



A BILL FOR AN ORDINANCE

RELATING TO PUBLIC SIDEWALKS.

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

SECTION 1. Council Findings and Purpose. The purpose of this ordinance is to prohibit, subject to exceptions, persons from sitting or lying on public sidewalks in areas zoned for commercial and business activities.

The Council finds:

- (a) Public sidewalks in areas zoned for commercial and business activities are created and maintained for the primary purposes of enabling pedestrians to safely and effectively move about from place to place, facilitating deliveries of goods and services, and providing convenient access to entertainment, goods and services.
- (b) Sitting or lying down is not the customary use of the public sidewalks. Persons who sit or lie down on public sidewalks impede and deter others from using the sidewalks; thus, they discourage residents and visitors from walking to get from place to place and accessing local shops, restaurants, and businesses, and interfere with the delivery of goods and services.
- (c) The need to maintain pedestrian and commercial traffic is greatest during the hours of operation of businesses, shops, restaurants, and other commercial enterprises when public sidewalks are congested. Persons who sit or lie down on public sidewalks during business hours threaten their own safety and the safety of pedestrians, especially the elderly, disabled, vision-impaired, and children, who are put at increased risk when they must avoid and navigate around persons unexpectedly sitting or lying upon the public sidewalk.
- (d) The prohibition against sitting or lying on public sidewalks set forth in this ordinance leaves intact the individual's right to speak, protest or engage in other lawful activity on any sidewalk consistent with the individual's free speech rights. In addition, the prohibition contains exceptions for medical emergencies, and expressive activities, among others.
- (e) There are a number of places where the restrictions of this ordinance do not apply, including private property, plazas, public parks, and other common areas open to the public, that do not unduly interfere with the



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safe flow of pedestrian traffic, impair commercial activity, or threaten public safety.

- (f) The Council acknowledges that there are reasons why one might sit or lie on a public sidewalk. The City has offered and continues to offer services to those engaged in sitting or lying on the sidewalk who appear to be in need, or to those who request service assistance. However, in many cases, these persons refuse such services or continue the conduct despite the accessibility of these services. The City will continue to invest in services for those in need and to make efforts to maintain and improve safety on public sidewalks for everyone. A law enforcement officer may not issue a citation to a person for a violation of this ordinance without first warning the person that sitting or lying down on a public sidewalk is unlawful.
- (g) Present laws that prohibit the obstruction of sidewalks do not adequately address the safety hazards, disruption and deterrence to pedestrian traffic or impairment of commercial activity caused by persons sitting or lying on the public sidewalks in areas zoned for commercial and business activities.

SECTION 2. Chapter 29, Revised Ordinances of Honolulu 1990 ("Streets, Sidewalks, Malls and Other Public Places"), as amended, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article ____ . Sitting or Lying on Public Sidewalks or Public Malls

Sec. 29-___.1 Prohibition-Exceptions-Citations.

- (a) No person shall sit or lie on a public sidewalk, or on a tarp, towel, sheet, blanket, sleeping bag, bedding, planter, chair, bench, or any other object or material placed upon a public sidewalk located within the following described zones or upon a public sidewalk abutting the following described street segments during the hours from 5:00 a.m. to 11:00 p.m.:
 - (1) Chinatown. The Chinatown zone is the area of the city within the Chinatown special district as set forth in Section 21-9.60-2 of the city's Land Use Ordinance and as illustrated in attached Exhibit 1.



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- (2) Downtown. The Downtown zone is the area of the city bounded by the following streets as illustrated in attached Exhibit 2:
- Starting at the intersection of Nimitz Highway/Nuuanu Avenue,
 - Nuuanu Avenue to the intersection of Nuuanu Avenue/South Beretania Street,
 - South Beretania Street to the intersection of South Beretania Street/Punchbowl Street,
 - Punchbowl Street to the intersection of Punchbowl Street/Miller Street,
 - Miller Street to the intersection of Miller Street/Vineyard Boulevard,
 - Vineyard Boulevard to the intersection of Vineyard Boulevard/Lusitana Street,
 - Lusitana Street to the intersection of Lusitana Street/Lauhala Street,
 - Lauhala Street to the intersection of Lauhala Street/South Beretania Street,
 - South Beretania Street to the intersection of South Beretania Street/Victoria Street,
 - Victoria Street to the intersection of Victoria Street/South King Street,
 - South King Street to the intersection of South King Street/Punchbowl Street,
 - Punchbowl Street to the intersection of Punchbowl Street/Nimitz Highway, and
 - Nimitz Highway to the intersection of Nimitz Highway/Nuuanu Avenue.

