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1961

# THE REVISED ORDINANCES

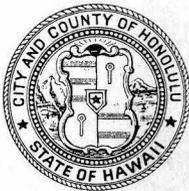
*Honolulu Ordinances, etc.*  
OF

## HONOLULU

### 1961

Rep. 10/22/40  
Ord. 3619  
*Repeated R.O. 61*  
*(Adopted Rev. Ord. 1969)*

as Amended  
Comprising the Ordinances of the  
CITY AND COUNTY OF HONOLULU,  
through Ordinance No. 2087  
December 31, 1961



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PUBLISHED BY AUTHORITY

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MAYOR

NEAL S. BLAISDELL

COUNCIL

MASATO DOI, *Chairman*

WILLIAM K. AMONA  
CLESSON Y. CHIKASUYE  
ERNEST N. HEEN  
RICHARD M. KAGEYAMA

BEN F. KAITO  
HERMAN G. P. LEMKE  
YOSHIRO NAKAMURA  
MATSUO TAKABUKI

## FOREWORD

---

The unprecedented growth of the City and County of Honolulu in the past few years has brought great changes to municipal government. Many new and critical problems have arisen and the inevitable legislative solutions have been enacted.

The Charter for the City and County of Honolulu has also brought great changes in municipal government and has caused many ordinances to be amended, enacted and repealed.

This compilation and revision of the ordinances reflects these changes in the scope and form of municipal government.

Several significant changes have been made both in the ordinances and in the style of the composition. Some of them are as follows:

(1) The page numbers have been omitted to facilitate future amendments, deletions and additions;

(2) A new appendix section has been added to incorporate some of the rules and regulations of the various agencies, etc., of the City; and the deletion of the same from the ordinance section where found in the 1957 Revised Ordinances; and

(3) More extensive use of footnotes, especially with reference to State statutes.

The efforts of the entire staff and in particular the contributions of Hiromu Suzawa, Wendell Crockett and Koozo Okamoto are gratefully acknowledged. Without their able and untiring efforts, this edition of the revised ordinances would not have been published.

STANLEY LING  
*Corporation Counsel*

Honolulu, Hawaii  
July 31, 1962

## PREFACE

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This set of the Revised Ordinances of Honolulu 1961 constitutes the first revision and recodification of the general ordinances of the City and County of Honolulu since the adoption of the home rule type Charter of the City and County of Honolulu in 1959.

For the reasons that the said charter can be found in the 1960 Supplement of the Revised Laws of Hawaii 1955 and individual copies can be obtained from the Finance Department, City and County of Honolulu, Honolulu, Hawaii, the said charter has been omitted from this Revised Ordinances of Honolulu 1961.

This set contains the ordinances of a general and permanent nature passed prior to December 31, 1961, which we consider as being desirable for retention. Therefore, appropriation ordinances and salary ordinances have not been included.

Resolutions and Ordinances on subjects of a limited nature, such as improvement districts, frontage improvements, set-back lines, and other similar subjects have likewise been omitted.

The codes which are incorporated by references in this Revised Ordinances of Honolulu 1961, such as the Uniform Building Code, the Uniform Electrical Code, the Uniform Plumbing Code, and the ordinance (Ordinance No. 1508, 1956) on the Traffic Code, with amending ordinances thereto, have also been excluded from this Revised Ordinances of Honolulu 1961. The said codes are on file and open to inspection by the public at the departments responsible for administering the codes.

Several changes have been made in this Revised Ordinances of Honolulu 1961 from the Revised Ordinances of Honolulu 1957. The principal differences being the omission of page numbers, the addition of a section of appendices, consisting mostly of rules and regulations some of which were formerly included in the body of the text with the ordinances, and the addition of footnotes.

*AN ORDINANCE adopting the Revised Ordinances of Honolulu 1961, declaring the effect thereof, providing for the effective date thereof, and repealing the Revised Ordinances of Honolulu 1957.*

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF HONOLULU:

Section 1. Adoption. Pursuant to Section 3-205 of the Charter of the City and County of Honolulu (Act 261, S.L.H. 1959), that document containing all ordinances of the city of a general and permanent nature which are appropriate for continuation as law, as revised, compiled and codified by the Office of the Corporation Counsel, is hereby adopted by reference and designated as "The Revised Ordinances of Honolulu, 1961."

Section 2. Repeal; exception. The Revised Ordinances of Honolulu 1957, as amended, is hereby repealed except as herein provided:

(a) That all ordinances, amending the Revised Ordinances of Honolulu 1957 which are adopted and effective after May 31, 1961 and which are omitted from the Revised Ordinances of Honolulu 1961 shall not be deemed to have been repealed, but shall be continued in full force and effect unimpaired by the Revised Ordinances of Honolulu 1961.

(b) That the repeal of the Revised Ordinances of Honolulu 1957, as amended, or any portion thereof, by this section shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such Revised Ordinances of Honolulu 1957, or any part thereof, so repealed had remained in force. No offense committed and no liability, penalty or forfeiture either civilly or criminally incurred prior to the time when any such Revised Ordinances of Honolulu 1957, or any part thereof, shall be repealed or altered by the Revised Ordinances of Honolulu 1961, shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such Revised Ordinances of Honolulu 1957, or any part thereof, had not been repealed or altered.

(c) That no appropriation ordinance, salary ordinance, and resolution or ordinance relating to improvement districts, zoning, traffic regulations, frontage improvements, curb grades and curb lines, set-back lines and other similar subjects shall be affected by the repealing clause of this ordinance.

(d) That the Rules and Regulations of the City and County Planning Commission, City and County of Honolulu, and the Rules and Regulations of the Board of Water Supply, shall not be affected but shall be continued in full force and effect as such.

Section 3. Construction of Revised Ordinances. Provisions in the Revised Ordinances of Honolulu 1961 shall be construed as continuations or amendments of applicable or corresponding provisions of previously existing ordinances and not as new enactments. In case of a conflict between two or more provisions, or in any case of a latent or patent ambiguity or obvious clerical error in any provision of the Revised Ordinances of Honolulu 1961, reference may be had to the previously existing ordinances for the purposes of applying the rules of construction relating to repeal by implication or for the purpose of resolving the ambiguity or correcting the error.

Section 4. Revivor. When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause, or provision.

Section 5. Copies. Copies of the Revised Ordinances of Honolulu 1961 are available for examination at the Clerk's Office.

Section 6. Effective date. This ordinance shall take effect upon its approval by the Mayor.

INTRODUCED BY :

(S) YOSHIRO NAKAMURA  
(S) ERNEST N. HEEN  
(S) MASATO DOI  
(S) H. G. P. LEMKE  
(S) BEN F. KAITO  
(S) MATSUO TAKABUKI  
(S) WILLIAM K. AMONA  
(S) RICHARD M. KAGEYAMA  
*Councilmen*

DATE OF INTRODUCTION :

July 18, 1961  
Honolulu, Hawaii

Approved this 28th day of September, 1961.

(S) NEAL S. BLAISDELL,  
*Mayor, City and County of Honolulu*

(Hon. S.B. : October 4, 1961)

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Am. 9/20/63  
 Ord. 2404 - Adding Chapter 25 - HOUSING CODE

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# TITLE I

## General Provisions

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### CHAPTER 1. GENERAL PROVISIONS.

#### Article 1. Title of Volume.

- § 1-1.1. Title.

#### Article 2. Construction Of Ordinances.

- § 1-2.1. Construction Of Revised Ordinances Of Honolulu 1961.  
§ 1-2.2. When These Rules Of Construction Shall Not Apply.  
§ 1-2.3. Reference To Titles, Articles, Chapters, Or Sections—Conflicting Provisions.  
§ 1-2.4. Penalty Where No Penalty Provided.

#### Article 3. Definitions.

- § 1-3.1. Terms, Phrases And Words.

#### Article 4. Repeal Of Resolutions Or Ordinances.

- § 1-4.1. Revivor.  
§ 1-4.2. Effect On Rights Accrued.  
§ 1-4.3. On Pending Suits Or Prosecution.

#### Article 5. Severability.

- § 1-5.1. General Provisions.

#### Article 6. City Seal.

- § 1-6.1. Adoption.  
§ 1-6.2. (Use Of Existing Seal.)—Functus.

#### Article 1. Title Of Volume.

##### Sec. 1-1.1. Title.

This volume shall be known as "The Revised Ordinances of the City and County of Honolulu 1961" and its official abbreviated designation shall be "R.O. 1961." (Sec. 1-1.1 R.O. 1957)

#### Article 2. Construction Of Ordinances.

##### Sec. 1-2.1. Construction Of Revised Ordinances Of Honolulu 1961.

In the construction of the Revised Ordinances of Honolulu 1961 the following rules shall be observed unless it shall be

apparent from the context that a different construction is intended:

(a) General rule. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(b) Gender—Singular and Plural. Every word in the Revised Ordinances shall extend to and be applied to all genders; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word in the plural number include the singular number, and every word in the singular number include the plural number.

(c) Tenses. Every word used in the present tense shall include the future.

(d) Acts by Subordinate Officer. When any provision herein requires an act to be done, which may by law as well be done by a subordinate officer as by the superior officer, such requirement shall be construed to include all such acts when done by an authorized subordinate officer.

(e) Time—How computed. The time within which an act is to be done as provided in any provision herein or in any order issued pursuant to any provision herein, when expressed in days, shall be computed by excluding the first day and including the last, unless the last day is a Sunday or holiday, in which case it is also excluded. (Sec. 1-2.1 R.O. 1957)

#### **Sec. 1-2.2. When These Rules Of Construction Shall Not Apply.**

The rules of construction set forth in Section 1-2.1 shall not be applied to any provision of the Revised Ordinances which shall contain any express provision excluding such construction, or when the subject matter or context of a provision of the Revised Ordinances may be repugnant theret. (Sec. 1-2.2. R.O. 1957)

#### **Sec. 1-2.3. Reference To Titles, Articles, Chapters, Or Sections —Conflicting Provisions.**

In addition to the rules of construction specified in Section 1-2.1, the following rules shall be observed in the construction of the provisions of the Revised Ordinances:

(a) All references to Titles, Chapters, Articles or Sections

are to the Titles, Chapters, Articles and Sections of the Revised Ordinances unless otherwise specified.

(b) If the provisions of different Chapters of the Revised Ordinances conflict with or contravene each other, the provisions of each Chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

(c) If conflicting provisions be found in different Sections of the same Chapter the provisions of the Section which is enacted later in time shall prevail unless such construction be inconsistent with the meaning of such Chapter. (Sec. 1-2.3 R.O. 1957)

#### **Sec. 1-2.4. Penalty Where No Penalty Provided.<sup>1</sup>**

In any case where there shall be a violation of any of the criminal provisions of the Revised Ordinances for which no penalty is provided, the person violating the same shall be subject to a fine of not more than one hundred dollars for each offense or by imprisonment of not more than ninety days, or to both such fine and imprisonment. (Sec. 1-2.4 R.O. 1957)

### **Article 3. Definitions.<sup>2</sup>**

#### **Sec. 1-3.1. Terms, Phrases And Words.**

For the purposes of the Revised Ordinances the following terms, phrases, words and their derivations shall have the meaning given herein, unless it shall be apparent from the context that a different meaning was intended:

(a) The term "agency" shall mean any office, department, board, commission or other governmental unit of the city.

(b) The term "executive agency" shall mean any agency of the executive branch of the city government, excluding the board of water supply.

(c) The term "employee" shall mean any person, except an officer, employed by the city or any agency thereof but the term shall not include an independent contractor.

(d) The term "officer" shall include the following:

1. Mayor, members of the Council, Managing Director, Budget Director, and the Director of Information and Complaint.

1. Maximum fine set, § 149-86(26) RLH 1955.

Misdemeanor cases, Act 4, SLH 1957.

2. cf. § 12-101 charter.

2. Any person appointed as administrative head of any agency of the city or as a member of any board or commission provided for in the Charter.

3. Any person appointed by a board or commission as the administrative head of such agency.

4. The first deputy or a division chief appointed by the administrative head of any agency of the city.

5. Deputies of the Corporation Counsel and the Prosecuting Attorney.

(e) The term "City" shall mean the City and County of Honolulu.

(f) The term "Council" shall mean the Council of the City and County of Honolulu.

(g) The term "Charter" shall mean Act 261, S.L.H. 1959 (Charter for the City and County of Honolulu).

(h) The term "persons" shall include individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations, or any officers, agents, employees, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law.

(i) District of Honolulu: The words "District of Honolulu" shall mean the same area known as "Honolulu District," that is to say, on the island of Oahu from Maunalua to Moanalua inclusive, and the islands not included in any other district of the island of Oahu.<sup>3</sup>

(j) Rural: The term "Rural" shall mean all of that portion of the island of Oahu not included within the geographical limits of the State known as the "District of Honolulu." (Sec. 1-3.1 R.O. 1957; Am. Ord. 1781)

## Article 4. Repeal Of Resolutions Or Ordinances.

### Sec. 1-4.1. Revivor.

The repeal of any resolution or ordinance shall not be construed to revive any other resolution or ordinance which has been repealed, unless it be so clearly expressed. (Sec. 1-4.1 R.O. 1957)

### Sec. 1-4.2. Effect On Rights Accrued.

The repeal of any resolution or ordinance shall in no case affect any act done, or any right accruing, accrued, acquired or

3. Defined, § 149-2 RLH 1955.

established, or any suit or proceedings had or commenced in any civil case, before the time when the repeal shall take effect. (Sec. 1-4.2 R.O. 1957)

#### Sec. 1-4.3. On Pending Suit Or Prosecution.

No suit or prosecution pending at the time of the repeal of any resolution or ordinance, for any offense committed, or for the recovery of any penalty or forfeiture incurred under the resolution or ordinance so repealed, shall in any case be affected by such repeal. (Sec. 1-4.3 R.O. 1957)

### Article 5. Severability.

#### Sec. 1-5.1. General Provision.

If any portion of the Revised Ordinances, or its application to any person or circumstance, shall be held unconstitutional or invalid, the remainder of the Revised Ordinances and the application of such portion to other persons or circumstances shall not be affected thereby. (Sec. 1-5.1 R.O. 1957)

### Article 6. City Seal.

#### Sec. 1-6.1. Adoption.<sup>4</sup>

The existing seal of the City and County of Honolulu is hereby adopted as the new seal of the City and County of Honolulu, State of Hawaii, with the following modification:

The term "Territory of Hawaii" appearing in the existing seal of the City is hereby deleted and the term "State of Hawaii" inserted in lieu thereof. (Ord. 1730)

#### Sec. 1-6.2. (Use Of Existing Seal.)—FUNCTUS.

<sup>4</sup> Authorized, § 149-86(30) RLH 1955.

Adopted February 9, 1909, by impress, Vol. I Minutes of the Board of Supervisors 1909, page 177, pursuant to paragraph 3 of Section 120 of the Municipal Act.

Am. 4/7/66  
Ord. 2784 - Article 7. Continuity In Government.

...of any bill or resolution, and it shall have effect...

Sec 1-1-1 (R.O. 1882)

Sec 1-1-1. On Passing Bill Or Resolution...

...of any bill or resolution... shall in any case be altered...

Article 5: Government

Sec 1-1-1. General Provision...

...of the Revised Ordinance... shall be subject to the...

Article 6: City Seal

Sec 1-1-1. Additional...

...the existing seal of the City and County... shall be subject to the...

Sec 1-6-1 (Use Of Existing Seal) - PUNCTUS

...of the City and County... shall be subject to the...

AM. BILL... OLD BILL...

**TITLE II (Reserved)**

TITLE II (Reserved)

# TITLE III

## Administrative Code

### CHAPTER 3.

#### OFFICE OF THE MAYOR.

##### Article 1. Mayor.

- § 3-1.1. Election And Term Of Office.
- § 3-1.2. Powers, Duties And Functions.

##### Article 2. Managing Director.

- § 3-2.1. Appointment And Removal.
- § 3-2.2. Powers, Duties And Functions.

##### Article 3. Budget Director.

- § 3-3.1. Appointment And Removal.
- § 3-3.2. Powers, Duties And Functions.

##### Article 4. Director Of Information And Complaint.

- § 3-4.1. Appointment And Removal.
- § 3-4.2. Powers, Duties And Functions.

##### Article 5. Municipal Reference Library.

- § 3-5.1. Organization.
- § 3-5.2. Duties And Functions.

##### Article 6. (Reserved).

##### Article 7. Major Disaster Council.

- § 3-7.1. Creation.
- § 3-7.2. Duties Of The Disaster Council.
- § 3-7.3. Declaration Of Emergency; Duties Of Mayor.
- § 3-7.4. Coordinator.
- § 3-7.5. Divisions.
- § 3-7.6. Headquarters.
- § 3-7.7. Declaration Of Necessity.

##### Article 1. Mayor.<sup>5</sup>

##### Sec. 3-1.1. Election And Term Of Office.<sup>6</sup>

Except for the filling of a vacancy in the office of the Mayor as provided by § 5-108 of the Charter, the electors of the City

- 5. In general, Chap. 1, Art. V, charter.
- Salary § 5-103, charter and Act 255, SLH 1959.
- 6. Same, § 5-101 charter.

shall elect a Mayor whose term of office shall be four years beginning at twelve o'clock meridian on the second day of January following his election. (Ord. 1781)

**Sec. 3-1.2. Powers, Duties And Functions.<sup>7</sup>**

The Mayor shall be the chief executive officer of the City. He shall have the power to:

(a) Except as otherwise provided, exercise direct supervision over all agencies enumerated in this chapter and other agencies as he may deem desirable and through the Managing Director exercise supervision over all other executive agencies of the City. He shall provide for the coordination of all administrative activities and see that they are honestly, efficiently and lawfully conducted.

(b) Appoint the necessary staff for which appropriations have been made by the Council.

(c) Create or abolish positions, but a monthly report of such actions shall be made to the Council.

(d) Make temporary transfers of positions between departments or between subdivisions of departments.

(e) Appoint a personal representative who shall, subject to his direction, perform such ceremonial functions of the Mayor's office and such other duties as he may designate.

(f) Submit an operating budget, a capital program and a capital budget annually to the Council for its consideration and adoption.

(g) Sign instruments requiring execution by the city except those which the Director of Finance or other officer is authorized by the Charter, ordinance or resolution to sign.

(h) Present messages or information to the Council which in his opinion are necessary or expedient.

(i) In addition to his annual report to the people, to make periodic reports informing the public as to city policies, programs and operations.

(j) Call special sessions of the Council.

(k) Veto ordinances, and resolutions authorizing proceedings in eminent domain.

(l) Have a voice but no vote in the proceedings of all boards provided for by the Charter or by ordinance.

(m) Enforce the provisions of the Charter, the ordinances of the city and all applicable laws.

<sup>7</sup> Same, § 5-104 charter.

Local Advisory School Council, Act 182, SLH 1961.

Police car allowance, Act 34, SLH 1959.

(n) Exercise such other powers and perform such other duties as may be prescribed by the Charter or by ordinance. (Ord. 1781)

## Article 2. Managing Director.<sup>8</sup>

### Sec. 3-2.1. Appointment And Removal.

There shall be a Managing Director who shall be appointed and may be removed by the Mayor. He shall be the principal management aide of the Mayor. The position of the Managing Director shall be in the office of the Mayor. (Ord. 1781)

### Sec. 3-2.2. Powers, Duties And Functions.

The Managing Director shall:

(a) Supervise the heads of all executive agencies except the agencies under the direct supervision of the Mayor.

(b) Inform himself and keep the Mayor advised concerning the operations of all agencies under his supervision, and make, or cause to be made, investigations and studies of the internal organization and procedures of any such executive agency and may require such reports from any of them as he deems necessary.

(c) Prescribe standards of administrative practice to be followed by all executive agencies under his supervision.

(d) Attend meetings of the Council or of any board or committee when requested by the Mayor.

(e) Attend meetings of the Council and its committees upon request and make available such information as they may require.

(f) Perform all other duties required of him by the Charter or assigned to him in writing by the Mayor. (Ord. 1781)

## Article 3. Budget Director.<sup>9</sup>

### Sec. 3-3.1. Appointment And Removal.

There shall be a Budget Director who shall be appointed and may be removed by the Mayor. The position of the Budget Director shall be in the office of the Mayor. (Ord. 1781)

### Sec. 3-3.2. Powers, Duties And Functions.

The Budget Director shall:

(a) Prepare the annual operating budget and ordinance under the direction of the Mayor.

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8. In general, Chap. 1, Art. VI, charter.

9. In general, Chap. 3, Art. V, charter.

(b) Prepare the annual capital budget ordinance under the direction of the Mayor.

(c) Review departmental work program schedules and make budgetary allotments for their accomplishment with the approval of the Mayor.

(d) Review all requests for the creation of new positions and make recommendations thereon to the Mayor.

(e) Analyze the performance of each agency and make quarterly reports to the Mayor and the Council on the extent to and the efficiency with which the work program of each agency has been accomplished.

(f) Study city and departmental operations and make recommendations to the Mayor for the improved efficiency and economy of such operations. (Ord. 1781)

## **Article 4. Director Of Information And Complaint.<sup>10</sup>**

### **Sec. 3-4.1. Appointment And Removal.**

There shall be in the office of the Mayor an office of information and complaint whose head shall be called the Director of Information and Complaint and he shall be appointed and may be removed by the Mayor. (Ord. 1781)

### **Sec. 3-4.2. Powers, Duties And Functions.**

The Director of Information and Complaint shall receive complaints and inquiries concerning city policies, programs and operations and promptly answer such complaints or inquiries. (Ord. 1781)

## **Article 5. Municipal Reference Library.<sup>11</sup>**

### **Sec. 3-5.1. Organization.**

There shall be a municipal reference library headed by a Municipal Librarian who shall be appointed and may be removed by the Mayor. The municipal reference library shall be in the office of the Mayor. (Ord. 1781)

### **Sec. 3-5.2. Duties And Functions.**

It shall be the duty of the Municipal Librarian to obtain a collection of data on municipal affairs, to catalogue such col-

<sup>10</sup>. Same, § 5-107 charter.

<sup>10</sup> and <sup>11</sup>. Civil service status of employees, § 5-603(b) charter.

lections, and to make available to any officer or employee of the city government information on any subject desired. (Ord. 1781)

## Article 6. (Reserved).

## Article 7. Major Disaster Council.\*<sup>12</sup>

### Sec. 3-7.1. Creation Of Major Disaster Council.

There is hereby created a Major Disaster Council, hereinafter called the Disaster Council. The Disaster Council shall consist of the Mayor, as Chairman, the head of a department, to be selected by the Mayor, as Vice-Chairman, and such other persons, to be appointed by the Mayor, as he may deem necessary, with the approval of the Council. The term of office of such appointees shall be the same as that of the appointing power. Any vacancy in the office of an appointed member shall be filled for the remainder of the unexpired term. (Sec. 3-2.2 R.O. 1957)

### Sec. 3-7.2. Duties Of The Disaster Council.

(1) In the event of a major disaster, catastrophe, calamity or cataclysm, it shall be the duty of the Disaster Council to:

(a) Undertake the coordination of all the resources of the City together with the resources of the various persons, firms, associations and corporations doing business or located in the City;

(b) Create a plan which would permit an effective and efficient method of utilizing all available resources and materials for the relief and the general welfare of the people of the City;

(c) Act in accordance with all laws to which the City is subject and each member of said Disaster Council shall diligently undertake to acquaint himself with and become familiar with the responsibilities imposed upon him in the event of such emergency.

(2) All moneys received by the Disaster Council from any source other than moneys appropriated by the Council, shall be

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\*Pursuant to Act 2, SLH 1959, and Section 359-32 RLH 1955 the provisions of this Article are suspended until June 30, 1961, which suspension may be further extended by the Legislature.

12. Suspension of Article, Act 2, SLH 1959, and Sec. 359-32, RLH 1955, as amended.

Repeal of Sec. 359-32 by Act 35, SLH 1961.

deposited with the Director of Finance to the credit of the Council. Said moneys shall be disbursed only upon warrants issued by the Director of Finance in payment of claims approved by the Chairman. (Sec. 3-2.2 R.O. 1957)

#### **Sec. 3-7.3. Declaration Of Emergency; Duties Of Mayor.**

The Mayor shall have the power, in his discretion, to declare when an emergency exists. In the event of such declaration of emergency, the Mayor shall have the power, subject to existing laws, to obligate the City for the payment of any and all supplies, equipment, materials, food or other necessities of relief that may be necessary to cope with such emergency. Should the Mayor be sent from the City or disqualified or unable to act for any reason, the powers and duties imposed upon him by the provisions hereof shall be vested in the Acting Mayor. (Sec. 3-2.2 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

#### **Sec. 3-7.4. Coordinator.**

The Mayor, with the approval of the Council, shall appoint a Coordinator who shall serve for such term and at such salary as shall be determined by the Council. The Coordinator, subject to the civil service laws and with the approval of the Disaster Council, may appoint such assistants and such clerical, stenographic and other employees as shall be deemed necessary and for which appropriations shall be made by the Council. The Coordinator shall serve as secretary of the Disaster Council, act as liaison between the various divisions of the Disaster Council and be responsible for the administration of the entire plan. (Sec. 3-2.2 R.O. 1957)

#### **Sec. 3-7.5. Divisions.**

(1) The Council shall be in charge of the following divisions, and such other divisions as it may create from time to time:

- (a) Coordination and intelligence
- (b) Transportation
- (c) Communications
- (d) Power and light
- (e) Personnel
- (f) Law and order
- (g) Law enforcement
- (h) Fire protection
- (i) Water and water supply
- (j) Streets and highways
- (k) Medical

- (l) Health and sanitation
- (m) Red Cross
- (n) Rescue, demolition and gas protection
- (o) Air raid warning
- (p) Religious worship
- (q) Recreation and amusements
- (r) Mortuary work
- (s) Law
- (t) Finance and supplies
- (u) Education
- (v) Rural Oahu

(2) The divisions above named, and such other divisions as may be created, shall be responsible for and execute such duties and functions delegated to it by the Disaster Council. Each of the divisions hereinabove referred to shall be under the control and direction of a Chairman and, in the absence of express declaration to the contrary by a majority of the Disaster Council, he shall have the power to carry out the duties and functions delegated or assigned to the division of which he is in charge. (Sec. 3-2.2 R.O. 1957)

#### **Sec. 3-7.6. Headquarters.**

(1) The headquarters of the Disaster Council shall be in Honolulu Hale. It shall be the duty of the Mayor to notify all members of the Disaster Council of an emergency. Upon notification the members shall forthwith assemble at Honolulu Hale, or such other place as may be designated by the Mayor.

(2) The Disaster Council may make such rules and regulations as it may deem necessary for the purpose of effecting the plan contemplated hereby into operation; provided, however, that no person shall be paid any compensation for any service rendered hereunder except as expressly provided for in this Article or an ordinance for such purpose. (Sec. 3-2.2 R.O. 1957)

#### **Sec. 3-7.7. Declaration Of Necessity.**

It is hereby declared that these provisions are enacted to protect the health, life and property of the inhabitants of the City and to preserve and enforce good government, order and security within said City. (Sec. 3-2.2 R.O. 1957)

Section 3.1.1. The Board of Directors shall have the authority to make and alter the bylaws of the corporation, subject to the approval of the stockholders.

Section 3.1.2. The Board of Directors shall have the authority to elect and remove the officers and directors of the corporation.

Section 3.1.3. The Board of Directors shall have the authority to declare dividends on the stock of the corporation.

**Section 3.2 - Shareholders**

Section 3.2.1. The Board of Directors shall have the authority to issue and transfer shares of the corporation.

**Section 3.3 - Dissolution**

Section 3.3.1. It is hereby declared that the purposes and objects of the corporation shall be to protect the health, life and property of the inhabitants of the City and to preserve and enhance good government, order and security within said City. (See 3.1.1.1-3.1.1.2)

CHAPTER 4.  
EXECUTIVE ORGANIZATION.

Article 1. Executive Agencies.

§ 4-1.1. Organization.

Article 2. General Duties And Powers.

- § 4-2.1. Officers.
- § 4-2.2. Appointment And Removal Of Officers And Employees.
- § 4-2.3. Powers And Duties Of Heads Of Executive Agencies.
- § 4-2.4. Reports.
- § 4-2.5. Inaugurate Sound Practices.
- § 4-2.6. Records.
- § 4-2.7. Cooperation With Other Agencies.
- § 4-2.8. Acts By Subordinate Officer.
- § 4-2.9. Acting Agency Head.
- § 4-2.10. Service Awards.

Article 3. Bonds Of Officers.

- § 4-3.1. Bonds.
- § 4-3.2. Amount Of Bonds.
- § 4-3.3. Additional Bonds.
- § 4-3.3. Liability Of Officers, Deputies, Etc.
- § 4-3.5. Liability For Unauthorized Demands.

Article 1. Executive Agencies.<sup>13</sup>

Sec. 4-1.1. Organization.

The executive branch of the City shall be divided into the following agencies:

(a) Departments and heads thereof under direct supervision of the mayor:

Corporation Counsel.....Corporation Counsel  
Department of Finance.....Director of Finance  
Planning Department.....Planning Director  
Department of Civil Service..Director of Civil Service  
Information Systems Dept. — Director of Info. ...

(b) Departments and heads thereof under the direct supervision of the managing director:

Department of Public Works.....Chief Engineer  
Building Department.....Building Superintendent  
Department of Health.....City and County Physician

13. Term of office, § 12-114 charter.  
Oath of office, § 12-115 charter.  
Dual offices, prohibited § 12-118 charter.

Am. \_\_\_\_\_  
Ord. \_\_\_\_\_

Am. 10/14/69  
Ord. 3477

Fire Department.....Fire Chief  
 Department of Traffic.....Traffic Engineer  
 Department of Parks and Recreation  
     Director of Parks and Recreation  
 Prosecuting Attorney.....Prosecuting Attorney  
 Police Department.....Chief of Police  
 Medical Examiner.....Medical Examiner

(c) Other agencies and administrative heads thereof, and miscellaneous personnel under the direct supervision of the managing director unless expressly excepted therefrom.

Royal Hawaiian Band.....Bandmaster  
 Oahu Civil Defense Agency  
     Deputy Director (Oahu Civil Defense Administrator)  
 Board of Water Supply..Manager and Chief Engineer  
 Honolulu Redevelopment Agency  
     Honolulu Redevelopment Manager  
 Office of Urban Renewal Coordinator  
     Urban Renewal Coordinator

(Rent Control Commission)—Functus

(Rent Control Commission—Rent Control Director)

Oahu Committee on Children and Youth...Chairman  
 Poundmasters .....Poundmasters  
 District Court Personnel.....Chief Magistrate  
 Public School Custodian Service Personnel  
     State Department of Education  
     (Ord. 1781)

**Article 2. General Duties And Powers.**

**Sec. 4-2.1. Officers.<sup>14</sup>**

Each officer shall perform all duties required of his office by State law, the Charter, and Ordinances of the City and such other duties not in conflict therewith as may be required by the Mayor. (Ord. 1781)

**Sec. 4-2.2. Appointment And Removal Of Officers And Employees.<sup>15</sup>**

(a) Department heads may appoint the necessary staff for which appropriations have been made by the Council.

14. Officer defined, § 12-101.4 charter; § 1-3.1(d) RO 1961.  
 Prohibition from receiving master's fee, § 5-13 RLH 1955, am. Act 180, SLH 1957.  
 Permitting coffee break, Act 30, SLH 1957.  
 Outside Employment prohibited, Act 170, SLH 1957.  
 15. Limitation of salary of First deputy or Assistant, Act 255, SLH 1959.  
 Civil service exemptions, § 5-603 charter.

(b) No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied that the person to be appointed is fully qualified by experience and ability to perform the duties of his office or position. (Ord. 1781)

#### **Sec. 4-2.3. Powers And Duties Of Heads Of Executive Agencies.**

(a) Subject to the provisions of the Charter, and applicable regulations adopted thereunder, the heads of the executive agencies of city government shall have the power and duty to take all personnel actions.

(b) Each head of an executive agency of city government may assign and reassign duties to employees and supervise the performance thereof.

(c) Subject to approval of the Managing Director, each head of an executive agency of city government may prescribe such rules as are necessary for the organization and internal administration of the respective executive agencies.

(d) Regulations affecting the public as may be necessary to the performance of the functions assigned to executive agencies may be issued as authorized by the Charter or by ordinance. Such regulations after public notice and public hearing and upon approval by the Mayor, shall have the force and effect of law. Each head of an executive agency shall file in the office of the City Clerk not less than three copies of such regulations. The regulations may be amended or repealed by the same process required for original promulgation.

(e) Each head of an executive agency shall perform such duties, not inconsistent with the duties of his office, as may be assigned by the Mayor. (Ord. 1781)

#### **Sec. 4-2.4. Reports.**

Not later than ninety days after the close of the fiscal year, each agency of the City shall make an annual written report of its activities to the Mayor in such form and under such rules as the Mayor may prescribe. Each agency shall submit such other reports as may be requested by the Mayor. (Ord. 1781)

#### **Sec. 4-2.5. Inaugurate Sound Practices.**

The heads of all executive agencies shall keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the Mayor and Managing Director, such new practices as appear to be of benefit to the service and to the public. (Ord. 1781)

**Sec. 4-2.6. Records.<sup>16</sup>**

The heads of all agencies shall establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control and audit of agency activities and to form a basis for the periodic reports to the Mayor. Ord. (1781)

**Sec. 4-2.7. Cooperation With Other Agencies.<sup>17</sup>**

In the performance of its functions, each agency of the City shall cooperate with private agencies and with agencies of the governments of the United States, the State and any other state and with any of their political subdivisions having similar functions. (Ord. 1781)

**Sec. 4-2.8. Acts By Subordinate Officer.**

When any provision herein requires an act to be done by an agency head, he may direct a subordinate to perform said act. (Ord. 1781)

**Sec. 4-2.9. Acting Agency Head.**

Am. 11/26/67  
Ord. 3499 An agency head may appoint, except when otherwise provided, with the approval of the Mayor, an officer or employee in his department, to serve as acting agency head during the agency head's illness, incapacity or temporary absence from the City or whenever the position of the agency head becomes vacant for any reason whatsoever, and as acting head he shall execute all the powers and duties of the agency head; provided, however, that he shall serve as acting head without additional compensation. If there is no duly appointed acting head, the Mayor may appoint any officer or employee in the agency to serve as acting head of the agency. (Ord. 1781)

**Sec. 4-2.10. Service Awards.<sup>18</sup>**

Am. 11/26/67  
Ord. 3499 The head of each department, or where appropriate, the Mayor or the Chairman of the Council, shall present to any officer or employee of the City who has completed 25 years or more of government service, including service in the federal, state, territorial or county governments, a certificate, plaque or other suitable memento. The cost of the same shall be a proper

16. Open to public inspection, § 12-110 charter, superseding Act 43, SLH 1959; Act 103, SLH 1961.

17. Coordination with other agencies, § 12-117 charter; other governments, § 12-118.

18. § 3-8 RLH 1955 not applicable.

charge against the appropriation of the department or other governmental unit in which the employee serves; provided that the cost of any such certificate, plaque, or memento shall not exceed the sum of \$25.00. In addition thereto, a further presentation shall likewise be made to any officer or employee of the City who, upon retirement, has completed 10 or more years of such government service. (Ord. 1806; Am. Ord. 2063)

### Article 3. Bonds Of Officers.<sup>19</sup>

#### Sec. 4-3.1. Bonds Required.

Bonds required of each officer and appointed deputy. Before entering upon the duties of his office, each City officer and each appointed deputy shall give a bond to the City conditioned for the faithful performance of the duties of his office. The bond of each City officer shall be in the amount in this chapter provided. (Ord. 1781)

#### Sec. 4-3.2. Amount Of Bonds.

Am. 5/9/63  
Ord. 2340

The amount of bonds of each of the following City officers shall be: Members of the Council, Clerk, Corporation Counsel, Prosecuting Attorney, \$5,000; Mayor and Chief Engineer, Department of Public Works, \$10,000; Finance Director, \$25,000. The Council may require, and fix the amount of, bond of other officers, deputies and employees. (Ord. 1781)

#### Sec. 4-3.3. Additional Bonds.

The Mayor, with the approval of the Council, may require and exact additional bond or security above and beyond that required herein, upon like condition and subject to like determination as to the sufficiency of such additional bond or increased security; provided, that no more than double the amount of security hereby required of any officer shall be exacted, with the exception of the Finance Director. (Ord. 1781)

#### Sec. 4-3.4. Liability Of Officers, Deputies, Assistants, Clerks, Or Employees On Bonds.

If any bonded City officer or employee refuses or neglects to account for and pay over all moneys received by him by virtue of his office or employment, he shall be liable for such refusal

<sup>19</sup> In custody of director of finance, § 5-403(o) charter § 5-2.2(n) RO 1961.

Bond required, § 149-46 RLH 1955; § 9-404 charter.

Amount set, § 149-47 RLH 1955.

Additional bond, § 149-48 RLH 1955.

or neglect upon his official bond, and the Finance Director shall bring an action against him for the recovery thereof, in the name of the City and recover in such action, in addition to the amount so received, fifty per cent thereon by way of damages. No order of the Council shall be necessary to bring such action. The Finance Director's reasonable expenses, including an attorney's fee if necessarily incurred, shall be a City charge. (Ord. 1781)

**Sec. 4-3.5. Liability For Unauthorized Demands.**

Every officer who approves, allows or pays any demand on the treasury not authorized by law shall be liable to the City individually and on his official bond for the amount of the demands so illegally approved, allowed or paid. (Ord. 1781)

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O

## CHAPTER 5.

### DEPARTMENTS UNDER THE MAYOR.

#### Article 1. Corporation Counsel.

- § 5-1.1. Appointment And Removal.
- § 5-1.2. Powers, Duties And Functions.

#### Article 2. Department Of Finance.

- § 5-2.1. Organization.
- § 5-2.2. Powers, Duties And Functions.
- § 5-2.3. Pension Board Of The City And County Of Honolulu.
- § 5-2.4. Board Of Trustees Of The Policemen, Firemen And Bandmen Pension Fund.
- § 5-2.5. Number Plates For Certain Motor Vehicles.

Am. 6/24/64  
Ord. 2460 5-2.6 - Motor Vehicle Dealers Licensing Board

#### Article 3. Planning Department.

- § 5-3.1. Organization.
- § 5-3.2. Planning Director.
- § 5-3.3. Powers, Duties And Functions Of The Planning Director.
- § 5-3.4. Planning Commission.
- § 5-3.5. Powers, Duties And Functions Of The Planning Commission.
- § 5-3.6. Zoning Board Of Appeals.
- § 5-3.7. Powers, Duties And Functions Of The Zoning Board Of Appeals.

#### Article 4. Department Of Civil Service.

- § 5-4.1. Organization.
- § 5-4.2. Director Of Civil Service.
- § 5-4.3. Civil Service Commission.
- § 5-4.4. Functions Of The Safety Program Administrator.

Am. 10/14/69  
Ord. 3476 → Article 5. Information Systems Dept.

#### Article 1. Corporation Counsel.<sup>20</sup>

##### Sec. 5-1.1. Appointment And Removal.

There shall be a Corporation Counsel who shall be appointed by the Mayor, with the approval of the Council, and who may be removed by the Mayor. (Ord. 1781)

20. In general, Chap., 2, Art. V charter.  
Not deputy attorney general, Act 233, SLH 1957.  
Special counsel, § 149-152 RLH 1955, § 5-205 charter.  
Private practice prohibited, § 149-153 RLH 1955.  
Salary set at \$16,000 per annum, Act 255, SLH 1959.  
Legal counsel for Board of Water Supply, § 8-116 charter.  
Tax collections, § 149-149 RLH 1955.  
Defense of liquor commission employees, Act 321, SLH 1957.  
Uniform Reciprocal Enforcement of Support Act between Counties, Act 70, SLH 1961.  
Pay plan and organization, Art. 1 Chap. 8, RO 1961.  
Pay plan for legal assistants, Art. 2, Chap. 8, RO 1961.

**Sec. 5-1.2. Powers, Duties And Functions.**

The Corporation Counsel shall:

Am. 9/26/62  
 Ord. 2245 (a) Render legal advice. Be the chief legal adviser and legal representative of all agencies including the Council and of all officers and employees in matters relating to their official powers and duties and he shall represent the City in all legal proceedings.

(b) Prepare Ordinances. Prepare bills for enactment into ordinances or amendments of ordinances when so requested by the Council or any committee or member thereof or the Mayor or any city officer.

(c) Council Meetings. Attend all Council meetings in their entirety for the purpose of giving the Council any legal advice requested by its members.

(d) Prepare legal instruments. Prepare for execution and approve, as to form and legality, all contracts and instruments to which the City is a party and also approve, as to form and legality, all bonds required to be submitted to the City.

Am. 3/7/69  
 Ord. 3373 (e) Settlement of Claims. Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes and matters in favor of or against the City or in which the City is concerned as debtor or creditor, now existing or which may hereafter arise, not involving or requiring payment in excess of \$500.00, provided the money to settle claims generally has been appropriated and is available therefor.

(f) Make Reports.

1. Report of decision. Report the outcome of any litigation in which the City has an interest to the Mayor and Council.

2. Annual report of pending litigation. Make an annual report to the Mayor and Council, as of the 15th day of January, of all pending litigation in which the City has an interest, and the status thereof.

(g) Workmen's Compensation. Investigate all cases in which workmen's compensation is involved and appear on behalf of the City before the State Workman's Compensation Board.

(h) Keep Records.

1. Suits. Keep a complete record of all suits in which the City had or has an interest, giving the names of the parties, the court where brought, the nature of the action, the disposition of the case, or its status if pending.

2. Opinions and titles. Keep a complete record of all written opinions furnished by him.

(i) Deputies. The Corporation Counsel may appoint deputies and such other legal assistants, investigators, clerks, stenographers and other assistants, as may be necessary for the proper performance of the duties of his office and for which appropriations have been made by the Council. (Ord.

1781)

*(c) Settlement of Land Acquisitions*  
**Article 2. Department Of Finances.<sup>21</sup>**

**Sec. 5-2.1. Organization.**

There shall be a Department of Finance headed by a Director of Finance who shall be appointed and may be removed by the Mayor. (Ord. 1781)

**Sec. 5-2.2. Powers, Duties And Functions.**

The Director of Finance shall be the chief accounting officer of the City and shall:

(a) Prepare bills for the collection of money due the City, or authorize the preparation thereof by other executive agencies of the City Government, under his general supervision.

(b) Collect and receive moneys due to or receivable by the City and issue receipts therefor, or authorize other executive agencies to do so under conditions prescribed by him.

(c) Keep accurate and complete accounts of receipts and disbursements.

(d) Maintain the treasury and with the approval of the Mayor deposit moneys belonging to the City in depositories authorized by law which fulfill all conditions prescribed for them by law.

(e) Contract for services of independent contractors, purchase materials, supplies and equipment, and permit disbursements to be made only pursuant to the terms of the Charter.

(f) Have the responsibility of issuing and selling, paying interest on and redeeming bonds of the City.

(g) Prepare and issue warrants.

(h) Prepare payrolls and pension rolls.

(i) Be responsible for management of City funds.

<sup>21</sup>. In general, Chap. 4, Art V, charter.

Am. 3/7/69  
 Ord. 3373  
 Am. 3/11/71  
 Ord. 3704

(j) Sell real property upon which improvement assessments are not paid within the period prescribed, and dispose of movable property not needed by any agency of the City pursuant to policies established by the Council.

(k) Rent or lease City property, except property controlled by the Board of Water Supply, and award concessions, pursuant to policies established by the Council.<sup>22</sup>

(l) Prepare and maintain a perpetual inventory of all lands owned or controlled by the City and materials and supplies in central city storerooms.

(m) Review assessment rolls for assessable public improvements prior to approval by the Council and issue bills therefor after such approval has been given.

(n) Have custody of all official bonds, except the bond of the Director of Finance, which shall be in the custody of the Mayor.

(o) Review the manner in which public funds are received and expended and report to the Mayor on the integrity with which said funds are accounted for and on the financial responsibility of officers and employees administering said funds. Provide information pertaining to the financial affairs of the City, and make financial reports at least quarterly to the Mayor and the Council. (Ord. 1781)

#### **Sec. 5-2.3. Pension Board Of The City.<sup>23</sup>**

The organization and the duties and functions of the pension board of the City shall be as provided by law, and the Director of Finance shall ex officio be the secretary and treasurer of the board. (Ord. 1781)

#### **Sec. 5-2.4. Board Of Trustees Of The Policemen, Firemen And Bandsmen Pension Fund.<sup>24</sup>**

The organization and the duties and functions of the board of trustees of the policemen, firemen and bandsmen pension fund of the City shall be as provided by law, and the Director of Finance shall ex officio be secretary and treasurer of the board. (Ord. 1781)

#### **Sec. 5-2.5. Number Plates For Certain Motor Vehicles.**

(a) New motor vehicles. The Director of Finance shall issue to all regularly licensed dealers in new motor vehicles such

<sup>22</sup>. See Appendix D, Rental Policy.

<sup>23</sup>. In general, § 5-406 charter, Part III, Chap. 6, RLH 1955, am. Act 66, SLH 1957.

<sup>24</sup>. In general, § 5-405 charter, § 6-132, 133, RLH 1955.

number plates as may be required by the dealer for which the dealer shall pay the sum of five dollars for each pair of number plates so issued. All number plates issued to dealers shall have the letter "D" thereon, together with a distinguishing number and/or letter. It shall be unlawful for any person to use any dealer's numbers upon any automobile, motorcycle or other power driven vehicle not exempt from the tax provided by Sections 130-4 to 130-6 inclusive, R.L.H. 1955.

(b) Publicly owned vehicles. The Director of Finance shall issue, for use on all publicly owned vehicles except those owned by the Federal government, number plates having thereon in addition to a distinguishing number, the letters "State" for numbers issued for motor vehicles belonging to the State of Hawaii, and "C. & C." for numbers issued for motor vehicles belonging to the City. It shall be unlawful for any person to use any number plates issued hereunder upon any automobile, motorcycle or other power driven vehicle not exempt from the tax provided in Sections 130-4 to 130-6 inclusive, R.L.H. 1955.

(c) Motor vehicles owned by police officers. The Director of Finance shall issue, for use on all automobiles and motorcycles, exempt from the weight tax, owned by police officers of the State and the City, and actually used by them in their travel on official business, number plates similar to those that are issued to the owners of private motor vehicles.

(d) Unlawful to use numbers except year issued. It shall be unlawful for any person to use the number plates issued hereunder except during the current year in which the same were issued; provided, however, that they may be used during the month of January immediately following the current year during which the same were issued.

(e) Record of numbers. The Director of Finance shall keep an accurate record of all numbers issued hereunder, and the vehicles, motorcycles or other power driven vehicles upon which the same are to be used, and it shall be unlawful for any person to use any numbers issued hereunder upon any vehicle other than that for which the same are issued. It shall be the duty of the said Director of Finance to send a duplicate copy of said records to the Chief of Police. (Sec. 5-2.14 R.O. 1957)

*6/24/64*  
*d. 2460 - 5-2.6 Motor Vehicle Dealers Licensing Board.*

**Article 3. Planning Department.<sup>25</sup>**

**Sec. 5-3.1. Organization.<sup>26</sup>**

There shall be a Planning Department, consisting of a Planning Director, a Planning Commission, a Zoning Board of Appeals and the necessary staff. (Ord. 1781)

25. In general, Chap. 5, Art. V, charter.

26. Same, § 5-501 charter.

*12/3/70*  
*d. 3641 - Sec. 5-2.7. Refund of 27 License Fees Authorized.*

**Sec. 5-3.2. Planning Director.**<sup>27</sup>

The Planning Director shall be appointed by the Mayor, with the approval of the Council, and may be removed by the Mayor. He shall be the administrative head of the department.

**Sec. 5-3.3. Powers, Duties And Functions Of The Planning Director.**<sup>28</sup>

The Planning Director shall:

(a) Prepare a general plan and development plans for the improvement and development of the City.

(b) Prepare an ordinance governing the subdivision of lands within the City.

(c) Prepare zoning ordinances, zoning maps and regulations, and any amendments or modifications thereto.

(d) Consolidate the lists of proposed capital improvements contemplated by the several departments in the order of their priority.

(e) Be charged with the administration of the subdivision and zoning ordinances and regulations adopted thereunder.

(f) Advise the Mayor and Council on matters concerning the planning programs. (Ord. 1781)

**Sec. 5-3.4. Planning Commission.**<sup>29</sup>

The Planning Commission shall consist of seven members. They shall be persons who are in sympathy with and who believe in the principles of sound city planning. The Managing Director and the Budget Director of the City shall be members ex officio of the Commission and shall have the right to vote. Five other members shall be appointed by the Mayor with the approval of the Council for staggered terms of five years, and they shall serve until their successors have been appointed and qualified. Of the members originally appointed one shall serve for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. Any vacancy occurring other than by expiration of a term of office shall be filled for the remainder of such unexpired term in the same manner as for an original appointment. The Commission shall annually select an appointed member as chairman. The affirmative vote of the majority of the membership shall be necessary to take any action. (Ord. 1781)

27. Same, § 5-502 charter.

28. Same, § 5-503 charter.

29. Same, § 5-504 charter. See Act 187, SLH 1961.

**Sec. 5-3.5. Powers, Duties And Functions Of The Planning Commission.<sup>30</sup>**

The Planning Commission shall:

(a) Advise the Mayor, Council and Planning Director in matters concerning the planning programs.

(b) Review the general plan and development plans and modifications thereof developed by the Director. The Commission shall transmit such plans with its recommendations thereon through the Mayor to the Council for its consideration and action. The Commission shall recommend approval in whole or in part, and with or without modifications or recommend rejection of such plans.

(c) Review land subdivision and zoning ordinances and amendments thereto developed by the Director. The Commission shall transmit such ordinances with its recommendations thereon through the Mayor to the Council for its consideration and action. The Commission shall recommend approval in whole or in part and with or without modifications or recommend rejection of such ordinances.

(d) Adopt regulations having the force and effect of law pursuant to the subdivision ordinance.<sup>31</sup>

(e) Prepare a capital improvement program.

(f) Consult with the State Planning Director with reference to the general plan and capital improvement program.

(g) Perform such other related duties as may be assigned by the Mayor or Council. (Ord. 1781)

**Sec. 5-3.6. Zoning Board Of Appeals.<sup>32</sup>**

The Zoning Board of Appeals shall consist of three members who shall be appointed by the Mayor with the approval of the Council. They shall serve for terms of three years and until their successors have been appointed and qualified. Of the members originally appointed, one shall serve for a term of one year, one for a term of two years and one for a term of three years. Any vacancy occurring other than by expiration of a term of office shall be filled for the remainder of such unexpired term in the same manner as for an original appointment. The board shall select a chairman from its membership annually. Two members shall constitute a quorum for the transaction of business and the affirmative vote of at least two members shall be necessary to take any action. (Ord. 1781)

30. Same, § 5-505 charter. See Act 187, SLH 1961.

31. See Appendix C, Subdivision Rules and Regulations.

32. Same, § 5-506 charter.

**Sec. 5-3.7. Powers, Duties And Functions Of The Zoning Board Of Appeals.<sup>33</sup>**

The Zoning Board of Appeals shall:

(a) Hear and determine appeals from the actions of the Director in the administration of the subdivision and zoning ordinances and any regulations adopted pursuant thereto. An appeal shall be sustained only if the Board finds that the Director's action was based on an erroneous finding of a material fact, or that the Director had acted in an arbitrary or capricious manner or had manifestly abused his discretion.

(b) Hear and determine petitions for varying the application of the zoning ordinance with respect to a specific parcel of land and may grant such a variance upon the ground of unnecessary hardship if the record shows that (1) by reason of peculiar and unusual circumstances pertaining to the physical characteristics of the property, the land in question cannot yield a reasonable return if used only for a purpose allowed in that zone, (2) the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself, and (3) that the use sought to be authorized by the variance will not alter the essential character of the locality nor be contrary to the intent and purpose of the zoning ordinance. (Ord. 1781)

**Article 4. Department Of Civil Service.<sup>34</sup>**

**Sec. 5-4.1. Organization.**

There shall be a Department of Civil Service which shall consist of a Director of Civil Service, a Civil Service Commission and the necessary staff. The Director shall be the administrative head of the department. (Ord. 1781)

**Sec. 5-4.2. Director Of Civil Service.**

(a) Appointment and Removal. The Director of Civil Service shall be appointed by the Mayor and may be removed only for cause after being given a written statement of the charges against him and a hearing before the Council thereon, if he so requests. (Ord. 1781)

(b) Powers, Duties And Functions. The Director shall:

1. Be responsible for the proper conduct of all administrative affairs of the department, and for the execution of

<sup>33</sup>. Same, § 5-507 charter.

<sup>34</sup>. In general, Chap. 6, Art. V charter.

the personnel program prescribed in the Charter and in the ordinances and regulations authorized by the Charter.

2. Prepare and recommend to the Civil Service Commission reasonable regulations to carry out applicable provisions of the Charter. (Ord. 1781)

**Sec. 5-4.3. Civil Service Commission.**

(a) Membership, Term and Appointment. The Civil Service Commission shall consist of five members, who shall be in sympathy with and who shall believe in the principles of the merit system in public employment. They shall be appointed by the Mayor with the approval of the Council for staggered terms of five years. Of the members appointed, one shall be selected from among persons employed in private industry in either skilled or unskilled laboring positions, as distinguished from executive or professional positions. Each member shall serve until his successor has been appointed and qualified. Any vacancy occurring other than by expiration of a term of office shall be filled for the remainder of the term in the same manner as for an original appointment. Not more than three members of the Commission shall belong to the same political party. The Commission shall select a chairman from its membership annually. The affirmative vote of a majority of the entire membership shall be necessary to take any action.

(b) Powers, Duties and Functions. The Civil Service Commission shall have power and shall be required to:

1. Advise the Mayor and the Director of Civil Service on problems concerning personnel administration.

2. Advise and assist the Director in fostering the interest of institutions of learning and of civic, professional and employee organizations in the improvement of personnel standards.

3. Make any investigation which it may consider desirable concerning personnel administration and report to the Mayor, at least once each year, its findings, conclusions and recommendations. The Commission may appoint a master and invest him with power to conduct such investigations and report thereon to the Commission.

4. Hear appeals. The Commission may appoint a master and invest him with power to hear such appeals and report thereon to the Commission.

5. Prescribe regulations to carry out applicable provisions of the Charter. (Ord. 1781)

**Sec. 5-4.4. Functions Of The Safety Program Administrator.**

The functions of the safety program administrator are hereby assigned to the Department of Civil Service. (Ord. 2039)



## CHAPTER 6.

### DEPARTMENTS UNDER THE MANAGING DIRECTOR.

#### Article 1. Department Of Public Works.

- § 6-1.1. Organization.
- § 6-1.2. Powers, Duties And Functions.
- § 6-1.3. Divisions Of The Department.
- § 6-1.4. House Numbering.

#### Article 2. Building Department.

- § 6-2.1. Organization.
- § 6-2.2. Powers, Duties And Functions.
- § 6-2.3. Boards Of Plumbing Examiners And Electrical Examiners.

#### Article 3. Department Of Health.

- § 6-3.1. Organization.
- § 6-3.2. Powers, Duties And Functions.
- § 6-3.3. Dentists.
- § 6-3.4. Ambulance Standby Service.

#### Article 4. Fire Department.

- § 6-4.1. Organization.
- § 6-4.2. Powers, Duties And Functions.
- § 6-4.3. Deputy Fire Marshal.

#### Article 5. Department Of Traffic.

- § 6-5.1. Traffic Engineer.
- § 6-5.2. Powers, Duties And Functions.

#### Article 6. Department Of Parks And Recreation.

- § 6-6.1. Organization.
- § 6-6.2. Powers, Duties And Functions Of The Director.
- § 6-6.3. Board Of Parks And Recreation.
- § 6-6.4. Powers, Duties And Functions Of The Board Of Parks And Recreation.

#### Article 7. Prosecuting Attorney.

- § 6-7.1. Appointment And Removal.
- § 6-7.2. Powers, Duties And Functions.
- § 6-7.3. Investigators.
- § 6-7.4. Assistants.

#### Article 8. Police Department.

- § 6-8.1. Organization.
- § 6-8.2. Police Commission.
- § 6-8.3. Department Rules.
- § 6-8.4. Appointment And Removal Of The Chief Of Police.
- § 6-8.5. Powers, Duties And Functions Of The Chief Of Police

### Article 9. Medical Examiner.

- § 6-9.1. Appointment And Removal.
- § 6-9.2. Powers, Duties And Functions.
- § 6-9.3. Office Always Open.
- § 6-9.4. Notification Of Death.
- § 6-9.5. Investigations By The Medical Examiner.
- § 6-9.6. Autopsies.
- § 6-9.7. Records.
- § 6-9.8. Oaths.

### Article 1. Department Of Public Works.<sup>36</sup>

#### Sec. 6-1.1. Organization.<sup>37</sup>

There shall be a Department of Public Works which shall be headed by a Chief Engineer who shall be appointed and may be removed by the Mayor. (Ord. 1781)

#### Sec. 6-1.2. Powers, Duties And Functions.

The department shall have charge of and shall administer and superintend the performance of all matters relating to engineering, public construction, road, street, and bridge construction and maintenance, public improvements, refuse collection and disposal, sewer construction and maintenance and all other public works, except repair, operation, maintenance and construction of public buildings, parks and recreation grounds, and public water supplies for the City. (Ord. 1781)

#### Sec. 6-1.3. Divisions Of The Department.

The Department of Public Works shall be divided under the Chief Engineer into the following divisions:

(a) Division of Automotive Equipment Service. The division of automotive equipment service, under the supervision of a superintendent shall:

1. Have charge of the municipal garage and be responsible for the custody, repair and maintenance of all garage, shop and automotive equipment assigned to and used by the Department of Public Works of the City, except such stationary machinery as may more practicably be maintained by the division or department having control thereof. (Ord. 1781)

2. Furnish when needed, all parts, accessories, gasoline, distillate, fuel oil, lubricants and tires necessary for the repair for all such automobiles, trucks, shovels, cranes,

36. In general, Chap. 2, Art. VI charter.

37. Maximum and minimum salary set, Act 225, SLH 1959.

graders, sweepers, eductors, mixers, compressors and rollers. (Sec. 6-4.4. R.O. 1957)

3. Furnish when needed for the use of other departments of the City, on a rental basis, such vehicular equipment as may be available to it from time to time. (Ord. 1781)

4. Have charge of the municipal corporation yard and any other place for the storing or housing of all such vehicular equipment belonging to the City. (Ord. 1781)

5. By proper methods keep a check upon the use of all vehicular equipment belonging to or under the jurisdiction of the City, including those under the jurisdiction of the Department of Parks and Recreation, and from time to time report all instances of accidents to or apparent abuse of such equipment to the department or division head concerned and to the Chief Engineer and the Mayor. (Ord. 1781)

6. Limitation. This sub-section shall not be construed to authorize control of the routing and direction of equipment by the Division of Automotive Equipment Service while such equipment is in use by another Division or Department. (Sec. 6-4.4 R.O. 1957)

7. Municipal automobiles to be kept in Garage. All automobiles belonging to the City and under the jurisdiction of the Division of Automotive Equipment Service shall be kept at the municipal corporation yard when not in the actual service of the City, except such automobiles as the Chief Engineer may specifically authorize to be kept elsewhere. (Sec. 6-4.4 R.O. 1957)

8. Repairs. All repairs upon any such automobile, truck, shovel, crane, grader, sweeper, eductor, mixer, compressor, roller or machinery belonging to the City must be made at the municipal garage to the fullest extent that the facilities of the garage permit, except repairs made in an emergency. The municipal garage shall also make repairs upon and furnish gasoline, oils, parts and accessories for equipment coming under the jurisdiction and control of other departments, excepting only the Board of Water Supply, the Department of Parks and Recreation, the Police Department and the Fire Department, and it may, upon request, furnish such repairs, gasoline, oils, parts and accessories for such excepted departments. (Sec. 6-4.4 R.O. 1957)

9. Accounting records. It shall be the duty of the Superintendent to keep a system of accounting records as shall be approved by the Director of Finance and the Council so as to properly charge against the proper Divi-

sion, Department, or Fund the cost of the service rendered and facilities furnished by the Division of Automotive Equipment Service and said cost shall be so charged. (Sec. 6-4.4 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

10. Reports by Superintendent. The Superintendent shall make a full report to the Chief Engineer and the Council not later than the 15th day of the month following the close of each quarter, of all of the affairs of his Division, including therein, among other things, work done and equipment and stock on hand, equipment purchased and disposed of during such quarter; said report shall be made in such form and manner as shall be approved by the Director of Finance and the Council. (Sec. 6-4.4 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

(b) Division of Land Survey and Acquisition. The Division of Land Survey and Acquisition, under the supervision of a director, shall be responsible for surveys, title searching, appraising and negotiation for acquisition of lands and easements for rights of way for street widening and extensions, sewers, water, drainage and other public uses. (Ord. 1781)

(c) Division of Refuse Collection and Disposal. The Division of Refuse Collection and Disposal under the supervision of a superintendent, shall be responsible for refuse collection and disposal operations and such other duties as may be assigned by the Chief Engineer. (Ord. 1781)

(d) Division of Road Maintenance. The Division of Road Maintenance, under the supervision of a director, shall be responsible for the construction and maintenance of roads, streets, highways, footpaths, storm drain facilities and bridges. (Ord. 1781)

(e) Division of Sewers. The Division of Sewers, under the supervision of a director, shall be responsible for the engineering, construction, maintenance and operation of sewage works, including the pumping of cesspools. (Ord. 1781)

(f) Division of Engineering. The Division of Engineering, under the supervision of a director, shall be responsible for:

1. Engineering services for public works and improvement district functions other than for sewers.
2. The filing and safekeeping of engineering drawings and maps for the Department of Public Works.
3. Planning and regulating the numbering of all buildings in the City.<sup>38</sup>

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38. Authority, § 149-86(3) RLH 1955.

4. Reviewing private subdivision plans and inspecting the construction of said subdivisions. (Ord. 1781)

**Sec. 6-1.4. House Numbering.**<sup>39</sup>

(a) *Authorization.* The Chief Engineer or his designated assistant shall plan and regulate the numbering of all buildings in the City.

(b) *Method in rural areas.* The Chief Engineer or his designated assistant in numbering buildings in areas outside the district of Honolulu shall adhere in all respects to the following system of numeration. The first digit of the building number shall correspond with the zone number of the appropriate tax map of the State of Hawaii; the second digit of the building number shall correspond to the section number on the said tax map. The remaining digits of the building number shall be assigned in a manner to be determined by the Chief Engineer or his designated assistant.

(c) *Numbering of entrances.* All main entrances to buildings shall be numbered, and the Chief Engineer or his designated assistant shall assign to each building its proper number or numbers and furnish free of charge to the owner a certificate designating each number and location.

(d) *Duty of the property owner.*

1. It shall be the duty of every person owning any building within the City to number the same or cause the same to be numbered correctly within sixty days after receipt of the certificate designating the assigned number, and to remove or efface any wrong number upon such building.

2. All numbers shall be placed in such manner as to be readily seen from the street, roadway or lane; shall be of different color from the background on which they are placed, and shall be at least two inches in height. The number shall be placed in a permanent manner, chalk or other effaceable material not being permitted.

3. All building shall be numbered at the expense of the owner.

(e) *Penalty for tearing, defacing or changing number.* Any person tearing down, defacing or changing any number put up in accordance with this Article shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than ten dollars and not less than one dollar.

(f) *Penalty for failure to conform to requirements of numbering.* Any owner of a building in the City who neglects to

<sup>39</sup>. Authority, § 149-86(3) RLH 1955.

number such buildings as provided in this section or who shall place, maintain, or allow to remain thereon any number other than that assigned by the Chief Engineer or any assistant designated by him, after being notified in writing by the Chief Engineer or his designated assistant, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than twenty dollars, and a further penalty of like sum for every two weeks thereafter that he shall neglect or refuse to properly number such house or building or efface an improper number. (Sec. 6-4.5 R.O. 1957)

## Article 2. Building Department.<sup>40</sup>

### Sec. 6-2.1. Organization.

There shall be a Building Department which shall be under the direction of a Building Superintendent, who shall be appointed and may be removed by the Mayor. (Ord. 1781)

### Sec. 6-2.2. Powers, Duties And Functions.

(a) The Building Superintendent shall be charged with the supervision, direction and control of:

1. The construction, repair, maintenance, structural condition and operation of city buildings, structures and grounds.

2. The administration and enforcement of the Building Code, and all statutes and ordinances relating to the work of the building department.

3. Inspecting, supervising, regulating and approving the construction, alteration, repair and moving of buildings, structures and certain accessories related thereto, such as electrical, plumbing and gas systems, as are prescribed by the Building Code and other statutes and ordinances related to the work of the building department. (Ord. 1781)

(b) Reports and Records. The Building Superintendent shall:

1. Submit reports to the Mayor, upon request, in addition to the submission of an annual report, covering the work of the Building Department during the preceding period. He shall incorporate in said report a summary of his recommendations as to desirable amendments to the Building Code and other related ordinances which he administers and enforces; and

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40. In general, Chap. 3, Art. VI charter.

§ 6-2.3. DEPARTMENTS UNDER MANAGING DIRECTOR § 6-3.2.

2. Keep a permanent, accurate account of all fees and other moneys collected and received, the names of the persons upon whose account the same were paid, the date and amount thereof, as authorized by the Director of Finance.

(c) Valuation. The determination of value or valuation under any of the provisions of the Building Code shall be made by the Building Superintendent.

(d) Right of Entry. Upon presentation of proper credentials, the Building Superintendent or his duly authorized representatives may enter at reasonable times any building, structure or premises in the City to perform any duty imposed upon him by the Building Code.

(e) Stop Orders. Whenever any building work is being done contrary to the provisions of the Building Code or any other statutes or ordinances related to the work of the Building Department, the Building Superintendent may order the work stopped by notice, in writing, served on any person engaged in the doing or causing such work to be done, and such person shall forthwith stop such work until authorized by the Building Superintendent to proceed with the work. (Sec. 6-8.4 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

**Sec. 6-2.3. Boards Of Plumbing Examiners And Electrical Examiners.**

The Board of Plumbing Examiners and the Board of Electrical Examiners shall be as provided by § 19-1.1 and § 17-3.1, R.O. 1961, respectively, and shall be attached to the Building Department. (Ord. 1781)

**Article 3. Department Of Health.<sup>41</sup>**

**Sec. 6-3.1. Organization.**

There shall be a Department of Health which shall be headed by a City and County Physician, who shall be appointed and may be removed by the Mayor. (Ord. 1781)

**Sec. 6-3.2. Powers, Duties And Functions.**

(a) General. The City and County Physician shall:

1. Have charge and control of all functions relating to public health and welfare within the City, other than powers,

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41. In general, Chap. 8, Art. VI charter.

duties and functions of the Medical Examiner and the State Department of Health.

2. Administer and enforce all statutes, ordinances, and rules and regulations of any government agency, concurrently with the Department of Health of the State of Hawaii relating to public health and welfare within the City.

3. Be responsible for the management and control of medical units, equipment and services, including the following:

- (1) Emergency receiving stations and ambulance service.
- (2) Maluhia Hospital.
- (3) Indigent medical and hospitalization service.

4. Attend and medically treat any sick or injured prisoner in the Honolulu jail, or when necessary, in any police station in the City.

5. Examine all applicants for employment and all officers and employees of the City pursuant to any applicable ordinance, civil service laws and rules and regulations then in effect.

(b) Care of indigent sick person or medically indigent sick person.<sup>42</sup>

1. It shall be the duty of the City and County Physician to investigate all applications submitted by an indigent sick person or a medically indigent sick person for care and medical treatment at the expense of the City, and, in proper cases within his discretion care for and medically treat such person at the expense of the City.

2. The City and County Physician may in proper cases, within his discretion or when so directed by the Council, issue a permit to any such applicant to enter any hospital or other similar institution designated by him for that purpose.

3. The City and County Physician may visit at any time, any hospital or other similar institution in which any such indigent sick person or medically indigent sick person has been placed, for the purpose of ascertaining the condition of such person. When in the opinion of the City and County

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42. Determination of medically indigent, § 48-8 RLH 1955.

Cost of medical care for indigent and medically indigent, § 48-9 RLH 1955, am. Act 177, SLH 1959.

Repeal of § 48-8 RLH 1955 and transfer of county functions to State Department of Social Service—Act 128, SLH 1961.

Physician such indigent sick person or medically indigent sick person no longer needs hospital service, he shall forthwith notify such hospital or other similar institution to discharge such patients. The City shall not be liable to any hospital or other similar institution for the expenses of hospital service for such patients after such notice has been given by the City and County Physician.

4. The term "indigent sick person" means a sick person without adequate and proper means of subsistence.

5. The term "medically indigent sick person" means a person otherwise able to support himself or herself but who in the emergency of sickness, is not able to care for the extra expenses necessary to maintain or restore health.

(c) Burial Of Indigent Dead.

1. It shall be the responsibility of the City and County Physician to make provision for burial or cremation of the indigent dead at the expense of the City, including the investigation of all applications submitted for such burial or cremation.

2. The term "indigent dead" means one who dies without adequate provisions for proper disposition of his remains and for which disposition no other person or agency is liable or responsible. (Ord. 1641, 1781)

**Sec. 6-3.3. Dentists.<sup>43</sup>**

City and County dentists as provided by law shall be under the supervision, direction and control of the City and County Physician. (Ord. 1781)

**Sec. 6-3.4. Ambulance Stand-By Service.<sup>44</sup>**

Stand-By service of the City ambulance may be provided at privately sponsored events where an admission fee is charged, upon approval of the City and County Physician; provided, however, that such stand-by use will not jeopardize or impair the emergency or other public services of the City ambulance; provided, further, that the City and County Physician shall charge the sponsor of such events for stand-by ambulance service at the rate of not more than \$15.00 per hour or any fraction thereof. (Sec. 6-6.4 R.O. 1957)

43. Appointment, qualifications, § 149-167 RLH 1955.

44. No charge in emergencies, § 138-80 RLH 1955.

Indigent or medically indigent victim of alcoholism, § 46-25.3 RLH 1955, am. Acts 76, 265, SLH 1959.

## Article 4. Fire Department.<sup>45</sup>

### Sec. 6-4.1. Organization.<sup>46</sup>

There shall be a Fire Department which shall be headed by a Fire Chief, who shall be appointed and may be removed by the Mayor. (Ord. 1781)

### Sec. 6-4.2. Powers, Duties And Functions.

The Fire Chief shall be charged with the prevention of fires and the protection of life and property against fire and shall:

(a) Report Losses. Report all fire losses periodically to the Mayor.

(b) Maintain equipment. Be responsible for the maintenance and care of all property and equipment used by his department.

(c) Training Program. Conduct a training program to maintain and improve the fire fighting efficiency of the members of the Fire Department.

(d) Fire Prevention Program. Maintain a fire prevention program for the inspecting of potential fire hazards, the abatement of existing fire hazards, and the conducting of an educational fire prevention program.

(e) Fire Extinguishers. Grant, withhold, suspend or revoke certificates of fitness authorizing persons to repair, fill or refill portable fire extinguishers. (Ord. 1781)

Am. 8/21/47  
Ord. 3447 - (C)

### Sec. 6-4.3. Deputy Fire Marshal.

The Fire Chief shall ex officio be deputy fire marshal for the City and shall exercise and perform the powers, duties and functions prescribed by laws of the state and all regulations made in accordance therewith. (Ord. 1781)

45. In general, Chap. 4, Art. VI charter, § 149-86(13) RLH 1955.

Probationary appointments, § 149-57 RLH 1955.

Car allowance, § 149-58 RLH 1955.

Injury to fireman, § 149-7 RLH 1955.

Appropriation for salaries, § 149-91 RLH 1955.

Salary increases, § 149-56 RLH 1955.

Signal system, rental of, § 149-86(44) RLH 1955.

Cost of water, § 152-16 RLH 1955.

Retirement system, Act 231, SLH 1957.

46. Salary set at \$14,500 per annum, Act 255, SLH 1959.

Volunteer fire departments, § 149-91.1 RLH 1955.

Volunteer firemen, § 149-91.2 RLH 1955.

## Article 5. Department Of Traffic.<sup>47</sup>

### Sec. 6-5.1. Traffic Engineer.

There shall be a Department of Traffic which shall be headed by a Traffic Engineer, who shall be appointed and may be removed by the Mayor. (Ord. 1781)

### Sec. 6-5.2. Powers, Duties And Functions.<sup>48</sup>

The Department of Traffic shall:

(a) Approve plans and designs for the construction, reconstruction and widening of public streets, all of which shall be submitted to the department.

(b) Determine the location, and the installation, maintenance and repair of traffic control facilities and devices and street lighting systems.

(c) Be responsible for all traffic engineering for the City.

(d) Maintain a traffic education program.

(e) Promulgate regulations having the force and effect of law pursuant to standards established by ordinance and perform such other duties not inconsistent with the functions of the department as may be assigned by the Mayor.

(f) Install, maintain and repair the civil defense siren warning system and the fire alarm and police communication systems, other than radio.

(g) Be authorized to issue permits for the movement of vehicles, equipment or other objects of excessive weight, width or height as prescribed by law.

(h) Be responsible for the collection of revenue from on and off-street parking meters, and for the construction and maintenance of multideck parking lots. (Ord. 1781)

## Article 6. Department Of Parks And Recreation.<sup>49</sup>

### Sec. 6-6.1. Organization.

There shall be a Department of Parks and Recreation consisting of a Director who shall be the head of the department, and a board of nine members. The Director shall be appointed and may be removed by the Mayor. (Ord. 1781)

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47. In general, Chap. 5, Art. VI charter.  
Provisions not to change for 4 years, § 14-101(i) charter.

48. Emergency powers. See Traffic Code.

49. In general, Chap. 6, Art. VI charter.

**Sec. 6-6.2. Powers, Duties And Functions Of The Director.**

The Department shall:

(a) Plan, design, construct, maintain, and operate all parks and recreational grounds, facilities and programs of the City.

(b) Plant, trim and maintain all shade trees, hedges and shrubs on public streets of the City. (Ord. 1781)

**Sec. 6-6.3. Board Of Parks And Recreation.**

Members of the Board of Department of Parks and Recreation shall be appointed by the Mayor with the approval of the Council and shall serve for four years.

(a) Chairman. One of the members so appointed shall be designated by the Mayor as chairman of the board.

(b) Quorum. Five members of the board shall constitute a quorum for the transaction of business and the affirmative vote of at least five members shall be necessary to take any action. (Ord. 1781)

**Sec. 6-6.4. Powers, Duties And Functions Of The Board Of Parks And Recreation.**

(a) Advise the Mayor, the Council and the Director of Parks and Recreation on matters concerning parks and recreation.

(b) Recommend to the Director of Parks and Recreation annually a schedule of improvements to be undertaken in each of the succeeding years for the location, extension, and development of parks and recreational areas, which schedule shall be given due consideration by the Director in formulating his portion of the proposed capital program of the City.

(c) Perform such other related advisory duties as may be assigned to the board by the Mayor or Council. (Ord. 1781)

**Article 7. Prosecuting Attorney.<sup>50</sup>****Sec. 6-7.1. Appointment And Removal.<sup>51</sup>**

There shall be a Prosecuting Attorney who shall be appointed by the Mayor. He may be removed by the Mayor only after being given a written statement of the charges against him. (Ord. 1781)

<sup>50</sup> In general, Chap. 7, Art. VI charter.  
Liquor violations, § 159-102 RLH 1955.

<sup>51</sup> Private practice prohibited, § 149-153 RLH 1955.

Masterships allowed, § 149-153 RLH 1955.

Fees for services prohibited, § 149-156 RLH 1955.

Salary set at \$16,000 per annum, Act 255, RLH 1959.

Not deputy attorney general, Act 233, SLH 1957.

**Sec. 6-7.2. Powers, Duties And Functions.**

The Prosecuting Attorney shall:

(a) Attend all courts in the City and conduct on behalf of the people all prosecutions therein for offenses against the laws of the State and the ordinances and regulations of the City.

(b) Prosecute offenses against the laws of the State under the authority of the Attorney General of the State.

(c) Appear in every criminal case where there is a change of venue from the courts in the City and prosecute the same in any jurisdiction to which the same is changed or removed. The expense of such proceeding shall be paid by the City.

(d) Institute proceedings or direct the Chief of Police to do so before the District Magistrate for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed, and for that purpose take charge of criminal cases before the District Magistrates, either in person or by a Deputy, or by such other prosecuting officer as he shall designate; draw all indictments and attend before and give advice to the grand jury whenever cases are presented to it for its consideration. Nothing herein contained shall prevent the conduct of proceedings by private counsel before District Magistrates or courts of record under the direction of the Prosecuting Attorney. (Ord. 1781)

**Sec. 6-7.3. Investigators.**

(a) The Prosecuting Attorney may appoint investigators who shall have all the powers and privileges of a police officer of the City.

(b) At the request of the Prosecuting Attorney one or more officers of the Police Department shall be detailed by the Chief of Police for the purpose of doing necessary investigative work and who shall continue to serve on such detail during the pleasure of the Prosecuting Attorney and as long as the necessity of such detail exists. (Ord. 1781)

**Sec. 6-7.4. Assistants.<sup>52</sup>**

The Prosecuting Attorney may appoint deputies and such other legal assistants, clerks, stenographers, interpreters and

<sup>52</sup>. Private practice prohibited, § 149-153 RLH 1955.  
Masterships allowed, § 149-153 RLH 1955.  
Fees for services prohibited, § 149-156 RLH 1955.  
Special counsel, § 149-152 RLH 1955.  
Pay plan and organization, Art. 1, Chap. 8 RO 1961.  
Pay plan for legal assistants, Art. 2, Chap. 8 RO 1961.

other assistants, as may be necessary for the proper performance of the duties of his office and for which appropriations have been made by the Council. (Ord. 1781)

## Article 8. Police Department.<sup>53</sup>

### Sec. 6-8.1. Organization.

The organization of the Police Department shall be as provided by law. (Ord. 1781)

### Sec. 6-8.2. Police Commission.

The composition of the Police Commission and the appointment, removal, qualifications and terms of office of the members shall be as provided by law. (Ord. 1781)

### Sec. 6-8.3. Departmental Rules.

The Police Commission shall adopt such rules as it may consider necessary for the conduct of its business and regulation of the matters committed to its charge by law. Except for purposes of inquiry, however, neither the Commission nor its members shall interfere in any way with the administrative affairs of the department. (Ord. 1781)

### Sec. 6-8.4. Appointment And Removal Of The Chief Of Police.

The Chief of Police shall be appointed as provided by law but may be removed only after being given a written statement of the charges against him. (Ord. 1781)

### Sec. 6-8.5. Powers, Duties And Functions Of The Chief Of Police.<sup>54</sup>

The Chief of Police shall:

(a) Be responsible for the preservation of the public peace, prevention of crime, detection and arrest of offenders against the law, protection of the rights of persons and property, and enforcement and prevention of violations of all laws of the State and city ordinances and all regulations made in accordance therewith.

53. In general, Art. VII charter, Chap. 150, RLH 1955.

Car allowance, Act 34, SLH 1959.

Salary set at \$14,500 per annum, Act 255, SLH 1955.

Automobile insurance provided, Act 171, SLH 1959.

54. License to let off fireworks, Act 40, SLH 1957.

60-day license for shotguns and rifles, Act 14, SLH 1961.

State compact for exemption from registering firearms, Act 65, SLH 1961.

(b) Train, equip, maintain and supervise the force of police officers pursuant to the rules of the Police Commission.<sup>55</sup>

(c) Take charge of and keep the city jail and all prisoners committed thereto.<sup>56</sup>

(d) Serve process and notices both in civil and criminal proceedings.

(e) Have such other duties, except the functions of the Coroner, as heretofore performed by the City and County Sheriff and other related duties as may be assigned. (Ord. 1781)

## Article 9. Medical Examiner.<sup>57</sup>

### Sec. 6-9.1. Appointment And Removal.

There shall be a Medical Examiner who shall be appointed by the Mayor and who may be removed only for cause after being given a written statement of the charges against him and a hearing before the Council thereon, if he so requests. (Ord. 1781)

### Sec. 6-9.2. Powers, Duties And Functions.

The Medical Examiner shall perform the duties imposed upon and have the power vested in the Coroner and the Coroner's Physician of the City by law, where not in conflict with the provisions of the Charter. (Ord. 1781)

### Sec. 6-9.3. Office Always Open.

The office of the Medical Examiner shall be kept open every day in the year, including Sundays and legal holidays. (Ord. 1781)

### Sec. 6-9.4. Notification Of Death.

When any person dies in the City as a result of violence, or by a casualty or by apparent suicide, or suddenly when in apparent health, or when not under the care of a physician, or when in jail or in prison, or within twenty-four hours after admission to a hospital or in any suspicious or unusual manner, it shall be the duty of the person having knowledge of such death immedi-

55. Injuries to policemen, § 149-7 RLH 1955 am. Act 76, SLH 1957.

Investigator assigned to prosecuting attorney, § 6-704.2 charter.

56. Federal prisoners, Act 3, 1st Special Session, § 1959.

57. In general, Chap. 9, Art. VI charter, effective date § 14-101(g) charter.

Provisions not to change within 4 years, § 14-101(i) charter.

ately to notify the Office of the Medical Examiner and the Police Department. (Ord. 1781)

#### **Sec. 6-9.5. Investigations By The Medical Examiner.**

Immediately upon receipt of such notification the Medical Examiner shall go to the body and take charge of it and shall make a full investigation concerning the medical cause of death. He shall also take possession of all property of value found upon such person, make an exact inventory and surrender the property, except such items as are necessary to determine the cause of death, to the Chief of Police. All property, when no longer needed for medical or police purposes, shall be returned to the person entitled to its custody or possession. No person shall move the corpse or remains of any deceased person appearing to have come to death under any of the circumstances set forth in this chapter without the prior approval of the Medical Examiner and the Chief of Police. (Ord. 1781)

#### **Sec. 6-9.6. Autopsies.**

If, in the opinion of the Medical Examiner or the Prosecuting Attorney, an autopsy is necessary, the autopsy shall be performed by the Medical Examiner. A detailed description of the findings of such autopsy and the conclusions drawn therefrom shall be filed in the Office of the Medical Examiner.

#### **Sec. 6-9.7. Records.**

The Medical Examiner shall keep full and complete records of all deaths resulting under the circumstances set forth in this section and promptly deliver to the Prosecuting Attorney and the Chief of Police copies of all such records. (Ord. 1781)

#### **Sec. 6-9.8. Oaths.**

The Medical Examiner and any Deputy Medical Examiner may administer oaths and affirmations, take affidavits and make examinations as to any matter within the jurisdiction of the office, but may not summon a jury of inquisition. (Ord. 1781)

Am. 1/9/63  
Ord. 2292 - Adding Article 10. Dept. of Auditoriums.

## CHAPTER 7.

### OTHER AGENCIES AND PERSONNEL.

#### Article 1. Other Agencies.

- § 7-1.1. General Provisions.

#### Article 2. Royal Hawaiian Band.

- § 7-2.1. Organization.
- § 7-2.2. Bandmaster.
- § 7-2.3. Powers, Duties And Functions.
- § 7-2.4. Fees For Service.

#### Article 3. Oahu Civil Defense Agency.

- § 7-3.1. Oahu Civil Defense Agency.

#### Article 4. Board Of Water Supply.

- § 7-4.1. Department Of Water.

#### Article 5. Honolulu Redevelopment Agency.

- § 7-5.1. Provision For.

#### Article 6. Office Of The Urban Renewal Coordinator.

- § 7-6.1. Organization.
- § 7-6.2. Appointment, Term, Removal.
- § 7-6.3. Function.
- § 7-6.4. Powers And Duties.

#### Article 7. (Rent Control.)—FUNCTUS.

- § 7-7.1. (Rent Control Commission.)—Functus.
- § 7-7.2. (Director.)—Functus.
- § 7-7.3. (Compensation Of Commission Members.)—Functus.

#### Article 8. Oahu Committee On Children And Youth.

- § 7-8.1. Organization.

#### Article 9. Poundmaster.

- § 7-9.1. Appointment.
- § 7-9.2. Acting Poundmaster.
- § 7-9.3. Duties, Compensation.
- § 7-9.4. Application For Impounding.
- § 7-9.5. Estrays.
- § 7-9.6. Notice And Method Of Pound Sales.
- § 7-9.7. Proceeds Of Sale.

#### Article 10. District Court Personnel.

- § 7-10.1. Compensation.

**Article 11. Public School Custodial Service Personnel.**

§ 7-11.1. Provision For.

**Article 12. Hawaiian Humane Society.**

§ 7-12.1. Authorization To Impound Stray Dogs.

§ 7-12.2. Expenses Incurred; Appropriations.

§ 7-12.3. Annual Report Required.

*— Continued on slip. —>***Article 1. Other Agencies.****Sec. 7-1.1. General Provisions.**

Except as may be otherwise expressly provided, the following agencies and miscellaneous personnel shall be under the supervision of the Managing Director to the extent that such supervision is not inconsistent with the laws applicable to such agencies and personnel. (Ord. 1781)

**Article 2. Royal Hawaiian Band.<sup>58</sup>****Sec. 7-2.1. Organization.<sup>59</sup>**

(a) There shall be a City band, to be known as the "Royal Hawaiian Band," which shall be headed by a Bandmaster.

(b) The "Royal Hawaiian Band" shall be attached to the Office of the Mayor. The Mayor may direct the band to render its services on any occasion. (Ord. 1781)

**Sec. 7-2.2. Bandmaster.**

(a) The Bandmaster shall be a musician of recognized standing and ability. He shall be appointed and may be removed by the Mayor and his salary shall be fixed by the Council upon the recommendation of the Mayor.

(b) The term of office of the Bandmaster shall be coterminous with that of the Mayor. (Ord. 1781)

**Sec. 7-2.3. Powers, Duties And Functions.**

The Bandmaster shall:

(a) Be charged with the supervision, direction and control of the Royal Hawaiian Band.

(b) Keep a permanent and accurate inventory of the musical instruments and other related equipment and fixtures assigned to or used by the Band.

(c) Keep an accurate account of all fees and other moneys collected and received, and names of the persons upon whose

58. Pensions, Chap. 6, RLH 1955.

59. Travel, Act 188, SLH 1959.

Am. 8/3/66  
Ord. 2830 - Adding Article 13. Ethics Commission,  
(Sec. 7-13)

Am. 9/7/67  
Ord. 3072 - Adding Sec. 7-14. Commission on Culture +  
the Arts

Am. 7/23/69  
Ord. 3442 - Adding Article 14. - Additional Standards  
Governing Conduct of Officers + Employees

account the same were paid, the date and amount thereof. (Ord. 1781)

#### Sec. 7-2.4. Fees For Services.

a. 1/15/70  
d. 3509  
Fees for services of the Royal Hawaiian Band shall be one hundred dollars for any one performance; provided, however, that the fee for such services on the arrival or departure of any steamship or vessel shall be fifty dollars; provided, further, that fees for performance on radio, television or films or for recordings may be set by the Mayor and Council; and provided, further, that the Mayor may direct the Band to render its services on any occasion without charge, when such occasion is of a public or semi-public nature.

All fees collected under this Article shall be paid into the General Fund of the City. (Sec. 6-7.6 R.O. 1957)

### Article 3. Oahu Civil Defense Agency.<sup>60</sup>

#### Sec. 7-3.1. Oahu Civil Defense Agency.

There shall be an Oahu Civil Defense Agency as provided by law. It shall exercise and perform its functions, powers and duties as provided by law. The Mayor shall exercise supervision over the Oahu Civil Defense Agency to the extent that such supervision is not inconsistent with the laws applicable to such agency. (Ord. 1781)

### Article 4. Board Of Water Supply.<sup>61</sup>

#### Sec. 7-4.1. Department Of Water.

There shall be a Department of Water, to be known as the "Board of Water Supply" as created and established by the Charter; provided, however, none of the provisions of this Title shall apply to the Board of Water Supply. (Ord. 1781)

### Article 5. Honolulu Redevelopment Agency.<sup>62</sup>

#### Sec. 7-5.1. Provisions For.

There shall be a Honolulu Redevelopment Agency as created and established by law. (Ord. 1781)

60. In general, Chap. 359, RLH 1955, § 359-32 RLH 1955 repealed—Act 35, SLH 1961.

61. In general Chap. 151, RLH 1955, Act. 155, SLH 1961, Art. VIII, charter.

Improvement districts, §§ 152-5, 10, 13 RLH 1955, §§ 24-2.2., 3.5, 3.8 RO 1960.

Loans to, § 132-13 RLH 1955.

Service credit in Employees' Retirement Fund, Act 140, SLH 1961.

62. In general, § 4-104 charter, Part I, Chap. 143 RLH 1955, as amended.

**Article 6. Office Of The Urban Renewal Coordinator<sup>63</sup>****Sec. 7-6.1. Organization.**

There shall be an office of Urban Renewal Coordinator which shall be headed by an Urban Renewal Coordinator. (Ord. 1781)

**Sec. 7-6.2. Appointment, Term, Removal.**

The Urban Renewal Coordinator shall be appointed by the Mayor, with the approval of the Council, for a term of four years and shall be removed only for cause by the Mayor, with the approval of the Council, after a hearing at which he shall be afforded a reasonable opportunity to be heard. (Ord. 1781)

**Sec. 7-6.3. Function.**

The Office of Urban Renewal Coordinator shall coordinate every aspect of any urban redevelopment and renewal program in accordance with the provisions set forth in Chapter 143 Revised Laws of Hawaii 1955, as amended; Resolution No. 73 (1955) of the City and County of Honolulu, which is by reference incorporated herein and made a part hereof; and any laws of the United States relative to urban redevelopment and renewal. (Ord. 1781)

**Sec. 7-6.4. Powers And Duties.**

In addition to the powers and duties provided in 143-59, R.L.H. 1955, as amended:

(a) General. The Coordinator shall be charged with the supervision, direction and control of the office of the urban renewal coordinator and exercise and perform such other powers, duties and functions as may be prescribed from time to time by the Mayor and Council.

(b) Acting Coordinator. The Coordinator may appoint a First Deputy, who shall serve as Acting Coordinator during the Coordinator's illness, incapacity or temporary absence from the City, or whenever the position of the Coordinator becomes vacant for any reason whatsoever, and, as Acting Coordinator, he shall have and exercise all the powers, duties and functions of the Coordinator; provided, however, that he shall serve as Acting Coordinator, without additional compensation. If there is no duly appointed First Deputy, the Mayor may appoint any officer or employee in the urban renewal office to serve as Acting Coordinator. (Ord. 1781)

63. In general, § 4-104 charter, Part II, Chap. 143 RLH 1955, as amended.

**Article 7. (Rent Control.<sup>64</sup>)—FUNCTUS.**

**Sec. 7-7.1 (Rent Control Commission.)—FUNCTUS.**

There shall be a Rent Control Commission of five members who shall be appointed by the Mayor, with the approval of the Council, for a term of office coterminous with the term of the Mayor. Any vacancy shall be filled in the same manner. The Mayor shall name one of the members to act as Chairman of the Commission. A majority of all the members of the Commission shall constitute a quorum. (Ord. 1781)

**Sec. 7-7.2. (Director.)—FUNCTUS.**

The Commission shall appoint a Director, who shall act as executive secretary for the Commission and who shall perform the duties and exercise the powers granted him by ordinance. The Director shall have the power to appoint and employ such deputies, clerks, stenographers and other assistants as may be required and for which appropriations shall be made by the Council.<sup>64</sup> (Ord. 1781)

**Sec. 7-7.3. (Compensation Of Commission Members.)—  
FUNCTUS.**

Members of the Commission shall receive no compensation for their services. (Ord. 1781)

**Article 8. Oahu Committee On Children And Youth.<sup>65</sup>**

**Sec. 7-8.1. Organization.**

There shall be an Oahu Committee on Children and Youth as provided by law. (Ord. 1781)

**Article 9. Poundmasters.<sup>66</sup>**

**Sec. 7-9.1. Appointment.**

Am. 2/10/66  
Ord. 2760

The Mayor, with the approval of the Council shall appoint suitable persons as Poundmasters for the City, who shall hold office for two years and until their successors are appointed and whose compensation shall be as hereinafter provided. (Ord. 1781)

64. Employees under civil service, Act 261, SLH 1955; see Am. Ord. 1940.  
65. In general, Chap. 334, RLH 1955, am. Act 43, SLH 1955.  
66. Authority, § 149-86(15) RLH 1955.  
Brands, Part II, Chap. 20 RLH 1955.

**Sec. 7-9.2. Acting Poundmaster.**

The Mayor may appoint an acting Poundmaster to serve during the period in which any regular Poundmaster is temporarily absent from the City, ill or otherwise unable temporarily to perform his duties as Poundmaster. Such Acting Poundmaster shall have the same powers and duties as the regular Poundmaster. (Ord. 1781)

**Sec. 7-9.3. Duties; Compensation.**

Am. 7/14/91  
Ord. 3757 Each Poundmaster shall be responsible for the safekeeping and proper care of any estray committed to his charge and shall receive for his services from the owner of such estray the sum of three dollars for each day that such estray is impounded. He shall give the estrays a sufficient quantity of food and water, and any poundmaster who shall abuse or neglect any estray in his charge, shall forfeit the pound fees to which he would otherwise have been entitled and shall also be liable to the owner thereof for damages. (Ord. 1781)

**Sec. 7-9.4. Application For Impounding.<sup>67</sup>**

No Poundmaster shall receive estrays which have trespassed on private property until the person wishing to impound the same shall have signed his name to a statement setting forth the number and species of estrays, locality trespassed upon, name of owner or owners of such estrays, if known, together with the date on which they were taken and the amount of damages claimed. (Sec. 6-9.3 R.O. 1957)

**Sec. 7-9.5. Estrays.**

If any horse, mule, ass, hog, sheep, goat or cattle shall be found at large, and not upon the land of the owner or person having charge of such animal, or if found doing damage to the property of private individuals, or of the government, such animal shall be regarded as estray within the meaning of this Article. (Sec. 6-9.4 R.O. 1957)

**Sec. 7-9.6. Notice And Method Of Pound Sales.<sup>68</sup>**

It shall be the duty of every Poundmaster to publish a notice in a newspaper of general circulation in the City as soon as

67. Damages for trespass, §§ 20-61, 62, 63, 65, 68 RLH 1955.

Recovery by owner before impounding, § 20-70 RLH 1955.

68. Damages claimed for trespass, §§ 20-61, 62, 63, 65, 68 RLH 1955.

Expenses for driving and conveying, §§ 20-66, 69 RLH 1955.

Owners relief, § 20-71 RLH 1955.

Jurisdiction of district magistrate, appeal, § 20-72 RLH 1955.

possible after the expiration of twenty-four hours from the time of impounding of any estrays giving a full description of the same together with an announcement of the day on which it will be sold at public auction if unclaimed, for which notice he shall receive one dollar for each estray included in the notice plus the cost of publication which shall be assessed pro rata according to the number of animals advertised therein. The Poundmaster shall also forthwith upon the impounding of any animal, notify in writing any person known to him to be the owner of such animal. For each such notice he shall receive twenty-five cents. If the owner does not claim such estray and pay the Poundmaster's fees, together with the charges for advertising and notifying and the damages claimed for trespass and expense of driving or conveying, within five days from the date of impounding or at any time before sale, the Poundmaster shall sell such estray at public auction to the highest bidder at two o'clock on the first Saturday afternoon ensuing after the expiration of the five days aforesaid. (Sec. 6-9.5 R.O. 1957)

#### **Sec. 7-9.7. Proceeds Of Sales.**

The proceeds of such sale after deducting the Poundmaster's fees, expenses of advertisement, expenses of conveying or driving and damages shall be remitted by the Poundmaster to the Director of Finance and shall be deposited in the General Fund. In case the owner of the estray shall substantiate his claim thereto within one year, the Council may make provision for reimbursement to the owner of the amount so deposited. (Sec. 6-9.6 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

### **Article 10. District Court Personnel.<sup>69</sup>**

#### **Sec. 7-10.1. Compensation.**

The compensation of district court personnel shall be as provided by law. (Ord. 1781)

### **Article 11. Public School Custodial Service Personnel.**

#### **Sec. 7-11.1. Provision For.**

The public school custodial service personnel shall be as provided by law. (Ord. 1781)

<sup>69</sup>. Responsibility of city, § 220-2 RLH 1955.  
Magistrates, § 220-3 RLH 1955 am. Act 262, SLH 1959.  
Clerical staff, Chap. 4, RLH 1955.

Article 12. Hawaiian Humane Society.<sup>70</sup>

Sec. 7-12.1. Authorization To Impound Stray Dogs.

Am. 11/21/62  
Ord. 2271

The Hawaiian Humane Society, an eleemosynary corporation organized and existing under and by virtue of the laws of the State of Hawaii, is hereby authorized and empowered to seize and impound stray dogs running at large and to dispose of the same in accordance with the provisions of Chapter 156, Revised Laws of Hawaii 1955.

A "stray dog" is any dog running at large without a current and duly issued registration tag. (Sec. 7-12.2 R.O. 1957)

Sec. 7-12.2. Expenses Incurred; Appropriations.

Am. 11/21/62  
Ord. 2271

All expenses of seizing, impounding and disposing of stray dogs shall be borne by the Hawaiian Humane Society; provided, however, that the Council may from time to time make such appropriations to assist the Society, as in its discretion and judgment shall be deemed necessary. (Sec. 7-12.2 R.O. 1957)

Sec. 7-12.3. Annual Report Required.

Am. 11/21/62  
Ord. 2271

The Hawaiian Humane Society shall render a full report of its activities and operations relating to the impounding of stray dogs to the Mayor and Council within one month after the end of each fiscal year. (Sec. 7-12.2 R.O. 1957)

70. Authority, § 149-86(18) RLH 1955.

Am. 11/21/62 Adding Sec. 7-12.4 - Annual Report required.  
Ord. 2271

Am. 8/3/66  
Ord. 2830 - Adding Sec. 7-13 - Ethics Commission.

Am. 9/7/67  
Ord. 3048 - Adding Sec. 7-14 - Commission on Culture & the Arts

Am. 7/23/69  
Ord. 3441 - Amending Sec. 7-13. Ethics

Am. 7/23/69  
Ord. 3442 - Adding Article 14. Additional Standards... (Ethics)

Am. 10/14/69  
Ord. 3481 -> Amending Sec. 7-14.3

**TITLE IV**  
**General Administration**

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**CHAPTER 8.**

**SPECIAL FISCAL PROVISIONS.**

**Article 1. Pay Plan And Organization In The Offices Of The Corporation Counsel And The Prosecuting Attorney.**

- § 8-1.1. Compensation Schedule.
- § 8-1.2. Organization.
- § 8-1.3. Additional Compensation.
- § 8-1.4. Merit Increases.

**Article 2. Pay Plan For Law Clerks.**

- § 8-2.1. Compensation.

**Article 3. Parks And Recreation Trust Fund.**

- § 8-3.1. Creation And Purpose.
- § 8-3.2. Administration Of Fund.
- § 8-3.3. Unexpended Balance.

**Article 4. Automotive Equipment Service Revolving Fund.**

- § 8-4.1. Revolving Fund For Automotive Equipment Service Division.

**Article 5. Trench Patching Revolving Fund.**

- § 8-5.1. Revolving Fund For Trench Patching And Minor Street Repairs.

**Article 6. Municipal Stores Revolving Fund.**

- § 8-6.1. Creation.
- § 8-6.2. Payments And Expenditures.

**Article 7. Payrolls Clearance Fund.**

- § 8-7.1. Creation.
- § 8-7.2. Authorization.

**Article 8. Automobile Liability Insurance.**

- § 8-8.1. Procurement.
- § 8-8.2. Conditions.

**Article 9. Highway Fund.**

- § 8-9.1. Redesignation.

**Article 10. Department Of Traffic Trust Fund.**

- § 8-10.1. Creation And Purpose.
- § 8-10.2. Administration Of Fund.

Article 11. Salaries Of Various City Officers.

§ 8-11.1. Salaries.

Article 12. Improvement Revolving Fund.

- § 8-12.1. Creation.
- § 8-12.2. Use Of Fund.
- § 8-12.3. Responsibility Of Administration.

*See attached sheet: page 58-2.*

Article 1. Pay Plan And Organization In The Offices Of The Corporation Counsel And The Prosecuting Attorney.

Sec. 8-1.1. Compensation Schedule.

The annual rates of compensation for Deputy Corporation Counsel and Deputy Prosecuting Attorneys shall be in accordance with the following schedule:

Am. <u>8/1/62</u>	LS-1.....	\$ 7,200.00	Am. <u>2/21/68</u>
Ord. <u>2213</u>	LS-2.....	8,100.00	Ord. <u>3132</u>
Am. <u>3/10/66</u>	LS-3.....	9,000.00	Am. <u>7/17/68</u>
Ord. <u>2779</u>	LS-4.....	9,900.00	Ord. <u>3223</u>
Am. <u>3/10/66</u>	LS-5.....	10,800.00	Am. <u>5/21/64</u>
Ord. <u>2780</u>	LS-6.....	11,700.00	Ord. <u>3416</u>

Sec. 8-1.2. Organization.

The Office of the Corporation Counsel and the Office of the Prosecuting Attorney shall be organized respectively as follows:

Pay Grade	Number of Positions
Am. <u>1/2/62</u> LS-6.....	Not more than 2 attorneys
Ord. <u>2088</u> LS-5.....	Not more than 2 attorneys
Am. <u>3/10/66</u> LS-4.....	Not more than 3 attorneys
Ord. <u>2779</u> LS-3.....	Not more than 3 attorneys
Am. <u>3/10/66</u> LS-2.....	Not more than 3 attorneys
Ord. <u>2780</u> LS-1.....	Not more than 6 attorneys

Sec. 8-1.3. Additional Compensation.

(a) Notwithstanding the provisions of the foregoing section, the Corporation Counsel or the Prosecuting Attorney may, with the approval of the Mayor and Council, provide for compensation in excess thereof for their deputies when:

- (1) Said deputy has had at least five years' experience in the practice of law; and
- (2) When the additional compensation is necessary to obtain or retain the services of said deputy in the service of the City; and

- Adding Article :
- Am. 5/31/62 8-12.1 - 8.12-4. "Police Dept. Trust Fund".  
Ord. 2175
- Am. 8/23/62 13. "Treasury Trust Fund".  
Ord. 2224
- Am. 8/23/62 14. "Misc. Agencies Trust Fund" Am. 4/11/63  
Ord. 2223 Ord. 2332
- Am. 8/23/62 15. "Change Trust Fund".  
Ord. 2222
- Am. 9/21/62 16. "Improvement District Bond  
Redemption Fund".  
Ord. 2243
- Am. 1/17/63 17. "Honolulu Redevelopment Agency  
Revolving Fund".  
Ord. 2295
- Am. 4/11/63 18. "General <sup>obligation</sup> Bond & Interest Re-  
demption Fund".  
Ord. 2330
- Am. 4/11/63 19. "School Construction Fund (Federal)"  
Ord. 2333
- Am. 4/11/63 20. "Improvement District Assessment  
Fund".  
Ord. 2331
- Am. 4/7/65 21. "Community Renewal Program Fund".  
Ord. 2602 Abolishing Urban Planning Fund.
- Am. 7/29/65 22. "Economic Opportunity Program Fund"  
Ord. 2670
- Am. 7/29/65 23.1 "Act 97 Clearance Fund".  
Ord. 2669
- Am. 8/19/65 24. "Service Fees for Disposition of  
Ord. 2677 Real Property".
- Am. 1/12/66 25. "Fee Schedule for Public Records".  
Ord. 2743
- Am. 8/19/66 26. "Urban Planning Project Hawaii P-15 Fund".  
Ord. 2838

- Am. 2/2/67  
Ord. 2919 27. "Program on Aging Fund,"
- Am. 5/25/67  
Ord. 2985 28. } "Federal Grants Fund"  
    } Abolished: "Urban Planning  
    } Project Hawaii P-15 Fund" and  
    } "Program on Aging Fund."
- Am. 3/7/68  
Ord. 3135 29. "Special Projects Fund."
- Am. 7/5/68  
Ord. 3211 30. "General Improvement Bond Fund"
- Am. 7/5/68  
Ord. 3212 31. "Highway Improvement Bond Fund"
- Am. 7/5/68  
Ord. 3214 32. "Special Assessment Revolving Fund"
- Am. 7/5/68  
Ord. 3213 Article 30 Abolished.
- Am. 8/21/68  
Ord. 3242 30. Charges for Furnishing  
    Electronic Data Services.
- Am. 12/6/68  
Ord. 3307 33. Off-Street Parking Fund.

Am.  
Ord.  
Am.  
Ord.  
Am.  
Ord.

(3) When, in the opinion of either of said department heads, the type of professional services rendered or to be rendered by said deputy is of a calibre which justifies the payment of compensation in excess of that provided in the foregoing section.

(b) A Deputy Corporation Counsel or Deputy Prosecuting Attorney whose compensation is fixed pursuant to the provisions of this section shall not be deemed to be occupying any of the positions provided for in Section 8-1.2. (Ord. 1709)

**Sec. 8-1.4. Merit Increases.**

With the approval of the Mayor and the Council the Corporation Counsel or the Prosecuting Attorney may provide for additional compensation to be paid to a Deputy Corporation Counsel or Deputy Prosecuting Attorney when his work has been outstanding and meritorious. (Ord. 1709)

**Article 2. Pay Plan For Law Clerks.**

**Sec. 8-2.1. Compensation.**

Am. 2/21/68

Am. 7/17/68

Ord. 3132 + 8.2.2

Ord. 3223

The annual rate of compensation for law clerks in the Office of the Corporation Counsel and the Office of the Prosecuting Attorney shall be \$6,000.00 per annum. (Ord. 1709)

**Article 3. Parks And Recreation Trust Fund.**

**Sec. 8-3.1. Creation And Purpose.**

There is hereby created and established a special trust fund to be known as the "Parks and Recreation Trust Fund." All moneys received as donations, contributions, gifts, or bequests by or on behalf of and for the use of the City for public parks purposes as the term "public parks" is defined in Section 13-18.1, shall be deposited in said trust fund for the purposes for which such moneys were received. (Ord. 1753)

**Sec. 8-3.2. Administration Of Fund.**

Whenever the Department of Parks and Recreation finds that it is able to effectuate the purposes for which the monies in said Fund were received, it shall submit a written request to the Managing Director, who shall submit the same with his recommendation to the Director of Finance. The Trust Fund shall be administered by the Director of Finance and he is hereby authorized to expend monies therefrom for the purposes for which such monies were received. (Ord. 1753)

**Sec. 8-3.3. Unexpended Balance.**

All balances of monies remaining unexpended in the Parks Board Trust Fund created by Section 8-3.1 of the Revised Ordinances of Honolulu 1957 prior to this amendment are hereby transferred to the Parks and Recreation Trust Fund. (Ord. 1753)

**Article 4. Automotive Equipment Service Revolving Fund.**

**Sec. 8-4.1. Revolving Fund For Automotive Equipment Service Division.**

There shall be a fund, to be known as the "Automotive Equipment Service Revolving Fund," from which the Automotive Equipment Service Division of the Department of Public Works shall pay the cost of all its materials, supplies, services and facilities. The Superintendent of the Division shall file claims against the several divisions and departments for all equipment service rendered and materials, supplies, storage and facilities furnished by the Automotive Equipment Service Division. The money received from such divisions and departments shall be paid to the Director of Finance and shall be re-appropriated to the Automotive Equipment Service Revolving Fund. Moneys so re-appropriated shall be used for the purposes of the Automotive Equipment Service Division. (Sec. 8-4.1 R.O. 1957, Am. Sec. 5-2.2 Ord. 1781)

**Article 5. Trench Patching Revolving Fund.**

*Am. 6/3/64*  
*Ord. 2455* **Sec. 8-5.1. Revolving Fund For Trench Patching And Minor Street Repairs.**

*Abolishing Fund.* There shall be a fund, to be known as the "Trench Patching Revolving Fund," which shall be used by the Division of Road Maintenance of the Department of Public Works for all materials and supplies required and all services performed by said division in causing the proper repairs to be made in restoring pavement, foundations and surfaces opened, under permit, by public utility companies and others in accordance with the provisions of Chapter 20. All collections made in accordance with the provisions of Chapter 20, providing for the billing of the proper cost of resetting foundations and pavement or any other work made necessary by work done under permit required by Chapter 20, shall be paid to the Director of Finance, and shall be re-appropriated to the "Trench Patching Revolving Fund." Moneys so re-appropriated shall be used by the said Division only for the purposes hereinabove set forth. (Sec. 8-5.1 R.O. 1957, Am. Sec. 5-2.2 Ord. 1781)

**Article 6. Municipal Stores Revolving Fund.**

**Sec. 8-6.1. Creation.**

There is hereby created a fund to be known as the "Municipal Stores Revolving Fund." (Sec. 8-6.1 R.O. 1957)

**Sec. 8-6.2. Payments And Expenditures.**

Payments into and expenditures from said Municipal Stores Revolving Fund shall be made pursuant to such regulations and requirements as shall be established and made from time to time by action of the Council or of the Director of Finance with the approval of the Mayor and Council. (Sec. 8-6.2 R.O. 1957, Am. Sec. 5-2.2 Ord. 1781)

**Article 7. Payrolls Clearance Fund.**

**Sec. 8-7.1. Creation.**

There is hereby created a working capital fund to be known as the "Payrolls Clearance Fund." (Sec. 8-7.1 R.O. 1957)

**Sec. 8-7.2. Authorization.**

The Director of Finance is hereby authorized to approve claims payable out of the Payrolls Clearance Fund, only when such claims shall be accompanied by properly executed distribution vouchers, requesting the issuance of warrants chargeable to the respective funds or appropriation accounts against which the segregated amounts of the total payrolls listed on such claims are legally chargeable, and payable to the Payrolls Clearance Fund in amounts the total of which is equal to the total of payroll claims sought to be charged to the Payrolls Clearance Fund. (Sec. 8-7.2 R.O. 1957 ; Am. Sec. 5-2.2 Ord. 1781)

**Article 8. Automobile Liability Insurance.**

**Sec. 8-8.1. Procurement.**

Public liability insurance to cover all motor vehicles of the City, with the exception of motor vehicles of the Board of Water Supply, shall be procured by the Director of Finance as follows:

(a) Bodily injury liability coverage in the amount of \$100,000 for each person, subject to the limitation of \$300,000 for each accident, and

(b) Property damage liability coverage in the amount of \$10,000 for each accident. (Ord. 1792)

**Sec. 8-8.2. Conditions.**

The procurement of insurance for all motor vehicles of the City shall be subject to the following conditions:

Am. 5/9/63  
Ord. 2342

Am. 9/9/64  
Ord. 2495

Am. 7/12/67  
Ord. 3022

Am. 8/5/70  
Ord. 3586

(a) That such insurance shall be procured only from companies licensed to do business in the State of Hawaii.

(b) That such insurance shall be procured from a company fully qualified to carry out the terms and conditions of the policy, such qualifications being based on the experience, competence and financial standing of any such company.

(c) That except as otherwise provided in this ordinance, the terms and conditions of the insurance policy shall be negotiated by the Director of Finance as he may deem best in the interests of the City. (Ord. 1792)

Article 9. Highway Fund.<sup>72</sup>

Sec. 8-9.1. Redesignation.

The special fund designated as "road fund" is redesignated "highway fund" pursuant to the provisions of R.L.H. 1955. (Sec. 8-9.1 R.O. 1957)

Article 10. Department Of Traffic Trust Fund.

Sec. 8-10.1. Creation And Purpose.

There is hereby created and established a special trust fund to be known as the "Department of Traffic Trust Fund." All moneys received by the Department of Traffic from any person participating in the National Fleet Safety Contest for Oahu shall be deposited in said Trust Fund for the purposes for which such moneys were received. (Ord. 1761)

Sec. 8-10.2. Administration Of Fund.

Whenever the Department of Traffic finds that it is able to effectuate the purposes for which the moneys in said Fund were received, it shall submit a written request to the Managing Director, who shall submit the same with his recommendation to the Director of Finance. The Trust Fund shall be administered by the Director of Finance and he is hereby authorized to expend moneys therefrom for the purposes for which such moneys were received. (Ord. 1761)

Article 11. Salaries Of Various City Officers.

Sec. 8-11.1. Salaries.

The salaries of the following officers of the City shall be payable semi-monthly out of the City Treasury at the following rate:

Managing Director .....	\$17,750
Chief Engineer .....	17,500

<sup>72</sup>. Establishment: See § 130-16 RLH 1955, as amended.

Am. 6/28/62  
Ord. 2193

Am. 10/6/65  
Ord. 2711  
Am. 9/9/70  
Ord. 3600

Am. 7/9/69  
Ord. 3433

Am. 5/21/69  
Ord. 3416 - 8-11.3

Am. 10/14/69  
Ord. 3478 → 8-11.3 - Info. Systems - \$23,650

§ 8-12.1.

GENERAL ADMINISTRATION

§ 8-12.3.

Building Superintendent .....	15,600
City and County Physician.....	15,600
Director of Finance.....	15,600
Planning Director .....	15,600
City Clerk .....	14,500
Director of Civil Service.....	14,500
Director of Parks and Recreation.....	14,500
Medical Examiner .....	14,500
Traffic Engineer .....	14,500
Urban Renewal Coordinator.....	14,500
Bandmaster .....	12,000

Am. 1/31/63  
Ord. 2302

(Ord. 1951)

Director, Dept. of Auditoriums - 18,000

Am. 10/24/69  
Ord. 3489

### Article 12. Improvement Revolving Fund.

#### Sec. 8-12.1. Creation.

There is hereby created and established a revolving fund to be known as the "Improvement Revolving Fund." (Ord. 2031)

#### Sec. 8-12.2. Use Of Fund.

Moneys in the said Improvement Revolving Fund may be used to option, purchase, lease, make down payments, and take other actions necessary to acquire real estate or any interest therein for specific public purposes related to the development of the city as proposed in the general plan and development plans. No expenditure from this fund shall be made unless reviewed and reported on by the Planning Commission and approved by the Council. Reimbursements to this fund shall be made from the appropriated funds of any project for which such expenditures are made, and such reimbursements shall be effected immediately upon the appropriation of funds for such project. (Ord. 2031)

#### Sec. 8-12.3. Responsibility Of Administration.

The Director of Finance shall be responsible for the administration of this fund. All receipts and surplus of this fund are hereby appropriated and authorized to be expended in accordance with the purpose and conditions for which this fund was established. The Council's approval for expenditures shall be in the form of a resolution adopted on one reading and without publication. (Ord. 2031)

- Am. 5/31/62  
Ord. 2175 - Adding Sec. 8-12.1-8.12.4 - Police Dept.  
Trust Fund
- Am. 8/23/62  
Ord. 2224 - Adding Article 13. Treasury Trust Fund.
- Am. 8/23/62  
Ord. 2223 - Adding Article 14. Misc. Agencies  
Trust Fund. Am. 4/11/63  
Ord. 2332
- Am. 8/23/62  
Ord. 2222 - Adding Article 15. Change Fund Trust  
Fund
- Am. 9/31/62  
Ord. 2243 - Adding Article 16. Improvement District.  
Bond Redemption Fund. Am. 8/13/64  
Ord. 2477
- Am. 1/17/63  
Ord. 2295 - Adding Article 17. Hon. Redevelopment Agency Revolving  
Fund.
- Am. 4/11/63  
Ord. 2330 - Adding Article 18. "General Obligation Bond & Interest Redemption  
Fund"
- Am. 4/11/63  
Ord. 2333 - Adding Article 19. "School Construction Fund (Federal)"
- Am. 4/11/63  
Ord. 2331 - Adding Article 20. "Improvement District Assessment Fund"
- Am. 4/9/65  
Ord. 2602 " " 21. "Community Renewal Program Fund."  
Abolishing Urban Planning Fund.
- Am. 7/29/65  
Ord. 2669 " " 23.1 - "Act 97 Clearance Fund."
- Am. 7/29/65  
Ord. 2670 " " 22 - "Economic Opportunity Program Fund?"
- Am. 8/19/65  
Ord. 2677 " " 24 - "Service Fees For Disposition of  
Real Property?"

Am. 1/12/66  
Ord. 2743 - Adding Article 25. Fee Schedule for  
Am. 1/10/68  
Ord. 3102 → Public Records.

Am. 8/19/66  
Ord. 2838 - Adding Article 26. "Urban Planning Project  
Hawaii P-15 Fund." (Abolished - Ord. 2985)

Am. 2/2/67  
Ord. 2919 - Adding Article 27. "Program on Aging  
Fund." (Abolished. Ord. 2985)

Am. 5/25/67  
Ord. 2985 - Adding Article 28. "Federal Grants Fund"

Am. 3/7/68  
Ord. 3135 - Adding Article 29. "Special Projects Fund"

Am. 7/5/68  
Ord. 3211 - Adding Article 30. "General Improvement Bond Fund"

Am. 7/5/68  
Ord. 3212 - Adding Article 31. "Highway Improvement  
Bond Fund."

Am. 7/5/68  
Ord. 3214 - Adding Article 32. "Special Assessment  
Revolving Fund."

Am. 7/5/68  
Ord. 3213 - Abolished Article 30. "General  
Improvement Bond Fund".

Am. 8/21/68  
Ord. 3242 - Adding Article 30. Charges for  
Furnishing Electronic Data  
Processing Services

Am. 12/6/68  
Ord. 3307 -

Adding Article 33. Off-Street Parking Fund

Am. 3/11/71  
Ord. 3707 -

Adding Article \_\_\_\_\_. Bus  
Transportation Revolving Fund.

## CHAPTER 9.

## COLLECTION AND DISPOSAL OF REFUSE.

**Article 1. General Provisions.**

- § 9-1.1. Definitions.
- § 9-1.2. Collection, Removal And Disposal Of Refuse By The Division.
- § 9-1.3. Preparation And Placing Of Refuse For Collection.
- § 9-1.4. Limitations.
- § 9-1.5. Private Incineration.
- § 9-1.6. Unlawful To Disturb Receptacles.
- § 9-1.7. Dead Animals.
- § 9-1.8. Old Automobiles And Scrap Iron.
- § 9-1.9. Penalty.

**Article 2. Collection And Disposal Charges.**

- § 9-2.1. Collection Charges For Hotels.
- § 9-2.2. Collection Charges For Places Of Business.
- § 9-2.3. Other Collection Charges.
- § 9-2.4. Disposal Charges.
- § 9-2.5. Disposal Of Dead Animals; Charges.
- § 9-2.6. General Fund.

**Article 3. Collection And Disposal Business.**

- § 9-3.1. License Required, Collection Of Garbage And/Or Rubbish.
- § 9-3.2. Licenses.
- § 9-3.3. Conditions Of Licenses.
- § 9-3.4. Disposal Of Swill.
- § 9-3.5. Collection Of Swill; Permit Required.
- § 9-3.6. Permits.
- § 9-3.7. Conditions Of Permits.
- § 9-3.8. Garbage And Rubbish Dumps; Permits.
- § 9-3.9. Prohibitions.
- § 9-3.10. Penalty.

**Article 4. Hotels, Apartment Houses, Etc.**

- § 9-4.1. Requirements For Collection And Disposal Of Refuse Therefrom.
- § 9-4.2. Penalty.

**Article 1. General Provisions.****Sec. 9-1.1. Definitions.**

Unless otherwise expressly stated, wherever used in this chapter the following terms shall have the following meaning:

(a) "Superintendent" shall refer to the Superintendent of the Division of Refuse Collection and Disposal of the Department of Public Works of the City and County of Honolulu.

(b) "Division" shall refer to the Division of Refuse Collection and Disposal of the Department of Public Works of the City and County of Honolulu.

(c) "Owner" shall mean the occupant of a dwelling unit or place of business; provided, however, that if said dwelling unit or place of business is rented to any such occupant, then the term "owner" shall mean the person to whom the rent is payable.

Am. 10/13/65  
Ord. 2717

(d) "Place of business" shall mean any place where business, commercial or industrial activity is carried on, any ship berthed in Honolulu Harbor, and any agency of the Federal, State or City and County government, but shall not include any hotel, apartment house, or any building or structure used exclusively for residential purposes.

(e) "Garbage" shall mean and include all organic wastes not fit for animal consumption.

(f) "Rubbish" shall mean and include solid waste or rejected material including, without limiting the generality thereof, paper and cardboard cartons, straw, excelsior, rags, clothes, shoes, bottles, tin cans, china, glass, metalware, leaves, grass, tree stumps, and any other material of similar character; but not including such materials as lumber or iron pipes exceeding five feet in length, concrete blocks, tile, cement, acids, explosives, ice boxes, refrigerators, ranges, radios, television sets, phonographs, bedsteads, bed springs, tables, sofas, chairs, and other furniture, water heaters, water tanks, sinks and other similar materials or equipment of a weighty or bulky nature.

(g) "Swill" shall mean and include all food wastes which are fit for animal consumption.

(h) "Refuse" shall mean and include all discarded and disposable matter, including garbage, rubbish and swill as above defined.

(i) "Hotel" shall mean an establishment operating under a license issued pursuant to the provisions of Section 155-59, Revised Laws of Hawaii 1955.

(j) "Duly licensed collector of refuse" shall mean and include any person who has been licensed or issued a permit by the City to collect refuse and/or swill in accordance with the laws applicable thereto. (Sec. 9-1.1 R.O. 1957; Am. Ord. 1716)

Am. 1/8/69  
Ord. 3335 - (CK)

**Sec. 9-1.2. Collection, Removal And Disposal Of Refuse By The Division.**

The Division shall collect, remove and dispose of any refuse without limit as to quantity, except as herein provided, from all dwelling units within the City provided, that, the Division shall not serve any dwelling unit or units when:

(a) The owner thereof has made provision for collection service (with a minimum of two collections per week), by a duly

licensed collector of refuse, and has notified the Superintendent of that fact.

(b) The owner thereof has installed or provided the premises with private incineration equipment or other refuse disposal facilities which have been approved by the Superintendent as being adequate and safe and which have been approved by the State Department of Health as conforming to the provisions of Chapter 47, Revised Laws of Hawaii 1955, as amended, relating to nuisance, health and sanitation. (Sec. 9-1.2 R.O. 1957)

### Sec. 9-1.3. Preparation And Placing Of Refuse For Collection.

(a) All receptacles containing refuse and all refuse prepared for collection as hereinafter provided, shall be placed for collection on or within the premises to be served, not more than 20 feet from the public highway, street or other thoroughfare, provided, that for business districts and in any premises not having a yard abutting or fronting the public thoroughfare, all refuse may be placed for collection on the sidewalk area closest to the premises.

(b) The types of refuse hereinafter described shall be prepared for collection as follows:

(1) All rubbish consisting of tree branches, tree trunks and stumps, hedge and plant cuttings, palm and coconut branches, vines and other similar materials shall be cut into lengths not exceeding three feet and shall be tied in bundles which shall not weigh more than 50 pounds each.

(2) All empty cardboard and other fibrous cartons, wooden boxes and crates and other similar empty containers shall be flattened and securely tied in bundles which shall not weigh more than 50 pounds each.

(3) All refuse, consisting of ashes, powders, dust, sawdust and all broken bottles, glass or china, corrosive liquids or other materials likely to cause injury to persons collecting the same shall be securely wrapped or contained.

(4) Garbage and swill shall be drained, securely wrapped and placed in a receptacle. All receptacles for garbage and swill shall be of leak-proof metal construction with tight-fitting covers and with a capacity not exceeding 32 gallons.

(5) Combustible refuse shall be separated from non-combustible refuse and placed in separate receptacles, provided that the separation of refuse shall not be required for refuse collected outside the District of Honolulu.

(6) No refuse shall be accepted for collection when its gross weight, including the receptacle, shall exceed 75 pounds. (Sec. 9.1.3 R.O. 1957)

**Sec. 9-1.4. Limitations.**

Am. 10/13/65  
Ord. 2717 The Division shall not be required to collect:

(a) Any discarded wastes, materials and objects other than garbage, rubbish or swill.

(b) Any refuse not prepared for collection as required by Section 9-1.3 above.

(c) Any refuse not properly placed for collection as provided by Section 9-1.3 above.

(d) Any rubbish consisting of three branches, tree trunks and stumps, hedge and plant cuttings, palms and coconut branches, vines and other similar materials exceeding two cubic yards in volume for any single regular collection.

(e) Any refuse placed for collection in a place which is unsafe or is likely to cause injury to the persons collecting said refuse.

Am. 10/13/65  
Ord. 2717 (f) Any refuse from any residence, multiple dwelling unit or units, or place of business where the owner thereof shall have failed to pay the service charges hereinafter provided for. (Sec. 9-1.4 R.O. 1957)

**Sec. 9-1.5. Private Incineration.**

Dry garbage and refuse may be disposed of by incineration or burning on the premises wherever it is possible to do so. Such incineration shall be governed by the following restrictions:

(a) Private incineration shall be unlawful within Fire Districts Nos. 1 and 2 of the District of Honolulu, that is, the area bounded by the waterfront and the following: Kakaako Street, Halekauwila Street, South Street, Alapai Street, South Beretania Street, Punchbowl Street, Vineyard Street, Palama Street to North King Street, thence to a point 100 feet makai of North King Street, a line 100 feet makai of North King Street to Iwilei Road, North Queen Street and Nuuanu Stream, except where the incinerators provided for such private incineration are of fire-proof construction under the standards provided by the National Board of Fire Underwriters, as set forth in NBFU pamphlet No. 82 on file in the Office of the City Clerk.

(b) Private incineration shall be unlawful during abnormally high winds.

(c) Private incineration shall be unlawful within 20 feet of any combustible structure or object.

(d) Private incineration shall be unlawful except in masonry or metal containers or in pits, provided, that where private incineration of dry garbage and rubbish is conducted in pits all com-

bustible material within such pit must be at least 18 inches below the level of the surface of the ground surrounding such pit.

(e) Private incineration shall be unlawful during the night and for one hour previous to sunset.

(f) Private incineration shall be unlawful unless continuously supervised by a responsible individual.

(g) Private incineration shall be unlawful unless there is nearby, ready for use, an adequate means of extinguishing the fires. (Sec. 9-1.5. R.O. 1957)

#### **Sec. 9-1.6. Unlawful To Disturb Receptacles.**

When any receptacle containing garbage, rubbish or swill, or any bundle of hedge cuttings, stumps, branches, banana leaves, palm or coconut leaves, and other similar substances, has been placed for collection as hereinbefore provided, it shall be unlawful for any person or persons, to remove any such receptacle or bundle from the place where the same has been placed for collection; and it shall be unlawful for any person or persons to remove, transport, carry, disturb, or haul away any garbage, rubbish or swill from any such receptacle or bundle that has been placed for collection as hereinbefore provided; provided, however, that the removal of any such receptacle or bundle by the owner thereof, or his agent, or by the employees of the Division, while in the performance of their duties, or by the employees of any person, firm or corporation while actually engaged in removing garbage, rubbish or swill, for which work a permit has been issued by the Division, shall not be deemed a violation of the provisions of this section. (Sec. 9-1.6. R.O. 1957)

#### **Sec. 9-1.7. Dead Animals.**

It shall be the duty of every owner of dead cattle, horses, mules, goats, and animals of similar size, to remove, or cause the same to be removed within a reasonable time after death, or before the same shall constitute a nuisance. Dead animals of a smaller size, such as cats and dogs, shall be collected and disposed of by the Division, provided they are placed in an open area not more than 20 feet from the street. (Sec. 9-1.7 R.O. 1957)

#### **Sec. 9-1.8. Old Automobiles And Scrap Iron.**

It shall be unlawful for any person to abandon any motor vehicle, scrap iron, or other similar materials, upon any public street, road, highway or other public thoroughfare, or any part thereof. The presence of any such materials upon the places specified, for a period of more 15 days shall constitute prima facie evidence of abandonment. (Sec. 9-1.8 R.O. 1957)

**Sec. 9-1.9. Penalty.**

Any person violating any provisions of this Article shall, upon conviction, be punished by a fine not exceeding \$100 or by imprisonment not exceeding 90 days, or by both. (See Sec. 1-2.4 R.O. 1961) (Sec. 9-1.9 R.O. 1957)

**Article 2. Collection And Disposal Charges.****Sec. 9-2.1. Collection Charges For Hotels.**

Am. 1/8/69  
Ord. 3335 For all refuse collected and removed by the Division on regularly scheduled collection days from hotels, there shall be a unit service charge equal to ten cents per cubic foot, said charge being due and payable on a quarterly basis; provided that a minimum service charge of \$3 per month or fraction thereof shall be made for each hotel served by the Division. Such service charges shall be paid to the Division within 30 days after each quarterly period of service ending on March 31, June 30, September 30 and December 31, respectively. (Ord. 1853)

**Sec. 9-2.2. Collection Charges For Places Of Business.**

Am. 1/8/69  
Ord. 3335 For all refuse collected and removed by the Division on regularly scheduled collection days from places of business, there shall be a unit service charge equal to ten cents per cubic foot, said charge being due and payable on a quarterly basis; provided that a minimum service charge of \$3 per month or fraction thereof shall be made for each place of business served by the Division. Such service charges shall be paid to the Division within 30 days after each quarterly period of service. (Sec. 9-2.2 R.O. 1957)

**Sec. 9-2.3. Other Collection Charges.**

(a) Unit Charges for Special Collections. For the collection and disposal by the Division of all refuse and other discarded objects described below, upon specific request of the owner of any premise, the following unit charges shall apply:

(1) For the collection and removal of bundled rubbish consisting of tree branches, trunks and stumps, hedge and plant cuttings, palm and coconut branches and other similar materials, properly prepared for collection as provided in Sec. 9-1.3 above, but which rubbish is in excess of the two cubic yard maximum limit for any single regular collection day, a sum equal to ten cents for every cubic foot in excess of such limit.

(2) For the collection and removal of loose rubbish as described in sub-section (1) above, which is not cut, tied in bundles or otherwise prepared for collection in the manner provided in Section 9-1.3 above, or is not contained in rubbish receptacles or containers, a sum equal to \$6 per hour or fraction thereof for

such services, which rate shall include time required to travel from the Division's base of operation to the point of pickup and return.

(3) For all refuse collected and removed from any premises on non-scheduled collection days, the sum of ten cents per cubic foot thereof with a minimum charge of \$3 for each special service so requested.

(4) For all discarded waste, materials and objects other than those within the definitions of refuse, garbage, rubbish or swill, such as lumber and iron pipes exceeding five (5) feet in length, concrete blocks, tile, acids, explosives, ice boxes, refrigerators, ranges, radios, television sets, phonographs, bedsteads, bed springs, tables, sofas, chairs, and other furniture, water heaters, water tanks, sinks and other similar materials and equipment of heavy or bulky nature or size, collected and removed from any premises, a sum equal to Six Dollars (\$6.00) per hour or fraction thereof for such services, which rate shall include time required to travel from the Division's base of operations to the point of pickup and return.

(b) Payments. All unit charges provided in this Section shall be computed and billed on a monthly basis and shall be paid to the Division within 30 days after the service is rendered. (Sec. 9-2.3 R.O. 1957)

#### Sec. 9-2.4. Disposal Charges.

The Superintendent shall receive and dispose of all refuse delivered to any site owned or controlled by the City and may charge, for such receipt and disposal, the following fees:

(a) Within the District of Honolulu:

(1) For all refuse other than the types specified in subsection 2 and 3 below, the sum of twenty-five cents (25¢) per 100 pounds or every fraction thereof.

(2) For pineapple waste, palm and coconut branches, tree trunks and branches, hedge and plant cuttings, cardboard and other materials of similar nature, the sum of fifteen cents (15¢) per 100 pounds or every fraction thereof.

(3) For tin cans, bottles, glass, pottery, chinaware, condemned food, radio sets, television sets, bedsteads, furniture, scrap iron, scrap metal, metal shavings, refrigerators, ranges, bed springs, water heaters, and other materials of similar nature, the sum of ten cents (10¢) per one hundred pounds or every fraction thereof.

(4) For all refuse which is not classified nor segregated as to type to fall within the rate categories above provided, the sum of twenty-five (25¢) per one hundred pounds or every fraction thereof.

Am. 1/8/69  
Ord. 3335

(5) For automobiles, trucks, chassis and parts thereof, the following rates:

(a) Automobiles and automobile chassis, pickup trucks and pickup truck chassis.....\$ 5.00 each

(b) Trucks and truck chassis, bodies and body chassis, having a gross factory rating of one to ten tons inclusive.....\$ 8.00 each

(c) Truck and truck chassis, bodies and body chassis, having a gross factory rating in excess of 10 tons.....\$15.00 each

(6) In the event of the breakdown of scales at any dump or disposal site within the District of Honolulu, the same cubic rate charges applicable outside the District of Honolulu as prescribed in Section 9-2.4(b) below, shall be imposed and collected by the Division until such time as the scales are again in proper operation.

(b) Outside the District of Honolulu:

For all refuse, the sum of seventy-five cents (75¢) for the first cubic yard or fraction thereof, and fifty cents (50¢) for every additional cubic yard or fraction thereof per truckload; and six cents (6¢) for every gallon of swill.

(c) Measuring Facilities. No weight charge provided for in this section shall be made unless the Superintendent shall have provided and installed adequate measuring equipment for the accurate determination of the weight of refuse and other discarded materials delivered for disposal to any incinerator or site owned or controlled by the City.

(d) Private Disposal Sites. The Superintendent may permit the dumping or disposal of any noncombustible refuse or materials, free of charge, upon any privately owned property which has been accepted and approved by the Council for use as a refuse disposal site by the Division. (Sec. 9-2.4 R.O. 1957)

m. 1/8/69  
rd. 3335 - (c) - Payments

**Sec. 9-2.5. Disposal Of Dead Animals; Charges.**

The Division will accept and dispose of, without charge, at the City incinerator, all dead cattle, horses, mules, goats, cats, dogs, rats or any similar animals. (Sec. 9-2.5 R.O. 1957)

**Sec. 9-2.6. General Fund.**

All fees and charges collected pursuant hereto, shall be deposited to the General Fund of the City. (Sec. 9-2.6 R.O. 1957)

Am. 1/8/69  
Ord. 3335 - Sec 9-2.7 - Failure to pay service charges

**Article 3. Collection And Disposal Business.**

**Sec. 9-3.1. License Required, Collection Of Garbage And/Or Rubbish.**

It shall be unlawful for any person to engage in any business which involves the collecting and/or transporting of any garbage

and/or rubbish from any building or premises within the City without first obtaining a license therefor as provided in Section 9-3.2 below.. Sec. 9-3.1 R.O. 1957)

### **Sec. 9-3.2. Licenses.**

(a) Application. Application for a license to engage in said business shall be made to the Director of Finance, and the applicant shall state thereon his name and business address, the nature of materials to be collected, the manner in which and the location where the same shall be disposed.

(b) Bond. Every applicant for a license shall execute a bond in favor of the City in the penal sum of one thousand dollars with sufficient sureties approved by the Director of Finance, which bond shall be subject to all of the conditions set forth in Section 9-3.3 and Section 9-3.10 herein.

(c) Public Liability and Damage Insurance. The licensee shall secure and present to the Director of Finance a standard automobile liability insurance policy covering the licensee, or any person, driving any vehicle belonging to the licensee with his permission in the amount of twenty-five thousand dollars for bodily injury to or death of one person in any accident and in the amount of fifty thousand dollars for bodily injury to or death of two or more persons in any one accident respectively, and property damage insurance in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident.

(d) Term of Licenses. Such refuse collection license shall be issued for a term of one year commencing July 1st through June 30th of the next succeeding year.

(e) License Fee. The annual fee for a license to collect garbage and/or rubbish shall be twenty-five dollars (\$25.00) payable in advance to the Director of Finance on or before July 1st of each year. The fee for any license issued after July 1st shall be pro-rated according to the remaining fractional period of such fiscal year. (Sec. 9-3.2 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

### **Sec. 9-3.3. Conditions Of Licenses.**

Every license issued under this Article shall be subject to the following conditions:

(1) All vehicles used by the licensee for the collection of garbage and/or rubbish shall be so designed and constructed as to prevent the spilling or scattering of its contents upon the public streets. All such vehicles and equipment shall be kept in a clean, inoffensive and sanitary condition.

(2) All garbage and/or rubbish shall be handled and transported by the licensee in such a manner as to prevent scattering, spilling or leaking of the same or to otherwise create a nuisance

thereby or to violate any rule or regulation of the State Department of Health.

(3) All garbage and/or rubbish collected by the licensee shall be dumped or disposed of in an incinerator or dump owned or controlled by the City or in a private dump for which a permit has been issued by the Council.

(4) The licensee shall not violate any penal provisions contained herein or in any other ordinance relating to the collection and disposal of refuse within the City. (Sec. 9-3.3 R.O. 1957)

#### **Sec. 9-3.4. Disposal Of Swill.**

No householder or occupant of any residence or business building or premises within the City shall dispose of any swill unless provision is made to collect and remove the same by a person, firm or corporation holding a permit issued under the provisions of Sections 9-3.5 and 9-3.6 hereof, or unless provision is made to dispose of the same by private disposal facilities; provided, however, that swill may be deposited for collection by the Division or by licensed collectors on condition, that it be drained and securely wrapped and placed in a leak-proof metal receptacle with a tight-fitting cover. (Sec. 9-3.4 R.O. 1957)

#### **Sec. 9-3.5. Collection Of Swill; Permit Required.**

It shall be unlawful for any person to collect and remove swill from any building or premises within the City without first obtaining a permit therefor as provided in Section 9-3.6 below. (Sec. 9-3.5 R.O. 1957).

#### **Sec. 9-3.6. Permits.**

(a) Application. Application for a permit to collect and remove swill shall be made to the Chief Engineer upon forms furnished by the Chief Engineer.

(b) Term of Permit. Permits for the collection of swill shall be issued for a term of one year commencing January 1st of each year and shall expire on December 31st of the same year.

(c) Fee. No fee shall be levied by the Chief Engineer for the issuance of any permit under this section. (Sec. 9-3.6 R.O. 1957)

#### **Sec. 9-3.7. Conditions Of Permits.**

Every permit issued under this section shall be subject to the following:

(1) All vehicles and equipment used by the permittee for the collection or transporting of swill shall be kept in a clean, inoffensive and sanitary condition.

(2) All receptacles used to contain swill while transporting the same shall be of leak-proof metal construction and equipped

with a tight-fitting cover. All such receptacles shall be kept tightly covered at all times except when swill is being placed into or removed from such receptacles.

(3) The permittee shall not violate any rules and regulations of the State Department of Health relating to the collection and transporting of swill. (Sec. 9-3.7 R.O. 1957)

#### **Sec. 9-3.8. Garbage And Rubbish Dumps ; Permits.**

(a) It shall be unlawful for anyone other than the Department of Public Works of the City to establish or maintain a garbage and/or rubbish dump without a permit to do so issued by the Council.

(b) Application. Application for a permit to establish a garbage and/or rubbish dump shall be made to the Council, and shall state thereon, the name and address of the applicant, the location and general description of the proposed dump, written consent of the owner or occupant of the premises where such dump is to be established, and such other information as may be required by the Council. Said application shall bear the approval of the State Department of Health and the Fire Marshal of the State. No such application shall be considered by the Council unless seventy-five percent (75%) of the owners or occupants of the premises situated within a distance of seven hundred fifty feet from any point of the proposed dump shall consent thereto by joining in such application.

(c) Issuance. The Council may thereupon issue such permit whenever it shall find that such dump can be established and maintained without creating a nuisance or causing substantial injury to the surrounding premises. The holder of such permit shall observe every rule and regulation prescribed by the Council regarding the establishment and maintenance of such dumps.

(d) Term. Every permit shall be issued for a term of five years, unless sooner revoked, and any expired permit may be renewed upon application therefor without compliance with the original requirements for a permit, provided that such renewal may be refused to any person who has, in the preceding term of the permit, been convicted of violating this ordinance. No fee shall be required for the issuance of the permit or any renewal thereof. Such permit may be revoked at any time by the Council where the holder thereof has violated any provisions of this Section or of this Ordinance, or has violated any applicable regulations of the State Department of Health. (Sec. 9-3.8 R.O. 1957)

#### **Sec. 9-3.9. Prohibitions.**

(a) It shall be unlawful for any person to dump or dispose of any refuse upon any vacant lot or private premises within the City,

except upon any private property accepted and approved by the Council as a refuse dump or disposal site.

(b) It shall be unlawful for any person to scatter or spill or cause to be scattered or spilled any refuse set out for collection either at the location at which it is collected or while transporting the same for disposal, unless the refuse so scattered and spilled is immediately gathered up and removed.

(c) It shall be unlawful for any person licensed to collect garbage and/or rubbish or any person holding a permit for the collection of swill to violate any of the conditions prescribed in Sections 9-3.3 and 9-3.7 respectively, of this Article. (Sec. 9-3.9 R.O. 1957)

Am. 10/28/65  
Ord. 2720 - (d) - Watercourses & drainage facilities  
Sec. 9-3.10. Penalties.

Any person violating the provisions of this Article shall upon conviction be punished by a fine not exceeding \$100 or imprisonment for a period not exceeding 90 days, or both; and in the case of the conviction of persons licensed or issued permits as provided herein, the Court shall have the further power to suspend or revoke the license or permit issued to such person for any remaining portion of the term of such license or permit, or such person may be punished by both such fine, suspension or revocation. No license or permit shall be issued to any person whose license or permit has been so suspended or revoked, as above provided for a period of two years after the date of such suspension or revocation. The Court may also order forfeiture of the bond provided in Section 9-3.2(b) above, or any part thereof, for the nonobservance or violation by any licensee of the conditions of the license set forth in Section 9-3.3 above. (Sec. 9-3.10 R.O. 1957)

Am. 10/13/65  
Ord. 2717  
**Article 4. Hotels, Apartment Houses, Etc.**

**Sec. 9-4.1. Requirements For Collection And Disposal Of Refuse Therefrom.**

Prohibition. No person shall operate or maintain any place of business, hotel, convention hall, clubhouse or such other businesses and institutions, without arranging or providing for the collecting and disposal of all refuse therefrom, by the Division, by any duly licensed collector of refuse or by a holder of a permit to collect swill, or by a private incineration system or plant which has been approved by said Division. All refuse therefrom shall be collected and disposed of at least semi-weekly. (Ord. 1716)

**Sec. 9-4.2. Penalty.**

Any person who violates any of the provisions of this Article shall be punished by a fine not exceeding \$100 or by imprisonment not exceeding 30 days or by both. (Sec. 9-4.2 R.O. 1957)

CHAPTER 10.

INSPECTION COSTS.

Article 1. General Provisions.

Sec. 10-1.1. Definitions.

Wherever used in this Chapter the following words shall have the meanings herein indicated.

(a) "Applicant" shall mean any person requesting inspectional services from the City.

Am. 8/24/67 (b) "Cost" shall mean the amount to be charged by the City for overtime inspections at the rate of \$5.00 per hour.  
Ord. 3040

Am. 10/14/70 (c) "Inspection" shall include all inspections provided for by law. (Ord. 1828)  
Ord. 3613

Article 2. Overtime Inspections.

Sec. 10-2.1. Charges For Overtime Inspections.

When an applicant requests that an inspection be made during any hour after the normal working hours of an inspector in any work day, or on a Saturday, Sunday or legal holiday, the applicant shall bear the cost of such inspection, and shall pay said cost to the City, prior to the final approval of any project so inspected.

Monies so realized shall be credited to the proper accounts of the respective agencies to cover the cost of such overtime inspections. Such monies are hereby appropriated and shall be expended for inspection costs without further action of the Council. (Ord. 1828)

Am. 10/14/70  
Ord. 3613

CHAPTER 10. INSPECTOR COSTS.

Section 10-1.1. Definitions. The following words shall have the meanings herein indicated.

(a) "Applicant" shall mean any person requesting inspection services from the City.

(b) "Cost" shall mean the amount to be charged by the City for inspection services at the rate of \$100 per hour.

(c) "Inspection" shall include all inspections provided for by the City.

(d) "Overnight inspection" shall mean an inspection which requires the presence of an inspector for a period of more than eight hours.

(e) "Working hours" shall mean the hours during which an inspector is on duty.

Article 2. Over-time Inspections.

Section 10-2.1. Changes for Over-time Inspections. When an applicant requests that an inspection be made during a day or on a holiday or legal holiday, the applicant shall bear the cost of such inspection and shall pay said cost to the City within the time specified in the respective order.

Such amount shall be credited to the public account of the respective agency to cover the cost of such over-time inspections.

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## CHAPTER 11.

## SEWERS.

**Article 1. General Provisions.**

- § 11-1.1. Intention.
- § 11-1.2. Definitions.
- § 11-1.3. Use Of Public Sewers Required.
- § 11-1.4. Restrictions Relating To Use Of Public Sewers.
- § 11-1.5. Interfering With Public Sewers.
- § 11-1.6. Master-Planned Improvements.

**Article 2. Sewerage For Subdivisions.**

- § 11-2.1. In General.
- § 11-2.2. Temporary Treatment Plants.
- § 11-2.3. Construction Costs.
- § 11-2.4. Connection Charges.

**Article 3. Sewer Connections Other Than In A New Subdivision.**

- § 11-3.1. Connections Within Improvement Districts.
- § 11-3.2. Extensions.
- § 11-3.3. Laterals.

**Article 4. Service Charges For Pumping Of Cesspools, Septic Tanks, Sumps, Etc.**

- § 11-4.1. Residential Buildings.
- § 11-4.2. Place Of Business.
- § 11-4.3. Deposits.

**Article 1. General Provisions.****Sec. 11-1.1. Intention.**

It is the intent and purpose of this Chapter to regulate the use, connection and construction of all public sewers and fix charges therefor. (Sec. 11-1.1 R.O. 1957)

**Sec. 11-1.2. Definitions.**

Unless the context specially indicates otherwise, the meaning of terms used in Articles 1, 2, 3 and 4 hereof shall be as follows:

(a) "B.O.D.," Biochemical Oxygen Demand, shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° C., expressed in parts per million by weight.

(b) Division of Sewers. The Division of Sewers of the Department of Public Works of the City and County of Honolulu.

(c) Drain Storm. A drain which carries storm and surface water and drainage, but excludes sewage and polluted industrial wastes.

(d) Engineer. The Chief Engineer of the Department of Public Works of the City and County of Honolulu or his authorized representative.

(e) Garbage. The solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

(f) Garbage, Properly Shredded. The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than  $\frac{1}{2}$  inch in any dimension.

(g) Industrial Wastes. The liquid wastes from industrial processes as distinct from sanitary sewage.

(h) Lateral. A branch or side sewer, from a City sewer main, serving one or two lots.

(i) Main. A sewer into which several laterals or other sewer lines may empty.

(j) May. "May" is permissive.

(k) Natural Outlet. Any natural outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(l) Owner. Includes a holder in fee, life tenant, executor, administrator, trustee, guardian or other fiduciary, lessee holding under any government lease or license.

(m) "pH." The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(n) Sewage. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with infiltrated ground, surface, and storm water.

Am. 1/19/66 → (o) Sewage Treatment Plant. Any arrangement of devices  
Ord. 2745 and structures used for treating sewage.

(p) Sewage Works. All facilities for collecting, pumping, treating, and disposing of sewage.

(q) Sewer. A pipe or conduit for carrying sewage.

(r) Sewer, Building or House. That portion of the sewer line extending from a building to the public sewer or private disposal system.

(s) Sewer, Public. A sewer controlled by public authority, including sewers operated and maintained but not owned by the City.

(t) Sewer, Sanitary. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(u) Shall. "Shall" is mandatory.

(v) Subdivision. A division of a piece of property into two or more lots.

(w) Suspended Solids. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

(x) Watercourse. A channel in which a flow of water occurs, either continuously or intermittently. (Sec. 11-1.2 R.O. 1957)

### **Sec. 11-1.3. Use Of Public Sewers Required.**

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in an insanitary manner upon public or private property within the City any animal or human excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the City any sanitary sewage, industrial wastes, or other polluted waters, except where, in accordance with regulations or requirements of the State Department of Health, treatment has been provided.

(c) Every lot, which is accessible to sewer, shall be connected to a sewer if any plumbing fixtures are located on it. If such plumbing fixtures have not been connected to a sewer within thirty (30) days after the lot owner has been notified to do so by the Engineer or the Department of Health of the State, the premises shall not be used or occupied as a habitation or for any purpose for which plumbing fixtures are necessary. (Sec. 11-1.3 R.O. 1957)

### **Sec. 11-1.4. Restrictions Relating To Use Of Public Sewers.**

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to a storm drain or a natural outlet approved by the Engineer.

(c) Except as hereinafter in this subsection provided, no person shall discharge or cause to be discharged any of the following described water or wastes into any public sewer:

(1) Any liquid or vapor having a temperature higher than 150° F.

(2) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, or grease.

(3) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas.

(4) Any garbage that has not been properly shredded.

(5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(6) Any water or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(7) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving water of a sewage treatment plant.

(8) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at a sewage treatment plant.

(9) Any noxious or malodorous gas or substance deemed a public nuisance.

(d) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

(1) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(e) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(f) Any person who shall discharge or cause to be discharged into the public sewers any water or wastes having:

- (1) a 5-day Biochemical Oxygen Demand greater than 300 parts per million by weight, or
- (2) containing more than 350 parts per million by weight of suspended solids, or
- (3) having an average daily flow greater than 2% of the average daily sewage flow of the City,

shall be obligated to pay the actual additional cost to the City of receiving and disposing thereof, occasioned by the extent to which such sewage shall contain an excess over the foregoing limitations of Biochemical Oxygen Demand or weight of suspended solids, or shall be in excess of the foregoing quantities and rates of discharge. The Engineer shall be empowered upon reasonable notice to prohibit admission into the public sewers of any such waters or wastes, whenever and to the extent that the existing sewers and sewage disposal facilities of the City shall not be capable of receiving and disposing of the same, together with the nonindustrial wastes of the City.

(g) Where preliminary treatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

(h) When required by the Engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(i) All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in subsections (c) and (f) of this Section shall be determined in accordance with the latest edition of American Public Health Association's "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for in subsection (h) of this Section, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be at the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(j) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City, subject to payment therefor by the industrial concern. (Sec. 11-1.4 R.O. 1957)

**Sec. 11-1.5. Interfering With Public Sewers.**

No person shall uncover or tamper with any public sewer, nor connect to it, nor throw anything into any sewer manhole without the written permission of the Engineer. (Sec. 11-1.5 R.O. 1957)

**Sec. 11-1.6. General Planned Improvements.**

Except as otherwise provided herein or by statute, the City shall bear the entire cost of installing such major permanent trunk, interceptor and main sewers, pumping stations, treatment plants, and outfall sewers as are shown in the Metcalf & Eddy Report to the Honolulu Sewage Committee dated December 31, 1944 or in the report entitled "Sewerage Construction Program 1957-1961," issued by the Division of Sewers in January, 1957. Upon recommendation of the Engineer, the Council may by resolution requiring one reading without publication, provide for such improvements in areas not included in either of the said reports or to modify any of such improvements included in said reports. Upon such addition or modification, the provisions of the first sentence relative to cost shall be applicable to such improvements. (Sec. 11-1.6 R.O. 1957)

**Article 2. Sewerage For Subdivisions.****Sec. 11-2.1. In General.**

(a) Connection to Public Sewers. In every subdivision where connection to a sewer system is practicable and reasonable, the subdivider shall install a complete sewerage system connected thereto, unless such subdivision is for agricultural purposes.

(b) Specifications.

(1) Sewer mains shall be of the length, type (including size) and at the location specified by the Engineer to be necessary to provide the subdivision with adequate sewage disposal; provided that this location shall not be contrary to the location fixed for utilities by the City General Plan or by the general plans referred to in Section 11-1.6.

(2) A lateral shall be run to provide service to each lot in accordance with Section 11-3.3. The sewer system and all appurtenances shall be constructed in accordance with the current standards and specifications of the Department of Public Works. Before the construction of a sewer is commenced, the construction plan therefor shall be approved by the Engineer and by the Department of Health of the State of Hawaii pursuant to Section 46-16, R.L.H. 1955.

(c) Easements; Title to City.

Before any service connection may be made to an existing public sewer, all indentures granting perpetual easements to all portions of the subdivision sewer system installed in privately owned areas

of the subdivision and conveying fee simple title to any site on which a pumping station has been constructed by the subdivider as part of the public sewer system, together with easements for ingress and egress thereto, shall be delivered by the subdivider to the City. (Sec. 11-2.1 R.O. 1957)

**Sec. 11-2.2. Temporary Treatment Plants.**

(a) Specifications; Approval by Engineer. The subdivider may construct a temporary treatment plant if there is no public sewer to which connection may be practically made; provided, that the sewer system, including the temporary treatment plant and all appurtenances, shall be constructed in accordance with the standards and specifications of the Department of Public Works, as approved by the Council; and provided further, that prior written approval of the Engineer has been obtained.

(b) Title; Operation. The subdivider may select one of the following alternatives:

(1) Retain title to such treatment plant, which term as used in this section shall include the land upon which it is situated and adjacent land set aside for sewage treatment.

(a) The subdivider shall provide for the maintenance and operation of such treatment plant; provided that the granting of the written approval referred to in Section 11-2.2(a) shall be subject to the condition that should the subdivider cease or fail properly to operate and maintain the treatment plant, the City shall operate and maintain the same in order to prevent a nuisance. This condition shall be set forth in the instrument granting approval.

(b) Upon the assumption of operation and maintenance of the treatment plant by the City, the Engineer shall notify the subdivider of any repair, reconstruction or other work necessary to bring the plant up to the standards of the Department of Public Works. If the subdivider fails to undertake such work within 30 days after such notice or to complete such work within a reasonable time thereafter, as determined by the Engineer, the City may undertake or complete the same and charge the cost thereof to the subdivider.

(c) The subdivider shall be responsible for the dismantling and removal of the plant when the Engineer finds that the plant is no longer needed, upon the installation of a permanent system or for any other reason which renders the plant unnecessary. The City may, at the request of the subdivider, dismantle and remove the plant, in which event the subdivider shall pay the City the actual cost of such work.

(d) Costs incurred by the City for bringing the treatment plant up to the City's standards or for the dismantling and

Am. 1/19/66  
Ord. 2745

Am. 5/25/67  
Ord. 2988

Am. 8/17/67  
Ord. 3036

removal of the plant shall be a lien against the land upon which the plant is situated and the adjacent land set aside for sewage treatment as delineated on the subdivision map submitted by the subdivider, as authorized under Sec. 149-86(6) of the R.L.H. 1955. Either cost shall be due and payable upon completion of the work involved, and the respective liens shall be in effect from the respective dates of completion, until paid. Should the subdivider fail to make full payment of either cost on or before the date of discontinuance of use of the treatment plant, the Director of Finance shall advertise and sell the property concerned. Such sale and advertisement shall be made by the Director of Finance in the same manner, under the same conditions and penalties and with the same effect as provided in Chapter 128, R.L.H. 1955, for sales of real property for default in payment of real property taxes. The term "subdivider" shall refer to a subdivider, his successors and assigns.

(2) Convey the title to the treatment plant in fee to the City with the condition that the title shall revert to the subdivider or his successors or assigns, in the event the City discontinues use of the treatment plant. The subdivider shall be responsible for the dismantling and removal of the treatment plant upon such discontinuance; provided, that the City may, at the request of the subdivider, dismantle and remove the same, in which event the subdivider shall pay the City the actual cost of such work. The cost of such dismantling and removal incurred by the City shall be a lien upon the land conveyed. The lien shall be operative to the same extent and shall be enforced in the same manner as provided in paragraph (a) for the lien described therein.

(3) Convey full title to the City.

(c) Operation by City, when. If the subdivider elects to proceed under Section 11-2.2(b) (2) or 11-2.2(b) (3), the City shall provide for the operation and maintenance of the treatment plant. The City shall not make any sewer service charge for such operation and maintenance, any ordinance to the contrary notwithstanding.

(d) Inspection. During the construction of all sewer work the City shall have access thereto for inspection purposes and if considered advisable by the Engineer, may require an inspector on the job continuously. At no time shall sewer work be backfilled or covered until the Engineer has been notified and has given his approval after proper inspection and test. If the work is not approved, it shall be repaired or removed, and reconstructed, whichever is directed by the Engineer. All costs of inspection and testing shall be borne by the owner of the subdivision. (Sec. 11-2.2 R.O. 1957; Am. Sec. 5-2.2 Ord. 1787)

Am. 5/25/67  
 Ord. 2988 (e). Security. 86  
 Am. 8/17/67  
 Ord. 3036

**Sec. 11-2.3. Construction Costs.**

(a) General. Except as otherwise provided herein or by statute, the entire cost of installation of sewerage works within a subdivision shall be borne by the subdivider.

(b) Temporary Treatment Plants. The entire costs of constructing temporary treatment plants shall be borne by the subdivider.

(c) Permanent Treatment Plants. Whenever a subdivider has constructed a permanent treatment plant in accordance with the master plan referred to in Section 11-1.6 the City may purchase such plant in the event the plant is incorporated into the City's permanent system in accordance with the said master plan. The purchase price shall be based on valuation at time of purchase.

(d) Oversize Facilities.

(1) Whenever the Engineer finds that good planning and engineering practice require sewerage facilities of greater capacity than is adequate to serve a subdivision, he shall require the installation thereof.

(2) Whenever the Engineer requires a subdivider to install permanent treatment plants and similar sewerage works or sewer lines over eight inches in diameter, which are, in either case, of greater capacity than is necessary to serve the subdivision or other land under the same ownership, which area is hereinafter referred to as the "initial subdivider's area," the City shall install or provide for the installation of the same in accordance with the provisions of Chapter 9, R.L.H. 1955; provided that this Section 11-2.3(d) shall not apply to temporary treatment plants and to extensions covered by Section 11-2.3(e). Before any contract is let, the subdivider shall pay the City an amount equivalent to the cost of construction of the facilities adequate to serve the "initial subdivider's area," as determined by the Engineer.

(e) Extension of Public Sewer. The extension of an existing public sewer to a subdivision, any part of which extension runs through property not owned or controlled, wholly or in part, by the subdividers shall be constructed by the City, upon recommendation of the Engineer, in accordance with the provisions of Chapter 9, R.L.H. 1955. Such extension shall extend to the proximate boundary of the subdivision or of land owned by the subdivider and contiguous to the subdivision, whichever is closer. Before any contract therefor is let, the subdivider shall pay 50 per cent of the cost of construction of any portion of such extension which passes through property not owned or controlled by the subdivider, and 100 per cent of the cost of construction of any portion which passes through property owned or controlled by the subdivider. The subdivider shall be reimbursed as provided in Section 11-2.4(b) hereof. (Sec. 11-2.3 R.O. 1957)

**Sec. 11-2.4. Connection Charges.**

Am. 9/13/62  
Ord. 2235 (a) For New Connection.

Except as otherwise provided in this Chapter, for property determined by the Engineer to be specially benefited, charges of 8 cents per square foot for residential zoned areas, 10 cents per square foot for business and industrial zoned areas and 12 cents per square foot for hotel and apartment zoned areas, shall be paid to the City for a new connection to the public sewer system, other than a connection by an initial subdivider through an extension constructed pursuant to Section 11-2.3(e). The determination by the Engineer of the area specially benefited may be appealed to the Council.

(b) Connection to Certain Extensions; Reimbursement.

(1) Where connection is made to an extension which has been constructed in accordance with Section 11-2.3(e), the charge for such connection shall be paid to the City, which shall transmit 50 per cent thereof to the initial subdivision; provided, that in no event shall the total of reimbursement to the initial subdivider exceed 50 per cent of the amount contributed by him; provided further, that this subsection shall not apply to improvements made pursuant to the Improvement District statutes.

(2) The initial subdivider or his successors and assigns shall not be entitled to any reimbursement after 10 years after completion of the extension. After the 10 years or after the subdivider has received the total reimbursement due him, whichever is sooner, the City shall retain all charges thereafter collected for connection to such extension. (Sec. 11-2.4 R.O. 1957; Am. Ord. 2062)

**Article 3.****Sewer Connections Other Than In A New Subdivision.****Sec. 11-3.1. Connections Within Improvement Districts.**

No charge shall be made for one connection to an original lot when the connection is made with a sewer for which the lot is being or has been assessed in accordance with Improvement District Statutes. (Sec. 11-3.1 R.O. 1957)

**Sec. 11-3.2. Extensions.**

(a) Application. Upon receipt of a written application for a sewer extension, other than for a lot in a new subdivision, including any lateral therefrom, the Department of Public Works shall make an estimate of the cost thereof and submit it to the applicant. If the applicant then deposits with the Department of Public Works

a sum equal to one-half of such cost, the matter shall be referred to the Council and, subject to their approval and the appropriation of the City's share of costs, the extension shall be made as soon as possible.

(b) Specifications. The City shall make the extension, including any lateral, to serve the applicant's property. The City shall determine the alignment, the materials to be used, and the manner of construction. The property owner shall not have any title to the extension. (Sec. 11-3.2 R.O. 1957)

### Sec. 11-3.3. Laterals.

#### (a) Charge.

Am. 9/13/62  
Ord. 2235 (1) For property determined by the Engineer to be specially benefited, charges of 8 cents per square foot for residential zoned areas, 10 cents per square foot for business and industrial zoned areas and 12 cents per square foot for hotel and apartment zoned areas, are hereby established for each new connection to the public sewer system, including additional laterals, unless otherwise excepted by provisions herein.

(2) No new charge shall be made for a lateral which has already been constructed to the property line of the lot, the charge for which has already been paid.

(3) No work shall be done and no charge shall be made by the Department of Public Works for connections to private sewer lines which are not part of the public sewer system.

#### (b) Application for Lateral.

(1) An application for a lateral to a lot shall be made on a prescribed form to the Department of Public Works. The applicant will then be issued a permit to connect to the sewer and, if the lateral has not already been run to the property line, the City will construct it to the property line as soon as possible. New laterals will be installed as near as practicable to the exact location desired by the applicant, but if branches are already in the main or other outlets are available nearby, the lateral may be run therefrom. The City reserves the right to establish the alignment of the lateral and the location of the outlet. The fact that an applicant has paid for a lateral shall not give him any right to exclude the City from serving other lots from the same lateral.

#### (c) Permit to Connect.

(1) A permit to connect shall be obtained before any connection may be made to a public sewer.

(2) Said permit shall be obtained after a plumbing permit is issued.

## (d) Lateral Alteration.

If a lot owner desires to have an existing lateral altered in any way, the Department of Public Works will make an estimate of the cost, upon written application for the same, which amount shall be deposited by the applicant before any work may be done. The amount of the actual cost shall be retained by the City. If the cost is less than the amount deposited, the balance shall be returned to the applicant. If the cost exceeds the amount deposited, the difference shall be paid to the Department of Public Works by the applicant.

## (e) Construction.

## (1) All lateral connections shall be made as follows:

They shall be six inches in diameter, at right angles to the main, and shall end at the property line with a six-inch by four-inch cast iron pipe reducer properly capped unless otherwise excepted in special cases by the Engineer. A 45° cast iron "Y" fitting with a four-inch cast iron pipe branch facing upward shall then be placed in the reducer. The soil line shall then be from the run-of-the-"Y" and the branch extended and terminated with a four-inch brass cleanout one inch above the surface of the ground. None of this construction shall be backfilled or covered until inspected and approved by the Engineer. All fittings shall be installed at the expense of the property owner.

(2) If an existing lateral connection does not include a cleanout as mentioned above, the property owner shall have one installed within 30 days after written notice has been given him by the Engineer. (Sec. 11-3.3, R.O. 1957; Am. Ord. 2062)

## Article 4. Service Charge For Pumping Of Cesspools, Septic Tanks, Sumps, Etc.

### Sec. 11-4.1. Residential Buildings.

All services of pumping out the contents of cesspools and septic tanks serving any resident dwelling in the City shall be rendered free of charge. The term "residential dwelling" shall mean any building or structure used exclusively for residential purposes, including any apartment house, rooming house or rental unit, but not a hotel. (Ord. 1958)

### Sec. 11-4.2. Place Of Business.

(a) All services of pumping out the contents of cesspools, septic tanks, sumps, grease traps and basements serving a place of business shall be rendered at a charge of Ten Dollars (\$10.00)

Am. 2/16/71  
Ord. 3691

per hour, or fraction thereof, of the time spent in the work, plus traveling time from the City Corporation Yard in the District of Honolulu to the job and return.

(b) For the purposes of this Article, a place of business shall be construed to mean any place where business, commercial or industrial activity is carried on; any building of the Federal, State or City Government; and any hotel. The term "hotel" as used herein shall mean any establishment operating under a license issued pursuant to the provisions of Section 155-59, R.L.H. 1955. (Ord. 1958)

Am. 2/16/71  
Ord. 3691

**Sec. 11-4.3. Deposits.**

The Division of Sewers may require that a deposit of Twenty Dollars (\$20.00) be made at its main office in Honolulu Hale before rendering any service to a place of business (Ord. 1958).

The provision of Section 11-43 (a) (1) shall be construed to require that a license be obtained from the City Corporation for the use of any public place for the purpose of depositing or storing any material, except as provided in this section.

Section 11-43 Deposits

The provision of Section 11-43 (a) (1) shall be construed to require that a license be obtained from the City Corporation for the use of any public place for the purpose of depositing or storing any material, except as provided in this section.

Article 4. Service Charge For Dumping Of Garbage, Septic Tanks, Sumps, Etc.

Section 11-44 Residential Buildings

For the purpose of this section, the term "residential building" shall mean any building used for residential purposes.

Section 11-45 Commercial Buildings

For the purpose of this section, the term "commercial building" shall mean any building used for commercial purposes.

§ 12-1.1.

COMMON CARRIERS

§ 12-1.1.

CHAPTER 12.

REGULATIONS OF COMMON CARRIERS.

Article 1. Taxicabs.

- § 12-1.1. Definitions.
- § 12-1.2. Application.
- § 12-1.3. Taxicab Drivers.
- § 12-1.4. Cruising Prohibited; Exception.
- § 12-1.5. Backing Out Of A Fixed Taxi Stand Prohibited.
- § 12-1.6. Intoxicating Liquor.
- § 12-1.7. Intoxicated Persons.
- § 12-1.8. Additional Passengers.
- § 12-1.9. Taximeters.
- § 12-1.10. Rates Of Fare And Baggage Charge.
- § 12-1.11. Special Operations.
- § 12-1.12. Trip Records.
- § 12-1.13. Penalty.

Article 2. U-Drive Motor Vehicles.

- § 12-2.1. Public Purposes And Intent.
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- § 12-2.5. Inspection And Permit.
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Article 3. Tour Services.

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- § 12-4.1. Vehicle For Hire To Be Marked Or Numbered.
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- § 12-4.5. Permanent Stands To Be Registered.
- § 12-4.6. Penalty.

Article 1. Taxicabs.

Sec. 12-1.1. Definitions.

As used in this Article, unless the context otherwise requires:

(a) "Chief of Police" shall mean the Chief of Police of the Honolulu Police Department, City and County of Honolulu, or his duly authorized subordinate.

*Major amendments - Amended & Revised*

*Chap. 12*

*Am. 10/28/65  
Ord. 2721*

*Am. 1/26/66  
Ord. 2752*

*Am. 10/22/70  
Ord. 3618*

*Am. 10/28/65  
Ord. 2721*

*Am. 1/26/66  
Ord. 2752*

*Am. 3/7/69  
Ord. 3364*

*Am. 9/25/69  
Ord. 3469*

*Am. 8/5/70  
Ord. 3587*

*Am. 4/22/71  
Ord. 3725*

(b) "Cruising" shall mean the movement or standing of a taxicab on a public highway in the City for the purpose of searching for or soliciting a prospective passenger. If the driver of a taxicab is hailed by a prospective passenger while he is returning by the most direct route to his fixed taxi stand after having discharged a passenger, he may stop to pick up such prospective passenger, and the picking up of a passenger under such circumstances shall not be deemed cruising.

(c) "Fixed taxi stand" shall mean a space set aside for the exclusive use of a taxicab and clearly marked with a sign giving the name of the individual, partnership, corporation, association or other organization using said stand. Each fixed taxi stand shall be registered with the Chief of Police by the owner or lessee of the property upon which said stand is established.

(d) "Passenger" shall mean one or more persons employing or engaging a taxicab for hire.

(e) "Rural area" shall mean that portion of the island of Oahu which lies outside of the urban area.

(f) "Taxicab" shall mean any motor vehicle designed to carry passengers, operating for hire solely on call or demand from a fixed taxi stand within the geographical limits of the City and County of Honolulu, and accepting a passenger with or without baggage for transportation between such points as may be directed by the passenger. The term "taxicab" shall not include: (1) Motor vehicles used or hired solely for touring or sightseeing purposes; (2) Motor vehicles used or hired solely to carry passengers from a fixed taxi stand within the urban area to a fixed taxi stand in the rural area and vice versa, which motor vehicles may as part of a continuous trip from a fixed taxi stand to a fixed taxi stand pick up such passengers by telephone call from their homes in the rural area or deliver such passengers to their homes in the rural area; (3) Motor vehicles employed solely for transporting school children or teachers; (4) Motor vehicles operating solely between railway stations or steamship piers or airports and hotels; (5) Chartered buses; (6) Motor vehicles used solely for funerals and weddings; or (7) Motor vehicles rented or hired on a "U-Drive" or "Drive-Yourself" basis.

(g) "Urban area" shall mean the "City of Honolulu" as defined in Section 149-2 of the Revised Laws of Hawaii 1955.

(h) "Waiting time" shall mean the time during which a taxicab is standing at the direction of a passenger. (Sec. 12-1.1. R.O. 1957)

m. 1/12/68  
Ord. 3309

**Sec. 12-1.2. Application.**

This article shall apply to every individual, partnership, association, corporation or other organization owning, controlling, operating or managing, as owner, lessor, lessee, trustee, receiver or otherwise, any taxicab within the City. (Sec. 12-1.2 R.O. 1957)

m. 1/2/62  
Ord. 2089

**Sec. 12-1.3. Taxicab Drivers.**

No person shall drive a taxicab unless his principal occupation be that of driving a taxicab or a motor vehicle used for touring or sight-seeing purposes. (Sec. 12-1.3 R.O. 1957)

**Sec. 12-1.4. Cruising Prohibited; Exception.**

No driver of a taxicab shall engage in cruising. The prohibition herein contained shall not apply during the period of any work stoppage or strike halting or partially halting bus transportation service furnished by the Honolulu Rapid Transit Company, Limited; provided, however, that the insurance policy or bond filed with the Director of Finance in accordance with the provisions of Sections 160-142 and 160-144 of the Revised Laws of Hawaii 1955, as amended, shall have been first extended to cover cruising. (Sec. 12-1.4 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

**Sec. 12-1.5. Backing Out Of A Fixed Taxi Stand Prohibited.**

A driver of a taxicab shall not back the same from the fixed taxi stand onto a public highway. (Sec. 12-1.5 R.O. 1957)

**Sec. 12-1.6. Intoxicating Liquor.**

No intoxicating liquor of any kind shall be carried in a taxicab unless the same be the property of a passenger who is riding the taxicab. (Sec. 12-1.6 R.O. 1957)

m. 1/12/70  
Ord. 3325

**Sec. 12-1.7. Intoxicated Persons.**

The driver of a taxicab may refuse to accept as a passenger any person who is obviously intoxicated. (Sec. 12-1.7 R.O. 1957)

**Sec. 12-1.8. Additional Passengers.**

m. 4/22/71  
Ord. 3725  
Sec. 12-1.8  
Taxicab  
Drivers  
Certificate

No driver shall permit any other person to occupy a ride in a taxicab unless the original passenger shall consent to the acceptance of an additional passenger. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passenger's destination, and then only for the additional distance so travelled; provided, however, that during the period of any work stoppage or strike halting or partially halting bus transportation service furnished

by the Honolulu Rapid Transit Company, Limited, the foregoing prohibitions shall not apply. (Sec. 12-1.8 R.O. 1957)

#### **Sec. 12-1.9. Taximeters.**

(a) Installation. Every taxicab while operating within the City, except those operating in judicial districts with population of less than 10,000 as shown under "Honolulu County" on page 52-7, Vol. 1 (Number of Inhabitants) Census of Population: 1950, United States Bureau of The Census, shall be equipped with a taximeter so mounted in the taxicab that the reading dial showing the amount of fare to be charged shall at all times be plainly visible to the passenger. It should also be so attached to the taxicab that it shall be possible for a person standing outside the vehicle to tell whether the taximeter is in use or not. Between the hours of sunset and sunrise, the reading dial showing the amount of fare to be charged shall be well lighted and readily discernible by the passenger riding in such taxicab. The taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. The figures of the reading dial showing the amount of the fare shall be of not less than one-half inch in height. The taximeter shall have a position recording mileage only and another position recording waiting time. The taximeter shall have thereon a flag to denote when the taxicab is employed and when it is not employed. It shall be sealed at all points and connections which, if manipulated, would affect its correct reading and recording.

(b) Operation. When a taxicab equipped with a taximeter is employed by a passenger, it shall be the duty of the driver to throw the flag of the taximeter into the appropriate employed position, so as to record mileage while the taxicab is in motion and to record waiting time while the taxicab is standing at the direction of the passenger. The flag shall be kept in the appropriate employed position until the termination of the trip. At the termination of the trip, it shall be the duty of the driver to throw the flag of such taximeter into the non-employed position.

(c) Registration, Inspection and Fees.

(1) No driver or owner of a taxicab shall offer or let the same for hire unless the taximeter installed therein or adjusted for any change in mileage rate shall have been first registered with and inspected by the Chief of Police, and found to calculate and register fares correctly in conformity with the rates as set forth in this Article, and a seal attesting

thereto shall have been placed on the taximeter. It shall be the duty of the owner or driver of any taxicab equipped with a taximeter to submit the same to the Chief of Police for inspection, testing and sealing. Every inspection shall include the examination and inspection of the taximeter affixed in the taxicab, every wheel, tire, gear shaft, and every part of the taxicab which may affect or control the operation of such taximeter. It shall be the duty of the Chief of Police to seal each taximeter found correct and registering a fare in conformity with the rates as set forth in this Article.

(2) If, upon such periodic inspection, the Chief of Police shall find any taximeter is not calculating and registering a fare in conformity with the rates as set forth in this Article, it shall be unlawful to operate the taxicab or to permit the taxicab to be operated, until its taximeter shall have been repaired, inspected, tested and found to be calculating and registering a fare in conformity with the rates as set forth in this Article, and a seal shall have been placed thereon. Nothing contained in this Section shall prohibit the replacement of a taximeter with another which conforms with the provisions of this Article.

(3) It shall be the duty of any police officer of the City upon complaint of any person to check any taximeter. The police officer shall also have the authority to check any taximeter without such complaint. Upon discovery of any apparent defect or inaccuracy therein, he shall notify the person driving said taxicab to cease operation. Thereupon said taxicab shall be kept off the streets until the taximeter is repaired, inspected, tested and sealed; provided, however, that in the event a defect or inaccuracy is discovered at an hour or period when, for reasons beyond the control of the driver, the taximeter cannot be repaired, checked, tested and sealed, such driver shall be permitted to continue operating the taxicab until such time as the taximeter can be repaired, inspected, tested and sealed. Nothing expressed herein shall be interpreted to permit such driver to disregard any other provision of this Article.

(4) The Chief of Police shall keep a record of the identification number of every taximeter and the date of inspection thereof. A fee of one dollar (\$1.00) shall be charged for each taximeter inspection. Fees so collected shall be deposited into the General Fund of the City. (Sec. 12-1.9 R.O. 1957)

#### **Sec. 12-1.10. Rates Of Fare And Baggage Charge.**

(a) Rates of fare within the urban and rural areas. No driver or owner of a taxicab while operating the same within the urban

or rural areas shall charge, demand, collect or receive a fare other than that based on the following schedule :

- (1) Regular mileage rate. For the first mile or fraction thereof ..... \$0.50<sup>1</sup>
- (2) Optional mileage rate. For the first 1/2 mile or fraction thereof..... \$0.50
- (3) Thereafter, for each additional 1/4 mile or fraction thereof..... \$0.10
- (4) For each two (2) minutes of waiting time or fraction thereof..... \$0.10

Nothing contained in this subsection shall be construed to permit charging mileage or waiting time rates of fare which are greater or less than or different from those established and fixed by the above schedule.

(b) Restrictions relating to rates of fare.

(1) No taxicab owner or driver shall :

(a) Operate a taxicab with both the Regular Mileage Rate and the Optional Mileage Rate ;

(b) Offer or let the taxicab for hire, whenever there is a change in mileage rate, unless the taximeter on the taxicab has been adjusted for the proper mileage rate, and the same has been registered and inspected therefor by the Chif of Police ; or

(c) Fail to amend the schedule of rates of fare which is posted in the taxicab, whenever a change over to another mileage rate is made, to indicate the new mileage rate under which the taxicab is operating.

(2) No taxicab driver shall charge for waiting time, unless a passenger directs the taxicab driver to wait.

(3) Nothing contained in subsection (a) of this Section shall be construed to permit charging mileage or waiting time rates of fare which are greater or less than or different from those established and fixed in said subsection (a).

(c) Whenever, pursuant to a request, it is necessary for a taxicab to leave its fixed taxi stand to pick up a passenger, the distance between the fixed taxi stand and the point of pickup shall not be added to the distance over which such passenger is actually transported, when computing the total amount of fare which may be charged under this Section. Nor shall the distance

1. Error in RO 1957 corrected (Ord. 1588).

a taxicab must travel in order to return to its fixed taxi stand after discharging a passenger be included in the mileage for which any fare may be charged.

(d) For each piece of hand baggage, in excess of four cubic feet measurement, a flat charge of ten cents (10¢) may be made. For each piece of any other type of baggage in excess of four cubic feet, a flat charge of thirty cents (30¢) may be made.

(e) The aforesaid schedule of rates of fare and baggage charge shall be posted in a conspicuous place in each taxicab so as to be readily visible to any passenger. Such schedule shall be legibly printed in bold type letters not less than three thirty-seconds of an inch in height.

(f) The provisions of subsection (a) shall not apply during the period of any work stoppage or strike halting or partially halting bus transportation service furnished by the Honolulu Rapid Transit Company, Limited, and the owner or driver of any taxicab cruising on the public streets of the City may base his charges for carrying a passenger on the rates as set forth in subsection (b) above.

(g) This Section shall not be applicable to taxicabs operating in judicial districts with population of less than 10,000, as shown under "Honolulu County" on page 52-7, Vol. 1 (Number of Inhabitants) Census of Population: 1950, United States Bureau of The Census. (Sec. 12-1.10 R.O. 1957)

#### **Sec. 12-1.11. Special Operations.**

(a) A taxicab while being used or hired (a) for touring or sightseeing purposes, or (b) for carrying passengers between railway stations or steamship piers or airports and hotels or (c) for transporting school children, or (d) for funeral or weddings shall not be subject to the provisions of Section 12-1.9(b) and Section 12-1.10 of this Article. A taxicab while used or hired for any of the purposes enumerated herein shall have a metal sign bearing the word "SPECIAL" attached to the flag of the taximeter in the non-employed position. The Chief of Police shall prescribe the size and specifications of the metal sign and the same shall be furnished by said Chief at cost. (Sec. 11, Ord. No. 1411)

(b) Taxicabs may be permitted to stand by upon the grounds of hotels (as defined in the Building Code, as amended) for the purpose of providing transportation service to guests or patrons of the hotel, providing a permit to so stand by has been received from the particular hotel management, and that such taxicabs operate from a fixed taxi stand outside of the hotel grounds. (Sec. 12-1.11 R.O. 1957)

**Sec. 12-1.12. Trip Records.**

All taxicab drivers shall keep a Trip Record in which the following entries shall be made:

(a) Number of passengers when leaving the fixed taxi stand or point of pickup together with the minute, hour, date and speedometer reading at that time.

(b) The minute, hour and date the passenger is discharged and the speedometer reading at the time together with the sum of money charged and received for the trip from such passenger.

(c) The minute, hour and date of departure from the fixed taxi stand and the minute, hour and date of return when making personal trips. (Sec. 12-1.12 R.O. 1957)

**Sec. 12-1.13. Penalty.**

Any person violating any of the provisions of this Article, shall upon conviction thereof, be subject to a fine not exceeding \$500 or imprisonment for a period not exceeding six months or to both such fine and imprisonment. (Sec. 12-1.13 R.O. 1957)

Am. 10/22/65  
Ord. 2721  
Adding  
Sec. 12-1.13  
Sec. 12-1.13

Am. 10/19/66  
Ord. 2873 - (b) - Fees

**Article 2. U-Drive Motor Vehicles.**

Am. 7/17/68  
Ord. 3224 - Sec. 12-2.1  
Am. 9/27/68 1/14  
Ord. 3243

**Sec. 12-2.1. Public Purpose And Intent.**

It is hereby declared to be the legislative intent of the Council, City and County of Honolulu in enacting these provisions that the regulation of the operation and use by U-Drive vehicles on the streets, highways, public thoroughfares in alleys of the City, providing for licensing and safeguards to the public thereof, is for the proper protection of the health, life and property of the inhabitants and the preservation of good government, order and security of the city. (Sec. 12-2.1 R.O. 1957)

**Sec. 12-2.2. Definitions.**

As used in this Article, unless the context otherwise requires:

(a) "Chief of Police" shall mean the Chief of Police of the Honolulu Police Department, City and County of Honolulu, or his duly authorized subordinate.

(b) "Customer" shall mean any person, persons, partnership, corporation or association renting or leasing a passenger motor vehicle from an operator of a U-Drive Rental Business.

(c) "Fixed Stand" shall mean a place or places from which the U-Drive Rental Business is conducted.

(d) "Licensee" shall mean any person, partnership, corporation or association obtaining a license to operate a U-Drive Rental Business.

(e) "Director of Finance" shall mean the Director of Finance of the City and County of Honolulu.

(f) "U-Drive Rental Business" shall mean the business of renting or leasing to a customer a passenger motor vehicle for a period of six months or less notwithstanding the terms of the rental or lease if in fact the passenger motor vehicle is rented or leased for a period of six months or less.

(g) "U-Drive Vehicle" shall mean a passenger motor vehicle which is rented or leased or offered for rent or lease to a customer. (Sec. 12-2.2 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

#### Sec. 12-2.3. License.

(a) Application for license. A verified application for license to conduct a U-Drive Rental Business signed by a duly authorized person of the licensee shall contain the following information:

(1) Name, address and principal place of business of the applicant.

(2) If the applicant is a partnership, the names of all partners, including general, special or limited partners.

(3) If the applicant is a corporation, the names and addresses of all officers and directors.

(4) If the applicant is an association, the names and addresses of all officers and directors.

(5) The name and address of each fixed stand from which the applicant will conduct a U-Drive Rental Business.

(6) The current registration number of each motor vehicle which is rented or leased, or offered for rent or lease as a U-Drive vehicle.

(7) The name or trade name under which the applicant will conduct his U-Drive Rental Business.

(8) Whether any applicant, and if such applicant is a partnership, corporation or association, whether any officer or director thereof, has been convicted in any jurisdiction of any felony or of any misdemeanor involving moral turpitude, and if so, and for each conviction, the name of the person convicted, the offense, the date of conviction, the sentence imposed and the court in which the conviction took place.

(b) License required. No person, partnership, corporation or association shall engage in the U-Drive Rental Business without

first filing any application for license, obtaining a license from the Director of Finance in compliance with the provisions of this Article and the payment of an annual license fee of five dollars (\$5.00), said amount to be retained by the City. The license shall be kept in full force and effect so long as the licensee is engaged in the U-Drive Rental Business.

(c) License not issued to certain persons. No license shall be issued to any person, partnership, corporation or association so long as any person whose name is set forth in the application has been convicted of any felony or misdemeanor involving moral turpitude within two years prior to the date of the filing of the application

(d) Suspension or revocation of license. The Director of Finance may suspend any license issued under this Article upon ten (10) days written notice for the following reasons:

(1) For violation by a licensee of any provision in this Article.

(2) Upon the conviction of any person whose name is set forth in the application of any felony or misdemeanor involving moral turpitude in any jurisdiction.

(3) Upon the conviction of any agent or employee of a licensee of any felony or misdemeanor involving moral turpitude in any jurisdiction.

If after an additional twenty (20) days the licensee has not remedied the grounds for the suspension, the Director of Finance shall revoke the license. The licensee is then required to reapply for a license as provided in this Article. (Sec. 12-2.3 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

#### Sec. 12-2.4. Fixed Stands.

(a) Fixed stand required. No license will be issued to any person, partnership, corporation or association unless the U-Drive vehicle is rented or leased from a fixed stand, the address of which shall be indicated on the license.

(b) Change of fixed stand. Any change in location of a fixed stand shall be reported to the Director of Finance within ten (10) days from the date of the change and said change of address shall be noted on the license by the Director of Finance.

Am. 5/13/70  
Ord. 3550 (c) Sign required. A fixed stand shall have in front of it a sign easily visible from the sidewalk area, permanently installed and publicly displayed, which sign shall include the name or trade name of the licensee and the words "U-Drive," "Automobile(s) for Rent" or "Car(s) for Rent."

(d) Hours of business. The hours of business of the licensee shall be displayed conspicuously at the fixed stand.

(e) Location of fixed stand. The location of a fixed stand shall be in compliance with the zoning regulations of the City and State of Hawaii. (Sec. 12-2.4 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

#### **Sec. 12-2.5. Inspection And Permit.**

The duties of the Chief of Police shall be as follows:

(a) Issuance of Permits. The Chief of Police shall semi-annually inspect each U-Drive vehicle and after any accident wherein damages to the U-Drive vehicle exceeds one hundred dollars (\$100.00). A permit will be issued only after inspection has determined that the vehicle is in a safe mechanical condition and the licensee shall have produced evidence of his financial ability to respond in damages as provided in Section 12-2.7. A permit shall be withdrawn at any time when an unsafe mechanical condition is discovered in the vehicle for which the permit is issued or shall be withdrawn at any time when the licensee shall fail to maintain said financial ability to respond in damage as herein-provided.

(b) Violations reported to Director of Finance. The Chief of Police shall report to the Director of Finance any violations of this Article by a licensee. (Sec. 12-2.5 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

#### **Sec. 12-2.6. Duty Of Licensee.**

The duties of the licensee shall be as follows:

(a) Contract in writing. Every rental or lease of a U-Drive vehicle shall be evidenced by a contract in writing and a copy of said contract shall be furnished to the customer.

(b) Mileage noted on contract. The contract shall show the mileage of the U-Drive vehicle at the time of the rental or lease.

(c) Operator's license of prospective customer. To inspect the motor vehicle operator's license of each prospective customer, comparing the signature on such license with that of said customer and if said signature is not alike or if said operator's license is not current and valid to authorize the prospective customer to operate a passenger motor vehicle in the City, no vehicle shall be rented or leased to the prospective customer.

(d) Condition of U-Drive vehicle. To inspect the U-Drive vehicle to be rented or leased and to make a notation of all damage existing at time of rental or lease over the signature of the customer on the contract or agreement as to the condition of the vehi-

cle and this requirement shall be a condition precedent to making any claim against a customer for damage allegedly caused by him to said vehicle.

(e) Daily log record. To maintain a daily record of the name and address of each customer, the number of his motor vehicle operator's license and the date and place where said license was issued, the registration number of the U-Drive vehicle rented to said customer, the time and place of turning over the possession or control of said vehicle to said customer, the time and place of the return of said vehicle and shall keep all such records for not less than six years for inspection by any authorized person.

(f) Vehicles must have permits. To rent or lease only those U-Drive vehicles for which the Chief of Police has issued a permit.

(g) Change in vehicles. To notify the Director of Finance in writing of any change in the operation of U-Drive vehicles, whether it be by addition, replacement or discontinuance within ten (10) days from the date of change and said change shall be noted on the application on file with the Director of Finance.

(h) Notification of accident. To notify the Director of Finance in writing of any accident in which a U-Drive vehicle is involved within ten (10) days from the date of the accident. (Sec. 12-2.6 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

**Am. 4/27/69**  
**Ord. 2966** **Sec. 12-2.7. Evidence Of Financial Responsibility.**

The Director of Finance shall require evidence of financial responsibility before a license as provided for herein shall be issued. The evidence of financial ability to respond in damages shall be satisfied in either one of the following manner:

**Am. 9/3/70**  
**Ord. 3597**  
**Sec. 12-2.7**  
(a) Certificate of insurance. A written certificate of any insurance carrier certifying that there is a standard automobile liability insurance policy covering the licensee, customer and person driving the vehicle with the permission of the customer in the amount of \$5,000.00 because of bodily injury to or death of one person in any accident, and in the amount of \$10,000.00 because of bodily injury to or death of two or more persons in any one accident, and property damage insurance in the amount of \$5,000.00 because of injury to or destruction of property of others in any one accident, for each U-Drive vehicle. No certificate will be accepted from any insurance carrier unless the said carrier shall designate the Commissioner of Insurance of the State of Hawaii or his duly authorized representative as an agent for the purpose of accepting service of legal process on behalf of said carrier.

(b) Bond. A bond of a surety company duly authorized to transact business within the State of Hawaii which is approved by the Director of Finance or a bond with at least two individual sureties each owning real estate within the State of Hawaii and together having equities equal in value to at least twice the amount of such bond, which real estate shall be scheduled in the bond approved by the Director of Finance. The bond shall be in the total amount of \$15,000.00 for each U-Drive vehicle and shall have the same coverage and shall be conditioned for payment on the same terms as provided in subsection (a) of this section.

(c) Money or securities. A deposit by the licensee of cash and/or satisfactory securities in the total amount of \$15,000.00 for each U-Drive vehicle, such deposit to be held by the Director of Finance to satisfy any execution on a judgment issued against the licensee, customer and/or person driving the vehicle with the permission of the customer for damages because of injury to or death of any person or because of injury to or destruction of property resulting from the use and operation of a U-Drive vehicle. The cash and/or securities shall be conditioned for payment on the same terms as provided in subsection (a) of this section. If the licensee shall apply for a permit for more than five vehicles, it shall be sufficient for him to deposit cash and/or satisfactory securities in the total amount of \$75,000.00 with the same limitations of liability as provided for in subsection (a) of this section.

(d) Cancellation or return of securities. The licensee shall not cancel any insurance policy or bond or receive a return of any monies or securities deposited with the Director of Finance until:

(1) The expiration of fifteen (15) days after publication in a form approved by the Director of Finance notifying the public that the licensee intends to cancel or withdraw as aforesaid, which publication will be made in a newspaper of general circulation in the City, once a week, for two consecutive weeks; and

(2) Furnish a written statement of the Chief of Police that there are no claims referred to in this section pending unsatisfied or outstanding. (Sec. 12-2.7 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781).

#### **Sec. 12-2.8. Penalty.**

Any person violating any of the provisions of this Article shall, upon conviction thereof, be subject to a fine not exceeding five hundred dollars or imprisonment for a period not exceeding six months or both. (Sec. 12-2.8 R.O. 1957)

**Article 3. Tour Services.**

**Sec. 12-3.1. Maximum Charges For Touring Automobile Services; Definitions.**

Whenever used in this Article, the term "touring automobile service" shall refer to the hiring of an automobile for touring or sight-seeing purposes as distinguished from the hiring of a taxicab or any automobile subject to call from a garage, stand, station or other public resort, for short hauls or trips within the city limits other than for touring or sight-seeing purposes; and the term "city limits" shall apply to that area within the district of Honolulu bounded on the ewa side by Puuloa Road and on the Diamond Head side by Kahala Avenue and Kealaolu Road. (Sec. 12-3.1 R.O. 1957)

**Sec. 12-3.2. Rates.**

(a) Around-the-island trips. The maximum rates for touring automobile services for around-the-island trips shall be as follows:

- (1) Seven-passenger cars (one or more persons):
  - (a) Around the island via the Pali.....\$30.00
  - (b) Around the island via Koko Head..... 35.00
  - (c) Honolulu to the Pali, returning via  
Waimanalo and Koko Head..... 14.00
  - (c) Waikiki to Pali and return..... 6.00
  - (e) Honolulu (central portion) to Pali and  
return ..... 4.00
- (2) Five-passenger cars (one or more persons):
  - (a) Around the island via the Pali.....\$20.00
  - (b) Around the island via Koko Head..... 25.00
  - (d) Honolulu to the Pali, returning via  
Waimanalo and Koko Head..... 9.00
  - (d) Waikiki to Pali and return..... 5.00
  - (e) Honolulu (central portion) to Pali and  
return ..... 3.50

(b) Within-the-city trips. The maximum rates for touring automobile services for trips within the city limits shall be:

- (1) Seven-passenger cars (one or more persons),  
per hour .....\$4.00
- (2) Five passenger cars (one or more persons),  
per hour ..... 3.00

(Sec. 12-3.2 R.O. 1957)

**Sec. 12-3.3. Posting Of Maximum Charges.**

Every owner or operator of an automobile used in touring service shall keep prominently posted at his place of business a printed or typewritten copy of the maximum charges prescribed in this Article and shall also keep a copy securely placed in a plain and visible location in the vehicle operated. (Sec. 12-3.3 R.O. 1957)

**Sec. 12-3.4. Penalty.**

Any person violating any provision of this Article shall upon conviction, be punished by a fine not exceeding \$500 or imprisonment not exceeding six months or by both. (Sec. 12-3.4 R.O. 1957)

**Article 4. General Provisions.****8/28/63 2397 Sec. 12-4.1. Vehicle For Hire To Be Marked Or Numbered.**

It shall be unlawful for any person to operate, propel or drive any motor vehicle used for the carrying of passengers for hire unless there is attached in plain view at the front and rear of such motor vehicle and attached to the registration license number a metal tag, no larger than six inches by two inches in size, black in color, with such light colored numbers thereon as may be approved by the Chief of Police, and the same shall be furnished by said Chief of Police at cost. (Sec. 12-4.1 R.O. 1957)

**Sec. 12-4.2. Vehicles At Docks.**

The Chief of Police shall prescribe and may change from time to time rules for the regulation of carriages or vehicles carrying passengers for hire, and of their drivers on steamer day on streets in the vicinity of docks or wharves. Any such driver failing to observe said rules shall have his permit cancelled by the Chief of Police. (Sec. 12-4.2 R.O. 1957)

**Sec. 12-4.3. Solicitation Of Passengers, Hotel Patrons Or Baggage At Certain Places.**

It shall be unlawful for any person to solicit any patron for any hotel, boarding house or rooming house, or to solicit any passenger or baggage for any taxi, bus, boarding house or hotel bus or taxi, baggage or transfer truck, or for any other vehicle licensed to carry passengers or baggage at or within 500 feet of any wharf or railroad station; provided, that this Section shall not apply to any person who, at the time he solicits any such

patron, passenger or baggage is within arm's length of the vehicle in which such patron, passenger, or baggage is to be transported. (Sec. 12-4.3 R.O. 1957)

**Sec. 12-4.4. Vehicles Awaiting Fare.**

(a) The drivers of licensed vehicles, standing at any public place, shall obey the orders of the police as to alignment.

(b) Except as otherwise provided in Section 12-4.2, no person, owning or having the control of any licensed vehicle for hire, shall stand or park, or permit the standing or parking of any such vehicle on any public highway while waiting for a fare to hire such vehicle. (Sec. 12-4.4 R.O. 1957; Am. Ord. 1771)

**Sec. 12-4.5. Permanent Stands To Be Registered.**

The person driving, owning or controlling any carriage or vehicle carrying passengers for hire shall have a permanent stand for the same, which stand shall be registered with the Chief of Police. Such stand shall not be changed without first registering the change. (Sec. 12-4.5 R.O. 1957)

*Am. 2/24/61*  
*Ord. 2939 - 45A - Blind Persons Accompanied by Guide Dogs.*  
**Sec. 12-4.6. Penalty.**

Any person violating any provision of this Article shall, upon conviction, be punished by a fine not exceeding \$100 or by imprisonment not exceeding three months, or by both. (Sec. 12-4.6 R.O. 1957)

## CHAPTER 13.

### REGULATIONS PROMOTING GENERAL WELFARE.

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*See amendments adding Articles 30, etc. at end of Chapter.*

**Article 1. Auction Rooms.****Sec. 13-1.1. Definitions.**

(a) An "auctioneer" is any person who is licensed by the Director of Finance of the City pursuant to Chapter 155, R.L.H. 1955, to sell goods, wares, merchandise or other property at auction.

(b) A "public auction room" is any place used for the purpose of conducting public auctions and designated as a public auction room by any licensed auctioneer in accordance with Section 155-26, R.L.H. 1955.

(c) "Auction" is a sale or offering for sale to the highest bidder of any goods, wares, merchandise or other property in an auction room. (Sec. 13-1.1 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

**Sec. 13-1.2. Legislative Intent.**

It is hereby declared to be the legislative intent of the Council to limit the use of public auction rooms to the sale of goods, wares, merchandise or other property which cannot be disposed of through the usual channels of trade, and to prohibit the use of public auction rooms for disposal of other goods, wares, merchandise or property to the public as an established merchandising practice. (Sec. 13-1.2 R.O. 1957)

**Sec. 13-1.3. Exceptions.**

Nothing contained in this Article shall be construed to apply to any type of auction excepted from the requirements of Section 155-19, R.L.H. 1955 (Sec. 13-1.3 R.O. 1957)

**Sec. 13-1.4. Persons Who May Conduct Auctions.**

It shall be unlawful for any person, other than the auctioneer who has obtained a license for a public auction room, to conduct an auction therein; provided, that the auctioneer may appoint an agent or assistant who may conduct the auction in the auctioneer's presence. Where the licensee is a corporation, it shall appoint and designate a natural person to be its "auctioneer," within the meaning of this Article. (Sec. 13-1.4 R.O. 1957)

**Sec. 13-1.5. Adverse Interest In Auctioneer Prohibited.**

Every auctioneer conducting an auction in a public auction room shall, in accepting a bid from any person, become the agent of such bidder and remain so until a higher bid is accepted, or until the transaction involving the bid is completed. It shall be unlawful for the auctioneer to auction, or offer for auction, any goods, wares or other property in which he has a proprietary interest adverse to that of the bidder. (Sec. 13-1.5 R.O. 1957)

**Sec. 13-1.6. Restriction On Property To Be Sold.**

It shall be unlawful for any person to sell or offer for sale in a public auction room, any goods, wares, merchandise or other property which were acquired for the purpose of resale by the owner thereof, unless the owner (a) has been continuously engaged in the business of selling such property through the channels of trade within the City, other than by auction for a period of not less than one year immediately preceding the commencement of the auction, and (b) has had the property in his possession for a period of not less than six months. (Sec. 13-1.6 R.O. 1957)

**Sec. 13-1.7. Inventory And Affidavit Of Ownership Required.**

(a) Every auctioneer conducting an auction in a public auction room shall, prior to such sale, mark or tag each article to be offered at such sale with a distinctive number, shall file with the Chief of Police an inventory, listing each article and its number. The property of each owner shall be listed separately. The inventory shall contain a sworn statement specifying the ownership of the property to be sold, and an affidavit signed and sworn to by the

auctioneer that he has no proprietary interest of any nature or degree in the articles listed for sale. A copy of such inventory and statement shall be kept on the premises of the auction room, available for inspection by any person. It shall be unlawful for any auctioneer to falsify or fail to file such inventory and statement.

(b) It shall be unlawful to sell or offer for sale in a public auction room, any property which has not been listed in the inventory required under the preceding paragraph, or any article or property which does not bear a number sufficient to identify it as a part of such inventory. (Sec. 13-1.7 R.O. 1957)

#### **Sec. 13-1.8. Receipts To Purchasers Required.**

The auctioneer shall give each purchaser at an auction in a public auction room a receipt with each purchase setting forth:

1. The name and permanent address of the auctioneer.
2. The date.
3. The price paid for the article.
4. The amount of tax paid.
5. A description of the article, and if a watch, the make and number of jewels. (Sec. 13-1.8 R.O. 1957)

#### **Sec. 13-1.9. Penalty.**

Any person violating any provision of this Article shall, upon conviction, be punished by a fine not exceeding \$500, and his license to conduct a public auction shall be subject to suspension or forfeiture at the discretion of the court. (Sec. 13-1.9 R.O. 1957)

## **Article 2. Cemeteries.**

#### **Sec. 13-2.1. Consent Of Council.**

No cemetery shall be established, nor shall the area of any existing cemetery be enlarged or extended without the consent and approval of the Council, evidenced by a resolution of the Council. (Sec. 13-2.1 R.O. 1957)

#### **Sec. 13-2.2. Procedure.**

(a) Any person requesting the Council to pass such a resolution shall submit with his application:

- (1) A certificate of approval by the Department of Health of the State of Hawaii, of the proposed cemetery site or extension, as evidence of compliance with the Regulations of the State Department of Health.

(2) A complete description of the land included within the proposed cemetery site or extension.

(3) A map or plan showing the proposed project.

(4) Evidence of approval relative to non-contamination of water services, by the Board of Water Supply.

(5) A deposit of \$100 to cover cost of publication of notices and other expenses that may be incurred in connection with the application.

(b) Before final action is taken by the Council the application and related maps and documents shall be referred to the Planning Commission, which shall:

(1) Study the proposed project in relation to any zoning ordinances, statutes, master plan, and policies and rules and regulations of the Planning Commission;

(2) Conduct a public hearing on such application, pursuant to the provisions of Section 149-182 to 149-198, R.L.H. 1955; and

(3) Submit its recommendations to the Council thereafter. (Sec. 13-2.2 R.O. 1957; Am. Ord. 1696)

#### **Sec. 13-2.3. Interment Section To Be Unencumbered.**

No cemetery shall be located on land which is not owned in fee simple. The section of a proposed location which is set aside for interment shall be free of any financial encumbrance. After the approval of a proposed location, it shall be unlawful to encumber any section thereof which is set aside for interment. (Sec. 13-2.3 R.O. 1957)

#### **Sec. 13-2.4. Penalty.**

Any person violating any provision of this Article shall, upon conviction thereof, be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year or by both. (Sec. 13-2.4 R.O. 1957)

### **Article 3. Cockfighting And Related Equipment.**

#### **Sec. 13-3.1. Cockfighting Prohibited.**

It shall be unlawful for any person to engage or participate in or to be present at, any cockfighting exhibition. (Sec. 13-3.1 R.O. 1957)

#### **Sec. 13-3.2. Gaffs Or Slashers Prohibited.**

It shall be unlawful for any person to manufacture, buy, sell, barter, exchange, or have in his possession any of the implements

commonly known as gaffs or slashers, or any other sharp instrument designed to be attached in place of or to the natural spur of a gamecock or other fighting fowl. (Sec. 13-3.2 R.O. 1957)

**Sec. 13-3.3. Penalty.**

Any person violating any provision of this Article shall be punished by a fine not exceeding \$100 or by imprisonment not exceeding three months, or by both. (Sec. 13-3.3 R.O. 1957)

*7/16/64  
Ord. 2471 - Article 3A. Curfew.*

**Article 4. Use Of Intoxicating Liquors In Certain Public Places.**

**Sec. 13-4.1. Declaration Of Legislative Intent.**

It is hereby declared to be the legislative intent of the Council to prohibit the open and unrestricted use or consumption of intoxicating liquors on or within any municipally owned or controlled public area or building. (Sec. 13-4.1 R.O. 1957)

**Sec. 13-4.2. Prohibition Of Intoxicating Liquors In Public Areas ; Exceptions.**

*Am. 8/13/64  
Ord. 2478*

No person shall drink, offer to drink or display to public view in any public park, public playground, public school ground, public off-street parking area or any building located thereon, any intoxicating liquor, whether in a bottle, demijohn, jug, container or otherwise. This Section shall not apply to public areas or buildings on or within a municipal golf course where the sale and consumption of beer is duly licensed, regulated and controlled by the Liquor Commission of the City. (Sec. 13-4.2 R.O. 1957)

**Sec. 13-4.3. Penalty.**

Any person violating any of the provisions of this Article shall be punished by a fine not exceeding \$50. (Sec. 13-4.3 R.O. 1957)

**Article 5. Loitering On Public School Premises.**

**Sec. 13-5.1. Loitering Prohibited.**

No person shall go or remain upon, loiter around, in or upon or play or engage in any game in or upon any public school buildings or public school grounds, without lawful business or excuse for so doing. (Sec. 13-5.1 R.O. 1957)

**Sec. 13-5.2. Exclusions.**

The provisions of Section 13-5.1 shall not apply to bona fide visitors, whether residents of the State of Hawaii or tourists, who may go into public school buildings or upon public school grounds for the purpose of observing or inspecting the same or to any school teacher or other person in the Department of Education of the State of Hawaii, on the island of Oahu. (Sec. 13-5.2 R.O. 1957)

**Sec. 13-5.3. Presence Considered Prima Facie Case Of Violation.**

A prima facie case of a violation of this Article shall be established upon the showing that any person charged with the violation of said Section was found, seen or arrested in any public school buildings or upon public school grounds in the City. Upon such showing the burden of proof shall be upon the accused to show his lawful business or excuse for going or being in any public school building or upon any public school grounds in the City. (Sec. 13-5.3 R.O. 1957)

**Sec. 13-5.4. Penalty.**

Any person violating any of the provisions of this Article shall be punished by a fine not exceeding \$100. (Sec. 13-5.4 R.O. 1957)

**Article 6. Dance Houses.****Sec. 13-6.1. Definition.**

*Am. 1/31/69*  
*Ord. 3351* "Public dance house" is any place where the floor or any part thereof is used for public dancing (other than exhibition dances), for admission to which, or for the use of the floor of which for dancing, fees are charged or collected, whether directly for tickets or indirectly in any manner by way of cover charges, fees for partners or other charges of any nature whatsoever, or any premises upon which the sale or serving of intoxicating liquor is licensed and at which dancing is permitted. (Sec. 13-6.1 R.O. 1957)

**Sec. 13-6.2. Permit Required.**

It shall be unlawful for any person to keep or conduct a public dance house without a permit. (Sec. 13-6.2 R.O. 1957)

**Sec. 13-6.3. Application For Permit.**

Any person desiring to keep or conduct a public dance house shall make application for a permit therefor in writing to the

Chief of Police signed and verified under oath, which application shall include:

(a) The full name and address of the applicant, if an individual, and, if a firm, association, co-partnership, corporation or club, the full names and addresses of the partners or principal officers thereof;

(b) The full name and address of the person who is to be responsible, for the conduct of dances in the dance house, and an affidavit signed by two or more responsible persons stating the duration and nature of their knowledge and acquaintance with such person and that they know that such person is of good moral character. The Chief of Police may in addition require, in his discretion, further proof of good moral character in the event that he has any good reason to doubt the sufficiency or truth of such affidavit;

(c) The occupation of the applicant;

(d) A brief description of the place and location of the public dance house for which a permit is desired;

(e) The full name and address of the owner of such place, or of the person or persons in control of said premises;

(f) The term for which the applicant desires a permit; that is, whether for one day, several days, a month or a year;

(g) A statement that neither the applicant, the person to have charge of the public dances, nor any person intended to be employed, has been convicted of any felony or of any offense against the laws of the State of Hawaii; or the United States of America involving moral turpitude;

(h) The written consent of the owners of 75 per cent of the property within a radius of 250 feet of the center of such dance house or proposed dance house, in every case where the permit is desired for a public dance house for more than one dance. No property owner shall be considered as having consented unless and until any and all lessees of his property shall have joined with him in the written consent. Every written consent shall be signed and acknowledged by the consenting owners and lessees; provided, that the provisions of this paragraph shall not apply to any public dance house in operation on or before January 1, 1935.

After an application complying with the requirements of this Section has been filed, the Chief of Police shall issue a permit to the applicant to operate a public dance house at the place described for the term for which application had been made; provided, that such term shall not exceed one year. (Sec. 13-6.3 R.O. 1957)

Am. 11/26/69  
Ord. 3502

**Sec. 13-6.4. Conditions Of Permit.**

(a) All permits shall be subject to all applicable laws and ordinances, and to the following conditions, which shall be set forth in the permit:

(1) The dance house and the premises in the vicinity thereof used in connection therewith shall be brightly lighted during all the time it is in use.

(2) No undue familiarity between partners, and no profanity, or vulgar or obscene language, dancing or conduct shall be permitted at any dance. No violation of law shall be allowed or countenanced in any dance house.

(3) No person under the influence of intoxicating liquor shall be permitted to be or remain in said dance house or upon the premises used in connection therewith, and the possession or use of intoxicating liquor shall not be permitted in or around the premises of any dance house where female persons receive any remuneration, either directly or indirectly, for acting as dancing partners or instructors to the male patrons of such dance house.

Am. 1/31/62  
Ord. 3257

(4) Dancing shall be permitted daily (including Sundays); provided, however, that dancing shall be prohibited for public dance houses other than establishments designated and licensed as cabarets under Section 159-30, Revised Laws of Hawaii 1955:

(a) Between the hours of 1:00 o'clock, a.m. and 8:00 o'clock, a.m. Mondays through Fridays;

(b) Between the hours of 2:00 o'clock a.m. and 8:00 o'clock, a.m. on Saturdays and legal holidays; and

(c) Between the hours of 2:00 o'clock a.m. and 1:00 o'clock p.m. on Sundays, including any legal holiday which falls on a Sunday;

provided; further, that dancing shall be prohibited for establishments designated and licensed as cabarets under said Section 159-30:

(a) Between the hours of 3:00 o'clock, a.m. and 8:00 o'clock a.m. Mondays through Saturdays and on legal holidays; and

(b) Between the hours of 3:00 o'clock a.m. and 1:00 o'clock, p.m. on Sundays, including any legal holiday which falls on a Sunday.

(5) It shall be unlawful to employ any person in connection with the operation of any public dance house, who has been convicted of any felony or any offense involving immorality or moral turpitude.

(6) At each public dance house operated for two or more days or nights per week, and at any public dance when required by the Chief of Police, there shall be employed and present to keep order and enforce the observance of law and the conditions of the permit, two or more persons, the employment of whom shall have been approved in writing by the Chief of Police. Each of said persons shall be special police officers, and one of them shall be a woman who shall act as matron in the dance house.

(7) No female under the age of 18 years shall be employed as a dancing partner or instructor. No woman shall be employed as a dancing partner or instructor unless and until she presents a certificate of birth or other documentary proof showing that she has reached the required age. Women employed as dancing partners or instructors shall not be permitted to leave the dance house before the close of the dance without the permission of the manager and, after so leaving shall not be permitted to return to said dance house the same night. Such women so employed shall not be permitted to wear dresses of a suggestive or immodest design nor to smoke while dancing. Every permittee shall furnish to the Chief of Police, whenever required by him, information with respect to the name, date and place of birth (accompanied by a birth certificate or other documentary proof), place of employment and the marital status of each woman so employed by him.\*

(8) Clean, sanitary, and well lighted rest rooms must be provided and maintained in the dance house.

(9) No private rooms or booths other than necessary rest rooms shall be permitted to be accessible from the dance house. For the purpose of this section the term "private room or booth" shall include any room, booth, alcove or enclosure, any part of which is not clearly visible at all times from the main dance floor located upon the same floor upon which private room or booth is located.

(10) During all times when the dance house is in use, there shall be kept open at least two doorways, each with an opening not less than four feet, remote from each other and leading to exits. An attendant shall be stationed at each such doorway during such times.

(11) A copy of this Article shall be posted in a conspicuous location in each place where a dance is being conducted.

(12) The use of loudspeaker shall be confined to the interior of the dance hall. No loudspeaker shall be installed on the exterior of the dance hall.

(b) The Chief of Police or any of his subordinates or any health, fire or law enforcement officers of the City, the State of Hawaii or

\*Error in RO 1957 corrected.

of the United States may at any time enter any public dance house for the purpose of inspecting the same and the conditions therein. (Sec. 13-6.4 R.O. 1957)

**Sec. 13-6.5. Permit To Be Displayed.**

Any permit issued under this Article shall be displayed in a conspicuous place upon the premises for which said permit is issued. (Sec. 13-6.5 R.O. 1957)

**Sec. 13-6.6. Children Under 16 To Be Accompanied By Parent or Guardian.**

It shall be unlawful for the owner or operator of any public dance house or any agent or employee of such owner or operator to permit any child under the age of 16 years to visit or remain in a public dance house during its use for dancing, unless accompanied by his parent or guardian. (Sec. 13-6.6 R.O. 1957)

**Sec. 13-6.7. Restriction On Police Officials.**

It shall be unlawful for any member of the Police Commission, the Chief of Police or any of his assistants or any other member of the Police Department to be financially interested, directly or indirectly, in any public dance house. (Sec. 13-6.7 R.O. 1957)

**Sec. 13-6.8. Penalty.**

(a) Any person who falsely swears to any application for a permit hereunder or who knowingly violates or assists in the violation of any of the conditions prescribed in a permit or who violates any provision of this Article shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year or by both.

(b) In addition thereto, upon the conviction hereunder of any owner or operator of a public dance house or of any agent or employee thereof, the court may suspend or cancel the permit for such public dance house and may prescribe a period of not more than one year during which the permittee shall be prohibited from applying for a new permit hereunder.

(c) No permit shall be issued to any person who has been convicted more than once of violating any provision of this Article.

(d) The provisions of this Section shall not be construed to prevent the closing of any public dance house as a public nuisance.

(e) Pending the trial or hearing upon a charge of violation of any provision of this Article, the Chief of Police may summarily suspend any permit issued hereunder if he deems it necessary for the preservation and protection of public safety or morals. (Sec. 13-6.8 R.O. 1957)

## Article 7. Dancing Schools.

### Sec. 13-7.1. Definition.

“Dancing School” is any place where the bona fide teaching of dancing, other than hula or classical dancing for a valuable consideration is the principal object of the operation of such place. (Sec. 13-7.1 R.O. 1957)

### Sec. 13-7.2. Permit Required.

It shall be unlawful for any person to establish, maintain or conduct a dancing school without a permit from the Chief of Police. A permit shall be required for each studio or fixed place of business operated by the applicant. If an applicant has no, or only one, such studio or fixed place of business, one permit shall be sufficient. (Sec. 13-7.2 R.O. 1957)

### Sec. 13-7.3. Application For Permit.

An applicant shall present to the Chief of Police:

(a) The name and address of the applicant, if an individual, and if a partnership, firm, association, corporation or club, the names and addresses of the partners or principal officers thereof;

(b) The location of the studio or fixed place of business operated by him, if any;

(c) An affidavit signed by two or more responsible persons testifying to the good moral character of the applicant, and stating the duration, nature and extent of their acquaintance with and knowledge of the applicant;

(d) A list of the names and addresses of the pupils to be taught dancing;

(e) Payment of the sum of \$25 for each permit to cover costs incident to filing, issuance of permits and inspection.

After an application complying with the requirements of this Section has been filed, the Chief of Police shall issue a permit or permits to the applicant valid for a term of one year from and after the date of issuance of the permit. (Sec. 13-7.3 R.O. 1957)

### Sec. 13-7.4. Monthly List Of Pupils Required.

The permittee shall on the last day of each month file with the Chief of Police an affidavit listing the names and addresses of all pupils admitted to the dancing school during that month. (Sec. 13-7.4 R.O. 1957)

**Sec. 13-7.5. Conditions Of Permit.**

Permits to conduct dancing schools shall be displayed at some conspicuous place in the school and shall contain the following conditions:

(a) The dancing school and its premises shall be brightly lighted during all the time it is in use.

(b) No undue familiarity between partners shall be permitted at any dance.

(c) No violation of law shall be allowed or countenanced in any dancing school.

(d) No person under the influence of liquor or who has liquor in his possession shall be permitted to be or remain in the dancing school or upon its premises.

(e) Dancing schools shall cease operations daily at midnight.

(f) No person who has been convicted of any offense involving immorality or moral turpitude shall be allowed to be at or remain in any dancing school.

(g) Dancing schools shall be subject to police, fire and health inspection at all times by the proper authorities of the City, the State of Hawaii and the United States. (Sec. 13-7.5 R.O. 1957)

**Sec. 13-7.6. Restriction On Police Officials.**

It shall be unlawful for any member of the Police Commission, or the Chief of Police or any of his assistants, or any member of the Police Department of the City, to be financially interested, directly or indirectly, in any dancing school. (Sec. 13-7.6 R.O. 1957)

**Sec. 13-7.7. Penalty.**

(a) Any person who falsely swears to any application for a permit hereunder or who knowingly violates or assists in the violation of any of the conditions prescribed in a permit or who violates any provision of this Article shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year or by both.

(b) In addition thereto, upon the conviction hereunder of any owner or operator of a dancing school or of any agent or employee thereof, the court may suspend or cancel the permit for such dancing school and may prescribe a period of not more than one year during which the permittee shall be prohibited from applying for a new permit hereunder.

(c) No permit shall be issued to any person who has been convicted more than once of violating any provisions of this Article.

(d) The provisions of this Section shall not be construed to prevent the closing of any dancing school as a public nuisance.

(e) Pending the trial or hearing upon a charge of violation of any provision of this Article, the Chief of Police may summarily suspend any permit issued hereunder if he deems it necessary for the preservation and protection of public safety or morals. (Sec. 13-7.7 R.O. 1957)

## Article 8. Fire Alarms And Hydrants.

### Sec. 13-8.1. Unlawful To Tamper With Fire Alarms Or Send Any False Alarm Of Fire.

It shall be unlawful for any person wilfully or maliciously to tamper with, molest, injure or break any public fire alarm apparatus, wire, or signal, or willfully or maliciously to send, give, transmit, sound or cause to be sent, given, transmitted or sounded any false alarm of fire by telephone, fire alarm system or signal, or any other means. (Sec. 13-8.1 R.O. 1957)

### Sec. 13-8.2. Penalty.

Any person violating any provision of Section 13-8.1 shall, upon conviction, be punished by a fine not exceeding \$100 or by imprisonment not exceeding six months, or by both. (Sec. 13-8.2 R.O. 1957)

### Sec. 13-8.3. Unlawful To Take Water From Or Tamper With Fire Hydrants.

It shall be unlawful for any person, other than an authorized employee of the Fire Department, to take water from or in any way tamper with any fire hydrant unless he has obtained proper authorization and a written permit to do so from the Board of Water Supply as to hydrants supplied with water by said Board. (Sec. 13-8.3 R.O. 1957; Am. Ord. 1696)

### Sec. 13-8.4. Penalty.

Any person violating any provision of Section 13-8.3 shall, upon conviction, be punished by a fine not exceeding \$100 or by imprisonment not exceeding 30 days, or by both. (Sec. 13-8.4 R.O. 1957)

Am. 7/28/66  
Ord. 2828

- Sec. 13-8.5 - 8.7

## Article 9. Fire Extinguishers.

### Sec. 13-9.1. Necessity For Certificate Of Fitness.

No person shall repair, fill or refill, any portable fire extinguisher unless he has obtained from the Fire Chief a certificate of fitness, then in effect, authorizing such person to repair, fill or refill portable fire extinguishers. (Sec. 13-9.1 R.O. 1957)

**Sec. 13-9.2. Application For Certificate.**

(a) Application for a certificate of fitness shall be made upon forms furnished by the Fire Chief, and shall be signed by the applicant and sworn to before an officer authorized to administer oaths under the laws of the State of Hawaii. The application shall contain a brief statement of applicant's experience and qualifications; his business and residence address; the address to which applicant desires all notices required to be given under the provisions of this Article, to be sent, and such other pertinent information as may be required by the Fire Chief.

(b) An applicant shall be at least 21 years of age and shall furnish satisfactory proof to the Fire Chief that he is familiar with the materials required to be used in repairing or refilling portable fire extinguishers and is competent to perform all acts necessary or incidental thereto; and that such applicant is familiar with and knows the application of the requirements of all of the provisions of this Article. If the Fire Chief determines that the applicant meets all the requirements prescribed by this Article, he shall grant the certificate of fitness. Any certificate of fitness issued hereunder shall be valid until revoked by the Fire Chief for cause. (Sec. 13-9.2 R.O. 1957)

**Sec. 13-9.3. Powers And Duties Of Fire Chief.**

The Fire Chief is hereby authorized to withhold, suspend or revoke any certificate of fitness upon satisfactory proof that any applicant for or holder of such certificate has violated any of the provisions of this Article, has been guilty of practices constituting fraud upon the public, or otherwise shows unfitness to receive or retain such certificate; provided, that no certificate of fitness shall be suspended or revoked until after good cause therefor has been shown at a public hearing called by the Fire Chief. The Fire Chief shall give notice of the hearing to the holder of the certificate, at least five days before the date of the hearing. The notice shall state the time and place of the hearing and the grounds upon which the certificate is sought to be suspended or revoked. Notice may be given in person or mailed to the address designated by the holder in his application for such certificate. (Sec. 13-9.3 R.O. 1957)

**Sec. 13-9.4. Stamp Of Approval Required.**

Every portable fire extinguisher installed within any building or upon any premises where a fire extinguisher is required by law shall bear the approval and label of the Underwriters' Laboratories, Inc., or a stamp of approval of a laboratory of similar standing approved by the Fire Chief. (Sec. 13-9.4 R.O. 1957)

**Sec. 13-9.5. Contents Of Extinguishers; Maintenance.**

The chemical composition and operative properties of the contents of fire extinguishers and the maintenance thereof shall be in accordance with the current requirements of the National Fire Protection Association, as set forth in pamphlet No. 10 of the National Board of Fire Underwriters. (Sec. 13-9.5 R.O. 1957)

**Sec. 13-9.6. Tagging And Reports.**

(a) When the work of recharging is completed, the person doing such work shall attach a tag, the form of which has been approved by the Fire Chief, to the fire extinguisher. The tag shall show the name, address and telephone number of the person recharging said fire extinguisher, and the date of recharge, which shall be perforated on the tag in a manner approved by the Fire Chief.

(b) Any person installing, repairing, recharging or refilling portable fire extinguishers shall make a monthly report to the Fire Chief of all extinguishers so installed, repaired, recharged or refilled. The report shall show (1) where extinguisher is installed; (2) make or trade name of extinguisher; (3) type of extinguisher; and (4) manufacturer's serial number of extinguisher. (Sec. 13-9.6 R.O. 1957)

**Sec. 13-9.7. Special Provision As To Employees Of Fire Department.**

This Article shall not apply to employees of the Fire Department; provided, that no officer or employee of said Department shall be financially interested, directly or indirectly, in any business involving the filling, refilling or repairing of fire extinguishers or the manufacture of ingredients therefor. (Sec. 13-9.7 R.O. 1957)

**Sec. 13-9.8. Penalty.**

Any person violating any provision of this Article shall upon conviction be punished by a fine not exceeding \$500 or by imprisonment not exceeding 180 days, or by both. (Sec. 13-9.8 R.O. 1957)

**Article 10. Fireworks Control.****Sec. 13-10.1. Definitions.**

(a) The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or auditory effect by combustion, explosion, deflagration or detonation; provided, that the term "fireworks" as used herein shall not include the following:

(1) Soft shell firecrackers not exceeding one and seven-eighths inches in length and five-sixteenths of an inch in diameter.

(2) Roman candles, not exceeding 10 balls spaced uniformly in the tube, total pyrotechnic composition not to exceed 20 grams each in weight. The inside tube diameter shall not exceed three-eighths of an inch.

(3) Sky rockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight. The inside tube diameter shall not exceed one-half inch.

(4) Mines and shells of which the mortar is an integral part, except those designed to produce an audible effect, total pyrotechnic content not to exceed 40 grams each in weight.

(5) Cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight. The inside tube shall not exceed three-fourths of an inch.

(6) Cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight.

(7) Wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 240 grams for each complete wheel. The inside tube diameter of driver units shall not exceed one-half inch.

(8) Illuminating torches and colored fire in any form except items included in paragraph (11) of this subsection, total pyrotechnic composition not to exceed 100 grams each in weight.

(9) Sparklers and dipped sticks, total pyrotechnic composition not to exceed 100 grams each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not exceed five grams.

(10) Novelties consisting of two or more devices enumerated in this paragraph, trick matches and cigarette plugs, when approved by the United States Bureau of Explosives.

(11) Railway fuses, truck flares, hand ship distress signals, smoke candles, smoke signals and smoke pots.

(12) Paper-cased balls, commonly known as cracker balls, not exceeding seven-sixteenths of an inch in diameter.

(13) Toy paper caps containing twenty-five hundredths (.25) of a grain or less of explosive substance; provided further, that nothing in this Article shall be deemed to affect the applicability of Section 267-7, Revised Laws of Hawaii 1955.

(b) The term "pyrotechnic articles" shall mean and include fireworks as defined in subsection (a)\* hereinabove and those articles excluded from the said definition and set forth in said subsection; provided, that the term "pyrotechnic articles" shall not include toy paper caps containing twenty five hundredths (.25) of a grain or less of explosive substance. (Sec. 13-10.1 R.O. 1957)

\*Error in RO 1957 corrected.

**Sec. 13-10.2. Prohibitions; Permitted Uses.**

It shall be unlawful for any person to possess, store, sell, keep or offer for sale, expose for sale, use, explode or cause to explode any fireworks within the City, except as follows:

- (a) Sales by wholesalers for direct shipment out of the City.
- (b) Storage, sale, or offer for sale or for use in the City by a person having obtained a license therefor in accordance with Section 13-10.3.

(c) Use for a public display by a person having obtained a permit therefor in accordance with Section 13-10.4.

(d) Use for a bona fide religious or ceremonial occasion by a person having obtained a permit therefor in accordance with Section 13-10.5.

(e) Use by transportation agencies for signal, warning or illumination purposes in connection with their business.

(f) Sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports.

(g) Sale of shells, cartridges, gunpowder or explosives for use in legally permitted firearms.

(h) Use by defense organizations for defense purposes.

(i) Possession, storage, sale or use of explosives and combustibles in accordance with Part II of Chapter 96 and Part II of Chapter 184, Revised Laws of Hawaii 1955.

(j) Use for certain agricultural purposes. Persons desiring to use fireworks for agricultural purposes, such as use in a system to ward off predatory birds from crops, shall apply in writing for a permit therefor to the Chief of Police, setting forth the type and quantity of fireworks to be used and the nature of the use. The Chief of Police, after being satisfied that the use will be for a legitimate agricultural purpose and that it will not be hazardous to property or to any person, shall issue a permit. He shall note thereon the expiration date thereof, which shall not be more than one year from the date of its issuance. Said permit shall not be transferable. (Sec. 13-10.2 R.O. 1957)

**Sec. 13-10.3. License For Storage And Sale.**

(a) License required. It shall be unlawful for any person to possess or store for sale, at wholesale or retail, or offer for sale or for use in the City any fireworks, unless such person shall first secure a license therefor.

(b) Application for license. Said license shall be issued by the Director of Finance of the City. Application for license shall be made on a form setting forth the address where it is proposed to establish or to conduct the storage or sale of fireworks, the name of the pro-

prietor, or if a partnership, the name of the partnership and the names of all partners, or if a corporation, the name of the corporation and the names of all officers.

(c) Sale only to persons presenting permit. It shall be unlawful for any person, other than a wholesaler selling or transferring fireworks to a licensed retailer, to sell or offer for sale or for use in the City any fireworks to any person who does not present a permit duly issued as provided in Section 13-10.4 or 13-10.5, as the case may be. Such permit shall be signed by the seller or transferor at the time of sale or transfer of the fireworks, and the seller or transferor shall indicate thereon the amount and type of fireworks sold or transferred to said permittee. No person shall sell or deliver possession of fireworks to any permittee in an amount in excess of the amount specified in the permit, less the amounts shown on said permit to have previously been purchased or acquired pursuant thereto.

(d) Wholesaling only to dealers with license. It shall be unlawful to send or supply fireworks to a dealer who has not obtained a license as required by this Section. The term "dealer" shall include any person storing, selling or offering fireworks for sale.

(e) Fee and term. The fee for such license shall be \$10, due and payable in advance on July 1 of each year or before commencement of any activity or business for which such license is required. Said license shall expire on June 30 next following issuance. There shall be no proration of fees for any licenses issued after July 1 of any year.

(f) Non-transferable. Such license shall not be transferable. (Sec. 13-10.3 R.O. 1957; Am. Sec. 5-2.2 Ord. 1781)

#### **Sec. 13-10.4. Permit For Public Display.**

(a) Permit required. All persons desiring to discharge, fire or explode fireworks for a public display, including such use in parades, shall apply in writing for a permit therefor to the Chief of Police at least five days before the proposed date of the display. The application shall state the name, age and address of the applicant; the name, age and address of the person who shall operate the display; the time, date and place of the display; the type and quantity of fireworks to be displayed and the purpose or occasion for which the display is to be presented.

(b) Liability coverage required. No permit shall be issued under this Section unless the applicant shall present, at his option, either

(1) A written certificate of an insurance carrier that it has issued to or for the benefit of the applicant a policy providing for the payment of damages in the amount of at least \$5,000 for injury to, or death of, any one person, and subject to the said limitation for one person, in the amount of at least \$10,000 for injury

to, or death of, two or more persons, and in the amount of at least \$5,000 for damage to property, caused by reason of the authorized display and arising from any tortious acts or negligence of the permittee, his agents, employees or subcontractors and that the policy is in full force and effect at the date of the certificate and will so continue until at least 10 days after date of the public display, or

(2) The bond of a surety company duly authorized to transact business within the State, or a bond with at least two individual sureties who together have assets in the State equal in value to at least twice the amount of the bond, or a deposit of cash, in the amount of at least \$10,000, conditioned for the payment of all damages which may be caused to any person or property by reason of the authorized display and arising out of any tortious acts or negligence of the permittee, his agents, employees or subcontractor. The security hereunder shall continue in full force and effect until at least 10 days after the date of the public display.

The Chief of Police may require coverage in amounts larger than the minimum amounts set forth in paragraphs (1) or (2) hereinbefore if he deems it necessary or desirable in consideration of such factors as the location and scale of the display, the type of fireworks to be used and the number of spectators expected.

(c) Issuance of permit. The Chief of Police, after being satisfied that the display will be handled by a competent operator and that the display will not be hazardous to property and that it will not endanger any person or persons, shall issue a permit for the public display. Such permit shall authorize the holder to display fireworks only at the place and only during the time set forth therein, and to purchase or acquire and possess the specified fireworks between the date of the issuance of said permit and the time during which the display of said fireworks is authorized. (Sec. 13-10.4 R.O. 1957)

#### **Sec. 13-10.5. Permit For Bona Fide Religious Or Ceremonial Use Of Fireworks.**

(a) Permits for single use. Any person desiring to discharge, fire or explode fireworks for a bona fide religious or ceremonial occasion shall apply in writing for a permit therefor to the Chief of Police. The application shall state the name, age and address of the applicant and of the person controlling the firing, if the two are not the same person, the address at which the fireworks are to be used, the type and quantity of fireworks to be used and the occasion for which the fireworks are to be used. Each permit shall relate to only one occasion.

(b) Permits for certain establishments. The proprietor or officers of any temple, cemetery, restaurant or other establishment desiring to discharge, fire or explode fireworks for bona fide religious or cere-

monial occasions at the site of such establishment, or desiring to provide for the discharging, firing or exploding of fireworks by members of their congregation, clients, patrons or customers for bona fide religious or ceremonial occasions at the site of such establishment, shall apply in writing for a permit therefor to the Chief of Police. The application shall state the name and address of the applicant establishment, the name or names of the proprietor or officers thereof, the name, age and address of the person who shall actually supervise the use of the fireworks, the types and quantity of fireworks to be used, and the type or types of occasions for which the fireworks are to be used. Application may be made for a supply of fireworks sufficient for a six-month period, and for use on more than one occasion, either actual or reasonably anticipated, during said period.

(c) "Ceremonial Occasion." The term "ceremonial occasion" shall include, but not be limited to, birthdays, anniversaries, weddings and housewarming celebrations. Said term shall not include celebration of a New Year or the Fourth of July.

(d) Issuance of permit. The Chief of Police, after being satisfied that the fireworks will be used for bona fide religious or ceremonial occasions and that the use will not be hazardous to property and will not endanger any person or persons, shall issue a permit for such use. The Chief of Police shall note on the permit the expiration date thereof, which shall not be more than six months from the date of its issuance. No fee shall be charged for said permit. The permit shall not be transferable.

(e) Violation. If fireworks are used contrary to, or not in conformity with, the terms of any permit issued under this Section the permittee, including the persons named as proprietor or officers of any applicant establishment, and the person designated in the application to supervise the use of the fireworks shall be subject to the penalty set forth herein. (Sec. 13-10.5 R.O. 1957)

#### **Sec. 13-10.6. Unlawful To Set Off Pyrotechnic Articles From Or Into Motor Vehicles.**

It shall be unlawful for any person to throw, set off, fire or cause to be exploded any pyrotechnic articles from or into any motor vehicle. (Sec. 13-10.6 R.O. 1957)

#### **Sec. 13-10.7. Unlawful To Set Off Pyrotechnic Articles In Vicinity Of Hospitals.**

It shall be unlawful for any person to throw, set off, fire or cause to be exploded any pyrotechnic articles, in any place within 1,000 feet of any building occupied by patients at any hospital, convalescent home, home for the aged or animal hospital. (Sec. 13-10.7 R.O. 1957)

**Sec. 13-10.8. Unlawful To Set Off Pyrotechnic Articles On Public Ways, In Parks, Public Beaches, Schools, Or Places Of Worship During Services; Exception.**

It shall be unlawful for any person to throw, set off, fire or cause to be exploded any pyrotechnic articles on or in any highway, alley, street or other public way, sidewalk, park, public beach, school, school yard, or within 1,000 feet of any building used for public worship while services are being held therein unless permission be obtained in accordance with Sections 13-10.4 or 13-10.5. (Sec. 13-10.8 R.O. 1957)

**Sec. 13-10.9. Unlawful To Remove Pyrotechnic Contents From Commercially Manufactured Pyrotechnic Articles And To Make Homemade Pyrotechnic Articles.**

It shall be unlawful for any person to remove or extract the pyrotechnic contents from any commercially manufactured pyrotechnic article and to use the same in making homemade pyrotechnic articles. It shall be unlawful for any adult to permit any minor to remove or extract the pyrotechnic contents from any commercially manufactured pyrotechnic article and to use the same in making homemade pyrotechnic articles. (Sec. 13-10.9 R.O. 1957)

**Sec. 13-10.10. Prohibitions Relating To Minors Below Age of 18 Years.**

(a) It shall be unlawful for any person to offer for sale, sell or give any pyrotechnic articles to minors below the age of 18 years, and for any minor below said age to possess, purchase or fire any pyrotechnic articles.

(b) The parents, guardians and other persons having the custody and control of any minor under the age of 18 years, who knowingly permit such minor to possess, purchase or fire any pyrotechnic articles shall be deemed to be in violation of this Article and shall be subject to penalty hereunder. (Sec. 13-10.10 R.O. 1957)

**Sec. 13-10.11. Unlawful To Set Off Pyrotechnic Articles; Exception.**

It shall be unlawful for any person to throw, set off, fire or cause to be exploded any pyrotechnic articles except on the Fourth of July, New Year's Eve and Chinese New Year's Eve between the hours of 1:00 p.m. and 12:00 midnight, of each of these days; on New Year's Day and Chinese New Year's Day between the hours of 12:00 midnight and 2:00 a.m., of each of these days; and when permission has been duly obtained in accordance with Sections 13-10.4 or 13-10.5. (Sec. 13-10.11 R.O. 1957)

**Sec. 13-10.12. Sales Prohibited After 9:00 P.M. On Certain Days.**

It shall be unlawful for any person to offer for sale or to sell any pyrotechnic articles after 9:00 p.m. on New Year's Eve, New Year's Day, Chinese New Year's Eve, Chinese New Year's Day and the Fourth of July, respectively. (Sec. 13-10.12 R.O. 1957)

**Sec. 13-10.13. Penalty.**

Any person violating any provision of this Article shall upon conviction be punished by a fine not exceeding \$500 or imprisonment not exceeding 30 days, or by both; and if the person so convicted is a person licensed to sell fireworks, the court may, in addition to the foregoing penalties, revoke or suspend such license. No license shall be issued to any person whose license has been so revoked until the expiration of one year after such revocation. (Sec. 13-10.13 R.O. 1957)

**Article 11. Hotels.****Sec. 13-11.1. Register Required.**

(a) Every owner, keeper or proprietor of any hotel or similar lodging shall keep a register wherein he shall require all guests to inscribe their names upon their procuring lodging or a room. The register shall also show the date when said name was inscribed, and the room occupied or to be occupied by such guest. The register shall at all times be open to inspection by the Chief of Police.

(b) The register shall consist either of a permanently bound blank book, sufficient in size to contain all the information hereby required to be placed therein, or a series of individual cards with adequate space on each card to enter all the information required by this Article. All cards shall thereafter be systematically filed and be open to inspection as provided hereinabove. (Sec. 13-11.1 R.O. 1957)

**Sec. 13-11.2. Registration Required.**

Before furnishing any lodging for hire or renting any room to any person in any hotel, or similar lodging, the proprietor, manager or owner thereof shall require the person to whom such lodgings are furnished or rented, to inscribe his name in the register kept for that purpose as hereinbefore provided, and shall set opposite such name the time when it was inscribed, and also the room occupied by such guest. (Sec. 13-11.2 R.O. 1957)

**Sec. 13-11.3. Penalty.**

Any person violating any provision of this Article shall upon conviction be punished by a fine not exceeding \$25. A separate offense shall be deemed to have been committed for every day that any per-

son, required hereunder to keep a register fails to do so, and for every day that any guest is permitted to remain in any hotel or similar lodging without being required to register. (Sec. 13-11.3 R.O. 1957)

## Article 12. Lei Selling.

### Sec. 13-12.1. Regulations Affecting Lei Sellers.

(a) No person, under the age of 15 years, shall sell leis upon the streets, alleys, sidewalks and other public places, including entrances at piers.

(b) No person, while engaged in the business of selling leis upon the streets, alleys, sidewalks and at entrances to piers, shall obstruct traffic, or wilfully or negligently hold, touch, push, jostle, molest or in any manner disturb any person, customer or another lei seller.

(c) All persons engaged in selling leis at the piers shall form not more than two straight single lines in the front of the pier, one line extending to the right and the other to the left from the main entrance, and the said lines shall run parallel to and within three feet of the front wall of the pier as follows:

(1) The positions in said lines shall be occupied by the lei sellers in the order of their arrival, the person first arriving being entitled to stand at the head of one line and the person arriving next, at the head of the other line; provided, that no person shall occupy the head position of any line more than one day within a period of 30 days, unless his or her turn arrives sooner by rotation. The "head" of a line shall be that position which is nearest to the main entrance to the pier.

(d) Within Irwin Park, lei sellers shall sell leis only by forming straight lines along the inside edge of the sidewalk. There shall be one line at the mauka-ewa corner, one at the mauka-waikiki corner and not more than three lines along the makai sidewalk of said park as follows:

(1) The positions in said lines shall be occupied by the lei sellers in the order of their arrival, the person first arriving being entitled to occupy any of the end positions; provided, that no person shall occupy any end position more than one day within a period of 30 days, unless his or her turn arrives sooner by rotation.

(e) No lei seller arriving late shall break into a line or usurp the position of another. (Sec. 13-12.1 R.O. 1957)

### Sec. 13-12.2. Penalty.

Any person violating any provision of this Article shall upon conviction be punished by a fine not exceeding \$25. (Sec. 13-12.2 R.O. 1957)

## Article 13. Minors Engaged In Street Trade.

### Sec. 13-13.1. Permit Required.

No minor shall carry on any trade or business or sell or offer for sale any goods, wares or merchandise upon any sidewalk, street, alley or public place, without first having obtained a permit therefor from the Chief of Police. The permit shall be issued in accordance with the conditions enumerated in Section 13-13.2. Except as herein provided for suspension or revocation of permits issued to wards of the Juvenile Court, the Chief of Police may suspend the permit of any holder who violates any provision of this Article and may revoke the same upon the third violation of any provision of this Article. (Sec. 13-13.1 R.O. 1957)

### Sec. 13-13.2. Conditions Of Permit.

(a) All permits to engage in street trades shall be subject to the following conditions:

(1) No boy under the age of 10 or girl under the age of 12 years shall be permitted to engage in street trades in public places.

(2) Permits to minors under the age of 16 years shall be issued only upon presentation of the written consent of a parent or guardian.

(3) Permits to wards of the Juvenile Court shall be issued only upon the written permission of said Court. Permits to minors who are or become wards of the Juvenile Court may be suspended or revoked only upon orders from said Court.

(4) Minors engaged in street trades are prohibited from working within 50 feet of the entrance of any billiard parlor, liquor dispensing establishment, or any other place which is likely to contribute to the delinquency of minors.

(5) The permit shall be in the form of a paste board card and shall contain the following: name, age, and residence of the permittee, type of street trade, date and number of permit. In the event a permit is lost, a duplicate permit shall be issued upon presentation of satisfactory proof of such loss by the applicant to the Chief of Police.

(6) The Chief of Police may refuse issuance of a new permit to a minor whose permit has been once revoked.

(7) A permit shall not be transferable. (Sec. 13-13.2 R.O. 1957)

### Sec. 13-13.3. Minors Engaged In Street Trades Not To Molest Passers-By.

No minor, while engaged in any street trade, shall obstruct pedestrian traffic within the sidewalk area, or hold, touch, push, jostle,

molest or in any manner disturb any passer-by or customer. (Sec. 13-13.3 R.O. 1957)

**Sec. 13-13.4. Minors Engaged In Street Trades Not To Deface Windows And Sidewalks.**

No minor, while engaged in any street trade, shall smear any show windows or deface any sidewalks. (Sec. 13-13.4 R.O. 1957)

**Sec. 13-13.5. Record Of Permits.**

It shall be the duty of the Chief of Police to keep a record of all permits granted to minors engaged in street trades in a book provided for the purpose giving the number and date of each permit, type of street trade engaged in, the name, age, and residence of the person to whom the permit has been issued, the date of issuance of such permit and to keep a record of all permits suspended or revoked and grounds therefor including those effected by the Juvenile Court. (Sec. 13-13.5 R.O. 1957)

**Article 14. Noises In Vicinity Of Hospitals.**

**Sec. 13-14.1. Unlawful To Make Loud Noises In Vicinity Of Hospitals.**

(a) It shall be unlawful to discharge firearms or explosives or to make any loud noises within 500 feet from the nearest point of any main hospital building with a capacity for treating not less than 36 patients.

(b) It shall be unlawful to conduct, operate, maintain or carry on within 500 feet from any such main hospital building any noisy or noisome workshop, factory, trade, manufacture, industry or business; provided, that this provision shall not apply to any such workshop, factory, trade, manufacture, industry or business in existence at the time of the erection of such hospital building or of an extension to a hospital building.

(c) It shall be unlawful for any persons, in passing any hospital building of the character and capacity described, to drive or operate any vehicle in such manner as to make or create any unnecessary noise. (Sec. 13-14.1 R.O. 1957)

**Sec. 13-14.2. Penalty.**

Any person violating any provision of this Article shall upon conviction be punished by a fine not exceeding \$100 or by imprisonment not exceeding 60 days, or by both. (Sec. 13-14.2 R.O. 1957)

## Article 15. Sound Vehicles.

### Sec. 13-15.1. Prohibition.

Am. 10/12/66Ord. 2868

(a) No person shall drive, operate, propel or park on any public street or highway any sound vehicle which emits sounds at a volume which is unreasonably loud, jarring, disturbing or a nuisance to persons within the area of audibility.

(b) "Sound vehicle" shall mean and include any vehicle which carries or is equipped with any instrument or device for the production or reproduction of music, spoken words or other sounds, or any loudspeaker or other sound amplifying device designed to enlarge the volume of sound produced by any instrument or by the human voice, which instrument or device is used, or intended to be used for the purpose of advertising or calling attention to any article, thing or event, or for the purpose of addressing the public or of attracting the attention of the public; provided that the term shall not include the following:

(1) Vehicles used in a parade or procession duly authorized by the Council.

(2) A vehicle equipped with a horn designed and used for the purpose of warning traffic, or any authorized emergency vehicle, as defined in the Traffic Code.

(3) A tradesman's, peddler's or huckster's cart or vehicle which sounds a horn, bell or reproduction of music in connection with the ordinary use and operation thereof. (Sec. 13-15.1 R.O. 1957)

'Am. 10/13/66Ord. 2868 - (4)

### Sec. 13-15.2. Penalty.

Any person violating any provision of this Article shall upon conviction, be punished by a fine not exceeding \$200 or by imprisonment not exceeding 30 days, or by both. (Sec. 13-15.2 R.O. 1957)

## Article 16. Quarries And Rock Crushing Plants.

### Sec. 13-16.1. Definitions.

(a) "Quarry operation" shall mean the excavation of stone, rock, coral, sand or other minerals and/or the removal of the same from their natural location.

(b) "Rock crushing plant" shall mean any machinery or plant erected, designed or used for the purpose of crushing stone, rock, coral, sand or other minerals into fragments less than 4 inches in their greatest diameter, and/or for the screening thereof. (Ord. 1717)

**Sec. 13-16.2. Operation Of Quarries.**Am. 12/15/65  
Ord. 2733

Notwithstanding the provisions of any zoning ordinance, a quarry operation may be conducted at any place on the Island of Oahu, except in the District of Honolulu, as long as it does not become a nuisance or otherwise violate the provisions of any statute, ordinance (except zoning ordinances), or any lawful rule and/or regulation promulgated by any authorized government agency. (Ord. 1717)

**Sec. 13-16.3. Prohibitions.**Rep. 12/15/65  
Ord. 2733

(a) It shall be unlawful to operate a rock crushing plant on the Island of Oahu, except in an area zoned for noxious industrial use or in an area where such use has been authorized by a lawful variance permit or by operation of law.

(b) It shall be unlawful for any person to conduct a quarry operation and/or to operate a rock crushing plant in the District of Honolulu; providing, however, the provisions of this Article shall not apply to quarries or rock crushing plants in operation on August 23, 1928, except that if any such quarry operation or rock crushing plant is abandoned or discontinued for a period of 30 consecutive days or more, for any reason or cause whatsoever, the exemption shall be terminated.

(c) It shall be unlawful to store or stockpile quarried, crushed or screened mineral material on the Island of Oahu, except in any area zoned for noxious industrial use or in an area where such use has been authorized by a lawful variance permit or by operation of law, unless said material is stored or stockpiled within an enclosure which so confines the dust therefrom that a nuisance does not result. (Ord. 1717)

**Sec. 13-16.4. Penalty.**

Any person violating any provision of this Article shall upon conviction be punished by a fine not less than \$100 and not more than \$500 or by imprisonment not exceeding 12 months, or by both, and every day that such violation exists shall constitute a separate offense and be punishable as such hereunder. (Ord. 1717)

**Article 17. Regulations Relative To Streets, Highways, Sidewalks, Etc.****Sec. 13-17.1. Unlawful To Throw Refuse And Rubbish On Streets, Etc.**

It shall be unlawful for any person wilfully to scatter, throw, drop, deposit or place or cause to be scattered, thrown, dropped, deposited or placed on any highway, street, road, alley, lane, sidewalks,

beach or public place, any glass, bottle, tin can, nail, tack, wire, piece of metal, stone, paper, fruit peeling, rag, wood, straw, hay, or sweeping or other rubbish or debris. (Sec. 13-17.1 R.O. 1957)

**Sec. 13-17.2. Unlawful To Drain Refuse Matter Into Streets, Etc.**

It shall be unlawful for any person within the District of Honolulu to deposit or leave on or drain onto or cause or allow to be deposited or left on or drained onto any public street, lane or alley any garbage, swill, ashes, rubbish, filthy liquids, or other filthy substances. (Sec. 13-17.2 R.O. 1957)

**Sec. 13-17.3. Unlawful To Sweep Refuse Onto Street, Etc.**

It shall be unlawful for any person within the District of Honolulu to sweep or permit any person in his employ, control or direction to sweep from any premises owned or occupied by him or from the sidewalk in front of such premises, any dirt, paper or rubbish of any kind, onto any public street, lane or alley. (Sec. 13-17.3 R.O. 1957)

**Sec. 13-17.4. Unlawful To Erect Gasoline Pumps Upon Sidewalks; Penalty.**

(a) It shall be unlawful for any person to erect or place, or permit or cause to be erected or placed, any gasoline pump upon any sidewalk in the City.

(b) Any person violating this provision shall upon conviction be punished by a fine not to exceed \$5 for each day of violation. (Sec. 13-17.4 R.O. 1957)

**Sec. 13-17.5. Penalty.**

Any person violating any provision of this Article other than Section 13-17.4 shall upon conviction be punished by a fine not exceeding \$250 or by imprisonment not exceeding three months, or by both. (Sec. 13-17.5 R.O. 1957)

**Article 18. Rules And Regulations Relative To The Use Of Public Parks, Playgrounds, Beaches And Other Public Areas.**

**Sec. 13-18.1. "Public Parks" Defined.**

"Public parks" shall include any parks, park roadways, playgrounds, athletic fields, beaches, tennis courts, golf courses, swimming pools, and other recreation areas and facilities under the control,

maintenance and management of the Department of Parks and Recreation. (Sec. 13-18.1 R.O. 1957)

**Sec. 13-18.2. Park Rules And Regulations.**

(a) Within the limits of any public park, it shall be unlawful for any person to:

(1) Wilfully or intentionally destroy, damage or injure any property.

(2) Climb upon any wall, fence, shelter, building, tree, seat, table, statue, monument or other structure.

(3) Swim, bathe, wade in, or pollute the water of any ornamental pool or fountain.

(4) Throw or dispose of any refuse or waste material, except in receptacles placed therein.

(5) Kindle, build, maintain or use any fire within 15 feet of any tree, building, underbrush or shrubbery, or kindle, build, maintain or use a fire, other than in a portable grill or brazier, in any area where signs are posted prohibiting a fire. All fires shall be personally tended by a competent person over 18 years of age.

(6) Annoy, molest, kill, wound, chase, shoot or throw missiles at any animals or birds.

(7) Distribute, post or place any commercial handbills or circulars, notices, or other advertising devices or matter, except as permitted by the terms of any agreement relating to the use of park property.

(8) Use any surf board or board with jagged or rough ends and edges, which is dangerous to surfers, swimmers or bathers.

(9) Construct or fabricate surfboards.

(10) Permit any dog to enter and remain within the confines of any park area where signs prohibiting dogs are posted.

(11) Feed any animal or bird when signs are posted prohibiting such feeding.

(b) Except as authorized by permits of, and subject to the terms and conditions imposed by, the Department of Parks and Recreation, it shall be unlawful for any person, within the limits of any public park, to:

(1) Herd or let loose any cattle, horse, mule, goat, sheep, swine or fowl of any kind.

(2) Carry or discharge any firearms, airgun or slingshot.

(3) Cut or remove any wood, turf, grass, soil, rock, sand or gravel.

Am. 2/9/67  
Ord. 2928  
See Sect. (6)

(4) Camp or erect or maintain a tent or camping facilities.

(5) Sell or offer for sale any merchandise, article or thing, whatsoever.

(6) Moor, tie up, store, repair or condition any boat, canoe, raft or other vessel.

(7) Repair or condition any surfboard.

Am. 2/9/67  
Ord. 2928

(8) Ride or drive any horse or other animal.

(c) Within the limits of any public park, it shall be unlawful for any person, wherever signs are posted prohibiting such activities, to:

(1) Throw, cast, catch, kick or strike any baseball, golf ball, tennis ball, football, basketball, bowling ball, croquet ball or other object.

(2) Engage in model airplane or kite flying.

(3) Ride upon roller skates.

(4) Operate or park any vehicle.

(d) In addition to the requirements of subsection (b) above, the repair or conditioning of any surfboard shall be performed only by a concessionaire of the Department of Parks and Recreation who has a surfboard concession. Such repair work shall be conducted only in an enclosed building or structure, approved by the Department of Parks and Recreation and the State Department of Health. The terms and conditions to be imposed by the Department of Parks and Recreation shall include, together with the requirements necessary to safeguard the health and safety of the public, the securing of adequate insurance to protect the City from any liability resulting from such repair work.

Am. 9/4/63 (Ord. 20733)

Ord. 2399 - (e).

Sec. 13-18.3. Permits.

Am. 6/2/71

Ord. 3738

A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the written terms and conditions thereof. Any violation of any such term or condition by a permittee or his agents or employees shall constitute ground for revocation of the permit by the Director of Parks and Recreation, whose action shall be final. In case of revocation of any permit, all moneys paid for or on account thereof shall be forfeited to and be retained by the City; provided that the Director may waive such forfeiture if he deems it advisable in consideration of such factors as the extent of any damage and the nature of the violation. The permittee and his agents and employees, if any, violating such terms and conditions shall be jointly and severally liable to the City for all damages and loss suffered by it in excess of the moneys so forfeited and retained; but neither such forfeiture and retention by the City of any of such moneys nor its recovery of such damages shall relieve any person

from criminal liability for the violation of any provision in this Article. (Sec. 13-18.3 R.O. 1957)

**Am. 6/2/77**  
**Ord. 3738**  
**Sec. 13-18.4. Picnics And Outing.**

Park directors and their assistants shall regulate the use of recreation facilities so as to prevent congestion and shall distribute users of the park over the park areas in order to insure the maximum use of such areas and the comfort of the users. All users shall for such purpose, comply with the directions of the directors or their assistants. Any group of 15 or more persons desiring to use any public park for a picnic or outing shall first obtain a permit therefor from the Department of Parks and Recreation. (Sec. 13-18.4 R.O. 1957)

**Sec. 13-18.5. Penalty.**

Any person violating any provision of this Article shall upon conviction, be punished by a fine not exceeding \$500 or by imprisonment **not exceeding six months**, or by both. (Sec. 13-18.5 R.O. 1957)

**Article 19. Shooting Galleries.**

**Sec. 13-19.1. Definitions.**

(a) The term "shooting gallery" shall mean and include any place or premises where facilities or devices for target shooting for practice or amusement with any firearm (as defined in Section 157-1, Chapter 157, Revised Laws of Hawaii 1955) are provided for the use of any person for a fee, pay or compensation of any kind to be paid, directly or indirectly, by such person.

(b) The term "crime of violence" shall mean any of the following crimes: murder, manslaughter, rape, kidnapping, robbery, burglary, and those certain crimes set forth in Sections 264-4 and 264-5, Revised Laws of Hawaii 1955. (Sec. 13-19.1 R.O. 1957)

**Sec. 13-19.2. Permit Required.**

(a) It shall be unlawful for any person to establish, keep, conduct or operate any shooting gallery without a permit, or to assist in the operation of such a shooting gallery.

(b) The fee for each permit shall be \$5. (Sec. 13-19.2 R.O. 1957)

**Sec. 13-19.3. Application For Permit.**

(a) Application for a permit shall be made in writing to the Chief of Police and shall be signed and verified under oath by the applicant, and accompanied by the permit fee of \$5.

(b) The application shall set forth:

(1) The full name, age and address of the applicant and of any persons, other than the applicant, who are to be in charge of and responsible for the operation of the shooting gallery or who are to be employed in connection with such operation.

(2) The occupation of the applicant.

(3) A full and complete description of the place and location of the shooting gallery for which a permit is desired.

(4) The full name and address of the owner of the premises or of the person in control of said premises.

(5) The term for which the applicant desires a permit, that is, whether for one day, several days, a month or a year; provided, that in no case shall the permit be valid for more than one year.

(6) A statement that neither the applicant, nor any agent or employee connected with the shooting gallery has been convicted in this State or elsewhere of having committed or attempted to commit any crime of violence.

(7) The number of firearms and shooting lanes proposed to be used. (Sec. 13-19.3 R.O. 1957)

#### **Sec. 13-19.4. Qualifications Of Applicant.**

(a) An applicant shall be 20 years of age or over, shall have been a resident of the City continuously for at least one year immediately preceding the date of application and shall not have been convicted in this State or elsewhere of having committed or attempted to commit any crime of violence.

(b) Every corporation, firm, association or club applying for a permit shall first appoint an agent who shall be given full authority and control of the premises and of all matters relating to the shooting gallery. Such authorization shall be evidenced in writing, duly executed. Such agent shall meet the qualifications set forth in subsection (a) hereof, and shall be personally responsible for compliance with all the terms and provisions of this Article.

(c) No permit shall be issued to any person who has been convicted more than twice of violating any provision of this Article. (Sec. 13-19.4 R.O. 1957)

#### **Sec. 13-19.5. Conditions Of Permit.**

All permits to operate a shooting gallery shall be subject to all applicable laws and ordinances and to the following conditions which shall be written and placed upon the permit:

(a) The shooting gallery and its immediate vicinity shall be brightly lighted at all times when it is open for business.

(b) No shooting gallery shall be operated on any week day between the hours of 2:00 A.M. and 8:00 A.M. nor on Sundays between the hours of 2:00 A.M. and 12:00 noon.

(c) No person who is known to have been convicted in this State or elsewhere, of having committed or attempted to commit any crime of violence, shall be permitted to handle any firearm.

(d) No person under the age of 20 years shall be permitted to handle any firearm at the shooting gallery, except under the supervision of a responsible adult.

(e) No person under the influence of intoxicating liquor shall be permitted to handle any firearm or to be or remain upon the premises of any shooting gallery and no intoxicating liquor shall be consumed in or around the premises of any shooting gallery.

(f) It shall be unlawful to employ in connection with the operation of any shooting gallery any person who is under the age of 20 years or any person who has been convicted in this State or elsewhere of having committed or attempted to commit any crime of violence.

(g) All firearms used for, in or at the shooting gallery shall be securely chained or otherwise attached to the firing line counter, in such a manner as to prevent their removal by unauthorized persons or being pointed or aimed in any direction other than the direction of the target area.

(h) No firearm shall be used, kept or discharged within the premises of the shooting gallery, which is larger than a .22 caliber rifle, and no ammunition larger than .22 caliber long rifle rim fire cartridge shall be used.

(i) The permit holder, or his agent who is duly registered with the Chief of Police, shall be present within the premises of the shooting gallery at all times that it is open for business.

(j) No person other than the permit holder, or his agent, who is duly registered with the Chief of Police, shall be permitted entry into the range area or the area situated between the firing line and targets, when any firing is in progress.

(k) The room, place or enclosure wherein firing is to take place shall not be used for any other purpose whatsoever, when any firing is in progress.

(l) Reasonable precautions, as required or approved by the Chief of Police, shall be taken to prevent any injury to the public.

(m) The Chief of Police and any of the health, fire and law enforcement officers or authorities of the City, the State of

Hawaii, or of the United States, may at any time enter the premises of a shooting gallery for the purpose of inspecting the same and the conditions therein. (Sec. 13-19.5 R.O. 1957)

#### **Sec. 13-19.6. Permit To Be Displayed.**

Any permit issued hereunder shall be displayed in a conspicuous place upon the premises for which said permit had been issued. (Sec. 13-19.6 R.O. 1957)

#### **Sec. 13-19.7. Permits; General Provisions.**

(a) In the event that a permit holder discontinues the operation of a shooting gallery, notice of such discontinuance shall forthwith be given in writing to the Chief of Police and the permit surrendered to him.

(b) No permit shall be transferable.

(c) Nothing contained in this Article shall be construed to lessen or abrogate any requirements prescribed by any other ordinance or statute. (Sec. 13-19.7 R.O. 1957)

#### **Sec. 13-19.8. Penalty.**

(a) Any person who falsely swears to any application for a permit under this Article, or who knowingly violates or assists in the violation of any of the conditions prescribed in said permit, or who violates any of the provisions of this Article, shall upon conviction be punished by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding one year, or by both.

(b) In addition thereto, upon the conviction hereunder of any owner or operator of any shooting gallery or of any agent or employee thereof, the court may suspend or cancel the permit for the shooting gallery and may prescribe any period not more than one year during which the holder of such permit shall be prohibited from applying for a new permit hereunder. The penalties herein prescribed shall not be construed in any way to prevent the closing of any shooting gallery as a public nuisance. (Sec. 13-19.8 R.O. 1957)

### **Article 20. Smoke, Soot, Dust, Etc.**

#### **Sec. 13-20.1. Unlawful To Allow Escape Of Soot And Like Substance In Residential And Hotel And Apartment Districts.**

It is hereby declared to be a public nuisance and unlawful for any person in any residential or hotel and apartment district as defined by and established under the Zoning Ordinances to cause, permit or allow

to escape into the open air, smoke, soot, acid, pungent, noxious or disagreeable odors, poisonous gases, dirt, dust or debris of any kind from any smokestack, chimney, flue, tube, pipe, incinerator or any opening of any building or from any smoldering or open fires under his charge or control, in such a manner or in such place as to cause annoyance, detriment or injury to the health of persons or damage to property; provided, that this Section shall not be construed as prohibiting the construction or use of imus, open air stoves or grills, or the burning of refuse or rubbish, when the same is done with due care to avoid damage to any buildings, structures or other property and undue annoyance or injury to the health of any person. (Sec. 13-20.1 R.O. 1957)

**Sec. 13-20.2. Sound Construction Of Smokestacks And Removal Of Soot Required.**

All flues, chimneys, smokestacks and other similar structures and appliances located in the City shall be constructed according to sound engineering methods and designed so as to prevent or eliminate as much as possible the emission of dense smoke, and if any such structure or appliance becomes so filled with soot as to endanger or injure adjacent property or unduly annoy or injure the health and comfort of persons, it shall be the duty of the person owning or using the same to clean it thoroughly. (Sec. 13-20.2 R.O. 1957)

**Sec. 13-20.3. Height Of Smokestacks If Within 30 Feet Of Adjacent Buildings.**

In all residential and hotel and apartment districts, and in all other districts where the property immediately adjacent lies in a residential or hotel and apartment district, no person shall erect, construct, use or maintain any flue, chimney or smokestack within 30 feet of any adjacent buildings unless the top of such flue, chimney or smokestack is not less than three feet higher than the highest portion of such adjacent building; provided, that this Section shall not be construed as repealing, amending or otherwise affecting any provision of the Building Code relating to chimneys and smokestacks, nor as condoning or authorizing nuisances prohibited under this Article. (Sec. 13-20.3 R.O. 1957)

**Sec. 13-20.4. Penalty.**

Any person violating any provisions of this Article shall upon conviction, be punished by a fine of not exceeding \$100 or by imprisonment not exceeding 30 days, or by both. The continuance of any violation after conviction shall be deemed a new offense for each day of such continuance. In addition to said penalties the City may bring appropriate action to enjoin any violation of this Article. (Sec. 13-20.4 R.O. 1957)

Am. 4/22/70  
Ord. 3540  
Am. 2/17/77  
Ord. 3692

**Article 21. Tear Gas And Other Obnoxious Gases.**

**Sec. 13-21.1. Prohibition.**

(a) It shall be unlawful for any person to discharge, use, possess, or transport any shell, cartridge, bomb, gun, or other device containing or capable of emitting tear gas or any other obnoxious gas; provided, that nothing in this Section shall prohibit the Chief of Police or his subordinates, the military or naval forces of the United States, members of the National Guard of the State of Hawaii, the State Warden or his deputies, or the law enforcement officials of the United States from possessing or transporting such shells, cartridges, bombs or guns for use in the discharge of their duties.

(b) The term shell, cartridge or bomb as used in this Section, shall include all shells, cartridges or bombs capable of being discharged or exploded by the use of percussion caps, fuse, electricity or other means to cause or permit the release or emission of tear gases, or any other obnoxious gas. (Sec. 13-21.1 R.O. 1957)

**Sec. 13-21.2. Penalty.**

Any person violating any provision of this Article, shall upon conviction be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or by both. (Sec. 13-21.2 R.O. 1957)

**Article 22. Termite-Infested Lumber.**

**Sec. 13-22.1. Definitions.**

(a) "Termite-infested lumber" shall mean any plank, board, stave or piece of wood of whatever size, which has been or is infested by termites;

(b) "Borer-infested lumber" shall mean any plank, board, stave or piece of wood of whatever size which has been or is infested by borers;

(c) "Structure" shall mean any edifice, building or piece of work artificially built up or composed of parts and joined together in some definite manner whether the same be movable or immovable. (Sec. 13-22.1 R.O. 1957)

**Sec. 13-22.2. Unlawful To Possess Termite-Infested Lumber.**

It shall be unlawful for any person to possess any termite-infested or borer-infested lumber except that which is part of a structure. (Sec. 13-22.2 R.O. 1957)

**Sec. 13-22.3. Infested Lumber To Be Destroyed After Removal.**

It shall be unlawful for any person to keep any termite-infested or borer-infested lumber upon his place or property after the same has been removed from a structure, unless he destroys the same with-

in five days after said removal. The keeping of said infested lumber shall be deemed a nuisance. (Sec. 13-22.3 R.O. 1957)

**Sec. 13-22.4. Unlawful To Build With Termite-Infested Lumber.**

It shall be unlawful for any person to use any termite-infested lumber in the erection of any structure or as a part of any structure. (See Building Code) (Sec. 13-22.4 R.O. 1957)

**Sec. 13-22.5. Penalty.**

Any person violating any provision of this Article shall upon conviction be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment for a term not exceeding 12 months, or by both. (Sec. 13-22.5 R.O. 1957)

**Article 23. Use Of Streets And Sidewalks By Solicitors And Canvassers.**

**Sec. 13-23.1. Unlawful To Use Public Streets And Sidewalks For Certain Business Purposes.**

(a) It shall be unlawful for any solicitor or canvasser to engage in business on any public street or sidewalk where his operation tends to, or does impede, or inconvenience the public or any person in the lawful use of such street or sidewalk.

(b) A "solicitor or canvasser" is any person, traveling by foot, or any other type of conveyance, or by wagon, automobile, motor truck, taking or attempting to take orders for sale of goods, wares, merchandise or other personal property for future delivery, or for services to be furnished or performed in the future, whether or not such person carries or exhibits any samples or collects advance payments on sales. The term shall also include any person who, for himself, or for another, hires, leases, uses, or occupies any building, structure, tent, room, shop, vehicle or any other place for the sole purpose of exhibiting samples and taking orders for future delivery. (Sec. 13-23.1 R.O. 1947)

**Sec. 13-23.2. Penalty.**

Any person violating any provision of this Article shall upon conviction be punished by a fine not exceeding \$100 or by imprisonment not exceeding 30 days, or by both. (Sec. 13-23.2 R.O. 1957)

**Article 24. Operation Of Certain Amusement Facilities.**

**Sec. 13-24.1. Skating Rink, Certain Hours Of Operation Prohibited; Penalty.**

(a) No skating rink shall do business or be operated on any day between the hours of 12 midnight and 8:00 a.m.

(b) Any person violating this Section shall upon conviction be punished by a fine not exceeding \$1,000. (Sec. 13-24.1 R.O. 1957)

**Sec. 13-24.2. Moving Picture Shows And Legitimate Stage Play Productions, Certain Hours Of Operation.**

Am. 8/5/64  
Ord. 2476

Moving picture shows may be exhibited on Sundays before the hour of 2:00 a.m. and after the hour of 12:30 p.m. and legitimate stage play productions may be exhibited before the hour of 2:00 a.m. and after the hour of 6:30 p.m. (Sec. 13-24.2 R.O. 1957)

**Article 25. Peddlers' License.**

**Sec. 13-25.1. Annual Fee.**

The annual fee for a peddler's license as provided by Section 155-82, Revised Laws of Hawaii 1955, shall be \$10. No license shall be required of persons peddling fish, fresh fruit, leis, flowers or vegetables, nor of any person who has reached the age of 60 years. (Sec. 13-25.1 R.O. 1957)

Am. 8/5/64  
Ord. 2475

- Adding Sec. 13-25.2 - "Regulations" + 13.25.3 - "Penalty"

**Article 26. Signs Regulations.**

**Sec. 13-26.1. Legislative Intent.**

Rep. 4/1/70  
Ord. 3534 (Sec 22)

The Council finds and declares :

(a) That the people of the City have a primary interest in controlling the erection, location and maintenance of outdoor signs in a manner designed to protect the public health, safety and morals and to promote the public welfare; and

(b) That the rapid economic development of the City has resulted in a great increase in the number of businesses with a marked increase in the number and size of signs advertising such business activities; and

(c) That the increased number and size of such signs, coupled with the increased use of motor vehicles make it imperative that the public streets and highways be kept free from signs which distract motorists' attention from driving, and which detract from the attention which should be devoted to signs promoting traffic safety; and

(d) That the indiscriminate erection, location, illumination, coloring and size of outdoor signs constitute a significant contributing factor in increasing the number of traffic accidents on the public streets and highways, by detracting from the visibility of official traffic lights and signals, and by tending to distract and divert the attention of drivers away from the flow of traffic movement; and

(e) That in addition thereto, the construction, erection and maintenance of large outdoor signs suspended from, or placed on top of buildings, walls or other structures constitute a direct danger to pedestrian traffic below such signs, especially during periods when winds of high velocity are prevalent; and

(f) That the size and location of such outdoor signs may, if uncontrolled, constitute an obstacle to effective fire fighting techniques; and

(g) That the natural beauty of landscape, view and attractive surroundings of the Hawaiian Islands, including the City, constitutes an attraction for tourists and visitors; and

(h) That a major source of income and revenue of the people of the City is derived from the tourist trade; and

(i) That the indiscriminate erection and maintenance of large signs seriously detract from the enjoyment and pleasure of the natural scenic beauty of the City which in turn injuriously affect the tourist trade and thereby the economic well-being of the City; and

(j) That it is necessary for the promotion and preservation of the public health, safety and welfare of the people of the City that the erection, construction, location, maintenance of signs be regulated and controlled. (Sec. 13-26.1 R.O. 1957)

#### Sec. 13-26.2. Definitions.

The following words and phrases shall, for the purposes hereof, have the meanings respectively ascribed to them in this Section, unless it is apparent from the context that a different meaning is intended:

(a) "Sign" shall mean and include every sign, billboard (except those billboards included in the definition of same, contained in Section 154-1 of the Revised Laws of Hawaii 1955), ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning, canopy, and street clock, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors on real property or buildings or structures thereon in view of the general public.

(b) "Marquee Sign" shall mean any sign attached to, or hung from a marquee. A "Marquee" shall mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.

(c) "Projecting Sign" shall mean any sign which is affixed or attached to, and is supported solely by a building wall or structure,

and extends beyond the building wall, structure, or parts thereof, more than 15 inches and whose angle of incidence to said building wall, structure, or parts thereof is greater than 30 degrees.

(d) "Ground Sign" shall mean a sign which is a complete self-supported structure and is not attached or affixed in any way to a building or structure.

(e) "Roof Sign" shall mean a sign erected, constructed and maintained wholly upon and over the roof of any building.

(f) "Wall Sign" shall mean a sign which is affixed to an exterior wall or any building or structure when such sign shall project not more than 15 inches from the building wall, structure, or parts thereof.

(g) "Illuminated Sign" shall mean any sign which has characters, letters, figures, designs or outline illuminated by electric lights, or luminous tubes as a part of the sign proper. (Sec. 13-26.2 R.O. 1957)

Am. 5/18/66  
Ord. 2797 **Sec. 13-26.3. Exempt Signs.**

The following types of signs are exempted from all the provisions of this Article, except for the requirements of Section 13-26.6(a), (c) and (d), Section 13-26.7(a), (b), (c) and (i), and Section 13-26.9.

(a) All signs of a temporary nature, which shall include:

(1) Announcing signs. Signs announcing the names of architects, engineers, and/or contractors of a building under construction, alteration or repair and signs announcing the character of the building enterprise or the purpose for which the building is intended, provided such signs shall not exceed 32 square feet in display surface.

(2) Real estate signs. Signs not exceeding eight square feet in area advertising the sale, rental, or lease of the premises on which displayed.

(3) Subdivision signs. Signs announcing the subdivision and improvement of property where located on the property to be improved, not to exceed one sign for each acre or fraction thereof of such property, provided such signs shall not exceed 32 square feet in area. Such signs may not be erected until a formal application for subdivision has been filed with the appropriate City Officials. Said signs are exempted from the provisions of this Article, for a period of one year from the date of erection of such signs which date of erection shall be reported to the Building Superintendent within 30 days after such erection. If said subdivision is not completed within one year after the erection of said signs, an additional period of exemption not to exceed one year shall be allowed.

(4) Political campaign signs. Signs or posters not exceeding

18 square feet in display surface, announcing candidates seeking political office.

(5) Other signs. Any sign displayed for a period not to exceed seven days during any calendar year.

(b) Small signs. Small signs not exceeding two square feet in display surface.

(c) Institutional signs. Any sign or bulletin board setting forth or denoting the name of any public charitable or religious institution when located on the premises of such institution, provided such sign or bulletin board shall not exceed 24 square feet in display surface.

(d) Public signs. Signs of a public, non-commercial nature, which shall include safety signs, danger signs, trespassing signs, signs indicating scenic or historical points of interest and all signs erected by a public officer in the performance of a public duty.

Am. 12/19/63  
Ord. 2420 (e) Theater signs. Marquee, ground or wall signs announcing a billing or act, provided any wall sign does not exceed 100 square feet in area. "

(f) Room and table board signs. Signs announcing room for rent or table board, not exceeding four square feet in area, and located in an area zoned for residential use. (Sec. 13-26.3 R.O. 1957)

#### Sec. 13-26.4. Permits And Fees.

(a) When required. Except as otherwise provided herein, it shall be unlawful for any person to install, construct, erect, alter, relocate, reconstruct or cause to be installed, constructed, erected, altered, relocated, or reconstructed after February 14, 1957, any sign or signs without first having obtained a permit in writing from the Building Superintendent, and making payment of the fees required herein.

(b) How obtained. Applicants for such permits shall file with the Building Superintendent applications signed by the owner of the sign, or his agent, on forms furnished by the Building Department, containing the following information :

(1) The name and address of the applicant and of the person by whom such sign is to be constructed, erected, altered, relocated or reconstructed.

(2) An accurate description of the location or proposed location and character of each sign.

(3) A plan or design of the sign showing its weight, dimensions, lighting equipment, materials, details of its attachment and hanging and its position relative to the building and street lines.

(4) Any electrical permits required and issued for said sign.

(5) Such other information pertinent to the application as may be required by the Building Superintendent.

(c) Illuminated signs; approval by electrical inspector. The application for a permit for a sign in which electrical wiring and connections are to be used shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same comply with the Electrical Code of the City and he shall approve the application if the plans and specifications comply with said code or disapprove the application if noncompliance with said code is found. The action of the Electrical Inspector shall be taken prior to submission of the application to the Building Inspector for a permit.

(d) Fees. Every applicant before being granted a permit hereunder shall pay to the Director of Finance or a duly authorized representative for each sign regulated by this ordinance a fee, which shall be as follows:

TOTAL ESTIMATED VALUATION OF WORK	FEE TO BE CHARGED
From \$ .01 to \$ 500.	\$3
From \$500.01 to \$1000.	\$1 plus 50¢ per \$100 or fraction thereof of the total estimated valuation of work.
From \$1,000.01 and above	\$3 plus 30¢ per \$100 or fraction thereof of the total estimated valuation of work.

(e) Disposition of fees. The Building Superintendent shall keep an accurate record, in a form approved by the Director of Finance of all fees received and shall deposit all fees received with the Director of Finance to the credit of the general fund at least once each week; shall render an account of all permits issued and monies received therefor each month to the Council and shall maintain for public inspection a record of all permits issued.

(f) Permit issued if application in order. It shall be the duty of the Building Superintendent, upon the filing of an application for a permit hereunder, to examine such plans, specifications and other data and the premises upon which it is proposed to erect the sign. If it appears that the proposed sign is in compliance with all the requirements of this ordinance and all applicable statutes and ordinances, he shall then issue a permit.

(g) Revocation of permit. A permittee shall, upon completion of the installation, construction, erection, relocation, or alteration, notify the Building Superintendent, who shall thereupon cause an inspection to be made. Permits shall be non-transferable. The Building Superintendent is hereby authorized and empowered to revoke any permit issued by him upon failure of the holder thereof to comply with any provision of this Article.

(h) Nullification of permit. If the work authorized under a permit has not been substantially completed within six months after date of issuance, then such permit shall become void and any sign installed, constructed, erected, relocated, or altered thereafter under such permit shall constitute a violation of the terms of this Article. (Sec. 13-26.4 R.O. 1957, Am. Sec. 5-2.2 Ord. 1781)

#### **Sec. 13-26.5. Enforcements And Administration.**

(a) Building Superintendent. The Building Superintendent is charged with the enforcement and administration hereof. Whenever necessary, the officials of the other departments of the City shall render such assistance, as is consistent with the usual duties of their respective departments, to the Building Superintendent at his request.

(b) Non-conforming signs. Any sign erected prior to February 14, 1957, in compliance with all then existing statutes, ordinances and regulations, shall be permitted to be maintained as a non-conforming sign, subject to the following conditions:

(1) Safe condition. Non-conforming signs shall be maintained in a safe condition and shall not in any respect be dangerous to the public or to property.

(2) Alteration or relocation. Upon the alteration or relocation of any non-conforming sign or the discontinuance or removal from the premises of the activity to which such sign relates, such sign shall cease to be a non-conforming sign and shall thereafter be permitted to be maintained only upon compliance with all requirements of this Article. The term "alteration" shall not be construed to mean repairs and maintenance for the purpose of keeping the sign in a clean and safe condition.

(c) Abatement and removal of unlawful signs. Whenever it appears to the Building Superintendent that any sign has been constructed, erected, or is being maintained in violation of any of the terms of this Article, or after a permit therefor has been revoked or become void, or that a sign is unsafe or insecure or in such condition as to be a menace to the safety of the public, he shall thereupon issue a notice in writing, to the owner of the sign or the owner or tenant of the premises upon which the sign is erected or maintained, informing such person of the violation or of the dangerous condition of such sign and directing him to make such alteration or repair or do such things or acts as are necessary to make the same comply with the requirements of this Article within such reasonable time limit as shall be stated in such notice which, in no case, shall be less than 20 days nor more than 60 days. Said notice may be given by personal service, by depositing a copy thereof in the U.S. mail in a postage prepaid wrapper addressed to the street address of the premises upon which such sign is erected or maintained, or by posting a copy thereof on

the premises upon which such sign is erected or maintained. Upon failure to comply with such notice within the time mentioned therein, the Building Superintendent shall cause such sign, or such part thereof as is constructed or maintained in an unsafe condition or otherwise in violation of this Article, to be removed, altered or repaired so as to make it a conforming sign and shall charge the expense thereof to the person so notified. When any sign is in such condition as to be an immediate hazard and peril to the safety of the public or to property, the Building Superintendent is hereby authorized to cause such signs to be removed summarily and without notice. (Sec. 13-26.5 R.O. 1957)

#### Sec. 13-26.6. Prohibited Signs.

Am. 5/18/66  
Ord. 2797-(e) It shall be unlawful to erect or maintain:

(a) Any sign which, by reason of its size, location, movement, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing, or detracting from the visibility of any official traffic control device or by diverting or tending to divert the attention of drivers of moving vehicles from the traffic movement on the public streets and roads.

(b) Signs which are not included under the types of signs permitted under Section 13-26.8.

(c) Signs which are obscene.

(d) Signs which advertise or publicize an activity no longer conducted on the premises upon which such signs are maintained. (Sec. 13-26.6 R.O. 1957)

#### Sec. 13-26.7. Construction And Location Of Signs.

(a) Free ingress and egress. No sign or supports or hangings therefor shall be erected so as to cover doors or windows of any building or otherwise to prevent free ingress and egress to or from any window, door or fire escape of any building, nor shall any sign be attached to any part of a fire escape or upon or to any stand pipe or fire escape support, or be placed nearer than two feet from any fire escape platform, and all signs shall be so arranged as to swing away from such fire escape or platform. No roof sign shall be constructed in such a manner as to interfere with the free passage from one part of the roof to another part thereof or to interfere with any opening on the roof.

(b) Interference with public alarms, signals or signs. No sign or supports or hangings therefor shall be placed in such position or manner as to obstruct or interfere with any fire alarm, police alarm, sign or any devices maintained by or under public authority.

(c) Structure. Every sign, together with its framework, braces, angles or other supports, shall be maintained in a safe condition, properly secured, supported and braced and shall be kept in good structural condition, clean and well painted at all times.

(d) Support. Every sign shall be constructed to withstand wind pressure of not less than 30 pounds per square foot of area subject to such pressure and shall be rigidly and firmly braced and securely attached to the building or structure by bolts, anchors, chains, cables or guys, all of which must be metal.

(3) Wood. All wood permitted to be used either for new signs, for replacements of existing signs, or for any part thereof, shall be rot and termite resistant through open-cell preservation methods as specified by the American Wood Preservation Association, or by any other open-cell preservation treatment approved by the Building Superintendent. No sign, braces or supports within fire zones No. 1 and 2 as defined and delineated in the Building Code, shall be constructed of wood, canvas or other inflammable materials, except moldings, cappings, cut-out letters, decorations, and signs not exceeding 10 square feet in area.

(f) Projection from building line. Except for marquee signs, no sign or portion thereof shall project over any public area or way for a distance in excess of five feet from the property line of the property upon which is located the building or structure to which such sign is attached, provided that no sign shall be permitted to project over any public highway, or interfere with vehicular traffic.

(g) Distance above ground. The lower edge of all signs projecting over any public area except marquee signs shall have a vertical clearance of at least nine feet.

(h) Distance above building. The highest point on any sign, other than a roof sign, attached to a building or structure shall not extend more than six feet above the part of the building or structure to which it is attached, or six feet above the lowest edge of the roof, whichever is the higher.

(i) Determination of size of signs. The size of all signs shall be measured and determined in the following manner:

(1) When such signs are on a plate or framed, all of the plate or frame shall be included in the dimensions;

(2) When such signs are not on a plate or framed but are partly or entirely outlined by a light line or area, or if on a plate or frame and circumscribed by a larger light line or area, all of the area circumscribed by a light line or area shall be included in the dimensions;

(3) When a sign consists only of letters, designs, or figures, engraved, painted, projected, or fixed on a wall, the total area of

the sign shall be the sum of the square-foot areas of the rectangles or circles, whichever is the smaller, within which each such letter, design or figure can be placed or inscribed. (Sec. 13-26.7 R.O. 1957)

**Sec. 13-26.8. Permissible Signs.**

*Am. 12/19/63 - Adding Sec. 13-26.8A - Drive-in theaters.*  
*Ord. 2420*

Only such signs of each type as are prescribed hereinbelow, which conform with the provisions of this Article, shall be permitted to be erected or maintained upon any building, lot or parcel of land located in the following zoned areas. Where any building, lot or parcel of land is adjacent to two or more streets, the number of signs permitted per business on each building, lot or parcel of land shall be increased by such number of adjacent streets, provided, that no more than one sign of each type of sign permitted shall front upon any one of said streets.

(a) All classes of residential use districts.

(1) Wall or ground sign. One sign, either wall or ground, unlighted or indirectly lighted, not exceeding six square feet in area, relating to a business conducted on the premises.

(b) Hotel and apartment districts.

(1) Marquee sign. One sign, lighted or unlighted, relating to a business conducted on the premises and displayed upon the perimeter of a marquee, provided such sign shall not exceed three feet in height and shall not exceed 40 per cent of the total area of the perimeter of the marquee.

(2) Ground sign. One ground sign, lighted or unlighted, not to exceed eight square feet in area, relating to business conducted on the premises, provided the building or buildings in front of which said sign is displayed shall be set back not less than 30 feet from the street line.

(3) Wall sign. One sign, lighted or unlighted, not exceeding 32 square feet in area, upon any wall of a structure on the premises relating to businesses conducted thereon.

(c) Farming districts.

(1) Any sign permissible under subsection (b).

(d) All classes of business districts.

(1) Ground sign. One ground sign, lighted or unlighted, not exceeding 32 square feet in area, relating to businesses conducted on the premises, provided the building or buildings in front of which said sign is displayed shall be set back not less than eight feet from the property line, and provided further, that the height of the sign shall not exceed 16 feet from the ground.

(2) Marquee sign. One sign, lighted or unlighted, attached to the underside of a marquee, not exceeding nine square feet in area,

for each business conducted on the premises, provided the lower edges of such signs are at least seven and one-half feet above the surface of the ground, and provided further, that one sign not to exceed three feet in height may be attached to the face of the marquee.

(3) Projecting sign. One sign, lighted or unlighted, for each business conducted on the premises, stating the name and/or the nature of the business.

(4) Roof sign. One roof sign, lighted or unlighted, not exceeding 32 square feet in area, relating to a business conducted on the premises, provided such sign does not project above the roof ridge, or, one roof sign which, when mounted on a single-storied building with a flat roof, does not extend more than three feet above the roof line and provided further, that any such sign does not contain lettering more than 24 inches in height.

Am. 3/10/65  
Ord. 2580

(5) Wall sign. One wall sign, lighted or unlighted, per side or rear of the building to which such sign is attached, relating to businesses conducted on the premises, and not exceeding 20 per cent of the total exposed wall on which such sign shall be displayed or not exceeding 400 square feet, whichever is the lesser. Wall signs on the face of the building for each business therein conducted shall not exceed 20 per cent, or 400 square feet, whichever is the lesser, of the area of the face of the building actually occupied by said business.

(e) All classes of industrial districts.

(1) Any marquee or projecting sign permissible under subsection (d).

(2) Ground sign. One ground sign, lighted or unlighted, not exceeding 75 square feet in area, relating to businesses conducted on the premises, and not exceeding 16 feet in height from the ground.

(3) Roof sign. One roof sign, lighted or unlighted, connected with a business conducted on the premises, provided (a) on flat-roofed, single-storied buildings, the height of any such sign shall not exceed more than five feet above the roof; (b) on other than flat-roofed, single-storied buildings, the sign shall not project above the roof ridge and the sign area shall be less than one-fourth of the projected vertical area of the side of the roof on which it is placed, or 400 square feet, whichever shall be the lesser.

Am. 3/10/65  
Ord. 2580

(4) Wall sign. One wall sign, lighted or unlighted, per side or rear of the building to which such sign is attached, relating to businesses conducted on the premises, and not exceeding 25 per cent of the area of the total exposed wall on which such sign shall be displayed. Wall signs on the face of the building for each business therein conducted shall not exceed 25 per cent of the area of

the face of the building actually occupied by said business. (Sec. 13-26.8 R.O. 1957)

**Sec. 13-26.9. Penalty.**

(a) Any person who fails to comply with requirements set forth in the written notice which is issued pursuant to Section 13-26.5(c) shall upon conviction, be punished by a fine not exceeding \$500 or by imprisonment not exceeding three months or by both.

(b) The failure to comply with the requirements set forth in a written notice issued pursuant to said Section 13-26.5(c) within the period of time prescribed therein, shall be deemed a new offense for each day of such non-compliance. (Sec. 13-26.9 R.O. 1957)

**Sec. 13-26.10. Variances.**

The Council shall have the power to grant variances from the operation of any provision of this Article to an applicant for a permit in any case when, in the opinion of the Council, the enforcement thereof would work a hardship upon such applicant, and where the granting of a variance would not be contrary to the spirit and purpose of this Article and the public interest. (Sec. 13-26.10 R.O. 1957)

## Article 27. Air Guns.

**Sec. 13-27.1. Definitions.**

(a) "Air gun" means any gun, rifle or pistol, by whatever name known, which is designed to expel a pellet or B.B. shot by the action of compressed air or gas, or by the action of a spring or elastic but does not include any firearm.

(b) "Dealer" means any person engaged in business of selling or renting air guns. (Sec. 13-27.1 R.O. 1957)

**Sec. 13-27.2. Restrictions On Sale, Rental, Gift Or Other Transfer.**

(a) It shall be unlawful for any dealer to sell, lend, rent, give or otherwise transfer an air gun to any person under the age of 18 years where the dealer knows or has reasonable cause to believe the person to be under 18 years of age or where the dealer has failed to make reasonable inquiry relative to the age of such person and such person is under 18 years of age.

(b) It shall be unlawful for any person to sell, lend, rent, give or otherwise transfer any air gun to any person under 18 years of age, except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person and the person under 18 years of age. (Sec. 13-27.2 R.O. 1957)

**Sec. 13-27.3. Restrictions On Use.**

(a) It shall be unlawful for any person under 18 years of age to carry any air gun on the street, alleys, public roads, or public lands unless accompanied by an adult; provided, that said person under 18 years of age not so accompanied may carry such air gun unloaded or in a suitable case or securely wrapped.

(b) It shall be unlawful for any person to discharge any air gun from or across any street, sidewalk, alley, or public land, or any public place except on a properly constructed target range.

(c) It shall be unlawful for any person to discharge any air gun on any private parcel of land or residence in such a manner that the pellet or B.B. shot may reasonably be expected to traverse any ground or space outside the limits of such parcel of land or residence or in such a manner that persons or property may be endangered; provided, that nothing in this Article shall be deemed to prevent any person who has obtained a hunting license pursuant to Chapter 21, Revised Laws of Hawaii 1955, from engaging in hunting in accordance with law.

(d) It shall be unlawful for any person to discharge any air gun in such a manner or under such circumstances that persons or property may be endangered. (Sec. 13-27.3 R.O. 1957)

**Sec. 13-27.4. Exception.**

Notwithstanding any provision herein to the contrary, it shall be lawful for any person under 18 years of age to have in his possession any gun if it is:

(a) Kept within his domicile.

(b) Used by a person under 18 years of age, who is a duly enrolled member of any club, team or society organized for education or training purposes and maintaining as a part of its facilities or having written permission to use an indoor or outdoor target range, when the air gun is used at such target range under the supervision, guidance, and instruction of a responsible adult.

(c) Used in or on any private parcel of land or residence under circumstances in which the air gun can be fired, discharged or operated in such a manner as not to endanger persons or property and in such manner as to prevent the pellet or B.B. shot from traversing any grounds or space outside the limits of such parcel of land or residence.

(d) Used in hunting or going to or from the place of hunting in accordance with law by the person under 18 years of age, who has obtained a hunting license pursuant to Chapter 21, Revised Laws of Hawaii 1955, or who is accompanied by an adult who has obtained such hunting license. (Sec. 13-27.4 R.O. 1957)

**Sec. 13-27.5. Seizure, Forfeiture And Auction Of Air Guns.**

Am. 4/29/69  
Ord. 2442

Any police officer who arrests any person for possessing, using, selling, lending, renting, giving or transferring an air gun in violation of any provision of this Article shall seize such air gun. Upon conviction of such person the air gun so seized shall be forfeited to the City. All air guns so forfeited shall be turned over to the Purchasing Agent of the City. He shall sell the same at public auction once annually, at such time and place as he may designate. Notice of public auction shall be published in a newspaper of general circulation once, not less than 20 days before such auction. The proceeds from all such sales shall be paid into the General Fund. (Sec. 13-27.5 R.O. 1957)

**Sec. 13-27.6. Penalty.**

Any person violating any provision of this Article shall, upon conviction, be punished by a fine not exceeding \$500 or imprisonment for a period not exceeding one year, or both. (Sec. 13-27.6 R.O. 1957)

**Article 28. Swimming Pools.****Sec. 13-28.1. Public Purpose.**

It is hereby found, declared and determined that the maintenance of swimming pools and other similar pools without precautionary measures constitutes a serious public hazard, particularly to children. (Sec. 13-28.1 R.O. 1957)

**Sec. 13-28.2. Fences And Other Protective Devices.**

(a) Every person in possession of land, either as owner, lessee, tenant or licensee, upon which is situated a swimming, dipping or wading pool which contains water 18 inches or more in depth at any point shall erect and maintain thereon a fence, wall or other enclosure completely surrounding such pool or the property on which the pool is situated, sufficient to make the pool inaccessible to small children; provided that a dwelling or other building which may serve as a barrier, may be used as a part of such enclosure. Such fence, wall or other enclosure, including gates, shall be at least four and one-half feet high.

(b) All gates or doors must be equipped with a self-latching device capable of keeping such gate or door securely closed, with latches placed at least four feet above ground or otherwise made inaccessible from the outside to small children; provided that the door of any dwelling forming any part of the enclosures hereinabove required need not be so equipped.

(c) In lieu of maintaining such fence, wall or other enclosure,

said person may provide a competent person to keep the pool under observation at all times while water is kept in the pool; and when the pool is not under the observation of a competent person, a pool cover or other protective device approved by the Building Superintendent capable of preventing small children from falling into the water, shall be provided. (Sec. 13-28.3 R.O. 1957)

#### Sec. 13-28.3. New Construction.

No building permit to construct a swimming, dipping or wading pool covered by this Article shall be issued unless provision is made for a fence, wall or other enclosure or, in the alternative, a pool cover or similar protective device, as required by this Article. (Sec. 13-28.3 R.O. 1957)

#### Sec. 13-28.4. Modifications.

(a) Upon a showing of good cause the Building Superintendent may:

(1) Make modifications in individual cases with respect to the height, nature or location of the fence, wall or other enclosure, gates, doors or latches required by this Article, or

(2) Permit the use of protective devices or structures other than, and in lieu of, those specified in this Article; provided that in any case the degree of protection afforded by the modifications or substitute devices, or terrain or structures is not less than the protection afforded by the fence, wall or other enclosure, gate, door, latch, pool cover or protective device, as the case may be, described in Section 13-28.2.

(b) Upon a showing of good cause the Building Superintendent may grant extensions of time for compliance. Such extensions shall not exceed 30 days at a time. (Sec. 13-28.4 R.O. 1957)

#### Sec. 13-28.5. Exception.

The provisions of this Article shall not apply to any swimming, dipping or wading pool on the premises of a hotel. A "hotel" is any building containing more than 20 rooms intended or designed to be used or which are used for sleeping purposes by guests, but does not include any apartment house as defined in the Building Code. (Sec. 13-28.5 R.O. 1957)

#### Sec. 13-28.6. Penalty.

Any person violating any provision of this Article shall, upon conviction, be punished by a fine not exceeding \$500 or by imprisonment not exceeding 30 days, or both. (Sec. 13-28.6 R.O. 1957)

Article 29. Watersheds, Reservoirs, Etc.

Sec. 13-29.1. Unlawful To Trespass Upon Watershed, Etc.

It shall be unlawful for any person to be upon or about any public property used as a water reservoir site or watershed for collecting waters for public consumption, or upon or about any water-head, water ditch intake or water springs used for any public water system, or upon or about any water, reservoir, water head, water ditch-intake or water springs, without a written permit from the Manager of the Board of Water Supply; provided, that this Section shall not apply to any public highway running through said watersheds. (Ord. 1697)

Sec. 13-29.2. Unlawful To Damage Reservoirs, Etc.

It shall be unlawful for any person to damage, destroy or interfere, in any manner whatsoever, with the public water reservoirs, pipe lines leading thereto or therefrom, ditches leading thereto or therefrom, ditch-intakes or other works for the collecting and disposing of water in or for the public water systems of the City. (Ord. 1697)

Sec. 13-29.3. Power To Arrest.

Any officer or employee of the Board of Water Supply may enforce the provisions of Sections 13-29.1 and 13-29.2, by arresting or causing to be arrested offenders thereunder. (Ord. 1697)

Sec. 13-29.4. Penalty.

Any person violating any provisions of this Article shall, upon conviction, be punished by a fine not less than \$10.00 nor more than \$600 or by imprisonment for not less than 10 days nor more than six months, or by both such fine and imprisonment. (Ord. 1697)

Am. 3/30/62  
 Ord. 2136 - Adding Article 30. Abandoned Ice-boxes & Refrigerators. Am. 8/2/62 Ord. 2391 - Sec. 13-30.1 of Article 30

Am. 11/21/62  
 Ord. 2270 - Adding Article 31. Regulation of Dogs.

Am. 1/7/63  
 Ord. 2289 - Adding Article 32. Regulating Use of Chemical Substances Containing Volatile Organic Solvents.  
 Am. 4/11/70  
 Ord. 3535

Am. 6/24/64  
 Ord. 2461 - Adding Article 34. License Fees for Motor Vehicle Dealers & Salesmen.

Am. 4/4/65 Adding Article 35. Structures, On,  
Ord. 2605 Above, or Below a Public Sidewalk.

Am. 12/9/65  
Ord. 2731 - Adding Article 36. Solicitation of  
Funds on Public Streets.

Am. 3/30/67  
Ord. 2955 Adding Article 37. Palmistry.

Am. 10/19/67  
Ord. 3075 - Adding Article 38. Tree Trimming.

Am. 12/1/67  
Ord. 3090 - Adding Article 39. Motor Vehicle  
Operators' & Chauffeurs' Licenses.

Am. 5/15/68  
Ord. 3175 - Amending Sec. 13-39.2

Am. 8/21/69  
Ord. 3447 - Adding Article 30.

Am. 5/13/70  
Ord. 3549 - Adding Article 43. Aerial  
Advertising.

Am. 10/28/70  
Ord. 3623 - Disposal of weeds, garbage,  
trash & waste from property.

Am. 1/28/71  
Ord. 3684 Adding Article 41. Control of  
& Evacuation from Disaster Areas During  
Potential Disasters.

Am. 9/9/71  
Ord. 3793 - Amending Article 43.

Am. 9/15/71 - Article \_\_\_\_\_, Bicycles.  
Ord. 3798

CHAPTER 14. (Reserved)

CHAPTER 15.  
TRAFFIC CODE.

Am. 3/4/65  
Ord. 2579

**Article 1. Traffic Regulation.**

**Sec. 15-1.1 Traffic Code.**

The Traffic Code of the City and County of Honolulu (Ord. 1508), as amended, is by reference incorporated herein and made a part hereof.

Amend Ord. 3331 - Amended Ord. 3331

Am. Ord. 3331 - Ord. 3331

To amend Chapter 16 -  
Adopt 1967, v. 1 ed. of Uniform Building  
Code with amendments

Article 1. Adoption ---  
Sec. 16-1.1--(Amendments) The Uniform  
Building Code.

Article 2. Relocation of Buildings

Article 3. For Vendors' Stands

Article 4. Fallout Shelters

Article 5. Tatched Material on Exterior  
of Building; Protection Against  
Exposure Fire

Article 6. Regulating Building Height and  
Other Additional Provisions to  
the Building Code

ORDINANCE NO. 2402  
(BILL NO. 138, 1963)

AN ORDINANCE TO AMEND CHAPTER 16 OF THE R.O. 1961, ENTITLED "BUILDING CODE," BY AMENDING SECTION 16-1.1 THEREOF, RELATING TO THE ADOPTION OF THE UNIFORM BUILDING CODE, BY AMENDING THE FIRST PARAGRAPH AND ITEMS (5), (6), (13), (14), (17), (24), (25), (26), (27), (28), (35), (36), (37), (40), (45), (46), (48), (49), (50A), (53), (54), (60), (62), (68B), (69), and (70), BY ADDING NEW ITEMS (19), (23), (25A), (26A), (27A), (28A), (28C), (29B), (30A), (31), (40A), (44A), (44B), (45A), (45B), (46A), (46B), (49A), (49B), (51), (51A), (52A), (52A), (52B), (52C), (54A), (60A), (60B), (60C), (60D), (60E), (61), (61A), (61B), (62A), (62C), (62D), (62E), (63A), (64A), (65A), (65B), (66A), (67A), and (73A). BY REPEALING ITEMS (15), (23), (32), (33), (38), and (51) AND BY REDESIGNATING ITEMS (16) to (15), (17) to (16), (18) to (17), (19) to (18), (28A), to (28B), (30A), to (32), (31) to (33), (39) to (38), (40) to (39), (60A) to (61A), (61) to (61C) and (62A) to (62B); and PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

To secure such permit, approval must also be obtained from the Chief of the Fire Department. Such permits for tents and similar structures shall be limited to a period of not more than thirty (30) consecutive days and may be cancelled for cause by the Building Official at any time before expiration of the time stated in the permit. Upon such cancellation or upon the expiration of the time stated therein, the structure or structures shall be promptly removed. No permit shall be required for temporary tents or other coverings used for private family parties or for camping."

4. By amending item (13) thereof by adding thereto the following:

"Section 403 as amended is further amended by adding the following paragraph after the definition of 'BAY WINDOW.

'BOILER is a device for vaporizing water at a pressure over 15 pounds per square inch, gauge.' "

Am. 9/24/71

Ord. 3800 - Adopts 1970 ed., vol. 1

Am. 10/3/68

Ord. 3251 - Adopts 1967 ed., vol. 1.

Am. 9/20/63

Ord. 2402

Adopts 1961 ed.; vol. 1  
& includes many amendments

### CHAPTER 16.

### BUILDING CODE.

## Article 1. Adoption Of The Uniform Building Code By Ordinance No. 1704 And Amendments Thereto.

§ 16-1.1. The Uniform Building Code.

Am. 6/20/62

Ord. 2186 - Incorporating Ord. No. 2022 Sec. 16-2.62 (b)."

## Article 2. (Reserved)

## Article 3. Regulating Building Area, Spacing Requirements And Other Additional Provisions To The Building Code.

- § 16-3.1. Building Area And Spacing Requirements.
- § 16-3.2. Restriction Of Building On Interior Lots.
- § 16-3.3. Dwelling, Accessory Buildings And Servants' Quarters, Definitions And Uses Of.
- § 16-3.4. Height Restrictions.
- § 16-3.5. Construction Of Private Garages Near Street Corners.
- § 16-3.6. Governing Law In Cases Of Conflict.
- § 16-3.7. Variances.
- § 16-3.8. Penalty.

Am. 1/24/62

Ord. 2098 - Continental seating. Adding new paragraph (62A) Amending Sec. 3313 (a.)

Am. 4/6/62

Ord. 2188 - Article 5. Fallout shelters

Am. 8/30/62

Ord. 1227 - Article 6. Lei Vendors' stands

Am. 7/20/66

Ord. 2880 - Article 7. Relocation of Buildings.

Am. 10/19/66

Ord. 2872 - Amending Article 7.

Am. 4/27/67  
Ord. 2768 - adding (#2A) - exception to Sec. 1503.

§ 16-1.1 (1). REVISED ORDINANCES OF HONOLULU § 16-1.1 (3).

Am. 6/20/63  
Ord. 2402  
adopts  
1961 ed.  
vol. 1

**Article 1. Adoption Of The Uniform Building Code.**

**Sec. 16-1.1. The Uniform Building Code.**

The "Uniform Building Code, 1958 Edition, Volurighted and published in 1958 by the International Building Officials, 610 South Broadway, Los Angeles is by reference incorporated herein and made a part her the following amendments. (Ord. 1704)

(1) Amending Section 104.

"Sec. 104. (a) General. Buildings or structures to which additions, alterations, or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this Section, provided nevertheless, that when any portion of a building is cut or altered by necessity because of taking for public use, through condemnation proceedings or otherwise, it shall be lawful to repair the remaining portion with the same class of materials as had been previously used therein, provided, however, that such repairs shall serve only to make the remaining portion of the building whole and not to add thereto." (Sec. 16-2.1 R.O. 1957)

(2) Amending Section 203.

"Sec. 203. Nothing contained herein shall be construed to limit or restrict the building official from instituting, on behalf of the city, any other legal or equitable proceedings, in addition to those specified herein, to obtain compliance with the notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof." (Ord. 1803)

(3) Adding A New Section, 204.

"Sec. 204. Variances. The City Council shall have the power to grant variances from the strict application, operation or enforcement of any provision of this Code to an applicant for a building permit, when it finds (1) that the strict application, operation or enforcement thereof would result in practical difficulty or unnecessary hardship, and (2) where the granting of a variance would not be injurious to the adjoining lots and the buildings thereon, would not create additional fire hazards, and would not be contrary to the purpose of this Code and the public interest. In making its determination, the City Council shall take into account character, use, and type of occupancy and construction of adjoining buildings, buildings on adjoining lots and the building involved. In granting a variance, the City Council may prescribe any conditions that it may deem necessary and desirable.

"All requests for variances shall be submitted, in writing, to the Building Official, who shall attach his report and recommendation to each particular request and shall thereafter forward the

Am. 2571  
Ord. 245765  
Adding new items: (4A, 45C, 46A, 46B, 46C, 46D, Amending Uniform Building Code, 1961 ed.

Rep. 10/10/66  
Ord. 2867  
Adding Sec. 204.  
Bd. of Appeals

Am. 4/27/69  
Ord. 2968 - adding (42A) - exception to Sec. 1503.

§ 16-1.1 (1). REVISED ORDINANCES OF HONOLULU § 16-1.1 (3).

Am. 6/20/63  
Ord. 2402  
adopts  
1961 ed.,  
vol. 1  
**Article 1. Adoption Of The Uniform Building Code.**

**Sec. 16-1.1. The Uniform Building Code.**

The "Uniform Building Code, 1958 Edition, Volume I" as copyrighted and published in 1958 by the International Conference of Building Officials, 610 South Broadway, Los Angeles 14, California, is by reference incorporated herein and made a part hereof, subject to the following amendments. (Ord. 1704)

(1) Amending Section 104.

"Sec. 104. (a) General. Buildings or structures to which additions, alterations, or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this Section, provided nevertheless, that when any portion of a building is cut or altered by necessity because of taking for public use, through condemnation proceedings or otherwise, it shall be lawful to repair the remaining portion with the same class of materials as had been previously used therein, provided, however, that such repairs shall serve only to make the remaining portion of the building whole and not to add thereto." (Sec. 16-2.1 R.O. 1957)

(2) Amending Section 203.

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Rep. 10/10/66  
Ord. 2867  
Adding  
Sec. 204.  
Bd. of Appeals  
"Sec. 204. Variances. The City Council shall have the power to grant variances from the strict application, operation or enforcement of any provision of this Code to an applicant for a building permit, when it finds (1) that the strict application, operation or enforcement thereof would result in practical difficulty or unnecessary hardship, and (2) where the granting of a variance would not be injurious to the adjoining lots and the buildings thereon, would not create additional fire hazards, and would not be contrary to the purpose of this Code and the public interest. In making its determination, the City Council shall take into account character, use, and type of occupancy and construction of adjoining buildings, buildings on adjoining lots and the building involved. In granting a variance, the City Council may prescribe any conditions that it may deem necessary and desirable.

"All requests for variances shall be submitted, in writing, to the Building Official, who shall attach his report and recommendation to each particular request and shall thereafter forward the

same to the City Council for its determination. If the request relates to matters under the jurisdiction of other government departments or agencies, the report and recommendation of such departments or agencies shall also be attached thereto before forwarding the same to the City Council." (Sec. 16-2.2 R.O. 1957; Am. Ord. 1646)

(4) Amending Section 205.

"Section 205. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done, contrary to or in violation of any of the provisions of this Code.

"Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$300, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

"The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance." (Sec. 16-2.3 R.O. 1957)

(5) Amending Section 206.

"Section 206. Any provisions of this Code to the contrary notwithstanding, the following shall be at all times in full force and effect, and in case of conflicting requirements, the stricter shall be complied with:

'Public Health Regulations, Department of Health, State of Hawaii';

'Rules and Regulations of the Fire Marshal, State of Hawaii';

'Act 182, Session Laws of Hawaii 1945, Airport Zoning Act,' and all rules and regulations adopted pursuant thereto by the Airport Zoning Board;

'Rules and Regulations governing Water Service to Consumers' (Board of Water Supply);

'Rules and Regulations of the Board of Water Supply covering Water and Water System Requirements for Subdivisions in the City of Honolulu;

'Subdivision Rules and Regulations of the City Planning Commission of the City and County of Honolulu;

Zoning Resolutions promulgated and lawfully adopted by the City Planning Commission of the City and County of Honolulu;

Zoning Ordinances lawfully adopted by the Mayor and City Council of the City and County of Honolulu;

'Revised Laws of Hawaii 1955,' as amended;

'Electrical Code of the City and County of Honolulu';  
'Plumbing Code of the City and County of Honolulu';  
'Elevator Code of the City and County of Honolulu';  
'Gas Code of the City and County of Honolulu'.  
(Sec. 16-2.4 R.O. 1957)

(6) Amending Section 301 (a).

"Sec. 301. (a) Permits Required. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the City, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official." (Sec. 16-2.5 R.O. 1957; Am. Ord. 1919)

(7) Amending Section 301 (c).

"(c) Plans and Specifications. With each application for a building permit, three sets of plans and specifications shall be submitted, one of which shall be submitted to and left with the Board of Health.

"All plans and specifications relating to work which affects the public safety or health and for which a building permit is required shall be prepared, designed or approved by a duly registered professional engineer or architect as required by Chapter 166 of the Revised Laws of Hawaii, 1955." (Sec. 16-2.6 R.O. 1957; Am. Ord. 1704)

(8) Amending Section 302(a)

Section 302(a) is amended by amending the first and second paragraphs thereof to read as follows:

"Sec. 302. (a) Issuance. The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Official. Such plans shall be reviewed by other departments of the City and the State to check compliance with laws and ordinances under their jurisdiction. If the work described in an application for permit and the plans filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and the fee specified in Section 303 (a) has been paid, the Building Official shall issue a permit therefor to the applicant; provided, however, that no permit shall be granted for the erection, construction or moving of more than one housing accommodation (as defined by Sec. 14-1.2) on each vacant lot in areas determined and declared by resolution passed upon one reading by the City Council or the Board of Water Supply, as the case may be, to lack a sufficient water supply for domestic use, fire protection and/or sanitation.

"When the Building Official issues the permit, he shall endorse in writing or stamp on the plans and specifications

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'APPROVED.' Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans." (Sec. 16-2.7 R.O. 1957; Am. Ord. 1704)

(9) Amending Section 302(d).

"(d) Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 90 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 90 days, provided, however, in the event of strikes or other causes beyond the control of the building contractor or owner, the Building Official may, in writing, extend the 90 days for such periods of time as he deems necessary.

"Where a permit expires, before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year." (Sec. 16-2.8 R.O. 1957)

(10) Amending Section 303.

Section 303 is amended by deleting paragraph (b) thereof. A new paragraph (b) is added to read as follows:

"(b) Refund of Fees. (1) Building Official shall refund an amount equal to 50% of the permit fee paid under the provisions of this Code where a permittee, due to a material change in circumstances or financial difficulties, is unable to commence work authorized by the permit issued therefor; provided that written application for refund shall be made on forms furnished by the Building Official not later than 15 days from the expiration date of such permit; and provided further that where the Building Official has extended the expiration date of the original permit pursuant to Section 302(d), application for refund shall be made not later than 15 days after the new expiration date.

"Notwithstanding the foregoing provisions, no refund shall be made in any case where a new permit has been obtained under the provisions of Section 302(d), for the purpose of recommencing the same work.

"All permits upon which refunds have been made in accordance with the foregoing provisions shall thereafter be null and void.

§ 16-1.1 (10). REVISED ORDINANCES OF HONOLULU § 16-1.1 (11).

“(2) Where more than one permit have been erroneously procured by the permittee and/or his agent for the same construction or work, the Building Official shall approve one permit and refund the total amount of fees paid for the other permits upon the surrender thereof; provided that no refund shall be made on any permit which has been surrendered after 90 days from the date of issuance of such permit.”

TABLE NO. 3-A on page 27 is amended to read as follows:

“TABLE NO. 3-A. FEES FOR PERMITS. The fees for the issuance of building permits shall be computed in accordance with the following schedule:

TOTAL ESTIMATED VALUATION OF WORK	FEE TO BE CHARGED
From \$.01 to \$500.00	\$3.00
From \$500.01 to \$1,000.00	\$1.00, plus 50¢ per \$100.00 or fraction thereof of the total estimated valuation of work
From \$1,000.01 to \$20,000.00	\$3.00, plus 30¢ per \$100.00 or fraction thereof of the total estimated valuation of work
From \$20,000.01 to \$50,000.00	\$25.00, plus \$2.00 per \$1,000.00 or fraction thereof of the total estimated valuation of work
From \$50,000.01 to \$100,000.00	\$50.00, plus \$1.50 per \$1,000.00 or fraction thereof of the total estimated valuation of work
From \$100,000.01 to \$500,000.00	\$100.00, plus \$1.00 per \$1,000.00 or fraction thereof of the total estimated valuation of work
From \$500,000.01 and above	\$350.00, plus 50¢ per \$1,000.00 or fraction thereof of the total estimated valuation of work”

(Sec. 16-2.9 R.O. 1957; Am. Ord. 1692)

(11) Amending Section 304.

“Sec. 304. Superintendent’s right to enter buildings. The superintendent of buildings, so far as may be necessary for the performance of his duties, shall have the right to enter upon and inspect, at any reasonable time, any new or unoccupied building or structure under construction, repair, alteration or removal, or

any building or structure alleged to be unsafe." (Sec. 16-2.10 R.O. 1957)

(12) Amending Section 402.

The fourth paragraph of Section 402 is amended to read as follows:

"APARTMENT is a portion of a building consisting of a room or suite of rooms with complete living facilities, such as space for sleeping, recreation, cooking and sanitary facilities, and which is to be occupied or which is intended or designed to be occupied by one family."

The fifth paragraph of Section 402 is amended to read as follows:

"APARTMENT HOUSE is a building or portion thereof consisting of three or more apartments and designed for occupancy by three or more families living independently of each other."

The sixth paragraph of Section 402 is amended to read as follows:

"APPROVED as to materials, devices and types of construction, refers to the approval by the Building Official as a result of investigation and tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations, or by other authorities designated by law to give approval on the matter in question." (Sec. 16-2.11 R.O. 1957)

(13) Amending Section 403.

The second paragraph of Section 403 is amended to read as follows:

"BASEMENT is that portion of a building between a floor and ceiling, which is partly below and partly above the average of the finished ground level adjacent to that portion of a building, but so located that the vertical distance from said average of the finished ground level to that floor is less than the vertical distance from said average of the finished ground level to that ceiling. (But also see 'Story')"

The fourth paragraph of Section 403 is amended to read as follows:

"BUILDING. A building is any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

"The term shall include, without limiting the generality of the foregoing, any structure mounted on wheels or otherwise, such as a trailer, wagon or powered vehicle, which is parked and stationary and used for business or living purposes, pro-

§ 16-1.1 (14). REVISED ORDINANCES OF HONOLULU § 16-1.1 (17).

vided, however, that the term shall not include a mobile trailer, push cart, wagon, or powered vehicle which is used exclusively for the purpose of selling any commercial products and which actually travels on public or private streets."

The last paragraph of Section 403 is amended to read as follows:

"BUILDING OFFICIALS shall mean the Building Superintendent of the City and County of Honolulu or his authorized deputy." (Sec. 16-2.12 R.O. 1957)

(14) Amending Section 404.

The second paragraph of Section 404 is amended to read as follows:

"CELLAR is that portion of a building between a floor and ceiling which is wholly or partly below the average of the finished ground level adjacent to that portion of a building, and so located that the vertical distance from said average of the finished ground level to that floor is equal to or greater than the vertical distance from said average of the finished ground level to that ceiling. (But also see 'Story')"

The fourth paragraph of Section 404 is deleted.

After the third paragraph of Section 404, there shall be added the following two paragraphs:

"CITY shall mean the City and County of Honolulu.

"CITY COUNCIL shall mean the City Council of the City. (Sec. 16-2.13 R.O. 1957; Am. Ord. 1704)

(15) Amending Section 405.

Section 405 is amended by adding the following paragraph:

"DAY-CARE CENTER is any building or portion thereof for the care, training or recreation of persons up to kindergarten age, provided that it may include older persons who are mentally or physically handicapped. Kindergarten age shall mean five years old (average). Nursery shall mean the same as day-care center." (Sec. 16-2.14 R.O. 1957)

(16) Amending Section 406.

Section 406 is amended by adding the following before "Existing Building":

"Sec. 406. EAVE is the projecting edge of a roof more than twelve inches (12") beyond the wall line." (Sec. 16-2.15 R.O. 1957)

(17) Amending Section 407.

Section 407 is amended by adding the following paragraph before "Family":

“Sec. 407. FACTORY shall include, but not be limited to sugar mills and canneries.” (Sec. 16-2.16 R.O. 1957)

(18) Amending Section 408.

The fourth paragraph of Section 408 is amended to read as follows:

“GRADE (Ground Level). The grade of a building is the average of the finished ground level adjacent to the exterior walls of the building, and the grade of any portion of a building is the average of the finished ground level adjacent to that portion of the building, provided that if at any point the ground level is above the ceiling, the ground level at that point shall be deemed to be at the ceiling level and if said ground level at any point is below the floor level, the ground level at that point shall be deemed to be at the floor level, provided further that if walls are parallel to and within five feet (5') of a sidewalk, the ground level for these walls shall be measured at the sidewalk.” (Sec. 16-2.17 R.O. 1957)

(19) Amending Section 409.

The second paragraph of Section 409 is amended to read as follows:

“HOTEL is any building containing more than twenty (20) rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.” (Sec. 16-2.18 R.O. 1957)

(20) Amending Section 412.

“Sec. 412. KINDERGARTEN is any building or portion thereof for the physical, mental or manual training of persons between nursery and first grade age, provided that it may include older persons who are mentally or physically handicapped. Kindergarten age shall mean five years old (average). Nursery age shall mean up through four years old (average), and first grade age shall mean six years old (average).” (Sec. 16-2.19 R.O. 1957)

(21) Amending Section 413.

Section 413 is amended by adding the following paragraph:

“LODGING HOUSE is any building containing more than five (5), but less than twenty-one (21) rooms, intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.” (Sec. 16-2.20 R.O. 1957)

(22) Amending Section 414.

The first paragraph of Section 414 is amended to read as follows:

§ 16-1.1 (23). REVISED ORDINANCES OF HONOLULU § 16-1.1 (26).

“Sec. 414. MARQUEE is a permanent roofed structure attached to and supported by the building and projecting over sidewalk areas. Marquees are regulated in Chapter 45.” (Sec. 16-2.21 R.O. 1957)

(23) Amending Section 415.

“Sec. 415. NURSERY, see ‘Day-Care Center.’” (Sec. 16-2.22 R.O. 1957)

(24) Amending Section 420.

Section 420 is amended by adding the following paragraph:

“SCHOOL is any building or portion thereof for the physical, mental or manual training of persons of school age for more than four hours a week and ten or more persons, provided that it shall not include, without limiting the generality of the foregoing, nurseries, day-care centers and kindergartens. School age shall mean six years or older.”

After the fourth paragraph of Section 420, the following paragraph shall be added:

“STATE shall mean the State of Hawaii.”

The fifth paragraph entitled “Story,” of Section 420 is amended to read as follows:

“STORY is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above, provided that if the finished floor level directly above a basement or cellar is more than six feet (6’) above the average of the finished ground level of such basement or cellar, such basement or cellar shall be deemed the first story.” (Sec. 16-2.23 R.O. 1957)

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(25) Amending Section 422.

“Sec. 422. U.B.C. STANDARDS is the 1958 Edition of the ‘Uniform Building Code Standards’, also known as ‘volume III’ of the Uniform Building Code, provided, however, that any provision in this code to the contrary notwithstanding, any reference to U.B.C. STANDARDS in this Code shall not be deemed to be mandatory, that U.B.C. STANDARDS shall be considered only as guide. The Building Official of the City shall have the power to approve other recognized like standards in place of the U.B.C. STANDARDS when in his discretion the situation warrants such substitution.” (Sec. 16-2.24 R.O. 1957; Am. Ord. 1704)

(26) Amending Section 504 (a).

Section 504(a) is amended by amending the first and second paragraphs thereof to read as follows:

“(a) General. Buildings shall adjoin a public space, yard, or street on not less than one side. Required yards shall be permanently maintained.

“For the purpose of this section, the center line of an adjoining street or alley shall be considered an adjacent property line, and the center line of an adjoining private right of way shall be considered an adjacent property line if the applicant for a permit has an interest therein.” (Sec. 16-2.25 R.O. 1957; Am. Ord. 1704)

(27) Amending Section 506 (e).

Section 506(e) is amended by adding a third paragraph there-to to read as follows:

“The area of sugar mills, canneries and warehouses in Group G occupancy, with Type IV construction, if the building is provided with standpipes as required in Chapter 38, and entirely surrounded by public space, streets or yards not less than thirty feet (30’) in width, may be increased to a maximum of two hundred thousand square feet (200,000 sq. ft).”

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TABLE NO. 5-A on page 40, under “Group C” the “Description of Occupancy” is amended to read as follows:

“Any building used for kindergarten or school purposes more than four hours per week, involving assemblage for instruction, education or recreation, and not classed in Group A or Divisions 1 and 2 of Group B, occupancies.”

TABLE NO. 5-A on page 41, under “Group D” Division 2, the “Description of Occupancy” is amended to read as follows:

“2—Day care centers or nurseries. Hospitals, sanitariums, mental sanitariums conforming to Sec. 3319(g), and similar buildings (each accommodating more than five persons).”

TABLE NO. 5-D on page 46 is amended by making the following changes thereto:

“As to OCCUPANCY H, CONSTRUCTION TYPE V, the maximum height in stories allowable under the 1-hour column shall be 2.” (Sec. 16-2.27 R.O. 1957; Am. Ord. 1704)

(28) Amending Section 507.

Section 507 is amended by adding the following after the second paragraph under “Exceptions.”

“3. The height of sugar mills, canneries and warehouses of Group G occupancy with Type IV construction, if the building is provided with an approved fire-extinguishing system throughout, as specified in Chapter 38, may be increased to not over five (5) stories nor more than a total of one hundred twenty-five feet (125’).” (Sec. 16-2.28 R.O. 1957)

§ 16-1.1 (28A). REVISED ORDINANCES OF HONOLULU § 16-1.1 (30A).

(28A) Amending Section 603.

The first paragraph of Section 603 is amended to read:

“Section 603. Buildings housing Group A occupancies shall front directly upon a public street not less than forty feet (40’) in width or upon a yard space not less than forty feet (40’) in width, which will permit safe and unlimited movement of occupants away from such buildings. The main entrance and exit of such buildings shall be located in such front. The main assembly floor shall be located at or near the adjacent ground level.” (Ord. 2035)

(29) Amending Section 605.

The first paragraph of Section 605 is amended to read as follows:

“Sec. 605. All portions of Group A occupancies customarily used by human beings and all dressing rooms shall be provided with light and ventilation by means of windows or skylights with an area not less than one-eighth of the total floor area, one-half of which shall be openable, or shall be provided with artificial light and a mechanically operated ventilating system. The mechanically operated ventilating system shall comply with the requirements of the ‘Public Health Regulations, Department of Health, State of Hawaii.’” (Sec. 16-2.29 R.O. 1957)

(29A) Amending Section 703.

The first paragraph of Section 703 is amended to read:

“Section 703. All buildings housing Group B occupancies shall front directly upon a public street not less than twenty feet (20’) in width or upon a yard space not less than twenty (feet (20’) in width, which will permit safe and unlimited movement of occupants away from such buildings. The main entrance of such buildings shall be located in such front.” (Ord. 2035)

(30) Amending Section 801.

“Sec. 801. Group C occupancies shall be:

“Any building used for kindergarten or school purposes more than four hours per week, involving assemblage for instruction, education, or recreation, and not classed in Group A occupancies or in Divisions 1 and 2 of Group B occupancies.

“For occupancy separations see TABLE NO. 5-B.

“For occupant load see Section 3301.” (Sec. 16-2.30 R.O. 1957)

(30A) Amending Section 803(a).

The first paragraph of Section 803(a) is amended to read:

“Section 803(a). General. All buildings housing Group C

occupancies shall front directly upon a public street not less than twenty feet (20') in width or upon a yard space not less than twenty feet (20') in width, which will permit safe and unlimited movement of occupants away from such buildings. At least one required exit of such buildings shall be located in such front." (Ord. 2035)

(31) Amending Section 805.

"Sec. 805. All portions of Group C occupancies shall be provided with light and ventilation, either natural or artificial, as specified in Section 605.

"For requirements in schools, 'Public Health Regulations, Department of Health, State of Hawaii' shall be complied with.

"For requirements for floors and walls of toilet compartments, see Section 1711." (Sec. 16-2.31 R.O. 1957)

(32) Amending Division 2 of Section 901.

"Division 2. Day-care centers or nurseries (each accommodating more than six persons).

"Hospitals, sanitariums, mental sanitariums conforming to Section 3319(g), and similar buildings (each accommodating more than five persons)." (Sec. 16-2.32 R.O. 1957; Am. Ord. 1704)

(33) Amending Section 1102 (b).

"(b) Special Provisions. Exterior walls of motor vehicle service stations shall be as required in TABLE NO. 5-A, and all remaining construction shall be of incombustible or one-hour fire-resistive construction, including canopies and supports over pumps.

"In storage garages, floors shall be entirely protected against saturation.

"Storage areas in excess of one thousand square feet (1,000 sq. ft.), in connection with wholesale or retail sales, shall be separated from the public areas by a one-hour fire-resistive occupancy separation.

"For attic space partitions and draft stops see Section 3205." (Sec. 16-2.33 R.O. 1957)

(34) Amending Section 1201.

"Sec. 1201. Group G occupancies shall be:

"Ice plants, power plants, pumping plants, cold storage, creameries, sugar mills and canneries.

"Factories and workshops using incombustible and non-explosive materials.

"Storage and sales rooms of incombustible and non-explosive materials.

"For occupancy separation see TABLE NO. 5-B.

§ 16-1.1 (35). REVISED ORDINANCES OF HONOLULU § 16-1.1. (38).

“For occupant load see Section 3301.” (Sec. 16-2.35 R.O. 1957)

(35) Amending Section 1303.

“Sec. 1303. For fire-resistive protection of exterior walls and openings, as determined by location on property, see Section 504 and Part V; provided that openings in exterior walls of Group H occupancies situated in Fire Zone 3 which are ten feet or more but less than twenty feet from the adjacent property line shall only be required to have windows or doors constructed of approved incombustible material. But any glass used for windows and doors shall have a minimum thickness of  $\frac{1}{4}$ ". Such glass shall be of wire-glass, except where the building is so designed to prevent the glass from falling below the story on which it is installed. Nothing contained herein, however, shall constitute a waiver of the requirements of Section 3305(h) of this Code, relating to stairways.” (Ord. 1919)

(36) Amending Section 1304.

Section 1304 is amended by eliminating the whole of the third paragraph thereof and substituting therefor:

“Ventilating openings from guest rooms to public corridors in buildings more than one story in height shall have closing devices with the operating control not more than six feet (6') from the floor.” (Sec. 16-2.36 R.O. 1957)

(37) Amending Section 1305 (a).

“Sec. 1305. (a) Windows. All living rooms, kitchens, and other rooms used for living, eating or sleeping purposes shall be provided with windows with an area not less than twelve square feet (12 sq. ft.) nor one-eighth of the floor area of such rooms. The window area in bathrooms, watercloset compartments, and other similar rooms shall be not less than three square feet (3 sq. ft.), unless adequate mechanical ventilation is provided. Not less than one-half such area shall be openable.

“Required windows shall open on a court, yard, or street either directly or through a porch with a minimum clear height of not less than seven feet (7'). Such porch shall be at least 50 per cent open on at least two sides.

“The width of such courts or yards shall be as required by the ‘Public Health Regulations, Department of Health, State of Hawaii.’”

(38) Amending Section 1305 (c).

“(c) Sanitation. Every building shall be provided with at least one toilet. Every hotel and each subdivision thereof where both sexes are accommodated shall be provided with at least two toilets located in such building, which shall be conspicuously marked, one for each sex.

"One toilet shall be provided for each apartment.

"For requirement for floors and walls of toilet compartment, see Section 1711.

"A kitchen sink shall be installed in every kitchen.

"'Public Health Regulations, Department of Health, State of Hawaii' shall also be complied with." (Sec. 16-2.38 R.O. 1957)

(39) Amending Section 1309.

"Sec. 1309. Existing Buildings.

"(a) Purpose. The purpose of this Section is to provide a reasonable degree of safety to persons living and sleeping in Group H occupancies through providing for alterations to such existing buildings as do not conform with the minimum safety requirements of this Code.

"(b) Scope. The provisions of this Section shall apply exclusively to existing non-conforming Group H occupancies more than two stories in height.

"(c) Effective Date. Eighteen months after the effective date of this Section, every building falling within its scope shall be vacated until made to conform to the requirements of this Section.

"(d) Number of Exits shall be as required by Sec. 3302 (b).

"(e) Stair Construction. All stairs shall have a minimum run of nine inches (9") and a maximum rise of eight inches (8") and a minimum width exclusive of handrails of thirty inches (30"). Every stairway shall have at least one handrail. A landing having a minimum horizontal dimension of thirty inches (30") shall be provided at each point of access to the stairway.

"(f) Interior Stairways. Every interior stairway shall be enclosed with walls of not less than one-hour fire-resistive construction. "Where existing partitions form part of a stairwell enclosure, wood lath and plaster in good condition will be acceptable in lieu of one-hour fire-resistive construction. Doors to such enclosures shall be protected by self-closing Class 'B' fire doors or solid wood doors not less than one and three-eighths inch ( $1\frac{3}{8}$ ") thick. Enclosures shall include landings between flights and any corridors, passageways, or public rooms necessary for continuous exit to the exterior of the building.

"The stairway need not be enclosed in a continuous shaft if cut off at each story by the fire-resistive construction required by this Subsection for stairwell enclosures.

"Enclosures shall not be required if an automatic fire-extinguishing system is provided for all portions of the building except bedrooms, apartments, and rooms accessory thereto.

§ 16-1.1 (40). REVISED ORDINANCES OF HONOLULU § 16-1.1 (40).

“(g) Exterior Stairways. Exterior stairs shall be incombustible or of wood of not less than two-inch (2”) nominal thickness with solid treads and risers.

“(h) Fire Escapes. Fire escapes may be used as one means of egress, if the pitch does not exceed 60 degrees, the width is not less than eighteen inches (18”), the treads are not less than four inches (4”) wide, and they extend to the ground or are provided with counter-balanced stairs reaching to the ground. Access shall be by an opening having a minimum dimension of twenty-nine inches (29”) when open. The sill shall be not more than thirty inches (30”) above the floor and landing.

“(i) Doors and Openings. Exit doors shall swing in the direction of exit travel, shall be self-closing, and shall be openable from the inside without the use of key or any special knowledge or effort. Doors shall not reduce the required width of stairway more than six inches (6”) when open. Transoms, and openings other than doors, from corridors to rooms shall be fixed closed and shall be covered with a minimum of three-fourths-inch ( $\frac{3}{4}$ ”) plywood or shall have closing devices with the operating control not more than six feet (6’) from the floor.

“(j) Exit Signs. Every exit doorway or change of direction of a corridor shall be marked with a well-lighted exit sign having letters at least five inches (5”) high.

“(k) Enclosure of Vertical Openings. Elevators, shafts, ducts, and other vertical openings shall be enclosed as required for stairways in Subsection (f) or by wired glass set in metal frames. Doors shall be incombustible, or as regulated in Subsection (f).

“(l) Separation of Occupancies. Occupancy separations shall be provided as specified in Section 503. Lobbies, and public dining rooms not including cocktail lounges, shall not require a separation if the kitchen is so separated from the dining room. Boiler rooms or heater rooms containing a central heating plant using solid or liquid fuel shall be separated from the rest of the building by a ‘Special Occupancy Separation.’” (Sec. 16-2.39 R.O. 1957; Am. Ord. 1973)

(40) Amending Section 1405 (a).

The second paragraph of Section 1405 (a) is amended to read as follows:

“The window area in bathrooms, water-closet compartments, and other similar rooms shall be not less than three square feet (3 sq. ft.). In lieu of the foregoing requirement a mechanical ventilating system to the outside air may be installed.”

The third paragraph of Section 1405 (a) is deleted. (Sec. 16-2.40 R.O. 1957; Am. Ord. 1704)

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new Section 1410 - Residential Patio Structures.

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(41) Amending Division 2 of Section 1501.

"Division 2. Fences, tanks and towers.

"For occupancy separations see TABLE NO. 5-B.

"For occupant load see Section 3301." (Sec. 16-2.41 R.O. 1957)

Am. 3/21/63  
Ord. 2320

(42) Amending Section 1502.

The first paragraph of Section 1502 is amended to read as follows:

"Sec. 1502. Buildings or parts of buildings classed in Group J because of the use or character of the occupancy shall be one of the Types of Construction as specified in Part V of this Code. Except as otherwise provided in Section 1506 hereinbelow, the floor area shall not exceed one thousand square feet (1,000 sq. ft.). The height shall not exceed one story." (Sec. 16-2.42 R.O. 1957)

Am. 4/27/67  
Ord. 2968 - Adding (42A)

(43) Amending Chapter 15.

Chapter 15 is amended by adding the following two sections thereto:

"Sec. 1506. Greenhouses and lath houses not more than twelve feet (12') in height for the purpose of cultivating plants may be built up to an area of twelve thousand square feet (12,000 sq. ft.) and shall be located at least five feet (5') from interior property lines.

"Sec. 1507. Fences. In the City, except as hereinafter provided, no fence shall be constructed over six feet (6') in height;

"Provided, however, that no barbed wire shall be used for the construction of any fence, except in enclosing premises of any "public utility" as defined in Section 308-1, R.L.H. 1955, or premises used for industrial and noxious industry purposes as defined in Sec. 21-5.3 and 21-5.4, or a zoo for keeping animals and birds for public view or exhibition, in which cases not more than three strands of barbed wire may be used if placed along or above the height of six feet (6') from the ground; provided further, that the provisions of the immediately preceding proviso shall not apply to fences enclosing premises used for pasturing cattle or raising swine;

"Provided, further, that fences no more than thirteen feet (13') in height may be erected to enclose public parks and playgrounds and open spaces, both private and public, which are used as outdoor or drive-in theaters or athletic fields for such sports as football, baseball, field and track meets, horse and automobile races, and the like, which contain no buildings other than bleachers and grandstands. The fences described in

§ 16-1.1 (44). REVISED ORDINANCES OF HONOLULU § 16-1.1 (44).

this proviso shall be placed no nearer than five feet (5') to any boundary line of the property, provided that these fences may be placed up to any said boundary line if constructed of incombustible materials so as to make them in effect a fire wall and if written permission for such placement is obtained from all owners of property located wholly or in part within five feet (5') of the actual site of these fences and if such placement does not bring them within five feet (5') of a public highway or street, and provided further, that one foot (1') may be added to the height of these fences for the first fifteen feet (15') and for each additional ten feet (10') of distance that they are away from the nearest boundary line of the property, and provided further, that so much of the fence enclosing said open spaces as is placed within five feet (5') of the boundary line of the property shall be lowered to a height of six feet (6') when said open spaces are no longer used as said athletic fields or said theaters.

"Provided, further, that no provision of this section shall supersede Section 1311, Revised Ordinances of Honolulu 1942.

"For fences allowed during construction or demolition see Chapter 44." (Sec. 16-2.43 R.O. 1957)

(44) Amending Section 1601 (a).

Section 1601 (a) is amended by deleting the whole of Section 1601 (a) and substituting the following paragraphs therefor:

"Sec. 1601. (a) Fire Limits. The fire limits of the City shall consist of Fire Districts Nos. 1, 2 and 3.

"For purposes of this Code, 'Fire District' shall mean the same as 'Fire Zone'.

"1. Fire District or Fire Zone No. 1 shall include that portion of the City within the following boundaries: commencing at a point on the waterfront where a line 100 feet waikiki from the waikiki property line of Punchbowl Street extended, and parallel to Punchbowl Street, cuts the water's edge; thence mauka and parallel to Punchbowl Street to a point 100 feet mauka of the mauka boundary of Beretania Street; thence ewa and parallel to Beretania Street to a point 100 feet ewa of the ewa property line of River Street; thence parallel to the ewa boundary of River Street to the waterfront; thence along the waterfront to the point of beginning.

"2. Fire District or Fire Zone No. 2 shall include those portions of the City within the following boundaries: commencing at the most southerly corner of Fire District or Fire Zone No. 1 on the waterfront; thence mauka along the waikiki boundary of Fire District or Fire Zone No. 1 to a point 100 feet mauka of the mauka boundary of Ala Moana; thence wai-

Am. 11/28/60  
Ord. 2886

kiki along a line 100 feet mauka and parallel to the mauka boundary of Ala Moana to a point 100 feet waikiki of the waikiki boundary of South Street and 100 feet mauka of the mauka boundary of Ala Moana, this point being on the ewa boundary of Industrial District No. 2; thence makai along a line parallel to the waikiki boundary of South Street to a point on the makai boundary of Ala Moana; thence waikiki along the makai boundary line of Ala Moana to the corner of Fort Armstrong premises; thence makai along the waikiki boundary line of Fort Armstrong to its intersection with the waterfront; thence ewa along the waterfront boundary of Fort Armstrong to a point on the United States bulkhead line; thence mauka along said bulkhead line to its intersection with the waikiki boundary line of Fire District or Fire Zone No. 1 extended; and thence mauka to the point of beginning.

“Again commencing at a point on the makai boundary of Halekauwila Street and 100 feet waikiki of the waikiki boundary of Punchbowl Street; thence mauka along a line parallel to and 100 feet waikiki of the waikiki boundary of Punchbowl Street to a point 100 feet mauka of the mauka boundary of Beretania Street; thence waikiki and parallel to Beretania Street to a point 100 feet waikiki of the waikiki boundary of Alapai Street; thence makai and parallel to Alapai Street to a point 100 feet makai of the makai boundary of King Street; thence ewa and parallel to the makai boundary of King Street to a point 100 feet waikiki of the waikiki boundary of South Street; thence makai along a line parallel to and 100 feet waikiki of the waikiki boundary of South Street to the makai boundary of Halekauwila Street; thence ewa along the makai boundary of Halekauwila Street to the place of beginning.

“Again commencing at a point 100 feet waikiki of the waikiki boundary of Punchbowl Street and 100 feet mauka of the mauka boundary of Beretania Street; thence mauka and parallel to Punchbowl Street to a point 100 feet mauka of the mauka boundary of Vineyard Street; thence ewa parallel to Vineyard Street to a point 100 feet ewa of the ewa boundary of Liliha Street; thence makai parallel to Liliha Street to a point 100 feet mauka of the mauka boundary of King Street; thence ewa parallel to King Street to the center line of Palama Street; thence makai along the center line of Palama Street extended to a point 100 feet makai of the makai boundary of King Street; thence waikiki parallel to King Street to a point 100 feet ewa of the ewa boundary of River Street; thence mauka parallel to River Street to a point 100 feet mauka of the mauka boundary of Beretania Street; thence waikiki parallel to Beretania Street to the point of beginning.

§ 16-1.1 (45). REVISED ORDINANCES OF HONOLULU § 16-1.1 (48).

"Fire District or Fire Zone No. 2 shall also include those areas outside of Fire District or Fire Zone No. 1 which are zoned as business districts.

"3. Fire District or Fire Zone No. 3 shall include all those portions of the City not within Fire District No. 1 or Fire District No. 2." (Sec. 16-2.44 R.O. 1957)

(45) Amending Section 1707.

Section 1707 is amended by deleting the whole of Section 1707. (Sec. 16-2.45 R.O. 1957)

(46) Amending Section 1803 (b) (2).

"2. They are in Fire Zone No. 1 and are less than thirty feet (30') from the opposite side of a public street or public place. The sum of the widths of such openings shall not exceed 50 per cent of the total length of a wall in each story." (Sec. 16-2.47 R.O. 1957)

(47) Amending Section 2103 (a).

Section 2103 (a) is amended by deleting the entire Exception No. 1. Said Section 2103 (a) shall read as follows:

"Sec. 2103. (a) Exterior Walls. In Fire Zone No. 1, exterior walls within twenty feet (20') of a property line shall be of not less than two-hour fire-resistive construction.

"In Fire Zone No. 2, exterior walls within twenty feet (20') of a property line shall be of not less than one-hour fire-resistive construction.

"EXCEPTION: Walls fronting on streets having a width of at least fifty feet (50') in Fire Zone No. 1 and thirty feet (30') in Fire Zone No. 2 may be of unprotected incombustible construction with all structural members fire protected as set forth in TABLE NO. 17-A." (Sec. 16-2.48 R.O. 1957)

(48) Amending Chapter 22.

Chapter 22 is amended by adding the following section thereto:

"Sec. 2205. Exceptions. Any provisions in this Code to the contrary notwithstanding, there shall be the following exceptions to Type V buildings:

"(a) Interior and exterior bearing walls in one-story buildings may be supported on piers.

"(b) For Type V buildings, isolated piers of wood, solid masonry, or concrete may be used for post and girder construction.

"(c) Wood Frame, Type V buildings may be constructed of single wall one inch (1") nominal thickness board walls without studs for one (1) story in height where such has cross partitions at least every thirty feet (30') of

such wall. Two-story frame, Type V buildings may be constructed of single wall for the upper story, but shall be supported by studded walls below. Studding shall be not less than two by four inches (2 x 4") and shall be so braced to amply carry the loads imposed. One-story buildings of double wall construction shall have studding of not less than two by four inches (2 x 4").

"When wood frame dwellings are supported by posts, bracing shall be provided of sufficient strength to stabilize the structure against movement from wind pressure or earthquake shock in any direction. Single wall construction less than one and one-eighth inches (1 1/8") net shall be braced with not less than two by six (2 x 6) belt course or other approved strengthening between the floor and ceiling on all exterior walls." (Sec. 16-2.49 R.O. 1957)

(49) Amending Section 2301.

Section 2301 is amended by adding the following paragraph thereto:

"Appendix Section 2301 should be used as a guide in calculating weights of building materials."

TABLE NO. 23-A on page 92 is amended as follows:

"Item entitled:	
Garages, storage or repair .....	100,
shall read:	
Garages, public storage or repair.....	100.
Item entitled:	
Garages, storage private pleasure cars.....	50,
shall read:	
Garages, private, pleasure cars.....	50.
Item entitled:	
Marquees .....	60,
shall read:	
Marquees .....	50."

(Sec. 16-2.51 R.O. 1957; Am. Ord. 1704)

(50) Amending Section 2305.

The second paragraph of Section 2305 is amended to read as follows:

"Agricultural buildings and greenhouses, but not including lath houses, shall be designed for a vertical live load of not less than ten (10) pounds." (Sec. 16-2.51 R.O. 1957)

(51) Amending Section 2312.

"Sec. 2312. (a) General. Every building or structure and every portion thereof, except Type V buildings of Group 1 occupancy which are less than twenty-five feet (25') in height, and

Am. 3/19/62  
 Ord. 2122  
 Also adding  
 50a

minor accessory buildings, shall be designed and constructed to resist stresses produced by lateral forces as provided in this Section. Stresses shall be calculated as the effect of a force applied horizontally at each floor or roof level above the foundations. The force shall be assumed to come from any horizontal direction.

"All bracing systems both horizontal and vertical shall transmit all forces to the resisting members and shall be of sufficient extent and detail to resist the horizontal forces provided for in this Section and shall be located symmetrically about the center of mass of the building or the building shall be designed for the resulting rotational forces about the vertical axis.

"(b) Horizontal Force Formula. In determining the horizontal force to be resisted, the following formula shall be used:

$$F = CW$$

WHERE

'F' equals the horizontal force in pounds,

'W' equals the total dead load, tributary to the point under consideration.

"EXCEPTIONS: 1. For warehouses, 'W' shall equal the total dead load plus 50 per cent of the vertical design live load tributary to the point under consideration.

"2. For tanks, 'W' shall equal the total dead load plus the total live load.

"TABLE NO. 23-C HORIZONTAL FORCE FACTORS

PART OR PORTION	VALUE OF 'C'*	DIRECTION OF FORCE
Floors, roofs, columns, and bracing in any story of a building or the structure as a whole**	.15 N † † 4 1/2	Any direction horizontally
Exterior bearing and non-bearing walls, interior bearing walls and partitions, interior non-bearing walls and partitions over ten feet (10') in height, masonry fences over six feet (6') in height	.05 With a minimum of five pounds per square foot	Normal to surface of wall

\*The values given 'C' are minimum and should be adopted in locations not subject to frequent seismic disturbances as shown in Zone 1. For the purposes of this Code, the Island of Oahu shall be deemed to be in Earthquake Zone 1, as defined and described by the United States Coast and Geodetic Survey Department.

\*\*Where wind load as set forth in Section 2307 would produce higher stresses, this load shall be used in lieu of the factor shown.

†N is number of stories above the story under consideration, provided that for floors or horizontal bracing, N shall be only the number of stories contributing loads.

PART OR PARTITION	VALUE OF 'C'*	DIRECTION OF FORCE
Cantilever parapet and other cantilever walls, except retaining walls	.25	Normal to surface of wall
Exterior and interior ornamentations and appendages	.25	Any direction horizontally
When connected to or a part of a building: towers, tanks, towers and tanks plus contents, chimneys, smokestacks, and pent-houses	.05	Any direction horizontally
Tanks, elevated tanks, smokestacks, standpipes, and similar structures not supported by a building.	.025	Any direction horizontally

"Machinery or other fixed concentrated loads shall be considered as part of the dead load.

" 'C' equals a numerical constant as shown in Table No. 23-C.

"(c) Foundation Ties. In the design of buildings of Types I, II and III, where the foundations rest on piles or on soil having a safe bearing value of less than 2000 pounds per square foot, the foundations shall be completely interconnected in two directions approximately at right angles to each other. Each such interconnecting member shall be capable of transmitting by both tension and compression at least 10 per cent of the total vertical load carried by the heavier only of the footings or foundations connected. The minimum gross size of each such member if of reinforced concrete shall be twelve inches by twelve inches (12" x 12") and shall be reinforced with not less than the minimum reinforcement specified in Section 2620. If the interconnecting members are of structural steel, they shall be designed as provided in Section 2702, and encased in concrete. A reinforced concrete slab may be used in lieu of interconnecting tie members, providing the slab thickness is not less than one forty-eighths of the clear distance between the connected foundations; also providing the thickness is not less than six inches (6").

"Interconnecting slabs shall be reinforced with not less than eleven-hundredths square inch (.11 sq. in.) of steel per foot of slab in a longitudinal direction and the same amount of steel in a transverse direction. The bottom of such slab shall be not more than twelve inches (12") above the tops of at least 80 per cent of the piers or foundations. The footings and foundations shall be tied to the slab in such a manner as to be restrained in all horizontal directions.

“(d) Plans and Design Data. With each set of plans filed, a brief statement of the following items shall be included:

“1. A summation of the dead and live load of the building, floor by floor, which was used in figuring the shears for which the building is designed.

“2. A brief description of the bracing system used, the manner in which the designer expects such system to act, and a clear statement of any assumptions used. Assumption as to location of all points of counterflexure in members must be stated.

“3. Sample calculation of a typical bent or equivalent.

“(e) Detailed Requirements.

“1. Bonding and Tying. Cornices and ornamental details shall be bonded in the structure so as to form an integral part of it. This applies to the interior as well as to the exterior of the building.

“2. Overturning moment. In no case shall the calculated overturning moment of any building or structure due to the forces provided for in this Section exceed two-thirds of the moment of stability of such building or structure. Moment of stability shall be calculated using the same loads as used in calculating the overturning moment.

“3. Additions. Every addition to an existing building or structure shall be designed and constructed to resist and withstand the forces provided for in this Section, and in any case where an existing building or structure is increased in height all portions thereof affected by such increased height shall be reconstructed to resist and withstand the forces provided for in this Section.

“4. Alterations. No existing building or structure shall be altered or reconstructed in such a manner that the resistance to the forces provided for in this Section will be less than that before such alteration or reconstruction was made; provided, however, that this provision shall not apply to non-bearing partitions, and shall not apply to other minor alterations which are made in a manner satisfactory to the Building Department.

“5. Building Separations. All portions of buildings and structures shall be designed and constructed to act as an integral in resisting lateral forces unless structurally separated by a distance of at least one inch (1”), plus one-half inch ( $\frac{1}{2}$ ”) for each ten feet (10') of height above twenty feet (20').

“The details of sliding fragile joints shall be made satisfactory to the Building Official.

“(f) Lime Mortars. Lime mortars shall not be used in any unit masonry construction forming a part of a building.

“(g) Intention or Interpretation of Lateral Force Provisions. These lateral force requirements are intended to make buildings earthquake-resistive. The provisions of this Section apply to the buildings as a unit and also to all parts thereof, including the structural frame or walls, floor and roof systems, and other structural features.

“The provisions incorporated in this Section are general and, in specific cases, may be interpreted or added to as to detail by rulings of the Building Official in order that the intent shall be fulfilled.” (Sec. 16-2.52 R.O. 1957)

(52) Amending Section 2409 (c).

“(c) Minimum Thickness. Stone masonry walls shall in no case have a minimum thickness of less than fourteen inches (14”).” (Sec. 16-2.53 R.O. 1957)

(53) Amending Section 2507 (12) (c).

“(c) Walls Without Studs. Detached one-story buildings of Group J occupancy may have exterior walls framed without studs when of vertical two-inch (2”) or thicker planks, or when having a total floor area of not more than one thousand square feet (1,000 sq. ft.) may be of vertical one-inch (1”) boards and battens.” (Sec. 16-2.54 R.O. 1957)

(54) Amending Section 2507 (12) (e).

The first paragraph of section 2507 (12) (e) is amended to read as follows:

“(e) Interior Partitions. Interior partitions shall be constructed, framed, and firestopped as specified for exterior walls, except that interior non-bearing partitions may have a single top plate. In Group I occupancies, single board construction may be used in accordance with Section 2205 (c), and also non-bearing partitions of two-inch by three-inch (2” x 3”) studs spaced sixteen inches (16”) on center may be used.” (Sec. 16-2.55 R.O. 1957)

(55) Amending Section 2514 (b).

“(b) Heavy Timber Floors. Heavy timber constructed floors shall be not less than three inches (3”) nominal splined or tongued and grooved plank or may be of laminated slab construction conforming to the provisions of Section 2514 (d).” (Sec. 16-2.56 R.O. 1957)

(56) Amending Section 2516.

The second paragraph of Section 2516 (a) is amended to read as follows:

“Minimum clearance between bottom of floor joists or bot-

§ 16-1.1 (57). REVISED ORDINANCES OF HONOLULU § 16-1.1 (60).

tom of floors without joists and the ground beneath shall be twenty inches (20")."

Section 2516 is further amended by deleting paragraph (c) thereof relating to additional termite and fungus precautions. (Sec. 16-2.57 R.O. 1957)

(57) Amending Section 2806 (a).

The first paragraph of Section 2806 (a) is amended to read as follows:

"Sec. 2806. (a) Footings and Foundations. Footings shall be designed to minimize differential settlement. Mortar used in foundation walls and footings shall be as specified in Section 2403 (s)." (Sec. 26-2.58 R.O. 1957; Am. Ord. 1704)

(58) Amending Section 2901.

Section 2901 is amended by adding the following paragraph thereto:

Am. 9/9/65  
Ord. 2687  
(58A)

"(e) The work of this Chapter shall be guided by the standard referred to in Section 6002-A, or other equivalent standard." (Sec. 16-2.59 R.O. 1957)

(59) Amending Section 3203.

Section 3203 is amended by adding the following paragraph (g) thereto:

"(g) Thatched or other like highly inflammable materials used on the exterior of a building shall be protected by manually operated sprinkler heads, with adequate water supply, pipe size and sprinkler head spacing to be in accordance with sprinkler system requirements set forth in U.B.C. Standard 38-1 and approved by the Fire Marshal." (Sec. 16-2.60 R.O. 1957; Am. Ord. 1704)

(60) Amending Section 3302 (b).

"(b) Number of Exits. Not less than two exits shall be provided from buildings or portions thereof housing Group D, E, H and I occupancies having an occupant load of more than 10; or housing Group F occupancies having an occupant load of more than 30; or housing Group A, B, C and G occupancies having an occupant load of more than 50. Group C and D occupancies more than one story in height shall have not less than two remotely located exits from each floor. Provided further, that any Type V construction building of two stories for any Group H or I occupancies with rooms rented so that there are five or more persons on the second floor, shall have not less than two exits so located that no matter in which portion of the building the fire might occur, at least one exit shall be available to any occupant.

"Buildings, or portions thereof, having an occupant load of 500 to 999 shall have not less than three exits.

“Buildings, or portions thereof, having an occupant load of 1000 or more shall have not less than four exits.

“Floor above the first floor, and basements or cellars used for other than service of the building, shall have not less than two exits.

“EXCEPTION: Only one exit need be provided for an upper floor in a Group I occupancy provided that where rooms are rented on the upper floor there are not five or more persons on said floor or from a second floor or mezzanine having an area of not more than five hundred square feet (500 sq. ft.) in a Group F or G occupancy.” (Sec. 16-2.61 R.O. 1957; Am. Ord. 1704)

(60A) Amending Section 3305 (h)

Section 3305 (h) is amended to read:

“(h) Exterior Stairways. All openings in the exterior wall of a building over one story in height shall be protected by a self-closing fire assembly having a three-fourths hour ( $\frac{3}{4}$ ths hour) fire-resistive rating or a self-closing solid-core wood door not less than one and three-fourth inch ( $1\frac{3}{4}$ ”) in thickness or a louvered type fire damper conforming to U.B.C. Standard No. 30-1-58 if such openings are within twenty feet (20’) of an exterior stairway serving such building as a required exit.

EXCEPTIONS: 1. Openings which are above or level with the highest portion and not nearer than ten feet (10’) to such stairway.

2. Openings adjacent to such stairway in buildings not exceeding four (4) stories in the case of Group F, G, H or I occupancies and openings adjacent to such stairway in buildings not exceeding two (2) stories in the case of Group C occupancies if exit is provided by another stairway and both stairways serve as exits from open balconies.

3. Openings adjacent to such stairway in buildings not exceeding two (2) stories in the case of Group H and I occupancies, provided that in Group H occupancies such stairway serves only one living unit or another stairway provides exit for all occupants of the second floor.” (Ord. 2022)

(61) Amending Section 3305 (k).

“(k) Stairway to Roof. In every building more than two stories in height, one stairway shall extend to the roof in all cases where the roof is subject to occupancy, or is so constructed and arranged as to provide an area of refuge from fire. In all cases where stairs do not extend to the roof, access thereto shall be provided by a steel ladder and scuttle subject to the approval of the Building Official, except that such ladders are not required in the case of roofs with slope greater than four in twelve.” (Ord. 1668)

§ 16-1.1 (62). REVISED ORDINANCES OF HONOLULU § 16-1.1 (65).

(62) Amending Section 3308 (a).

“(a) General. Every interior stairway, ramp, or escalator shall be enclosed as specified in the Section.

“EXCEPTIONS: 1. In occupancies other than Group D, an enclosure will not be required for a stairway, ramp, or escalator providing service between either basement and first floor or between first and second floors, or between basement, first and second floors, and which stairway, ramp or escalator is not connected with corridors or stairways serving floors above the second floor.

“2. In buildings of Type I construction housing Group F and G occupancies, and equipped with automatic fire-extinguishing systems, enclosures are not required for escalators.

“3. Stairs in Group I occupancies need not be enclosed.”  
(Sec. 16-2.63 R.O. 1957)

(63) Amending Chapter 38.

Chapter 38 is amended by adding the following thereto:

“Sec. 3800. General.

“(a) Construction. Fire extinguishing and alarm equipment installed in accordance with the standards of the National Board of Fire Underwriters shall be deemed to conform to the provisions of this Chapter unless inconsistent herewith.

“(b) Appliances. Appliances, fittings and devices bearing the label of the ‘Underwriters’ Laboratories, Inc.,’ or listed in ‘List of Inspected Fire Protection Equipment and Materials’ issued by Underwriters’ Laboratories, Inc., and that are listed for the purposes intended shall be accepted as conforming to the requirements of this Chapter.” (Sec. 16-2.64 R.O. 1957)

(64) Amending Section 3802.

The first paragraph of Section 3802 is amended to read as follows:

“Sec. 3802. Required automatic fire-extinguishing systems shall comply in all respects with the regulations set forth in U.B.C. Standards No. 38-1 or 38-2, and the Rules and Regulations governing Water Service to Consumers of the Board of Water Supply, City and County of Honolulu, as amended, May 3, 1959.” (Sec. 16-2.65 R.O. 1957)

(65) Amending Section 3805.

“Sec. 3805. Every Group A and B occupancy of any height, and every Group C occupancy three or more stories in height, and every Group D, E, F, G, and H occupancy three or more stories in height and every Group E and F occupancy over 20,000 square feet in area shall be equipped with one or more interior wet standpipes extending from the cellar or basement into the topmost story, provided that Group B buildings having no stage and having a

seating capacity of less than 500 need not be equipped with interior standpipes." (Ord. 1664)

(66) Amending Section 4301.

"Sec. 4301. In addition to all other requirements of this Code, fire-resistive materials shall meet the requirements for fire-resistive construction given in this Chapter. Fire-resistive ratings as published by the National Board of Fire Underwriters shall be deemed to comply with the standard tests covered in this Chapter." (Sec. 16-2.68 R.O. 1957)

(67) Amending Chapter 44.

Chapter 44 is amended by adding the following thereto:

"Sec. 4400. Enforcement. Any provision of this Code to the contrary notwithstanding, the Chief Engineer of the City shall administer and enforce the provisions of this Chapter. (Sec. 16-2.69 R.O. 1957)

(68) Amending Section 4502.

"Sec. 4502. No part of any structure or any appendage thereto shall project into any alley except that a curb or buffer block may project not more than nine inches (9") and not exceed a height of nine inches (9") above grade." (Sec. 16-2.70 R.O. 1957)

(69) Amending Section 4505.

"Sec. 4505. Awnings and marquee awnings. A fixed awning or marquee projecting over the sidewalk shall conform to the following regulations:

"1. Such awning or marquee shall be supported entirely from the building.

"2. Such awning or marquee within fire zones nos. 1 and 2 shall be constructed entirely of non-combustible materials except that wood nailing strips may be used when entirely concealed by fireproof materials.

"3. Such awning or marquee shall be so placed that there shall be at least nine feet (9') vertical clearance between the lowest point of any projection, appendage, border or fringe thereof and the sidewalk level immediately below; provided, however, that when such awning or marquee shall project not more than three-fourths (¾) of the distance from the property line to the curb and in no case reach within one foot of the curb, such awning or marquee may be lowered to not less than eight feet (8') in clear height above the sidewalk level immediately below with a minimum vertical clearance of not less than seven feet six inches (7'-6") between the lowest point of any projection, appendage, border or fringe thereof and the sidewalk level immediately below.

"4. The roof of any such awning or marquee shall be sloped to downspouts and/or gutters leading back to the front

Am. 3/14/62  
Ord. 2126  
Adding  
68A, 68B

of the building which shall conduct any drainage under the sidewalk through the curb to the storm sewer." (Sec. 16-2.71 R.O. 1957)

(70) Amending Section 4506.

"Sec. 4506. Movable awnings or hoods may have combustible or incombustible coverings supported on incombustible frames attached to the building.

"Such awning or hood may extend over the sidewalk portion of a public street, provided that the lowest part of any movable awning or hood frame shall be not less than seven feet and six inches (7'-6") above the ground immediately below, and that the lowest part of any frame attached to such awning or hood shall be not less than seven feet (7') above the grade immediately below." (Sec. 16-2.72 R.O. 1957)

(71) Amending Section 4507.

"Sec. 4507. No doors, either fully opened or when opening, shall project beyond the property line." (Sec. 16-2.73 R.O. 1957)

(72) Amending Chapter 48.

"CHAPTER 48—FILM STORAGE

Appendix Sections 4801, 4802 and 4803 shall be deemed only guides and not mandatory." (Sec. 16-2.74 R.O. 1957)

(73) Amending Chapter 49.

"CHAPTER 49—MECHANICAL REFRIGERATION

Appendix Sections 4901 and 4902 shall be deemed only guides and not mandatory." (Sec. 16-2.75 R.O. 1957)

(74) Adding a New Section, 6002-A.

Immediately following Section 6002, there is added a new section numbered Section 6002-A to read as follows:

"Sec. 6002-A. The Tile Handbook, AIA-23-A, published by Tile Council of America, or other equivalent standard, shall be used as guide for the work covered by Chapter 29 on 'Veneered Walls.'" (Sec. 16-2.76 R.O. 1957)

(75) Amending Chapter 60.

Chapter 60 is amended by deleting Sections 6003 and 6004 thereof. (Sec. 16-2.77 R.O. 1957)

Am. 8/19/66  
Ord. 2839 (73A)

Am. 9/14/77  
Ord. 3800 - Articles 2, 3, 4, 5  
Article 3.

Regulating Building Area, Spacing Requirements And Other Additional Provisions To The Building Code.

Sec. 16-3.1. Building Area And Spacing Requirements.

(a) Building area and spacing requirements on wood frame buildings outside Fire Zone 1 and Fire Zone 2.

Rep. 9/20/63  
Ord. 2408

Am. 9/4/64  
Ord. 2489  
Am. 7/29/65  
Ord. 2667

Am. 9/1/65  
Ord. 2685  
Am. 4/7/66  
Ord. 2786

196  
Am. 7/5/68  
Ord. 3220  
Am. \_\_\_\_\_  
Ord. \_\_\_\_\_

Outside Fire Zone 1 and Fire Zone 2 as defined in the Building Code, the areas of wood frame buildings and distances of said buildings from the nearest interior lot boundary and from the nearest building on the same lot shall be as prescribed in the following table :

ONE STORY BUILDINGS AND FIRST STORY OF BUILDINGS  
OVER ONE STORY IN HEIGHT

Distance to nearest interior lot boundary, in feet	Distance to nearest building on the same lot, in feet	Maximum area on lot fronting on one street, in square feet	Increase foregoing distances for each additional 100 sq. ft. or fraction thereof, in inches	Maximum area on lot fronting on two streets, in square feet	Increase foregoing distances for each additional 100 sq. ft. or fraction thereof, in inches	Maximum area on lot fronting on three or more streets, in square feet	Increase foregoing distances for each additional 100 sq. ft. or fraction thereof, in inches
5	10	1000	6.0"	2000	4.0"	3500	2.4"
10	15	2000	4.0"	3500	2.4"	6000	3.0"
15	20	3500	2.4"	6000	1.5"	8000	3.0"
20	25	6000	1.5"	8000	....	10000	....
25	30	10000	....	10000	....	.....	....

STORIES ABOVE THE FIRST STORY IN BUILDINGS  
HAVING MORE THAN ONE STORY

10	15	1000	6.0"	2000	4.0"	3500	2.4"
15	20	2000	4.0"	3500	2.4"	6000	1.5"
20	25	3500	2.4"	6000	1.5"	10000	....
25	30	6000	1.5"	10000	....	....	....
30	35	10000	....	....	....	....	....

Additions to existing buildings shall be considered together with the original construction as only one complete unit for space requirements; provided, however, that in any lot within the residential and rural districts containing one one-story dwelling with or without garages or servants' quarters, when the dwelling itself has a nonconforming space on one side only of not less than five feet (minimum) there may be added to such dwelling in such manner that the addition together with the original construction shall be used to determine the required spacing on the other sides, and provided further, that the addition shall not be continued on the side having the nonconforming

space. When the enlargement together with the original construction exceeds 33 1/3% of the lot area, the entire building shall be made to conform to spacing requirements elsewhere prescribed by law.

(b) Further provisions as to spacing.

In addition to the spacing requirements elsewhere prescribed by law, no building shall be erected within any residential district, rural district, business district or hotel and apartment house district of the City nearer than five feet to any interior lot boundary, other than Type I, II, III and IV construction buildings (as defined in the Building Code) within the business districts.

Whenever the distance from any building to a lot boundary line is reduced to less than that required by any law, through a change or establishment of a boundary line, said building shall be moved and/or altered to meet all requirements of law applicable thereto. (Sec. 16-3.1 R.O. 1957)

**Sec. 16-3.2. Restriction Of Building On Interior Lots.**

Rep. 9/20/63  
Ord. 2403

For the purposes of this section all lots or portions of a lot that do not front on a street or alley twenty feet or more in width, or that portion of any lot to the rear of any existing building shall be considered an interior lot.

Every building on an interior lot shall be provided with an unobstructed passage to a street or alley of five feet minimum width with an additional one inch of width for each ten persons who occupy or for whom accommodations are provided by such buildings. A single apartment shall be considered to accommodate five persons. (Sec. 16-3.2 R.O. 1957)

**Sec. 16-3.3. Dwelling, Accessory Buildings And Servants' Quarters; Definitions And Uses Of.**

Rep. 9/20/63  
Ord. 2403

(a) Dwelling And Accessory Buildings. A dwelling is a residence building designated for and occupied exclusively by one family and not more than five (5) roomers at any one time. There may be the usual necessary or accessory buildings, as defined herein, in connection with such dwelling.

(b) Accessory Buildings shall be defined as buildings located on the same lot or premises, the use of which is incidental, usual or necessary to that of the main building, or to the use of the land. These may include a private garage of such size as may be necessary for the use of the occupants of the premises. These may also include living quarters for use by servants or guests of the occupants of the premises. The size, height and location of all accessory buildings shall be determined by the requirements of the Building Code and other applicable laws and, in the absence of such requirements, by the requirements prescribed by the Building Superintendent.

Rep. \_\_\_\_\_  
Ord. \_\_\_\_\_

Rep. 6/9/67  
Ord. 3005 - Sec. 16-3.3  
Variances

(c) Servants' Quarters—Guest House shall be defined as living quarters within an accessory building for use by household servants or guests of the occupants of the premises, which quarters shall not contain any kitchen facilities and which in no event shall be rented or used as a separate dwelling when not occupied by such servants or guests. Such living quarters shall be limited to a floor area of not more than five hundred (500) square feet; provided, however, that in conformance with the requirements of the Building Code and other applicable laws they may be built adjoining to, under, above or over another accessory building. (Sec. 16-3.3 R.O. 1957)

<sup>3.1</sup>  
**Sec. 16-3.4. Height Restrictions.**

No Type I building as defined in the Building Code, hereafter erected shall, in Fire District No. 1, exceed in height twice the width of the widest street upon which it fronts; in the remainder of the City no such building shall exceed in height one and one-half times the width of the widest street upon which it fronts; and in no case shall such buildings in any fire zone exceed either seven (7) stories or eighty feet (80') in height.

Provided, (a) that additional height on Type I buildings will be permitted if such additional height is not intersected by a plane making an angle of thirty degrees with the vertical and originating from the height limit hereinabove specified on the exterior lot boundary lines bordering on a street or streets as defined in the Building Code and continuing to its intersection with the interior lot boundary lines; (b) that within Fire District No. 1 public utility power plants, telephone exchange plants, hospitals and public buildings of Type I construction may exceed eighty feet but not more than twelve stories or one hundred twenty feet in height on the exterior boundary bordering on a street or streets; and (c) grain elevators in industrial districts may be constructed up to one hundred feet in height, if constructed of steel, masonry or other non-combustible material and located not less than thirty feet from any street or property line and from the nearest building on the same premises.

For the purposes of this section "street width" may include all street widening setback areas established by the City provided, however, that the person erecting the building shall deem the street to include all said setback areas for all purposes of spacing and location of buildings. (Sec. 16-3.4 R.O. 1957)

**Sec. 16-3.5. Construction Of Private Garages Near Street Corners.**

It shall be unlawful to construct a private garage so near to a street corner that the driveway serving the garage will necessarily cross the reserved area defined in Section 20-4.2 hereof. (Sec. 16-3.5 R.O. 1957)

Ord. 9/20/63  
 2403  
 Redesignated

Rep. 9/20/63  
 Ord. 2403

<sup>3.7</sup>  
**Sec. 16-3.6. Governing Law In Cases Of Conflict.**

In case of conflict between any of the provisions of this Article with any other law or rule having the effect of law, the stricter requirement shall be complied with. (Sec. 16-3.6 R.O. 1957)

<sup>3.3</sup>  
**Sec. 16-3.7. Variances.**

The Council shall have the power to grant variances from the strict application, operation or enforcement of any provision of this Code to an applicant for a building permit, when it finds (1) that the strict application, operation or enforcement thereof would result in practical difficulty or unnecessary hardship, and (2) where the granting of a variance would not be injurious to the adjoining lots and the buildings thereon, would not create additional fire hazards, and would not be contrary to the purpose of this Code and the public interest. In making its determination, the Council shall take into account the character, use, and type of occupancy and construction, and height of adjoining buildings, buildings on adjoining lots and the building involved, the size or shape or topography of the site on which the building involved is to be constructed or placed, and the zoning regulations affecting the building site and immediate neighborhood. In granting a variance, the Council may prescribe any condition that it may deem necessary and desirable.

All requests for variances shall be submitted, in writing, to the Building Superintendent, who shall attach his report and recommendation to each particular request and shall thereafter forward the same to the Council for its determination. If the request relates to matters under the jurisdiction of other government departments or agencies, the report and recommendation of such departments or agencies shall also be attached thereto before forwarding the same to the Council. (Ord. 1647)

<sup>3.4</sup>  
**Sec. 16-3.8. Penalty.**

Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$300 or by imprisonment for not more than 90 days, or by both such fine and imprisonment. The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance. (Sec. 16-3.7 R.O. 1957; Am. Ord. 1647)

Am. 9/20/63  
Ord. 2403  
Redesignated

Am. 9/20/63  
Ord. 2403  
Redesignated

Am. 6/9/67  
Ord. 3005 - Redesignating 16-3.4 to 16-3.3

Am. 9/20/63  
Ord. 2403  
Redesignated

Am. 6/20/62  
Ord. 2186

Incorporating Ord. 2030 repealing Article 4, Chapter 16, R.O. 1957 entitled "Elevators?"

Am. 4/6/62  
Ord. 2139

Article 5. Fallout 200 Shelters.

Am. 8/30/62  
Ord. 2227

Article 6. Lei Vendors' Stands

Chapter 16 - Continued

Am. 7/20/66 - Article 7. Relocation of Bldgs  
Ord. 2820

Am. 10/19/66 - Amending Article 7.  
Ord. 2872

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Building Code  
Article 1. Adoption  
Sec. 16-111 - Amendments?

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Article 2. Relocation

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Am. 10/3/68  
Ord. 3257

To amend Chapter 16 -

Adopts 1967, v.1 ed. of Uniform  
Building Code with amendments

Article 1. Adoption ...

Sec. 16-1.1--(Amendments) The Uniform  
Building Code.

Article 2. Relocation of Buildings

Article 3. Lei Vendors' Stands

Article 4. Fallout Shelters

Article 5. Thatched Material on  
Exterior of Building;  
Protection Against Exposure  
Fire

Article 6. Regulating Building Height  
& other Additional Pro-  
visions to the Building Code

CHAPTER 17.  
THE ELECTRICAL CODE.

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- § 17-1.2. Adoption Of National Codes.
- § 17-1.3. Prohibited Acts And Limitation.
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### Article 8. Miscellaneous.

- § 17-8.1. Non-Liability Of City For Damages.
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### Article 9. Penalty.

- § 17-9.1. Penalty.

CHAPTER 17.

THE ELECTRICAL CODE.

Am. 11/19/71  
Ord. 3836 - Adopting  
Natl Elec. Code,  
1971 ed.

Am. 12/24/64  
Ord. 2541 - amends  
of whole chapter.  
Am. 10/13/65  
Ord. 2712

Article 1. General Provisions.

Sec. 17-1.1. Title And Purpose.

(a) Title. This Chapter shall be known as the "Electrical Code of the City and County of Honolulu." It may be cited as the "Honolulu Electrical Code," and is referred to herein as "this Code."

(b) Purpose. The purpose of this Code is to reduce the hazards to persons and property arising from faulty electrical work or work by incompetent persons. To accomplish this purpose, the requirements set forth herein are intended to provide minimum standards for electrical installations in the City. (Ord. 1721)

Sec. 17-1.2. Adoption Of National Code.

Am. 12/20/62  
Ord. 2284

(a) Adoption. THE NATIONAL ELECTRICAL CODE, 1959, dated November 1959, hereinafter referred to as the "National Code" published by the National Board of Fire Underwriters, is hereby adopted by reference and made a part hereof. Three copies of the National Code shall be kept on file and be available for public inspection in the Building Department.

Am. 12/9/65  
Ord. 2729

(b) When National Code Shall Apply. For purposes of this Code, the scope, technical specifications and exemptions set forth therein are hereby adopted as the standard for electrical work covered by this Code, if there are no specific provisions in this Code covering the particular matter. (Ord. 1721; Am. Ord. 1807)

Am. 1/8/69  
Ord. 3338

Sec. 17-1.3. Prohibited Acts And Limitations.

(a) Compliance Required. No person shall do or cause to be done any electrical work for which a permit is required, which does not comply with the provisions of this Code.

Am. 9/6/62  
Ord. 2231

(b) Performance of Electrical Work, by Whom. Except as otherwise provided herein, no installation, alteration, reconstruction, or repair of electrical wiring, as herein defined, for which a permit is required shall be performed by any person who is not a duly certified and registered supervising electrician or journeyman electrician; provided that such work may be performed by an electrician's helper or an apprentice in an electrical apprenticeship program under Chapter 89, R.L.H. 1955, under the immediate supervision of a supervising electrician or journeyman electrician. Where such work is performed by a helper or apprentice, however, one supervising electrician or journeyman electrician shall supervise only one (1) such helper or apprentice on any such work.

(c) Waiver of Limitations. The permissive provisions of this Code shall not be presumed to waive any limitations imposed by statutes of the State or other ordinances of the City. (Ord. 1721; Am. Ord. 1830)

**Sec. 17-1.4. Exemptions.**

(a) United States and State. This Code shall be merely directory in its application to any electrical work to be done or caused to be done on buildings or premises owned by or under the direct control of the United States or State.

(b) City. This Code shall apply to any electrical work done or caused to be done on buildings or premises owned or controlled by the City or any department, commission, board or agency thereof.

(c) Serving Agency. The provisions of this Code shall not apply to the following electric wiring installed as specified, owned, and controlled by an electrical utility or serving agency supplying electricity, operating under a franchise granted by the State :

(1) Any generating plant, receiving station, switching station or distributing station, under the control of such utility or serving agency ;

(2) Any electric wiring for its supply lines or mains ; and

(3) Any electric wiring for overhead service drops, or underground or station service supply conductors.

(d) Communication and Signal Systems.

(1) The provisions of this Code shall not apply to any electric wiring used exclusively for a public telephone or telegraph communication system or other signaling systems operating under a franchise from the State.

(2) Nothing contained in this Subsection shall be construed to exempt any electric wiring which is used for general building lighting, general power purpose, heating, ventilating, elevators, pumping equipment, or for general building operation purposes, nor to exempt any service switchboard or service panel board, or to exempt any electric wiring as defined herein when installed in buildings or premises not owned or controlled by those franchised public telephone and telegraph companies.

(e) Maintenance, Exempt When. Persons other than electrical contractors having in their employ a registered supervising or journeyman electrician for maintenance work shall keep a written record of all electrical maintenance work performed in or about their property. Permits shall not be required for such work. Such record shall be open to inspection at all reasonable hours by the Superintendent. Where any extension or alteration, as distinguished from maintenance work, is to be made, a permit therefor shall first be obtained from the Superintendent and the required fee therefor paid. (Ord. 1721)

**Sec. 17-1.5. Existing Electrical Work.**

(a) Electrical Work Prior to This Code. Nothing contained in this Code shall be construed to curtail the use of or require any person to reinstall, reconstruct, alter, or remove any electrical work which complied with any law, ordinance and regulation therefor in effect before the effective date of this Code, except as provided in Article 7 hereof.

(b) Permits Issued Prior to This Code. Any electrical work done under a permit issued before the effective date of this Code may be done in accordance with the laws, ordinances and regulations in effect when such permit was issued and all such work begun before the expiration of the permit, may be done in accordance with such laws, ordinances and regulations. (Ord. 1721)

**Sec. 17-1.6. Administration And Enforcement.**

The Superintendent shall administer and enforce the provisions of this Code. (Ord. 1721)

**Sec. 17-1.7. Interpretation.**

(a) Same Subject Matter. If there are two or more provisions in this Code or other ordinances or statutes, covering the same subject matter, the provisions which provide the greater safety to life or limb, property or public welfare shall prevail.

(b) Superintendent to Make Interpretation. The Superintendent shall make all technical interpretations concerning the provisions of this Code. (Ord. 1721)

**Article 2. Definitions.**

**Sec. 17-2.1. Definitions.**

The following words and phrases when used in this Code shall have the meaning respectively ascribed to them in this section, unless it is apparent from the context that a different meaning is intended:

(a) Department. The Department of Buildings of the City.

> (b) Electrical Contractor. Any person who has been certified by the Examining Board and is registered with the Department to do business as an Electrical Contractor.

(c) Electric Wiring. Any conductor, material, device, fitting, apparatus, appliance, fixture or equipment, constituting a part of or connected to any electric installation, attached or fastened to any building, structure or premises and which installation or portion thereof is designed, intended or used to generate, transmit, transform or utilize electrical energy.

9/6/62  
Ord. 2231

(d) Journeyman Electrician. Any person who has been certified by the Examining Board and is registered with the Department as a journeyman electrician.

(e) Maintenance Work. The keeping in repair and operation of any electrical installations, apparatus, fixtures, appliances or equipment.

(f) Motion Picture Operator. Any person who has been certified by the Examining Board and is registered with the Department for the purpose of operating a movie projector using 35 mm or larger film for commercial purposes.

(g) Person. Any individual, firm, partnership, association or corporation.

(h) Registered Electrician. Any person who has been issued a certificate either as a supervising electrician or journeyman electrician by the Examining Board and is registered with the Department.

(i) Superintendent. The Superintendent of Buildings of the City or his authorized subordinates.

(j) Supervising Electrician. Any person who has been certified by the Examining Board to direct, supervise or control the performance of any electrical work, and who is registered with the Department as a supervising electrician.

(k) State. The State of Hawaii. (Ord. 1721; Am. Ord. 1807)

### **Article 3. Board Of Electrical Examiners.**

#### **Sec. 17-3.1. General Provisions.**

(a) Composition. There shall be a board known as the "Board of Electrical Examiners of the City and County of Honolulu", hereinafter referred to as the Examining Board, consisting of six members. The Mayor, with the approval of the Council, shall appoint four registered supervising electricians and one registered motion picture operator, all of whom shall reside in the City, be citizens of the United States and be engaged in or employed by private business. The Superintendent of Buildings shall be an ex-officio member of the Examining Board with a voice but no vote in the proceedings of the board. The Superintendent shall designate an employee of the Building Department to serve as secretary of the Examining Board.

(b) Organization. One member shall be designated by the Mayor as Chairman and another as Vice-Chairman. If the Chairman is ill, absent from the City, or otherwise unable to perform his duties, the Vice-Chairman shall perform his duties.

(c) Term of Office of Appointed Members; Removal. The term of office of each appointed member shall be co-terminous with that of the Mayor; provided that an appointed member shall hold over after expiration of his term until his successor has been duly appointed.

Appointed members may be removed by the Mayor with the approval of the Council.

(d) Quorum, Voting. Four members shall constitute the quorum for any meeting. No action shall be taken by the Examining Board unless it receives the vote of not less than three members.

(e) Compensation. Each appointed member of the Examining Board shall be compensated at the rate of \$20 per day for each day's actual attendance at a meeting, but not to exceed, in the aggregate, \$60 in any one month.

(f) Expenses. The Examining Board may incur such expenses as may be necessary and proper in the performance of its duties and functions, for which appropriations have been made by the Council. Disbursements therefor shall be made by warrants issued on vouchers signed by the Chairman or Acting Chairman.

(g) Meetings. The Examining Board shall hold regular meetings on the second Thursday of each month. The Chairman, Acting Chairman, or any two members of the Board may call special meetings, whenever deemed necessary. All meetings shall be held at the place designated by the Chairman or Acting Chairman. (Ord. 1721; Am. Ord. 1953)

#### **Sec. 17-3.2. Duties And Powers Of The Examining Board.**

(a) Conduct Examinations. It shall be the duty of the Examining Board to conduct examinations to ascertain the qualifications and evaluate the knowledge and experience of each applicant for a certificate as a supervising electrician, journeyman electrician or motion picture operator. The Examining Board may adopt such rules as may be necessary to regulate the conduct of such examinations.

(b) Conduct Hearings and Investigations. The Examining Board may conduct hearings and investigations for the suspension or revocation of certificates or registrations and for any other matter within the scope of its authority. The Examining Board may establish rules regulating the conduct of such hearings and investigations.

(c) Administer Oaths and Issue Subpoenas. The members of the Examining Board shall have the power to administer oaths and issue subpoenas, as prescribed in Section 7-27, Revised Laws of Hawaii 1955.

(d) Issuance of Electrical Contractor's Certificate. No electrical contractor's certificate shall be issued until the Examining Board first ascertains that the applicant has met all the applicable requirements of Section 17-4.1. (Ord. 1721; Am. Ord. 1953)

### **Article 4. Certification And Registration.**

#### **Sec. 17-4.1. Electrical Contractor.**

(a) General Requirements. It shall be unlawful for any person

to conduct a business involving installation or maintenance of electrical wiring, or claim to be an "electrical contractor" unless he first obtains an electrical contractor's certificate from the Superintendent.

(b) Application. Any person desiring to do business as an electrical contractor shall file a written application therefor with the Department on forms furnished by the Department.

(c) Fee. Any person who applies for an electrical contractor's certificate shall pay a fee of \$25.00, payable to the Director of Finance or his duly authorized representative.

(d) Minimum Requirements. An electrical contractor shall:

(1) Maintain a place of business in the City, in a zone within which such business is permitted;

(2) Have a State Contractor's license, pursuant to Chapter 166A, R.L.H. 1955, as amended; and

(3) Be a supervising electrician engaged full time in his electrical business or have a supervising electrician in his employ full time, in the case of an individual proprietorship. If the electrical contractor is a partnership, association or corporation, at least one of its members or employees shall be a supervising electrician in its employ full time.

Am. 10/7/71  
Ord. 3808 (5) - (a)

**Sec. 17-4.2. Journeyman Electrician.**

(a) Definition. A journeyman electrician is any person who has demonstrated through successfully passing an examination before the Examining Board that he is qualified to do electrical work, is registered, and is in the employ of an electrical contractor, or firm or a business establishment for wages or salary only, and who does not furnish any materials or supplies in the execution or performance of electrical work.

(b) Certification Required. No person shall engage in or perform the installation or maintenance of electrical wiring or equipment, unless he has first obtained a certificate of qualification and is registered as a journeyman electrician; provided that an electrician's helper or an apprentice in an electrical apprenticeship program under Chapter 89, R.L.H. 1955, working under the immediate supervision of a registered supervising or journeyman electrician may do such work.

(c) Minimum Requirements. Every applicant to be eligible for the journeyman electrician examination shall be not less than 20 years of age and have had not less than four years of experience in the trade of electrical wiring, installation, alteration, repair and maintenance, or the equivalent thereof. (Ord 1721)

**Sec. 17-4.3. Supervising Electrician.**

(a) Definition. A supervising electrician is any person who

has demonstrated through successfully passing an examination before the Examining Board that he is qualified to supervise and do electrical work, and who is registered as such.

(b) Certification Required. No person shall act as, or in the capacity of a supervising electrician, or engage in business as a supervising electrician, or represent or advertise that he is a supervising electrician, unless he has first obtained a certificate of qualification and is registered as a supervising electrician. A supervising electrician may perform any function that a journeyman electrician is authorized to perform.

(c) Minimum Requirements. Every applicant to be eligible for the supervising electrician examination shall have been registered with the Department as a journeyman electrician for at least a period of two years. (Ord. 1721; Am. Ord. 1953)

#### Sec. 17-4.4. Motion Picture Operator.

(a) Certification Required. No person shall operate a motion picture machine using 35 mm or larger film for a commercial purpose, unless he has first obtained a certificate of qualification and is registered as a motion picture operator.

(b) Minimum Requirements. Every applicant to be eligible for the motion picture operator examination shall be not less than 18 years of age and shall have had not less than one year of experience under supervision of a registered motion picture operator in the operation of machines for the projection of motion pictures for commercial purposes. (Ord. 1721)

#### Sec. 17-4.5. Examinations.

(a) Examination Required. Every applicant for a certificate of qualification as a supervising electrician, journeyman electrician, or motion picture operator shall be given an examination to evaluate his knowledge and experience. The extent and scope of the examination shall be of a nature sufficient to indicate that a person who successfully passes the examination has the necessary ability to carry out the work and responsibility in compliance with the provisions of this Code and shall include tests in practical electrical wiring, the correction of defective electrical wiring plans, tests of the applicant's general knowledge of this Code and other laws which are related to electrical work. Such examination may include a written or oral test and such practical tests as may be required.

(b) Application for Examination. Any person desiring to take any examination shall file an application with the Department at least five days before the date of the examination upon a standard application form furnished by the Department.

(c) Fees for Examination. An applicant for a supervising electrician's examination shall pay a fee of \$20.00; an applicant for a

Am. 10/13/65  
Ord. 2712

journeyman electrician's or a motion picture operator's examination shall pay a fee of \$5.00 to the Director of Finance or his duly authorized representative, which shall be retained by the City. If an applicant fails to pass an examination, he shall pay the same fee for each subsequent examination as for an initial examination.

(d) Place and Date of Examination. Examination shall be held on the second Thursday of each month, or from time to time whenever necessary, at Honolulu Hale. The Secretary shall notify each applicant in writing of the time and place of examination.

(e) Passing of Examination. All applicants taking examinations as provided herein, shall be required to receive a grade of at least 70% on such examination to be entitled to receive a certificate of competency.

Every applicant who has successfully passed the examination required hereinabove shall be issued forthwith the appropriate certificate of qualification by the Examining Board.

Every applicant who fails to pass the examination herein required shall not be eligible to take another such examination until at least one month after date of taking the previous examination. (Ord. 1721; Am. Sec. 5-2.2 Ord. 1781)

#### **Sec. 17-4.6. Registration.**

(a) Required. Every certified journeyman or supervising electrician, electrical contractor or motion picture operator shall register annually with the Department, at which time he shall be issued a registration card.

(b) Term of Registration. Every registration, whenever entered, shall expire on March 31 of each year.

(c) Annual Registration. Every registered electrician, electrical contractor and motion picture operator shall re-register with the Department during the month of April of each year.

(d) Fee. Every electrical contractor shall pay a fee of \$15.00 for each registration after the initial registration. Every other registrant shall pay an initial registration fee of \$2.00 and a registration fee of \$2.00 for each registration thereafter.

Initial registration fees shall be due and payable upon the issuance of the initial registration card. Re-registration fees shall be due on April 1 and payable by April 30 of each year.

Payment shall be made to the Director of Finance or his duly authorized representative. Any person to be registered as a supervising electrician and as an electrical contractor shall secure separate registration cards and pay separate fees for each.

(e) Failure to Re-Register.

(1) Any journeyman electrician, supervising electrician or motion picture operator, other than one initially receiving a certifi-

cate of qualification, who fails to re-register on or before April 30 of each year shall submit to a re-examination, and be required to pay the examination fee therefor, except where, in the discretion of the Superintendent, an extension of time is necessary, good cause appearing therefor.

(2) Any electrical contractor who fails to re-register on or before April 30 of each year shall resubmit an application for a certificate as an electrical contractor to the Superintendent and be required to pay a fee of \$25.00 therefor, except where in the discretion of the Superintendent an extension of time is necessary, good cause appearing therefor. (Ord. 1721; Am. Ord. 1953, Sec. 5-2.2 Ord. 1781)

#### **Sec. 17-4.7. Revocation Of Certificate.**

The Examining Board shall revoke any certificate and registration whenever it finds that the certificate has been obtained by fraud or misrepresentation. Upon such revocation no renewal of such certificate and registration shall be allowed for a period of six months thereafter, except where the revocation is reversed on appeal. (Ord. 1721)

#### **Sec. 17-4.8. Suspension Of Registration.**

The Examining Board shall suspend the registration of any supervising electrician or electrical contractor who allows the use of his registration card, directly or indirectly, for the purpose of obtaining any permit for the installation of electrical wiring which is not under his supervision or connected with his electrical business. Such suspension shall be for a period of not more than six months. (Ord. 1721)

#### **Sec. 17-4.9. Permissive Suspension Or Revocation.**

The Examining Board may suspend for such period as it deems advisable or revoke the certificate or registration:

(a) of a supervising electrician, journeyman electrician, motion picture operator or electrical contractor who has refused or neglected to comply with the applicable provisions of this Code after having received from the Examining Board written notice of violation thereof;

(b) of a supervising electrician who has made a misrepresentation in his application for a permit;

(c) of any person who has obtained registration by fraud or misrepresentation.

Whenever a certificate is suspended or revoked, the registration shall likewise be deemed suspended or revoked. Upon revocation no renewal of such certificate and registration shall be allowed for a

period of six months thereafter, except where the revocation is reversed on appeal. (Ord. 1721; Am. Ord. 1953)

**Sec. 17-4.10. Hearing Before Revocation Or Suspension Of Certificate Or Registration.**

Before any such certificate or registration is revoked or suspended, the Examining Board shall hold a hearing, at which time the electrical contractor, supervising electrician, journeyman electrician or motion picture operator may appear before said Board in defense of his certificate or registration. He shall be given at least 10 days' written notice of such hearing. If after a careful consideration of all the facts in the case the Board finds that the certificate or registration should be revoked or suspended as the case may be, the Board shall so order and such order shall take effect immediately thereafter. (Ord. 1721)

**Sec. 17-4.11. Appeal To The Council.**

(a) Appeal Board. The Council shall hear and decide all appeals from actions of the Examining Board.

(b) Who May Appeal.

(1) Any applicant who has been refused a certificate by the Examining Board (and who has attained a passing grade) may appeal.

(2) Any registered electrician, motion picture operator or electrical contractor, whose certificate has been suspended or revoked or whose registration card has been suspended or revoked by the Examining Board may appeal.

(c) Procedure.

(1) Such appeal shall be made within 30 days after notice of the action has been sent to the appellant.

(2) A written statement of facts relating to the controversy shall be submitted to the Council by the appellant and by the Examining Board. In addition, the appellant shall submit the reasons for the appeal, and the Examining Board shall submit a statement or data as to the basis of its action. The Council may call any person to testify.

(3) If the Council finds that the reasons for the action of the Examining Board are not substantially supported by the evidence, it shall reverse the action of the Examining Board. If the Council finds that the reasons are substantially supported by the evidence, it shall sustain the action of the Examining Board. (Ord. 1721)

**Article 5. Permits.**

**Sec. 17-5.1. General.**

(a) Permits Required; Exceptions. No person shall do, install, alter, reconstruct or repair any electrical wiring, as defined herein, or

cause or permit the same to be done, unless a permit therefor has been obtained from the Superintendent; provided that the provisions of this Article shall not apply to the following:

(1) Electric wiring expressly declared to be exempt from the provisions of this Code by any other section hereof.

(2) Installation of any portable motor or other portable appliance energized by means of a cord or cable having an attachment plug end, when such cord or cable is permitted by this Code.

(3) Repair of any fixed motor or other appliance, or replacement of any fixed motor with another having the same horsepower rating and situated at the same location.

(4) Replacement of attachment plug receptacles, but not the outlet therefor.

(b) Separate Permits. A separate permit shall be obtained for each building or structure, except that a permit for a main building may include electric wiring for a private garage, shed, or accessory building located on the same premises as the main building, and supplied by a feeder or circuit from the main building.

(c) Issuance; to Whom. A permit may be issued only to a supervising electrician:

(1) Who is an electrical contractor; or

(2) Who is employed by an electrical contractor, provided that such permit shall be only for work to be performed by the electrical contractor; or

(3) Who is employed as a maintenance electrician as provided in Sec. 17-1.4 (e), as to work requiring a permit;

(4) Who is applying for a permit for electrical work for his own dwelling; or

(5) Who is donating his services as an electrician to an eleemosynary institution, for charitable purposes. (Ord. 1721)

#### Sec. 17-5.2. Application For Permit.

(a) Application. To obtain a permit the applicant shall first file with the Superintendent an application therefor in writing on a form furnished for that purpose. Such application shall:

(1) Give the street address, tax map key or similar description that will readily identify and definitely locate the proposed electrical work, and the name of the person for whom such work is to be done;

(2) Give a complete description of the proposed electric wiring, including the total number of circuits, number and rating of motors, number and rating of all other appliances, apparatus, or equipment to be installed and shall include all other work proposed to be done under and by virtue of such permit;

Am. 9/6/62  
Ord. 2231

Am. 10/13/65  
Ord. 2712

(3) Be accompanied by plans and specifications, where required;

(4) Be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate such authority;

(5) Give such other information as reasonably may be required by the Superintendent. (Ord. 1721)

### Sec. 17-5.3. Plans And Specifications.

(a) When Required. Plans and specifications giving the information required shall be filed with the Department before issuance of any permit required by this Code for the following buildings, premises, installations, or occupancies:

(1) Theatres, motion picture theatres, auditoriums, rooming houses, schools and similar buildings and occupancies.

(2) Hospitals, sanitariums, asylums, and similar institutions.

(3) Any electric wiring where the load calculated pursuant to the National Code exceeds 48 KW.

(4) Any electrical sign.

(5) Plans and specifications may be required by the Superintendent whenever he finds it necessary in the interests of safety.

(b) Approval. Not less than two sets of such electrical plans and specifications shall be filed for checking and approval by the Superintendent. Upon approval, one set shall be stamped or marked "Approved" and returned to the applicant with the permit therefor, and the other set shall be retained by the Department. Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Superintendent, and all work shall be done in accordance with the approved plans. (Ord. 1721)

### Sec. 17-5.4. Issuance Of Permits.

Am. \_\_\_\_\_  
Ord. \_\_\_\_\_ (a) Issuance. The application and any plans and specifications shall be checked by the Superintendent. Such plans may be reviewed by other departments of the City to check compliance with the laws under their jurisdiction. If the Superintendent is satisfied that the work described in the application and any plans filed therewith conform to the requirements of this Code and other pertinent laws, and that the applicable fee has been paid, he shall issue a permit therefor to the applicant.

(b) Validity. The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or any other applicable law. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except to the extent that the work or use which it authorizes is lawful.

The issuance of a permit based upon plans and specifications shall

not prevent the Superintendent from thereafter requiring the correction of errors in said plans and specifications or from preventing any electrical work being carried on thereunder when the same would be in violation of this Code or of any other applicable law.

(c) Expiration. Every permit issued by the Superintendent under the provisions of this Code shall expire and become null and void, if the work authorized by such permit is not commenced within 90 days from the date of issuance, or if the work authorized by such permit is suspended, abandoned or discontinued at any time after the work is commenced, for a period of 90 days. Before such work may be recommenced a new permit shall be obtained therefor, and the fee paid again.

(d) Suspension or Revocation. The Superintendent may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit has been issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code. In such event, the permit fee shall not be refunded. (Ord. 1721)

**Sec. 17-5.5. Fees.**

(a) Payment. The fees prescribed herein shall be paid to the Director of Finance or his duly authorized representative for each electrical installation for which a permit is required by this Code. No permit shall be issued to any person unless all fees due for permits or additions to permits are paid in full.

(b) Exception. Neither the City, the State, the federal government or any commission, board, agency or contractor thereof, nor a foreign consulate, shall be required to pay a fee for a permit to do electrical work, provided no private funds are involved. (Ord. 1721 ; Am. Sec. 5-2.2 Ord. 1781)

**Sec. 17-5.6. Amount Of Fees.**

(a) Minimum. The minimum fee for any permit shall be \$1.00.

(b) Service Installations:

For required size of service equipment of single phase construction (including meter loop):

Not over 100 amperes.....	\$1.00
Over 100 but not over 200 amperes.....	1.50
Over 200 but not over 400 amperes.....	2.00
Over 400 amperes .....	3.00

For required size service equipment of 3-phase construction (including meter loop):

Not over 100 amperes.....	\$2.00
Over 100 but not over 200 amperes.....	2.50
Over 200 but not over 400 amperes.....	3.00
Over 400 amperes .....	3.50

(c) Wiring Circuits in or about commercial and industrial buildings, including hotels, and multiple family dwellings and apartment houses.

Each circuit for general lighting and convenience outlets .....\$1.00  
For any other type of circuits and outlets only the fee applicable thereto as specified in this Code shall be required.

(d) Wiring Circuits in or about a single family dwelling :  
First five circuits for general lighting and convenience outlets .....\$1.00 each  
Each additional circuit for such outlets..... .50  
For any other type of circuits and outlets only the fee applicable thereto as specified in this Code shall be required.

(e) Domestic Cooking Appliances :  
For each residential electric range.....\$1.00  
For each residential built-in counter-top range..... 1.00  
For each residential built-in oven..... 1.00

Note: For the purpose of this Code, "range" shall mean a complete self-contained, free-standing, cooking unit, containing top cooking units and oven, or ovens, which is connected to one outlet; a "built-in counter-top range" shall mean an assembly of cooking units which is installed in a counter and connected to an outlet separately from an oven; a "built-in oven" shall mean an oven for the preparation of food in a residence and which is connected to a separate outlet. Each oven and each counter-top cooking unit assembly shall be served by separate branch circuits.

(f) Commercial Cooking Appliances: (Bakeries, restaurants, cafeterias, and other establishments preparing food for sale to the public).  
Range, fry-kettles, oven, steam table, broiler, roaster, and other cooking devices :  
For each circuit not over 12 kw.....\$1.00  
For each circuit over 12 kw but not over 24 kw... 2.00  
For each circuit over 24 kw..... 3.00

(g) Heaters :  
(1) Domestic  
For each domestic water heater circuit.....\$1.00  
For each domestic air heater circuit, capacity up to 1,650 watts ..... .50  
For each domestic air heater circuit, capacity 1,650 watts or more ..... 1.00

(2) Commercial or Industrial  
Water heaters: each circuit .....\$1.50  
Air and/or Space heaters :  
For each circuit not over 5 kw.....\$1.50  
For each circuit over 5 kw but not over 15 kw.. 2.00  
For each circuit over 15 kw..... 2.50

Electric Kilns:

For each circuit not over 6 kw.....	\$1.00
For each circuit over 6 kw but not over 12 kw.	2.00
For each circuit over 12 kw but not over 24 kw	3.00
For each circuit over 24 kw.....	4.00

Electric Furnaces:

For each circuit not over 12 kw.....	\$2.00
For each circuit over 12 kw but not over 24 kw	3.00
For each circuit over 24 kw but not over 48 kw	4.00
For each circuit over 48 kw but not over 96 kw	5.00
For each circuit over 96 kw.....	6.00

Infra-red heat-treating and paint baking:

For each circuit not over 5 kw.....	\$1.50
For each circuit over 5 kw but not over 15 kw.	2.50
For each circuit over 15 kw but not over 50 kw	3.50
For each circuit over 50 kw but not over 100 kw	5.00
For each circuit over 100 kw.....	10.00

(h) Laundry Dryer Circuit:

(1) Domestic Laundry Dryer Circuit.....\$1.00

(2) Commercial Laundry Dryer Circuit:

For each circuit, the fee shall be \$1.00, plus any additional charge for the driving motor according to HP as set forth in the schedule under Sec. 17-5.6 (n).

(i) High Potential Gas Tube Lighting and Signs:

For each sign or decorative outline tubing.....	\$1.50
For gas tubing lighting (exclusive of fluorescent lighting) .....	.50
For each flasher in connection with a sign.....	.25
For installing flasher on an existing sign.....	1.00
For connecting a sign after moving to a new location	1.50
For re-connecting a removed sign at the previous location .....	1.00

(j) Temporary Lights:

Not over 50 lamps.....	\$1.50
Over 50 but not over 100 lamps.....	2.00
Each succeeding 100 lamps or fraction thereof.....	.75

(k) Permanent Decorative Lighting, etc.:

Decorative lighting, and footlights, borders and strips in theatres, where 100 or less sockets are installed.	\$2.50
Additional 50 sockets or fraction thereof.....	1.50

(l) Portable Electric Signs:

A "portable electric sign" means a small advertising contrivance operated with electricity and used in interior of buildings only, which is capable of being moved or re-

moved at will without damaging or altering the structure or finish at or adjacent to the location thereof, and which is not attached or fastened in place by nails, screws, bolts, conductors, wiring enclosures or in any other manner.

No fee shall be required for such portable electric sign when the outlet and circuit to which it is attached has been installed pursuant to a valid permit.

(m) Transformers:

For each transformer rated over 50 watts and not over 500 watts, other than those used in connection with electric signs or fixtures using gaseous tubes. \$ .50  
For each transformer rated over 500 watts. . . . . 1.00

(n) Motors, Fixed:

Not over 1/3 HP. . . . . \$ .50  
Over 1/3 HP but not over 1 HP. . . . . 1.00  
Over 1 HP but not over 3 HP. . . . . 1.50  
Over 3 HP but not over 8 HP. . . . . 2.00  
Over 8 HP but not over 15 HP. . . . . 2.50  
Over 15 HP but not over 50 HP. . . . . 3.50  
Over 50 HP but not over 100 HP. . . . . 5.00  
Over 100 HP . . . . . 10.00

(o) Temporary Motors, Installation:

First 2 installations. . . . . \$2.00 each  
(in addition to any meter loop fee)  
Each additional installation. . . . . 1.00

No fees shall be required for moving any temporary construction motor from one place to another, when such temporary motor is attached to an outlet for which a permit has been issued and the permit fee therefor has been once paid.

No temporary meter loop assembly shall be relocated without payment of permit fee as set forth herein.

(p) Generators, Fixed:

Not more than 5 kw. . . . . \$3.00  
Over 5 kw but not over 15 kw. . . . . 5.00  
Over 15 kw . . . . . 10.00

(q) Miscellaneous:

Each motion picture projection machine using 35 mm or larger film . . . . . \$2.50  
Each X-Ray machine outlet . . . . . 2.50

(r) Repairs, Alterations, Additions:

Permit fees for additions to or alterations of existing work shall be the same as for new work.

Permit fees for repairs or for work for which a permit is required but for which no fee is herein provided shall be \$1.00.

This requirement shall apply when conductors are cut and re-connected or extended but shall not apply when equipment such as switches, circuit breakers, light fixtures and wiring devices, are replaced. (Ord. 1721)

## Article 6. Inspection.

### Sec. 17-6.1. General.

(a) Inspection and Approval Required. Any person performing electrical work shall notify the electrical inspection division in writing within 96 hours after he completes any electrical roughing-in work and again when any entire electrical work is completed.

Within 48 hours, not including Saturdays, Sundays and holidays, after the receipt of such written notice, an electrical inspector of the electrical division shall begin his inspection of such electrical work. Such inspection shall be made during regular working hours of the electrical division and either a supervising electrician or a journeyman electrician shall accompany the electrical inspector during such inspection. All electric wiring for which a permit is required, shall be inspected and approved by the electrical inspection division of the Department before being energized or used; provided that nothing in this section shall be construed as prohibiting the temporary use of electric energy as provided herein.

(b) Unlawful to Use, Operate or Maintain. No person shall use, operate or maintain, or cause or permit to be used, operated, or maintained, any such electric wiring until the same has been inspected and approved.

(c) Unlawful to Supply Electricity. It shall be unlawful for any serving agency to furnish or supply electricity, or cause or permit the same to be furnished or supplied to any such electric wiring until after such inspection and approval. (Ord. 1721; Am. Ord. 1953)

### Sec. 17-6.2. Notice For Inspection.

(a) Filing of Notice. Whenever any electric wiring, or portion thereof, is ready for inspection, the permittee shall file with the Superintendent a request for such inspection on a form furnished therefor.

(b) Time. Such request for inspection shall be filed not less than 48 hours and not more than 96 hours before the day on which any such inspection is desired, excluding Saturdays, Sundays and holidays. Twenty-four hours notice may be accepted if filed not later than 10 A.M. of the day preceding such inspection. (Ord. 1721)

**Sec. 17-6.3. Restrictions.**Am. 10/23/65  
Ord. 2712

(a) Inspection of Rough Wiring. Fixtures or appliances shall not be connected to electric wiring until the rough wiring has been inspected and approved. All such wiring shall be free from grounds, shorts or other defects before approval thereof.

(b) Concealment, Enclosure. No person shall conceal, enclose or cover, or cause or permit to be concealed, enclosed or covered, any portion of any electric wiring in any manner which will interfere with or prevent the inspection thereof.

(c) Removal of Obstructions. Any portion of any floor, ceiling, wall, partition, roof finish or any other obstruction which renders impracticable the making of a complete and thorough inspection of electric wiring shall be removed upon notice by the Superintendent (either oral or in writing) so to do, and shall be kept removed until electric wiring has been inspected and approved. The provisions of this Section shall not apply to finished work nor to conductors inserted in conduit or other enclosed raceways not having removable covers.

(d) Taped Joints. Where one or more taped joints are found not soldered at the time of inspection, the inspector may require every joint for such electric wiring to be left untaped until the inspection and approval thereof.

(e) Removal of Foreign Material. Before final inspection of any electric wiring, all plaster, concrete or other foreign material shall be thoroughly removed from every box and wiring enclosure, and not less than six inches of jointless conductor shall extend out of each outlet box for future connection thereto, except when conductors are intended to loop through to other outlets.

(f) Approval. Where, after inspection, the inspector finds that the work complies with the provisions of this Code, he shall issue a notice of approval and attach the same at the service switch or other suitable place.

(g) Certificate of Inspection. A certificate of inspection therefor shall be issued on demand, provided all fees required by this Code have been paid. (Ord. 1721)

**Sec. 17-6.4. Temporary Use Of Current.**

(a) When Permitted. The Superintendent may permit the temporary use of electric energy before final approval whenever unnecessary delay, inconvenience or hardship would otherwise result, provided inspection can effectively be made after the commencement of such temporary use.

(b) Conditions. He may place such conditions, restrictions, or limitations upon such temporary use as shall be deemed necessary to insure safety, to secure compliance with all other provisions of the Code and to facilitate inspection.

(c) Disconnection. Any such temporary use may be ordered discontinued and the supply disconnected at any time upon proper notice as hereinafter provided. (Ord. 1721)

#### **Sec. 17-6.5. Reinspection.**

In addition to inspections upon request, the Superintendent may inspect, reinspect or investigate electric wiring or equipment including those installed prior to the effective date of this Code for the purpose of determining whether or not the same constitute a hazard to life or property, or violate any provisions of this Code. (Ord. 1721)

### **Article 7. Enforcement.**

#### **Sec. 17-7.1. Notice To Repair.**

(a) When Given. Whenever an electrical inspector finds any electrical wiring, connection, fixture, appliance, apparatus, machinery, or equipment to be a hazard to life or property, he shall give notice to the owner or person in control thereof to cease using electrical current in or through the same and to repair the same within a reasonable time, not exceeding 10 days. Such notice shall specify the particulars in which the installation is defective and the necessary changes to be made to remedy such defects. Each such repair or correction shall be inspected and approved by the Superintendent before such installation is energized or used.

(b) Unlawful to Use Without Correction. It shall be unlawful for any person to use or cause or permit to be used any electrical installation ordered to be repaired or corrected without first applying for and receiving a certificate of inspection and approval thereof from the Superintendent.

(c) Existing Installations. Nothing contained in this section shall be deemed to require any person to change any electric wiring which complied with the laws and regulations therefor in effect before the effective date of this Code, unless the same is dangerous, unsafe, or a hazard to life or property. (Ord. 1721)

#### **Sec. 17-7.2. Authority To Stop Work.**

(a) When. The Superintendent may stop installation of electric wiring, or the concealment thereof, whenever such installation or concealment is being done in violation of this Code, until such violation is corrected.

(b) Notice. Notice to stop work shall be given in writing, and served upon the person responsible for the violation.

(c) Compliance Required. It shall be unlawful for any such person to fail, neglect or refuse to comply with any such notice. (Ord. 1721)

**Sec. 17-7.3. Authority To Disconnect Electric Supply.**

(a) When. The Superintendent may disconnect the supply of energy to, or isolate any portion of any electric wiring installation found to be dangerous to life or property or which is found to be installed in violation of this Code.

(b) Notice. Before making such disconnection or isolation, notice shall be given to the owner or person in responsible charge of the premises involved. Such notice shall be in writing, approved by the Superintendent, and shall specify the particulars in which the electric wiring is defective, the necessary changes to be made to remedy the defects and the time within which the work must be done.

(c) Disconnection. Upon the expiration of the time allowed, if the specified changes have not been made, the Superintendent may physically disconnect or isolate the electric wiring and affix a seal at each point of disconnection. The seal shall be of metal and shall have appended thereon a tag not less than two inches by four inches in size, of substantial paper or cardboard, red in color, and bearing a pointed warning that the installation has been sealed by the Superintendent, that it is unlawful to break, mutilate, destroy or remove the seal or tag, or to use or energize the wiring until the seal has been removed by the Superintendent. When the required changes or repairs have been made and the work has been inspected and approved, the Superintendent shall cause the seal to be removed.

(d) Unlawful to Break, etc. It shall be unlawful for any person to break, mutilate, destroy or remove any seal affixed to any electric wiring by the Superintendent, or to remove or deface the tag appended thereto.

(e) Unlawful to Use Before Correction of Defects. It shall be unlawful for any person to use or energize any electric wiring which has been disconnected and sealed by the Superintendent prior to the removal of the seal by the Superintendent.

(f) Unlawful to Allow Agent to Use Before Removal of Seal. When any electric wiring installation has been sealed, it shall be unlawful for any employer, principal or superior to cause, permit, or allow his agent, servant or employee to use such installation before the removal of the seal by the Superintendent or after the seal has been broken, or removed by any unauthorized person.

Subsection (f) shall apply to every employer, principal or superior whose agent, servant or employee uses such electric wiring for purposes within the general scope of his agency or employment, regardless of whether or not such is made with the knowledge or consent of the employer, principal or superior. Each foreman, superintendent or manager having charge, control or supervision of the work of such agent, servant or employee is deemed a "superior" for the purpose of this subsection. (Ord. 1721)

**Sec. 17-7.4. Discontinuance Of Service.**

When wiring which has been duly sealed is used while the seal is in force, the Superintendent may give a notice in writing to the servicing agency to discontinue service. Within five days after receipt of such notice, the serving agency shall discontinue serving electricity to the wiring installation, unless, in the meantime, the wiring has been reinspected and a seal of approval has been attached by the Superintendent. (Ord. 1721)

**Sec. 17-7.5. Right Of Entry.**

The Superintendent may, during reasonable hours, enter any building or premises in the discharge of his official duties. (Ord. 1721)

**Article 8. Miscellaneous.****Sec. 17-8.1. Non-Liability Of City For Damages.**

This Code shall not be construed to lessen the responsibility of any person owning, operating or installing an electrical wires, appliances, apparatus, construction or equipment, for damages to anyone injured by any defect therein; nor shall the City or any agent, or officer thereof, be held as assuming any such liability by reason of the issuance of any permit, the inspection authorized herein or the issuance of a certificate of inspection. (Ord. 1721)

**Sec. 17-8.2. Electrically Charged Fences.**

No electrically charged fences or structures shall be installed, maintained or used within one hundred (100) feet of any school, public park, public thoroughfare or other area accessible to the general public, unless the Superintendent has granted approval thereto in writing upon finding that measures adequate to protect the safety of the public have been taken by the person installing, maintaining or using such fence or structure. (Ord. 1721)

**Sec. 17-8.3. Electrical Inspector.**

The electrical inspector shall be a certified and registered supervising electrician. (Ord. 1721)

**Article 9. Penalty.****Sec. 17-9.1. Penalty.**

Any person violating any of the provisions of this Code shall, upon conviction, be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months, or by both.

The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance. (Ord. 1721)

Sec. 17-1A. Discontinuance Of Service... If a wiring which has been duly sealed is used within the seal is broken, the Department may give a notice in writing to the contractor to stop work... (Ord. 1231)

Sec. 17-1B. Right Of Entry... The Department may enter residential premises... (Ord. 1231)

Article 8. Miscellaneous

Sec. 17-1D. Non-Liability Of City For Damages... The City shall not be liable for damages... (Ord. 1231)

Sec. 17-1E. Electrically Charged Persons... Any person who is electrically charged... (Ord. 1231)

Sec. 17-1F. Electrical Inspector... The electrical inspector shall be a certified and registered... (Ord. 1231)

Article 9. Penalty

Sec. 17-1G. Penalty... Any person who violates any of the provisions of this Code shall be liable to a fine... (Ord. 1231)

CHAPTER 18.

GAS CODE. ←

Rep. 1/8/69  
Ord. 3336

**Article 1. General Provisions.**

- § 18-1.1. Definitions.
- § 18-1.2. Unlawful For Other Than Public Utility To Construct, Etc., A Gas Service.
- § 18-1.3. Unlawful For Unauthorized Persons To Turn On Gas At Meter.
- § 18-1.4. Permits.
- § 18-1.5. Supervision Of Construction, Etc.
- § 18-1.6. Gas Piping And Testing.
- § 18-1.7. Inspection.
- § 18-1.8. Right Of Entry By Building Superintendent; Right To Disconnect Defective Appliances.
- § 18-1.9. Penalty.

**Article 1. General Provisions.**

**Sec. 18-1.1. Definitions.**

(a) "Gas appliances" shall include all appliances in which gas is or may be used as a fuel.

(b) "Gas service" shall include all piping leading from any gas main to the meter on the premises to be served with gas, and all valves, regulators and meters attached thereto.

(c) "Gas installations" shall include the piping and all valves attached thereto, leading from the gas service in the case of piped gas, and from the storage tank, in the case of bottled gas, to the points within a building or structure at which gas appliances are, or are intended to be, installed.

(d) "Gas installation extension" shall include all extensions of piping beyond the limits of the original gas piping installation and all additions to the original gas installation which require the opening of the installation piping. It shall not include the modification of risers already connected thereto where such modification does not affect the safety of the original installation.

(e) "Piped gas" shall include all gas which is distributed throughout the City by means of gas mains and gas services.

(f) "Bottled gas" shall include liquified petroleum gases which are distributed in containers to the premises at which the bottled gas is to be used and there connected to gas installations for distribution within the premises. (Sec. 8-1.1 R.O. 1957)

**Sec. 18-1.2. Unlawful For Other Than Public Utility To Construct, Etc., A Gas Service.**

It shall be unlawful for any person, other than a public utility manufacturing and supplying gas to the public, to construct, install,

alter, repair or extend a gas service or to cause the same to be constructed, installed, altered, repaired or extended. (Sec. 18-1.2 R.O. 1957)

**Sec. 18-1.3. Unlawful For Unauthorized Persons To Turn On Gas At Meter.**

It shall be unlawful for any person, other than a public utility manufacturing and supplying gas to the public, to turn on piped gas at the gas meter. (Sec. 18-1.3 R.O. 1957)

**Sec. 18-1.4. Permits.**

(a) It shall be unlawful for any person to construct, install, alter or extend a gas installation or cause the same to be constructed, installed, altered or extended for the distribution of piped or bottled gas, without first obtaining a permit therefor from the Building Superintendent.

(b) Said permit shall be issued, in the case of a gas installation for the distribution of piped gas, only to a public utility manufacturing and supplying gas to the public or to a registered master plumber, and in the case of gas installations for distribution of bottled gas, to companies licensed to distribute such gas in the City.

(c) Before any permit is issued, the applicant therefor shall pay to the Building Superintendent a fee based upon the following schedule:

- (1) For each gas piping system using pipes one inch in diameter or less..... \$1.00
- (2) For each gas piping system using pipes in excess of one inch in diameter ..... 2.00
- (3) For each outlet ..... 1.00
- (4) For each reinspection..... 1.00

(d) The Building Superintendent shall keep an accurate record of all fees received and deposit the money with the Director of Finance in the manner prescribed for deposit of building permit fees. (Sec. 18-1.4 R.O. 1957; Am. Sec. 5-2.2. Ord. 1781)

**Sec. 18-1.5. Supervision Of Construction, Etc.**

All work in connection with the construction, installation, extension, alteration, removal, repair or maintenance of any gas installation system, or with the installation and connection of gas appliances to such system, unless performed by a representative of the public utility manufacturing and supplying gas to the public or, in the case of a bottled gas installation, by a representative of a properly licensed distributor of such gas, shall be performed by or under the direct super-

vision of a registered master or journeyman plumber. (Sec. 18-1.5 R.O. 1957)

### **Sec. 18-1.6. Gas Piping And Testing.**

(a) All gas installations and gas installation extension shall be tested to a pressure of at least ten pounds per square inch and shall remain completely tight for a period of not less than five minutes; provided, however, that where any system is intended to carry gas at a pressure in excess of the normal pressure of gas in the mains, such piping system shall be subjected to such greater pressure, for such period in excess of five minutes as the Building Superintendent shall deem necessary in relation to the greater pressure intended to be used.

(b) In any case where a gas installation has been approved and no meter, in the case of piped gas, or storage tanks, in the case of bottled gas, have been installed for a period of twelve months after such approval, it shall be unlawful for any person to use any gas installation or set any meter therefor, or in the case of an installation for bottled gas, to connect any tanks, until another permit has been obtained and such gas piping has been tested, and reapproved, and another certificate of inspection issued therefor.

(c) Any gas installation or gas installation extension which is to be concealed, covered, or enclosed in any manner shall be tested both before and after such enclosure; provided, however, that painting, plastering, papering and other work which does not affect the gas piping need not be completed before the final gas testing is made. (Sec. 18-1.6 R.O. 1957)

### **Sec. 18-1.7. Inspection.**

(a) Upon the completion of any gas installation work hereinabove mentioned, it shall be the duty of the person to whom the permit has been granted, to notify the Building Superintendent that the installation has been completed and tested and is ready for inspection.

(b) The Building Superintendent may inspect and test, or cause to be inspected or tested, all work for which a permit has been issued. Where the Building Superintendent finds that any work is of such a simple nature that further testing and inspection is not necessary, he may approve the installation without such further testing and inspection. Such approval shall be indicated upon the original and duplicate copy of the permit or by a separate certificate.

(c) Nothing contained in this Section shall be deemed or construed to prohibit the Building Superintendent from testing or inspecting any operation or any gas installation system for which a permit has been issued, nor from requiring that any defective piping, fitting, material, work or construction, shall be removed and replaced, nor from requiring such additional test or tests as shall in his opinion be

necessary to insure that the installation conforms to the provisions of this Chapter. (Sec. 18-1.7 R.O. 1957)

**Sec. 18-1.8. Right Of Entry By Building Superintendent; Right To Disconnect Defective Appliances.**

(a) The Building Superintendent or his authorized assistants may enter any and all premises in the performance of duty at all reasonable hours. It shall be unlawful for any person to deny admittance to the Building Superintendent or his assistants after they have properly identified themselves, or to interfere with them in the performance of their duties.

(b) The Building Superintendent or his assistants may disconnect any gas appliances that are defective or dangerous to life or property. It shall be unlawful for any person to reconnect the same unless or until authorized by the Building Superintendent. (Sec. 18-1.8 R.O. 1957)

**Sec. 18-1.9. Penalty.**

Any person violating any provision of this Chapter shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding six months, or by both. (Sec. 18-1.9 R.O. 1957)

Am. 10/7/71  
Ord. 3809 - Uniform Plumbing Codes, 1970 ed, adopted

Am. 1/8/69  
Ord. 3336 - Uniform Plumbing Code, 1967 ed,

Am. 5/21/69 adopted.  
Ord. 3415

## CHAPTER 19.

### PLUMBING CODE.

#### Article 1. Adoption Of Uniform Plumbing Code By Ordinance 1727 And Amendments Thereto.

##### Sec. 19-1.1. Uniform Plumbing Code.

Am. 10/20/65  
Ord. 2718

Am. 8/11/66  
Ord. 2834

Am. 8/30/62  
Ord. 2225 (80)  
D2 of  
APP. D

That certain plumbing code known and designated as "Western Plumbing Officials Uniform Plumbing Code, 1958 Edition" as copyrighted and published in 1958 by the Western Plumbing Officials Association, P. O. Box 75271, Los Angeles 5, California, is hereby adopted by reference, subject to the amendments hereinafter set forth, and shall be the Plumbing Code of the City to provide for the examination and registration of persons engaged in the business of plumbing or laboring at the trade of plumbing, the issuance of permits and for the collection of fees; to create an administrative office and a board of plumbing examiners and prescribing their duties; to establish minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof; defining certain terms; and providing penalties for the violation of the provisions thereof.

(1) Amending Sec. 1.1:

"Sec. 1.1. Administrative Authority.

Whenever the term 'Administrative Authority' is used in this Code, it shall be construed to mean the Building Superintendent."

(2) Amending Sec. 1.2:

"Sec. 1.2. Assistants.

Whenever the term 'assistants' is used in this Code, it shall be construed to mean the authorized representatives of the Administrative Authority."

(3) Amending Sec. 1.3:

"Sec. 1.3. Department Having Jurisdiction.

Unless otherwise provided for by law, the Building Department shall have jurisdiction over and administer all matters covered by this Code."

(4) Amending Sec. 1.7:

(a) By amending the first paragraph thereof to read:

"Any person violating any of the provisions of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed \$300.00 or by imprisonment in the City Jail not to exceed three months, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall

be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.”

(b) By amending the last paragraph thereof by deleting therefrom the numeral “sixty (60)” appearing in the fourth and seventh lines thereof and inserting in lieu thereof the numeral “ninety (90)”.

(5) Amending Sec. 1.10:

“Sec. 1.10. To Whom Permits May Be Issued.

No permit shall be issued to any person to do or cause to be done any plumbing or drainage work regulated by this Code, except to a person holding a valid, unexpired and unrevoked master plumber’s Certificate of Registration.”

(6) Amending Sec. 1.11 by adding thereto three new paragraphs at the end thereof, to read:

“Applications for plumbing permits for any commercial, industrial or public building, hotel or any department building having 10 or more units and any building having three or more floors, shall be accompanied by drawings for approval of the Administrative Authority.

It shall be unlawful for any person to connect to or to aid in, or to cause a connection to be made to, or to make use of, the public sewer system of the City without first having filed an application in writing and obtained the written approval of the Sewer Division, Department of Public Works, and the Administrative Authority.

Nothing contained in this Code shall be deemed or construed to require a permit for removing a stoppage or repairing a leak or defect in any plumbing system when no additional material other than replacement material to repair a defect is used.”

(7) Amending Sec. 1.12 by amending the Schedule of Fees:

“Schedule of Fees

The minimum fee for issuing each permit (including government projects) .....	\$1.00
In addition, fees for the installation of fixtures for other than government projects	
For each plumbing fixture or trap .....	1.00
For water piping to fixtures .....	1.00
For each house sewer .....	3.00
For each cesspool .....	3.00
For each septic tank and seepage pit or drainfield .....	3.00
For each water heater and/or vent .....	1.00
For each gas piping system .....	1.00
For each gas appliance .....	1.00
For installation, alteration or repair of water piping and/or water treating equipment .....	1.00
For repair or alteration of drainage or vent piping .....	1.00
For plumbing piping without fixtures .....	2.00

For vacuum breakers or backflow protective devices installed subsequent to the installation of the piping or equipment served .....	2.00
For air-conditioner discharging into a sanitary system.....	1.00
Lawn sprinkler system—per control valve as follows:	
Up to 1" control valve.....	1.00
Up to 2" control valve.....	2.00
Up to 3" control valve.....	3.00
Up to 4" control valve.....	4.00
Up to 5" control valve.....	5.00
Up to 6" control valve.....	6.00"

(8) Amending Sec. 1.14 by amending the first paragraph thereof by (1) deleting therefrom the words "orally or", appearing in the second line thereof, and (2) substituting the words "forty-eight (48) hours" in lieu of the words "twenty-four (24) hours" appearing on the fourth line thereof.

(9) Amending Sec. 2.1:

"Sec. 2.1. Definition Of Plumbers.

(a) A Master Plumber is a person who has had issued to him a valid Master Plumber's Certificate of Qualification pursuant to the provisions of this Code.

(b) A Journeyman Plumber is a person who has had issued to him a valid Journeyman Plumber's Certificate of Qualification pursuant to the provisions of this Code."

(10) Amending Sec. 2.2:

"Sec. 2.2. General Provisions.

It shall be unlawful for any person to conduct, carry on or engage in the business of plumbing or acting in the capacity of a plumbing contractor, or, work or labor at the trade of plumbing, except:

(a) A master plumber may work, labor, conduct, carry on or engage in the business of plumbing or act in the capacity of a plumbing contractor upon registering his Certificate of Qualification as hereinafter provided.

(b) A journeyman plumber may work or labor at the trade of plumbing only as an employee under a registered master plumber upon registering his Certificate of Qualification as hereinafter provided.

(c) An apprentice plumber or helper may work or labor at the trade of plumbing as an employee under a registered master plumber, provided such work or labor is done under the direct supervision and in the immediate presence of such master plumber or of a registered journeyman plumber."

(11) Amending Sec. 2.4:

"Sec. 2.4. Appointment, Tenure, Meeting, Pay And Oath Of The Board Of Plumbing Examiners.

Am. 12/4/64  
Ord. 2529

(a) There shall be a Board of Plumbing Examiners consisting of three journeyman and two master plumbers engaged in or employed by private business all of whom shall be appointed by the Mayor with the approval of the City Council. The Building Superintendent shall be an ex-officio member of the Board. He shall appoint an employee from the Building Department to serve as secretary to the Board. One of the members appointed from private business shall be designated by the Mayor as chairman of the Board and another as vice-chairman. The members appointed from private business shall have had at least five years' experience in their respective trades. Members of the Board shall be residents of the City and County of Honolulu and citizens of the United States, and shall serve for a term coexistent with the term of the Mayor. Members may be removed by the Mayor with the approval of the City Council.

(b) The members of the Board shall before entering upon their duties, take and subscribe an oath of office in the form set forth in Sec. 149-44, Revised Laws of Hawaii 1955, and file the same with the Clerk of the City and County.

(c) The Board shall, for the transaction of its business, hold regular meetings on the first Monday of each month at 8:30 a.m. in the Board Room of the Department of Parks and Recreation or at such other time and place as may be determined by the Board. Special meetings may be called by the chairman of the Board as he deems necessary. Written notice thereof shall be mailed by the secretary to each member of the Board at least 48 hours prior to such meeting. The notice shall state the date, time and place of such meeting and shall contain a brief summary of the business to be transacted.

(d) The compensation for each of the members appointed from private business shall be twenty dollars per month.

(e) Four members of the Board shall constitute a quorum for the transaction of its business."

(12) Amending Sec. 2.6:

"Sec. 2.6. Certificate Of Qualification.

A. Application for examination. Any person desiring to take the examination for master's or journeymen's Certificate of Qualification shall make written application to the secretary of the Board of Plumbing Examiners, which application shall set forth the full name, age and address of the applicant, and the length of time spent in the place or places where his knowledge or experience was gained.

No person shall be examined for journeyman plumber unless he shall have had experience of at least five years full time or its equivalent as a journeyman's or master plumber's apprentice or helper, and is able to furnish satisfactory evidence of such fact.

No person shall be examined for master plumber until he has had a Certificate of Registration as a journeyman plumber for at least two years.

B. Application fees. Every person applying for a plumber's Certificate of Qualification shall pay to the secretary of the Board of Plumbing Examiners at the time he makes such application the following fees:

- (a) Master Plumber's Certificate of Qualification . . . . . \$50.00
- (b) Journeyman Plumber's Certificate of Qualification . . . . . 5.00"

(13) Amending Sec. 2.7:

"Sec. 2.7. Issuance And Registration Of Certificate Of Qualification.

(a) Master Plumber's Certificate of Qualification shall be issued to every person who makes application for such certificate, pays the required fee, and successfully passes the examination conducted by the Board of Plumbing Examiners.

(b) Journeyman Plumber's Certificate of Qualification shall be issued to every person who makes application for such certificate, pays the required fee and successfully passes the examination conducted by the Board of Plumbing Examiners.

(c) Upon receipt of such Certificate of Qualification, the recipient may within 90 days after the issuance thereof register the same with the Board of Plumbing Examiners and have issued to him without cost a Certificate of Registration; provided, however, in no event shall a Certificate of Registration be issued to any person who has not attained the age of twenty years.

No Certificate of Qualification shall be registered more than 90 days after the issuance thereof."

(14) Amending Sec. 2.9:

"Sec. 2.9. Term Of Certificate Of Registration.

"Every Certificate of Registration issued as hereinabove provided and every Certificate of Re-registration issued as hereinafter provided shall be countersigned by the Administrative Authority and the same shall be valid and remain in force and effect until June 30 of each year, unless sooner cancelled or revoked.

No person shall do any plumbing work regulated by this Code unless he shall be in legal possession of a valid, unrevoked Certificate of Registration or Certificate of Re-registration."

(15) Amending Sec. 2.10:

"Sec. 2.10. Renewal Of Certificates Of Registration And Fees.

All Certificates of Registration or of Re-registration, except certificates which have been cancelled or revoked, may be renewed from year to year during the month of July.

A fee of \$1.00 shall be paid for renewal of a journeyman's registration and \$5.00 for renewal of a master's registration, payable at the office of the Administrative Authority.

§ 19-1.1 (16). REVISED ORDINANCES OF HONOLULU § 19-1.1 (22).

A fee of \$2.00 shall be paid for renewal of a journeyman's registration and \$5.00 for renewal of a master's registration, payable at the Office of the Administrative Authority.

No Certificate of Registration shall be renewed more than 90 days after the expiration thereof, unless good and sufficient cause therefor shall be shown to the Board of Plumbing Examiners."

(16) Adding Sec. 2.13:

"Sec. 2.13. Revocation Of Registration.

No person holding a Certificate of Registration or a Certificate of Qualification shall lend or transfer such certificate to any other person, or allow any other person to do any plumbing or drainage work under any permit secured by him, except journeyman plumbers in his employ possessing a valid Certificate of Registration or an apprentice or helper plumber in his employ and under his immediate supervision or under the immediate supervision of such journeyman plumber.

A violation of this section shall be grounds for the revocation of such person's Certificate of Registration by the Department having jurisdiction thereof in addition to any other penalties provided therefor by this Code."

(17) Adding Sec. 2.14:

"Sec. 2.14. Display Of Sign.

It shall be unlawful, for any person not in legal possession of a valid master plumber's Certificate of Registration to engage in, or carry on, or represent himself, itself, or themselves as engaged in or carrying on the business of plumbing or to use the words 'Master Plumber', 'Plumbing' or 'Plumber', in any advertising or to display or expose a sign having similar import for the purpose of implying the advertiser to be so engaged."

(18) Amending the definition of "Building Drain" by deleting the words "two (2) feet" appearing in the last line and inserting in lieu thereof the words "five (5) feet."

(19) Adding immediately following the definitions of "Hangers" the definition:

"Health Officer. Health Officer shall mean the State Board of Health."

(20) Amending the definition of "Private Sewage Disposal System" by adding the words "cesspool and/or" between the words "a" and "septic tank" appearing in the second line thereof.

(21) Amending the definition of "Water main";

"Water Main. The water main is the Water Department's supply or distribution pipe within the street for public or community use."

(22) Adding immediately following the definition for "water main" the definition:

“Water-service connection. The water-service connection is the Board of Water Supply’s pipe carrying potable water and extend from the water main to and including the water meter.”

(23) Adding immediately following the definition of “water-service connection” the definition:

“Water-supply pipe. Water-supply pipe is the pipe carrying potable water from the water meter or other source of water supply to the building or premises served.”

(24) Amending Sec. 205:

(a) By deleting the word “red” from the first line of paragraph (a).

(b) By deleting the word “red” from the first line of paragraph (b).

(25) Amending Sec. 206(a):

“(a) Floor flanges for water closets or similar fixtures shall be of approved type and shall be of brass or cast iron.”

(26) Amending Table 2-3, following Sec. 210:

“TABLE 2-3—CLEANOUTS

<u>Size of Pipe</u>	<u>Nominal Size of Cleanout</u>	<u>Threads Per Inch</u>
1½ inch	1½ inch	11½
2 inch	2 inch	11½
2½ inch	2½ inch	8
3 inch	3 inch	8
Over 3 inch	4 inch	8”

(27) Amending Table A, immediately preceding Sec. 301:

(a) By adding immediately below the words “Clay sewer pipe,” the following words and numbers: “Concrete Sewer Pipe (ASTM C-14-52 or 55”.

(b) By adding a footnote thereto, reading as follows: “Later revisions of all ASA, ASTM and FS automatically supersedes those shown herein. Other standards as revised are applicable, subject to approval of the Administrative Authority.”

(28) Deleting Sec. 303(c).

(29) Amending Sec. 304(b) by inserting the words “and/or the building sewer” immediately before the period at the end thereof.

(30) Amending Sec. 310:

(a) By amending Paragraph (a) thereof by deleting therefrom the words “double hub” appearing in the fourth line thereof.

(b) By amending paragraph (f) thereof by substituting the word “flanges” for the word “rings”.

m. 1/9/66  
rd. 2748

(31) Amending Sec. 312:

“Sec. 312. Protection From Freezing.

No water, soil, or waste pipe shall be installed or permitted unless adequate provision is made wherever necessary to protect such pipe from freezing.”

(32) Amending Sec. 313 by amending the first paragraph thereof by changing the comma between the words “building” and “and” appearing in the third line thereof to a period, and by deleting the clause following thereafter.

(33) Adding Sec. 314(d):

“(d) When a building is moved, the plumbing in the building may remain, if, after having been tested the same is found to be watertight, and free from all defects. Permit and inspection fees for inspecting the fixtures and plumbing systems in such building shall be at the rates fixed for the inspection of new work.”

(34) Amending Sec. 315(d) by deleting the words “two (2) feet” appearing in the fourth line thereof and inserting in lieu thereof the words “five (5) feet”.

(35) Amending Sec. 317:

(a) By deleting Paragraph (a) therefrom.

(b) By amending Paragraph (e) thereof by deleting the word “service” wherever it appears therein and inserting in lieu thereof the word “supply”.

(36) Amending Sec. 318(b):

“(b) Advance Notice. It shall be the duty of the person doing the work authorized by the permit to notify the Administrative Authority in writing that said work will be ready for inspection. Such notification shall be given not less than forty-eight (48) hours before the work is to be inspected.”

(37) Amending Sec. 406(g):

“(g) Each cleanout shall be so installed that there is a clearance of not less than eighteen (18) inches in front of the cleanout. A cleanout under any portion of a building that is within eighteen (18) inches of the ground shall be extended up to or above the finished floor level directly above the place where the cleanout is required, or the cleanout shall be extended outside of the building.”

and deleting Sec. 406(i).

(38) Amending Sec. 703 by amending Paragraph (b) thereof by deleting therefrom the last sentence thereof and substituting the following sentence therefor:

“No slip joint shall be permitted on the outlet side of any trap, except that tubing traps may be connected to their fixture drains by

means of approved type ground joint or sweat type hexagonal adaptor fittings.”

(39) Amending Sec. 704 to read:

“Sec. 704. Traps Prohibited.

No form of trap which depends for its seal upon the action of movable parts or concealed interior partitions shall be used. Full “S” traps are prohibited. Ball traps are prohibited. Crown vented traps are prohibited. No fixture shall be double trapped. Drum traps may be installed only when permitted by the Administrative Authority for special conditions. No drum trap shall be installed without a vent except when permitted in writing by the Administrative Authority.”

(40) Amending Sec. 707:

“Sec. 707. Water Trap Primer.

Every trap directly connected to the drainage system shall be provided with a permanent water seal, fed from an approved plumbing fixture, or by means of an approved automatic priming device designed and installed for that purpose, except where not deemed necessary for safety or sanitation by the Administrative Authority.”

(41) Amending Sec. 711 by adding to its sub-title:

“(Must bear the Plumbing & Drainage Institute Label.)”

(42) Amending Sec. 804(e):

“(e) Unions. Approved screw type ground joint metal to metal seat unions may be used in drainage work when accessibly located in the trap seal, or between a fixture and its trap, at any point in the water supply system, and in gas piping as permitted by Sec. 1213 (f) hereof.”

(43) Amending Sec. 805(a) by deleting therefrom the words “hard lead” appearing in the fourth line thereof.

(44) Amending Sec. 807 by deleting therefrom the words “galvanized iron” appearing in the second line thereof.

(45) Amending Sec. 909:

(a) By amending the last sentence of Paragraph (b) thereof to read:

“No shower receptor shall be installed unless it conforms to the provisions of this Code and until a prototype of such shower receptor has been submitted to and approved by the Administrative Authority.”

(b) By amending the second sentence of Paragraph (c) thereof to read:

“In no case shall any shower receptor be less than two (2) feet in depth measured from the top of the finished threshold.”

(c) By amending the last sentence in Paragraph (e) (2) thereof to read:

§ 19-1.1 (46). REVISED ORDINANCES OF HONOLULU § 19-1.1 (52).

“Joints in lead and copper pans or linings may be soldered, burned or silver brazed.”

(46) Deleting Sec. 910.

(47) Amending Sec. 1001 by adding at the end thereof a new sentence:

“Flush valve water closets shall have a rate of flow of approximately 30 gallons per minute.”

(48) Amending Sec. 1002(d):

“(d) No water piping supplied by any private water supply system shall be connected to any other source of supply without the approval of the State Department [Board] of Health, the Board of Water Supply, or other department having jurisdiction.”

(49) Amending Sec. 1004(a) by deleting therefrom the word “lead” appearing in the third line thereof.

(50) Amending Sec. 1005 by amending Paragraph (b) thereof:

“(b) A fullway gate or globe valve controlling all outlets shall be installed on the discharge side of each water meter. A separate shut-off valve shall be required for each building or structure so arranged that the water supply can be separately turned on or off to any individual building, except that a single family residence and any buildings accessory thereto may be controlled by one valve. A valve shall be installed on the discharge piping from water supply tank at or near the tank. A valve shall be installed on the cold water supply pipe to each water heater at or near the water heater.”

and by deleting Paragraph (c) thereof.

(51) Amending Sec. 1006 by adding at the end thereof a new paragraph:

“No gravity tank shall be directly connected to the city water main, but shall be provided with an over-the-rim-filler; the orifice or outlet of which must be elevated a distance of six (6) inches above the overflow. A drain shall be provided at the bottom of the tank.”

(52) Amending Sec. 1007:

(a) By amending Paragraph (a) thereof by adding a new sentence at the end thereof:

“Such tank and pump installations shall be in accordance with provisions of Sec. 1002 and 1006 of this Code and with pertinent rules and regulations of the Health Officer, the Board of Water Supply or other department having jurisdiction.”

(b) By amending Paragraph (b) thereof by deleting the words “one hundred twenty-five (125)” appearing in the second and fifth lines thereof and the words “on eighty (80) per cent of” appearing in the last line and inserting in lieu thereof the words “ninety (90)” and the words “upon” respectively.

(c) By amending Paragraph (c) thereof by adding thereto immediately preceding the words "relief valve", appearing in the last line thereof, the words "or temperature relief valve or combined temperature and pressure."

(d) By amending Paragraph (d) thereof :

"(d) Each water heater and hot water tank or hot water system shall have an approved adequately sized pressure and temperature relief valve or a combined temperature and pressure relief valve, minimum  $\frac{3}{4}$ -inch."

(e) By amending Paragraph (e) thereof :

"(e) Relief Valves.

(1) Temperature Relief Valves. The temperature relief valve or the temperature element of the combined temperature and pressure relief valve shall have the capacity to prevent water in the heater from exceeding two hundred and ten (210) degrees Fahrenheit maximum temperature. It shall be tested and rated by an approved testing laboratory under the provisions of the American Standards Association Standard Z21.22. The valve shall be the automatic reseating type. No valves shall be used having smaller than  $\frac{3}{4}$ " inlet connection. Each such temperature control device or combined temperature and pressure relief valve shall be installed on the hot water outlet and shall be equipped with an extended tube which shall project into the hottest water of the water heater or storage tank. If a temperature or a combined temperature and pressure relief valve is located inside the building or inside a water heater enclosure situated out-of-doors, a full size discharge piping shall extend therefrom to the outside of the building or to the outside of the water heater enclosure, with the end of the pipe not more than two (2) feet or less than six (6) inches above the ground and pointing downward. Such discharge piping may terminate at other approved locations. No part of such discharge piping shall be trapped. If the combined temperature and pressure relief valve is located outside the building or outside of the water heater enclosure which is situated out-of-doors, a full size discharge line shall extend outward and downward with the end of the pipe terminating at a point at least one foot below the top of the water heater.

(2) Pressure Relief Valves. The pressure relief valve or the pressure element of the combined temperature and pressure relief valve shall be of a type tested and listed by an approved testing agency under the provisions of the American Standards Association Standard Z21.22 or the ASME Low Pressure Heating Boiler Code for Hot Water Supply Boilers. It shall be set at a pressure not exceeding 125 pounds per square inch. It shall have a relieving capacity capable of preventing a pressure rise in excess of 10% of the set pressure.

§ 19-1.1 (53). REVISED ORDINANCES OF HONOLULU § 19-1.1 (54).

No valve shall be used having smaller than  $\frac{3}{4}$ " inlet connection. Each pressure relief valve shall be installed in the cold water supply pipe between the pressure regulator or check valve and any heater or tank and shall be so located as to be readily accessible. Each such pressure relief valve shall be provided with a discharge piping as required in sub-section (e) (1) above.

(3) Discharge Piping. Discharge piping shall be of approved materials.

(4) Vacuum Relief Valve. Each water heater and hot water tank or hot water system shall have an approved sized vacuum relief valve.

(5) Energy or Fuel Shut-Off. If it is found impractical due to design, to install a combination temperature and pressure relief valve, permission may be granted by the Administrative Authority to use a fuel or energy shut-off. This shut-off must be independent of, and in addition to the normal heater control or thermostat. The shut-off shall be provided and calibrated for the specific usage by the water heater manufacturer. The shut-off shall be set to shut off all gas, oil or electricity to the water heater when the water in the tank reaches a temperature of not more than 210° F. The temperature sensing element of the shut-off device may be surface mounted on the tank not more than 6 inches below the top of the tank.

(53) Amending Sec. 1008(b) :

(a) By deleting therefrom the word "service" wherever it appears therein and inserting in lieu thereof the word "supply"; and

(b) By adding thereto a new paragraph at the end thereof :

*Am. 4/19/66*  
*Ord. 2748*  
(c) "For water supply systems requiring the installation of cast iron pipe four (4) inches and larger, materials and construction shall wherever possible be in accordance with the applicable standards used in the construction of the Board of Water Supply's system."

(54) Amending Sec. 1009:

(a) By amending Paragraph (a) thereof by deleting therefrom the words "each water meter and" appearing in the first line thereof.

(b) By amending Paragraph (b) thereof by deleting therefrom the words "and meter" appearing in the fifth line of the first sentence thereof.

(c) By amending Paragraph (d) thereof by inserting between the words "less" and "shall", appearing in the third line thereof, the words "and consisting predominantly of lush tanks."

(d) By amending Paragraph (f) thereof by deleting the words "Fairly Rought or " appearing in the fourth line thereof.

(e) By amending Subparagraph (4) of Paragraph (g) thereof :

“(4) Pressure in the street main or other source of supply at the locality where the installation is to be made. If the pressure is reduced into the property, the reduced pressure shall be used.”

