

# SUPPLEMENT 17 (1-2014)

## Insertion Guide

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

(Covering general ordinances effective through 12-31-13 and numbered through 13-130; excepting Ord. No. 13-83 {Secs. 2 and 3} and Ord. No. 13-124)

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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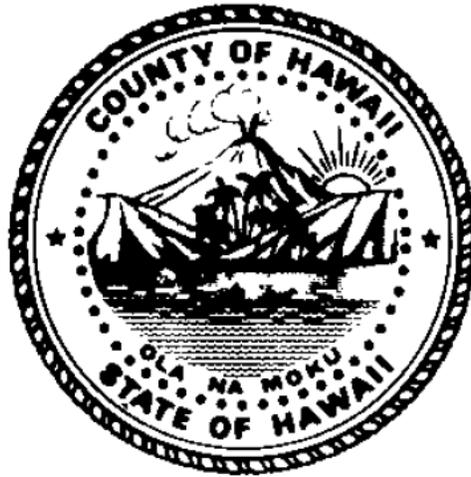
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# THE HAWAII COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: Supplement 17 (1-2014)  
Contains ordinances effective through: 12-31-13



## A CODIFICATION OF THE GENERAL ORDINANCES OF THE COUNTY OF HAWAII STATE OF HAWAII

Office of the County Clerk  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720  
(808) 961-8255

# Volume 1



- (B) Corporation counsel ..... Corporation counsel
- (C) Department of finance..... Director of finance
- (D) Planning department ..... Planning director
- (E) Department of environmental management..... Director of environmental management
- (F) Department of research and development..... Director of research and development
- (G) Department of public works..... Director of public works
- (H) Department of parks and recreation ..... Parks and recreation director
- (I) Department of information technology..... Director of information technology

(3) Departments and administrative heads under commissions and administrative supervision of the managing director:

<b>DEPARTMENT</b>	<b>ADMINISTRATIVE HEAD</b>
(A) Department of human resources .....	Director of human resources
(B) Police department.....	Chief of police
(C) Department of liquor control .....	Director, department of liquor control
(D) Hawai'i fire department .....	Fire chief
(E) Department of water supply .....	Manager-chief engineer

(1975 C.C., c. 2, art. 1, sec. 3; Am. 1989, Ord. No. 89-48, sec. 1; Am. 2001, Ord. No. 01-106, sec. 1; Ord. No. 01-108, sec. 1; Am. 2002, Ord. No. 02-56, secs. 1 and 2; Am. 2004, Ord. No. 04-58, sec. 2; Am. 2009, Ord. No. 09-105, sec. 2; Am. 2011, Ord. No. 11-103, sec. 2.)

**Section 2-8. Order of succession to office of mayor.**

In the event of civil, military or natural disaster, during the temporary absence or disability of the mayor, the managing director shall act as mayor. If the office of managing director is vacant, or during such periods as the managing director is unable to so act, the director of finance shall then act as mayor. If the office of director of finance is vacant, or during such periods as the director of finance is unable to so act, then the planning director, director of research and development, director of human resources, and director, department of liquor control, shall succeed to the office of mayor in the order specified herein.  
 (1975 C.C., c. 2, art. 1, sec. 4; Am. 2009, Ord. No. 09-105, sec. 3.)

**Article 3. Office of the Corporation Counsel.**

**Section 2-9. Settlement of claims.**

The corporation counsel shall have the power to settle, compromise, or otherwise resolve any claim now existing or which may hereafter arise, not involving or requiring payment in excess of \$10,000, provided the money to settle claims generally has been appropriated and is available; and provided further that a quarterly report of all settlements by the corporation counsel which require payment of County funds shall be filed with the council. Any settlement which requires payment of County funds in excess of \$10,000 shall require council authorization.  
 (1975 C.C., c. 2, art. 2, sec. 1.01; Am. 1975, Ord. No. 87, sec. 1; Am. 2013, Ord. No. 13-129, sec. 2.)

**Section 2-10. Settlement of land acquisitions.**

The corporation counsel shall have the power to adjust, compromise, settle, or submit to arbitration, any land acquisition requests referred to him by other County agencies or eminent domain actions, causes of eminent domain actions in favor of or against the County, or in which the County is concerned as purchaser, seller, condemnor, or condemnee, now pending or which may hereafter arise, not involving or requiring payment in excess of \$2,500, provided the money to settle any matter generally has been appropriated and is available; and provided further that a quarterly report of all settlements shall be filed with the council.  
 (1975 C.C., c. 2, art. 2, sec. 1.02; Am. 1975, Ord. No. 87, sec. 1.)

**Article 3A. Office of the Prosecuting Attorney.****Section 2-10A. Appointment of personnel.**

There shall be an office of the prosecuting attorney as provided by Charter. The prosecuting attorney may appoint deputy prosecuting attorneys and necessary staff, including investigators. The investigators shall have all of the powers and privileges of a police officer for the County of Hawai‘i. The office of the prosecuting attorney shall adopt policies and standards for training and use of these powers consistent and in conformance with those adopted by the Hawai‘i County police department. All investigations relating to the discharge of a firearm by an investigator shall be conducted by the Hawai‘i County police department. All investigators must have the minimum qualifications for the class as established by the department of human resources.

(1992, Ord. No. 92-105, sec. 1; Am. 2009, Ord. No. 09-105, sec. 4.)

**Article 4. Department of Finance.****Section 2-11. Issuance of warrants.**

- (a) Any person entitled to a warrant upon the County treasury may file a written order for the same with the director of finance authorizing the person named in the order to receipt the warrant. When so receipted, signed in the name of the claimant by the person named in the order so that both names appear upon the receipt, the director of finance may deliver the warrant to the person named in the order.
- (b) In like manner as provided in subsection (a), an order may be filed with the treasurer covering the presentation and payment of the warrants. The orders may cover all warrants issued or to be issued to the person signing the same during the year in which the order is dated but not later. The orders may be renewed from year to year.
- (c) With reference to warrants addressed under this part, the controller may, with the approval of the director of finance, issue checks drawn from, or make electronic funds transfers from, depositories of County treasury moneys in lieu of warrants drawn from the County treasury and may accept remittance by electronic funds transfer or credit or debit card pursuant to standards established by the director of finance.

(1975 C.C., c. 2, art. 2, sec. 2.01; Am. 2003, Ord. No. 03-101, sec. 1.)

**Section 2-12. Refund of permit fees.**

- (a) The director of finance is authorized to grant the refund of permit fees according to and in compliance with the following provisions in any case not covered specifically by any other law or ordinance:
  - (1) Any person who has paid a fee established by the County for the issuance of any permit shall be entitled to a refund of that fee, provided that the person first submits a written request to the head of the issuing department or agency identifying the issue date, amount, and nature of the permit and the request is received by the head of the issuing department or agency within ninety days from the issue date of the permit.
  - (2) The issuing department or agency shall record the date of receipt thereupon, and shall confirm or deny the information contained in the request pertaining to the issue date, amount and type of permit. If the applicant is entitled to a refund after the verification of the information contained in the request, and the request was received within ninety days from the issue date of the permit, the issuing department or agency shall prepare a request for payment and forward it to the director of finance for processing.
  - (3) If the director of finance is satisfied that the request was received within the ninety day time limit specified in subsection (a)(1), the director of finance shall refund to the applicant the applicant’s permit fee less the greater of the amount of ten percent of the fee or \$50.

- (B) A description of the assessment unit of such owner set forth in such manner as to enable such owner to identify the assessment unit;
  - (C) A statement that the assessment unit described on said notice is proposed to be assessed to pay for a portion of the cost of the proposed improvements;
  - (D) A statement that the testimony of all interested persons and owners of assessment units for or against the establishment of the improvement district, the extent of the improvement district, and the levy of the special assessment will be heard; and
  - (E) A statement that any protest, objection, or suggestion relating to the making of all or part of the proposed improvements or against the methods by which such assessment are to be made, or the inclusion of certain costs therein must be submitted in writing, in accordance with section 12-12 of this chapter, to be considered by the council.
- (i) The clerk of the County shall file with the council on or before the hearing an affidavit by the clerk of the County attesting that the clerk of the County completed the publication, posting, and mailings described in the preceding section 12-15(h) in accordance with the requirement thereof; provided, however, that the failure of the clerk to timely file such affidavit shall not invalidate the proceedings held thereafter. Any failure to post, mail, or receive the notice described above shall not invalidate the proceedings held thereafter.
  - (j) All notices referred to in this section shall also contain a provision providing that if the owner does not object in writing at or before the time of hearing, such inaction will be construed as a conclusive presumption that said owner does not object to the proposed improvement and that the improvement district may be put into effect unless fifty-one percent of the owners who will be assessed as a result of the improvement district object in writing at or prior to the time of hearing.
  - (k) Should fifty-one percent or more of the owners of the assessment units affected by the improvement district fail to object prior to or at the hearing, the proposed improvement by assessment shall be approved by council passing a resolution requiring one reading for its adoption, provided, that no such improvement shall be approved unless:
    - (1) The assessed valuation for taxation purposes of the assessment units to be improved is twice the estimated cost of the proposed improvement; or
    - (2) The council by resolution finds the appraised value of such assessment units in accordance with prevailing standards of appraisal and used by banks for loans thereon is twice the estimated cost of the proposed improvement and that such approval is in the public interest.
  - (l) This section shall apply only to subdivisions created prior to March 1, 1967. (1976, Ord. No. 241, secs. 1 and 3; Am. 1995, Ord. No. 95-22, sec. 5; Am. 2002, Ord. No. 02-82, sec. 9; Am. 2011, Ord. No. 11-66, sec. 5.)

**Section 12-16. Petition by owners of one hundred percent of frontage or area.**

- (a) If a petition is filed and is acknowledged by the owners of one hundred percent of the frontage upon any street, alley, or highway or of the area of land designated by them as a proposed improvement district, then the council may reject or accept the petition. If the petition is accepted, the council shall proceed in the same manner as though the plan for the improvement had been initiated on its own motion, except that it shall be unnecessary for the council to give, publish, mail, or post notices of the proposed improvements, as provided for in section 12-10. In the case of a petition acknowledged by the owners of one hundred percent of the frontage or area designated as an improvement district, section 12-12 shall be where inapplicable thereto, any other provision or section to the contrary notwithstanding. In the case the owners of one hundred percent of the frontage or area of land designated as a proposed improvement district consent in writing to the amount and apportionment of the proposed assessments for such improvements, it shall be unnecessary to give the notice or to hold the hearing specified by section 12-27 and the council may immediately proceed to fix the assessments in the manner provided by section 12-29.

- (b) No such improvement shall be approved by the council unless:
- (1) The assessed valuation for taxation purposes of the assessment units to be improved is twice the estimated cost of the proposed improvement; or
  - (2) The council by resolution finds the appraised value of such assessment units in accordance with prevailing standards of appraisal then used by banks for loans thereon is twice the estimated cost of the proposed improvement and that such approval is in the public interest.
- (1975 C.C., c. 16, art. 3, sec. 4; Am. 2002, Ord. No. 02-82, sec. 10.)

**Section 12-17. Determination by council.**

After the hearing provided in section 12-10, the council shall consider any protests, objections or suggestions which may have been made or filed and whether sufficient valid protests have been filed to compel it to abandon any part or all of the proposed improvement. If the council still has jurisdiction to continue it shall then proceed, determining whether or not the proposed improvement shall be made as proposed, or made with modifications or with changes in the total estimated costs or costs per assessment unit of the improvements set forth in the resolution adopted pursuant to section 12-10(c). In the latter event, modifications or changes may be made without again giving notice of a hearing as provided in section 12-10; provided that such modifications or changes shall not materially alter the general character or plan so advertised or increase the total estimated costs or costs per assessment unit of the improvements by more than ten percent or as otherwise set forth in the resolution pursuant to section 12-10(c). No modification of or change in the plans and estimates furnished by the responsible department or cooperating department shall be made without the consent of such department.

(1975 C.C., c. 16, art. 3, sec. 5; Am. 2013, Ord. No. 13-125, sec. 2.)

**Section 12-18. Resolution to define extent of improvement.**

If, after initial or further advertisement and hearing when no changes are made which will require further advertisement or hearing, the council determines to proceed with the improvements, it shall, by resolution requiring not more than one reading for its adoption:

- (1) Create, define, and establish the extent of the frontage improvement or the improvement district to be assessed;
- (2) Define the kind, extent, and general details of the proposed improvements;
- (3) Describe each parcel of land to be acquired, if any;
- (4) Declare the part or proportion of the cost of the improvement which is to be borne by the County;
- (5) Describe the assessment units and method of assessment;
- (6) Describe the kinds of materials to be used;
- (7) Direct the responsible director or manager as provided in section 12-19; and
- (8) If the proposed improvement includes construction or improvements of a water system, make requests as provided in section 12-20.

(1975 C.C., c. 16, art. 3, sec. 5; Am. 1995, Ord. No. 95-22, sec. 6; Am. 2001, Ord. No. 01-108, sec. 1; Am. 2002, Ord. No. 02-82, sec. 11; Am. 2011, Ord. No. 11-66, sec. 6.)

**Section 12-19. Responsible director or manager to prepare map showing improvements, details, plans and specifications.**

The council shall, by resolution required by section 12-18 direct the responsible director or manager to prepare a corrected map of the highways to be improved, showing the abutting lands or, of the improvement district showing the highways therein to be improved, or the special improvements to be constructed or improved, and showing the exact location of the improvements, together with final details, plans and specifications for the work, all in such form as will readily permit and encourage genuine competition between contractors in so far as the materials specified will permit of such competition. These maps, final details, plans, and specifications, as approved in accordance with the applicable policies and procedures of the responsible department or as otherwise approved by resolution adopted by the council, shall be used as the basis for the calling of bids and awarding of a contract for the work as provided in this chapter.

(1975 C.C., c. 16, art. 3, sec. 5; Am. 1995, Ord. No. 95-22, sec. 7; Am. 2001, Ord. No. 01-108, sec. 1; Am. 2011, Ord. No. 11-66, sec. 7; Am. 2013, Ord. No. 13-125, sec. 3.)

**Section 12-20. Plans and specifications from cooperating department.**

- (a) If the proposed improvement district includes the construction and installation of improvements to be undertaken or supervised by a cooperating department, the council shall by resolution required by section 12-18 request the cooperating department to furnish final detail plans and specifications for such improvements. The resolution shall also direct the responsible director or manager to furnish the cooperating department with such copies of the final surveys, maps and plans covering the proposed improvements, other than those of the cooperating department, as may be necessary to enable the cooperating department to prepare the final plans and specifications for its improvements.
- (b) The cooperating department shall furnish such final plans and specifications when requested, provided that the cooperating department may refuse to furnish such plans and specifications where funds for the amount the County is obliged to pay towards the contract price have not been included in the budget of the County for such year. The final plans and specifications so furnished by the cooperating department, as approved in accordance with the applicable policies and procedures of the coordinating department or as otherwise approved by resolution adopted by the council, shall be used as the basis for the calling of bids and awarding of a contract for such work.

(1975 C.C., c. 16, art. 3, sec. 5; Am. 2001, Ord. No. 01-108, sec. 1; Am. 2011, Ord. No. 11-66, sec. 8; Am. 2013, Ord. No. 13-125, sec. 4.)

**Section 12-21. Land acquisition; procedure; cost; condemnation award.**

In case the improvements so determined under section 12-18 require the acquisition of any new land therefor, the council shall acquire the land before final award of the contract, either by deed, or other voluntary conveyance from the owners thereof, or it may, at its option, and in the name of the County cause condemnation proceedings to be brought to acquire the land. After the filing of the petition in such proceedings the final award of the contract may be made. If the cost of acquiring such land exceeds the estimate therefor, the council may provide for the excess cost by general appropriation. In the event that land has been acquired by condemnation under the provisions of chapter 101, Hawai'i Revised Statutes and in the award made on the condemnation there has been deducted from the compensation or damages otherwise payable to the landowner, any amount by reason of the fact that land of such landowner not sought to be condemned would be benefited by the construction of improvements proposed to be made after the condemnation, it shall be unlawful to make any assessments against such land under this chapter without having first credited against the amount for which land would otherwise have been assessed the amount that has been deducted in the award made on condemnation for benefits by reason of the construction of improvements proposed to be made after condemnation.

(1975 C.C., c. 16, art. 3, sec. 5.)

**Section 12-22. Construction of water system; inspections; costs borne by County.**

- (a) If any proposed special improvement includes the construction or improvement of a water system, the department of water supply shall maintain an inspector over the work to see that the plans and specifications which it has furnished have been complied with. After the work has been completed and accepted, the water system, pipes, conduits, hydrants, and other appurtenances for supplying or distributing water so installed shall constitute a part of the system of the department of water supply and shall at all times thereafter be used, operated and maintained by it as a part of its system.
- (b) If any proposed special improvement includes the construction or improvement of a water system, the department of water supply may assume and pay out of its funds available for such purpose, the cost of engineering, incidentals and inspection, not to exceed thirty-three and one-third percent of the total cost of the construction or improvement of such water system.