Except for those lands that are within the Chinatown zone as described in Section 29-___.1(a)(1).

- (3) McCully-Moilili. The McCully-Moilili zone is the area of the city bounded by the following streets as illustrated in attached Exhibit 3:
- Starting at the intersection of Beretania Street/McCully Street,
 - McCully Street to the intersection of McCully Street/Algaroba Street,
 - Algaroba Street to the intersection on Algaroba Street/Makahiki Way,
 - Makahiki Way to the intersection of Makahiki Street/South King Street
 - South King Street to the intersection of South King Street/University Avenue,
 - University Avenue to the intersection of University Avenue/South Beretania Street, and
 - South Beretania Street to McCully Street.



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The McCully-Moiliili zone also includes the sidewalks abutting the following street segments:

- Isenberg Street beginning at the intersection of Isenberg Street/South King Street and ending at the Old Stadium Park Parking Lot,
- University Avenue beginning at the intersection of University Avenue/Varsity Place and ending at the intersection of University Avenue/Kuilei Street, and
- South King Street beginning at the intersection of South King Street/University Avenue and ending at the intersection of South King Street/Waialae Avenue.

- (4) Waipahu. The Waipahu zone is composed of two zones, Zone A and Zone B.

Waipahu Zone A. Waipahu Zone A consists of the sidewalks abutting the following street segments as illustrated in attached Exhibit 4-A:

- Farrington Highway beginning at the intersection of Farrington Highway/Kunia Road and ending at the intersection of Farrington Highway/Waikele Road/Pupupuhi Street,
- Kunia Road beginning at the intersection of Kunia Road/Farrington Highway and ending at the intersection of Kunia Road/Leolua Street,
- Leolua Street beginning at the intersection of Leolua Street/Kunia Road and ending at the intersection of Leolua Street/Leoku Street,
- Leoku Street beginning at the intersection of Leoku Street/Leolua Street and ending at the intersection of Leoku/Leonui Street,
- Leonui Street beginning at the intersection of Leonui/Leowaena Street to its end,
- Leokane Street beginning at the intersection of Leokane Street/Leowahine Street and ending at the intersection of Leokane Street/Leonui Street, and
- Pupuni Street beginning at the intersection of Pupuni Street/Pupukahi Street and ending at the intersection of Pupuni Street/Pupupuhi Street.

Waipahu Zone B. Waipahu Zone B consists of the sidewalks abutting the following street segments as illustrated in attached Exhibit 4-B:



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- Farrington Highway beginning at the intersection of Farrington Highway/Hanawai Circle and ending at the intersection of Farrington Highway/Moloalo Street,
 - Waipahu Depot Street beginning at the intersection of Waipahu Depot Street/Waipahu Street and ending at the intersection of Waipahu Depot Street/Farrington Highway,
 - Mokuloa Street beginning at the intersection of Mokuloa Street/Malakeke Street and ending at the intersection of Mokuloa Street/Waipahu Street,
 - Waipahu Street beginning at the intersection of Waipahu Street/Waipahu Depot Street and ending at the intersection of Waipahu Street/Malakeke Street,
 - Hikimoe Street beginning at the intersection of Hikimoe Street/Waipahu Depot Street to its end,
 - Mokuola Street beginning at the intersection of Mokuloa Street/Hikimoe Street and ending at the intersection of Mokuloa Street/Awanei Street, and
 - All of Moloalo Street.
- (5) Kalihi. The Kalihi zone is composed of two zones, Zone A and Zone B.

Kalihi Zone A. Zone A consists of the sidewalks abutting the following street segment as illustrated in attached Exhibit 5-A:

- North King Street beginning at the intersection of North King Street/Owen Street and ending at the intersection of North King Street/Kalihi Street.

Kalihi Zone B. Kalihi Zone B consists of the sidewalks abutting the following street segments as illustrated in attached Exhibit 5-B:

- North King Street beginning at the intersection of North King Street/Waiakamilo Road/Houghtailing Street and ending at the intersection of North King Street/North Hotel Street,
- Waiakamilo Road beginning at the intersection of Waiakamilo Road/Mookaula Street and ending at the intersection of Houghtailing Street/Olomea Street, and
- Kamenani Road beginning at the intersection of Kamenani Road/North King Street and ending at the intersection of Kamenani Road/Mookaula Street.



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- (6) Kailua. The Kailua zone is the area of the City bounded by the following streets as illustrated in attached Exhibit 6:
- Starting at the intersection of Kainehe Street/Kihapai Street,
 - Kihapai Street to the intersection of Kihapai Street/Oneawa Road,
 - Oneawa Road to the intersection of Oneawa Road/Uluniu Street,
 - Uluniu Street to the intersection of Uluniu Street/Maluniu Avenue,
 - Maluniu Avenue to the intersection of Maluniu Avenue/Kuulei Road,
 - Kuulei Road to the intersection of Kuulei Road/Oneawa Road/Kailua Road,
 - Oneawa Road/Kailua Road to the intersection of Kailua Road/Hahani Street,
 - Hahani Street to the intersection of Hahani Street/Hekili Street,
 - Hekili Street to the intersection of Hekili Street/Hamakua Drive/Kainehe Street, and
 - Hamakua Drive/Kainehe Street to the intersection of Kainehe Street/Kihapai Street.

The Kailua zone also includes the sidewalks abutting the following street segments:

- Oneawa Street beginning at the intersection of Oneawa Street/Kawainui Street and ending at the intersection of Oneawa Street/Kihapai Place,
- Hahani Street beginning at the intersection of Hahani Street/Hekili Street and ending at the intersection of Hahani Street/Hamakua Drive, and
- Hamakua Drive beginning at the intersection of Hamakua Drive/Hahani Street and ending at the intersection of Hamakua Drive/Aoloa Street.

(b) The prohibitions in subsection (a) shall not apply to:

- (1) Any person sitting or lying on a sidewalk due to a medical emergency;
- (2) Any person who, as a result of a disability, is utilizing a wheelchair or other similar wheeled chair device to move about the public sidewalk;
- (3) Any person sitting or lying on a sidewalk for the purpose of engaging in an expressive activity;



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- (4) Any person sitting on a sidewalk while attending or viewing any parade, festival, performance, rally, demonstration or similar event conducted on the street pursuant to a permit issued by the city;
 - (5) Any person engaged in a maintenance, repair or construction activity on behalf of a governmental entity or a public utility;
 - (6) Any child who is sitting or lying in a baby carriage, stroller, or carrier, or similar device, to move about the public sidewalk;
 - (7) Any person sitting on a chair or bench located on the public sidewalk which is placed there by a public agency;
 - (8) Any person sitting in line for goods or services unless the person or person's possessions impede the ability of pedestrians to travel along the length of the sidewalk or enter a doorway or other entrance alongside the sidewalk; or
 - (9) Sitting or lying on a public sidewalk in a designated geographic area regulated by separate ordinance enactment.
- (c) No person shall be cited for a violation of this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.
- (d) As used in this section:

"Expressive activity" means speech or conduct, the principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinions, views, or ideas, and for which no fee is charged or required as a condition of participation in or attendance at such activity. Expressive activity generally would not include sports events, such as marathons; fundraising events; beauty contests; commercial events; cultural celebrations or other events the principal purpose of which is entertainment.

"Public sidewalk" means a publicly owned or maintained "sidewalk," as defined in Section 29-1.1, and includes a "replacement sidewalk" as defined in that section.



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Sec. 29-.2 Penalty.

Any person violating any provision of this article shall, upon conviction, be guilty of a petty misdemeanor and subject to punishment in accordance with HRS Sections 706-640 and 706-663, as amended."

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

INTRODUCED BY:

Ron Menor

DATE OF INTRODUCTION:

July 3, 2014
Honolulu, Hawaii

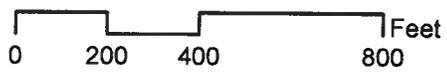
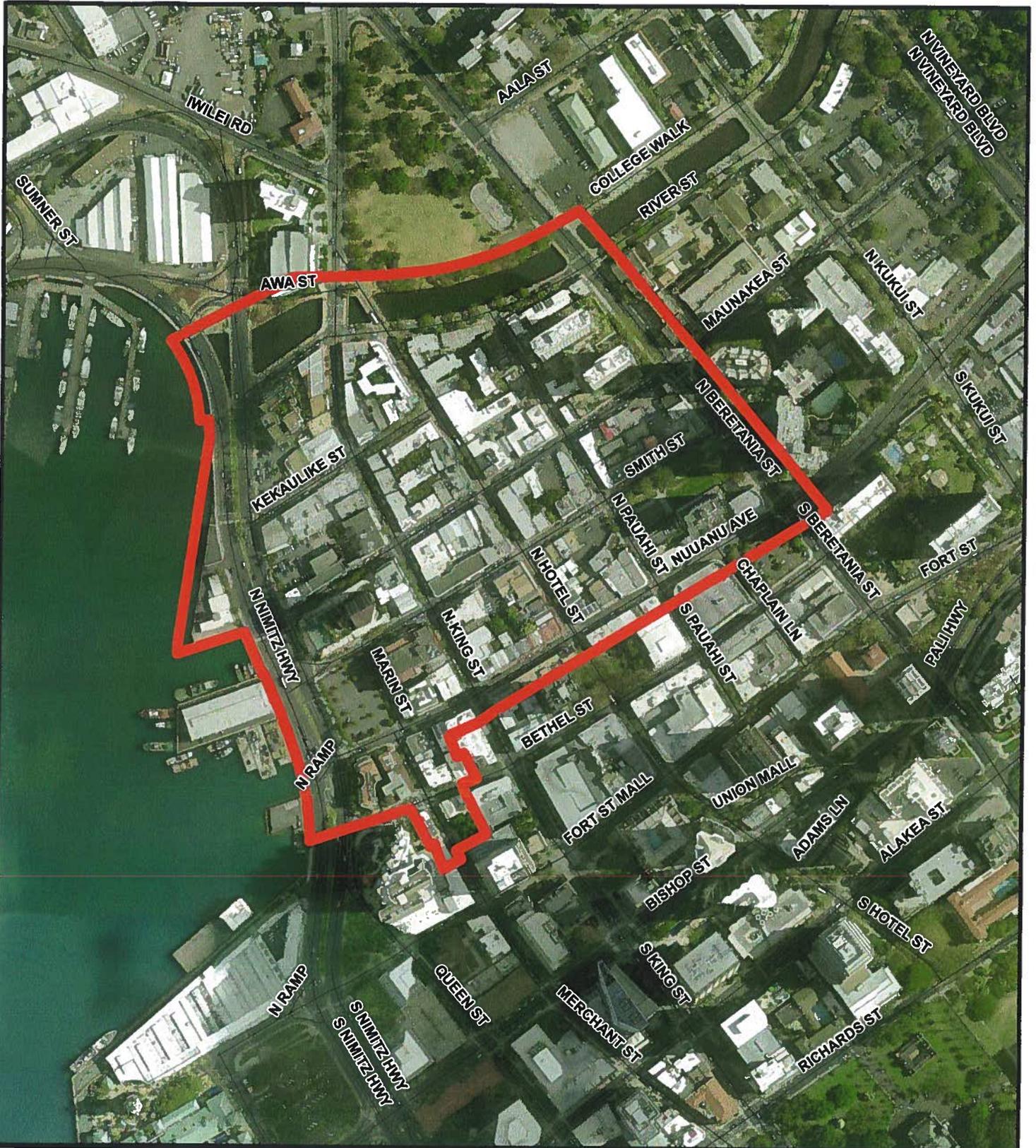
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu



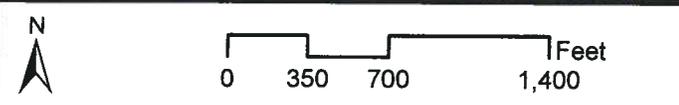
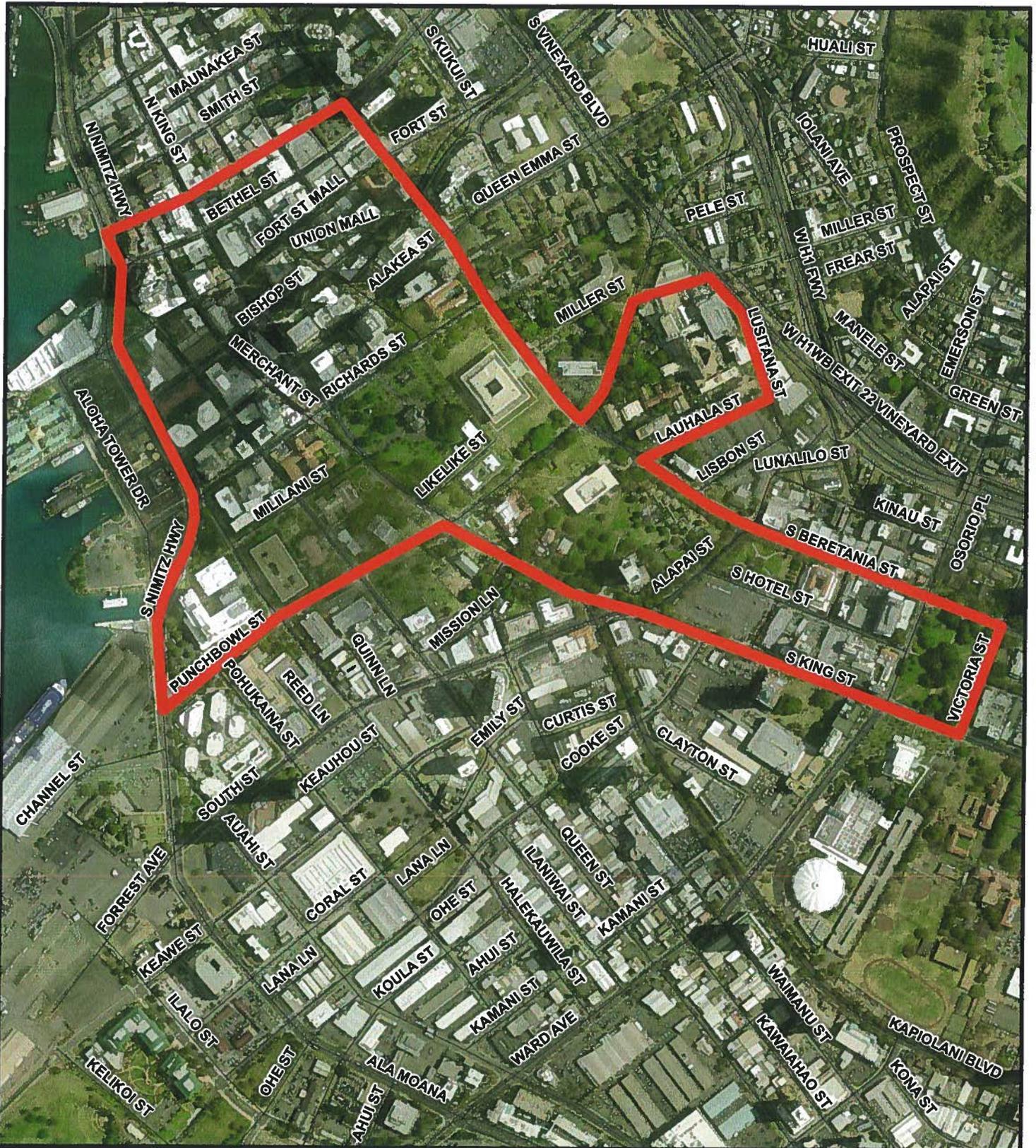
Chinatown

Zone

Prepared by: Office of Council Services



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 Date Prepared: August 27, 2014



