



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 9, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO BULKY WASTES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to allow the City to assess fines for incorrect placement of bulky wastes.

SECTION 2. Section 9-1.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

(a) By adding a new definition for "association of apartment owners" to read:

"Association of apartment owners" means all of the apartment owners of a multi-unit residential building acting as a group in accordance with the bylaws and declaration."

(b) By adding a new definition for "days" to read:

"Days" means calendar days, including weekends and holidays, unless otherwise indicated."

(c) By adding a new definition for "director of customer services" to read:

"Director of customer services" means the director of customer services of the City and County of Honolulu."

(d) By adding a new definition for "inspector" to read:

"Inspector" means any individual designated by the department of environmental services to issue notices of violation and/or citations to enforce the provisions of this chapter."

(e) By adding a new definition for "multi-unit residential building" to read:

"Multi-unit residential building" means a building consisting of two or more dwelling units."



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(f) By amending the definition of “owner” to read:

““Owner” means the [occupant of a dwelling unit or place of business; provided, however, that if said dwelling unit or place of business is rented to any such occupant, then the term “owner” means the person to whom the rent is payable.] person assessed the real property tax as shown by the records of the director of budget and fiscal services and the records, if any, in the office of the assistant registrar of the land court.”

(g) By adding a new definition for “sidewalk” to read:

““Sidewalk” means that portion of a street between a curb line or the pavement of a roadway, and the adjacent private or public property line, whichever the case may be, intended for the use of pedestrians, including any setback areas acquired by the city for road widening purposes.”

(h) By adding a new definition for “street” to read:

““Street” means the entire width between the property lines of every way publicly owned and maintained when the part thereof is open to the use of the public for purposes of vehicular travel or any private street, highway or thoroughfare which for more than five years has been continuously used by the general public.”

SECTION 3. Section 9-1.4, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

“Sec. 9-1.4 Preparation and placement of refuse and recyclable materials by owner.

(a) The types of refuse and recyclable materials hereinafter described shall be prepared for collection as follows:

- (1) In areas provided with manual collection, tree branches set out for collection shall not exceed nine inches in diameter and green waste shall be cut into lengths not exceeding three feet. All green waste shall be tied in bundles which shall not weigh more than 50 pounds each or prepared in a manner determined by the director in accordance with Section 9-1.12(b)(3). In areas with automated green waste collection, green waste shall be placed in the city-provided green waste cart as designated by the director such that the cart lid fully closes.
- (2) In areas provided with manual collection, all empty cardboard and other fibrous cartons, wooden boxes and crates, and other similar empty



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containers shall be flattened and securely tied in bundles not exceeding three feet in length nor weighing more than 50 pounds each. In areas with automated mixed recyclable materials collection, all empty corrugated cardboard boxes shall be flattened and placed in the city-provided mixed recyclable materials cart as designated by the director such that the cart lid fully closes.

- (3) All other refuse except that mentioned in subdivisions (1) and (2) of this subsection shall be placed in city-provided refuse carts as designated by the director, or in areas provided with manual collection, in durable or nondurable containers described as follows:
 - (A) Durable Containers. The interior surface of the container shall be smooth with no projections and the top diameter shall be equal to or larger than the bottom diameter. The container shall have a capacity of at least 10 gallons but not more than 35 gallons. The maximum weight of an empty container shall be 25 pounds. The maximum weight of a filled container shall be 75 pounds. Every container holding any garbage shall have a tight fitting lid.
 - (B) Nondurable Containers. Nondurable containers made of plastic film, paper or cardboard may be used if such containers are able to contain their contents securely at all times. The maximum weight for filled nondurable containers shall be 50 pounds. Such containers shall be collected together with their contents.
- (4) All rubbish consisting of ashes, powders, dust, sawdust, broken bottles, glass or china or other materials likely to cause injury to persons collecting the same shall be securely wrapped or contained before being placed in the city-provided refuse cart as designated by the director for automated collection or in the resident-provided container for manual collection.
- (5) Except for food waste that the director designates as a recyclable material, garbage shall be drained and securely wrapped before being placed in the container.
- (6) Recyclable materials designated by the director, except newspaper or other paper which is used to wrap or hold garbage or other refuse not designated as recyclable materials, shall be prepared or placed in the city-provided mixed recyclable materials cart as designated by the director and shall be collected under procedures determined by the director.



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- (b) On or the evening before the scheduled day of collection, all refuse, green waste, and other recyclable materials as designated by the director prepared for collection as hereinabove provided, shall be placed [within] on the street, so as not to impede vehicular traffic, or [the] sidewalk, [area, which is the area located between the curb or, in the absence of a curb, the edge of the asphalt pavement, and the property line boundary of the public roadway] so as not to impede pedestrian use, in a location readily accessible to the collector. The lateral location for each owner's refuse within the sidewalk area shall be limited to the street frontage abutting the owner's property or where approved by the division. In apartment and business districts, refuse, green waste, and other recyclable materials as designated by the director may be placed within 20 feet of the curb, as defined in this subsection. Refuse, green waste, and other recyclable materials as designated by the director may be placed for collection within the sidewalk area (as defined in this subsection) of private roads and nonstandard private roadways when all of the following conditions are met:
- (1) All of the residents along the roadway shall want such collection;
 - (2) The roadway shall serve at least three residences;
 - (3) The roadway shall have an unobstructed width of at least 12 feet not including parking lanes;
 - (4) Horizontal and vertical curves of the roadway shall meet subdivision standards;
 - (5) Maximum roadway grade shall not exceed 19 percent;
 - (6) The owners of the roadway shall provide and maintain an all-weather road surface;
 - (7) The roadway shall have an adequate turnaround. If there is no turnaround, reversing of the truck shall not exceed a distance of 100 feet; and
 - (8) Reversing on a grade exceeding 10 percent shall not be required.
- (c) Containers shall not be left on the street or sidewalk area after the day of collection. In cases of hardship, as determined by the director, automated carts may be left on the street or sidewalk area.



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- (d) Bulky wastes shall be collected under procedures determined by the director. Bulky wastes shall be placed on the street, so as not to impede vehicular traffic, or sidewalk, so as not to impede pedestrian use, for collection no earlier than the evening before the scheduled day(s) of collection.
 - (1) In the event bulky wastes are placed on the street or sidewalk fronting a property earlier than the evening before the scheduled day(s) of collection, the owner of the abutting property shall be responsible for the removal and storage of such bulky wastes.
 - (2) In the event bulky wastes are placed on the street or sidewalk fronting a multi-unit residential building earlier than the evening before the scheduled day(s) of collection, the property owner or the association of apartment owners of the abutting property shall be responsible for the removal and storage of such bulky wastes as set forth in Section 9-3.4(b).
- (e) Three cubic yard containers designed for mechanical handling, if used, shall not be placed [within] on the street or sidewalk [area], but shall be placed within the property to be served in locations directly accessible to the pickup forks of the collection truck. Access roadway requirements for the collection of three cubic yard containers shall be that required for collection on private roads and nonstandard private roadways as provided in subsection (b) of this section, except that maximum roadway grade shall not exceed 12 percent.”

SECTION 4. Section 9-1.6, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

“Sec. 9-1.6 Disturbing receptacles prohibited.

No person shall:

- (a) Remove or disturb any refuse, green waste, and other recyclable materials as designated by the director from the place where the same has been placed for collection;
- (b) Collect or haul away any refuse, green waste, and other recyclable materials as designated by the director from the place where the same has been placed for collection;
- (c) Transport any refuse, green waste, and other recyclable materials as designated by the director; provided, that authorized persons may remove, disturb, collect, haul away or transport any refuse from the place where the same has been



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placed for collection. For purposes of this section, "authorized persons" shall mean:

- (1) Owner;
 - (2) Division employees during authorized working hours; or
 - (3) Licensed collector.
- (d) This section shall not apply to bulky wastes placed on the street or sidewalk earlier than the evening before the scheduled day(s) of collection, in which case the property owner or the association of apartment owners of the abutting property shall remove and store such bulky wastes in accordance with Sec. 9-1.4(d)."

SECTION 5. Section 9-1.10, Revised Ordinances of Honolulu 1990, as amended ("Recycling pilot project"), is repealed.

SECTION 6. Section 9-2.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 9-2.2 Application—Bond—Insurance—Term—Fee.

- (a) Application. No license to engage in such business shall be issued until the applicant secures from the director of the department of environmental services and presents to the director of [budget and fiscal services] customer services an approved application. Such application shall include, but not be limited to, the following information:
- (1) Name and home address of the applicant;
 - (2) Business address and the address where all trucks, other vehicles and operating equipment will be kept (if other than the business address), and the zoning code classification of each said address;
 - (3) State of Hawaii general excise tax license number of the applicant;
 - (4) If applicant is a firm, association, organization, partnership, joint venture, corporation, limited liability corporation, business trust, company or cooperative, the names and addresses of all owners and officers and their respective percentage of ownership;



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- (5) For each truck, vehicle and equipment that the applicant owns or has under his or her control or intends to use for collection or transportation of refuse, applicant shall provide:
- (A) Registration number,
 - (B) Valid registration number assigned by the [public utilities commission] department of transportation of the State of Hawaii, and
 - (C) Copy of a valid safety inspection certificate issued by the [public utilities commission] department of transportation of the State of Hawaii;
- (6) Facts demonstrating that the applicant owns or has access to suitable facilities for keeping equipment clean and in good repair and that the applicant owns or has access to reasonable office facilities;
- (7) Facts demonstrating that the applicant owns or has the legally enforceable right to use at least two trucks or has made documented arrangements for continued service to customers in case of truck breakdown.
- (b) Bond. Every applicant for a license shall execute and submit a surety bond in favor of the city in the penal sum of \$1,000.00, which bond shall be subject to all of the conditions set forth in Section 9-2.3, including the cost of collecting and disposing of refuse by the city in case the licensee fails to collect and dispose of refuse which the licensee has contracted so to do with others. Said bond shall be issued by a surety company authorized to do business in Hawaii in accordance with HRS Section 78-20.
- (c) Vehicular Public Liability and Damage Insurance. The licensee shall secure and present to the director [of finance] at the time of application a standard automobile liability insurance policy covering the licensee, or any person driving any vehicle belonging to the licensee with the licensee's permission in the amount of \$100,000.00 for bodily injury to or death of one person in any accident and in the amount of \$300,000.00 for bodily injury to or death of two or more persons in any one accident respectively, and property damage insurance in the amount of \$50,000.00 because of damage to or destruction of property of others in any one accident.
- (d) Comprehensive Nonvehicular Public Liability Insurance Policy. The licensee shall secure and present to the director [of finance] at the time of application a



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standard comprehensive nonvehicular public liability insurance policy covering the licensee and the licensee's employees and agents, which shall also include a rider covering the city in the sum of \$300,000.00. Such rider shall be in the form of an endorsement issued by the insurer.

- (e) Term of License. Such refuse collection license shall be issued for a term of one year commencing July 1st through June 30th of the next succeeding year. Such license may be renewed annually on or before July 1st upon application by a licensee, if the director [of the department of environmental services] determines that the licensee remains in compliance with the provisions of this chapter.
- (f) License Fee. The fee for an annual license to collect refuse shall be \$500.00, payable in advance to the director of [finance] customer services on or before July 1st of each year. The fee for any annual license issued to an applicant after July 1st shall be prorated according to the remaining months of each fiscal year. No license fee shall be refundable.
- (g) Determination of Eligibility for License.
 - (1) Upon receipt of a completed application for a license to collect or transport refuse, the director [of the department of environmental services] shall determine if the applicant meets all the requirements of this chapter applicable to collectors and transporters of refuse.
 - (2) After such determination the director shall either approve the application by proper endorsement or deny the application specifying in writing the cause or causes for such disapproval."

SECTION 7. Section 9-2.3, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 9-2.3 Conditions of licenses.

