



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 25, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO SPECIAL MANAGEMENT AREA.

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 9 of the Special Management Area Ordinance, Revised Ordinances of Honolulu 1990 Chapter 25.

SECTION 2. Section 25-9.1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 25-9.1 Notice of violation and order.

If the director determines that any person is violating any provision of this chapter, any rule adopted thereunder or any permit issued pursuant thereto, the director may have the person served, by mail or delivery, with a notice of violation and order. A notice of violation and 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 director in the exercise of reasonable diligence and the director provides an affidavit to that effect, then a notice of violation and 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.

(a) Contents of the notice of violation. The notice shall include at least the following information:

- (1) Date of the notice;
- (2) The name and address of the person noticed;
- (3) The section number of the ordinance which has been violated;
- (4) The nature of the violation; and
- (5) The location and time of the violation.

(b) Contents of the Order.

- (1) The order may require the person do any or all of the following:



A BILL FOR AN ORDINANCE

- (A) Cease and desist from the violation;
 - (B) Correct the violation at the person's own expense before a date specified in the order;
 - (C) Pay a civil fine per recurring incident not to exceed \$10,000.00 each, in the manner, at the place and before the date specified in the order;
 - (D) Pay a civil fine not to exceed \$1,000.00 per day for each day in which the violation persists, in the manner and at the time and place specified in the order, if the person has performed any development in violation of this chapter;
 - (E) In the event of a violation of the wetlands rules adopted pursuant to this chapter, the director shall have the power to order wetland restoration and creation measures for the damaged or destroyed wetland area by the person or agent responsible for the violation. If the responsible party does not complete such measures within a reasonable time following the order, the city may restore the affected wetland to its prior condition and create or restore other wetlands for the purpose of offsetting losses sustained as a result of the violation. The person or agent responsible for the original violation shall be liable to the city for the cost of such actions. To guide restoration and creation actions, the agency shall have the power to order the violator to develop a plan as described in the rules adopted pursuant to this chapter for the approval of the agency; or
 - (F) Appear before the director at a time and place specified in the order and answer the charges specified in the notice of violation.
- (2) The order shall advise the person of the finality of the order 20 days after the date of its mailing or delivery unless written request for a hearing is mailed or delivered to the director within said 20 days."

SECTION 3. 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 underscoring.



A BILL FOR AN ORDINANCE

SECTION 4. 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
C E R T I F I C A T E

ORDINANCE 15-19

BILL 71 (2014), CD1

Introduced: 10/30/14

By: ERNEST MARTIN (BR)

Committee: ZONING AND PLANNING

Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 25, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO SPECIAL MANAGEMENT AREA.

Voting Legend: * = Aye w/Reservations

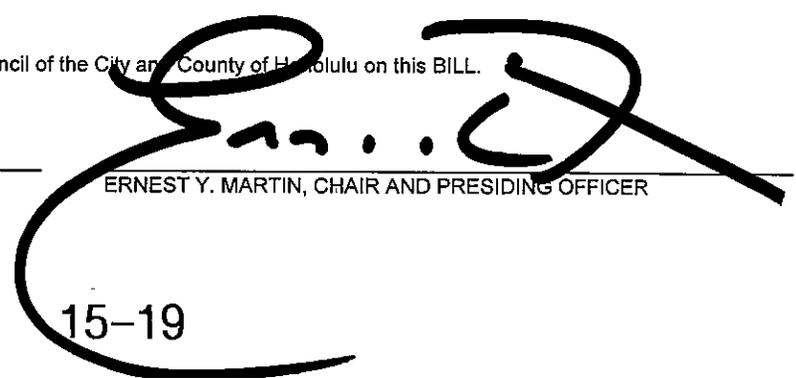
NOTE: EFFECTIVE NOVEMBER 4, 2014, COUNCILMEMBER BREENE HARIMOTO, REPRESENTING COUNCIL DISTRICT VIII, RESIGNED FROM OFFICE. (Refer to Communication CC-245)

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.
		NOTE: COUNCILMEMBER OZAWA TOOK OFFICE ON FRIDAY, JANUARY 2, 2015.
02/07/15	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/12/15	ZONING AND PLANNING	CR-56(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-56(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-219(15) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
06/03/15	COUNCIL	CR-219(15) ADOPTED AND BILL 71 (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

15-19