and 14	O	RS-15	7.18(d)
(5)	610	11-14-1973	Kaniahiku Village, Kaniahiku, Puna	1-4-34	O	RS-15	7.18(e)
(6)	13	2-19-1974	Kea'au, Puna	1-6-02:27 and 97, 1-6-03:Por. 27	A-20a	RS-10	7.18(f)
(7)	49	8-12-1974	'Ōla'a Reservation Lots, 'Ōla'a, Puna	1-8-04:Por. 2	A-20a	A-1a	7.18(g)
(8)	278	5-24-1977	Kea'au, Puna	1-5-16:89-98, 103-112, 1-5-23:176-183, 204-212, 229-237, 244-251	O	A-1a	7.18(h-1 to
(9)	408	2-9-1979	'Ōla'a, Puna	1-8-86:6	A-20a	A-5a	6.18(j)
(10)	84-70	9-25-1984	Kea'au, Puna	1-7-16:35, 1-7-17:Por. 1 and 43, 1-7-27:1	A-20a	A-1a	
(11)	85-69	9-9-1985	'Ōla'a, Puna	1-8-05:47	A-20a	A-1a, A-5a	
(12)	86-29	3-24-1986	'Ōla'a, Puna	1-8-05:96	A-20a	A-10a	
(13)	86-41	5-15-1986	Kea'au, Puna	1-6-03:Por. 73	A-20a	A-5a	
(14)	86-84	8-19-1986	Puua, Puna	1-4-83:20	O	A-1a	
(15)	86-85	8-19-1986	Kea'au, Puna	1-6-03:78 and Por. 7	A-20a	MG-20	

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)		
(341)	08-115	9-10-2008	Kūkūau 1 <sup>st</sup> , South Hilo	2-4-8:Pors. 14 and 26	(Amends Ord. 93-36) (Effective date 4-23-1993)		

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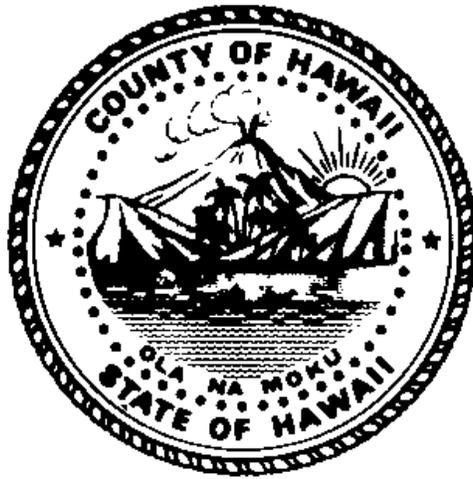
<b>Ord. No.</b>	<b>Effective Date</b>	<b>General Location</b>	<b>TMK of Parcel Affected</b>	<b>Original Zoning</b>	<b>Final Zoning</b>	<b>Code §</b>
07-174	12-4-07	O'oma 1 <sup>st</sup> , North Kona	7-3-010:003	A-5a	RM-1	25-8-3
07-181	12-26-07	Waikoloa, Waimea	6-7-002:020:Por. 051	A-40a, ML-20	CV-7.5	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

<b>Ord. No.</b>	<b>Effective Date</b>	<b>General Location</b>	<b>TMK of Parcel Affected</b>	<b>Original Zoning</b>	<b>Final Zoning</b>	<b>Code §</b>
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
08-115	9-10-08	Kūkūau 1 <sup>st</sup> , South Hilo	2-4-8:Pors. 14 and 26	Amends Ord. 93-36		25-8-33
08-139	10-7-08	Puehuehu and Kapu‘a, North Kohala	5-4-008:Por. 002	A-20a	RS-15	25-8-7, 25-8-9
08-150	11-5-08	Kealakekua, South Kona	8-2-13: Por. of 2	Amends Ord. 465		25-8-4
08-160	11-20-08	Manowai‘ōpae, North Hilo	3-6-008:002	RS-15	RS-10	25-8-21
08-179	12-31-08	Waikā, North Kohala	5-9-007:003	Amends Ord. 95-119		25-8-7

# THE HAWAI‘I COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: **Supplement 7 (1-2009)**  
Contains ordinances effective through: **12-31-08**



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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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
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08-56	4-22-08	Smoking	14-21
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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	--
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08-73	5-20-08	Operating budget	--
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08-76	5-20-08	Operating budget	--
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08-78	7-01-08	Operating budget FY 2008-2009	--
08-79	7-01-08	Capital improvements budget FY 2008-2009	--
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08-84	6-16-08	Operating budget	--
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08-86	6-16-08	Capital improvements budget	--
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08-175	12-31-08	Operating budget	--
08-176	12-31-08	Capital improvements budget	--
08-177	12-31-08	Capital improvements budget	--
08-178	12-31-08	Capital improvements budget	--
08-179	12-31-08	North & South Kohala Districts Zone Map	ZA
08-180	12-31-08	Operating budget	--
08-181	11-04-08	Lowest law enforcement priority of cannabis ordinance	New Article