- (a) Every license issued under this article shall be subject to the following conditions:
 - (1) All vehicles used by the licensee for the collection of refuse shall be so designed and constructed as to prevent the spilling or scattering of its contents upon the public streets. All such vehicles and equipment shall be kept in a clean, inoffensive and sanitary condition. Such vehicles shall carry at all times: a shovel, broom and fire extinguisher. The name and phone number of the licensee shall be marked on each side and across the back of all such vehicles and containers in letters not less than two



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inches in height. Trucks with a rated capacity of more than one and one-half tons used in the transportation or collection of refuse which contains garbage shall be closed, leakproof and constructed for the purpose of refuse collection. Vehicles shall not be loaded in excess of the gross vehicle weight.

- (2) All refuse shall be handled and transported by the licensee in such a manner as to prevent scattering, spilling or leaking of the same or to otherwise create a nuisance thereby or to violate any rule or regulation of the state department of health.
 - (3) All refuse collected by the licensee shall be disposed of at such disposal facilities or private disposal facilities within the disposal system designated by the director, or as otherwise directed by the director or the director's authorized representative.
 - (4) Disposal charges incurred by the licensee for disposing of refuse at disposal facilities or private disposal facilities within the disposal system designated by the director shall be paid when due.
 - (5) The licensee shall not violate any provisions contained herein or in any other ordinance relating to the collection and disposal of refuse within the city.
 - (6) All vehicles and other equipment used by a licensee in the collection and transportation of refuse shall be inspected at least once per year by the director of the department of environmental services to determine use in conformance with this article and such rules and regulations as said director may duly promulgate pursuant hereto.
- (b) The director shall provide for each truck or equipment found to be in compliance herewith a durable tag or decal, at cost, and upon payment of the [freight vehicle] license fee to the director of [budget and fiscal services] customer services by the licensee. Such tag or decal shall be securely fastened and maintained by the licensee on each vehicle or equipment so as to be clearly visible."



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SECTION 8. Section 9-2.6, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

“Sec. 9-2.6 Denial or revocation of license.

- (a) The director of [finance] customer services is authorized to deny initial issuance of a refuse collection license if the applicant cannot demonstrate compliance with the requirements set forth in this article to the satisfaction of the director of [finance.] customer services. Written notice of denial of an application for a license shall be mailed to the applicant, specifying the reason or reasons for the denial. The applicant may appeal the decision of the director of [finance] customer services by requesting a hearing in the manner provided for in Section 9-2.7(c).
- (b) The director may deny issuance of a vehicle decal if a vehicle or other equipment of the licensee or applicant for a license cannot demonstrate compliance with the requirements set forth in this article to the satisfaction of the director. Written notice of denial of a vehicle decal shall be mailed to the licensee or applicant, specifying the reason or reasons for the denial. The licensee or applicant may appeal the decision of the director by requesting a hearing in the manner provided for in Section 9-2.7(c).
- (c) The director of [finance] customer services is authorized to suspend or revoke any refuse collection license, and the director is authorized to suspend or revoke any vehicle decal, if the provisions contained in this chapter are violated or the requirements of this chapter, or any rules promulgated pursuant to this chapter, are not complied with by the licensee. In the case of suspension or revocation of a license or vehicle decal, the licensee shall be afforded notice and an opportunity for a hearing prior to the suspension or revocation.”

SECTION 9. Section 9-2.7, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

“Sec. 9-2.7 Notice of suspension or revocation—Hearing.

- (a) Notice of Intent to Suspend or Revoke a Refuse Collection License or Vehicle Decal. The licensee shall be given written notice, pursuant to HRS Section 91-9, of the intent to suspend or revoke a refuse collection license or vehicle decal (hereinafter referred to as “business documents”). If the licensee waives such person’s right for a hearing, the director of [finance] customer services or the director, as the case may be, shall issue in writing an appropriate decision and order.



