



A BILL FOR AN ORDINANCE

RELATING TO GRADING WITHOUT A PERMIT.

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

SECTION 1. Purpose. The purpose of this ordinance is to amend the regulations on grading without a permit.

SECTION 2. Section 14-14.4A, Revised Ordinances of Honolulu 1990, as amended ("Grading without a permit"), is amended to read as follows:

"Sec. 14-14.4A Grading without a permit.

- (a) Where work for which a grading permit is required by Articles 13 through 16 of this chapter has been commenced or has been accomplished without a permit, a permit shall be obtained, and double the fees specified in Section 14-14.4 shall be assessed, provided that such work complies with or may be made to comply with the provisions of Articles 13 through 16 of this chapter.
- (1) If the grading work accomplished or commenced cannot be made to comply with the provisions of Articles 13 through 16 of this chapter, the owner and developer of the property or person or persons responsible for the initiation or accomplishment of such grading work shall restore the land to its original condition and shall obtain a certificate of completion therefor from the [chief engineer.] director.
 - (2) Any filling performed without a permit will not be deemed a structural fill.
 - (3) Any owner and developer of the property or person or persons responsible for the initiation or accomplishment of grading work in violation of Section 14-14.1 may, at the discretion of the director, not be issued a grading permit, and the director may issue an order requiring the owner and developer of the property or person or persons responsible for the initiation or accomplishment of the grading work to restore the land to its original condition. This prohibition and requirement applies whether or not such person is able to make the grading compliant with the provisions of Articles 13 through 16 of this chapter.
 - (4) Exception – At the discretion of the director, the owner and developer of the property or person or persons responsible for such grading shall be deemed to have not violated the provisions of Article 13 through 16 of this



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chapter by grading without a permit in cases of natural or manmade disasters.

For the purposes of this section, a 'natural disaster' includes disasters caused by fire, flood, tidal waves, hurricanes, tsunamis, volcanic eruptions, earthquakes, or other natural causes; and a 'man-made disaster' includes disasters caused by enemy attacks, sabotage, other hostile actions, or disasters to individual homes, or other disasters manufactured, created or constructed by mankind.

- [(3)](5) Notwithstanding the above, the owner and developer of the property or person or persons responsible for such grading shall be deemed to have violated the provisions of Articles 13 through 16 of this chapter by grading without a permit.
- (b) The owner and developer of the property or the person or persons responsible for the initiation of grading shall be responsible for correcting any damages done by the grading on-site or off-site.
- (1) Off-site correction(s) and restoration shall include but not be limited to damages to improvements within the public right of way, any portions of the city-owned separate storm sewer systems, or private drain systems and the removal of any sediment and debris from the public right-of-way and any drainage facility.
- (2) On-site correction(s) and restoration shall include covering of exposed soil surfaces with planting, correction of improper excavation or fills, and drainage.
- (c) Where the grading work accomplished or commenced cannot be made to comply with the provisions of Articles 13 through 16 of this chapter, the person or persons responsible shall post a performance bond in an amount sufficient, as determined by the [chief engineer,] director, to ensure payment of all costs of restoring the land to its original condition, and any damages which have occurred to any improvement(s) in the public right-of-way in the event that the person or persons responsible do not satisfactorily perform said restoration. Such performance bond shall be maintained in force for a period of one year after the restoration work has been completed, and no certificate of completion for said work shall be issued by the [chief engineer] director until one year has elapsed after the physical work of restoration has been completed."



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SECTION 3. Ordinance material to be repealed is bracketed. New ordinance 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, bracketed material or underscoring.

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Kymberly Pine

DATE OF INTRODUCTION:

April 9, 2014
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Don S. Kitaoka
Deputy Corporation Counsel DON S. KITAOKA

APPROVED this 23rd day of October, 20 14.

Kirk Caldwell
KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 14-31

BILL 37 (2014), CD1, FD1

Introduced: 04/09/14

By: KYMBERLY PINE

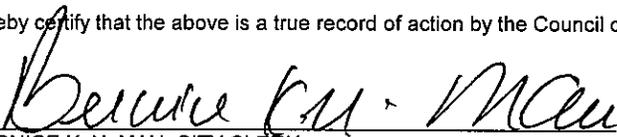
Committee: ZONING AND PLANNING

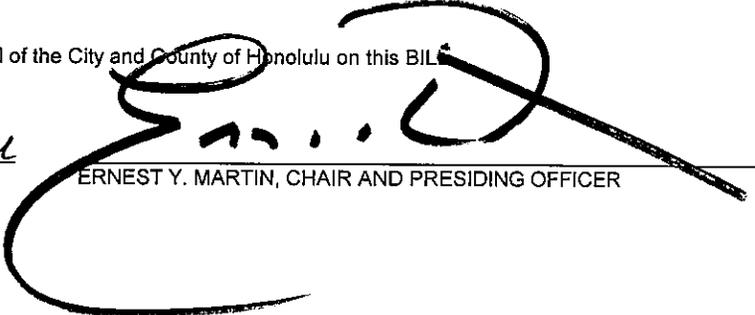
Title: A BILL FOR AN ORDINANCE RELATING TO GRADING WITHOUT A PERMIT.

Voting Legend: * = Aye w/Reservations

04/16/14	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 9 AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE.
04/24/14	ZONING AND PLANNING	CR-126 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
04/26/14	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
05/07/14	COUNCIL/PUBLIC HEARING	CR-126 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 9 AYES: ANDERSON, CHANG*, FUKUNAGA*, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN*, MENOR, PINE.
05/13/14	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
05/22/14	ZONING AND PLANNING	BILL DEFERRED IN COMMITTEE.
09/18/14	ZONING AND PLANNING	CR-283 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM.
10/08/14	COUNCIL	BILL AMENDED TO FD1. 9 AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE. CR-283 ADOPTED AND BILL 37 (2014), CD1, FD1 PASSED THIRD READING. 9 AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE.

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


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER