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## A BILL FOR AN ORDINANCE

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RELATING TO NUISANCES ON PUBLIC SIDEWALKS.

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

SECTION 1. Purpose. The purpose of this ordinance is to authorize the summary removal of public nuisances from sidewalks by the chief of police.

SECTION 2. Section 29-16.3, Revised Ordinances of Honolulu 1990 ("Nuisances on Public Sidewalks"), is amended by amending subsection (b) to read as follows:

- "(b) The director or chief of police may immediately and summarily remove or cause the immediate and summary removal of a sidewalk-nuisance. A sidewalk-nuisance may be disassembled for removal.
- (1) The director or chief of police shall store or cause to be stored any sidewalk-nuisance removed pursuant to this subsection until the director is authorized to destroy, sell, or otherwise dispose of the sidewalk-nuisance pursuant to the applicable provisions of this section, but in no event less than 30 calendar days from the date of removal.
  - (2) Notification.
    - (A) Written notice of the city's removal of the sidewalk-nuisance shall be posted for three consecutive days following removal of the sidewalk-nuisance on the public property where the sidewalk-nuisance was removed. If notice cannot be posted as provided, then it shall be posted on the internet website for the city for three consecutive days following removal of the sidewalk-nuisance.
    - (B) The written notice shall state:
      - (i) The date, violation and removal of the sidewalk-nuisance;
      - (ii) That the owner may reclaim the sidewalk-nuisance within 30 calendar days from the date of the removal of the sidewalk-nuisance;
      - (iii) Contact information and instructions on how the owner may reclaim the sidewalk-nuisance;



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- (iv) That the owner has the right to appeal the removal of the sidewalk-nuisance in accordance with subsection (d); and
  - (v) That, if not timely reclaimed or the subject of timely appeal, the sidewalk-nuisance shall be subject to disposal.
- (C) If a name and mailing address has been legibly and conspicuously provided on a sidewalk-nuisance removed pursuant to this subsection, then the director or chief of police also shall issue a written notice, by certified mail, to the person named on the sidewalk-nuisance within seven calendar days following the date of the removal of the sidewalk-nuisance; provided that if only an address is provided on a sidewalk-nuisance, the director or chief of police shall issue a written notice, by certified mail, addressed to the "Occupant" of that address, within seven calendar days following the date of the removal of the sidewalk-nuisance. No such notice shall be required if only the name is provided and the director or chief of police is unable after a good faith effort to determine the address of the named person.
- (D) Shopping Carts. If a shopping cart is removed and impounded pursuant to this subsection, the city shall notify the Retail Merchants Association or its successor organization, of the location where the shopping cart may be claimed. The Retail Merchants Association or its successor organization shall notify the owner of the shopping cart or owner's agent of the location where the shopping cart may be claimed. The owner or owner's agent shall have three business days from the date the city notifies the Retail Merchants Association or its successor organization to retrieve the shopping cart without charge. If the owner or owner's agent fails to retrieve the shopping cart within three business days, the shopping cart shall be treated as a removed sidewalk-nuisance pursuant to this subsection, and written notice shall be provided as in subsection (b)(2), and the owner shall be subject to a fee pursuant to subsection (c), unless the owner successfully contests the removal as provided in subsection (d).



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- (3) The director may destroy, sell, or otherwise dispose of a sidewalk-nuisance removed under the provisions of this subsection after a period of 30 calendar days from the date of removal of the sidewalk-nuisance unless a timely appeal has been filed under subsection (d)."

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

*[Handwritten Signature]*  
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DATE OF INTRODUCTION:

**JAN 14 2014**

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Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu

2014 JAN 14 PM 5:13  
 CITY & COUNTY OF HONOLULU  
 CITY CLERK  
 RECEIVED

**FILED**  
**JAN 14 2016**  
 PURSUANT TO RON Sec. 1-2.4