(1975 C.C., c. 16, art. 3, sec. 6.)

**Section 12-23. Reserved.**

(1975 C.C., c. 16, art. 3, sec. 7; Am. 2002, Ord. No. 02-82, sec. 12.)

**Section 12-24. Bidding; award of contract.**

- (a) The bid process for the construction of special improvements shall be administered by the responsible department in accordance with procedures and requirements applicable to County of Hawai‘i projects and the state Procurement Code.
- (b) The bid specifications shall contain provisions that specify that the award of the contract will not occur until the improvement district is created and the necessary funds for construction are appropriated.
- (c) The responsible department may award the work as an entire contract or, in its discretion, make one or more contracts separately for the different kinds of work to be performed.

(1975 C.C., c. 16, art. 3, sec. 7; Am. 1990, Ord. No. 90-127, sec. 7; Am. 1995, Ord. No. 95-22, sec. 8; Am. 2002, Ord. No. 02-82, sec. 12; Am. 2011, Ord. No. 11-66, sec. 9.)

**Section 12-25. Reserved.**

(1975 C.C., c. 16, art. 3, sec. 7; Am. 2002, Ord. No. 02-82, sec. 12.)

**Section 12-26. Contract for off-site water facilities.**

- (a) Notwithstanding any other provisions in this chapter to the contrary, in the event that a portion of the improvements proposed to be made consist of water facilities outside of the boundaries of a proposed improvement district which in whole or in part will serve the improvement district, and if there exists with respect to such facilities an arrangement or agreement pursuant to which:
  - (1) The responsibility for the costs of such facilities in excess of a specified sum has been fixed;
  - (2) The plans and specifications for such facilities will be approved by the department of water supply; and
  - (3) The plans and specifications will not be prepared nor the contract for construction of such facilities be ready to be advertised and awarded until a time or times beyond the time or times when the proceedings pursuant to this chapter for construction of the proposed improvements by assessment could otherwise be commenced and prosecuted; then the council may determine to proceed pursuant to this section.
- (b) The determination to proceed shall be made in the resolution proposing to make the improvements, and the following provisions shall then be applicable to the proceedings:
  - (1) For the purpose of the report provided for in section 12-10 the preliminary plans for such off-site water facilities need only be general in nature and the estimates therefor shall be the sums specified by the aforementioned arrangement or agreement.
  - (2) Section 12-20 shall not be applicable, and for the purpose of the report provided for in sections 12-18 and 12-19 the preliminary plans used for the report provided for in sections 12-10(a) and (b) (general in nature only as provided in subsection (b)(1) above) shall be sufficient, if adopted by the council in its resolution proposing to make the improvements.

- (3) For the purpose of section 12-27, the portion of the total amount of the cost of the improvements attributable to such off-site water facilities shall be based upon said sum or sums specified by the aforementioned arrangement or agreement, rather than upon a bid of a lowest responsible and reliable bidder for such off-site water facilities.
- (4) If section 12-28(a)(4) is applicable to the proceedings, the council need not request a call for bids on such off-site water facilities.
- (5) At such time as the final details, plans and specifications for such off-site water facilities are prepared, approved by the department of water supply and by resolution approved and adopted by the council, the contract for construction thereof shall be advertised and awarded by the department of water supply pursuant to the provisions of sections 12-23,\* 12-24 and 12-25.\* All remaining funds after payment of the costs of such facilities shall be transferred to and become a part of the reserve fund.

(1975 C.C., c. 16, art. 3, sec. 8; Am. 2002, Ord. No. 02-82, sec. 12.)

\* **Editor's Note:** Sections 12-23 and 12-25, Hawai'i County Code, have been reserved.

**Section 12-27. Corrected map; preliminary assessment roll and description; notice of authorized improvement.**

- (a) The council shall have the responsible director or manager prepare a corrected map, a preliminary assessment roll, description of assessment units to be assessed, a list of all known owners of the assessment units within the improvement district, and the responsible director's or manager's estimate of cost or the bid of the lowest responsible and reliable bidder (if such bid is made).
- (b) The preliminary assessment roll and description of assessment units to be assessed shall contain for the assessment units in the proposed improvement district or in the several subdistricts or zones, if any, the following:
  - (1) Where assessments are based on frontage, the maximum proposed amount per foot of frontage;
  - (2) Where assessments are based on area, the maximum proposed amount per square foot;
  - (3) Where assessments are based on methods other than frontage or area, the method of assessment and the amount of which each unit of assessment shall be assessed;
  - (4) The maximum proposed amount of assessment for each assessment unit; and
  - (5) A list of all known owners of the assessment units within the proposed improvement district.
- (c) Upon receipt of the corrected map, preliminary assessment roll, and description of assessment units, the council shall give notice of the following:
  - (1) The total cost of improvements as established by the estimate of the responsible director or manager or by the bid of the lowest responsible and reliable bidder, or as otherwise provided in this chapter;
  - (2) The contents of the preliminary assessment roll;
  - (3) The availability of the corrected map, preliminary assessment roll and description of assessment units for inspection at the office of the responsible director or manager during business hours at any time prior to and including the hearing date; and
  - (4) The time, date, and place of the public hearing to be held concerning said items; provided that the date shall not be less than ten days nor more than three weeks after the date of the first newspaper publication of the notice.
- (d) The notice of improvement and hearing shall be advertised, mailed, and posted in the same manner as provided in section 12-10.

- (e) At the public hearing, the council shall act as a board of equalization to receive complaints or objections concerning the amounts of the proposed assessments.  
(1975 C.C., c. 16, art. 3, sec. 9; Am. 1990, Ord. No. 90-127, sec. 8; Am. 1995, Ord. No. 95-22, sec. 9; Am. 2001, Ord. No. 01-108, sec. 1; Am. 2002, Ord. No. 02-82, sec. 13; Am. 2011, Ord. No. 11-66, sec. 10.)

**Section 12-28. Combination hearings; applicable proceedings.**

- (a) The council may combine the hearings provided for in sections 12-10 and 12-27. If it does so, such determination shall be made in the resolution proposing to make the improvement or improvements, and the following provisions shall then be applicable to the proceedings:
- (1) The resolution need not specify the maximum estimated amount to be assessed on the unit of assessment nor fix the date of public hearing upon the proposed improvement, but shall direct the preparation by the responsible director or manager of the documents and data to be prepared by such person as provided in sections 12-18 and 12-19 and in section 12-27 and if applicable shall include the request and direction provided in section 12-20. After the combined hearings, if the council determines to proceed with the improvements, the resolution specified in section 12-20 need not again direct preparation by the responsible director or manager of the documents and data as provided in sections 12-18 and 12-19. The clerk shall not cause the notices to be given as provided in section 12-10 until the documents and data have been so prepared by the responsible director or manager, and if applicable, by each cooperating department, and preliminarily approved by the council, at which time the council shall by resolution requiring not more than one reading for its adoption fix the date of combined hearings; provided that the map, details and plans and specifications specified in sections 12-19 and 12-20 shall be deemed to satisfy this requirement if such documents are determined by the responsible director or manager to be in such form and contain such information as is reasonably necessary to inform the owners and other interested parties at least generally of the nature and scope of the proposed special improvements.
  - (2) The matters to be contained in the notices provided for in sections 12-10 and 12-27 shall be combined into single notices to be so published, posted and mailed; for the purpose thereof the total amount of the cost of the improvement shall be based on the estimated cost of the work to be included in bids when received, not upon the bid of the lowest responsible and reliable bidder as specified in section 12-27.
  - (3) The council may request the responsible director or manager, to call for bids on all improvements to be constructed under contract to be received on or before the date of the combined hearings pursuant to the provisions of section 12-24
  - (4) The responsible director or manager shall prepare an amended preliminary assessment roll based on any revisions in the estimate of the responsible director or manager or on the results of the bids received for improvements as the case may be and shall send said amended assessment roll to the council on or before the public hearing.
    - (A) If the amended preliminary assessment roll shows a proposed amount of assessment for any of the assessment units to be assessed which is more than that shown on the preliminary assessment roll, then, unless the affected owner shall waive the same, the council shall postpone the public hearing and readvertise and mail an amended notice of hearing containing the amended preliminary assessment roll. Said readvertisement and mailing shall be done under the provisions of sections 12-27(c) and (d). Said postponed public hearing shall be conducted in the same manner as provided in section 12-27(e).

- (B) If the amended preliminary assessment roll shows a proposed amount of assessment for each of the assessment units to be assessed which is the same or less than the preliminary assessment roll, the public hearing shall be held as scheduled and the amended preliminary assessment roll shall be considered at said public hearing.

(1975 C.C., c. 16, art. 3, sec. 10; Am. 1990, Ord. No. 90-127, sec. 8; Am. 1995, Ord. No. 95-22, sec. 10; Am. 2001, Ord. No. 01-108, sec. 1; Am. 2002, Ord. No. 02-82, sec. 14; Am. 2011, Ord. No. 11-66, sec. 11; Am. 2013, Ord. No. 13-125, sec. 5.)

**Section 12-28.1. Termination of improvement districts.**

The council by ordinance shall provide for the procedures to terminate an improvement district created under this chapter once the improvements have been completed and the obligations of the improvement district have been satisfied.

- (a) The ordinance directing termination of an improvement district shall contain the provisions enumerated below:
- (1) The director of finance shall be directed to set aside sufficient funds to cover all outstanding or anticipated debts or obligations of the improvement district, including cost and expenses of making any distributions to assessment unit owners and the cash refund obligations in section 12-28.1(a)(3) below.
  - (2) Any outstanding assessment installments which are not needed to pay the debts or obligations described in section 12-28.1(a)(1) above, shall be canceled.
  - (3) If assessment installments are canceled, those owners whose assessment units have prepaid assessments will be entitled to cash refunds equal to the assessment principal which would be prepaid as of cancellation. For these purposes, "prepaid assessments" shall include all payments made upon the assessments for an assessment unit, whether such payments were made before or after the assessment liens were created.
  - (4) The council may provide that from any funds remaining in the improvement district after the payments described in section 12-28.1(a)(1) or (3) that the director of finance be authorized to make cash refunds to assessment unit owners from remaining improvement district funds in such amounts and at such times as the director of finance finds are reasonable. Any cash refund will be made to the owner of record at the time that the director of finance authorizes such refund.
  - (5) The effective date of termination shall be at such time that the director of finance has determined that all outstanding or anticipated debts or obligations of the improvement district have been paid or can be satisfied and that the cash refunds provisions described above have been made.
- (b) The ordinance directing termination of the improvement district shall not be enacted prior to the redemption date fixed in the call for redemption of all outstanding improvement district bonds at which time the director of finance or paying agent of the County, as the case may be, shall have sufficient funds on hand to pay all outstanding bond principal, interest and any premiums thereon.

(1990, Ord. No. 90-127, sec. 9; Am. 2002, Ord. No. 02-82, sec. 14.)

**Article 3. Assessments.**

**Section 12-29. Assessments fixed by ordinance; owner application to pay reduced assessment.**

- (a) After the hearing, the council shall forthwith proceed to make such modifications or changes as to them may seem equitable or just, or shall confirm the first proposed assessment. Upon reaching a final decision the council shall by ordinance, fix the portions of the cost to be assessed against the benefited assessment

units and against the owners thereof respectively. The ordinance shall incorporate by reference the assessment roll as approved by the council. After the final enactment of such ordinance the amounts of the several assessments so listed, advertised and incorporated and not previously objected to shall be conclusively presumed to be just and equitable and not in excess of the special benefits accruing or to accrue by reason of the improvement to the specific assessment unit assessed.

- (b) After commencement of improvement district proceedings and prior to the adoption of the improvement district ordinance described in section 12-29(a), an owner may apply for a reduction in the proposed assessment against an assessment unit as follows: (1) file a written application with the County clerk for a reduced assessment not later than one week prior to the time that the ordinance is placed on the council agenda for first reading; (2) deposit the full amount of the proposed reduced assessment, said deposit being an irrevocable commitment by the owner to the payment of the reduced assessment. The amount of reduction shall be as provided by the council, but shall not exceed the applicant’s proportionate share of the sum of the improvement district bond reserve fund and the improvement district bond discount allowance and other incidental expenses directly related to the issuance of improvement district bonds. For purposes of the deposit requirements of this section, the owner may direct that refunds due under section 12-7(a) be applied as a deposit hereunder. Such refund amounts shall thereafter be treated as a deposit under this section, except that no cash refund shall be made for or on account of such refund amounts, whether or not they are treated as deposits in this section.
- (1) The director of finance shall submit a report with recommendations to the council with respect to any such applications. The council shall consider such applications and, to the extent that such applications are acceptable to the council, include the same in the improvement district ordinance. Upon approval of the application by inclusion of the reduced assessment in the ordinance, the director of finance shall immediately deposit such funds in the construction special account for the improvement district.
- (2) If the assessment is not reduced by the council, the funds deposited shall be refunded to the owner, except that no refund shall be made for or on account of refunds due for advances made under section 12-7(a). In that event, the owner shall make payment of the assessment as provided in this chapter.

(1975 C.C., c. 16, art. 4, sec. 1; Am. 1990, Ord. No. 90-127, sec. 10; Am. 2002, Ord. No. 02-82, sec. 15.)

**Section 12-30. Amended assessments upon consolidation or subdivision.**

- (a) For purposes of this section 12-30:
- (1) “Subdivide,” “subdivision,” and “subdividing” shall refer to the subdividing of an assessment unit pursuant to chapter 23, Hawai‘i County Code, or the subjection of real property to a condominium property regime pursuant to chapter 514A, Hawai‘i Revised Statutes.
- (2) “Consolidate,” “consolidation,” and “consolidating” shall refer to the consolidation of more than one assessment unit into a single assessment unit.
- (b) In the event that an assessment unit previously assessed is subsequently subdivided, the assessments previously levied against such original assessment unit shall be divided pro rata among the resulting assessment units in accordance with the original method of assessment, subject to section 12-30(c).
- (c) In the event of an increase in the number of assessment units within an improvement district resulting from subdivision, annexation, or otherwise, if so provided in the resolution establishing the improvement district in which such assessment units are located, the department of finance, within sixty days following receipt of notification by the planning department of such approved subdivision, annexation, or other action establishing a new assessment unit or units within the improvement district, shall reallocate the outstanding assessments within the improvement district among the assessment units subject to such outstanding assessments, including the resulting new assessment units.

## **Article 20. Plastic Bag Reduction.**

Section 14-115.	Purpose.
Section 14-116.	Definitions.
Section 14-117.	Administration.
Section 14-118.	Plastic checkout bags prohibited.
Section 14-119.	Exemptions.

## **Article 21. Hydraulic Fracturing Policy.**

Section 14-120.	Definitions.
Section 14-121.	Hydraulic fracturing prohibited.
Section 14-122.	Right of entry.
Section 14-123.	Violation.
Section 14-124.	Notice of violation.
Section 14-125.	Administrative enforcement.
Section 14-126.	Penal enforcement.
Section 14-127.	Injunctive relief.

## **Article 22. Restriction of Genetically Engineered Crops and Plants.**

Section 14-128.	Purpose.
Section 14-129.	Definitions.
Section 14-130.	Prohibition.
Section 14-131.	Exemptions.
Section 14-132.	Emergency exemption.
Section 14-133.	Registration.
Section 14-134.	Penalties.
Section 14-135.	Declaratory and injunctive relief.
Section 14-136.	Cumulative remedies.

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**Article 21. Hydraulic Fracturing Policy.****Section 14-120. Definitions.**

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

“Department” means the planning department.

“Director” means the director of the planning department, or the director’s authorized representative(s).

“Drilling operation” means the boring, piercing, or penetration into an underground geologic formation.

“Hydraulic fracturing” means a drilling operation into an underground geologic formation and the injection of fluids, gases, chemicals, sand or any other substance with the intention to cause or enhance fractures in the geologic formation for the purpose of instigating or increasing the porosity or permeability of the geologic formation to initiate or increase the production of a desired commodity from a well. Hydraulic fracturing is also known as “fracking,” “hydro-fracking,” “hydro-fracturing,” “hydro-shearing,” “hydraulic shearing,” “hydro-stimulation,” or “enhanced geothermal drilling.”

(2013, Ord. No. 13-115, sec. 2.)

**Section 14-121. Hydraulic fracturing prohibited.**

Hydraulic fracturing or the practice by any other name shall be prohibited for any purpose. No permit or exemption to this policy shall be provided by the County. Any permit issued by the County that allows for a drilling operation shall include a written condition prohibiting hydraulic fracturing.

(2013, Ord. No. 13-115, sec. 2.)

**Section 14-122. Right of entry.**

Upon presentation of proper credentials, the director may enter at reasonable times any property in the County which utilizes drilling operations to inspect the property for potential violations of this article, provided that such entry shall be made in such a manner as to cause the least possible inconvenience to the person in possession. An order of a court authorizing such entry shall be obtained in the event such entry is denied or resisted.

(2013, Ord. No. 13-115, sec. 2.)

**Section 14-123. Violation.**

Any hydraulic fracturing for any purpose at any time using any method constitutes a violation of this article. Single or multiple violations shall be listed on the notice of violation and penalties shall be applied for each violation.

(2013, Ord. No. 13-115, sec. 2.)

**Section 14-124. Notice of violation.**

(a) Whenever the director determines that there exists a violation of any provision of this article, the director shall serve a notice of violation upon the parties responsible for the violation, which may include, but shall not be limited to the owner and any lessee of the property where the violation is located, to make the location where the violation is occurring compliant with this article. Such notice of violation shall include:

- (1) The date of the notice;
- (2) The name and address of the person noticed, and the location of the violation;
- (3) The section number of the ordinance, code, or rule which has been violated;
- (4) The nature of the violation; and
- (5) The deadline for compliance with the notice.

- (b) Proper service of such notice shall be by personal service, registered mail, or certified mail upon the owner of record, provided, that if such notice is by registered mail or certified mail, the designated period within which the owner or person in charge is required to comply with the order of the director shall begin as of the date the owner or person in charge receives such notice.

(2013, Ord. No. 13-115, sec. 2.)

**Section 14-125. Administrative enforcement.**

- (a) If the director of planning determines that any entity is not complying with a notice of violation, the director may have the party responsible for the violation served, by mail or delivery, with an order pursuant to this section.
- (b) Contents of the Order.
- (1) The order may require the parties responsible for the violation, including but not limited to the owner/lessee of the property where the violation is located, to do any or all of the following:
    - (A) Correct the violation(s) within the time specified in the order;
    - (B) Pay a civil fine in the amount, at the place, and before the date specified in the order.
  - (2) The order shall advise the party responsible for the violation that the order shall become final thirty calendar days after the date of its delivery. The order shall also advise that the County's action may be appealed to the board of appeals.
- (c) Civil fines.
- (1) Any person who violates this article shall pay a civil fine not to exceed \$25,000 for each separate offense. Each day a violation persists shall constitute a separate offense. Any action taken in court to impose or collect the fine provided for in this section shall be considered a civil action.
  - (2) Any person who denies, obstructs, or hampers the director from the entrance to or inspection of any building, place, or vehicle pursuant to this article shall pay a civil fine not to exceed \$10,000 for each day of denial, obstruction, or hampering. Any action taken in court to impose or collect the penalty provided for in this section shall be considered a civil action.
  - (3) Factors to be considered by the director in imposing a civil fine shall include but not be limited to the following:
    - (A) The nature, circumstances, extent, gravity, and history of the violation and of any prior violations;
    - (B) The economic benefit to the violator, or anticipated by the violator, resulting from the violation;
    - (C) The opportunity, difficulty, and history of corrective action;
    - (D) Good faith efforts to comply;
    - (E) Degree of culpability; and/or
    - (F) Such other matters as justice may require.
- (d) Effect of Order; Right to Appeal. The provisions of the order issued by the County under this section shall become final thirty calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the board of appeals as provided in chapter 91 of the Hawai'i Revised Statutes. The appeal must be received in writing on or before the date the order becomes final. However, an appeal to the board of appeals shall not stay any provision of the order.
- (e) Judicial Enforcement of Order. The County may institute a civil action in any court of competent jurisdiction for the enforcement of any final order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by such final order, the County need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been paid.

- (f) From the date the order takes effect, the date on which an appeal has been rendered against the appellant, or the date on which the judicial enforcement of order has been rendered, whichever shall have standing, the violator shall make immediate remediation. If remediation is not initiated within five calendar days or completed within fifteen calendar days, the County may initiate or complete such remediation, including but not limited to: brownfield cleanup; bioremediation; soil remediation; ground or surface water restoration and remediation; environmental restoration; biohazard remediation; hazardous waste remediation; cleaning, removal, and safe disposal of chemicals and toxins at an appropriate disposal facility; monitoring costs; replanting the negatively impacted area with appropriate native or other plants at the discretion of the County, and safe disposal of poisoned flora and fauna by composting or other means to prevent further negative impacts. Best management practices shall be used to compost poisoned flora and fauna. The County shall charge the violator or its bonding agent for the cost of remediation accrued by the County.

(2013, Ord. No. 13-115, sec. 2.)

**Section 14-126. Penal enforcement.**

- (a) General Provisions. The provisions of this section are in addition to any other applicable remedy or penalty provided by law.
- (b) In case the parties responsible for violating any provisions of this article fail, neglect, or refuse to comply or correct a violation, the County may submit the matter to the proper authority for penal enforcement.
- (c) Any person, firm, or corporation violating any provisions of this article shall, upon conviction, be deemed guilty of a petty misdemeanor and each person so convicted shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this article is committed, continued or permitted; and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$1,000, or by imprisonment for not more than thirty days, or by both fine and imprisonment.
- (d) Any officer or inspector designated by the County, who has been deputized by the chief of police as a special officer for the purpose of enforcing the provisions of this article, pursuant to section 803-6, Hawai'i Revised Statutes, may arrest without warrant alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by warrant or such other judicial process as is permitted by statute or rule of court.
- (e) Any authorized personnel designated by the County, upon making an arrest for a violation of this article, may take the name and address of the alleged violator and shall issue to the violator in writing a summons or citation hereinafter described, notifying the violator to answer the complaint to be entered against the violator at a place and at a time provided in the summons or citation.
- (f) There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of this article which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawai'i and County of Hawai'i.
- (g) In every case when a citation is issued, the original of the same shall be given to the violator; provided, that the administrative judge of the district court may prescribe by giving to the violator a copy of the citation and provide for the disposition of the original and any other copies.
- (h) Every citation shall be consecutively numbered and each copy shall bear the number of its respective original.

(2013, Ord. No. 13-115, sec. 2.)

**Section 14-127. Injunctive relief.**

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

(2013, Ord. No. 13-115, sec. 2.)

**Article 22. Restriction of Genetically Engineered Crops and Plants.****Section 14-128. Purpose.**

The purpose of this article is to protect Hawai‘i Island’s non-genetically modified agricultural crops and plants from genetically modified organism cross pollination and to preserve Hawai‘i Island’s unique and vulnerable ecosystem while promoting the cultural heritage of indigenous agricultural practices. The prohibition of open air cultivation, propagation, development, or testing of genetically engineered crops and plants is intended to prevent the transfer and uncontrolled spread of genetically engineered organisms on to private property, public lands, and waterways.

(2013, Ord. No. 13-121, sec. 3.)

**Section 14-129. Definitions.**

As used in this article, unless otherwise specified:

“Genetically engineered” means an organism that has been modified at the molecular or cellular level by means that are not possible under natural conditions or processes. Such means include recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation gene deletion and doubling, introducing a foreign gene, and changing the position of genes. Such organisms are sometimes referred to as “genetically modified organisms” or “transgenic organisms.” Genetically engineered or genetically modified crops and plants include crops and plants for human consumption or for any other purpose. Genetic engineering does not include modification that consists exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture.

“Open air” means a location or facility that is not enclosed in a greenhouse or in another completely enclosed structure so as to prevent the uncontrolled spread of genetically engineered organisms.

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

“Plant pestilence” means a virulent plant disease or infestation that is causing substantial harm to one or more crops or plants.

“Register” or “Registration” means registration by persons engaged in the cultivation, propagation, development, or indoor testing of genetically engineered crops or plants. Registration shall include: the tax map key and the council district of the property or properties; a detailed description of the location on the property where genetically engineered crops or plants are being cultivated, propagated, developed, or tested, which description shall include the size of the location and scope of usage; the name of the owner of the property or properties; the lessee or any other party in control of the genetically engineered plant or crop operation or usage; the type of genetically modified organism or transgenic manipulation used; the produce or products involved; the type, frequency, and customary amount of pesticides, inclusive of herbicides and insecticides, used; a description of any containment procedures employed; and relevant contact information.

(2013, Ord. No. 13-121, sec. 3.)

**Section 14-130. Prohibition.**

No person shall knowingly engage in the open air cultivation, propagation, development, or testing of genetically engineered crops or plants.

(2013, Ord. No. 13-121, sec. 3.)

**Section 14-131. Exemptions.**

The following persons shall be exempt from the provisions of this article:

- (1) Persons engaged in the open air cultivation, propagation, or development of genetically engineered crops or plants, other than genetically engineered papaya, but only in those specific locations where genetically engineered crops or plants have been customarily open air cultivated, propagated, or developed by that person prior to December 5, 2013, provided that those specific locations or facilities are registered on or before March 5, 2014; and

- (2) Any person engaged in the open air cultivation, propagation, or development of genetically engineered papaya, whether prior or subsequent to December 5, 2013, provided that each location or facility wherein open air cultivation, propagation, or development of genetically engineered papaya occurs or will occur is registered as provided in this article.

Notwithstanding any other provision of law, these exemptions shall not allow for open air testing of genetically engineered organisms of any kind.

(2013, Ord. No. 13-121, sec. 3.)

**Section 14-132. Emergency exemption.**

- (a) A person who is engaged in the cultivation, propagation, or development of a non-genetically engineered crop or plant that is being harmed by a plant pestilence as defined in this article may apply to the council for an emergency exemption from the provisions of this article to use a genetically engineered remedy. The council may grant an emergency exemption by way of resolution, provided the council makes an affirmative finding that:

- (1) The cited plant pestilence is causing substantial harm to that person's crop or plant;
- (2) There is no other available alternative solution; and
- (3) All available measures will be undertaken to insure that non-genetically engineered crops and plants, as well as neighboring properties and any water sources, will be protected from contamination or any other potentially adverse effects that may be caused by the genetically engineered organism or associated pesticides.

- (b) Any exemption granted pursuant to subsection (a) shall include reasonable restrictions and conditions, including, but not limited to, full compliance with the registration requirements of this article and that the exemption shall expire on a certain day occurring within five years from the date of its issuance. Prior to expiration of the exemption, the council may adopt a resolution to extend the exemption for a specified period of time.

(2013, Ord. No. 13-121, sec. 3.)

**Section 14-133. Registration.**

- (a) All persons engaged in any form of cultivation, propagation, development, or indoor testing of genetically engineered crops or plants of any kind shall register annually beginning on or before March 5, 2014, and shall pay an annual registration fee of \$100 per location, payable to the director of finance. All contiguous land shall be treated as a single location. The director of the department of research and development, or the director's authorized representative(s), shall administer the registration provision of this section.
- (b) All persons engaged in non-commercial cultivation or propagation of genetically engineered papaya, in any stage or form, shall be exempt from this section. This registration exemption does not exempt persons engaged in research, development, or testing of genetically engineered papaya.
- (c) Pursuant to section 92F-13 of the Hawai'i Revised Statutes, information such as the name of the registrant and the exact location of the genetically engineered crops or plants may be withheld from the public to the extent that disclosure of that detailed information would otherwise frustrate the ability of the County to obtain accurate information.

(2013, Ord. No. 13-121, sec. 3.)

**Section 14-134. Penalties.**

Any person who violates any provision of this article shall be guilty of a violation, and upon conviction thereof, shall be sentenced to a fine of up to \$1,000 for each separate violation. The person shall be deemed to be guilty of a separate offense for each and every day a violation of this article is committed, continued, or permitted for each location. To the extent permitted by law, the person found in violation of this article shall also be responsible for all costs of investigation and testing, as well as for court costs, including but not limited to witness fees and witness expenses.

(2013, Ord. No. 13-121, sec. 3.)

**Section 14-135. Declaratory and injunctive relief.**

A court of competent jurisdiction may hear proceedings for declaratory relief or injunctive relief, or both, for violations or potential violations of this article. To the extent permitted by law, the person found in violation of this article shall be responsible for all costs of investigation and testing, as well as for court costs, including, but not limited to, attorney’s fees, witness fees, and witness expenses.

(2013, Ord. No. 13-121, sec. 3.)

**Section 14-136. Cumulative remedies.**

The provisions of this article are cumulative. Nothing in this article shall affect any other remedy or relief that may be available to any adversely affected person or to the County or other governmental entity.

(2013, Ord. No. 13-121, sec. 3.)

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

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

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

The County director of finance or the director of finance's duly authorized subordinate, which shall include any official vehicle inspection station, shall, before any passenger license is issued to the bus, inspect the bus for which a license is requested, and if such person finds the bus to be in good serviceable and safe condition for the safe transportation of passengers, such person shall deliver to the applicant therefor a certificate setting forth the fact that the bus has been inspected and found to be safe for the transportation of pupils.  
(1975 C.C., c. 5, art. 4, sec. 4.01; Am. 2008, Ord. No. 08-107, sec. 17.)

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

- (a) Any vehicle used for the transportation of school children shall be subject to a thorough inspection monthly, by the County department of finance or any official inspection station so designated and authorized by the director of finance. When a vehicle has been inspected and found to be in a satisfactory operating condition, the department or inspection station shall issue a certificate of inspection, which certificate shall include a check list printed on the reverse side, certifying as to the equipment and mechanisms checked, and certifying to the adequacy and safety of the vehicle and equipment.
- (b) No vehicle without a certificate of inspection shall be used and no claims for the transportation of school children shall be paid unless accompanied by a certificate of inspection. A copy of the certificate shall be submitted each month to the district superintendent, Hawai'i island schools.  
(1975 C.C., c. 5, art. 4, sec. 4.02; Am. 2008, Ord. No. 08-107, sec. 18.)

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

- (a) Unless otherwise provided for in this section, every person using the mass transit service owned, maintained or operated by the County shall be charged a \$2 cash one-way fare.
- (b) Discounted fares for senior citizens, person with a disability and students. The following persons shall be charged a \$1 cash one-way fare:
  - (1) Senior citizens age sixty and older after providing proof of age from a valid state ID card, County of Hawai'i senior ID card, driver's license, birth certificate or passport;
  - (2) A person with a disability with a valid, "Person With Disability Identification Card" issued by the County of Hawai'i; and
  - (3) Students (through college) with a valid school identification card.
- (c) Fare prepayment discounts.
  - (1) All tickets for travel can be prepurchased at a discount of twenty-five percent off the scheduled cash fare by purchasing a sheet of ten tickets for \$15 per sheet with no expiration date ("Ten Ride Discount Sheet").
  - (2) Senior citizens age sixty and older may prepurchase a sheet of ten tickets for \$7.50 per sheet with no expiration date ("Ten Ride Discount Sheet"), after providing proof of age from a valid state ID card, County of Hawai'i senior ID card, driver's license, birth certificate or passport.

- (3) A person with a disability may prepurchase a sheet of ten tickets for \$7.50 per sheet with no expiration date (“Ten Ride Discount Sheet”), with a valid, “Person With Disability Identification Card” issued by the County of Hawai‘i.
- (4) Students (through college) may prepurchase a sheet of ten tickets for \$7.50 per sheet with no expiration date (“Ten Ride Discount Sheet”), with a valid school identification card.
- (5) A monthly bus pass fare plan may be purchased at a cost of \$60 for unlimited rides on all routes. Monthly passes shall be valid through the last calendar day of each month with no grace period.
- (6) Senior Citizens age sixty and older may purchase a discounted monthly bus pass offered at a cost of \$45 for unlimited rides on all routes, after providing proof of age from a valid state ID card, County of Hawai‘i senior ID card, driver’s license, birth certificate or passport. Monthly passes shall be valid through the last calendar day of each month with no grace period.
- (7) A person with a disability may purchase a discounted monthly bus pass offered at a cost of \$45 for unlimited rides on all routes, with a valid, “Person with Disability Identification Card” issued by the County of Hawai‘i. Monthly passes shall be valid through the last calendar day of each month with no grace period.
- (8) Students (through college) may purchase a discounted monthly bus pass offered at a cost of \$45 for unlimited rides on all routes, after providing a valid school identification card. Monthly passes shall be valid through the last calendar day of each month with no grace period.
- (9) The Ten Ride Discount Sheet, the monthly pass, and any pilot program pass must be purchased directly from the mass transit agency or its designated representative.
- (10) There is established a pilot program for a bus pass valid for unlimited rides on all routes from January 1, 2014, to June 30, 2014, with no grace period, to be offered at the following rates:
  - (A) Senior citizens age sixty and older after providing proof of age from a valid state ID card, County of Hawai‘i senior ID card, driver’s license, birth certificate or passport; persons with a valid “Person with Disability Identification Card” issued by the County of Hawai‘i; and students (through college) after providing a valid school identification card may purchase the bus pass at a cost of \$175; and
  - (B) All others may purchase the bus pass at a cost of \$250.

This paragraph shall be repealed on June 30, 2014.

- (d) Fare waived for children under the age of five. All fares for travel by children under the age of five shall be waived.
- (e) Shared-ride fares.  
Shared-ride program coupons may be purchased by the public through the mass transit agency and its designated coupon sales outlets in accordance with the following schedule:

**Coupon Price**

Single coupon .....	\$6	
5 coupon book .....	\$15	(\$3 per coupon)
10 coupon book .....	\$25	(\$2.50 per coupon)
15 coupon book .....	\$30	(\$2 per coupon)

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

- (f) Promotional fares.
  - (1) The purpose of this subsection is to provide lower bus fares when a new route or service is provided or to boost ridership on established routes.

(2) The transit administrator may establish fares on a temporary basis for a period not to exceed one hundred and eighty calendar days for bus routes and services.  
 (1986, Ord. No. 86-15, sec. 2; Am. 1990, Ord. No. 90-37, sec. 7, Ord. No. 90-91, sec. 1; Am. 2004, Ord. No. 04-141, sec. 1; Am. 2005, Ord. No. 05-151, sec. 1; Am. 2007, Ord. No. 07-141, sec. 2; Am. 2009, Ord. No. 09-160, sec. 2; Am. 2011, Ord. No. 11-62, sec. 2; Am. 2012, Ord. No. 12-36, sec. 1; Am. 2013, Ord. No. 13-32, sec. 1; Ord. No. 13-76, sec. 2; Ord. No. 13-109, sec. 1.)

**Section 18-91. Baggage.**

A driver of any mass transit bus owned, maintained and operated by the County shall charge \$1 for each piece of baggage, including large backpacks, except that any small bag such as a train case, handbag, briefcase, or a package that can be carried on the lap of the passenger and within the passenger's respective seat shall be conveyed without charge.  
 (1986, Ord. No. 86-15, sec. 2; Am. 2011, Ord. No. 11-62, sec. 2.)

**Section 18-92. Fare schedules.**

**FARE SCHEDULE A**

**Shared-Ride Fares**

<b>One-Way Mileage</b>	<b>No. of Coupons (Per Person)</b>
0 — 4.0 miles	1 coupon
4.1 — 9.0 miles	2 coupons

Rates are maximum charge per zone. Shared-ride carriers may charge less at their discretion.  
 (1990, Ord. No. 90-37, sec. 8; Am. 1990, Ord. No. 90-91, sec. 4; Am. 2001, Ord. No. 01-82, sec. 1; Ord. No. 01-84, sec. 1; Am. 2011, Ord. No. 11-62, sec. 2.)



**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 in residential use, agricultural use or vacant land 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. Residential use shall not include vacation rental use.
- (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; Am. 2013, Ord. No. 13-78, sec. 2.)

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

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## **Chapter 20**

### **REFUSE**

#### **Article 1. Littering.**

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Section 20-40.	Explosives, radioactive wastes and other prohibited materials.
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#### **Article 4. Solid Waste Fees.**

Section 20-46.	Disposal fees.
Section 20-47.	Collection of fees.
Section 20-48.	Solid waste fund designation.
Section 20-49.	Fee schedule.

#### **Article 5. Disposal of Materials Collected by the County at Transfer Stations.**

Section 20-50.	Definitions.
Section 20-51.	Transportation of materials to landfill.
Section 20-52.	Exemptions.

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**Article 2. Clearing Occupied and Unoccupied Lots.****Section 20-20. Definitions.**

As used in this article:

“Refuse” means any discarded or disposable matter, including garbage, rubbish, and swill as defined in section 20-31.

“Undergrowth” means any bush, small tree, or other vegetation.

“Unsafe flora” means any or any part of a tree, bush, vine, or grass that poses an imminent danger for fire, health, safety, property damage, or criminal threat to persons or adjacent property and structures including buildings, roofs, rain gutters, antennae, driveways, landscaping, privacy structures (including gates, fencing, and stone walls), tents, garages, automobiles, power lines, phone lines, playground equipment, water catchment tanks, swimming pools, or any other structures and property not identified here.

(2013, Ord. No. 13-108, sec. 3.)

**Section 20-21. Removal of refuse, undergrowth, and unsafe flora required.**

Every owner of any occupied or unoccupied lot the frontage of which abuts or adjoins any public street or highway within the County, shall clear the lot of all refuse, uncultivated undergrowth, and unsafe flora thereon to a depth of not exceeding one hundred feet from any street or highway adjoining, whenever on the lot there is refuse, uncultivated undergrowth, or unsafe flora to an extent that the lot poses or is likely to pose an imminent danger for fire, health, safety, property damage, or crime hazard.

(1975 C.C., c. 3, art. 5, sec. 1; Am. 1984, Ord. No. 84-19, sec. 1; Am. 2013, Ord. No. 13-108, sec. 4.)

**Section 20-22. Complaint by adjacent or abutting owner(s); request to clear.**

- (a) If a majority of all the adult residents within a radius of five hundred feet from any boundary of, or the property owner of a property adjacent to or abutting, any occupied or unoccupied lot, in writing to the mayor requests that the lot be cleared of refuse, uncultivated undergrowth, or unsafe flora, the mayor shall investigate the complaint. If the mayor certifies that there is refuse, uncultivated undergrowth, or unsafe flora on the lot complained about to an extent that the lot poses or is likely to pose an imminent danger for fire, health, safety, property damage, or crime hazard, the mayor shall notify the owner of the lot to clear the occupied or unoccupied lot of the refuse, uncultivated undergrowth, or unsafe flora.
- (b) If the offending uncultivated undergrowth or unsafe flora is registered as an endangered or protected species or is listed as “exceptional” pursuant to chapter 14, article 10 of this Code, or if the owner wants to keep the offending uncultivated undergrowth or unsafe flora, the owner shall submit in writing a treatment plan for its continued safe existence to the mayor’s office, the department of public works, the arborist advisory committee, the offended property owner(s), and, if applicable, the homeowners association. The treatment plan shall be approved by the department of public works and, if applicable, the homeowners association.
- (c) If a building is constructed in close proximity to an existing stand of trees used for wind block, boundary markers or ornamentals, the property owner may not file a complaint under this section and may seek other legal remedies should an emergency situation arise.
- (d) If a person files three unsubstantiated complaints about the same refuse, uncultivated undergrowth, or unsafe flora, that person may not file a complaint for that same property, providing that property is under the same ownership at the time that the three unsubstantiated complaints were filed.

(1975 C.C., c. 3, art. 5, sec. 2; Am. 1984, Ord. No. 84-19, sec. 1; Am. 2013, Ord. No. 13-108, sec. 4.)

**Section 20-23. Clearance by County; costs.**

- (a) If any owner, after notice to clear any occupied or unoccupied lot has been mailed to the owner and posted by the mayor, fails or refuses to comply with the order within thirty days after the notice, the County may proceed to clear the lot of the refuse, uncultivated undergrowth, or unsafe flora at the expense of the owner.

- (b) The collection of any expense that has been unpaid by the property owner for clearing any unoccupied lot shall be a lien on the property so cleared, and the County may recover the amount of the lien and the expense and costs of the clearing by action at law in assumpsit, or by any action allowed by law in equity, or that may be prescribed by statute, including any proceeding allowed for the foreclosure of tax liens.
- (c) The collection of recoverable expenses that has been unpaid by the property owner for clearing any occupied lot shall proceed as follows:
  - (1) The department of public works shall keep an itemized record of recoverable expenses. Promptly after completion of the lot clearing, the department shall certify those expenses to the office of the corporation counsel.
  - (2) The office of the corporation counsel, on behalf of the County, shall submit a written itemized claim for the total recoverable expenses incurred by the County to the responsible person or persons and a written notice stating that unless the amounts are paid in full within thirty days after receipt of the claim and notice, the County will file a civil action seeking recovery for the stated amount.
  - (3) The County may bring a civil action for the recovery of all recoverable expenses against any and all persons causing or responsible for the placement of the individual or individuals in a situation of imminent danger.
- (d) For the purposes of this section, “recoverable expenses” means those expenses that are reasonable, necessary, and allocable to the clearing of an occupied lot of refuse, uncultivated undergrowth, and unsafe flora pursuant to this article. Expenses allowable for recovery may include, but are not limited to:
  - (1) Materials and supplies acquired, consumed, and expended specifically for the purpose of the lot clearing.
  - (2) Compensation of employees for the time and efforts devoted specifically for the purpose of the lot clearing.
  - (3) Rental or leasing of equipment used specifically for the lot clearing, such as protective equipment or clothing, bulldozers, or backhoes.
  - (4) Repair costs for equipment owned by the County that is damaged during the lot clearing.
  - (5) Replacement costs for equipment owned by the County that is damaged beyond use or repair, if the equipment was a total loss and the loss occurred during the lot clearing.
  - (6) Special technical services specifically required for the lot clearing, such as costs associated with the time and efforts of technical experts or specialists not otherwise provided by the County.
  - (7) Other special services specifically required for the lot clearing.
  - (8) Medical expenses that may be incurred as a result of the lot clearing.
  - (9) Legal expenses that may be incurred as a result of the lot clearing, including efforts to recover expenses pursuant to this article.
- (e) Nothing in this section shall be construed to create any liability to the County for any damages incurred as a cause of action or inaction.

(1975 C.C., c. 3, art. 5, sec. 3; Am. 1984, Ord. No. 84-19, sec. 1; Am. 2013, Ord. No. 13-108, sec. 4.)

**Section 20-24. Service of notice.**

The notice to the property owner required under section 20-23 shall be sent to the property owner by mailing it to the owner’s last known address and by posting a copy of the notice upon the lot that requires the clearing.

(1975 C.C., c. 3, art. 5, sec. 4.)

### Article 3. Refuse Disposal.

#### Section 20-31. Definitions.

As used in this article:

“Business” means a sole proprietorship, partnership, firm or corporation.

“Commercial cooking oil waste” means cooking oil which, because of prior use, potency loss, or contamination, is no longer usable or salable by a business engaged in cooking food or selling cooking oil. The term does not mean the residue remaining after the conversion of commercial cooking oil waste into a marketable product.

“Commercial FOG waste” means animal/vegetable fat, oil and grease and other waste that is retained in or removed from a commercial pretreatment device. The term does not mean the residue remaining after the conversion of commercial FOG waste into a marketable product of grease and other waste removed from a commercial pretreatment device.

“Commission” means the environmental management commission of the County.

“Department” means the department of environmental management.

“Director” means the director of the department of environmental management, or the director’s authorized representative.

“Garbage” means any organic waste that is not fit for animal consumption.

“Household rubbish” means all rubbish, including any material not exceeding four feet in length at its longest dimension, which is normally generated by a family’s activities at their place of residence.

“Prohibited materials” include, but are not limited to, paint thinner or solvents; oil base paint waste; automotive waste oil, antifreeze or lead acid batteries; pesticides, herbicides or rodent and insect control chemicals; household cleaner, polish or wax; contaminated soil; medical waste; propane, oxygen or acetylene tanks; diesel, gasoline or alcohol; liquids or sludges in containers five gallons or larger unless mixed with a bulking agent so that it solidifies; and hazardous wastes as defined in 40 Code of Federal Regulations parts 257, 258 and 261. Notwithstanding the foregoing, commercial cooking oil waste and commercial FOG waste are considered prohibited materials in any amount and any form.

“Refuse” means any discarded or disposable matter, including garbage, rubbish and swill.

“Rubbish” means solid waste or rejected material including paper and cardboard cartons, straw, excelsior, rags, clothes, shoes, bottles, tin cans, china, glass, metalware, leaves, grass, tree branches, and any other material of similar character but not including material such as tree stumps, lumber or iron pipes exceeding five feet in length, concrete blocks and tiles, cement, acids, iceboxes, refrigerators, ranges, radios, television sets, phonographs, bedsteads, bed springs, tables, sofas, chairs, and other furniture, water heaters, water tanks, sinks, and other similar material or equipment of a weighty or bulky nature.

“Swill” means any food waste which is fit for animal consumption.

“Transfer station” means a facility designed to collect household rubbish from the surrounding community and to transport this refuse to a suitable disposal facility.

(1975 C.C., c. 3, art. 10, sec. 1; Am. 1988, Ord. No. 88-160, sec. 1; Am. 1994, Ord. No. 94-87, sec. 2; Am. 2001, Ord. No. 01-108, sec. 1; Am. 2002, Ord. No. 02-66, secs. 1, 2 and 3; Am 2012, Ord. No. 12-155, secs. 1 and 2.)

#### Section 20-32. Removal required; disposal; drainage of liquids.

- (a) Every owner or occupant of any residence or business building or premises within the County shall remove or cause to be removed to the County dumping grounds any refuse from any residence or business building or premises.
- (b) This section shall not prevent any owner or occupant from disposing of refuse within the owner’s premises by burning, burying, or destroying the refuse in compliance with any applicable statute, ordinance, and rule and regulations.
- (c) Any garbage or swill, prior to its removal to the County dumping grounds, shall be drained of all liquid.  
(1975 C.C., c. 3, art. 10, sec. 2.)

**Section 20-33. Receptacle specifications.**

Any garbage or swill shall be contained in a leak-proof metal or plastic receptacle and shall be securely covered at all times so as to exclude insects and animals. Any rubbish, except hedge cuttings, stumps, branches, banana leaves, palm and coconut leaves or other similar material, shall be contained in a metal or wood receptacle, or in a paper or a cardboard carton of sufficient strength to adequately contain the contents therein.

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

**Section 20-34. Location of receptacles; placement for collection.**

- (a) Any refuse and receptacle shall be kept on private premises and shall not be placed upon any sidewalk or government right-of-way for collection purposes, except any refuse receptacle that may be placed and affixed on any sidewalk or government right-of-way for public use.
- (b) For the purpose of collection, any refuse and receptacle may be placed in that area of the private premises adjacent to the sidewalk or the government right-of-way. The refuse and the receptacle placed adjacent to the sidewalk or the government right-of-way shall be situated so as not to create a hazard to any pedestrian or traffic.

(1975 C.C., c. 3, art. 10, sec. 4.)

**Section 20-35. Permit required for refuse disposal.**

- (a) No business, Federal or State agency, religious entity or nonprofit organization shall dispose of refuse at any County solid waste facility without first obtaining a disposal permit issued by the director and making payment of the permit fee as required herein.
- (b) No person shall dispose of refuse at any county landfill without first obtaining a disposal permit issued by the director. Persons not representing any business, Federal or State agency, religious entity or nonprofit organization need not obtain a permit to dispose of refuse at a County transfer station.
- (c) An application for a disposal permit shall be submitted to the director on a form furnished by the department.
  - (1) For businesses, Federal or State agencies, religious entities and nonprofit organizations, the following information is required:
    - (A) Name, address and telephone number of the business, Federal or State agency, religious entity or nonprofit organization.
    - (B) Make, model, tare weight, carrying capacity in cubic yards and license number of the vehicle(s) which would be used to dispose refuse.
    - (C) Approximate volume and frequency of refuse to be disposed.
    - (D) Other information as deemed necessary by the director.
  - (2) Persons not acting as or on behalf of any business, public agency, religious entity or nonprofit organization shall provide their name, residence and mailing address, residence and employer telephone numbers, drivers license number and any other information deemed necessary by the director for billing and collection purposes.
- (d) The disposal permit shall be effective for a period of one year from the date of issuance.
- (e) The director may suspend or revoke a disposal permit for the following reasons:
  - (1) Failure to pay any disposal charges or special handling fees when due.
  - (2) Failure to comply with the provisions of this chapter.
  - (3) Failure to comply with disposal procedures and/or conditions established by the department.
- (f) The suspension or revocation procedure shall be as follows:
  - (1) Upon determination that sufficient reasons exist to revoke or suspend a disposal permit, the director shall inform the permit holder by registered mail of the director's decision to suspend or revoke said permit;
  - (2) The letter shall also inform the permit holder of the effective date of the suspension or revocation and the specific reason for suspension or revocation of the disposal permit;

- (3) The permit holder shall be given a period of ten working days to cure the complaint. At the end of the ten-day period, the County shall notify the permit holder in writing either that the complaint has been remedied or that the permit is still to be revoked or suspended. If the permit is still to be revoked or suspended said letter shall describe the process by which the permit holder may request a hearing before the director;
  - (4) If the permit holder requests a hearing before the director, one shall be scheduled within two working days of the request. The decision of the director or a designated representative shall stand unless after a hearing the original decision is shown to be clearly erroneous;
  - (5) A request for a hearing shall not act to stay the director's decision to revoke or suspend.
  - (g) There shall be a fee of \$25 for the issuance of a refuse disposal permit to a business, Federal or State agency, religious entity or nonprofit organization, payable with the application therefor. There shall be no fee for the issuance of a permit to persons not acting as or on behalf of a business, public agency, religious entity or nonprofit organization.
- (1994, Ord. No. 94-87, sec. 4; Am. 1995, Ord. No. 95-41, sec. 1; Am. 2002, Ord. No. 02-66, sec. 4.)

**Section 20-36. Refuse removal business; restrictions.**

- (a) Any vehicle used for the collection and removal of refuse shall be kept in a clean, inoffensive, and sanitary condition.
  - (b) All refuse shall be handled and hauled in such a manner so as to prevent the scattering, spilling, or leaking of the refuse.
  - (c) Certain transfer stations will be designated and determined to be incompatible for use by businesses or commercial activities. Use of these designated transfer stations by business or commercial activities shall be prohibited after July 1, 1989, except as authorized by written permit with conditions set forth by the director.
  - (d) No person, business, Federal or State agency, religious entity or nonprofit organization shall, at any County solid waste facility, dispose of any rubbish, prohibited materials or refuse which has been brought into the County of Hawai'i as rubbish, prohibited materials or refuse from outside of the County of Hawai'i. This subsection shall not apply to refuse generated en route in the ordinary course of business by aircraft or maritime passengers or crew, incidental to operations of aircraft or maritime traffic arriving in the County.
  - (e) Violation of these restrictions will be subject to the penalties of this article as well as revocation of the businesses' baggage and freight license.
- (1975 C.C., c. 3, art. 10, sec. 6; Am. 1988, Ord. No. 88-160, sec. 3; Am. 2001, Ord. No. 01-108, sec. 1; Ord. No. 01-91, sec. 1; Am. 2002, Ord. No. 02-66, sec. 5.)

**Section 20-37. Disposal of dead animals and other organic wastes.**

- (a) The disposal of dead cattle, horses, mules, goats, dogs, cats and similar animals is the responsibility of the owner. If no owner can be identified, the disposal of the dead animal is the responsibility of the landowner or land occupant or both upon whose land the dead animal is found. Any dead animal shall be properly buried, burned, or disposed of in accordance with applicable rules, regulations, and standards of the State department of health within a reasonable time after death, or before the dead animal becomes a nuisance.
  - (b) Any small animal, such as dogs and cats, shall be accepted for disposal at the South Hilo or Kona landfill area only in accordance with applicable provisions of this article.
- (1975 C.C., c. 3, art. 10, sec. 7; Am. 1988, Ord. No. 88-160, sec. 4.)

**Section 20-38. Abandoned vehicles prohibited.**

No person shall leave, abandon, or place any wrecked or nonoperational automobile or construction equipment or part or portion of a wrecked or nonoperational automobile or construction equipment, or scrap iron, or other similar material, upon any part of a public street, road, or highway or upon any premises of another.

(1975 C.C., c. 3, art. 10, sec. 8.)

**Section 20-39. Abandoned refrigerators; removal of lock required.**

No person shall abandon any refrigerator, ice box, wardrobe trunk, or any other container, equipment or appliance having a self-locking door without first removing and detaching the door or cover from the same.

(1975 C.C., c. 3, art. 10, sec. 9.)

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

- (a) No person shall dump, place, or remove to any County disposal facility, including transfer stations, any prohibited materials as defined in this article or by the State department of health rules, regulations and standards, including any radioactive or chemical waste, any pesticides, explosives, blasting materials, fuses, live ammunition, or other substances that may explode upon contact with heat or fire.
- (b) Prohibited wastes which have been rendered nonhazardous by chemical neutralization or stabilization in accordance with applicable rules, regulations and standards of the State department of health may be delivered directly to a landfill for disposal.
- (c) Any law, rule, or regulation to the contrary notwithstanding, no person shall dump, place, or remove to any County disposal facility, including transfer stations, in any amount or any form, commercial cooking oil waste or commercial FOG waste, as defined in section 20-31. The foregoing prohibition shall apply only to the extent that there are recyclers who are willing and able to accept such materials for recycling, by way of either pick-up at the place of generation, or drop-off within driving distance from the place of generation which is less than to the nearest County landfill.

(1975 C.C., c. 3, art. 10, sec. 10; Am. 1988, Ord. No. 88-160, sec. 5; Am. 2012, Ord. No. 12-155, sec. 3.)

**Section 20-41. Dumping refuse prohibited.**

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

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

**Section 20-42. Salvage of refuse restricted.**

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

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

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

- (a) Acceptance at landfills or other similar disposal areas.

- (1) Any person having any nonprohibited rubbish, unburnable material, or refuse, excluding garbage, in the County, which is not acceptable at a transfer station, is authorized by the department to enter into and properly deposit such material into the designated area of the landfill on any day during the normal working hours of the landfill. All permitted materials, when properly deposited, shall be accepted by the department.

- (2) Any person having any large or bulky material, such as a car, water heater or properly altered stove or refrigerator which does not contain any garbage, refuse, swill or any other rubbish at the time of disposal, is authorized by the department to enter into and properly deposit such material into the designated area of the landfill on any weekday during the normal working hours of the landfill. All permitted materials, when properly deposited, shall be accepted by the department.
  - (3) Any person having any small dead animal, such as a dog or cat, as well as garbage, is authorized by the department to enter into and properly deposit such material into the designated area of the landfill from 7:00 a.m. to 3:00 p.m. Permitted small dead animals and garbage, when properly deposited, shall be accepted by the department.
  - (4) Any unauthorized person entering into the landfill during nonworking hours or for purposes other than that permitted in this section shall be considered to be a trespasser, and shall be subject to the penalties of this article.
- (b) Acceptance at transfer stations.
- (1) All acceptable household refuse, including shrubbery and yard trimmings, deposited into the transfer station solid waste container shall be accepted by the County for disposal on any day during normal working hours of the station. No item shall exceed four feet in any dimension or weigh more than fifty pounds.
  - (2) Prohibited materials shall include all commercially hauled rubbish, garbage, swill or refuse, prohibited materials as defined by the State department of health and partially listed herein, refuse generated by a business, Federal or State agency, religious entity or nonprofit organization, construction or demolition wastes, abandoned vehicles, dead animals, animal carcasses and other similar organic wastes.
- (c) Except as permitted by the director, no material resulting from construction, land clearing, wrecking of any building or structure, or wastes generated by manufacturing, industrial, or agricultural processes such as meat, fish, poultry, vegetable, or fruit processing shall be acceptable for disposal in any County disposal facility.
- (d) Improper depositing of any material in any County landfill or transfer station is considered to be littering, and violators will be subject to the penalties of this article.
- (1975 C.C., c. 3, art. 10, sec. 14; Am. 1988, Ord. No. 88-160, sec. 6; Am. 1994, Ord. No. 94-87, sec. 5; Am. 2001, Ord. No. 01-108, sec. 1; Am. 2002, Ord. No. 02-66, sec. 7.)

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

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

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

**Section 20-45. Penalty.**

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

**Article 4. Solid Waste Fees.****Section 20-46. Disposal fees.**

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

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

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

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

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

**Section 20-47. Collection of fees.**

- (a) All charges shall be collected by the solid waste division of the department. Billings shall be made monthly. Payments are due before the end of the month following the month in which charges are incurred. A finance charge of one and one-half percent monthly (annual rate of eighteen percent) shall be charged on all balances which are sixty or more days overdue. In addition to this, access to County solid waste facilities may be denied until the account is current.
- (1994, Ord. No. 94-87, sec. 6; Am. 1997, Ord. No. 97-46 sec. 1.)

**Section 20-48. Solid waste fund designation.**

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

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

**Section 20-49. Fee schedule.**

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

(1) Landfill disposal.

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

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

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

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

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

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

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

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

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

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

1. Compacted. Dollars per cubic yard.

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

2. Not compacted. Dollars per cubic yard.

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

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

(2) Greenwaste and Organics Diversion.

- (A) All clean greenwaste and acceptable organics must be delivered to a permitted County greenwaste and organics collection facility.
- (B) The greenwaste and organics disposal fee is set at 25% of the landfill disposal fee as described in section 20-49(a)(1)(A).
- (C) The greenwaste and organics disposal fee is set at 65% of the landfill disposal fee as described in section 20-49(a)(1)(B) at a County greenwaste and organics collection facility without scales. These facilities are able to accept Type I and Type II trucks only.
- (D) Greenwaste and organics must be separated from other solid waste in order to qualify for the reduced greenwaste and organics disposal fee.
- (E) The greenwaste and organics disposal fee may be suspended by the director if the greenwaste and organics facilities are not operating.

(1994, Ord. No. 94-87, sec. 6; Am. 1995, Ord. No. 95-41, sec. 3; Am. 2003, Ord. No. 03-102, sec. 2; Am. 2005, Ord. No. 05-27, sec. 2.)

**Article 5. Disposal of Materials Collected by the County at Transfer Stations.**

**Section 20-50. Definitions.**

As used in this article:

“Materials” means those items legally deposited by the public at County transfer stations to be taken to a County landfill for final disposal.

“Transport” means to cause the relocation of materials from a County transfer station to a County landfill. (2012, Ord. No. 12-92, sec. 1.)

**Section 20-51. Transportation of materials to landfill.**

- (a) All materials collected at the following County transfer stations shall be transported to the South Hilo Sanitary Landfill for disposal:
  - (1) Honomū Transfer Station.
  - (2) Pāpa‘ikou Transfer Station.
  - (3) Hilo Transfer Station.
  - (4) Kea‘au Transfer Station.
  - (5) Glenwood Transfer Station.
  - (6) Pāhoa Transfer Station.

- (7) Volcano Transfer Station.
  - (8) Kalapana Transfer Station.
  - (b) All materials collected at the following County transfer stations shall be transported to the Pu‘uanahulu Sanitary Landfill for disposal:
    - (1) Laupāhoehoe Transfer Station.
    - (2) Pa‘auilo Transfer Station.
    - (3) Honoka‘a Transfer Station.
    - (4) Waimea Transfer Station.
    - (5) Kaauhuhu (Hāwī) Transfer Station.
    - (6) Puakō Transfer Station.
    - (7) Kailua Transfer Station.
    - (8) Keauhou Transfer Station.
    - (9) Ke‘ei (Kealekekua) Transfer Station.
    - (10) Waiea Transfer Station.
    - (11) Miloli‘i Transfer Station.
    - (12) Ocean View Transfer Station.
    - (13) Wai‘ōhinu Transfer Station.
    - (14) Pāhala Transfer Station.
- (2012, Ord. No. 12-92, sec. 1.)

**Section 20-52. Exemptions.**

During a time of declared emergency the mayor may, by executive order, direct the transportation of materials from a transfer station to a landfill as deemed practicable and necessary.

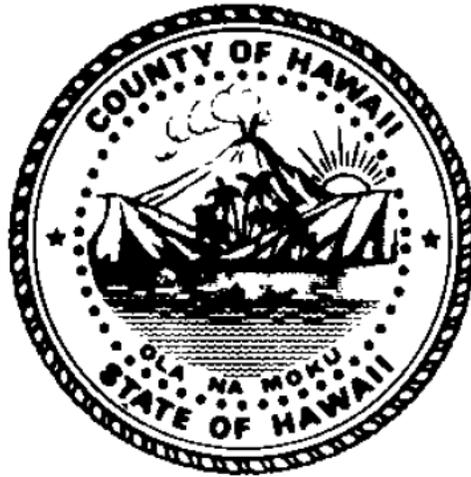
(2012, Ord. No. 12-92, sec. 1.)



# THE HAWAII COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: Supplement 17 (1-2014)  
Contains ordinances effective through: 12-31-13



## A CODIFICATION OF THE GENERAL ORDINANCES OF THE COUNTY OF HAWAII STATE OF HAWAII

Office of the County Clerk  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 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 \$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.
- (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; Am. 2013, Ord. No. 13-83, sec. 4.)

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**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), \$50.
  - (d) Driver's license valid for one year, \$5.
  - (e) Renewal of driver's license valid for one year, \$5.
  - (f) Driver's license valid for two years, \$10.
  - (g) Renewal of driver's license valid for two years, \$10.
  - (h) Driver's license valid for four years, \$20.
  - (i) Renewal of driver's license valid for four years, \$20.
  - (j) Driver's license valid for eight years, \$40.
  - (k) Renewal of driver's license valid for eight years, \$40.
  - (l) Reactivation fee for each thirty-day period after the ninety-day grace period for renewal within one year of expiration, \$5.
  - (m) Duplicate license/permit, \$6.
  - (n) Road test fees (categories 1, 2, and 3), \$10; (category 4), \$50.
  - (o) Written test fee, \$1.
  - (p) Oral examination fee, \$10.
  - (q) Provisional license valid until age nineteen, \$5 per year.
  - (r) Request for verification of license status, \$10.
- (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; Am. 2009, Ord. No. 09-83, 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.)

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Section 24-302. Schedule 6. 35 mile per hour limit.  
Section 24-303. Schedule 7. Reserved.  
Section 24-304. Schedule 8. Reserved.  
Section 24-305. Schedule 9. Reserved.  
Section 24-306. Schedule 10. Reserved.

**Division 2. Moving Vehicles.**

Section 24-307. Schedule 11. Stop intersections.  
Section 24-308. Schedule 12. Through streets.  
Section 24-309. Schedule 13. Prohibited right turn areas.  
Section 24-310. Schedule 14. Truck routes.  
Section 24-311. Schedule 15. Reserved.

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**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) Old Māmalahoa Highway, southbound approach to Bridge No. 47-1.
  - (4) Old Māmalahoa Highway, westbound approach to Bridge No. 47-2.
  - (5) Old Māmalahoa Highway, eastbound approach to Bridge No. 47-3.
  - (6) Old Māmalahoa Highway, westbound approach to bridge adjacent to parcels 4-7-7:4, 4-7-7:19, and 4-7-7:90.
  - (7) Old Māmalahoa Highway, westbound approach to bridge adjacent to parcels 4-7-7:8 and 4-7-7:9.
  - (8) Pōhākea Homestead Road, makai bound at the narrow bridge (bridge number 43-5), located 1.6 miles west of State Highway 19.
  - (9) Kalōpā Road, westbound approach to Bridge No. 44-9.
  - (10) Kalōpā Road, westbound approach to Bridge No. 44-10.
  - (11) Kalōpā Road, westbound approach to Bridge adjacent to parcels 4-4-2:5, 4-4-2:6, 4-4-9:3, and 4-4-9:8.
  - (12) Kalōpā Road, eastbound approach to Bridge adjacent to parcels 4-4-3:42, 4-4-4:6, 4-4-6:1, and 4-4-8:48.
  - (13) Pa‘auilo Mauka Road, westbound and eastbound departures to Bridge No. 43-8.
- (b) North Hilo
  - (1) Kihalani Homestead Road, mauka bound lane; the right turn from Old Māmalahoa Highway.
  - (2) Old Māmalahoa Highway, northbound approach to Bridge No. 29-2.
  - (3) Old Māmalahoa Highway, southbound approach to bridge adjacent to parcels 3-5-9:19, 3-5-9:20, and 3-5-30:49.
  - (4) Old Māmalahoa Highway, westbound approach to Bridge No. 35-1.
- (c) South Hilo
  - (1) Akolea Road, southbound approach to bridge adjacent to parcels identified by Tax Map Key Numbers (3) 2-5-006:130, 2-5-047:002, 2-5-056:041, and 2-5-056:043.
  - (2) Haihai Street, westbound, the right-turn lane to Ainaola Drive.
  - (3) Kāhoa Street, northwest approach to Bridge No. 26-5.
  - (4) Kīlauea Avenue, north bound, at Bridge No. 22-7, approaching Haihai Street.
  - (5) Waiānuenu Avenue, westbound, the through lane intersecting the extension of Lele Street near Carvalho Park.
  - (6) Ka‘iulani Street at southbound approach to Bridge No. 23-3.
- (d) Ka‘ū
- (e) Kohala
  - (1) Ka‘auhuhu Homestead Road, southbound approach to bridge crossing North Kohala Ditch adjacent to parcels identified by TMK Nos. (3) 5-5-002:007, 013, 054 and 125.
  - (2) Route 19, northwest bound, the right turn lane to Lindsey Road.
- (f) Kona
  - (1) Kuakini Highway, northbound, the right-turn lane to Kaiwi Street.
  - (2) Ali‘i Drive, southbound approach to the Māmalahoa Bypass Highway.
- (g) Puna
  - (1) Huina Road, eastbound approach at the Luhi Road intersection.

- (2) Mahi'ai Road, northeast approach at the Amaumau Road intersection.
- (3) North Oshiro Road, southeast approach to bridge adjacent to parcels (3)1-8-005:029 and (3)1-8-073:003.

(2000, Ord. No. 00-87, sec. 2; Ord. No. 00-130, sec. 1; Am. 2001, Ord. 01-85, sec. 2; Am. 2002, Ord. No. 02-87, sec. 1; Am. 2003, Ord. No. 03-53, sec. 1; Am. 2004, Ord. No. 04-125, sec. 1; Am. 2007, Ord. No. 07-118, sec. 1; Am. 2008, Ord. No. 08-45, sec. 1; Ord. No. 08-132, sec. 1; Am. 2009, Ord. No. 09-97, sec. 1; Ord. No. 09-109, sec. 2; Ord. No. 09-136, sec. 3; Am. 2010, Ord. No. 10-18, sec. 2; Am. 2010, Ord. No. 10-84, sec. 1; Am. 2011, Ord. No. 11-68, sec. 2; Ord. No. 11-79, sec. 2; Ord. No. 11-113, sec. 2; Am. 2012, Ord. No. 12-55, sec. 2; Am. 2013, Ord. No. 13-20, sec. 2; Ord. No. 13-128, sec. 2.)

**Section 24-266. Schedule 14. Through streets.**

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

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

- (b) North Hilo
- (c) South Hilo
  - (1) Noe Street at its intersection with Kalili Street, for vehicles headed in the Puna direction.
  - (2) Pohakulani Street at its intersection with Ainaola Drive for vehicles traveling in the Puna direction.
- (d) Ka'ū
- (e) Kohala
- (f) Kona
- (g) Puna
  - (1) Kahakai Boulevard at its intersection with Pūnāwai Street for vehicles traveling in the mauka direction.
  - (2) Kea'au Loop at its intersection with Ha'a Street/Kea'au Loop, for vehicles headed in the Puna direction.

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

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

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

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

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

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

The following areas are restricted to left turns only:

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

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

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

The following are designated as prohibited left turn areas:

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

- (4) Kaūmana Drive, mauka bound at Punahale Street.
  - (5) Kīlauea Avenue between Hualālai Street and Pauahi Street.
  - (6) Kīlauea Avenue, north bound at Lanihuli Street.
  - (7) Lanihuli Street at Kīlauea Avenue.
  - (8) Mamo Street at Kamehameha Avenue.
  - (9) Waiānue Avenue, for the mauka bound traffic entering the Hilo Intermediate School, and for the makai bound traffic entering the Hilo High School parking lot and the track field between the hours of 1:00 p.m. to 3:30 p.m. on school days only.
- (d) Kaū
  - (e) Kohala
  - (f) Kona
    - (1) Kuakini Highway, north bound at Sarona Road.
    - (2) Route 180 at Route 11, for south bound motorists between the hours of 3:30 p.m. and 6:30 p.m., Monday through Friday except holidays.
  - (g) Puna
    - (1) Old 'Ōla'a-Pāhoa Road into Māmalahoa Highway in Kea'au, opposite the Kea'au Service Station. (1996, Ord. No. 96-163, sec. 2; Am. 2005, Ord. No. 05-90, sec. 3; Am. 2007, Ord. No. 07-86, sec. 1; Am. 2013, Ord. No. 13-127, sec. 2.)

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

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

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

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

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

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

- (b) North Hilo
  - (c) South Hilo
  - (d) Ka'u
  - (e) Kohala
  - (f) Kona
  - (g) Puna
    - (1) Ainaloa Subdivision
      - 1. All streets, unless otherwise indicated.
    - (2) Nānāwale Estates Subdivision.
      - 1. All streets, unless otherwise indicated.
    - (3) Hawaiian Paradise Park Subdivision, all unpaved roads.
- (1999, Ord. No. 99-65, sec. 14; Am. 2001, Ord. No. 01-62, sec. 5; Am. 2013, Ord. No. 13-81, sec. 2.)

**Section 24-299. Schedule 3. 20 mile per hour limit.**

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

- (a) Hāmākua
  - (b) North Hilo
  - (c) South Hilo
  - (d) Ka'u
  - (e) Kohala
  - (f) Kona
  - (g) Puna
- (1999, Ord. No. 99-65, sec. 14.)

**Section 24-300. Schedule 4. 25 mile per hour limit.**

A speed limit of twenty-five 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 Kilo
- (c) South Kilo
- (d) Ka'u
  - (1) Hawaiian Ocean View Estates Subdivision
    - 1. All streets.
- (e) Kohala
- (f) Kona
- (g) Puna
  - (1) Ainaloa Subdivision.
    - 1. Ainaloa Drive, from Ainaloa Way to Stardust Drive.
  - (2) Mauna Loa Estates Subdivision.
    - 1. All streets.
  - (3) Nānāwale Estates Subdivision.
    - 1. Flower Road.
    - 2. Forest Road.
    - 3. Hāpu'u Road, from Forest Road to Nānāwale Boulevard.
    - 4. Kapuna Road.
    - 5. Kēhau Road, from Forest Road to Nānāwale Boulevard.
    - 6. Mauna Ke'a Road.
    - 7. Seaview Road.

- (4) Hawaiian Paradise Park Subdivision, all paved roads except for Shower Drive, Kaloli Drive, Paradise Drive, and Maku‘u Drive.

(1999, Ord. No. 99-65, sec. 14; Am. 1999, Ord. No. 99-136, sec. 1; Am. 2001, Ord. No. 01-62, sec. 6; Am. 2013, Ord. No. 13-82, sec. 2.)

**Section 24-301. Schedule 5. 30 mile per hour limit.**

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

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

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

**Section 24-302. Schedule 6. 35 mile per hour limit.**

A speed limit of thirty-five 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

- (1) Hawaiian Paradise Park Subdivision, Shower Drive, Kaloli Drive, Paradise Drive and Maku‘u Drive.

(1999, Ord. No. 99-65, sec. 14; Am. 2013, Ord. No. 13-90, sec. 2.)

**Section 24-303. Schedule 7. Reserved.**

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

**Section 24-304. Schedule 8. Reserved.**

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

**Section 24-305. Schedule 9. Reserved.**

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

**Section 24-306. Schedule 10. Reserved.**

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

**Division 2. Moving Vehicles.**

**Section 24-307. Schedule 11. Stop intersections.**

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

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

## (d) Ka'u

- (1) Hawaiian Ocean View Estates Subdivision.
  1. Entering Aloha Boulevard from Bamboo Lane.
  2. Entering Aloha Boulevard from Catamaran Lane.
  3. Entering Aloha Boulevard from Ginger Blossom Lane.
  4. Entering Aloha Boulevard from Hawai'i Boulevard (4 way stop).
  5. Entering Aloha Boulevard from Hula Lane.
  6. Entering Aloha Boulevard from 'Iolani Lane.
  7. Entering Aloha Boulevard from 'Iwalani Parkway.
  8. Entering Aloha Boulevard from King Kamehameha Boulevard (4 way stop).
  9. Entering Aloha Boulevard from Koa Lane.
  10. Entering Aloha Boulevard from Lehua Lane.
  11. Entering Aloha Boulevard from Leilani Parkway.
  12. Entering Aloha Boulevard from Lotus Blossom Lane.
  13. Entering Aloha Boulevard from Marlin Boulevard (4 way stop).
  14. Entering Aloha Boulevard from Orchid Parkway.
  15. Entering Aloha Boulevard from Paradise Parkway.
  16. Entering Aloha Boulevard from Pineapple Parkway.
  17. Entering Aloha Boulevard from Plumeria Lane.
  18. Entering Aloha Boulevard from Reef Parkway.
  19. Entering Aloha Boulevard from Tiki Lane.
  20. Entering Aloha Boulevard from Tradewind Boulevard (4 way stop).
  21. Entering Aloha Boulevard from Tree Fern Lane.
  22. Entering 'Ānuenu Drive from Reef Parkway.
  23. Entering Bamboo Lane from 'Ānuenu Drive.
  24. Entering Bamboo Lane from Coconut Drive.
  25. Entering Bamboo Lane from Coral Parkway.
  26. Entering Bamboo Lane from Ocean View Parkway.
  27. Entering Bamboo Lane from 'Ōhi'a Drive.
  28. Entering Bamboo Lane from Outrigger Drive.
  29. Entering Bamboo Lane from Sea Breeze Parkway.
  30. Entering Bamboo Lane from Seaview Drive.
  31. Entering Bamboo Lane from Walaka Drive.
  32. Entering Catamaran Lane from Donola Drive.
  33. Entering Catamaran Lane from Hukilau Drive.
  34. Entering Catamaran Lane from Keaka Parkway.
  35. Entering Catamaran Lane from Kona Drive.
  36. Entering Catamaran Lane from Lei Parkway.
  37. Entering Catamaran Lane from Luau Drive.
  38. Entering Catamaran Lane from Mahimahi Drive.
  39. Entering Catamaran Lane from Palm Parkway.
  40. Entering Coconut Drive from Catamaran Lane.
  41. Entering Coconut Drive from Koa Lane.
  42. Entering Coconut Drive from Lotus Blossom Lane.
  43. Entering Coconut Drive from Lurline Lane.
  44. Entering Coconut Drive from Orchid Parkway.
  45. Entering Coconut Drive from Pineapple Parkway.
  46. Entering Coconut Drive from Reef Parkway.
  47. Entering Coconut Drive from Tree Fern Lane.
  48. Entering Coral Parkway from Catamaran Lane.
  49. Entering Coral Parkway from Lotus Blossom Lane.
  50. Entering Coral Parkway from Orchid Parkway.

51. Entering Coral Parkway from Plumeria Lane.
52. Entering Ginger Blossom Lane from Coconut Drive.
53. Entering Ginger Blossom Lane from Coral Parkway.
54. Entering Ginger Blossom Lane from Sea Breeze Parkway.
55. Entering Hawai‘i Boulevard from Aloha Boulevard (4 way stop).
56. Entering Hawai‘i Boulevard from Coconut Drive.
57. Entering Hawai‘i Boulevard from Coral Parkway.
58. Entering Hawai‘i Boulevard from Hukilau Drive.
59. Entering Hawai‘i Boulevard from Kona Drive.
60. Entering Hawai‘i Boulevard from Luau Drive.
61. Entering Hawai‘i Boulevard from Ocean View Parkway.
62. Entering Hawai‘i Boulevard from Princess Ka‘iulani Boulevard.
63. Entering Hawai‘i Boulevard from Sea Breeze Parkway.
64. Entering Hukilau Drive from Bamboo Lane.
65. Entering Hukilau Drive from Ginger Blossom Lane.
66. Entering Hukilau Drive from ‘Iwalani Parkway.
67. Entering Hukilau Drive from Lehua Lane.
68. Entering Hukilau Drive from Liliana Lane.
69. Entering Hukilau Drive from Lurline Lane.
70. Entering Hukilau Drive from Paradise Parkway.
71. Entering Hukilau Drive from Plumeria Lane.
72. Entering Hukilau Drive from Tiki Lane.
73. Entering ‘Iolani Lane from Coconut Drive.
74. Entering ‘Iolani Lane from Sea Breeze Parkway.
75. Entering Island Boulevard from Bamboo Lane.
76. Entering Island Boulevard from Catamaran Lane.
77. Entering Island Boulevard from ‘Iwalani Parkway.
78. Entering Island Boulevard from Koa Lane.
79. Entering Island Boulevard from Pineapple Parkway.
80. Entering Island Boulevard from Plumeria Lane.
81. Entering Island Boulevard from Reef Parkway.
82. Entering Island Boulevard from Tiki Lane.
83. Entering Island Boulevard from Tradewind Boulevard (4 way stop).
84. Entering ‘Iwalani Circle Makai from ‘Iwalani Parkway.
85. Entering ‘Iwalani Circle Makai from Palm Parkway.
86. Entering ‘Iwalani Circle Mauka from ‘Iwalani Parkway.
87. Entering ‘Iwalani Circle Mauka from Palm Parkway.
88. Entering ‘Iwalani Parkway from Coconut Drive.
89. Entering ‘Iwalani Parkway from Mahimahi Drive.
90. Entering ‘Iwalani Parkway from Ocean View Parkway.
91. Entering ‘Iwalani Parkway from ‘Ōhi‘a Drive.
92. Entering ‘Iwalani Parkway from Outrigger Drive.
93. Entering Kailua Boulevard from Bamboo Lane.
94. Entering Kailua Boulevard from Catamaran Lane.
95. Entering Kailua Boulevard from ‘Iwalani Parkway.
96. Entering Kailua Boulevard from King Kalākaua Lane.
97. Entering Kailua Boulevard from King Kamehameha Boulevard (4 way stop).
98. Entering Kailua Boulevard from Koa Lane.
99. Entering Kailua Boulevard from Lehua Lane.
100. Entering Kailua Boulevard from Liliana Lane.
101. Entering Kailua Boulevard from Lurline Lane.
102. Entering Kailua Boulevard from Marlin Boulevard (4 way stop).

103. Entering Kailua Boulevard from Orchid Parkway.
104. Entering Kailua Boulevard from Paradise Parkway.
105. Entering Kailua Boulevard from Pikake Lane.
106. Entering Kailua Boulevard from Pineapple Parkway.
107. Entering Kailua Boulevard from Plumeria Lane.
108. Entering Kailua Boulevard from Reef Parkway.
109. Entering Kailua Boulevard from Tiki Lane.
110. Entering Kailua Boulevard from Tradewind Boulevard (4 way stop).
111. Entering Keaka Parkway from Bamboo Lane.
112. Entering Keaka Parkway from Orchid Parkway.
113. Entering King Kalākaua Lane from Mahimahi Drive.
114. Entering King Kalākaua Lane from Ocean View Parkway.
115. Entering King Kamehameha Boulevard from Aloha Boulevard (4 way stop).
116. Entering King Kamehameha Boulevard from Coconut Drive.
117. Entering King Kamehameha Boulevard from Coral Parkway.
118. Entering King Kamehameha Boulevard from Donola Drive.
119. Entering King Kamehameha Boulevard from Hukilau Drive.
120. Entering King Kamehameha Boulevard from Kailua Boulevard (4 way stop).
121. Entering King Kamehameha Boulevard from Keaka Parkway.
122. Entering King Kamehameha Boulevard from Kona Drive.
123. Entering King Kamehameha Boulevard from Lei Parkway.
124. Entering King Kamehameha Boulevard from Luau Drive.
125. Entering King Kamehameha Boulevard from Mahimahi Drive.
126. Entering King Kamehameha Boulevard from Moana Drive.
127. Entering King Kamehameha Boulevard from Ocean View Parkway.
128. Entering King Kamehameha Boulevard from 'Ōhi'a Drive.
129. Entering King Kamehameha Boulevard from Outrigger Lane.
130. Entering King Kamehameha Boulevard from Palm Parkway.
131. Entering King Kamehameha Boulevard from Princess Ka'iulani Boulevard (4 way stop).
132. Entering King Kamehameha Boulevard from Sea Breeze Parkway.
133. Entering King Kamehameha Boulevard from Walaka Drive.
134. Entering Koa Lane from Coral Parkway.
135. Entering Koa Lane from Hukilau Drive.
136. Entering Koa Lane from Lei Parkway.
137. Entering Koa Lane from Mahimahi Drive.
138. Entering Koa Lane from Palm Parkway.
139. Entering Koa Lane from Poinciana Drive.
140. Entering Koa Lane from Sea Breeze Parkway.
141. Entering Kona Drive from Bamboo Lane.
142. Entering Kona Drive from Ginger Blossom Lane.
143. Entering Kona Drive from Koa Lane.
144. Entering Kona Drive from Leilani Parkway.
145. Entering Kona Drive from Paradise Parkway.
146. Entering Kona Drive from Pineapple Parkway.
147. Entering Kona Drive from Tiki Lane.
148. Entering Lehua Lane from Coconut Drive.
149. Entering Lehua Lane from Coral Drive.
150. Entering Lehua Lane from Keaka Parkway.
151. Entering Lehua Lane from Kona Drive.
152. Entering Lehua Lane from Luau Drive.

