



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 41, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO REGULATED ACTIVITIES WITHIN THE CITY.

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

SECTION 1. Purpose and intent. The purpose of this Ordinance is to amend Article 10 of the Regulated Activities Within the City Ordinance, Revised Ordinances of Honolulu 1990 Chapter 41.

SECTION 2. Section 41-10.4, Revised Ordinances of Honolulu 1990, as amended ("Clearing of weeds, garbage, trash and waste from property"), is amended by amending subsection (a) thereof to read as follows:

"(a) Notice to Remove. The building superintendent is authorized and empowered to notify the owner of property within the city to properly cut and remove weeds, garbage, trash and waste located on such owner's property. Such notice shall be served upon the owner of the property by certified mail, addressed to said owner at the owner's last known address, by publication in a [newspaper of general circulation,] daily or weekly publication in the city pursuant to HRS Section 1-28.5, or by posting a copy of the notice upon the property."

SECTION 3. Section 41-10.5, Revised Ordinances of Honolulu 1990, as amended to read as follows:

"Sec. 41-10.5 Administrative enforcement.

In lieu of or in addition to enforcement pursuant to Section 41-10.4(e), if the building [official] superintendent determines that any person, firm or corporation is not complying with the notice, the building [official] superintendent may have the party responsible served, by mail or delivery, with an order pursuant to this section.

(a) Contents of Order.

(1) The order may require the party responsible for the violation to do any or all of the following:

(A) Correct the violation within the time specified in the order;

(B) Pay a civil fine not to exceed \$5,000.00 in the manner, at the place and before the date specified in the order, after an opportunity for a



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hearing before the building board of appeals as provided for in subsection (b) of this section;

(C) Pay a civil fine not to exceed \$5,000.00 per day for each day in which the violation persists, in the manner and at the time and place specified in the order, after an opportunity for a hearing before the building board of appeals as provided for in subsection (b) of this section;

(2) The order shall advise the party responsible for the violation that the order shall become final 30 calendar days after the date of its delivery. The order shall also advise that the building [official's] superintendent's action may be appealed to the building board of appeals.

[(3) Notice of Order (NOO) Servicing: The NOO shall be served upon the owner of the property by certified or registered mail, addressed to said owner at the owner's last known address. [However, if service cannot be made by certified or registered mail, service may also be satisfied by publication in a local newspaper of general circulation, or by posting a copy of the notice on the property.]

(b) Service of Notice of Order. A notice of order must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the building superintendent in the exercise of reasonable diligence and the building superintendent provides an affidavit to that effect, then a notice of order may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS Section 1-28.5.

[(b)](c)Effect of Order—Right to Appeal. The provisions of the order issued by the building [official] superintendent under this section shall become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals as provided in [Section 16-1.1, ROH 1990.] Chapter 16. The appeal must be received in writing on or before the date the order becomes final.

[(c)](d)Judicial Enforcement of Order. The building [official] superintendent may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the building [official] superintendent need only show that the notices of violation and order were



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served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid."

SECTION 4. Ordinance material to be repealed is bracketed; 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.



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SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Martin (BR)

DATE OF INTRODUCTION:

October 30, 2014
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Don S. Kitaoka
Deputy Corporation Counsel DON S. KITAOKA

APPROVED this 22nd day of June, 20 15.

Kirk Caldwell
KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 15-21

BILL 73 (2014), CD1

Introduced: 10/30/14

By: ERNEST MARTIN (BR)

Committee: ZONING AND PLANNING

Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 41, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO REGULATED ACTIVITIES WITHIN THE CITY.

Voting Legend: * = Aye w/Reservations

NOTE: EFFECTIVE NOVEMBER 4, 2014, COUNCILMEMBER BREENE HARIMOTO, REPRESENTING COUNCIL DISTRICT VIII, RESIGNED FROM OFFICE. (Refer to Communication CC-245)

NOTE: BRANDON ELEFANTE WAS SWORN IN AND TOOK OFFICE AS A MEMBER OF THE HONOLULU CITY COUNCIL ON WEDNESDAY, NOVEMBER 12, 2014 REPRESENTING DISTRICT VIII.

11/12/14	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 8 AYES: ANDERSON, CHANG, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE. 1 ABSENT: MARTIN.
02/07/15	PUBLISH	NOTE: COUNCILMEMBER OZAWA TOOK OFFICE ON FRIDAY, JANUARY 2, 2015. PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/12/15	ZONING AND PLANNING	CR-58(15) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
02/18/15	COUNCIL/PUBLIC HEARING	CR-58(15) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
02/25/15	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
05/28/15	ZONING AND PLANNING	CR-221(15) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
06/03/15	COUNCIL	CR-221(15) ADOPTED AND BILL 73 (2014), CD1 PASSED THIRD READING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, 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.


GLEN TAKAHASHI, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER