



A BILL FOR AN ORDINANCE

RELATING TO THE MAINTENANCE OF CHANNELS, STREAMBEDS,
STREAMBANKS AND DRAINAGEWAYS.

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 conditions under which a private stream owner is held to maintain, dredge and clear such stream.

Streams are natural, altered or improved channels that have seasonal or continuous water flows as a result of either surface stormwater runoff or groundwater influx, or both. This ordinance is intended to prevent harm to the health, safety and general welfare of the public, and preserve water quality by ensuring owners of private streams fulfill their maintenance responsibilities beyond that of mitigating flood hazards.

SECTION 2. Section 41-26.1 ("Purpose and intent"), is amended by amending subsection (b) to read as follows:

"(b) The provisions set forth hereinafter are intended to provide the necessary power and authority to the department of [~~public works,~~] facility maintenance, an executive agency of the city, to provide for and enforce the maintenance of channels, streambeds, streambanks and drainageways, including their exits to the ocean, in suitable condition to carry off stormwaters, prevent flooding and to ensure that the natural flow of water runs unimpaired; and for the removal from the channels, streambeds, streambanks and drainageways, any debris, vegetation, silt or other items or material of any nature, which is likely to create an unsanitary condition, blockage or otherwise become a public nuisance to the health, safety and welfare of the residents of the city; provided, that to the extent any of the foregoing work is a private responsibility, the responsibility may be enforced by the city in lieu of the work being done at city expense, and any private entity or person refusing to comply with any final order issued by the city shall be in violation of this article and HRS Section 46-11.5."

SECTION 3. Section 41-26.2, Revised Ordinances of Honolulu 1990, is amended by amending the definitions of "Chief engineer" and "Department" to read as follows:

""Chief engineer" means the director and chief engineer of the department of [~~public works~~] facility maintenance or the chief engineer's authorized representative.



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"Department" means the government unit known as the department of [~~public works~~] facility maintenance of the City and County of Honolulu."

SECTION 4. Section 41-26.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 41-26.3 Maintenance of streams.

The owner of any stream has the duty to maintain, dredge and clear such stream so that the natural flow of water runs unimpaired. The owner shall also be responsible for the removal of any debris, vegetation, silt or other items or material of any kind, that may interfere with the natural flow of water[-] or is likely to create an unsanitary condition or otherwise become a public nuisance."

SECTION 5. Ordinance material to be repealed is bracketed and stricken. 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 material that has been bracketed and stricken, or the underscoring.



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SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

Joey Manahan

DATE OF INTRODUCTION:

April 19, 2017
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel **KAMILLA C.K. CHAN**

APPROVED this 25th day of July, 20 17.



KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 17-38

BILL 43 (2017), CD1

Introduced: 04/19/17 By: JOEY MANAHAN

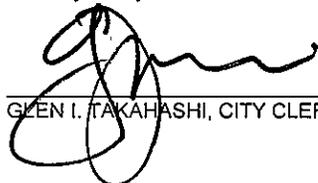
Committee: PUBLIC WORKS,
INFRASTRUCTURE AND
SUSTAINABILITY

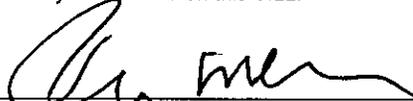
Title: A BILL FOR AN ORDINANCE RELATING TO THE MAINTENANCE OF CHANNELS, STREAMBEDS,
STREAMBANKS AND DRAINAGEWAYS.

Voting Legend: * = Aye w/Reservations

04/26/17	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
04/29/17	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN ANTICIPATION OF COMMITTEE ACTION IN THE HONOLULU STAR-ADVERTISER.
05/03/17	PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY	CR-186 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
05/10/17	COUNCIL/PUBLIC HEARING	CR-186 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
05/17/17	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
06/28/17	PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY	CR-269 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM.
07/12/17	COUNCIL	CR-269 ADOPTED AND BILL 43 (2017), CD1 PASSED THIRD READ AS AMENDED. 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 I. TAKAHASHI, CITY CLERK


RON MENOR, CHAIR AND PRESIDING OFFICER