153. Entering Lehua Lane from Ocean View Parkway.
154. Entering Lehua Lane from Sea Breeze Parkway.
155. Entering Lei Parkway from Bamboo Lane.
156. Entering Lei Parkway from Lurline Lane.
157. Entering Lei Parkway from Plumeria Lane.
158. Entering Lei Parkway from Tiki Lane.
159. Entering Leilani Circle Makai from Leilani Parkway.
160. Entering Leilani Circle Makai from Sea Breeze Parkway.
161. Entering Leilani Circle Mauka from Leilani Parkway.
162. Entering Leilani Circle Mauka from Sea Breeze Parkway.
163. Entering Leilani Parkway from Coconut Drive.
164. Entering Leilani Parkway from Coral Parkway.
165. Entering Leilani Parkway from Ocean View Drive.
166. Entering Liliana Lane from 'Ōhi'a Drive.
167. Entering Liliana Lane from Palm Parkway.
168. Entering Lotus Blossom Circle Makai from Lotus Blossom Lane.
169. Entering Lotus Blossom Circle Makai from Luau Drive.
170. Entering Lotus Blossom Circle Mauka from Lotus Blossom Lane.
171. Entering Lotus Blossom Circle Mauka from Luau Drive.
172. Entering Lotus Blossom Lane from Hukilau Drive.
173. Entering Lotus Blossom Lane from Keaka Parkway.
174. Entering Lotus Blossom Lane from Kona Drive.
175. Entering Lotus Blossom Lane from Palm Parkway.
176. Entering Luau Drive from Orchid Parkway.
177. Entering Luau Drive from Paradise Parkway.
178. Entering Luau Drive from Tiki Lane.
179. Entering Luau Lane from Bamboo Lane.
180. Entering Luau Lane from Koa Lane.
181. Entering Lurline Lane from Mahimahi Drive.
182. Entering Lurline Lane from Ocean View Parkway.
183. Entering Mahimahi Drive from Bamboo Lane.
184. Entering Mahimahi Drive from Liliana Lane.
185. Entering Mahimahi Drive from Pikake Lane.
186. Entering Mahimahi Drive from Paradise Parkway.
187. Entering Mahimahi Drive from Pineapple Parkway.
188. Entering Mahimahi Drive from Tiki Lane.
189. Entering Marlin Boulevard from Aloha Boulevard (4 way stop).
190. Entering Marlin Boulevard from Coconut Drive.
191. Entering Marlin Boulevard from Hukilau Drive.
192. Entering Marlin Boulevard from Kailua Boulevard (4 way stop).
193. Entering Marlin Boulevard from Lei Parkway.
194. Entering Marlin Boulevard from Mahimahi Drive.
195. Entering Marlin Boulevard from Ocean View Parkway.
196. Entering Marlin Boulevard from 'Ōhi'a Drive.
197. Entering Marlin Boulevard from Outrigger Drive.
198. Entering Marlin Boulevard from Palm Parkway.
199. Entering Moana Drive from Tiki Drive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) On every building site, yards of the minimum width or depth as specified for the established zoning district shall be maintained open and unobstructed from the ground up, except as specified in sections 25-4-40 through 25-4-47.
- (b) No required yard or open space may fulfill the requirement for more than one building, building site, or use.
- (c) A building site shall have a front yard wherever it has a street frontage, except where the option of either a front or rear yard is allowed in CV and CG districts.

- (d) In CV and CG districts, where the building site is bounded by two or more streets, a minimum of one front yard shall be required. Its location shall be determined by taking into account the relationship and impact of the development to the adjoining streets.
- (e) Unless otherwise specified, yards, open spaces, and distances shall be measured horizontally.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

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

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

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

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

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

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

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

- (a) Except as may otherwise be restricted, roof overhangs, eaves, sunshades, sills, frames, beam ends, cornices, canopies, porches, balconies, terraces, fire escapes, stairs, ramps, above-grade pools and other similar features may extend four feet into any required yard or open space that is less than ten feet, five feet when required yard or space is from ten up to fifteen feet, and six feet when required yard is over fifteen feet; provided that:
  - (1) No cornice, canopy, eave, porch, balcony, terrace, fire escape, stair, ramp or other similar feature shall be enclosed above or below the extension except that there may be individual posts or beams for support and open or grill-type railings no higher than four feet.
  - (2) No chimney may extend more than two feet into any yard.
  - (3) No above-grade pool may extend into any required front, side or rear yard if the pool is over six feet in height.

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

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

An attractively designed porte-cochere may extend any distance into a front yard as a protection for arriving motorists and pedestrians.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

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

A pool constructed at-grade may extend any distance into a required yard or open space.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

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

Unless otherwise specified, the minimum distance between main buildings on the same building site shall be fifteen feet, measured between the walls of the two buildings.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

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

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

- (a) Parking and loading standards are intended to minimize street congestion and traffic hazards, and to provide safe and convenient access to residences, businesses, public services and places of public assembly.
- (b) Off-street parking and loading spaces shall be provided in such number, at such location and with such improvements as required as set forth in this division.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

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

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

- (10) Hospitals: one for each bed.
  - (11) Hotels and lodges:
    - (A) For hotel guest units without a kitchen, one for every three units;
    - (B) For hotel guest units with a kitchen, one and one quarter for each unit.
  - (12) Industrial uses in ML, MG, MCX, RA, FA, A and IA districts: one for each four hundred square feet of gross floor area.
  - (13) Laundromats, cleaners (coin operated): one for every four machines.
  - (14) Major outdoor amusement and recreation facilities: one for each two hundred square feet of gross floor area within enclosed buildings, plus one for every three persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
  - (15) Meeting facilities, including churches: one for each seventy-five square feet of gross floor area.
  - (16) Nursing homes, convalescent homes, rest homes and homes for the elderly: one for every two beds.
  - (17) Parks: as determined by the director.
  - (18) Recreation facilities, outdoor or indoor, other than herein specified: one for each two hundred square feet of gross floor area, plus three per court (racquetball, tennis or similar activities).
  - (19) Rooming and lodging houses, religious, fraternal or social orders having sleeping accommodations: one for each two beds.
  - (20) Schools (elementary and intermediate): one for each twenty students of design capacity, plus one for each four hundred square feet of office floor space.
  - (21) Schools (high, language, vocational, business, technical and trade, college): one for each ten students of design capacity, plus one for each four hundred square feet of office floor space.
  - (22) Sports arenas, auditoriums, theaters, assembly halls: one for every four seats.
  - (23) Swimming pools (community): one for each forty square feet of pool area.
  - (24) Warehouse and bulk storage establishments where there is no trade or retail traffic: one for each one thousand square feet of gross floor area.
  - (b) No additional parking is required for any change of use in a building as long as the previous use of the building had the required number of parking stalls for that use; provided, that additional parking may be required for a change of use in any building where the building is converted from residential to commercial use or from warehouse and manufacturing use to retail or commercial use.
  - (c) Where uses and activities do not occur simultaneously, parking space requirements may be shared, provided that:
    - (1) The utilization of the combined parking is shown to the satisfaction of the director to be noncompeting as to time of use;
    - (2) The number of parking spaces is based on the largest parking requirement of those respective facilities;
    - (3) The parking areas are not more than one thousand feet from any of the buildings housing the activities; and
    - (4) The parking areas are encumbered for that use for the life of the facilities being served.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2008, Ord. No. 08-155, sec. 10; Am. 2012, Ord. No. 12-91, sec. 3; Am. 2013, Ord. No. 13-95, sec. 1.)

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

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

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

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

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

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

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

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

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

3. Offices or office buildings	20,000 — 50,000 50,001 — 100,000 Each additional 100,000 or major fraction thereof	1 2 1
4. Multiple-family dwellings	Number of Units 20 — 150 151 — 300 Each additional 200 or major fraction thereof	1 2 1

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

**Section 25-4-57. Method of determining number of loading spaces.**

- (a) The gross floor area of a building shall be used to determine the required number of loading spaces for that building.
- (b) When a building is used for more than one use, and the gross floor area for each use is below the minimum requiring a loading space, and the aggregate gross floor area of the several uses exceeds the minimum floor area of the use category requiring the greatest number of spaces, at least one loading space shall be required.
- (c) The number of loading spaces required may be adjusted to fifty percent of the required number when such spaces are assigned to serve two or more uses jointly, provided that each use has access to the loading zone without crossing public streets or sidewalks.
- (d) When computation of required loading space results in a fractional number, the number of spaces required shall be the next highest whole number.

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

**Section 25-4-58. Dimension of loading spaces.**

- (a) When only one loading space is required and the total gross floor area is not more than five thousand square feet, the horizontal dimensions of the loading space shall be ten feet wide and twenty-two feet long, and the vertical clearance shall be at least fourteen feet.
- (b) When only one loading space is required and the total gross floor area is more than five thousand square feet, the horizontal dimensions of the loading space shall be twelve feet wide and fifty feet long, and the vertical clearance shall be at least fourteen feet.
- (c) When more than one loading space is required or the total gross floor area is more than five thousand square feet, the minimum horizontal dimension of at least half of the required loading spaces shall be twelve feet wide and fifty feet long, and the vertical clearance shall be at least fourteen feet. The balance of the required loading spaces may have horizontal dimensions of ten feet wide and twenty-two feet long.
- (d) The required apron space, or area provided for maneuvering trucks into or out of loading position, shall be forty-six feet if the loading space width is ten feet, forty-three feet if the loading space width is twelve feet, and thirty-nine feet if the loading space width is fourteen feet.

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

**Section 25-4-59. Location and improvement of loading spaces.**

- (a) All required loading spaces shall be located on the building site to which they are appurtenant. No loading spaces shall be permitted within any street or alley.

- (b) Each required loading space shall be identified as such and shall be reserved for loading purposes.
- (c) No loading space shall occupy required off-street parking space or restrict access.
- (d) Access to any loading space shall not be directly from or to a street but must be reached from an on-site access driveway of proper design and width to allow for passage of trucks and necessary turning movements.
- (e) All loading spaces and apron spaces or maneuvering areas shall be paved.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-59.1. Director determination of parking and loading requirements.**

- (a) The director may increase any of the requirements in this chapter for parking spaces and loading spaces, after reviewing the proposed use and the use's impact to the immediate area, if the director makes a finding that the increase will further the public safety, convenience, and welfare.
- (b) In case there is any doubt as to the requirements for parking or loading spaces for any use not specifically mentioned, or for any other reason, the director shall make such determination.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-4-59.2. Exceptions to the off-street parking and loading requirements.**

The off-street parking and loading requirements of this chapter shall not apply to the following:

- (a) Non-residential uses located within that area in the City of Hilo, bounded by Kinoole Street, Ponahawai Street, and an imaginary straight line extension of Ponahawai Street into Hilo Bay and Wailuku River.
- (b) Dwelling units with a maximum density of one thousand square feet of land area per unit or less, within that area in the City of Hilo, bounded by Kinoole Street, Ponahawai Street, an imaginary straight line extension of Ponahawai Street into Hilo Bay and Wailuku River.
- (c) That area immediately fronting either side of that portion of the Hawai'i Belt Highway which runs from the real property designated as tax map key no: 7-9-7-66 to the real property designated as tax map key no: 7-9-9:22, in Kainaliu, North Kona.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2013, Ord. No. 13-95, sec. 2.)

**Section 25-4-59.3. Landscaping and screening for parking lots and loading spaces.**

- (a) To provide shade in open parking lots and minimize visibility of paved surfaces, parking lots with more than twelve parking stalls shall provide one canopy form tree with a minimum of two-inch caliper for every twelve parking stalls or major fraction thereof and having a planting area or tree well no less than thirty square feet in area. If wheel stops are provided, continuous planting areas with low groundcover centered at the corner of parking stalls may be located within the three-foot overhang space of parking stalls. Hedges and other landscape elements, including planter boxes over six inches in height, are not permitted within the overhang space of the parking stalls. Trees shall be sited so as to evenly distribute shade throughout the parking lot.
- (b) Parking lots of five or more spaces shall be screened from adjoining lots in RS, RD, RM, RCX or RA districts by walls, continuous screening hedges, or earth berms a minimum of forty-two inches high on the abutting property line.
- (c) All loading spaces shall be screened from adjoining lots in RS, RD, RM, RCX or RA districts by a wall six feet in height.
- (d) Xeriscape and native Hawaiian plant species shall be encouraged.
- (e) All landscaping shall be maintained by the property owner.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Division 6. Nonconforming Uses and Buildings.**

**Section 25-4-60. Nonconforming buildings; maintenance and repair.**

- (a) Any nonconforming building, except as otherwise regulated, may be repaired, maintained, or enlarged provided that any enlargement or addition shall conform in every respect to the regulations for the district in which it is located, except as provided in this division.

**Section 25-7-3. Rules of procedure.**

The design commission shall adopt rules of procedure, pursuant to chapter 91, Hawai‘i Revised Statutes, relating to matters within the design commission’s jurisdiction.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-7-4. Powers and duties of the Kailua Village design commission.**

- (a) The design commission shall recommend to the director an architectural and design concept of theme for Kailua Village that recognizes the desires and concerns of all public and private interests.
  - (b) The design commission shall provide an architectural and design review of applications requiring plan approval by the director. The design commission’s review and recommendations to the director shall be completed within thirty days from the date of the design commission’s receipt of the plans requiring plan approval. If a recommendation is not received within the allotted period, the director shall continue to process the request for plan approval.
  - (c) The design commission shall provide an architectural and design review of all planned public improvements such as street widening, street lights, and so forth, as well as all private improvements such as landscaping, structural painting, or any activity which will alter the physical appearance of Kailua Village. The recommendations shall be forwarded to the director within thirty days from the design commission’s receipt of the proposal. If a recommendation is not received within the allotted period, the director shall continue to process the proposed activity.
  - (d) All of the design commission’s advice and recommendations to the director shall be consistent with the provisions of the County Charter, general plan, zoning and all other related ordinances and any publicly funded master plan developed for Kailua Village.
- (1996, Ord. No. 96-160, sec. 2; ratified and amended April 6, 1999; Am. 2009, Ord. No. 09-118, sec. 20.)

**Section 25-7-5. Amendment of district boundaries.**

The Kailua Village boundaries as described in section 25-7-1 shall be subject to review in 1979 and every five years thereafter by the council, and may be amended as appropriate.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Division 2. CDH, Downtown Hilo Commercial District.****Section 25-7-20. Purpose and applicability.**

The CDH (downtown Hilo commercial) district is established to reinforce and promote downtown Hilo’s role as a compact high density area for retail shopping, professional and administrative activities, cultural and arts activities, other supportive business and commercial services, and multiple-family housing. The zoning requirements of this district are applicable to all building sites, except those designated as “O” (open) districts, within the area bounded by the western development area limits of Kapiolani Street/Kaiulani Street, the Wailuku River, Hilo Bay and Ponahawai Street.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-7-21. Designation of CDH district.**

The CDH (downtown Hilo commercial) district shall be designated by the symbol “CDH.”  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-7-22. Permitted uses.**

- (a) The following uses shall be permitted in the CDH district:
  - (1) Adult day care homes.
  - (2) Amusement and recreation facilities, indoor.
  - (3) Art galleries.
  - (4) Automobile service stations or garages, excluding body and fenderworks, electric tire rebuilding or battery rebuilding and provided that all work is conducted wholly within a completely enclosed building.

- (5) Bakeries.
- (6) Bars, cocktail lounges and night clubs.
- (7) Bed and breakfast establishments, as permitted under section 25-4-7.
- (8) Boarding facilities, rooming, or lodging houses.
- (9) Broadcasting stations or studios (radio and television).
- (10) Business services.
- (11) Car washing, provided that the facilities are not detrimental to the character of the district.
- (12) Commercial parking lots and garages.
- (13) Community buildings, as permitted under section 25-4-11.
- (14) Crop production.
- (15) Display rooms for products sold elsewhere.
- (16) Dwellings, double-family or duplex, with a maximum density of five hundred square feet of land area per rentable unit or dwelling unit.
- (17) Dwellings, multiple-family, with a maximum density of five hundred square feet of land area per rentable unit or dwelling unit.
- (18) Dwellings, single-family.
- (19) Family child care homes.
- (20) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
- (21) Financial institutions.
- (22) Group living facilities.
- (23) Home occupations, as permitted under section 25-4-13.
- (24) Hospitals, sanitariums, old age, convalescent, nursing and rest homes and other similar uses.
- (25) Hotels and apartment hotels with a maximum density of five hundred square feet of land area per rentable unit.
- (26) Laundries other than those utilizing steam cleaning equipment, provided that the facilities are not detrimental to the character of the district.
- (27) Manufacturing, processing and packaging, light, provided that the activities are not detrimental to the character of the district.
- (28) Medical clinics.
- (29) Meeting facilities.
- (30) Model homes, as permitted under section 25-4-8.
- (31) Modeling agencies.
- (32) Museums and libraries.
- (33) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- (34) Offices.
- (35) Personal services.
- (36) Photography and artist studios.
- (37) Public uses and structures, as permitted under section 25-4-11.
- (38) Publishing plants for newspapers, books and magazines, printing shops, cartographing and duplicating processes such as blueprinting or photostating.
- (39) Repair establishments, minor.
- (40) Restaurants.
- (41) Retail establishments, provided that they are not detrimental to the character of the district.
- (42) Schools, business.
- (43) Schools, photography, art, music, dance or other similar studios or academies.
- (44) Schools, vocational.