Prepared by: Office of Council Services

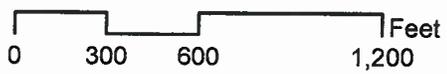
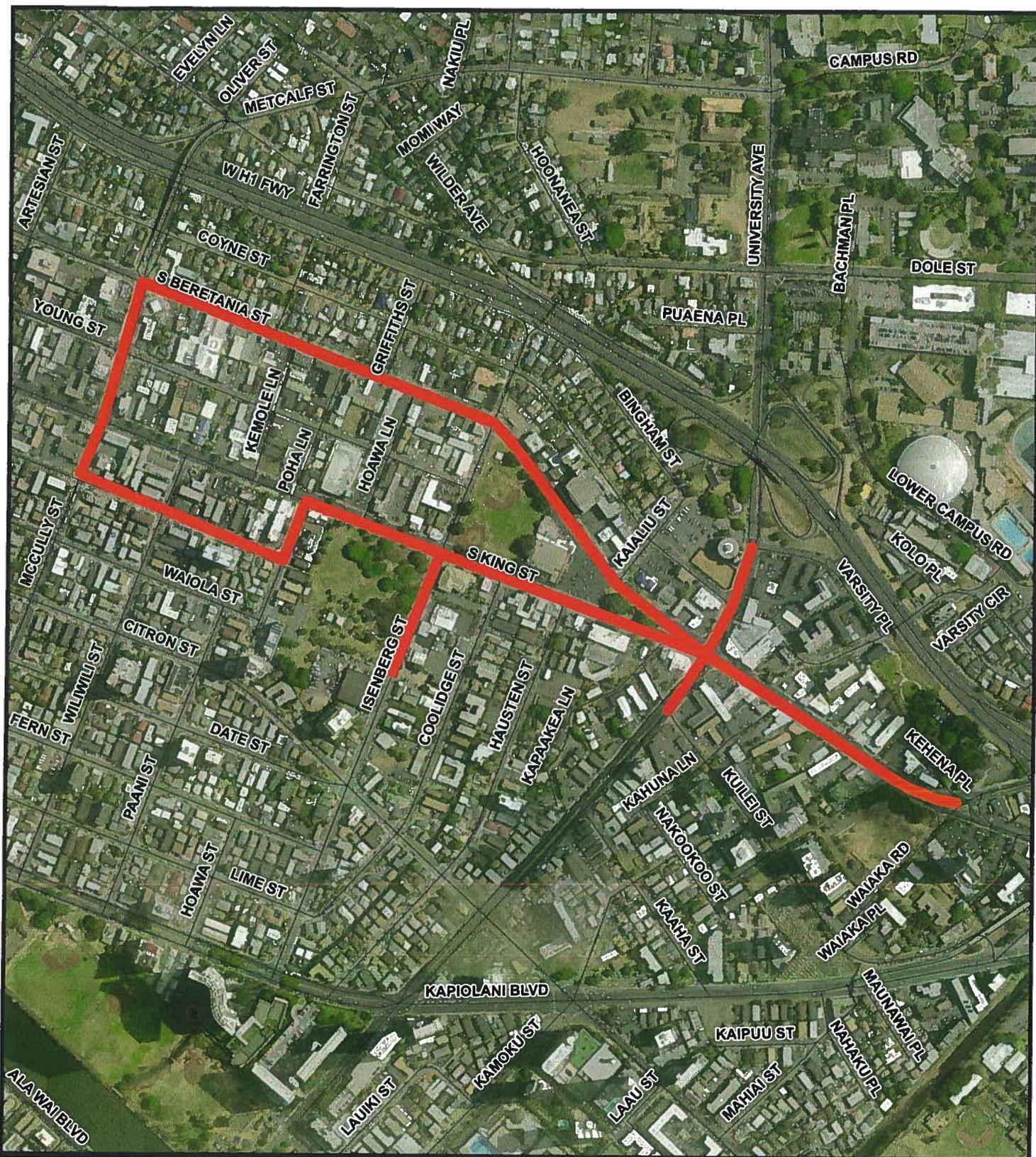
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Downtown

— Zone

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McCully-Moiliili

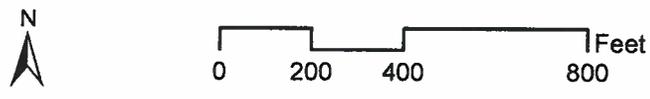
Zone

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Waipahu Zone B

Zone

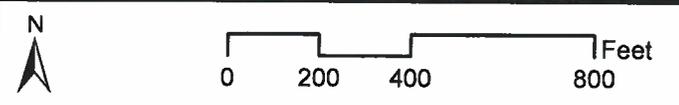
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EXHIBIT 4-B



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Kailua

— Zone