



A BILL FOR AN ORDINANCE

RELATING TO PUBLIC PEDESTRIAN MALLS IN THE DOWNTOWN AND CHINATOWN AREAS.

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 malls in the Downtown Honolulu and Chinatown areas.

The Council finds that the closure of certain streets or parts thereof to vehicular traffic and the creation of public malls promote the movement, safety, convenience, enjoyment and entertainment of pedestrians in areas with high pedestrian traffic. Public malls also provide passageways for pedestrians to access a wide variety of commercial enterprises, meeting facilities, recreational areas, and public and private services. Maintaining the flow of pedestrian activity on public malls ensures walkability, and generally allows pedestrians to reach their destinations.

Sitting or lying on public malls is not the intended or customary use of public malls. Persons who sit or lie on public malls threaten their own safety and the safety of pedestrians, who are put at increased risk when they must avoid and navigate around persons sitting or lying on public malls, or from unsanitary conditions resulting therefrom. Pedestrians are discouraged from using and enjoying public malls, and from walking as a means of transportation or recreation if they know that they will be impeded by persons who are sitting or lying on the public malls.

SECTION 2. Section 29-___.1, as enacted in SECTION 2 of Ordinance 15-1, is amended to read as follows:

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

(a) No person shall sit or lie on a public mall, or on a tarp, towel, sheet, blanket, sleeping bag, bedding, planter, chair, bench, or any other object or material placed upon a public mall during the following hours:

(1) College Walk Mall. Sunday through Saturday, all hours.

[(1)] (2) Fort Street Mall. [Monday] Sunday through [Friday] Saturday from 5:00 a.m. to [7:00] 10:00 p.m.

[(2)] (3) Kekaulike Mall. Sunday through Saturday from 5:00 a.m. to 7:00 p.m.

(4) Kila Kalikimaka Mall. Sunday through Saturday, all hours.



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[(3)] (5) Sun Yat Sen Mall. Monday through Friday from 5:00 a.m. to 7:00 p.m.

[(4)] (6) Union Mall. [Monday through Friday from 5:00 a.m. to 7:00 p.m.] Sunday through Saturday, all hours.

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

- (1) Any person sitting or lying on a public mall 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 mall;
- (3) Any person sitting or lying on the public mall for the purpose of engaging in an expressive activity;
- (4) Any person sitting on the public mall while attending or viewing any festival, performance, rally, demonstration or similar event conducted on the public mall 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 mall;
- (7) Any person sitting on a chair or bench located on the public mall that is placed there by a public agency or pursuant to permit issued by the city;
- (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 mall or enter a doorway or other entrance alongside the mall; and
- (9) Any person engaging in an authorized activity on the mall pursuant to a permit issued by the director of parks and recreation in accordance with department of parks and recreation rules.

(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.



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(d) As used in this section:

"College Walk Mall" means the same as "College Walk Mall" in Section 29-1.1.

"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.

"Fort Street Mall" means the portion of Fort Street established as a pedestrian mall under Section 15-25.1(b).

"Kekaulike Mall" means the area of Kekaulike Street, between Hotel Street and King Street.

"Kila Kalikimaka Mall" means the area immediately adjacent to the parcel designated by TMK 1-7-026:010, from College Walk Mall to Aala Street.

"Mall," when used generally in this article, means collectively the College Walk Mall, Fort Street Mall, Kekaulike Mall, Kila Kalikimaka Mall, Sun Yat Sen Mall, and Union Mall.

"Sun Yat Sen Mall" means the same as "Sun Yat Sen Mall" in Section 29-1.1.

"Union Mall" means the portion of Union Street established as a pedestrian mall under Section 15-25.1(a)."



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SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

Carol Fukunaga

DATE OF INTRODUCTION:

May 28, 2015
Honolulu, Hawaii

_____ Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

~~APPROVED~~ this 19th day of August, 2015

Vetoed - KCWC

KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 15-40

BILL 44 (2015), FD1

Introduced: 05/28/15

By: CAROL FUKUNAGA

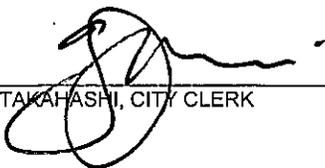
Committee: ZONING AND PLANNING

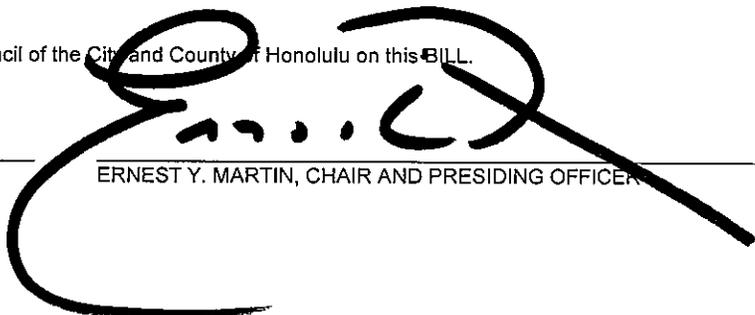
Title: A BILL FOR AN ORDINANCE RELATING TO PUBLIC PEDESTRIAN MALLS IN THE DOWNTOWN AND CHINATOWN AREAS.

Voting Legend: * = Aye w/Reservations

06/03/15	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 8 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 NO: ELEFANTE.
06/15/15	ZONING AND PLANNING	CR-238 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
06/27/15	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
07/08/15	COUNCIL/PUBLIC HEARING	CR-238 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 6 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MARTIN, MENOR, OZAWA. 2 NOES: ELEFANTE, PINE. 1 ABSENT: MANAHAN.
07/15/15	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
07/23/15	ZONING AND PLANNING	CR-299 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
08/05/15	COUNCIL	BILL AMENDED TO FD1. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. CR-299 ADOPTED AND BILL 44 (2015), FD1 PASSED THIRD READING. 7 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR*, OZAWA. 2 NOES: ELEFANTE, 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

ORDINANCE NO. 15-40

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

I hereby certify that Bill 44 (2015), FD1, returned vetoed by the Honorable Kirk Caldwell, Mayor of the City and County of Honolulu, via Communication MM-119 on August 19, 2015, was taken up by the Council for reconsideration on September 2, 2015; and, at the same meeting, APPROVED by the said Council, the veto of the Mayor to the contrary notwithstanding by the following vote:

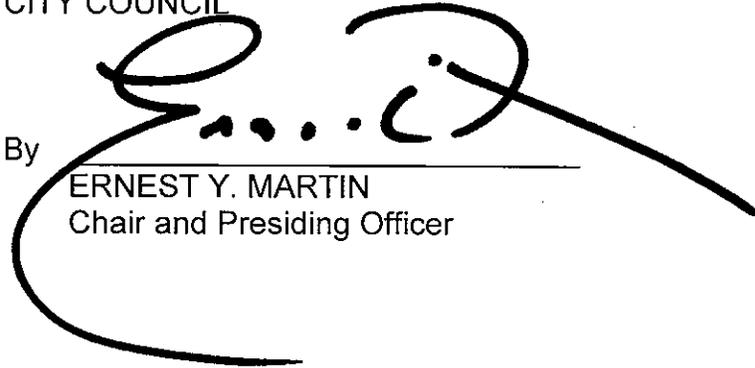
AYES: Councilmembers Anderson, Fukunaga, Kobayashi, Manahan,
Martin, Menor*, Ozawa – 7.
NOES: Councilmembers Elefante, Pine – 2.

Further, pursuant to Section 3-203 of the Revised Charter of Honolulu and the foregoing action by the said Council, Bill 44 (2015), FD1, is duly enacted an Ordinance by this certification.

Dated, Honolulu, State of Hawaii, this 2nd day of September, 2015.

CITY COUNCIL

By


ERNEST Y. MARTIN
Chair and Presiding Officer

ATTEST:


GLEN TAKAHASHI
City Clerk