

SUPPLEMENT 8 (7-2009)

Insertion Guide

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

(Covering general ordinances effective through 06-30-09
and numbered through 09-88)

This supplement consists of reprinted pages replacing existing pages in the Hawai'i County Code 1983 (2005 Edition). Remove the pages listed in the column headed "Remove Pages" and replace them with the pages listed in the column headed "Insert Pages." This insertion guide should be retained as a permanent record of pages supplemented and should be filed in Volume 3, behind the "Supplement Insert Guides" tab.

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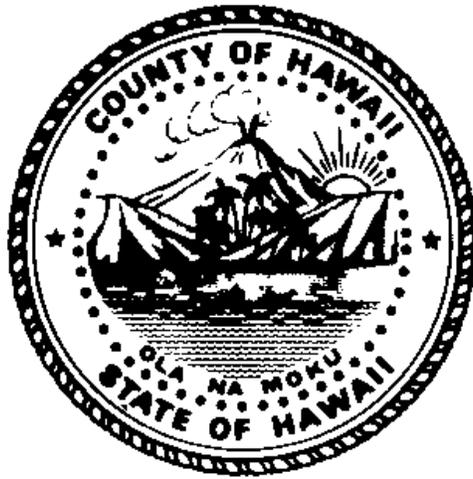
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THE HAWAI‘I COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: **Supplement 8 (7-2009)**
Contains ordinances effective through: **06-30-09**



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

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- (5) Two percent of Hawai'i County real property tax revenues collected annually (including penalties and interest). Deposits will be made to the Fund on June 30, 2007 and then again on December 31, 2007, and on December 31 and June 30, in successive years, with deposits being calculated on all real property tax payments (including penalties and interest) received in the prior six months. Additional deposits and adjustments may be made at the discretion of the Finance Director;
 - (6) Monies from items numbered (1), (2), (3), and (4) above, shall be deposited as received; and
 - (7) Notwithstanding (b)(5) of this section, for the period from July 1, 2009 to June 30, 2011, no payments relating to this section shall be allocated or deposited, provided, however, that all payments accrued through June 30, 2009 shall be allocated and deposited by July 31, 2009.
- (c) The fund shall be used for acquiring lands or property entitlements in the County of Hawai'i for the following purposes:
- (1) Public outdoor recreation and education, including access to beaches and mountains;
 - (2) Preservation of historic or culturally important land areas and sites;
 - (3) Protection of natural resources, including buffer zones;
 - (4) Preservation of forests, beaches, coastal areas, natural beauty and agricultural lands; and
 - (5) Protection of watershed lands to preserve water quality and water supply.
- (2005, Ord. No. 05-85, sec. 2; Am. 2005, Ord. No. 05-166, sec. 1; Am. 2006, Ord. No. 06-151, sec. 1; Am. 2006, Ord. No. 06-169, sec. 1; Am. 2007, Ord. No. 07-21, sec. 1; Am. 2009, Ord. No. 09-66, sec. 2.)

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

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

- (k) The council shall act to confirm or reject any appointment made to the commission by the mayor within forty-five days after receiving notice of the appointment from the mayor. If the council does not confirm or reject any such appointment within forty-five days, the appointee shall be deemed to have been confirmed.
 - (l) The redrawing of the council district boundaries during a member's term shall not affect a member's eligibility to represent the district to which the member was appointed.
- (2005, Ord. No. 05-166, sec. 2.)

Section 2-216. Oath of affirmation.

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

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

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

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

The duties and responsibilities of this commission are:

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

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

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

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

(2005, Ord. No. 05-166, sec. 5; Am. 2007, Ord. No. 07-21, sec. 2.)

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

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

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

Section 2-220. Funding.

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

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

Section 2-221. Use of fund.

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

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

Section 2-222. Appropriations.

Appropriations from this fund may occur only upon the following:

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

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

Section 2-223. Prohibition.

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

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

Article 44. Hawai'i County Cultural Resources Commission**Section 2-224. Purpose.**

The Council finds that preservation of historic properties enhances the educational, cultural, economic and general welfare of the County. It is deemed essential that the history and culture of Hawai'i County be preserved through comprehensive historic preservation planning. Implementation of chapter 6E, historic preservation, Hawai'i Revised Statutes, and the Hawai'i County General Plan provide a means to accomplish this outcome.

It is, therefore, the intent of this article to provide for:

- (1) Protecting and preserving historic properties and artifacts in the County and encourage, where appropriate, their adoption for appropriate and feasible use;
- (2) Encouraging the restoration, rehabilitation and continued functional use of historic properties;
- (3) Encouraging the identification, preservation, promotion and enhancement of those historic properties which represent or reflect distinctive elements of cultural, social, economic, political and architectural history, and to encourage the designation of historic properties, thereby ensuring that our cultural and historic heritage will be imparted to present and future generations of residents and visitors; and
- (4) Formulating County-wide comprehensive, historic preservation policies, programs and plans.

(2008, Ord No. 08-42, sec. 1)

Section 2-225. Definitions.

For purposes of this article, unless it is plainly evident from the context that a different meaning is intended, certain terms and words are defined as follows:

“Council” means the council of the County.

“County” means the County of Hawai‘i, a political subdivision of the State.

“Department” means the planning department of the County.

“Director” means the planning director of the County.

“Historic preservation” means the research, protection, restoration, rehabilitation and interpretation of districts, sites, buildings, structures, areas or objects, significant to the history, architecture, archaeology or culture of the County, State or Nation.

“Historic properties” means any prehistoric or historic district, site, building, structure, area or object significant in the history, architecture, archaeology, or culture of the County, State and Nation, which is over fifty years old, including those listed on the Hawai‘i or national registers.

“Mayor” means the mayor of the County.

“Professional” means a person with those qualifications enumerated in the code of federal regulations 36CFR61, appendix A.

“State” means the State of Hawai‘i.

(2008, Ord No. 08-42, sec. 1)

Section 2-226. Commission established.

- (a) There is established a commission to be known as the “Hawai‘i County Cultural Resources Commission,” hereinafter referred to as the “commission.”
- (b) The commission shall consist of nine appointed members. The members shall be appointed by the mayor with the approval of the Council, with representation from some or all of the following professionals and persons with special interest in: architecture, history, archaeology, planning, architectural history, Hawaiian culture, and ethnic history and culture of Hawai‘i County. The mayor shall solicit lists of two or more persons, recommended by community and professionals, such as the historic societies, architects, and the state Office of Hawaiian affairs, for consideration in making commission appointments. Commission members should have a demonstrated interest, competence and/or knowledge in historic preservation. The commission shall include members from different areas of the County, who possess a knowledge and interest in local area history.
- (c) Commission members shall serve staggered five-year terms. Upon the initial appointment of the commission, one member shall be appointed to a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years. Members initially appointed for a term of one or two years shall be eligible to succeed themselves for an additional full term.
- (d) A member may be removed upon recommendation by the mayor and the approval of the council.
- (e) No member whose term has expired shall continue to serve on the commission, except that if no successor has been appointed and confirmed, the member shall continue to serve for ninety days or until a successor is appointed and confirmed, whichever comes first.
- (f) Any vacancy occurring in the commission shall be filled for the unexpired term.
- (g) Members shall receive no compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. Necessary expenses may be paid in advance as per diem allowance.
- (h) The affirmative vote of a majority of those present shall be sufficient to make any action valid.

(2008, Ord No. 08-42, sec. 1)

Section 2-227. Officers and expenses.

- (a) The commission shall annually elect from its membership a chairperson and vice chairperson.
 - (b) The commission may incur such expenses as may be necessary and proper and for which appropriations have been made by the Council or any other appropriate person or agency.
- (2008, Ord No. 08-42, sec. 1)

Section 2-228. Meetings and voting.

- (a) All meetings shall be open to the public, except as may be provided by law; and any person or a representative thereof shall be entitled to appear and be heard on any matter before the commission.
 - (b) Special meetings may be called by the chairperson, director, or by any three members of the commission.
- (2008, Ord No. 08-42, sec. 1)

Section 2-229. Powers and duties.

- (a) The commission shall advise and assist Federal, State and County government agencies in carrying out their historic preservation responsibilities. The commission shall provide public information, education, training and technical assistance relating to the National, State and County historic preservation programs.
- (b) The commission shall initiate, accept, review and recommend to the State historic preservation officer, historic properties nominations for inclusion on the Hawai'i and National registers.
- (c) The commission shall maintain a system for the survey, inventory and nomination of historic properties and archaeological sites within the County, as well as a system of site monitoring, that is compatible with that of the State historic preservation office.
- (d) The commission shall administer the certified local government program of federal assistance for historic preservation within the County.
- (e) The commission shall provide design review for projects affecting any building or structure, site or district eligible for listing on the National or Hawai'i register of historic places and shall request and consider the State historic preservation officer's review and comment on all County undertakings, including the granting of permits. In its review, the commission shall consider the cultural significance of the site and its surroundings along with the secretary of the United States Department of the Interior's standards for rehabilitation, as amended.
- (f) The commission shall use the State Historic Preservation Plan to develop and implement a comprehensive County-wide historic preservation planning process, which includes the submitting of information pertaining to the State inventory of historic places to the State historic preservation officer.
- (g) The commission shall make recommendations to the Council for the expenditure of gifts and grants accepted by the Council for projects connected with the identification, rehabilitation, restoration and reconstruction of historic properties, the historic preservation planning process, and the promotion of exhibits and other information activities in connection therewith.
- (h) The commission shall adopt rules and regulations of procedure and conduct, pursuant to chapter 91, Hawai'i Revised Statutes.
- (i) The commission may review and comment on archaeological reports submitted as part of development proposals to various County agencies.
- (j) The commission may undertake any other action or activity necessary or appropriate towards the implementation of its powers or duties or towards implantation of the purpose of this article. More specifically these may include, but not be limited to, the following:
 - (1) Recommend new ordinances establishing special treatment districts and archaeological districts;
 - (2) Review and recommend amendments to current policies and laws on the enforcement of existing codes relating to historic sites;
 - (3) Continually reevaluate building code requirements and enact amendments that are more sympathetic to preservation or provide exemptions for historic properties;

- (4) Encourage the County, State, and Federal governments, and the private sector, to implement appropriate management strategies, curatorships and meaningful interpretive programs at significant historical and archaeological structures, sites, and districts; and
- (5) Assist in programs of historic preservation including presentations, films, exhibits, conferences, publications and other educational means which increase public awareness and participation in preserving the past.

(2008, Ord No. 08-42, sec. 1)

Section 2-230. Nominations to the Hawai‘i or national register of historic places.

- (a) Any person or organization including the commission may submit nominations to the Hawai‘i or National register by submitting a completed nomination form to the State historic preservation officer.
- (b) The commission shall hold a public hearing after receiving notification from the State historic preservation officer of nominated historic properties within the County. At least ten days prior to the hearing, notice of the date, time, place and purpose of such hearing shall be published in a newspaper of general circulation in the County. Oral or written testimony concerning the significance of the proposed nomination shall be taken at the public hearing from any person.
- (c) The commission shall forward its report to the mayor within forty-five days after receiving notice from the State historic preservation officer. The report shall include findings on whether the property meets the criteria for nomination and a recommendation that the State historic preservation officer either nominate or reject the proposed nomination.
- (d) The mayor shall have fifteen days after receiving the report of the commission to send this report and a recommendation to the State historic preservation officer. The mayor’s recommendation may, but need not, concur with the recommendation contained in the commission’s report.
- (e) A determination by the commission and mayor that the application for nomination does not meet nomination criteria is not a final administrative decision. Appeals must be filed with the State historic preservation officer in writing, within thirty days after the nomination has been denied.

(2008, Ord No. 08-42, sec. 1)

Section 2-231. Guidelines.

The following documents on file in the planning department shall be used as guidance in matters pertaining to the review functions of the commission:

- (1) “Hawai‘i County General Plan” and any adopted community development plans for the island.
- (2) “State historic preservation plan” prepared by the State of Hawai‘i department of land and natural resources.
- (3) “Historic Preservation Program Guidelines” prepared by the National Park Service.
- (4) “Office of Hawaiian Affairs Guidelines for the Consideration of Traditional Native Hawaiian Values in Historic Preservation Review,” dated 1988.
- (5) Other reports, plans, studies, issue papers and memos as may be adopted by the commission.

(2008, Ord No. 08-42, sec. 1)

Section 2-232. Administration.

The director shall appoint a professional from the disciplines of planning, archaeology, architecture, architectural history, Hawaiian culture, history or historic preservation, to serve as the liaison with the State historic preservation office pertaining to matters which deal with the purpose and intent of this article. The liaison may be an employee of the planning department or a member of the commission. The director shall provide technical, clerical, administrative functions, and any other duties delegated by the commission.

(2008, Ord No. 08-42, sec. 1)

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‘aloa Park
 Pepe‘ekeo Community Center
 Princess Abigail Wahīka‘ahu‘ula Kawanānakoā Center
 Reeds Bay Beach Park
 Richardson Ocean Park
 University Heights Park
 Waiākea Recreation Center
 Waiākea-Uka Park
 (1) Stanley Costales Waiākea-Uka Gym
 Waiākea Waena Park
 Waikaumalo Park
 Wainaku Gym
 Wainaku Playground
 Wai‘olena Beach Park
 Waipi‘o Community 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; Am. 2009, Ord. No. 09-32, sec. 3.)

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 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.

“Director of finance” means the director of finance or a person designated by the director of finance.

“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; Am. 2009, Ord. No. 09-74, 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.)

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 permit number, the name of the person, name of the taxicab company, 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; Am 2009, Ord. No. 09-74, sec. 3.)

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;

As used in section 19-48, in section 19-68 and in section 19-71,* the word “lease” shall be deemed to include a sublease, and the word “lessee” shall be deemed to include a sublessee. (1981, Ord. No. 613, sec. 76; Am. 1997, Ord. No. 97-84, sec. 1; Am. 2004, Ord. No. 04-123, sec. 4.)

* Editor’s Note: Style change made for consistency.

Section 19-73. Homes of totally disabled veterans.

Real property owned and occupied as a home by any person who is totally disabled due to injuries received while on duty with the armed forces of the United States, or owned by any such person together with such person’s spouse and occupied by either or both spouses as a home, or owned or occupied by a widow or widower of such totally disabled veteran who shall remain unmarried and who shall continue to own and occupy the premises as a home, is hereby exempted except for the minimum tax from all property taxes, other than special assessments, provided:

- (1) That such total disability was incurred while on duty as a member of the armed forces of the United States, and that the department of finance may require proof of total disability;
- (2) That the home exemption shall be granted only as long as the veteran claiming exemption remains totally disabled; and
- (3) That a person living on premises, a portion of which is used for commercial purposes, shall not be entitled to an exemption with respect to such portion, but shall be entitled to an exemption with respect to the portion used exclusively as a home; provided, that this exemption shall not apply to any structure, including the land thereunder, which is used for commercial purposes.

For the purposes of this section, the word “home” includes the entire homestead when it is occupied by a qualified totally disabled veteran as a home; houses where the disabled veteran owner sublets not more than one room to a tenant; and premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to January 1 preceding the tax year for which exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises.

(1981, Ord. No. 613, sec. 77; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-74. Persons affected with Hansen’s disease.

Any person who has been declared by authority of law to be a person affected with Hansen’s disease in the communicable stage and is admitted to a hospital for isolation treatment, shall, so long as that person is so hospitalized, and thereafter for so long as such person has been so declared to be therefrom temporarily released, shall, so long as that person remains or continues under temporary release, be exempted except for the minimum tax from real property taxes on all real property owned by the person on the date when the person was declared to be a person so affected with Hansen’s disease, up to, but not exceeding, a taxable value of \$50,000.

(1981, Ord. No. 613, sec. 78; Am. 1982, Ord. No. 766, sec. 4; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-75. Exemption, persons who are blind, deaf, and/or totally disabled.

(a) Definitions as used in this chapter:

- (1) “Blind” means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees, as certified under this section.
- (2) “Deaf” means a person whose average loss in the speech frequencies (five hundred to two thousand Hertz) in the better ear is ninety-two decibels, or such other level as may be updated by American National Standards Institute (A.N.S.I.), or worse, as certified under this section.

- (3) “Totally disabled” means a person who is totally disabled, either physically or mentally, and who, except for such total disability, would be able to engage in substantial gainful business or occupation, as certified under this section.
- (b) Any person who is certified as blind, deaf, and/or totally disabled as defined in this section shall be exempt from real property taxes on all real property owned by the person up to, but not exceeding a taxable value of \$50,000. Except that no exemption shall apply to any minimum tax payable under section 19-90(e) of this chapter.
- (c) The disability shall be certified by (1) a physician licensed under chapter 453 or 460, or both, (2) a qualified out-of-state physician who is currently licensed to practice in the state in which the physician resides, or (3) a commissioned medical officer in the United States military or public health service, engaged in the discharge of one’s official duty. Certification for a person who is blind or deaf may also be made by a licensed optometrist or licensed audiologist as the case may be. Certification shall be on forms prescribed by the department of finance. For disabled veterans, the proof of disability submitted for section 19-73(1) from the Veterans Administration, may be substituted for the required certification. Official documentation from the Social Security Administration may also be substituted for the required certification.
- (d) Any person who is certified as being temporarily blind, deaf, and/or totally disabled shall submit an annual certification or recertification, as required by this section. No exemption shall be allowed unless the required certification or recertification is submitted.
- (e) Any person who qualifies for an exemption under this section shall be allowed to apply for only one of the exemptions established in this section.
- (f) In the case of a lease of Hawaiian homestead land, where either a husband or wife is of non-Hawaiian descent, either spouse shall be entitled to the blind, deaf, or totally disabled exemption in the same manner as if either spouse was considered the owner thereof, provided proof of marriage is submitted to the director of finance.
- (g) In the event that a person qualifies for the home exemption as provided in section 19-71 and the blind, deaf, or totally disabled exemption as provided in this section, the exemptions shall be granted to the claimant in the following order: the home exemption shall be granted first, then followed by the applicable blind, deaf, or totally disabled exemption on the property claimed as the owner’s principal residence. Thereafter, the exemption provided by this section shall be applied to any other property designated by the claimant.
- (1981, Ord. No. 613, sec. 79; Am. 1982, Ord. No. 766, sec. 5; Am. 1989, Ord. No. 89-150, sec. 2; Am. 1990, Ord. No. 90-152, sec. 2; Am. 1997, Ord. No. 97-84, sec. 1; Am. 2001, Ord. No. 01-73, sec. 1; Am. 2009, Ord. No 09-27, sec. 3.)

Section 19-76. Nonprofit medical, hospital indemnity associations; tax exemption.

Every association or society organized and operating under chapter 433, Hawai‘i Revised Statutes,* solely as a nonprofit medical indemnity or hospital service association or society or both shall be, from the time of such organization, exempt except for the minimum tax from real property taxes on all real property owned by it.

(1981, Ord. No. 613, sec. 80; Am. 1997, Ord. No. 97-84, sec. 1.)

* **Editor’s Note:** Chapter 433 was repealed by Act 347, Session Laws of Hawai‘i, 1987. Its provisions were incorporated into Chapter 432.

Section 19-77. Charitable, etc., purposes.

- (a) There shall be exempt except for the minimum tax from real property taxes real property designated in subsection (b) or (c) and meeting the requirements stated therein, actually and (except as otherwise specifically provided) exclusively used for nonprofit purposes. If an exemption is claimed under one of these subsections (b) and (c), an exemption for the same property may not also be claimed under the other of these subsections. Claimants shall submit to the director of finance documentation from the Internal Revenue Service verifying their exemption status.

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

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

Section 19-89.2. Credit union exemption.

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

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

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

Section 19-89.3. Exemptions for enterprise zones.

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

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

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

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

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

Section 19-89.5. Kuleana land exemption.*

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

(2008, Ord. No. 08-11, sec. 2; Am. 2009, Ord. No. 09-27, sec. 4.)

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

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

- (a) Unless a different meaning is clearly indicated by the context, as used in this section:
- (1) “Net taxable lands” means all other real property exclusive of buildings.
 - (2) “Net taxable real property” or “net taxable buildings” or “net taxable lands” means, as indicated by the context, the percentage of the market value of property determined under section 19-46 which the director of finance certifies as the tax base as provided by this chapter, less exemptions as provided by this chapter and, in all cases where appeals from the director’s assessment are then unsettled, less fifty percent of the value in dispute.
- (b) The council may increase or decrease the tax rate for buildings and for all other real property, exclusive of buildings for net taxable land and net taxable buildings of each class of property established in accordance with section 19-53(e) of this chapter. A resolution setting the tax rates shall be adopted on or before June 20 preceding the tax year for which property tax revenues are to be raised according to the following procedures:
- (1) The council shall advertise its intention to increase or decrease tax rates and the date, time, and place of a public hearing in two newspapers of general circulation. The public hearing notice shall set forth the tax rates or range of tax rates to be considered by the council.
 - (2) The resolution to set the real property tax rates shall disclose the approximate amount of revenue to be raised for net taxable lands and net taxable buildings within each class of property, the approximate percentage of revenue from net taxable lands and net taxable buildings within each class of property, and shall set the real property tax rate to be assessed, expressed in terms of tax per \$1,000 of net taxable lands and net taxable buildings within each class of property computed to the nearest cent.
 - (3) After the adoption of the resolution setting the real property tax rates, the council shall publish the adopted tax rates in two newspapers of general circulation.
 - (4) If no action is taken by the council to increase or decrease the tax rates, then the tax rates as previously set shall be applicable to the subsequent tax year.

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- (c) If the tax rates for the tax year are increased or decreased the council shall notify the director of finance of the increased or decreased rates, and the director shall employ such rates in the levying of property taxes as provided by this chapter.
- (d) The director of finance shall on or before May 1 preceding the tax year furnish the council with a calculation certified by the director as being as nearly accurate as may be, of the net taxable real property within the County, separately stated for each class established in accordance with section 19-53(e) of this chapter for net taxable lands and for net taxable buildings plus such additional data relating to the property tax base as may be necessary.
- (e) Notwithstanding any provision to the contrary, there shall be levied upon each individual parcel of real property taxable under this chapter, a minimum real property tax of \$100 per year, except under the following conditions:
 - (1) If the property owner receives a home exemption or totally disabled veteran exemption resulting in the minimum tax, and the assessed value of improvements is less than or equal to \$75,000, then, the minimum tax for this property shall be as follows:
 - (i) Property with improvements assessed at \$50,001 to \$75,000 the minimum tax shall be \$75.
 - (ii) Property with improvements assessed at \$25,001 to \$50,000 the minimum tax shall be \$50.
 - (iii) Property with improvements assessed up to \$25,000 the minimum tax shall be \$25.
 - (2) If the property is assessed at a market value of less than or equal to \$500, it shall be taxed at a minimum tax of \$25.

(1981, Ord. No. 613, sec. 94; Am. 1990, Ord. No. 90-138, sec. 6; Am. 1997, Ord. No. 97-84, sec. 1; Am. 2002, Ord. No. 02-01, sec. 2; Ord. No. 02-102, sec. 2; Am. 2009, Ord. No. 09-27, sec. 2.)

Article 12. Appeals.

Section 19-91. Appeals.

Any taxpayer, aggrieved by an assessment made by the director or by the director's refusal to allow any exemption, may appeal from the assessment or from such refusal to the board of review or the tax appeal court pursuant to section 232-16, Hawai'i Revised Statutes, on or before April 9 preceding the tax year, as provided in this chapter. Where such an appeal is based upon the ground that the assessed value of the real property for tax purposes is excessive, the valuation claimed by the taxpayer in the appeal shall be admissible in evidence, in any subsequent condemnation action involving the property, as an admission that the market value of the real property as of the date of assessment is no more than the value arrived at when the assessed value from which the taxpayer appealed is adjusted to one hundred percent market value; provided, that such evidence shall not in any way affect the right of the taxpayer to any severance damages to which the taxpayer may be entitled.

(1981, Ord. No. 613, sec. 95; Am. 1997, Ord. No. 97-84, sec. 1; Am. 2000, Ord. No. 00-28, sec. 1.)

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Section 19-92. Appeals by persons under contractual obligations.

Whenever any person is under a contractual obligation to pay a tax assessed against another, the person shall have the same rights of appeal to the board of review and the tax appeal court and the supreme court, in the person's own name, as if the tax were assessed against said person. The person against whom the tax is assessed shall also have a right to appeal and be heard on any such application or appeal.

(1981, Ord. No. 613, sec. 96; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-93. Grounds of appeal, real property taxes.

In the case of a real property tax appeal, no taxpayer shall be deemed aggrieved by an assessment, nor shall an assessment be lowered or an exemption allowed, unless there is shown (1) assessment of the property exceeds by more than twenty percent the assessment of market value used by the director, or (2) lack of uniformity or inequality, brought about by illegality of the methods used or error in the application of the methods to the property involved, or (3) denial of an exemption to which the taxpayer is entitled and for which the taxpayer has qualified, or (4) illegality, on any ground arising under the Constitution or laws of the United States or the laws of the State or the ordinances of the County in addition to the ground of illegality of the methods used, mentioned in clause (2).

(1981, Ord. No. 613, sec. 97; Am. 1982, Ord. No. 766, sec. 6; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-94. Second appeal.

In every case in which a taxpayer appeals a real property tax assessment to the board of review or to a tax appeal court and there is pending an appeal of the assessment, the taxpayer shall not be required to file a notice of the second appeal; provided the first appeal has not been decided prior to April 9 preceding the tax year of the second appeal; and provided further the director gives notice that the tax assessment has not been changed from the assessment which is the subject of the appeal.

(1981, Ord. No. 613, sec. 98; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-95. Small claims.

Any protesting taxpayer who would incur a total tax liability, not including penalties and interest, of less than \$1,000 by reason of the protested assessment on payment in question, may elect to employ the small claims procedures of the tax appeal court as set out in section 232-5, Hawai‘i Revised Statutes.

(1981, Ord. No. 613, sec. 99; Am. 1997, Ord. No. 97-84, sec. 1.)

Section 19-96. Appointment, removal, compensation.

There is created a board of review for the County which shall consist of five members who shall be citizens of the State and residents of the County, shall have resided at the time of appointment for at least three years in the State, and shall be appointed by the mayor and confirmed by the council as provided by Charter. A chairman shall be elected annually by members of the board. The vice-chairman shall serve as the chairman of the board during the temporary absence or disqualification of the chairman. Any vacancy in the board shall be filled for the unexpired term as provided for in the Charter. Each member may be compensated in the same manner as board and commission members covered under section 13-4(g), Hawai‘i County Charter, for each day's actual attendance and actual traveling expenses. No officer or employee of the County shall be eligible for appointment to any such board.

(1981, Ord. No. 613, sec. 100; Am. 1997, Ord. No. 97-84, sec. 1.)

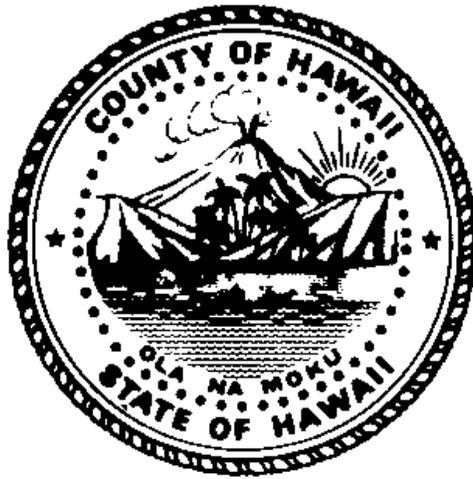
Section 19-97. Board of review; duties, powers, procedure before.

(a) The board of review for the County shall hear all disputes between the director and any taxpayer in all cases in which appeals have been duly taken and the fact that a notice of appeal has been duly filed by a taxpayer shall be conclusive evidence of the existence of a dispute; provided that this provision shall not

THE HAWAI‘I COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: **Supplement 8 (7-2009)**
Contains ordinances effective through: **06-30-09**



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

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

- (a) The minimum tax assessed under section 24-17 shall in no case be less than \$6.
 - (b) Effective July 1, 2009, any vehicle weight tax imposed by section 24-17 for any year and not paid when due, shall become delinquent and a penalty of \$8 for vehicles taxed at the passenger car rate and \$20 for vehicles taxed at the commercial vehicle rate shall be added to, and become a part of, the tax collected.
- (1979, Ord. No. 396, sec. 1; Am. 1982, Ord. No. 795, sec. 1; Am. 2009, Ord. No. 09-73, sec. 2.)

Section 24-19. Vehicle registration fees.

- (a) The fee for issuance for a new series of number plates for vehicles shall be \$5.
- (b) The fee for issuance of a tag or emblem for a vehicle, upon payment of the applicable tax, in any year shall be 50 cents.
- (c) The fee for replacement of a lost or mutilated number plate or plates, tag, or emblem, shall be as follows:
 - (1) Number plates, \$5.
 - (2) Tag or emblem, 50 cents.
- (d) The transfer of ownership fee for issuance of a new certificate of ownership shall be \$5.
- (e) The transfer fee for issuance of a new certificate of registration on a trailer shall be \$5.
- (f) The fee for dealer correction for each instance of correction of the registration record shall be \$5.
- (g) The fee for duplicate certificate of registration or certificate of ownership shall be \$5.
- (h) A fee of \$1 per certificate of registration shall be assessed and collected annually together with other applicable vehicle taxes and fees, to be used for highway beautification and disposal of abandoned vehicles.
- (i) An annual fee of \$12 per vehicle shall be charged for each vehicle registration, which shall be paid at the same time as the motor vehicle tax paid pursuant to section 24-17 of this chapter. The proceeds from this fee shall be allocated to establish a fund for the towing, removal, disposal and recycling of abandoned or discarded automobiles and automobile parts, and such fund entitled "vehicle disposal fund" is hereby established.
- (j) An annual County registration fee of \$5 per vehicle shall be charged for each vehicle registration, which shall be paid at the same time as the motor vehicle tax paid pursuant to section 24-17 of this chapter.
- (k) Any person who is totally disabled due to injuries received while on duty with the armed forces of the United States may apply for an exemption from subsections (a), (b), (h), (i), and (j) of this section, for a single noncommercial vehicle, subject to proof of total service related disability from the Veterans Administration and approval by the director of finance.

(1979, Ord. No. 396, sec. 1; Am. 1982, Ord. No. 730, sec. 1; Am. 1982, Ord. No. 817, sec. 1; Am. 1985, Ord. No. 85-59, sec. 1; Am. 1989, Ord. No. 89-51, sec. 1; Am. 1994, Ord. No. 94-46, sec. 2; Am. 2002, Ord. No. 02-90, sec. 2; Am. 2003, Ord. No. 03-32, sec. 2; Am. 2004, Ord. No. 04-8, sec. 3.)

Intentionally left blank.

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

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

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

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

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

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

Intentionally left blank.

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

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

(1996, Ord. No. 96-163, sec. 2; Am. 1996, Ord. No. 96-145, sec. 2; Am. 1997, Ord. No. 97-2, sec. 2; Ord. No. 97-76, sec. 1; Ord. No. 97-94, sec. 1; Ord. No. 97-97, sec. 1; Am. 1998, Ord. No. 98-131, secs. 1, 2; Am. 1999, Ord. No. 99-65, secs. 7, 8; Ord. No. 99-85, sec. 2; Ord. No. 99-135, sec. 2; Am. 2000, Ord. No. 00-39, sec. 1; Am. 2001, Ord. No. 01-62, sec. 2; Ord. No. 01-96, sec. 2; Am. 2008, Ord. No. 08-63, sec. 2; Am. 2009, Ord. No. 09-24, sec. 1, Ord. No. 09-61, sec. 1.)

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

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

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

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

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

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

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

- (28) Railroad Avenue, from a point eight hundred forty feet south of Kūkila Street to its southern terminus.
 - (29) Saddle Road, from Country Club Drive to the 18.8 mile point.
 - (30) Stainback Highway, Route 11 to a point eight hundred ninety feet west of the Pana‘ewa Zoo access road.
 - (31) Waiānuenue Avenue, from mauka terminus to Hāla‘i Street.
 - (d) Ka‘u
 - (1) South Point Road.
 - (e) Kohala
 - (1) Māmalahoa Highway in Waimea from Lindsey Road to a point four thousand feet in the Kona direction.
 - (2) Mānā Road, from Māmalahoa Highway for a distance of two thousand two hundred feet.
 - (3) Paniolo Avenue from Paniolo Place to its terminus.
 - (4) Puakō Beach Road, from the Queen Ka‘ahumanu Highway to a point five hundred feet makai of the Rubbish Dump Road.
 - (5) Waikoloa Road, beginning at ‘Auwaiakeakua Gulch Bridge and extending 1.1 miles in the mauka direction.
 - (f) Kona
 - (1) Ali‘i Drive, from the Kamehameha III Road intersection southerly to its terminus.
 - (2) Hina-Lani Street, Māmalahoa Highway (Route 190) to ‘Anini Street.
 - (3) Hiona Street.
 - (4) Ka‘iminani Drive, Queen Ka‘ahumanu Highway to Lau‘i Street.
 - (5) Ka‘iminani Drive, .75 mile east of Lau‘i Street to Route 190.
 - (6) Kaloko Drive, from the Hawai‘i Belt Road (Route 190) to a point .5 mile in the easterly direction.
 - (7) Kamehameha III Road, from Kuakini Highway to Ali‘i Drive.
 - (8) Kuakini Highway, from a point five hundred feet south (mauka) of the Ala Keanawai intersection to a point four hundred feet south of Hualālai Road.
 - (9) Palani Road, from FASC Route 180 (Hōlualoa Road) to Queen Ka‘ahumanu Highway.
 - (g) Puna
 - (1) South Glenwood Road, from Route 11, to a point 0.86 mile in the southeasterly direction.
 - (2) Hāpu‘u Road, from Maui Road to its northern terminus.
 - (3) Kahakai Boulevard, from Pūnāwai Street to its terminus at the makai end.
 - (4) Kēhau Road, from Maui Road to its northern terminus.
 - (5) North Kūlani Road, Ihope Road to Stainback Highway.
 - (6) Leilani Estates Avenue.
 - (7) Nānāwale Boulevard.
 - (8) ‘Opihikao-Kamā‘ili Road, between Route 130 and a point 1.1 miles in the makai direction.
 - (9) Pohoiki Road, between Route 132 and a point 1.55 miles in the makai direction.
 - (10) Route 132, from Route 130 to the Pohoiki Road Junction.
- (1996, Ord. No. 96-163, sec. 2; Am. 1997, Ord. No. 97-2, sec. 1; Ord. No. 97-94, sec. 2; Ord. No. 97-96, sec. 1; Am. 1998, Ord. No. 98-42, sec. 1; Ord. No. 98-101, sec. 1; Am. 1999, Ord. No. 99-84, sec. 1; Ord. No. 99-135, sec. 3; Am. 2000, Ord. No. 00-39, sec. 2; Ord. No. 00-96, secs. 1 and 2; Am. 2001, Ord. No. 01-62, sec. 3; Am. 2003, Ord. No. 03-8, secs. 1 and 2; Am. 2003, Ord. No. 03-95, sec. 2; Am. 2009, Ord. No. 09-12, sec. 1.)

Section 24-258. Schedule 6. Reserved.

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

Section 24-259. Schedule 7. 40 mile per hour limit.

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

- (a) Hāmākua
 - (1) Mauna Kea Road, from Saddle Road intersection to a point 2.45 miles north
- (b) North Hilo
- (c) South Hilo
 - (1) Ponahawai Street, from a point 0.2 mile mauka of Kapi‘olani Street to Komohana Street.
- (d) Ka‘ū
 - (1) Kamā‘oa Road, from a point three miles west of Route 11 to South Point Road.
- (e) Kohala
- (f) Kona
 - (1) Kaloko Drive, from a point .5 mile east of Hawai‘i Belt Road (Route 190) to its eastern terminus.
- (g) Puna

(1996, Ord. No. 96-163, sec. 2; Am. 1997, Ord. No. 97-97, sec. 3; Am. 1998, Ord. No. 98-101, sec. 2; Ord. No. 98-131, secs. 5, 6.)

Section 24-260. Schedule 8. 45 mile per hour limit.

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

- (a) Hāmākua
- (b) North Hilo
- (c) South Hilo
 - (1) Komohana Street, from Puainako Street to Ponahawai Street.
 - (2) Mohouli Street, Komohana Street to Uluwai Street.
 - (3) Puainako Street Extension, from Komohana Street to a point five hundred eighty-four feet east of Wilder Road.
- (d) Ka‘ū
- (e) Kohala
 - (1) Māmalahoa Highway in Waimea, from Mud Lane to a point five thousand five hundred feet Honoka‘a (Fukushima Store) of the Waimea to Hāwī Road.
 - (2) Saddle Road, from the 18.8 mile point to the Māmalahoa Highway in South Kohala.
 - (3) Waikoloa Road, from a point 1.1 miles mauka of ‘Auwaiakeakua Gulch Bridge and extending 1.7 miles in the mauka direction.
 - (4) Waikoloa Road, Queen Ka‘ahumanu Highway to ‘Auwaiakeakua Gulch Bridge.
- (f) Kona
 - (1) Hina-Lani Street, Anini Street to Kamanu Street.
 - (2) Ka‘iminani Drive, Lau‘i Street to a point .75 mile east.
 - (3) Kuakini Highway, between Walua Road and Route 11.
- (g) Puna
 - (1) Kahakai Boulevard, Highway 130 to Keonepoko School.
 - (2) Māmalahoa Highway in Kea‘au, from Milo Street to the lower Kea‘au Connection.
 - (3) Route 132, from the Pohoiki Road Junction to Route 137.

(1996, Ord. No. 96-163, sec. 2; Am. 1998, Ord. No. 98-42, sec. 2; Ord. No. 98-88, sec. 1; Ord. No. 98-130, sec. 1; Am. 1999, Ord. No. 99-84, sec. 2; Am. 2000, Ord. No. 00-96, sec. 3; Am. 2003, Ord. No. 03-8, sec. 3; Am. 2009, Ord. No. 09-11, sec. 1.)

Section 24-261. Schedule 9. Reserved.

* **Editor's Note:** Since this schedule duplicated schedule 8, the streets listed under this schedule were moved to schedule 8.

Section 24-262. Schedule 10. 50 mile per hour limit.

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

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

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

Section 24-263. Schedule 11. 55 mile per hour limit.

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

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

(1) Waikoloa Road, from a point 2.8 miles mauka of ‘Auwaiakeakua Gulch Bridge to Route 190.

- (f) Kona
- (g) Puna

(1996, Ord. No. 96-163, sec. 2; Am. 1998, Ord. No. 98-88, sec. 2; Ord. No. 98-130, sec. 2.)

Division 2. Moving Vehicles.**Section 24-264. Schedule 12. Stop intersections.**

When properly posted, drivers of vehicles shall stop at the following intersections:

- (a) Hāmākua
 - (1) Entering the Pa‘auilo School Road intersection from the Pa‘auilo School Park Road, when the one-way traffic system is not in effect.
 - (2) Old Māmalahoa Highway at Kalōpā entering Pā‘auhau Sugar Company Road.
 - (3) At the southwest and southeast corners of the intersection Māmalahoa Highway and the plantation road near the Pā‘auhau Sugar Company manager's home.
 - (4) At the intersection of Lehua and Plumeria Streets facing the makai bound traffic on Lehua Street.
 - (5) At the northeast corner of Māmalahoa Highway and the plantation road near the Pā‘auhau Sugar Company manager's home.
- (b) North Hilo
 - (1) Kihalani Homestead Road at Old Māmalahoa Highway.
- (c) South Hilo
 - (1) Entering ‘Alae Street from Kamakaohonu Street.
 - (2) Entering Awela Street from Awela Place.
 - (3) Baker Avenue, Desha Avenue intersection, all approaches.
 - (4) Entering Haili Street from a southerly direction from Hāla‘i Street.
 - (5) Hualālai Street, Ululani Street intersection, all approaches.
 - (6) Entering Kahaopea Street from Maikai Street.

- (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 Keōkea Loop Road from Apapane Road.
 - (13) Komohana Street, Kawaiāni Street intersection, all approaches.
 - (14) Kūkūāu Street, both approaches to Kapi‘olani Street.
 - (15) Kūkūāu Street, both approaches to Kino‘ole Street.
 - (16) Kūkūāu Street, both approaches to Komohana Street.
 - (17) Kūkūāu Street, both approaches to Mohouli Street.
 - (18) Kūkūāu Street, both approaches to Ululani Street.
 - (19) Entering Laimana Street from ‘Alae Street.
 - (20) Entering Lanihuli Street from Lei Street.
 - (21) The unnamed roadway into the pier and lighthouse, at Lihikai Street.
 - (22) Entering Manulele Street from Oliana Street.
 - (23) Entering Mikokoi Street from Awela Street.
 - (24) Ohuohu Street, Ho‘ohua Street intersection, all approaches.
 - (25) Entering Pōhaku Street from Kūkila Street.
 - (26) Entering Ponahawai Street from Punahoa Street.
 - (27) Pua Avenue, Desha Avenue intersection, all approaches.
 - (28) Haili Street, Kapi‘olani Street intersection, all approaches.
- (d) Ka‘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-Kawaiāe Road from Kawaiāe Park Road at Kohala.
 - (5) At the Puako-Kawaiāe-Rockefeller junction, entering the Hāpuna Bay Access Road (Hawai‘i Project No. G-3257-01-60) at South Kohala, from the Old Puakō-Kawaiāe Road, moving in the Kawaiāe 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) Kuakini Highway, Makala Boulevard intersection, all approaches.
 - (5) Entering the intersection of Palani Road and Ali‘i Drive from the northern approach of Ali‘i Drive (from the direction of Kailua Wharf).
 - (6) Entering the intersection of Palani Road and Kuakini Highway from both approaches of Kuakini Highway and the makai approach of Palani Road.
 - (7) Pualani Street/Wikolia Street intersection, all approaches.
 - (8) Middle Ke‘ei Road, Painted Church Road intersection, all approaches.
 - (9) Ali‘i Drive, Kaleiopapa Street intersection, all approaches.
 - (10) Ali‘i Drive, Lunapule Road intersection, all approaches.
 - (11) Ali‘i Drive, Royal Poinciana Drive intersection, all approaches.
- (g) Puna
- (1) Entering Ali‘i Papa Street from Huaka‘i 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 'Ama'uma'u 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; Am. 2009, Ord. No 09-31, 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.

- (19) The highway known as the Saddle Road, from the Country Club Drive in Hilo, to the Māmalahoa Highway at Kamuela in South Kohala.
- (20) Wright Road (FASP S-253 (1)).
(1996, Ord. No. 96-163, sec. 2; Am. 1997, Ord. No. 97-62, secs. 1, 2; Am. 1999, Ord. No. 99-65, secs. 11, 12, 13; Am. 2001, Ord. No. 01-11, sec. 1; Ord. No. 01-62, sec. 4; Ord. No. 01-96, secs. 4, 5; Am. 2002, Ord. No. 02-47, secs. 3 and 4; Am. 2002, Ord. No. 02-55, sec. 2.)

Section 24-267. Schedule 15. One way streets.

When properly posted, traffic shall move only in the direction indicated upon the following streets or portions of streets:

- (a) Hāmākua
- (1) Māmalahoa Highway in Pa‘auilo. All vehicular traffic shall move only from the Honoka‘a to the Hilo direction between the Cutoff Road on the Hilo side of the Catholic Church and the Hawai‘i Belt Road (Proj. DF-019-2(5)).
 - (2) ‘Ōhi‘a Street in Honoka‘a. All vehicular traffic shall move only in the northerly direction on the ‘Ōhi‘a Street extension between Māmane Street and ‘Ōhi‘a Street.
 - (3) Pakalana Street in Honoka‘a. All vehicular traffic shall move in the mauka direction from Māmane Street to Kamani Street between the hours of 7:00 a.m. and 2:30 p.m. on school days only.
 - (4) Pa‘auilo School Road. All vehicular traffic shall move only from the mauka to makai direction between the Pa‘auilo School Park Road and Māmalahoa Highway during the hours of 7:00 a.m. to 8:15 a.m. and 1:00 p.m. to 2:30 p.m. on school days.
 - (5) Pa‘auilo School Park Road. All vehicular traffic shall move only from the Honoka‘a to Hilo direction between the Pa‘auilo Homestead Road and the Pa‘auilo School Road during the hours of 7:00 a.m. to 8:15 a.m. and 1:00 p.m. to 2:30 p.m. on school days.
- (b) North Hilo
- (1) Māmalahoa Highway in Nīnole. All vehicular traffic shall move only from the Hilo to the Hāmākua direction.
- (c) South Hilo
- (1) Bayfront Parking Lot Driveway located two hundred forty feet Hāmākua of Mamo Street in the mauka direction.
 - (2) A portion of Derby Street and Barenaba Street extension. All vehicular traffic shall move only out (mauka to makai) into Kīlauea Avenue between Barenaba Street and Kīlauea Avenue.
 - (3) Furneaux Lane. All vehicular traffic shall move in the mauka direction, Kamehameha Avenue parking lot to Kīlauea Avenue.
 - (4) Holomalia Street. All vehicular traffic shall move only from makai to mauka between Ipuka Street and Popolo Street.
 - (5) Kalākaua Street. All vehicular traffic shall move in the mauka direction from Kamehameha Avenue to Kino‘ole Street.
 - (6) Kapi‘olani Street. All vehicular traffic shall move in the Puna direction between Waiānuenu Avenue and Haili Street, between the hours of 5:00 a.m. and 1:00 p.m. on Sundays.
 - (7) Kapi‘olani Street. All vehicular traffic shall move in the Puna direction from Waiānuenu Avenue to Haili Street between the hours of 7:15 a.m. and 8:00 a.m. on school days.
 - (8) Keawe Street. All vehicular traffic shall move in the Hāmākua direction from Kīlauea Avenue to Wailuku Drive.
 - (9) Kekaulike Street. All vehicular traffic shall move in the Hāmākua direction from Waiānuenu Avenue to Wailuku Drive.

- (10) Kīlauea Avenue. All vehicular traffic shall move in the Puna direction from Haili Street to Mamo Street.
- (11) Kīlauea Avenue. All vehicular traffic shall move in the Hāmākua direction from Ponahawai Street to Mamo Street.
- (12) Kino'ole Street. All vehicular traffic shall move in the Puna direction from Wailuku Drive to Ponahawai Street.
- (13) Kūkūau Street. All vehicular traffic shall move only from makai to mauka between Kīlauea Avenue and Kino'ole Street.
- (14) Lele Street. All vehicular traffic shall move in the Hāmākua direction, Punahela Street to Kaūmana Drive.
- (15) Lihiwai Street. All vehicular traffic shall move in the westerly direction from Keliipio Place to the roadway leading to the pier and lighthouse.
- (16) Māmalahoa Highway. All vehicular traffic shall move only from Hāmākua to Puna between the Old Volcano Road leading to the Tuberculosis Rehabilitation Center and FAP F 2(3) (Kanoelehua Street Extension).
- (17) Mo'oheau Bus Terminal, the southernmost driveway, in the makai direction and the area fronting the bus terminal in the Hāmākua direction.
- (18) Nawahi Lane. All vehicular traffic shall move only from makai to mauka between Kamehameha Avenue and Punahoa Street.
- (19) Shipman Street. All vehicular traffic shall move in the makai direction from Kekaulike Street to Kamehameha Avenue.
- (20) Ululani Street. All vehicular traffic shall move in the Hāmākua direction from Wailoa Street to Hualālai Street and from Waiānuenu Avenue to Wailuku Drive.
- (21) Waiānuenu Avenue. All vehicular traffic shall move in the makai direction from Komohana Street to Kamehameha Avenue between the hours of 7:15 a.m. and 8:00 a.m. on school days.
- (22) Wailuku Drive. All vehicular traffic shall move in the mauka direction from Kamehameha Avenue to Kino'ole Street.

- (d) Ka'ū
- (e) Kohala
- (f) Kona

- (1) Haleki'i Street. All general public vehicular traffic shall move in the eastbound direction only from 3:30 p.m. to 6:30 p.m., Monday through Friday, except holidays, for the Haleki'i Street Extension (four thousand feet), extending from the Māmalahoa Highway Bypass to a point six hundred feet makai of the Muli Street intersection.
- (2) Hōnaunau Beach Road. All vehicular traffic shall move in the northerly direction from the City of Refuge Access Road to Route 160.
- (2) Likana Lane in Kailua-Kona. All vehicular traffic shall move only in a northerly direction between Ali'i Drive and the driveway of the Kona Seaside Hotel.
- (3) Saronā Road in Kailua-Kona. All vehicular traffic shall move in the easterly direction from Ali'i Drive to a point approximately two hundred feet west of Kuakini Highway.

- (g) Puna

(1996, Ord. No. 96-163, sec. 2; Am. 1998, Ord. No. 98-85, sec. 1; Am. 1999, Ord. No. 99-98, sec. 1; Am. 2001, Ord. No. 01-96, sec. 6; Ord. No. 01-119, sec. 2; Am. 2003, Ord. No. 03-147, sec. 1; Am. 2005, Ord. No. 05-90, sec. 1; Am. 2008, Ord. No. 08-64, sec. 1.)

Section 24-268. Schedule 16. Turn right anytime with caution.

When signs are erected giving notice, the provisions of section 24-171 shall apply to the following locations:

- (a) Hāmākua

- (1) At the northeast corner of Māmalahoa Highway and the plantation road near the Pā'auhau Sugar Company manager's home.

Section 24-274. Schedule 22. Prohibited U-turn areas.

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

- (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 24-274.1. Schedule 22.1. Traffic signal systems.

Traffic signal systems are hereby authorized as set forth in this schedule at the streets and intersections described as follows:

- (a) Hāmākua
- (b) North Hilo
- (c) South Hilo
 - (1) Ainaola Drive/Haihai Street.
 - (2) Kamehameha Avenue/Pauahi Street.
 - (3) Kaūmana Drive/Ainako Avenue.
 - (4) Kāwili Street/Kapi‘olani Street.
 - (5) Keawe Street/Haili Street.
 - (6) Keawe Street/Mamo Street.
 - (7) Kekūanā‘a Street/Manono Street.
 - (8) Kīlauea Avenue/Aupuni Street.
 - (9) Kīlauea Avenue/Kawailani Street.
 - (10) Kīlauea Avenue/Kāwili Street.
 - (11) Kīlauea Avenue/Kekūanā‘a Street.
 - (12) Kīlauea Avenue/Lanikāula Street.
 - (13) Kīlauea Avenue/Mohouli Street.
 - (14) Kīlauea Avenue/Pauahi Street/Hualālai Street.
 - (15) Kīlauea Avenue/Ponahawai Street.
 - (16) Kino‘ole Street/Haili Street.
 - (17) Kino‘ole Street/Hualālai Street.
 - (18) Kino‘ole Street/Kamana Street.
 - (19) Kino‘ole Street/Kawailani Street.
 - (20) Kino‘ole Street/Kāwili Street.
 - (21) Kino‘ole Street/Lanikāula Street.
 - (22) Kino‘ole Street/Mohouli Street.
 - (23) Kino‘ole Street/Ponahawai Street.
 - (24) Komohana Street/Mohouli Street.
 - (25) Komohana Street/Ponahawai Street.
 - (26) Lanikāula Street/Manono Street.
 - (27) Mohouli Street/Kumukoa Street.
 - (28) Ohuohu Street, Mid-Block Crosswalk.
 - (29) Ponahawai Street/Kapi‘olani Street.
 - (30) Waiānuenue Avenue/Hilo High and Hilo Intermediate Schools.

- (31) Waiānuenu Avenue/Kaʻiulani Street.
- (32) Waiānuenu Avenue/Kaūmana Drive/Lele Street.
- (33) Waiānuenu Avenue/Keawe Street.
- (34) Waiānuenu Avenue/Kinoʻole Street.
- (35) Waiānuenu Avenue/Komohana Street.
- (d) Kaʻū
- (e) Kohala
 - (1) Highway 19/Pukalani Road.
 - (2) Highway 19E/Kamāmalu Road.
 - (3) Highway 19E/Lindsey Road.
- (f) Kona
 - (1) Aliʻi Drive/Kaleiopapa Road.
 - (2) Aliʻi Highway/Aliʻi Drive.
 - (3) Halekiʻi Street, at mid-block crosswalk, two hundred seventy feet east of Mamao Street.
 - (4) Henry Street/Lanihau Shopping Center.
 - (5) Henry Street/Walmart.
 - (6) Kamehameha III Road/Aliʻi Highway.
 - (7) Kamehameha III Road at Hill Haven Subdivision.
 - (8) Kuakini Highway/Hanama Street.
 - (9) Kuakini Highway/Henry Street.
 - (10) Kuakini Highway/Hualālai Road.
 - (11) Kuakini Highway/Kalani Street.
 - (12) Kuakini Highway/Palani Road.
 - (13) Palani Road/Henry Street.
 - (14) Palani Road/Lanihau Shopping Center.
 - (15) Route 11/Halekiʻi Street.
 - (16) Route 11/Konawaena Elementary School Road.
 - (17) Route 11/Konawaena School Road.
- (g) Puna
 (1996, Ord. No. 96-163, sec. 2; Am. 1997, Ord. No. 97-112, sec. 1; Am. 2000, Ord. No. 00-86, secs. 1--3, Ord. No. 00-123, sec. 1; Am. 2002, Ord. No. 02-83, sec. 1; Am. 2003, Ord. No. 03-164, sec. 1; Am. 2009, Ord. No. 09-28, sec. 1; Ord. No. 09-29, sec. 1; Ord. No. 09-67, sec. 1; Ord. No. 09-68, sec. 1.)

Division 3. Bus Stops and Public Road Taxi Stands.

Section 24-275. Schedule 23. Bus stop locations.

When signs or markings are provided, bus stops 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
 - (1) Banyan Drive, both sides, beginning from the Naniloa Hotel driveway and extending in the mauka direction for a distance of one hundred thirty feet from 6:00 a.m. to 6:00 p.m., Monday through Saturday.
 - (2) Fronting the Hilo Bus Terminal Building at Moʻoheau Park for a distance of eighty feet.
 - (3) Hualālai Street, Hāmākua side, beginning from a point three hundred twenty-seven feet mauka of Kinoʻole Street and extending eighty feet in the mauka direction.
 - (4) Hualālai Street, Puna side, beginning at a point thirty feet makai of Kapiʻolani Street and extending sixty feet in the makai direction between the hours of 2:30 p.m. and 3:30 p.m. on school days only.

- (2) Māmalahoa Highway in 'O'ōkala, on the Hilo side of the Kukui Village Road.
- (3) Māmalahoa Highway in Kihalani, on the Hilo side at the entrance to St. Anthony's Catholic Church.
- (4) Māmalahoa Highway, on the Hilo side of the Milo Village Road.
- (c) South Hilo
 - (1) Desha Avenue, at the front entrance to the Keaukaha School.
 - (2) Ha'aheo School Road, in front of the Ha'aheo School Garage.
 - (3) Kamana Street, four hundred thirty-five feet southwest of Kino'ole Street.
 - (4) Kamehameha Avenue, midway between Kalākaua Street and Haili Street.
 - (5) Kamehameha Avenue, eight hundred forty feet east of Ponahawai Street.
 - (6) Kapi'olani Street, one hundred ninety feet Hāmākua of Haili Street.
 - (7) Kaūmana Drive, in front of the Kaūmana School.
 - (8) Kaūmana Drive, mauka of the Waiānuenue Avenue intersection.
 - (9) Kīlauea Avenue, in front of the Hilo Hongwanji Temple.
 - (10) Kino'ole Street, in front of the Waiākeawaena School.
 - (11) Māmalahoa Highway, in front of the Hakalau School Gym and entrance.
 - (12) Māmalahoa Highway, in front of the Honomū School.
 - (13) Māmalahoa Highway, in front of Kalaniana'ole School.
 - (14) Māmalahoa Highway in Pāpa'ikou on the Hilo side of the driveway to Pāpa'ikou Park.
 - (15) Manono Street, in front of the Civic Auditorium.
 - (16) Mohouli Street, at Kapi'olani School.
 - (17) Ohuohu Street, seven hundred twenty feet north of Puainako Street.
 - (18) Old Māmalahoa Highway, in Pāpa'ikou, approximately four hundred feet north of the Kalaniana'ole School ingress driveway.
 - (19) Pua Avenue, on the mauka side entrance to the Keaukaha School.
 - (20) Pua Street, in front of the Church of Jesus Christ of Latter-Day Saints.
 - (21) Ululani Street, between St. Joseph's High School and St. Joseph's Elementary School.
 - (22) Waiānuenue Avenue, in front of the Hilo High School.
 - (23) Waiānuenue Avenue, mauka of the Kaūmana Drive intersection.
 - (24) Waiānuenue Avenue, in front of the Pi'ihonua School.
 - (25) Waiānuenue Avenue, in front of Pi'ihonua Store.
 - (26) Waiānuenue Avenue, fronting the new parking lot for Hilo Hospital.
- (d) Ka'u
 - (1) Old Government Road through Pāhala (Pāhala Loop Road), makai of Ka'u Meat Market.
- (e) Kohala
 - (1) Honomaka'u Road, three hundred thirty-five feet north of Akoni Pule Highway.
 - (2) Honomaka'u Road at Kohala High and Elementary School, in the vicinity of the Agriculture Building.
 - (3) Lindsey Road in front of the Parker School.
 - (4) Māmālahoa Highway, two hundred twenty-five feet Honoka'a of the Kamuela to Hāwī Road intersection.
 - (5) Māmalahoa Highway, at the intersection of Kamuela to Hāwī Road from the restaurant corner to the Kamuela Police Station corner.
 - (6) Māmalahoa Highway, in front of the entrance to the Waimea School.
- (f) Kona
 - (1) Ali'i Drive, at Kailua-Kona, fronting the Kona Inn property.
 - (2) Ali'i Drive, five hundred eighty-five feet south of Mākole'ā Street.
 - (3) Ali'i Drive, in front of the Kona Ali'i Condominium.
 - (4) Ali'i Drive in Kailua-Kona, eight hundred seventy feet southeast of Royal Poinciana Drive.

- (5) Ali'i Drive in Kailua-Kona, forty feet north from the Islander Inn driveway.
 - (6) Ali'i Drive in Kailua-Kona, one thousand three hundred five feet southeast of Royal Poinciana Drive.
 - (7) Ali'i Drive in Kailua-Kona, three hundred fifty feet south of Hualālai Road, at the south entrance to St. Michael's Church.
 - (8) Ali'i Drive, in the vicinity of the Likana Lane intersection.
 - (9) Ali'i Drive, in the vicinity of the Palani Road intersection.
 - (10) Hōlualoa-Kailua Road, in front of the Kailua School.
 - (11) Konawaena School Road, at the entrance to the Episcopal Christ Church and Waipu'ilani School.
 - (12) Konawaena School Road, in front of Waipu'ilani School.
 - (13) Konawaena School Road, on the Ka'ū side of the Konawaena School.
 - (14) Kuakini Highway, Palani of Hualālai Road.
 - (15) Māmalahoa Highway, in front of the 'Alae School.
 - (16) Māmalahoa Highway, in front of the Aloha Theater.
 - (17) Māmalahoa Highway, in Hōlualoa, Kona, at the following locations:
 - (A) Hōlualoa Post Office.
 - (B) Hōlualoa School.
 - (C) Kona Arts Center.
 - (18) Māmalahoa Highway in the vicinity of Ben Franklin Store in Kainaliu, Kona.
 - (19) Māmalahoa Highway, in front of the Honokāhau School.
 - (20) Māmalahoa Highway, in front of the Kalaoa School.
 - (21) Māmalahoa Highway, in front of the Kona Civic Center in Captain Cook.
 - (22) Māmalahoa Highway, in front of the Kona Theater.
 - (23) Palani Road in the vicinity of Kealakehe School.
- (g) Puna
- (1) Haunani Road, in front of the Keākealani School.
 - (2) Ka'ohē Homestead Road, in Pāhoa, fronting the new Pāhoa School cafeteria.
 - (3) Ka'ohē Homestead Road, in Pāhoa, in front of Pāhoa School gymnasium.
 - (4) Kea'au-Pāhoa Road, three hundred fifty-five feet northwest of Ka'ohē Homestead Road.
 - (5) Māmalahoa Highway, in 'Ōla'a, in front of the Kea'au Store.
 - (6) Māmalahoa Highway in 'Ōla'a, on the Volcano side of 'Ōla'a Ball Park (Japanese New Camp) road.
 - (7) 'Ōla'a to Kapoho Road, in Pāhoa, between Morita Store and the Pāhoa Post Office.
 - (8) 'Ōla'a to Kapoho Road, in Pāhoa, at the old Railroad right-of-way.
 - (9) 'Ōla'a to Pāhoa Road, in front of the Shiigi Store at Pāhoa Village.
- (1996, Ord. No. 96-163, sec. 2; Am. 1997, Ord. No. 97-5, sec. 1; Am. 1999, Ord. No. 99-98, sec. 2; Ord. No. 99-162, secs. 1, 2; Am. 2000, Ord. No. 00-79, secs. 1-3; Am. 2003, Ord. No. 03-133, sec. 1; Ord. No. 03-138, sec. 2; Am. 2009, Ord. No. 09-9, sec. 1; Ord. No. 09-10, sec. 1.)

Section 24-277. Schedule 25. Safety zones.

When appropriate signs or markings are provided, safety zones shall be located on the following streets or portions of streets:

- (a) Hāmākua
- (1) On the makai side of Māmalahoa Highway, from the Pa'auilo Garage to the Pa'auilo School Road.
 - (2) On the mauka side of Māmalahoa Highway, from the Pa'auilo School Road to the Hawai'i Belt Road, Project DF-019-2(5).
 - (3) On the Waipi'o side of Pakalana Street from Māmane Street to Kukui Street.

- (42) Māmalahoa Highway, makai side, beginning at the south prolongation of Kīloa Road and extending one hundred twenty feet in the northerly direction.
 - (43) Manawale‘a Street, both sides.
 - (44) Melelina Street, on the makai side between Nani Kailua Drive and Aloha Kona Drive.
 - (45) Nahenahe Loop, mauka side, beginning at St. Paul Road and extending for one hundred sixty feet in the northerly direction.
 - (46) Nāpō‘opo‘o Beach Road, on the makai side, beginning at the Nāpō‘opo‘o Road intersection and extending to the northern terminus.
 - (47) 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.
 - (48) An old government lane in Kailua-Kona, located between the Kama‘āina Lodge and the Ocean View Inn.
 - (49) Onipa‘a Street, Le‘ale‘a Street to Kealakehe School parking lot.
 - (50) 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.
 - (51) 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; Am. 2009, Ord. No. 09-22, sec. 1; Ord. No. 09-61, sec. 2.)

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.

Division 8. Restrictions on Certain Vehicles.**Section 24-293. Schedule 41. Use of certain streets by certain vehicles restricted.**

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

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

Division 9. Bicycles.**Section 24-294. Schedule 42. Bicycle lanes.**

The following areas are bicycle lanes:

- (a) Hāmākua
- (b) North Hilo

- (c) South Hilo
 - (1) Kāwili Street, both sides, between Puainako Street and Kīlauea Avenue.
- (d) Ka‘ū
- (e) Kohala
- (f) Kona
 - (1) Kuakini Highway, mauka side, between Palani Road and the Old Kona Airport.
 - (2) Kuakini Highway, both sides, between Palani Road and Hualālai Road.
 - (3) Manawale‘a Street, both sides.
- (g) Puna
(1996, Ord. No. 96-163, sec. 2; Am. 2008, Ord. No. 08-94, sec. 1; Am. 2009, Ord. No. 09-23, sec. 1.)

Section 24-295. Schedule 43. Bicycle routes.

The following areas are bicycle routes:

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

Division 10. Tow or Tow-Away Zones.

Section 24-296. Schedule 44. Reserved.

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

Article 11. Schedules -- Private Streets.

Division 1. Speed Limits.

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

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

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

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

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

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

- (a) Hāmākua

- (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; Am. 2009, Ord. No. 09-16, sec. 2.)

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.

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(56)	02-106	9-12-2002	Pu'uuanahulu Homesteads, North Kona	7-1-05:9, 10, 22, 26, 28-34, 39, 40, 41, 58 and 59	(Amends Ord. 01-64) (Effective Date 7-16-01)		
(57)	04-13	2-11-2004	Kaloko, North Kona	7-3-26:16	A-20a	A-10a	
(58)	04-14	2-11-2004	Kaloko, North Kona	7-3-27:10	A-20a	A-10a	
(59)	04-63	6-14-2004	Kaloko, North Kona	7-3-25:8	A-20a	A-5a	
(60)	04-89	8-12-2004	Kaloko, North Kona	7-3-26:15	A-20a	A-10a	
(61)	04-146	12-8-2004	Kaloko, North Kona	7-3-27:21	A-20a	A-10a	
(62)	04-147	12-8-2004	Kaloko, North Kona	7-3-25:7	A-20a	FA-3a	
(63)	05-65	5-16-2005	Kaloko, North Kona	7-3-26:11	A-20a	A-10a	
(64)	05-66	5-16-2005	Kaloko, North Kona	7-3-27:7	A-20a	A-10a	
(65)	05-67	5-16-2005	Kaloko, North Kona	7-3-27:6	A-20a	A-10a	
(66)	06-4	1-13-2006	Kaloko, North Kona	7-3-26:14	A-20a	A-10a	
(67)	06-58	5-12-2006	Kaloko, North Kona	7-3-26:13	A-20a	A-10a	
(68)	06-59	5-12-2006	Kaloko, North Kona	7-3-25:9	A-20a	A-5a	
(69)	06-82	6-16-2006	Kaloko, North Kona	7-3-24:8	A-20a	FA-3a	
(70)	06-110	7-27-2006	Kaloko, North Kona	7-3-048:005	A-20a	A-10a	
(71)	07-46	4-4-2007	Pu'uuanahulu, North Kona	7-1-5:9 and 7-1-7:44-47	A-1a	O	

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ZONING MAP No. 7.02 – (North Kona)

§ 25-8-3

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

ZONING MAP No. 7.03 – (South Kona)

§ 25-8-4

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

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(58)	95-118	10-12-1995	Hienaloli 4th and 5th, North Kona	7-5-10:13 and 7-5-23:63	(Amends Ord. 92-36) (Effective Date 4-24-1992)		
(59)	96-61	5-22-1996	Waiaha 2nd and Kahului 1st, North Kona	7-1-18:61 and 7-5-19: Por. 5	(Amends Ord. 86-79) (Effective Date 7-9-1986)		
(60)	96-34	3-18-1996	Puaa 3rd, North Kona	7-5-18:14	RM-1	CV-10	
(61)	97-40	3-13-1997	Puaa 3rd, North Kona	7-5-18:19	RM-1	CV-10	
(62)	98-70	7-2-1998	Hienaloli 2nd, North Kona	7-5-10:15	RD-3.75, A-5a	RM-1	
(63)	98-113	11-19-1998	Keopu 1st, North Kona	7-5-04:6 and 13	(Amends Ord. 90-85) (Effective Date 7-16-1990)		
(64)	00-90	8-21-2000	Keahuolu, North Kona	7-4-15:15	(Amends Ord. 91-27) (Effective Date 3-21-1991)		
(65)	00-122	10-30-2000	Puaa 3rd, North Kona	7-5-18:15	RM-1	CV-10	
(66)	03-18	2-20-2003	Waiaha 1st, North Kona	7-5-18:8	RS-10	RM-4	
(67)	03-115	8-14-2003	Honuaula, North Kona	7-5-22:40	RM-1	CV-7.5	
(68)	06-44	4-12-2006	Puaa 1st, North Kona	7-5-9:23	RM-1	V-7.5	
(69)	06-138	11-8-2006	Hienaloli 5th and 6th, North Kona	7-5-10: Por. of 13 (Formerly 7-5-23:64 and 67)	(Amends Ord. 90-010 that amended Ord. 86-49 Effective 2-13-1990)		
(70)	09-50	5-11-2009	Hienaloli 5th and 6th, North Kona	7-5-10: Por. of 13 (Formerly 7-5-23:64 and 67)	(Amends Ord. 06-138 that amended Ord. 90-010 that amended Ord. 86-49 Effective 11-8-2006)		

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

§ 25-8-6

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

Para-Graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(16)	90-145	11-30-1990	Olaa, Puna	8-8-04:99	A-20a	A-5a	
(17)	91-110	10-24-1991	Halekamahina, Puna	1-4-73:2	O	A-5a	
(18)	91-135	12-27-1991	Olaa, Puna	1-7-05:12	A-20a	A-1a	
(19)	92-87	7-22-1992	Keaau, Puna	1-6-146:1-54, 1-6-3:78, 92 and Por. 90 (formerly 1-6-3:78 and Por. 7)	(Amends Ord. 86-85) (Effective Date 8-19-1986)		
(20)	92-123	11-20-1992	Olaa, Puna	1-7-17:3	A-20a	A-1a	
(21)	93-61	6-18-1993	Waiakahiula, Puna	1-5-67:Por. 35	O	A-1a	
(22)	95-57	4-26-1995	Pohoiki and Keahialaka, Puna	1-3-08:24, 29, and 31	A-1a	A-5a, A-3a	
(23)	95-98	8-23-1995	Keaau, Puna	1-6-03:10	A-20a	A-1a	
(24)	97-65	5-14-1997	Olaa, Puna	1-7-17:3	(Amends Ord. 92-123) (Effective 11-20-92)		
(25)	97-67	5-14-1997	Keaau, Puna	1-6-03:5	A-20a	ML-20, FA-3a	
(26)	98-60	7-2-1998	Keaau, Puna	1-6-141:10	A-20a	FA-1a	
(27)	98-61	7-2-1998	Keaau, Puna	1-6-03:Por. 5	ML-20	MCX-20	
(28)	99-53	5-4-1999	Keaau, Puna	1-6-3:93	A-20a	MG-10a	
(29)	99-83	7-16-1999	Halekamahina, Puna	1-4-73:18	O, A-1a	FA-2a	
(30)	01-41	5-1-2001	Kapoho, Halekamahina, Puna	1-4-73:27	O, A-1a	FA-2a	

Para-Graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(31)	02-23	2-28-2002	Kea'au, Puna	1-6-03:Por. of 7	A-20a	MCX-20	
(32)	03-24	2-20-2003	Kapoho and Halekamahina, Puna	1-4-73:3	O and A-1a	A-5a	
(33)	03-134	10-16-2003	Olaa, Puna	1-7-17:3	(Amends Ord. 97-65) (Effective date 5-14-97)		
(34)	04-2	1-7-2004	Kea'au, Puna	1-6-3:99	A-20a	ML-20 and A-5a	
(35)	04-21	2-25-2004	Keaau, Puna	1-6-141:001	A-20a	A-5a	
(36)	05-26	2-18-2005	Kapoho, Puna	1-4-73:1	O	FA-2a	
(37)	09-52	5-11-2009	Kea'au, Puna	1-6-003:018 and 023	A-20a	ML-1a	

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	Kūkūāu 1 st , South Hilo	2-4-8:Pors. 14 and 26	(Amends Ord. 93-36) (Effective date 4-23-1993)		
(342)	09-18	2-18-2009	Waiākea, South Hilo	2-4-001:116	RS-10	RM-1.5	

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

Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	Code §
08-65	5-8-08	Waiākea, South Hilo	2-4-010:031	RS-15	RS-10	25-8-33
08-72	5-20-08	Waiākea, South Hilo	2-2-48:93 and Por. 13	Amends Ord. 95-55		25-8-33
08-96	6-30-08	Waiākea, South Hilo	2-2-35:47	Amends Ord. 07-40		25-8-33
08-115	9-10-08	Kūkūau 1 st , 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
09-5	2-9-09	Kaloko, North Kona	7-3-27:14	A-20a	A-10a	25-8-2
09-6	2-9-09	Kaloko, North Kona	7-3-026:017	A-20a	A-10a	25-8-2
09-8	2-9-09	Kapalaalaea 2 nd , North Kona	7-7-008:121	A-5a	RS-7.5	25-8-3
09-18	2-18-09	Waiākea, South Hilo	2-4-001:116	RS-10	RM-1.5	25-8-33
09-44	4-23-09	Waiākea, South Hilo	2-2-034:036	RS-10	CN-10	25-8-33
09-45	4-23-09	Waiākea, South Hilo	2-2-034:088	RS-10	CN-10	25-8-33

Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	Code §
09-49	5-11-09	Hienaloli 4th and 5th, North Kona	7-5-10:Por. of 13 (Formerly 7-5-23:63)	Amends Ord. 06-137 that amends Ord. 95-118 that amended Ord. 92-36		25-8-3
09-50	5-11-09	Hienaloli 5th and 6th, North Kona	7-5-10: Por. of 13 (Formerly 7-5-23:64 and 67)	Amends Ord. 06-138 that amends Ord. 90-010 that amended Ord. 86-49		25-8-5
09-52	5-11-09	Kea'au, Puna	1-6-003:018 and 023	A-20a	ML-1a	25-8-22
09-60	5-22-09	Waiākea, South Hilo	2-2-034:084 (Formerly 2-2-034:085 and 093)	Amends Ord. 00-31		25-8-33

Section 32-21. Reports of facilities.

At the time of the adoption of the resolution of intention to establish a district, the council shall direct the director of public works, department of public works, or other appropriate department, officer or officers who is or will be responsible for providing or maintaining one or more of the proposed types of facilities to be financed by the district, if it is established, to study the proposed district and, at or before the time of the hearing (or within sixty days after adoption of the resolution of intention, or such earlier date established by the council, if the hearing is waived pursuant to section 32-24), file a report with the council containing a brief description of the proposed facilities by type which will in their opinion be required to adequately meet the needs of the district, and their estimate of the cost of providing those facilities. In preparing the report, the department or officer may consult with other officers of the County or the State and with any financial feasibility or other consultant retained by the County or any property owner to assist in the procedure or otherwise available. If the purchase of completed facilities or the payment of incidental expenses is proposed, the council shall direct the appropriate officer to estimate the fair and reasonable cost of those facilities or incidental expenses. All of those reports shall be made a part of the record of the hearing on the resolution of intention to establish the district.

(1994, Ord. No. 94-77, sec. 3; Am. 2001, Ord. No. 01-108, sec.1; Am. 2007, Ord. No. 07-146, sec. 3.)

Section 32-22. Published notice of hearing.

- (a) The clerk shall publish a notice of the hearing twice, at least one week apart, in a newspaper of general circulation in the County. Publication shall be completed at least seven days prior to the date of the hearing.
- (b) The notice shall contain all of the following information:
 - (1) A summary of the resolution of intention to establish the district and the name, address and telephone number of a department or official of the County from which a copy of the resolution of intention can be obtained (alternatively the notice may contain the full text of the resolution).
 - (2) The time and place of the hearing on the establishment of the district.
 - (3) A statement that at the hearing the testimony of all interested persons or taxpayers for or against the establishment of the district, the extent of the district, the financing of specified types of facilities or the special tax will be heard. The notice shall also describe, in summary, the protest procedure, including the respective rights of owners and lessees and the effect of protests against the establishment of the district, the extent of the district, the financing of a specified type of facilities, or a specified special tax, as provided in section 32-27, and the effect of failure to file a written protest as provided in section 32-6.

(1994, Ord. No. 94-77, sec. 3.)

Section 32-23. Mailed notice of hearing.

In addition to publishing notice as provided in section 32-22, the clerk shall give notice of the hearing by first-class mail to each owner of land within the proposed district, and to each lessee of property within the proposed district, which the director has on record. This notice shall be mailed at least fifteen days before the hearing and shall contain the same information required to be contained in the published notice pursuant to section 32-22. Failure to give notice to any landowner or lessee or failure of any landowner or lessee to receive such notice shall not affect the validity or effectiveness of the hearing or any other proceedings taken under this chapter or any special tax levied under this chapter if the council determines that a reasonable effort was made to give such notice, which determination shall be final and conclusive.

(1994, Ord. No. 94-77, sec. 3.)

Section 32-24. Waiver of notice and hearing by petition.

If a petition is filed by the owners of one hundred percent of the land in the proposed district and by all lessees having a possessory interest in any property to be included within the proposed district who, by the express terms of the lease, must pay the special tax contemplated by this chapter (unless the owner or lessor shall, with the petition, file a written waiver of the stipulation in the lease which requires the lessee to pay the special tax to be levied in the proposed district and a written undertaking to pay the special tax), then it shall be unnecessary for the council to provide any notice of the hearing, or to conduct a public hearing under this chapter. The council may immediately proceed to adopt an ordinance of formation pursuant to section 32-29 and to levy and assess a special tax in the manner provided in this chapter, provided that the council finds that such approval is in the public interest. The council's findings shall be final and conclusive.

(1994, Ord. No. 94-77, sec. 3; Am. 2009, Ord. No. 09-33, sec. 2.)

Section 32-25. Addition of territory at the hearing.

At the hearing, the council may add additional territory to the district, but only if the owners (and lessees described in section 32-27) of one hundred percent of the land to be added have submitted to the clerk a written request to be added to the district prior to or at the beginning of the hearing.

(1994, Ord. No. 94-77, sec. 3.)

Section 32-26. Protests.

At the hearing, protests against the establishment of the district, the extent of the district, the financing of specified types of public facilities or the special tax may be made orally or in writing by any interested persons or taxpayers. Any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularities and defects to which objection is made. All written protests shall be filed with the clerk at or before the time fixed for the hearing. The council may waive any irregularities in the form or content of any written protest and at the hearing may correct minor defects in the proceedings. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

(1994, Ord. No. 94-77, sec. 3.)

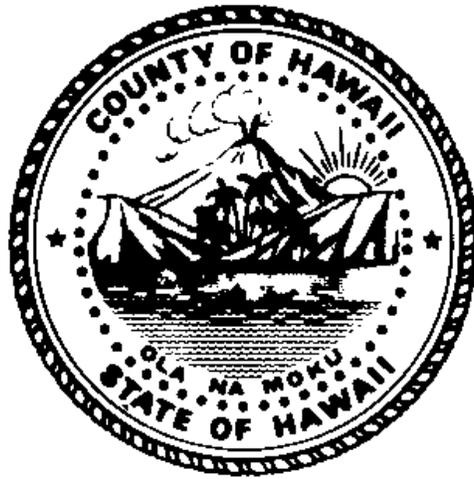
Section 32-27. Protest by more than fifty-five percent.

- (a) If the owners of more than fifty-five percent of the area of the land, or if more than fifty-five percent of the owners of the land, in the territory proposed to be included in the district:
 - (1) File written protests with the council, prior to or at the beginning of the hearing, against the establishment of the district, and
 - (2) If protests are not withdrawn so as to reduce the amount of the protests to fifty-five percent or less (of the area of land or of the owners), no further proceedings to create the specified district or to levy the specified special tax shall be taken for a period of one year from the date of the hearing.
- (b) If property proposed to be included in the district is subject to a lease, the lessee shall be deemed to have and may exercise all of the rights of the owner for notice and hearing and to protest under this section, unless, prior to the closing of the public hearing, the lessor or owner of the property has filed with the council either:
 - (1) A written statement that the lease does not require the lessee to pay the proposed special tax and a written undertaking by the lessor or owner to pay the proposed special tax and to refrain from imposing the obligation to pay the special tax upon any successor lessee, or
 - (2) A written waiver of any requirement in the lease that the lessee pay the proposed special tax and a written undertaking by the lessor or owner to pay the proposed special tax and to refrain from imposing the obligation to pay the special tax upon any successor lessee.

THE HAWAI‘I COUNTY CODE

1983 (2005 Edition, as amended)

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

Office of the County Clerk
County of Hawai‘i
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Volume 3

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09-4	1-21-09	Capital improvements budget	--
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09-21	2-18-09	Operating budget	--
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