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- (b) Service of Notice. The foregoing notice will be served upon the appropriate party in the manner provided by HRS Section 91-9.5.
- (c) Request for Hearing. The appropriate party who has received a notice shall, if such person desires a hearing, affix such person's signature as designated on the copy and have same returned to the director of [finance] customer services or the director, as the case may be, by certified mail.
- (d) Notice of Date of Hearing. Whenever the appropriate party requests a hearing, a notice of the date of such hearing shall be issued to the appropriate party, and such hearing shall be held no later than 20 working days after the request for hearing is received.
- (e) Procedure for Hearing. Any hearing conducted hereunder shall be pursuant to rules and regulations promulgated by the director of [finance] customer services or the director, as the case may be.
- (f) Director of [Finance] customer services or the Director, As the Case May Be, to Suspend, Revoke or Deny Business Documents. After the hearing, the director of [finance] customer services or the director, as the case may be, may rule either in favor or against the suspension or revocation of a license or vehicle decal.
- (g) Judicial Review. Any person aggrieved by the final decision and order of the director of [finance] customer services or the director, as the case may be, may appeal same to the circuit court as provided in HRS Section 91-14."

SECTION 10. Section 9-3.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 9-3.2 Private dwellings.

- (a) Every owner of a private dwelling shall arrange or provide for the collection and disposal of all refuse therefrom.
- (b) Where the collection of refuse is to be made by the division, the owner or occupant of a private dwelling shall prepare and place refuse for collection in the manner set forth in Section 9-1.4.



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- (c) Every owner shall keep the street and sidewalk fronting the owner’s property free of refuse, except for refuse prepared and placed for collection in accordance with Section 9-1.4.”

SECTION 11. Section 9-3.4, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

“Sec. 9-3.4 Multi-unit residential buildings.

- (a) Every owner of a multi-unit residential building or individual unit or the owner’s designated management agent in such building who has not made provisions for refuse collection by the division pursuant to Section 9-3.2(b) shall present to the director or the director’s authorized representative upon reasonable request one of the following, whichever is applicable:

- (1) Evidence that the owner or the owner’s designated management agent has engaged a licensed refuse collector to collect and dispose of the refuse at least once a week;
- (2) Evidence that the owner or the owner’s designated management agent has independently disposed of the refuse at a properly designated disposal site at least once a week; or
- (3) Evidence that the owner or the owner’s designated management agent is disposing of refuse pursuant to Section 9-1.3(a)(2).

- (b) Every owner of a multi-unit residential building or individual unit or the owner’s designated management agent in such building shall maintain a clean and sanitary storage area for accumulated refuse between scheduled collection days.

- (c) Every owner of a multi-unit residential building or individual unit or the owner’s designated management agent in such building shall keep the street and sidewalk fronting the property free of refuse, except for refuse prepared and placed for collection in accordance with Section 9-1.4.

~~(c)~~(d) The director or the director’s authorized representative shall determine whether a multi-unit residential building is being adequately serviced by refuse collection. [For the purposes of this section, “multi-unit residential building” means a building consisting of two or more dwelling units.]



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[(d)](e) Any person residing in a multi-unit residential building may file a complaint with the director if the owner of such building does not provide for refuse removal pursuant to this chapter.

[(e)](f) Notwithstanding any other penalty provided under this chapter, a violation of this section shall be [punishable by] subject to a civil fine of [\$100.00] \$250.00 per day, beginning with the day the violation is verified by the director or the director's authorized representative and continuing until conditions are brought into conformity with the law. This subsection shall not apply to bulky wastes that are improperly placed on the street or sidewalk abutting a property which shall be subject to the penalty provided in Section 9-5.1(e)."

SECTION 12. Chapter 9, Article 4, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

"Sec. 9-4. Cost of bulky wastes removal.

(a) The failure of any owner or association of apartment owners to properly dispose of or remove bulky wastes within seven days after written notice shall constitute a public nuisance. Any person responsible for noncompliance with Section 9-1.4(d) shall be liable to the city for the cost of removing such bulky wastes.

(1) Upon the failure, neglect or refusal of any owner or association of apartment owners so notified to properly dispose of or remove bulky wastes within seven days after receipt of written notice or within seven days after the date of such notice in the event the same is returned to the city because of an inability to make delivery thereof, provided the same is properly addressed to the last known address of such owner or association of apartment owners, the director is authorized and empowered to dispose of such bulky wastes or to order its disposal by the city. The director or the director's authorized representative, including any contractor with whom the director contracts under this section and assistants, employees or agents of such contractor are authorized to remove bulky wastes on the street or sidewalk fronting the property of the owner or association of apartment owners.

(2) When the city has effected the removal of bulky wastes or has paid for their removal upon the failure, neglect or refusal of any owner or association of apartment owners so notified to properly dispose or remove bulky wastes, the owner or association of apartment owners shall be billed by mail and charged the actual cost incurred by the city, plus any



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administrative expenses associated with the removal of the bulky wastes. The bill shall apprise the owner or association of apartment owners that failure to pay the bill within 30 days after the bill has been mailed for payment will result in a lien being placed upon the property as authorized by HRS Section 46-1.5. Interest at the rate of eight percent per annum shall accrue on any unpaid balance from the 31st day after the bill has been mailed to the owner or association of apartment owners.

(3) The director shall cause to be kept in the department a permanent record containing: (A) a description of each parcel of the property for which a notice to remove bulky wastes has been given under this subsection; (B) the name of the owner or association of apartment owners if known; (C) the date on which such notice was mailed and posted; (D) the fee for removing the bulky wastes; and (E) a brief summary of the work performed.

(b) All moneys collected under this section shall be deposited into the solid waste special fund.

SECTION 13. Section 9-5.1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

“Sec. 9-5.1 Violation—Penalty.

- (a) Except as otherwise provided, any person violating any provision of this chapter shall[, upon conviction, be punished by] be subject to a civil fine not exceeding \$500.00[, or imprisonment for a period not exceeding 90 days, or both.] for each violation. Each day that a person violates any provision of this chapter shall constitute a separate violation.
- (b) Any person violating Section 9-1.4(a)(6) shall[, upon conviction, be punished by] be subject to a civil fine not exceeding \$250.00 for each violation.
- (c) Any person violating Section 9-3.1(c) shall be subject to a civil fine not exceeding \$250.00 for each violation.
- (d) Any person violating Section 9-3.5 shall be subject to a civil fine not [to exceed] exceeding \$250.00 for each violation. [Each day that a person violates Section 9-3.5 shall constitute a separate violation.] For purposes of this subsection, “person” means any natural person, partnership, corporation, firm, sole proprietorship, trust, unincorporated association or joint venture, cooperative, or



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any other entity; provided that the term shall exclude a church and a nonprofit organization, as defined in Section 28-1.3, except a hospital.

- (e) Any person violating both Sections 9-1.4(d) and 9-4. shall be subject to a civil fine not exceeding \$250.00 for each violation. Each time an owner or association of apartment owners violates Section 9-1.4(d), and fails to properly dispose of or remove the bulky wastes after receiving a written notice pursuant to Section 9-4. , that shall constitute a single violation. The fine shall be in addition to any removal costs billed to the owner or association of apartment owners.
- (f) The penalties under this section are in addition to any other penalty that may be imposed on a person for a violation of any other provision of this chapter.
- (g) Appeal of the fines set forth in this section shall be pursuant to rules promulgated by the director as necessary to carry out the provisions of this chapter.”

SECTION 14. Chapter 9, Article 5, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

“Sec. 9-5. Enforcement authority.

- (a) Any inspector is authorized to:
 - (1) Issue a written citation pursuant to Section 9-5.1 if such enforcement officer witnesses a violation, receives a report from a private citizen witnessing a violation or has probable cause to believe that a person has violated the provisions of this chapter.
 - (2) Investigate any refuse and bulky wastes found thrown, deposited, or dumped on a street, roadside, alley or highway to find any personal identification contained therein.
 - (3) Issue a written citation pursuant to Section 9-5.1 for violations of this chapter.
- (b) Any person who witnesses the throwing, dropping, placing, dumping or depositing of refuse or bulky wastes in violation of this chapter, including the throwing of refuse or bulky wastes from a vehicle, may report the date, time of day, location and license number of the vehicle, to any enforcement officer.



