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## A BILL FOR AN ORDINANCE

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RELATING TO PARKING FOR PERSONS WITH DISABILITIES.

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

**SECTION 1. Findings and Purpose.** The City Council finds that over the last 20 years, there have been substantial changes in state laws and rules related to parking for persons with disabilities. These changes have resulted in significant disparities between state law and rules, and city ordinances enacted to implement those laws on a county level, including changing the authority of the issuing agency for parking placards and permits from the counties to the state's Disability and Communication Access Board ("DCAB"), authorizing DCAB to enter into agreements with the counties to issue permits, changing the valid period of a removable windshield placard from four to six years, changing the number of removable windshield placards or temporary removable windshield placards issued per person from two to one, and authorizing the renewal of removable windshield placards by mail. These changes, and other substantive changes, have made current city ordinances that were last amended in 1996 inconsistent with state law and rules, which has resulted in confusion for persons with disabilities who attempt to obtain or renew applicable parking permits. Thus, the DCAB has requested that the Council repeal that portion of the city traffic code intended to implement state law related to parking for persons with disabilities, since it is deemed inconsistent, confusing and unnecessary.

The purpose of this ordinance is to repeal those sections of the city traffic code related to the implementation of state laws regarding parking for persons with disabilities, and to make conforming amendments in other sections and chapters of the Revised Ordinances of Honolulu where necessary.

**SECTION 2.** Section 15-2.18, Revised Ordinance of Honolulu 1990 ("Disabled person and related terms") is repealed.

**SECTION 3.** Section 15-24.10, Revised Ordinance of Honolulu 1990 ("Parking for disabled persons") is repealed.

**SECTION 4.** Section 2-27.6, Revised Ordinances of Honolulu 1990 ("Volunteer policing program"), is amended by amending subsections (a) and (b) to read as follows:

"(a) There is established within the Honolulu police department, and under the supervision of the chief of police, a volunteer policing program to utilize volunteers to assist the Honolulu police department in the enforcement of certain city and state laws related to abandoned and derelict vehicles and parking,



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including [disabled] parking for persons with disabilities, and other laws designated by the chief of police.

- (b) The chief of police is authorized to commission volunteers as special enforcement officers to issue citations on public and private property to persons violating certain city and state laws relating to abandoned and derelict vehicles, parking, including [disabled parking,] parking for persons with disabilities, and other laws designated by the chief of police."

SECTION 5. Section 15-24.11, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 15-24.11      Off-street parking for [disabled] persons with disabilities at City Hall.**

- (a) There are established two unmetered parking spaces reserved for [disabled] persons with disabilities to be located within 50 feet of City Hall. The two parking spaces shall be located in the off-street area immediately in front of City Hall until two spaces have been identified and constructed in some other location within 50 feet of City Hall.
- (b) The use of the spaces shall be subject to the requirements and limitations of the state law and [rules and Section 15-24.10.] rules.
- (c) The director and building superintendent or the director of transportation services, as is appropriate, is authorized and directed to establish, mark and designate the reserved parking described in subsection (a).
- (d) The members of the police department and any other persons authorized by the chief of police are authorized to enforce this section pursuant to Article 26.
- (e) Any person violating this section shall be subject to a fine of not less than \$50.00 nor more than \$250.00 for each violation."

SECTION 6. The title of Chapter 41, Article 28, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Article 28. Parking Space Reserved for [Disabled] Persons With Disabilities"**



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SECTION 7. Section 41-28.1, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. [41 28.1] 41-28.1 Definitions.**

For the purpose of this article:

["Disabled parking placard" means a "placard" as defined in Section 15-2.18.

"Disabled person" shall have the same meaning as is ascribed to that term in Section 15-2.18.]

"Parking placard for a person with a disability" means a "removable windshield placard" or a "temporary removable windshield placard" as those terms are defined in HRS Section 291-51 and Hawaii Administrative Rules Section 11-219-4 and includes a similar placard issued by an authority of another county of the State of Hawaii or of another state or country or political subdivision thereof.

"Parking space reserved for [disabled] persons with disabilities" means a parking space which is:

- (1) Part of real property:
  - (A) Owned by a private person; and
  - (B) Metered or unmetered;
- (2) Reserved by the responsible manager for the parking of a motor vehicle driven by or for a [disabled person or persons] person with a disability; and
- (3) Clearly identified, by signs and markings in accordance with Section 41-28.3, by the responsible manager for the parking of a motor vehicle driven by or for a [disabled] person with a disability.

"Person with a disability" shall have the same meaning ascribed to that term in HRS Section 291-51 and Hawaii Administrative Rules Section 11-219-4.

"Responsible manager" means a person who is authorized to regulate the use of a parking space reserved for [disabled] persons with disabilities because of ownership of the parking space or under a lease, rental or management agreement.



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"Special license plates" shall have the same meaning as is ascribed to that term in [Section 15-2.18.] HRS Section 291-51 and Hawaii Administrative Rules Section 11-219-4 and includes similar special license plates issued by an authority of another county of the State of Hawaii or of another state or country or political subdivision thereof.

"Volunteer" means a person who is willing to provide services on behalf of the city without compensation, except for the benefits provided in Section 41-28.7(f)."

SECTION 8. Section 41-28.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 41-28.2          Parking or standing in reserved space.**

No person shall park a motor vehicle or cause it to stand or be parked in a parking space reserved for [disabled] persons with disabilities except in accordance with HRS Chapter 291, Part [III;] III and Title [19,] 11, [Subtitle 6, Chapter 150] Chapter 219 of the Hawaii Administrative Rules, entitled "Parking for Persons with [Disabilities]"; and Section 15-24.10.] Disabilities."

SECTION 9. Section 41-28.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 41-28.3          Identification of reserved space.**

(a) The department of transportation services, in accordance with HRS Chapter 91, shall adopt rules to establish standards for the designation and identification of a parking space reserved for [disabled] persons with disabilities, in accordance with applicable state and federal requirements, and may adopt rules for the implementation, administration, and enforcement of this article. The standards shall include a notice, in conformance with HRS Section 290-11, that the parking or standing in the parking space reserved for [disabled] persons with disabilities of a motor vehicle without special license plates or a [disabled] parking placard for a person with a disability displayed in accordance with law shall be unauthorized and prohibited. The notice shall also:

- (1) Warn violators that the motor vehicle may be towed away at the owner's expense; and
- (2) State the location to which the motor vehicle will be towed and held.



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- (b) Each responsible manager providing parking spaces reserved for [disabled] persons with disabilities shall clearly identify those parking spaces in conformance with the standards established under subsection (a) of this section."

SECTION 10. Section 41-28.4, Revised Ordinances of Honolulu 1990 ("Responsible manager—Powers and duties"), is amended by amending subsections (a) and (b) to read as follows:

- "(a) A motor vehicle parked or standing in a parking space reserved for [disabled] persons with disabilities in a manner contrary to Section 41-28.2 shall be deemed an unauthorized vehicle under HRS Section 290-11.
- (b) A responsible manager shall have the power and duty to penalize the unauthorized parking of a motor vehicle in a parking space reserved for [disabled persons.] persons with disabilities. The penalty imposed shall include one or both of the following:
  - (1) Towing away of the motor vehicle in accordance with HRS Section 290-11; or
  - (2) Placement of a sticker on the windshield of the motor vehicle which shall notify the driver of the violation and which shall be removable. Placement of the sticker shall be deemed an exercise of the lawful power and duty of a responsible manager. The responsible manager shall have no duty to remove the sticker. The fact that the sticker is difficult to remove shall not impose a duty on the responsible manager to remove the sticker."

SECTION 11. Section 41-28.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 41-28.5 Responsible manager—Authority to regulate conditions of parking.**

Nothing in this article shall be deemed as preventing a responsible manager from regulating the duration, charges or other conditions imposed on the privilege of parking in a parking space reserved for [disabled persons,] persons with disabilities, so long as the regulation is not inconsistent with this article or any other law."



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SECTION 12. Ordinance material to be repealed is bracketed and new material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.

SECTION 13. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Martin (B/R)

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DATE OF INTRODUCTION:

April 30, 2014  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

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

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

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KIRK CALDWELL, Mayor  
City and County of Honolulu