- (45) Telecommunication antennas, as permitted under section 25-4-12.
  - (46) Temporary real estate offices, as permitted under section 25-4-8.
  - (47) Theaters, auditoriums and indoor sports arenas.
  - (48) Utility substations, as permitted under section 25-4-11.
- (b) Residential use in connection with the operation of any permitted use shall be permitted in the CDH district.
- (c) Buildings and uses normally considered accessory to the above uses shall also be permitted in the CDH district.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2013, Ord. No. 13-95, sec. 3.)

**Section 25-7-23. Height limit.**

The height limit in the CDH district shall be one hundred twenty feet.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-7-24. Minimum building site area.**

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

**Section 25-7-25. Minimum building site average width.**

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

**Section 25-7-26. Minimum yards.**

Front, rear and sides: none, except as required by plan approval.  
(1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999.)

**Section 25-7-27. Other regulations.**

- (a) Plan approval is required for all new structures and additions to existing structures in the CDH district, except for construction of one single-family dwelling and any accessory buildings per lot.
  - (b) The number of parking spaces required for double-family, duplex and multiple-family residential dwellings having a density greater than one thousand square feet of land area per rentable unit or dwelling unit within the CDH zoning district shall be one off-street parking space per unit.
  - (c) Off-site parking may be provided to satisfy parking requirements of this section, as approved by the director. Off-site parking means parking provided for residents of double-family, duplex, or a multiple-family residential development that is neither on a public street nor located on the same property as the residence, but is located within a reasonable distance of the residence, as determined and approved by the director. Off-site parking shall be made available for the exclusive use of the rentable units or dwelling units it is meant to accommodate.
- (1996, Ord. No. 96-160, sec. 2; ratified April 6, 1999; Am. 2005, Ord. No. 05-155, sec. 16; Am. 2013, Ord. No. 13-95, sec. 4.)

**Division 3. UNV, University District.**

**Section 25-7-30. Purpose and applicability.**

The UNV (University) District shall apply to areas of land that are utilized for campus-related activities and is intended to apply to areas for the location and expansion of universities and the uses and facilities that are associated with and are supportive of them. Special consideration of such uses and facilities is appropriate given the unique characteristics of university areas, the variety of uses needed to serve the university community, and the varying intensity of land uses in such a community.  
(2007, Ord. No. 07-104, sec. 3.)

**Section 25-7-31. Designation of UNV districts.**

Each UNV (University) district shall be designated by the symbol "UNV."  
(2007, Ord. No. 07-104, sec. 3.)

**Section 25-7-32. Permitted uses.**

- (a) University facilities including classrooms, laboratory and research facilities, administration facilities, athletic centers and facilities, auditoriums, student centers, libraries, museums, exhibition halls, cafeterias, student health clinics, maintenance facilities and parking lots.
- (b) Limited retail and service establishments primarily intended to serve the specific needs of the student population of a university and are normally associated with higher education institutions, including, but not limited to, retail stores whose primary customers are students or faculty of a university, convenience stores, theaters, restaurants, recreational and amusement facilities, taverns, drug stores, book stores, health clubs, news stands, photocopying, office supplies, word processing or typing services, computer sales and service, laundries, university credit union, financial institutions, post office and video rentals. Such retail and services establishments shall not be used before the commencement of university operations. No single commercial establishment shall occupy more than twenty thousand square feet of gross floor space, excluding the university book store or cafeteria operations.
- (c) Dormitories, fraternity and sorority houses, and apartments and housing for currently enrolled university students and their dependents and for current university employees and their dependents.
- (d) Guest accommodations to accommodate visiting scholars and their dependents, parents visiting their children, alumni reunions, as well as participants in conferences and seminars held at or sponsored by the university.

(2007, Ord. No. 07-104, sec. 3.)

**Section 25-7-33. Height limit.**

The height limit in the UNV district shall be sixty feet.  
(2007, Ord. No. 07-104, sec. 3.)

**Section 25-7-34. Minimum building site area.**

The minimum land area required for a UNV district shall be ten acres. The minimum building site area for leased lots shall be seven thousand five hundred square feet.

(2007, Ord. No. 07-104, sec. 3.)

**Section 25-7-35. Minimum building site average width.**

Each building site in the UNV district shall have a minimum building site average width of sixty feet.  
(2007, Ord. No. 07-104, sec. 3.)

**Section 25-7-36. Minimum yards.**

The minimum yards in the UNV district shall be as follows:

- (a) Front and rear yards, twenty feet; and
- (b) Side yards, ten feet.

(2007, Ord. No. 07-104, sec. 3.)

**Section 25-7-37. Other regulations.**

- (a) Plan approval is required for all new structures and additions to existing structures in the UNV district.
- (b) A maximum of twenty percent of a UNV district's land area may be in commercial use, including parking.
- (c) The planning director has the authority to vary the parking requirements for on-campus housing, offices and for pedestrian-oriented commercial uses.

(2007, Ord. No. 07-104, sec. 3.)

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(238)	09-8	2-9-2009	Kapalaalaea 2 <sup>nd</sup> , North Kona	7-7-008:121	A-5a	RS-7.5	
(239)	09-49	5-11-2009	Hienaloli 4th and 5th, North Kona	7-5-10:Por. of 13 (Formerly 7-5-23:63)	(Amends 06-137 that amends Ord. 95-118 that amended Ord. 92-36 – Effective Date 11-8-2006)		
(240)	09-103	9-23-2009	Honokōhau 2 <sup>nd</sup> , North Kona	7-4-06:038	(Amends Ord. 98-8) Effective Date 2-17-1998)		
(241)	09-131	11-4-2009	Kau, North Kona	7-2-005:001	PD	MCX-20	
(242)	09-132	11-4-2009	Kau, North Kona	7-2-005:001	(Amends Ord. 06-105) Effective Date 7-17-2006)		
(243)	09-159	12-30-2009	Keauhou, North Kona	7-8-010:101	A-5a	RM-30	
(244)	10-2	2-1-10	Kahului 2 <sup>nd</sup> , North Kona	7-5-017:042	A-5a	RS-10	
(245)	10-77	9-2-10	North Kona, Hawai'i	7-4-006:022	A-5a	FA-2a	
(246)	10-114	12-13-10	Kapalaalaea 2 <sup>nd</sup> , North Kona	7-7-007:047	A-5a	FA-2a	
(247)	11-1	1-3-11	Kaloko, North Kona	7-3-051:065	ML-1a	MCX-1a	
(248)	11-55	6-8-11	Hōlualoa 1 <sup>st</sup> and 2 <sup>nd</sup> , North Kona	7-6-008:005 (Portion)	(Amends Ord. 03-162, which amended Ord. 91-91) (Effective Date 12-19-2003)		
(249)	12-76	5-16-12	Hōlualoa 1 <sup>st</sup> and 2 <sup>nd</sup> (Mauka), North Kona	7-6-004:018	A-1a	RS-20	
(250)	12-156	12-14-12	Kalaoa 4th, North Kona	7-3-005:030	(Amends Ord. 02-64) (Effective Date 5-10-2002)		
(251)	13-40	5-1-13	Kalaoa 4th, North Kona	7-3-028:082 - 102	(Amends Ord. 07-160, which amended Ord. 97-56) (Effective Date 10-19-2007)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(252)	13-101	10-16-2013	Maihi 2 <sup>nd</sup> , North Kona	7-9-003:Portion 033	A-5a	FA-2a	

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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	Keei 2nd, South Kona	8-3-13:13	A-5a	A-1a	7.03(a)
(2)	290	12-15-1969	Keei 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	Kiloloa 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	Kiloloa 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	Kiloloa 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)



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Para-Graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(14)	87-117	11-30-1987	Waiakahiula, Puna	1-5-03:Por. 37	RS-10	CN-20	
(15)	91-116	12-2-1991	Keonepoko, Puna	1-5-07:20	A-1a	CN-20	
(16)	92-70	6-15-1992	Nanawale Homesteads, Puna	1-5-14:7, 8 and Por. 23	RS-15	CV-10	
(17)	98-128	12-7-1998	Keonepoko, Puna	1-5-7:Por. 21	A-1a	CN-20	
(18)	99-125	11-1-1999	Waiakahiula, Puna	1-5-6:23	A-1a	CV-10	
(19)	00-77	7-18-2000	Keonepoko-Iki, Puna	1-5-7:80	A-1a	MCX-20	
(20)	00-128	11-24-2000	Keonepoko, Puna	1-5-07:20	(Amends Ord. 91-116) (Effective Date 12-2-1991)		
(21)	03-111	7-9-2003	Keonepoko, Puna	1-5-07:20	(Amends Ord. 00-128) (Effective date 11-24-00)		
(22)	09-168	12-30-2009	Nanawale Homesteads, Puna	1-5-014:007	(Amends Ord. 92-70) (Effective date 6-15-92)		
(23)	10-88	10-7-2010	Keonepoko, Puna	1-5-007:020	(Amends Ord. 03-111) (Effective date 7-9-03)		
(24)	13-123	12-13-2013	Keonepoko-Iki, Puna	1-5-007:006, 069, & 070	A-1a	CV-10	

ZONING MAP No. 7.23--(Kalapana-Kaimu)

§ 25-8-27

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	171	11-25-1975	Kaimu-Makena Homesteads, Kaimu,	1-2-04:92	RA-.5a	V-1.5	7.23(a)
(2)	685	4-10-1981	Kaimu, Puna	1-2-04:39	RA-.5a	RS-20	7.23(b)

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(358)	10-32	5-10-2010	Kūkūau 1 <sup>st</sup> , South Hilo	2-4-025:048, 053 and 080	RS-7.5 & RM-1	RM-1.5	
(359)	10-44	5-20-2010	Ponahawai, South Hilo	2-3-037:014	A-1a	CN-20	
(360)	10-45	5-20-2010	Ponahawai, South Hilo	2-3-037:006	A-1a	CN-20	
(361)	10-64	6-18-2010	Ponahawai, South Hilo	2-3-037:001, 2-3-044:019, and 2-3-049:053	Project District	Project District	
(362)	10-65	6-18-2010	South Hilo	2-3-044:019, 2-3-049:053 and 2-3-037:001	(Repeals Ord. 04-104) (Effective date 9-14-04)		
(363)	10-72	7-8-2010	Waiākea, South Hilo	2-4-021:031	RS-15	RS-10	
(364)	10-76	9-2-2010	Waiākea, South Hilo	2-2-034:082	RS-10	CN-10	
(365)	10-109	11-24-10	Waiākea, South Hilo	2-4-028:009	RS-7.5	RM-2.5	
(366)	10-110	11-24-10	Waiākea, South Hilo	2-2-040:121	(Amends Ord. 08-39) (Effective date 4-11-08)		
(367)	10-116	12-13-10	Waiākea, South Hilo	2-4-032:012	A-3a	FA-1a	
(368)	11-9	2-23-11	Waiākea, South Hilo	2-2-051:015	A-3a	RA-1a	
(369)	11-12	2-23-11	Waiākea, South Hilo,	2-2-025:022	RS-10	CN-20	
(370)	11-27	3-28-11	Waiākea, South Hilo	2-2-050:040	RS-10	MCX-20	
(371)	11-50	6-8-11	Waiākea, South Hilo	2-4-070: Portion 001	A-3a	RS-40	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(372)	11-67	8-17-11	Waiākea, South Hilo	2-2-035:061	(Amends Ord. No. 03-82) (Effective date 6-5-03)		
(373)	11-104	11-25-11	Ponahawai, South Hilo	Relocation of proposed right-of-way connecting 'Ākōlea Road and 'Iwipōlena Road to align with Haleloke Street			
(374)	12-18	2-6-12	Waiākea, South Hilo	2-2-035:070	O	MCX-20	
(375)	12-33	3-6-12	Waiākea, South Hilo	2-2-038:028	RS-10	RCX-20	
(376)	12-46	4-26-12	Ponohawai, South Hilo	2-5-040:019	A-3a	FA-1a	
(377)	12-111	8-10-12	Waiākea, South Hilo	2-2-044:003, 031, 032, 035, 037	(Amends Ord. 99-116) (Effective Date 10-22-99)		
(378)	12-112	8-10-12	Waiākea, South Hilo	2-4-004:072	A-3a	FA-1a	
(379)	12-113	8-10-12	Waiākea, South Hilo	2-2-035:003	RS-10	MCX-20	
(380)	12-123	9-6-12	Waiākea, South Hilo	2-2-024:005	RS-10	CG-20	
(381)	12-132	10-25-12	Waiākea, South Hilo	2-2-038:017	RS-10	RM-3	
(382)	13-12	2-13-13	Waiākea, South Hilo	2-2-035:045	RS-10	ML-20	
(383)	13-38	5-1-13	Ponahawai, South Hilo	2-5-040:018	FA-2a	FA-1a	
(384)	13-80	7-25-13	Punahoa 1 <sup>st</sup> , South Hilo	2-5-023:015	A-1a	RS-15	
(385)	13-88	8-28-13	Waiākea, South Hilo	2-5-025:024 (portion)	RS-10	CN-20	
(386)	13-98	10-9-13	Waiākea, South Hilo	2-4-003:021 (portion)	(Amends Ord. 05-110) (Effective Date 7-13-05)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(387)	13-116	11-26-13	Waiākea, South Hilo	2-2-050:037 and 038	(Amends Ord. No. 03-109) (Effective date 7-9-03)		
(388)	13-117	11-26-13	Waiākea, South Hilo	2-4-001:005, portion of 007, 041, 162, 163, & 167 and 2-4-056:017	A-1a, RS-10	UNV	

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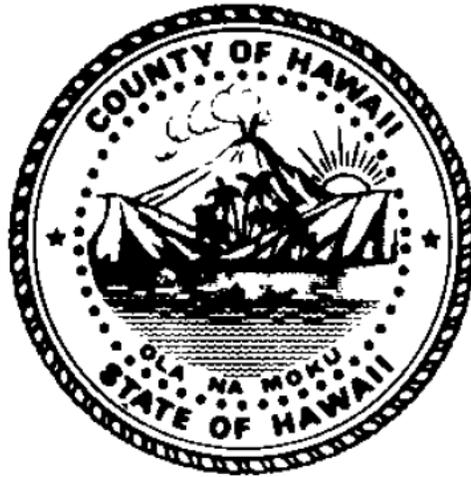
<b>Ord. No.</b>	<b>Effective Date</b>	<b>General Location</b>	<b>TMK of Parcel Affected</b>	<b>Original Zoning</b>	<b>Final Zoning</b>	<b>Code §</b>
13-38	5-1-13	Ponahawai, South Hilo	2-5-040:018	FA-2a	FA-1a	25-8-33
13-40	5-1-13	Kalaoa 4 <sup>th</sup> , North Kona	7-3-028:082 - 102	(Amends Ord. 07-160, which amended Ord. 97-56) (Effective Date 10-19-2007)		25-8-3
13-80	7-25-13	Punahoa 1st, South Hilo	2-5-023:015	A-1a	RS-15	25-8-33
13-88	8-28-13	Waiākea, South Hilo	2-2-025:024 (portion)	RS-10	CN-20	25-8-33
13-98	10-9-13	Waiākea, South Hilo	2-4-003:021 (portion)	(Amend Ord. 05-110, which amended Ord. No. 92-7) (Effective Date 7-13-2005)		25-8-33
13-101	10-16-13	Maihi 2 <sup>nd</sup> , North Kona	7-9-003:033 (portion)	A-5a	FA-2a	25-8-3
13-102	10-16-13	Puukapu Homesteads, 2nd series, South Kohala	6-4-018:087	A-5a	FA-2a	25-8-11
13-116	11-26-13	Waiākea, South Hilo	2-2-050:037 and 038	(Amends Ord. 03-109) (Effective Date 7-9-2003)		25-8-33
13-117	11-26-13	Waiākea, South Hilo	2-4-001:005, portion of 007, 041, 162, 163, & 167 and 2-4-056:017	A-1a, RS-10	UNV	25-8-33
13-123	12-13-13	Keonepoko-Iki, Puna	1-5-007:006, 069, & 070	A-1a	CV-10	25-8-26



# THE HAWAII COUNTY CODE

1983 (2005 Edition, as amended)

Updated to include: Supplement 17 (1-2014)  
Contains ordinances effective through: 12-31-13



## A CODIFICATION OF THE GENERAL ORDINANCES OF THE COUNTY OF HAWAII STATE OF HAWAII

Office of the County Clerk  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720  
(808) 961-8255

### Volume 3



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**DEPARTMENT OF PUBLIC WORKS**

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