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- (c) All complaints of alleged violations shall be investigated by the city. Inspectors shall, wherever practicable, inspect any refuse found on any street, highway, alley or public place, and any traceable ownership shall be subject to the provisions of this chapter.
- (d) The director is authorized to promulgate rules to administer and enforce the provisions of this chapter."

SECTION 15. Chapter 9, Article 5, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

Sec. 9-5. Nonliability of department personnel.

No member, employee, or officer of the department shall be civilly or criminally liable or responsible under this chapter for any acts done under this chapter in the performance of their duties as a member, an officer, or an employee of the city."

SECTION 16. Section 9-7.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

Sec. 9-7.2 Definitions.

For the purpose of this article:

"City" means the City and County of Honolulu.

"Cullet" means pieces of crushed glass which may be melted and made into new glass.

["Department" means the department of environmental services of the city.]

["Director" means the director of the department of environmental services of the city.]

["Director of finance" means the director of finance of the city.]

"Glass container" means a container which is designed and intended to hold a beverage, food, cleaning, health, beauty or similar product and is manufactured from a mixture of silicates, borates or phosphates.



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“Glass dealer” means any person who is engaged in the manufacture of glass containers within the city or who imports glass containers from without the city.

“Incentive” means the payment for each ton of glass containers recycled, as authorized under Section 9-7.5.

“Licensed recycler” means a person licensed under Section 9-7.3.”

SECTION 17. Section 9-7.3, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

“Sec. 9-7.3 License application—Bond—Insurance—Fee—Term—Revocation.

- (a) Any person wholly or partially engaged in the business of recycling glass containers may apply to the department for licensure as a licensed recycler. The application shall contain the following information from the applicant:
- (1) Name and home address;
 - (2) Business address;
 - (3) Address at which the applicant refills glass containers, processes glass containers for shipment out of state or crushes glass containers into cullet;
 - (4) State of Hawaii general excise tax license number;
 - (5) If the applicant is a firm, association, organization, partnership, joint venture, corporation, business, trust, company or cooperative, the names and addresses of all owners and officers and their respective percentages of ownership; and
 - (6) Facts demonstrating that the applicant is engaged in the business of recycling glass containers.
- (b) Every applicant for a license shall execute and submit a surety bond in favor of the city in the penal sum of \$1,000.00. The bond shall be issued by a surety company authorized to do business in Hawaii in accordance with HRS Section 78-20.
- (c) The applicant shall secure and present to the department at the time of application a standard automobile liability insurance policy covering the applicant, or any person driving any vehicle belonging to the applicant with the applicant’s



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permission in the amount of \$100,000.00 for bodily injury to or death of one person in any accident and in the amount of \$300,000.00 for bodily injury to or death of two or more persons in any one accident, respectively, and property damage insurance in the amount of \$10,000.00 because of damage to or destruction of property of others in any one accident. The applicant shall secure and present to the department at the time of application a standard comprehensive nonvehicular public liability insurance policy covering the applicant and the applicant's employees and agents, which shall also include a rider covering the city in the amount of \$300,000.00. The rider shall be in the form of an endorsement insured by the insurer.

- (d) The fee for an annual glass recycling license shall be \$100.00, payable in advance to the director of [finance.] customer services. The fee for any license issued to an applicant after July 1st shall be prorated according to the remaining months of each fiscal year. No license fee shall be refundable.
- (e) The director of [finance] customer services shall issue a license to each applicant upon satisfaction of the truth of the information on the application and payment by the applicant of the license fee. Issuance of the license shall confer upon the licensed recycler the privilege of receiving the incentive under this article, and no other privilege, right, power, duty or obligation. Issuance of the license shall not be deemed an approval, endorsement or sanction by the director of [finance] customer services or city of the licensed recycler or any activity conducted by the licensed recycler. Nor shall issuance of the license be deemed an expressed or implied imposition or acceptance of a regulatory obligation upon the director of [finance] customer services or city over the licensed recycler or any activity conducted by the licensed recycler, except as otherwise provided under this article.
- (f) The glass recycling license shall be issued for a term of one year commencing July 1st and ending on June 30th of the next succeeding year.
- (g) Revenues from the license fee and renewal fee shall be a realization of the solid waste special fund.
- (h) The director of [finance] customer services may suspend or revoke a license for cause, subject to the same procedure as applicable to the suspension or revocation of a refuse collection license under Section 9-2.6."

SECTION 18. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the



A BILL FOR AN ORDINANCE

Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.

SECTION 19. This ordinance shall take effect on January 1, 2011.

INTRODUCED BY:

Todd Apo (BR)

DATE OF INTRODUCTION:

November 24, 2009

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Ernon Jean Blanchard

Deputy Corporation Counsel

APPROVED this 30 day of August, 2010.

Kirk W. Caldwell

KIRK W. CALDWELL, Acting Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE 10 - 16

BILL 78 (2009), CD2, FD1

Introduced: 11/24/09 By: TODD APO (BR)

Committee: PUBLIC
INFRASTRUCTURE

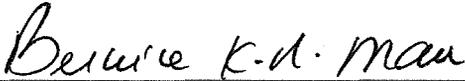
Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 9, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO BULKY WASTES.

Links: [BILL 78 \(2009\)](#)
[BILL 78 \(2009\), CD1](#)
[BILL 78 \(2009\), CD2, FD1](#)
[CR-33 \(2010\)](#)
[CR-240 \(2010\)](#)

COUNCIL	12/16/09	BILL PASSED FIRST READING AND REFERRED TO PUBLIC INFRASTRUCTURE COMMITTEE.
ANDERSON	Y	APO Y CACHOLA A DELA CRUZ Y DJOU Y
GARCIA	Y	KOBAYASHI Y OKINO Y TAM Y
PUBLIC INFRASTRUCTURE	01/12/10	BILL DEFERRED IN COMMITTEE.
PUBLIC INFRASTRUCTURE	02/09/10	CR-33(10) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> FORM AND SCHEDULING OF A PUBLIC HEARING.
PUBLISH	2/13/10	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
COUNCIL/PUBLIC HEARING	02/24/10	CR-33(10) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO PUBLIC INFRASTRUCTURE COMMITTEE.
ANDERSON	N	APO Y CACHOLA Y DELA CRUZ Y DJOU N
GARCIA	Y	KOBAYASHI Y OKINO Y TAM Y
PUBLISH	03/03/10	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
		NOTE: EFFECTIVE MAY 25, 2010, COUNCILMEMBER CHARLES DJOU, REPRESENTING COUNCIL DISTRICT IV, RESIGNED FROM OFFICE. (Refer to Communication <u>CC-99</u>)
		ON JUNE 9, 2010, THE APPOINTMENT OF LEE DONOHUE WAS APPROVED (Refer to <u>RES10-132, CD1, FD1 (VERSION A)</u>) AND HE WAS SWORN INTO OFFICE AS A MEMBER OF THE HONOLULU CITY COUNCIL REPRESENTING DISTRICT IV TO FILL THE REMAINING TERM OF FORMER COUNCILMEMBER CHARLES DJOU.
PUBLIC INFRASTRUCTURE	06/29/10	BILL DEFERRED IN COMMITTEE.
PUBLIC INFRASTRUCTURE	08/03/10	CR-240(10) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD2</u> FORM.

COUNCIL	08/18/10	BILL AMENDED TO CD2, FD1.							
ANDERSON	Y	APO	Y	CACHOLA	Y	DELA CRUZ	Y	DONOHUE	Y
GARCIA	Y	KOBAYASHI	Y	OKINO	Y	TAM	Y		
		CR-240(10) ADOPTED AND BILL 78 (2009), CD2, FD1 PASSED THIRD READING AS AMENDED.							
ANDERSON	N	APO	Y	CACHOLA	Y	DELA CRUZ	Y	DONOHUE	Y
GARCIA	Y	KOBAYASHI	Y	OKINO	Y	TAM	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



BERNICE K. N. MAU, CITY CLERK



TODD R. APO, CHAIR AND PRESIDING OFFICER