(f) By amending Paragraph (h) thereof:

“(h) Size of building supply pipe. Knowing the available pressure in the street main, and after subtracting one half ( $\frac{1}{2}$ ) pound per square inch pressure for each foot difference in elevation between the street main and the highest water supply outlet in the building or on the premises, from Table 10-2 use the ‘Pressure Range’ group within which this pressure will fall. Select the ‘length’ column which is equal to or longer than the required length. Follow down the column to a fixture unit value equal to or greater than the total number of fixture units required by the installation. Having located the proper fixture unit value for the required length, the size of house supply pipe will be found in the second column from the left.”

(g) By amending Table 10-1 (Page 78) thereof by adding a footnote thereto reading:

“For supply outlets likely to impose continuous demands estimate continuous supply separately and add to total demand. For fixtures not listed, weights may be assumed by comparing the fixtures to a listed one using water in similar quantities at similar rates.”

(h) By amending Table 10-2 thereof by deleting the words “AND METER” from the title, changing the first column heading to “Water Service”, and the next column heading to “Water Supply & Branches”.

(55) Amending Sec. 1101 by deleting therefrom the paragraph headed “exception”.

(56) Amending Sec. 1103:

(a) By changing the title thereof to read “House Sewer Materials”.

(b) By amending the first line of Paragraph (a) thereof to read “(a) The house sewer, beginning five (5) feet from”.

(57) Amending Sec. 1106:

(a) By changing the words “Building (house) sewer(s)” appearing at the beginning of Paragraphs (a), (b) and (c) thereof to read “House sewer(s)”.

(b) By deleting the words “two (2) feet” appearing in the fourth line of Paragraph (c) thereof and inserting in lieu thereof the words “five (5) feet.”

(58) Amending Sec. 1107(a):

“(a) Cleanouts shall be placed in every house sewer at the junction with the soil pipe at the building, and at intervals of not to exceed 50’ in straight runs.”

(59) Amending Sec. 1110:

“Sec. 1110. Location.

No house sewer or private sewerage disposal system or parts thereof shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private disposal system. Provided, however, a house sewer or private disposal system may be located on an abutting lot when specifically required by the health officer or other department having jurisdiction over sewage disposal and provided further that a legal easement over the abutting lot is first obtained and the plans are approved by the Administrative Authority.”

(60) Amending Sec. 1111:

(a) By amending Paragraph (a) thereof by (1) changing the words “building (house) sewer” appearing in the first two lines thereof to read “house sewer or private sewer”; and (2) by inserting between the word “chapter” and the “period” at the end of the first sentence thereof the words “and the requirements of the Health Officer”.

(b) By amending Paragraph (c) thereof by deleting the second sentence therefrom.

(61) Deleting Sec. 1112 to 1119.

(62) Deleting Table 11-1 (Page 97).

(63) Amending Sec. 1202 by amending the first paragraph thereof by (1) deleting therefrom the word “also” appearing in the fourth line thereof, and (2) substituting the word “manufactured” for the word “natural” in the sixth line thereof.

(64) Amending Sec. 1206(c) adding at the end thereof the following proviso:

“Provided that the Administrative Authority may accept the use of any testing apparatus which has been approved by a nationally recognized testing laboratory in lieu of the foregoing air pressure test.”

(65) Deleting Sec. 1207.

(66) Amending Sec. 1208(a):

“(a) It shall be unlawful for any person, except persons representing a public utility manufacturing and supplying gas to the public or an authorized distributor of LPG fuel to turn on gas at the gas meter.”

(67) Amending Sec. 1211(a):

“(a) All gas meter locations shall be approved by the supplier. All such locations shall conform to State and local fire regulations.”

(68) Amending Sec. 1214(b) by deleting therefrom the last clause reading “and all meters shall be set at one location.”, and inserting in lieu thereof a new clause and sentence reading: “and all gas meter locations shall be approved by the supplier. All such locations shall conform to State and City fire regulations.”

(69) Amending Sec. 1217:

(a) By amending Paragraph (a) thereof:

“(a) The following regulations as set forth in this Section and in Section 1218 ‘Requires Gas Piping Size’ shall be the standard for the installation of gas piping in single domestic units. Gas piping size for commercial, industrial and multiple units must be checked and approved by the Administrative Authority. These regulations are based on the use of Manufactured Gas having a heating value of 900 BTU and specific gravity of .85 supplied at approximately four (4) inches water column pressure at the outlet of the meter or Liquefied Petroleum Gas having a heating value of 2500 BTU and specific gravity of 1.87 supplied at approximately eleven (11) inches water column pressure at the outlet of the meter.”

(b) By amending Paragraph (e) thereof:

“(e) The size of the supply pipe outlet for any gas appliance shall not be less than the size specified in Table 12-2, and in no case smaller than one-half (1/2) inch.”

(c) By amending Table 12-1 thereof:

“TABLE 12-1

DEMAND OF TYPICAL DOMESTIC GAS APPLIANCES  
IN CUBIC FEET PER HOUR

Appliances:	Demand	
	Mfg Gas	Lpg Gas
Domestic Full Size Range.....	90	32
Domestic Apt. Size Range.....	68	29
Domestic Recessed Oven Section.....	22	8
Domestic Surface Unit .....	45	16
Domestic Storage Water Heater up to 30 Gal..	39	14
Domestic Storage Water Heater 40 & 50 Gal...	50	18
Domestic Clothes Dryer .....	45	16
Domestic Barbeque .....	33	12
Gas Refrigerator .....	4	2
Gas Luau Torch.....	19	7”

(70) Amending Sec. 1218:

(a) By amending Paragraph (c) thereof:

“(c) For conditions other than those covered by subsection (a) of this section, such as commercial, industrial and multiple units which require longer runs or greater gas demands, the size of each gas piping system shall be determined by standard engineering methods acceptable to the Administrative Authority.”

(b) By (1) amending Paragraph (d) thereof by deleting therefrom the words “seven (7) inches” appearing in the third line thereof

and inserting in lieu thereof the words "four (4) inches"; and (2) deleting pages 112 and 113 of the Code.

(c) By amending Table 12-2 thereof :

"TABLE 12-2

GAS PIPES SIZING TABLE

Maximum delivery capacity in cubic feet of gas per hour of I.P.S. pipe carrying Manufactured Gas of 0.85 Specific Gravity.

Pipe Size	Length in Feet								
	10'	20'	30'	40'	50'	60'	70'	80'	90'
1/2.....	80	60	50	45	40	35	28	26	25
3/4.....	195	140	120	100	90	85	80	75	70
1.....	425	310	255	220	190	180	160	150	140
1 1/4.....	740	520	430	370	330	300	280	260	250
1 1/2.....	1100	750	650	550	500	450	400	375	350
	100'	125'	150'	200'	250'	300'	350'	400'	

1/2.....	24	21	19	..	..	..	..	..	..
3/4.....	65	60	55	45	40	37	35	32	
1.....	135	120	118	100	90	80	75	70	
1 1/4.....	230	210	195	165	150	135	125	120	
1 1/2.....	335	300	290	250	225	200	180	170	

Maximum delivery capacity in cubic feet of gas per hour of I.P.S. pipe carrying Liquefied Petroleum Gas of 1.87 Specific Gravity.

Pipe Size	Length in Feet								
	10'	20'	30'	40'	50'	60'	70'	80'	90'
1/2.....	50	35	29	25	22	20	19	18	17
3/4.....	140	100	80	70	61	58	52	49	46
1.....	285	200	165	140	125	115	105	100	95
1 1/4.....	500	350	290	250	220	200	185	170	160
1 1/2.....	790	560	450	390	350	320	290	275	260
	100'	125'	150'	200'	250'	300'	350'	400'	

1/2.....	16	9	..	..	..	..	..	..	..
3/4.....	44	39	36	31	28	25	23	22	
1.....	90	80	74	64	56	52	47	45	
1 1/4.....	150	140	130	110	100	90	85	80	
1 1/2.....	250	220	200	175	155	140	130	120"	

(71) Amending Sec. 1301 by adding thereto immediately preceding the last sentence in parenthesis a new sentence to read, "However, nothing in this Code shall be interpreted so as to conflict with the Building Code of the City and County of Honolulu."

(72) Amending Sec. 1303:

"Sec. 1303. Who may install, alter, repair.

Only registered plumbers, public utilities manufacturing and supplying gas to the public, or a distributor of LPG fuel may install, alter or repair gas piping, water heaters or vents regulated by this Code."

(73) Amending Sec. 1313:

"Sec. 1313. Pressure Relief Valves (see Sec. 1007)."

(74) Amending Sec. 1314:

(a) By amending Paragraph (a) thereof by (1) amending the first sentence thereof to read:

"Each water heater shall be connected to an approved flue ("B" type—see N.B.T.U. Pamphlet 54, paragraph 5, 3,3.) or vent and each such flue or vent for a gas-fired water heater shall consist of approved vent piping of non-combustible, corrosion-resistant material of sufficient thickness, cross-sectional area and heat insulating quality to avoid excess temperature on any adjacent combustible material as determined by tests made by a recognized testing laboratory.";

and (2) deleting the last sentence therefrom.

(b) By amending Paragraph (c) thereof by deleting therefrom the last sentence thereof.

(75) Amending Appendix A 1.2:

"A 1.2 Obtain the size of meter and service connection required from the Board of Water Supply. Friction losses for disk type meters may be obtained from Chart A-1."

(76) Amending Appendix A 3.3:

"A 3.3 Subtract the sum of loss in static pressure and the pressure to be maintained at the highest fixture from the service pressure. The result will be the pressure available for friction loss in the supply pipes."

(77) Amending Appendix A 4.1 by deleting therefrom the words "A-5" and "A-6" appearing respectively in the third and fourth lines thereof.

(78) Amending Appendix A 4.3:

"A 4.3 Chart A-7 shall be used for ferrous pipe. For extremely hard water, it will be advisable to make additional allowances for the reduction of capacity of hot water lines in service."

(79) Amending Appendix A 7.1 by amending the third paragraph thereof:

§ 19-1.1 (79). REVISED ORDINANCES OF HONOLULU § 19-1.1 (79).

(a) By deleting therefrom the words "Chart A-5" and inserting in lieu thereof the words "Chart A-4".

(b) By adding at the end thereof a new sentence to read:

"If the pipe material and water supply are such that Chart A-7 applies, the required diameter of the building supply is 4 inches and the required diameter of the branch to the hot-water heater is 2½ inches." (Ord. 1727; Am. Ord. 1728, 1835, 1924)

Am. 8/30/62  
Ord. 2225 - (80) - Amending Paragraph D2 of Appendix D.

## CHAPTER 20.

### STREETS, SIDEWALKS, CURBS AND DRIVEWAYS CONSTRUCTION CODE.

#### Article 1. Excavation And Repairs Of Streets And Sidewalks.

- § 20-1.1. Permit To Dig Up Streets, Etc. ; Application Bond.
- § 20-1.2. Excavation, Manner Of Making And Back Filling.
- § 20-1.3. Chief Engineer To Be Notified Upon Completion Of Backfill.
- § 20-1.4. City To Cause Restoration Of Foundation And Surface.
- § 20-1.5. City To Be Reimbursed.
- § 20-1.6. Indemnification Of City.
- § 20-1.7. Penalty.

#### Article 2. Construction Requirements Of Sidewalks And Curbs.

- § 20-2.1. Sidewalks, Driveways, And/Or Curbs To Conform To Grade And Specifications.
- § 20-2.2. Unlawful To Construct Sidewalk, Driveway And/Or Curb Without A Permit.
- § 20-2.3. Procedure Upon Initiative Of Owner Of Abutting Property.
- § 20-2.4. Construction Of Sidewalks And/Or Curbs In The City.
- § 20-2.5. Notice To Abutting Owner.
- § 20-2.6. Affidavit Of Service, Publication And Posting Of Notice.
- § 20-2.7. Procedure Upon Owner Failing To Build.
- § 20-2.8. Sidewalks Specifications.
- § 20-2.9. Driveway Specifications And Regulations.
- § 20-2.10. Curb Specifications.
- § 20-2.11. Penalty.

#### Article 3. Private Driveways.

- § 20-3.1. Regulation Of Private Driveways.
- § 20-3.2. Penalty.

#### Article 4. Public Utility Reserved Areas.

- § 20-4.1. Area Abutting Street Reserved For Utilities.
- § 20-4.2. Reserved Area At Intersections; Construction Of Driveways Over Same Prohibited.

#### Article 5. Cleaning And Maintaining Sidewalks.

- § 20-5.1. Cleaning Of Sidewalks.
- § 20-5.2. Procedure On Owner Failing To Clean.
- § 20-5.3. Notice To Property Owners.

### Article 1.

#### Excavation And Repairs Of Streets And Sidewalks.

##### Sec. 20-1.1. Permit To Dig Up Streets, Etc. ; Application Bond.

(a) No person, including City officials and employees, shall, in any manner or for any purpose, break up, dig up, disturb, undermine or dig under, any public highway, street, thoroughfare, alley or sidewalk

or any other public place, or cause the same to be done without having first obtained a written permit therefor from the Chief Engineer. Such permit shall contain a provision that all surplus material excavated shall be, if desired by the Chief Engineer, and at the cost and expense of the holder of such permit, carted, hauled and delivered to and deposited upon such place as may be directed by the Chief Engineer.

*Am. 7/20/62*  
*Ord. 2207* (b) Any person desiring the permit required under this Section shall make application therefor to the Chief Engineer on a form prescribed by the Chief Engineer. The Chief Engineer may prescribe in said permit the place where the work is to be done and as a condition precedent may require a bond in favor of the City to protect it against any and all claims for damages due to any work done under said permit.

(c) The Chief Engineer, before issuing such permit, shall require the presentation of a plat showing the location of each proposed excavation and the dimensions thereof including the surface area of said opening in paving, sidewalk and other structures, and the nature, size, length and purpose of the structure to be installed therein, and such other details and information as the Chief Engineer may require to be shown upon such plat, provided, that the filing of plats shall not be required when excavations are made for service connections, for the location of trouble in conduits or pipes, or for making repairs thereto.

(d) If any person desires such permit for the purpose of laying underground wires, for any telegraph, telephone or signal system, the application for such permit shall be made directly to the Council and as a condition to the granting of such permit, the Council may require the applicant to furnish the City and place in position, conduit facilities for laying underground wires by the City, for any police, fire alarm and electric light systems for use by the City. (Sec. 20-1.1 R.O. 1957)

#### **Sec. 20-1.2. Excavation, Manner Of Making And Backfilling.**

(a) In doing any of the work specified in Section 20-1.1 the top edge of trenches shall be neatly cut along well defined lines and the paving material must be kept separate and deposited in a manner that will not inconvenience the public, with provisions for proper surface drainage and safe passage for travel.

(b) The permit holder shall provide, in connection with the work covered by the permit sufficient barriers, and lights from twilight to sunrise and necessary watchmen for the proper safety and protection of the public, and the said barriers and lights shall be so arranged as to effectually define the line of safe passage for both pedestrian and vehicular traffic. The permit holder shall be responsible for all damages of every kind or nature suffered because of the work done by him.

(c) As soon as practicable after finishing any excavation or other opening in, or under any public highway, street, thoroughfare, sidewalk or other public place, the holder of the permit shall carefully re-fill the same, the earth to be placed in layers not more than six inches thick as follows:

(1) All backfill shall be placed by hand and with hand tools and no drags, scrapers, power shovels or mechanically operated equipment shall be used in placing backfill in any street openings, trench or other excavations.

(2) The soil for backfill shall be as free of adobe as possible and no lumps of soil having any dimension greater than four inches shall be used in the backfill of any trench or other street opening or excavations.

(3) All backfill of any trench or other street opening or excavation, shall be tamped in six-inch layers, with approved pneumatic backfill tampers having a safe working capacity of not less than six hundred blows per minute, with a driving stroke of not less than five and one-half inches and driving butts not exceeding five and three-quarters inches in diameter; the total weight of the pneumatic backfill tampers shall not be less than thirty pounds.

(4) Said pneumatic backfill tampers shall be kept in good working condition and have a tamping efficiency that shall be satisfactory to the Chief Engineer, and at least one of said backfill tampers shall be used to each two men shoveling in backfill. The backfill shall be shoveled in by hand in layers not exceeding six inches in depth, each layer being thoroughly and solidly tamped in place before the next layer is installed. This procedure shall apply throughout the backfill of the street opening, trench or other excavation, up to the under surface of the telford or paving base, if such area has telford or paving base, where the backfill shall be thoroughly and tightly compacted true to the line of the bottom of said telford or paving base. The next layer of backfill shall be brought up to the bottom of the pavement, where the backfill shall be thoroughly and tightly compacted true to the line of the bottom of said pavement. The next and final layer of backfill shall be brought up to the surface of the pavement or other opening and shall be thoroughly and tightly compacted true to the finished surface of the pavement or other area in which the opening has been made.

(d) If no street or highway surface, sidewalk or other surface structure is to be replaced, the original surface shall be restored as nearly as it may be and the cut sodded with approved grass, true to the surrounding surface area, by the permit holder.

(e) After the street opening, trench or other excavation has been completely backfilled and tamped, the site shall be thoroughly cleaned by the permit holder and all excess excavation and other foreign mat-

ter caused by said excavation or otherwise by said permit holder, shall be removed and deposited in the area designated by the Chief Engineer, at the cost and expense of said permit holder. (Sec. 20-1.2 R.O. 1957)

**Sec. 20-1.3. Chief Engineer To Be Notified Upon Completion Of Backfill.**

Am. 7/20/62  
Ord. 2207

(a) Immediately upon the completion of the tamping and refilling of any opening the holder of the permit shall notify the Chief Engineer, that the work under the permit is completed, stating the number of the permit and location of the opening.

(b) If the opening is in or partly in a pavement, a base course, or through a concrete gutter, curb or sidewalk or any other public structure, the street opening shall then be turned over to the Chief Engineer for repaving and/or for repairing such other public structures as were included or damaged by the permit holder. (Sec. 20-1.3 R.O. 1957)

**Sec. 20-1.4. City To Cause Restoration Of Foundation And Surface.**

Am. 7/20/62  
Ord. 2207

(a) Upon receipt of notice provided for in Section 20-1.3 the Chief Engineer shall cause the proper repairs to be made to restore the foundation and surface to its original or equally good condition.

(b) If any opening has not been refilled in accordance with any provision of this Article, he may cause the same to be again excavated and refilled and the expense thereof shall be charged to and collected from the permit holder. (Sec. 20-1.4 R.O. 1957)

**Sec. 20-1.5. City To Be Reimbursed.**

(a) The Chief Engineer shall cause bills for proper costs of re-setting foundation and pavement or any other work made necessary by work done under the permit required by this Article to be sent to the holder of the permit. If the bills are not paid within thirty days the accounts shall be placed in the hands of the Corporation Counsel for collection.

m. 6/3/64  
rd. 2454

(b) The rates as mentioned above shall be:

(1) For the patching of any trench up to 20 square feet the flat minimum rate therefor shall be \$8.00 for macadam; \$12.00 for concrete; and \$18.00 for asphaltic concrete;

(2) For the patching of any trench in excess of the above said 20 square feet, there shall be a charge according to the following schedule of rates:

- macadam.....40¢ per square foot;
- concrete.....60¢ per square foot;
- asphaltic concrete.....90¢ per square foot.

(Sec. 20-1.5 R.O. 1957)

**Sec. 20-1.6. Indemnification Of City.**

(a) The holder of a permit shall indemnify and save harmless the City, the officers and agents thereof, from all claims, demands, suits, actions or proceedings of every name, character and description which may be brought against the City for or on account of any injuries or damages to any person or property received or sustained by any person as a consequence of any act or acts of the holder of permit on work done under the permit.

(b) The City while making repairs shall use every precaution required of the holder of permit as to barricades, lights, and watchmen for the safety of the public, but such action shall not relieve the holder of the permit from responsibility for accidents, should any occur. (Sec. 20-1.6 R.O. 1957)

**Sec. 20-1.7. Penalty.**

Any person who violates any provision of this Article shall, upon conviction, be punished by a fine not exceeding \$250 or by imprisonment not exceeding three months, or by both. (Sec. 20-1.7 R.O. 1957)

**Article 2.****Construction Requirements Of Sidewalks And Curbs.****Sec. 20-2.1. Sidewalks, Driveways, And/Or Curbs To Conform To Grade And Specifications.**

Am. 4/13/62  
Ord. 2146

All sidewalks, driveways and/or curbs hereafter constructed, reconstructed, improved or repaired in any public place in the City or along any street shall conform to grades established by law and shall be built according to the specifications and regulations herein provided. (Sec. 20-2.1 R.O. 1957)

**Sec. 20-2.2. Unlawful To Construct Sidewalk, Driveway And/Or Curb Without A Permit.**

Am. 4/13/62  
Ord. 2146

It shall be unlawful for any person to construct, reconstruct, improve or repair any sidewalk, driveway and/or curb in any public place in the City or along any street without first obtaining a permit in writing so to do from the Chief Engineer. (Sec. 20-2.2. R.O. 1957)

**Sec. 20-2.3. Procedure Upon Initiative Of Owner Of Abutting Property.**

Am. 7/27/62  
Ord. 2211

(a) When the owner of real property abutting any street desires to construct, reconstruct, improve or repair any sidewalk and/or curb, he shall make written application for permission so to do to the Chief Engineer. The application shall be in such form and shall contain such information as shall be prescribed by said Chief Engineer.

(b) The Chief Engineer, if the grade of such sidewalk and/or curb has been established according to law, or if not, when it has been so established, shall issue a written permit to do the work specified in the application and he shall state in said permit the types, width and position of sidewalk and/or curb required, and he may specify such appurtenant work as he shall deem necessary. The permit shall be in a form to be prescribed by the Chief Engineer.

(c) Whenever such owner has completed any sidewalk and/or curb work for which a permit has been issued, he shall return to the Chief Engineer the permit which shall show thereon the completion of the work authorized therein.

(d) The Chief Engineer, upon receipt of such notice of completion, shall inspect such sidewalk and/or curb and if the same conforms to the specifications prescribed in this Article, he shall accept the work and give the property owner his approval thereof by countersigning the permit.

(e) The Chief Engineer shall keep a complete record of applications and permits, grades furnished and approvals given. (Sec. 20-2.3 R.O. 1957)

Am. 4/13/62  
Ord. 2146-  
Adding  
20-2.3A

**Sec. 20-2.4. Construction Of Sidewalks And/Or Curbs In The City.**

Am. 3/27/62  
Ord. 2129

Whenever the Council shall deem it proper or necessary that sidewalks and/or curbs shall be constructed, reconstructed, improved, or repaired along any street within the City, it shall, by resolution, require and direct the owner or owners of land abutting such street to construct, reconstruct, improve or repair such sidewalks and/or curbs fronting his or their land. Such resolution shall designate the location and area of such sidewalk and/or length of the curb to be constructed, reconstructed, improved or repaired, and shall also provide that notice be given to the said owner or owners by the Chief Engineer to construct, reconstruct, improve, or repair such sidewalks and/or curbs. (Sec. 20-2.4 R.O. 1957; Am. Ord. 1987)

Am. 10/13/63  
Ord. 2412  
Deleting

Am. 7/27/62  
Ord. 2211-  
Adding  
20-2.4(C)

**Sec. 20-2.5. Notice To Abutting Owner.**

n. 3/27/62  
rd. 2129

(a) Immediately after the effective date of such resolution, the required notice to abutting owners shall be given by the Chief Engineer, either by publication thereof in a daily newspaper of general circulation in the City once in each of three consecutive weeks, or by personal service of a copy of such notice upon each of the abutting owners or by both such publication and personal service; provided, further, the Chief Engineer shall within ten (10) days after the date of the introduction of said resolution post a copy of such notice upon each and every land abutting such street and fronting the improvement to be made.

(b) The notice shall set forth therein the location of the improvement to be made, the nature thereof, a specific direction to such abutting owners to construct, reconstruct, improve or repair such sidewalk and/or curb, and that if such abutting owners neglect or refuse to comply with its direction for sixty days after the last day of the publication of such notice, or for sixty days after the date of personal service thereof, where no publication of the notice has been made, the Council will proceed to construct, reconstruct, improve, or repair the sidewalk and/or curb at the expense of such owners. (Sec. 20-2.5 R.O. 1957)

**Sec. 20-2.6. Affidavit Of Service, Publication And Posting Of Notice.**

The Chief Engineer shall make an affidavit of the posting of the copy of notice as required in the preceding section, and an affidavit of service of any copy of such notice, and/or procure an affidavit of publication of the same, and shall keep such affidavits on file in his office. (Sec. 20-2.6 R.O. 1957)

**Sec. 20-2.7. Procedure Upon Owner Failing To Build.**

If any owner required by such resolution and notice to construct, reconstruct, improve, or repair any sidewalk and/or curb in the City shall, after receiving due and proper notice, neglect or refuse to do so within the time mentioned in the notice, the Chief Engineer shall so notify the Council, which may thereafter direct the Chief Engineer to construct, reconstruct, improve or repair such sidewalk and/or curb according to the said resolution and the cost and expense thereby incurred shall be a lien upon the property abutting such sidewalk and/or curb and the same shall be collected by the Council from the owner of such property in the name of the City in the manner provided by law. (Sec. 20-2.7 R.O. 1957; Am. Ord. 1987)

**Sec. 20-2.8. Sidewalk Specifications.**

(a) All sidewalks hereafter constructed, reconstructed or improved in any public place in the City or along any street shall be of concrete and shall conform to the following specifications:

(1) Materials

(a) All concrete for sidewalks shall have a minimum compressive strength of 2500 pounds per square inch at the age of 28 days, and a slump of about 3 inches. Transit mix concrete is acceptable. Where the concrete is mixed at the site, the mix and method shall be subject to the approval of the Chief Engineer.

(b) Reinforcing for sidewalks at driveways shall be 6" x 6" wire mesh made of No. 6 galvanized wires.

Am. 3/27/62  
Ord. 2129  
Am. 7/27/62  
Ord. 2211  
Am. 10/21/63  
Ord. 2412

Am. 4/13/62  
Ord. 2146

## (2) Subgrade

(a) The subgrade shall be constructed after the curb along the sidewalk area to be improved has been properly placed. Such subgrade shall be constructed by excavating or by filling and the finished subgrade shall be four (4) inches below the finished grade of the concrete sidewalk. The subgrade shall be rolled with a tandem roller weighing not less than five tons after rough grading, and all portions of the subgrade, after rough grading, which cannot be properly rolled with such tandem roller shall be watered and hand tamped. All soft, loose or unsuitable materials found in the subgrade shall be removed and the space filled with suitable materials before the subgrade shall be compacted by rolling or tamping to the proper grade.

## (3) Width

(a) Unless otherwise provided, the minimum width of concrete sidewalks shall be four (4) feet except where the width of the sidewalk area is less than four (4) feet, in which case the concrete sidewalk shall occupy the entire width of such sidewalk area; provided, that concrete sidewalks shall be laid from the curb to the property line in all limited industrial districts, restricted business districts, business districts, semi-industrial districts, industrial districts, and noxious industry districts of the district of Honolulu established pursuant to law, and provided further that if the sidewalk is not constructed from the curb to the property line, it shall be laid a minimum of two feet away from the outside face of the curb along such sidewalk area.

## (4) Construction

(a) Concrete sidewalks shall be constructed upon such subgrade in alternate blocks, each block shall be four (4) inches in depth, the width of the finished walk and not more than thirty-two (32) feet in length in the direction of the street. The sidewalk shall be marked off in squares with sides approximately equal to its width. All marks and edges are to be finished with a marker or an edger commonly used in the construction of concrete sidewalks. Such concrete sidewalks shall be finished to a smooth even surface; provided, however, that by the use of wood floats such surface shall be slightly roughened, which roughness shall be first tried upon several blocks and the block approved by the Chief Engineer or his authorized representative shall be used as sample concrete finish. The finished sidewalk surface shall be a true plane rising from the top of curb to the property line at the rate of one-fourth ( $\frac{1}{4}$ ) inch to one (1) foot; provided, that driveways laid upon the sidewalk areas or forming a portion of the sidewalk shall be constructed in accordance with the specifications

shown in the "Standard Details", File No. 7-14-1-1, on file with the Division of Engineering, Department of Public Works.

(5) Protection and Curing of Sidewalks

(a) Immediately after the placing of concrete sidewalk, every portion thereof shall be covered with not less than one and one-half (1½) inches of beach or black sand, or burlap which shall be kept wet for six (6) days.

(b) "Hunt Process-Clear" for curing concrete sidewalks may be used in lieu of the foregoing sand and water, or burlap and water.

(6) Joints

(a) Cary elastite joints or its equivalent, of one-half (½) inch material shall be placed at right angles to the direction of the street for the full length and depth of the joint within twenty-five (25) feet from the corner of any street intersection. (Sec. 20-2.8 R.O. 1957)

**Sec. 20-2.9. Driveway Specifications And Regulations.**

Am. 4/13/62  
Ord. 2146

(a) Driveway shall conform to the specifications and regulations hereinafter enumerated:

(1) Curbs

(a) Driveway curbs will be lowered in accordance with the Standard Detail for Constructing Drop Driveways along Existing Curbs, File No. 7-10-3-4, dated June 22, 1956, signed by the Director of the Division of Engineering and approved by the Chief Engineer, on file with the Division of Engineering.

(2) Materials

(a) Unless otherwise herein designated, the materials shall conform to those specified in Section 20-2.8 herein. Pending installation of sidewalks in residential districts, the driveways therein may be constructed of asphaltic concrete.

(3) Grade

(a) Unless otherwise herein designated, driveway grade shall conform to that specified in Section 20-2.8 herein. Pending installation of sidewalks in residential districts, driveways therein may be constructed to grade from the curb to the property line. Such grade shall not, however, in the opinion of the Director of the Division of Engineering, create a public nuisance or dangerous condition. (Sec. 20-2.9 R.O. 1957)

**Sec. 20-2.10. Curb Specifications.**

(a) All curbs constructed in the City under the provisions of this Article shall conform to the respective specifications below set forth for stone or concrete curbs, according to the type of curbing deter-

Am. 4/13/62  
Ord. 2146

{Renumbered 2.9

mined upon by the Chief Engineer and approved by the Council. The setting and placing of curbs shall be done in accordance with the Standard Specifications of the Division of Engineering of the Department of Public Works.

(1) Stone or Lava Rock Curbs

(a) Stone or lava rock curbing shall be of good quality rectangular blocks of which not less than fifty (50) per cent shall be not less than thirty-six (36) inches in length and the remaining fifty (50) per cent shall be not less than thirty (30) inches in length except for proper closure pieces, and shall not be less than sixteen (16) inches in depth and shall be of matched width six (6) inches on top.

(b) The top of natural stone curbing shall have a smooth surface perpendicular to the face of the curbing.

(c) The front face of natural stone curbing shall be first class peen hammered and no holes allowed for a depth of ten (10) inches below the top. The dressed surface shall be trued and properly squared. The remainder of the face of the lava rock curbing shall be point dressed. The back shall be point dressed to a uniform thickness of six (6) inches for not less than three (3) inches from the top and shall be free of projections of more than two (2) inches below this point.

(d) The curb for corners shall be cut and laid to the prescribed curb lines, and the joints shall be on true radial lines.

(e) The ends shall be square with the top and shall permit of a joint not exceeding one-half ( $\frac{1}{2}$ ) inch for the full thickness of the stone to a depth of not less than ten (10) inches from the top.

(2) Pre-Cast Concrete Curbing

(a) The standard pre-cast concrete curbing shall be constructed as shown on the "Standard Details," File No. 7-14-1-1 on file in the Division of Engineering, Department of Public Works. Curved blocks of the proper radii shall be constructed for all curves. The concrete for the blocks shall be the same as specified for concrete sidewalks. Concrete for the top of the curb, the back face to a depth of two inches and the front face of the curb to the gutter line shall be finished to a hard, smooth surface.

(b) The blocks shall be cured by covering them with burlap or old cement bags or with one and one-half ( $1\frac{1}{2}$ ) inches of black or beach sand, which cover shall be kept wet for at least six (6) days by sprinkling water continuously during the day. The blocks may be cured with the "Hunt Process-Clear," or its equivalent, if the maker so desires, in lieu of the curing specified above.

(3) Rolled Concrete Curbs

(a) Use. This type of curb shall only be used when approved by the Council and in only residential districts and then only at locations specified by the Chief Engineer as topographically suitable for rolled concrete curbs.

(b) Sub-base. The sub-base shall be rolled with a ten-ton roller before the curb is installed, provided that areas which cannot be so rolled shall be solidly tamped with tamping tools.

(c) Concrete. The concrete shall be the same as specified for concrete sidewalks.

(d) Pouring. In constructing the portion of the rolled concrete curb corresponding to what is usually the curb, forms shaped in accordance with drawings prepared by and on file in the Division of Engineering (File No. 7-10-3-1) shall be used. Such portion of the rolled concrete curb shall consist of blocks not more than thirty-two (32) feet in length. Where these blocks are thirty-two (32) feet in length, there shall be a dummy joint at the half-point made with a suitable grooving tool. The concrete poured within the forms shall be screeded with a steel templet. The portion of the rolled concrete curb corresponding to what is usually the gutter shall be troweled to a hard surface with a steel trowel.

(e) Expansion Joints. Expansion joints shall be placed at intervals of thirty-two (32) feet. Cary elastite joints of one-half inch material or its equivalent, approved by the Chief Engineer as suitable material for expansion joints, shall be used for such joints.

(f) Curing. Every rolled concrete curb shall be cured by covering it with wet burlap for six days or by the "Hunt Process-Clear" or its equivalent. (Sec. 20-2.10 R.O. 1957)

**Sec. 20-2.11. Penalty.**

Any person who violates any provision of this Article shall upon conviction be punished by a fine not exceeding \$100. (Sec. 20-2.11 R.O. 1957)

**Article 3. Private Driveways.**

**Sec. 20-3.1. Regulation Of Private Driveways.**

(a) It shall be unlawful for any person owning or leasing or in the possession of property within the District of Honolulu, to establish or maintain more than one driveway leading from the same public street or streets to the property line of its or his place of business or residence, except as hereinafter otherwise provided.

Am. 4/13/62  
Ord. 2146  
Remembered  
2.10

Am. 4/13/62  
Ord. 2146

Am. 5/16/68  
Ord. 3164

(b) Such driveways shall not be more than 25 feet in width at the property line, and from said property line out, shall be flared on both sides so that at their intersection with the public street, the said driveways shall have a width of eight feet more than its width at the property line.

(c) The provisions of this Article shall not apply to driveways or entrances leading to:

(1) Religious institutions such as churches, temples and other places of worship, which term shall also include such semi-religious institutions as the Young Men's Christian or Buddhist Associations.

(2) Buildings used by public utility corporations.

(3) Buildings owned or leased and used by any agency of the United States, State of Hawaii and the City.

(d) In the case of warehouses and commercial houses and of service stations where gasoline and oil are sold, the owner or owners thereof may construct or maintain driveways without any restriction as to their number or width, except that in no event shall such driveways occupy a total space at their intersection with the public street or streets, greater than 45 per cent of the aggregate street frontage of the premises on which such warehouses, commercial houses or service stations are located. (Sec. 20-3.1 R.O. 1957)

#### **Sec. 20-3.2. Penalty.**

Any person violating any of the provisions of this Article shall, upon conviction, be punished by a fine not exceeding \$100. The continuance of any such violation shall be deemed a new offense for each day of such continuance. (Sec. 20-3.2 R.O. 1957)

### **Article 4. Public Utility Reserved Areas.**

#### **Sec. 20-4.1. Area Abutting Street Reserved For Utilities.**

Whenever street and curb lines are established within the City, the area of two and one-half feet immediately back of the face of the curb on both sides of the street shall be reserved for public utility poles lines and unconduted utility cables; provided, however, that nothing shall prohibit the public utilities or the Department of Public Works or the Board of Water Supply from constructing gas lines, conduits or water and sewer lines across said strip, or the construction of catch basins within such reserve, or the construction by the owner of the property abutting thereon of a driveway or driveways across said reserved strip; provided, further, that installation of necessary cables and lines on the public utility poles and underground conduits for transmission of television signals may be allowed within the re-

served area upon the terms and conditions set forth in a written approval from the City and the joint pole committee representing the public utility companies. (Sec. 20-4.1 R.O. 1957)

**Sec. 20-4.2. Reserved Area At Intersections; Construction Of Driveways Over Same Prohibited.**

Am. 4/13/62  
Ord. 2146

At intersecting streets, there shall be reserved for the use of public utility poles and uncondutted cables, the area two and one-half feet wide as described in Section 20-4.1., commencing at a location on the curb line tangent fifteen feet before reaching the point of curve of said curb line and running thence along said curb line tangent to the point of curve of same and thence along the curb around to the curb line of the adjacent side of the intersecting street and ending fifteen feet beyond the point of tangency of the curb curve with said curb line. No driveway shall be constructed within this area notwithstanding the provisions of Sections 20-3.1. and 20-4.1.; provided, that installation of necessary cables and lines on the public utility poles and underground conduits for transmission of television signals may be allowed within the reserved area upon the terms and conditions set forth in a written approval from the City, and the joint pole committee representing the public utility companies. (Sec. 20-4.2 R.O. 1957)

Am. 6/20/62  
Ord. 2186

**Article 5. Cleaning And Maintaining Sidewalks.**

**Sec. 20-5.1. Cleaning Of Sidewalks.**

After the establishment of the grades of streets in the City, as by law prescribed, every property owner whose land abuts or adjoins such streets shall continuously maintain, and keep clean, passable and free from weeds and noxious growths, the sidewalk area which abuts or adjoins his property. The term "sidewalk" as used herein, shall mean that portion of a street between a curb line, or the lateral line of a roadway, and the adjacent property line intended for the use of pedestrians, including any set-back area acquired by the City for road widening purposes. (Ord. 1996)

**Sec. 20-5.2. Procedure On Owner Failing To Clean.**

If any such owner, after receiving notice from the City, fails, within twenty days after such notice, to clean such sidewalk, or fails and neglects to keep such sidewalk clean and free from weeds and noxious growths, then and thereupon the City may proceed to clean such sidewalk, as may be reasonably required, and the cost thereof shall be charged to and against such property owner and shall be collected from such property owner, if not immediately paid, by action in the district court. (Ord. 1996)

**Sec. 20-5.3. Notice To Property Owners.**

The notice specified in section 20-5.2 shall be sent to such property owner by mailing it to his last known place of abode, or address and, as well, by posting a copy of the notice on the premises of the owner, abutting or adjacent to the particular sidewalk requiring such attention, work and service. (Ord. 1996)

- Am. 10/31/63
- Ord. 2412 - Adding Article 6. Construction of Improvements
- Am. 12/23/65 by Certain Property Owners
- Ord. 2737
- Am. 4/1/64
- Ord. 2782 - Amending Article 6. Sec. 20-6.3.
- Am. 9/7/67
- Ord. 3054 - Adding Article 7. Public Utility Facilities
- Am. 3/5/70
- Ord. 3521 - Amending Sec. 20-6.5

Am. 8/8/68  
Ord. 3234-

<sup>Sec</sup> Comprehensive Zoning Code  
(See parate volume - green cover)

## CHAPTER 21.

### ZONING.<sup>74</sup>

#### Article 1. General Provisions.

- § 21-1.1. Use Districts In The District Of Honolulu.
- § 21-1.2. Off-Street Parking.
- § 21-1.3. Non-Conforming Use Of Buildings Of Premises.
- § 21-1.4. Changes In Zoning Regulations.
- § 21-1.5. Variances From Zoning Regulations.
- § 21-1.6. Penalty.

#### Article 2. Residential Districts.

- § 21-2.1. General Requirements.
- § 21-2.2. Class "AAAA" Residential Districts.
- § 21-2.3. Class "AAA" Residential Districts.
- § 21-2.4. Class "AA" Residential Districts.
- § 21-2.5. Class "A-1" Residential Districts.
- § 21-2.6. Class "A-2" Residential Districts.
- § 21-2.7. Class "A" Residential Districts.
- § 21-2.8. Class "B" Residential Districts.
- § 21-2.9. Unrestricted Residential Districts.
- § 21-2.10. Unclassified Areas As Residential Districts.
- § 21-2.11. Variances In Restricted Residential Districts.

#### Article 3. Hotel And Apartment Districts.

- § 21-3.1. General Requirements.
- § 21-3.2. Apartment District C.
- § 21-3.3. Apartment District B.
- § 21-3.4. Conflict With Statutes, Ordinances, Resolutions And Regulations.

#### Article 4. Business Districts.

- § 21-4.1. Permissible Uses.
- § 21-4.2. Restricted Business Districts.

#### Article 5. Industrial Districts.

- § 21-5.1. Limited Industrial Districts.
- § 21-5.2. Semi-Industrial Districts.
- § 21-5.3. Industrial Districts.
- § 21-5.4. Noxious Industry Districts.

#### Article 6. Agricultural Districts.

- § 21-6.1. Farming Districts.
- § 21-6.2. Agricultural District A.
- § 21-6.3. Agricultural District B.
- § 21-6.4. Non-Conforming Uses.

#### Article 7. Airport Districts.

- § 21-7.1. Permitted Uses.
- § 21-7.2. Restrictions On Use.

<sup>74</sup> See Act 187, S.L.H. 1961.

Note: Planning Director replaces Planning Commission under new charter as administrative agent of Planning Department. See Op. No. 59-146 of the City.

**Article 8. Use Of Property In The Rural Districts.**

- § 21-8.1. General Provisions.
- § 21-8.2. Use Of Property In Certain Areas Of Said Districts.
- § 21-8.3. Permitted Uses.
- § 21-8.4. Existing Use Districts.
- § 21-8.5. Non-Conforming Uses.
- § 21-8.6. Variances.

**Article 9. Other Use Districts.**

- § 21-9.1. Conditional Uses.
- § 21-9.2. Off-Street Automobile Parking District.

**Article 10. Setback, Spacing And Bulk Of Structures In Hotel-Apartment And Apartment Zones.**

- § 21-10.1. Compliance Required.
- § 21-10.2. Definitions.
- § 21-10.3. Street Frontage Setback.
- § 21-10.4. Spacing Requirements.
- § 21-10.5. Projections.
- § 21-10.6. Floor Area Ratio.

**Article 11. Temporary Allowance Of Prohibited Use.**

- § 21-11.1. General Provisions.
- § 21-11.2. Procedures.
- § 21-11.3. Quarrying, Etc.

**Article 1. General Provisions.**

**Sec. 21-1.1. Use Districts In The District Of Honolulu.**

(a) The District of Honolulu is divided into the following use districts:

- (1) Class "AAAA" Residential districts.
- (2) Class "AAA" Residential districts.
- (3) Class "AA" Residential districts.
- (4) Class "A-1" Residential districts.
- (5) Class "A-2" Residential districts.
- (6) Class "A" Residential districts.
- (7) Class "B" Residential districts.
- (8) Unrestricted Residential districts.
- (9) Hotel and Apartment districts.
- (10) Farming districts.
- (11) Restricted business districts.
- (12) Business districts.
- (13) Semi-industrial districts.
- (14) Industrial districts.
- (15) Noxious industry districts.
- (16) Limited industrial districts.

(Sec. 21-1.1 R.O. 1957)

**Sec. 21-1.2. Off-Street Parking.**

(a) After March 25, 1957, whenever any building or structure is erected or replaced or reconstructed or any building is enlarged or increased in capacity or any building is changed in use, minimum off-street parking space with adequate provisions for ingress and egress by standard sized passenger automobiles for such new building or structure, or for such enlargement or increase in capacity, shall be provided as follows except as otherwise specifically provided herein:

(1) Residences. For single family residences and duplex residences, no less than one off-street parking space shall be provided for each family residence.

Am. 6/16/65  
Ord. 2645 (2) Hotels and Apartment Hotels. For hotels, no less than one off-street parking space shall be provided for every four guest rooms or suites and in addition to the foregoing requirement, where the total number of said rooms or suites is not divisible evenly by the multiple of four, then no less than one off-street parking space shall also be provided for the rooms or suites in excess of such even division; provided, however, that for hotels and/or apartment hotels with permissible accessory uses, either no less than 40 per cent of the total lot area or the above-mentioned ratio of one parking space for every four guest rooms or suites, shall be provided for off-street parking, whichever is the greater.

Am. 6/16/65  
Ord. 2645 (3) Apartment Houses and Multiple Family Dwellings. For apartment houses and multiple family dwellings, no less than one off-street parking space shall be provided for every two apartments or dwelling units and in addition to the foregoing requirement, where the total number of said apartments or dwelling units is not divisible evenly by the multiple of two, then no less than one off-street parking space shall also be provided for the apartment or dwelling unit in excess of such even division.

Am. 6/16/65  
Ord. 2645 (4) Rooming Houses. For rooming houses, at least one off-street parking space shall be provided for every four guest rooms and in addition to the foregoing requirement, where the total number of said rooms is not divisible evenly by the multiple of four, then no less than one off-street parking space shall also be provided for the rooms in excess of such even division.

(5) Business and Restricted Business Buildings and Uses.

(a) For business and restricted business buildings constructed after March 25, 1957, no less than 40 per cent of the total lot area shall be provided for off-street parking purposes.

(6) Industrial, Semi-Industrial and Noxious Industrial Buildings and Uses.

(a) For industrial, semi-industrial and noxious industrial buildings constructed after March 25, 1957, no less than 40 per

cent of the total lot area, inclusive of front yard spacing, shall be provided for off-street parking purposes; provided, however, that an off-street parking area which is less than 40 per cent of the total lot area but equivalent to at least one parking space for each permanent employee, may be provided for the following excepted uses if there are no retail businesses in the same building or premises:

Lumber yards; junk yards; metal or plastic fabricating shops; clay or brick manufacturing plants; boat building or ship repair shops; sugar mills; screening, quarrying, or concrete mixing plants; warehousing or storage facilities; machine shops; plumbing shops; fruit, food and candy manufacturing or canning plants; clothes or garment manufacturing plants; poultry or animal slaughter houses; or general manufacturing plants.

(7) Limited Industrial Buildings and Uses.

(a) For limited industrial buildings constructed after March 25, 1957, no less than 40 per cent of the total lot area, inclusive of front yard spacing, shall be provided for off-street parking; provided, however, that where optional side and/or rear yard planting strips are actually used for planting, such strips may be credited to the off-street parking requirement of this paragraph, but such credit shall in no event be used to reduce the off-street parking requirement to less than 30 per cent of the total lot area.

(b) Any light used to illuminate parking spaces or areas shall be so placed as to reflect away from any adjoining residential or apartment district.

(8) Private Clubs or Lodges. For private club or lodge buildings where restaurant or bar services are maintained, no less than 40 per cent of the total land area occupied by the buildings shall be provided for off-street parking purposes.

(9) Auditoriums, Amphitheaters, Theaters, Arenas, Stadiums, Conference Halls, Assembly Halls, Race Tracks, Athletic Fields and Other Places of Public Assembly.

For auditoriums, amphitheaters, theaters, arenas, stadiums, conference halls, assembly halls, race tracks, athletic fields and other places of public assembly, no less than one off-street parking space shall be provided for every ten seats and in addition to the foregoing requirement, where the total number of said seats is not divisible evenly by the multiple of ten, then no less than one off-street parking space shall also be provided for the seats in excess of such even division.

(10) Hospitals, Nursing and Convalescent Homes.

For hospitals, nursing and convalescent homes, no less than

one off-street parking space shall be provided for each four beds and in addition to the foregoing requirement, where the total number of said beds is not divisible evenly by the multiple of four, then no less than one off-street parking space shall also be provided for the beds in excess of such even division.

(11) Welfare Institutions.

For welfare institutions, such as asylums, orphanages, girls' and boys' training schools, no less than one off-street parking space shall be provided for every eight beds and in addition to the foregoing requirement, where the total number of said beds is not divisible evenly by the multiple of eight, then no less than one off-street parking space shall also be provided for the beds in excess of such even division.

(12) Churches.

For churches, no less than one off-street parking space shall be provided for every ten seats and in addition to the foregoing requirement, where the total number of said seats is not divisible evenly by the multiple of ten, then no less than one off-street parking space shall also be provided for the seats in excess of such even division; provided, however, that 33 $\frac{1}{3}$  per cent of any available and authorized curb parking spaces within a distance of 500 feet from the nearest point of the church property may be deducted from the total off-street parking facilities required for churches under this Section.

(13) Libraries.

For library buildings, no less than one off-street parking space shall be provided for every 1,000 square feet of floor area in said buildings available for the use of patrons and in addition to the foregoing requirement, where the total number of square feet of said floor area is not divisible evenly by the multiple of 1,000, then no less than one off-street parking space shall also be provided for the floor area in excess of such even division.

(14) Substations Used by Public Utilities and Governmental Departments and Agencies.

For substations used by public utility companies for the purpose of furnishing electricity, gas or telephone service to the public or used by governmental departments or agencies in furnishing and maintaining water, sewer and other such services to the public, no less than one off-street parking space shall be provided at each such substation.

(b) General Requirements and Limitations.

Am. 6/16/65  
Ord. 26757 (1) The size of each required off-street parking space shall be of not less than eight feet in width and 20 feet in length, exclusive of any lanes, aisles of driveways giving access thereto.

(2) In computing any off-street parking requirements based on areas, the necessary space for driveways, aisles and lanes shall be included.

(3) Every required off-street parking space or area other than for residential use shall be paved with asphaltic or concrete surface or equivalent; provided, however, that any such off-street parking space or area outside of the District of Honolulu may be of coral base with seal coat.

(4) Every required off-street parking space or area shall be located on the same lot with the building or structure it serves or in another lot within 400 feet of the nearest point of said lot, except as hereinafter provided.

Nothing in this section shall be construed to prevent a central location of off-street parking spaces or areas for two or more buildings or uses; provided, however, that the total number of spaces or areas of such combined off-street parking area shall be not less than the aggregate sum of the requirements for each of the buildings or uses computed separately; and provided further that such collective parking area shall not be located at a greater distance than 400 feet therefrom.

*Am. 5/16/63*  
*Ord. 2354* (5) Ingress and egress to and from required off-street parking spaces or areas shall be provided with entrances or driveways opening on public streets and said entrances or driveways shall not exceed 25 feet in width along the curb line of such street; and construction of all curb cuts and drops and all driveway openings for such parking spaces or areas shall conform to the specifications and requirements set forth in Chapter 20 hereof.

(6) Every required off-street parking space and area shall be provided and maintained upon such lot or property so long as the use for which such facilities are designed to serve, continues and exists.

(7) All off-street parking spaces or areas existing on March 25, 1957, shall continue, except that where said parking spaces or areas are in excess of the requirements of this Section for such use, they may be reduced to an amount or ratio not less than that required if it had been a new building or use.

(c) Exemptions.

All buildings or uses on lands which are located within the boundaries of any improvement district for public off-street parking created under authority of Section 149-92 of the Revised Laws of Hawaii 1955, and under which authority said lands have been assessed their share of the cost of said improvement district, shall be exempt from the provisions of this Section.

(d) Substitution.

Minimum off-street parking space and land area requirements

herein shall be construed to allow for substitution of such parking space and land area requirements by equivalent multi-deck, basement, roof or other parking facilities. (Sec. 21-1.2 R.O. 1957; Am. Ord. 1739; 1637, 1651, 1703)

**Sec. 21-1.3. Non-Conforming Use Of Buildings Or Premises.**

(a) Any utilization of buildings or land which does not conform to the requirements of the zoning ordinances but which was conducted prior to the enactment of such zoning ordinances may be continued, provided that:

(1) Such specific utilization shall not be expanded, nor shall it be changed;

(2) No building which is being used in non-conformity with the zoning requirements, nor any building erected on land which is being used in non-conformity with the zoning requirements, shall be replaced, reconstructed, enlarged or added to, nor shall it be altered, renovated or repaired to an extent exceeding twenty-five per cent (25%) of its assessed valuation; and

(3) No land which is being used in non-conformity with the zoning requirements shall be subdivided, nor shall its area be expanded, nor shall any building be placed or erected on such land (excluding buildings heretofore existing).

(b) If any such non-conforming use is discontinued or abandoned or held in abeyance for a period of 30 days, the further continuation of such use shall be prohibited. (Ord. 1742)

**Sec. 21-1.4. Changes In Zoning Regulations.**

Applicants seeking changes in zoning regulations shall comply with the provisions of Section 149-198, Revised Laws of Hawaii 1955. (Sec. 21-1.4 R.O. 1957)

**Sec. 21-1.5. Variances From Zoning Regulations.**

Am. 8/19/66  
Ord. 2837  
Am. 12/1/66  
Ord. 2892  
(+)

(a) Application. The owner or lessee of record (a lessee holding under a recorded lease, the unexpired term of which is more than five years from the date of filing of an application for variance) of property affected by zoning regulations, and who seek variances from, rather than changes in, such regulations shall file a written application for a variance with the Planning Commission. The application shall set forth a description of the property, the applicable provisions affecting the property, and the conditions justifying the grant of a variance.

(b) Notice and public hearing. The application shall be accompanied by a deposit of \$100 to cover the cost of publication of notice of public hearing. Any published notice and public hearing shall be in conformity with the practice followed by the Planning Commission as prescribed by statutes or ordinances applicable thereto.

(c) Grant of variance, when. Upon a finding by the Planning Commission, after the public hearing has been closed, that the application presents a situation wherein strict enforcement of existing regulations would involve practical difficulty or unnecessary hardship, and relief may be granted without substantially detracting from the intent and purpose of the zoning regulations, the Planning Commission, subject to the approval of the Council, may issue a variance permit to such applicant, upon terms and conditions and for a period of time as the facts may warrant. (Sec. 21-1.5 R.O. 1957)

Am. 7/5/68  
Ord. 3220  
Am. 7/5/68  
Ord. 3220

*Sec. 21-1.6 - Building Height Limitations*

**Sec. 21-1.6. Penalty.**

Any person violating, or failing to comply with any of the provisions of this Chapter shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding six months, or by both such fine and imprisonment. The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance. (Sec. 21-1.6 R.O. 1957)

Am. 11/4/68  
Ord. 3222

*Sec. 21-1.7 - Penalty (renumbering)*  
*Redesignating Sec. 21-1.7 to 21-1.8, + adding 21-1.9; Application of Ord. No. 3234, C20*

**Article 2. Residential Districts.**

**Sec. 21-2.1. General Requirements.**

(a) Within any Class "AAAA", "AAA", "AA", "A-1", "A-2", "A" or "B" residential district, as established under the procedure set forth in Section 149-197, Revised Laws of Hawaii 1955, and as indicated on the official zone map, no buildings or premises shall be used and no buildings shall be erected or structurally altered, unless otherwise legally provided, except for one or more of the following uses:

1. One-family dwellings
2. Churches
3. Hospitals
4. Libraries
5. Schools, elementary and high
6. Greenhouses
7. Flower and truck gardens
8. Accessory buildings
9. Substations used by Public Utilities for the purpose of furnishing electricity, gas and telephone service.
10. Buildings or premises used by the Federal, State or City Government for public purposes that are authorized by law.
11. Day-care centers, nurseries, pre-schools, kindergartens and other like facilities designed exclusively for child care services, whether operated separately or as a unit or units of some other function and whether publicly or privately operated; provided, however, that day-care centers, nurseries, pre-schools and kindergartens shall not border on or front any "major street" (as said term is defined in Section 10-B, Subdivision Rules and Regulations, 1949, City Planning Commission, City and County of Honolulu) or any other street, thoroughfare, parkway or arterial of a width in excess of the width specified in

said Section 10-B for a "major street" as defined therein; provided, further, that the premises and the buildings thereon intended for the uses set forth in this paragraph meet the requirements and standards of the Department of Health, Department of Education, Department of Social Services and the Fire Marshal of the State of Hawaii, and the Building Superintendent.

12. Nursing or convalescent homes and domiciliary facilities operated and maintained to provide nursing care and/or supportive care to individuals who are not in need of hospital care; provided, however, that the premises and the buildings thereon intended for the uses set forth in this paragraph meet the requirements and standards of the Department of Health, Fire Marshal of the State of Hawaii, and the Building Superintendent of the City.

(a) Uses of nursing and convalescent homes shall be subject also to the following provisions:

(1) Required lot sizes. The minimum lot area for such use shall be a minimum of 20,000 square feet and minimum lot width of 100 feet.

(2) Yard spacing. No building, including accessory buildings, shall be located less than 20 feet from all lot boundaries.

(3) Building height. No building shall exceed two stories.

13. Buildings or premises uses for consular offices by foreign governments, provided that:

(a) The minimum lot area for such use shall be a minimum of 20,000 square feet and a minimum lot width of 100 feet.

(b) No building, including accessory buildings, shall be located less than 10 feet from all lot boundaries.

(c) No building shall exceed two stories.

(d) There shall be not more than four (4) one-family units or four (4) apartment units on the premises.

(e) No building nor any room therein shall be used as a rental unit.

(f) A minimum of ten (10) off-street parking spaces shall be provided by the consulate.

(b) There may be the usual necessary buildings in connection with any such dwellings, including a private garage of such size as may be necessary for the occupants of each dwelling. Such accessory building shall include buildings used for servants' quarters provided that the front yard, rear yard and other legal requirements have been complied with, and provided further, that such quarters are for the use of

household servants or guests of the occupants of the premises, which quarters shall not contain any kitchen facilities and which in no event shall be rented or used as a separate dwelling when not occupied by such servants or guests. Such servants' quarters shall be limited to a floor area of not more than 500 square feet; provided, however, that in conformance with the Building Code, they may be built adjoining, under, above or over another accessory building.

(c) The renting of rooms, or the furnishing of table board, for not more than five persons in any such dwelling may be permitted when such use is incidental only.

(d) The minimum areas hereinafter provided for each lot within the respective classes of the above listed residential districts shall be that area of a lot exclusive of easements or rights-of-way for ingress and egress in favor of others; provided, that easements or rights-of-way for water, sewer, or other public utility purposes shall be excluded from the provisions hereof.

(e) Any provision to the contrary notwithstanding, no dwelling unit in excess of one dwelling unit per acre of land nor any other building not used directly for agricultural purposes shall be placed or constructed on any lot of an agricultural subdivision, as defined in the "Subdivision Rules and Regulations of the City and County of Honolulu", on file with the Department of Planning, at any time unless the requirements for street improvements and utilities prescribed in the subdivision laws for non-agricultural subdivisions have been complied with. (Sec. 21-2.1 R.O. 1957; Am. CPC Res. 1008; Am. Ord. 1944)

#### **Sec. 21-2.2. Class "AAAA" Residential Districts.**

Within any Class "AAAA" residential district no dwelling referred to in Section 21-2.1 shall be constructed on any lot having an area of less than 20,000 square feet. There may be one or more such single family dwellings on any lot having an area of 40,000 square feet or more, provided there is not less than 20,000 square feet of lot area for each dwelling; provided, however, that this area requirement shall not apply to the construction of a single family dwelling on lots of less than 20,000 square feet in area, where the boundaries of such lots were established on or prior to July 5, 1944. (Sec. 21-2.2 R.O. 1957)

#### **Sec. 21-2.3. Class "AAA" Residential Districts.**

Within any Class "AAA" residential district no dwelling referred to in Section 21-2.1 shall be constructed on any lot having an area of less than 15,000 square feet. There may be one or more such single family dwellings on any lot having an area of 30,000 square feet or more, provided there is not less than 15,000 square feet of lot area for each dwelling; provided, however, that this area requirement shall not apply to the construction of a single family dwelling on lots of less

than 15,000 square feet in area where the boundaries of such lots were established on or prior to July 5, 1944. (Sec. 21-2.3 R.O. 1957)

**Sec. 21-2.4. Class "AA" Residential Districts.**

Within any Class "AA" residential district no dwelling referred to in Section 21-2.1 shall be constructed on any lot having an area of less than 10,000 square feet. There may be one or more such single family dwellings on any lot having an area of 20,000 square feet or more provided there is not less than 10,000 square feet of lot area for each dwelling; provided, however, that this area requirement shall not apply to the construction of a single family dwelling on lots of less than 10,000 square feet in area, where the existing boundaries of such lots were established on or prior to March 21, 1940. (Sec. 21-2.4 R.O. 1957)

**Sec. 21-2.5. Class "A-1" Residential Districts.**

Within any Class "A-1" residential district no dwelling referred to in Section 21-2.1 shall be constructed on any lot having an area of less than 7,500 square feet. There may be one or more such single family dwellings on any lot having an area of 15,000 square feet or more, provided there is not less than 7,500 square feet of lot area for each dwelling; provided, however, that this area requirement shall not apply to the construction of a single family dwelling on lots of less than 7,500 square feet in area, where the existing boundaries of such lots were established on or prior to February 5, 1941. (Sec. 21-2.5 R.O. 1957)

**Sec. 21-2.6. Class "A-2" Residential Districts.**

Within any Class "A-2" residential district, no dwelling referred to in Section 21-2.1, shall be constructed on any lot having an area of less than 6,000 square feet. The minimum lot width shall be 60 feet for all lots within this classification. There may be one or more such single family dwellings on any lot having an area of 12,000 square feet or more, provided there is not less than 6,000 square feet of lot area for each dwelling; provided, however, that neither this area requirement nor the minimum lot width requirement shall apply to the construction of a single family dwelling on lots of less than 6,000 square feet in area, where the existing boundaries of such lots were established on or prior to March 28, 1957. (Sec. 21-2.6 R.O. 1957)

**Sec. 21-2.7. Class "A" Residential Districts.**

(a) Within any Class "A" residential district no dwelling referred to in Section 21-2.1 shall be constructed on any lot having an area of less than 5,000 square feet. There may be one or more such single family dwellings on any lot having an area of 10,000 square feet or more, provided there is not less than 5,000 square feet of lot

area for each dwelling; provided, however, that this area requirement shall not apply to the construction of a single family dwelling on lots of less than 5,000 square feet in area, where the existing boundaries of such lots were established on or prior to February 6, 1940.

(b) A duplex family dwelling may be constructed in lieu of two single family dwellings. The area requirement for a duplex family dwelling shall be equivalent to that required of two single family dwellings. (Sec. 21-2.7 R.O. 1957)

#### **Sec. 21-2.8. Class "B" Residential Districts.**

(a) Within any Class "B" residential district, no dwelling referred to in Section 21-2.1 shall be constructed on any lot having an area of less than 3,500 square feet. There may be one or more such single family dwellings on any lot having an area of 7,000 square feet or more, provided there is not less than 3,500 square feet of lot area for each dwelling; provided, however, that this area requirement shall not apply to the construction of a single family dwelling on lots of less than 3,500 square feet in area where the existing boundaries of such lots were established on or prior to April 1, 1943.

(b) A duplex family dwelling may be constructed in lieu of two single family dwellings. The area requirement for a duplex family dwelling shall be equivalent to that required of two single family dwellings. (Sec. 21-2.8 R.O. 1957)

#### **Sec. 21-2.9. Unrestricted Residential Districts.**

(a) Within the unrestricted residential districts no buildings or premises shall be used except for the following uses:

(1) Single or two-family dwellings and the usual accessory buildings used in connection with such dwellings.

(2) Truck and flower gardens.

(3) Greenhouses.

(4) Hospitals and sanitariums.

(5) Churches.

(6) School (university, elementary and high).

(7) Substation of a public utility for the purpose of furnishing electricity, gas or telephone service, provided such substation is built at a reasonably safe distance from the front or side line of the property upon which it is located, and provided that the grounds around any such substation shall be maintained in harmony with the residential character of the district.

(8) Buildings or premises used by the Federal, State or City government for public purposes that are authorized by law, shall be erected or used.

(b) PROVIDED, HOWEVER, that the renting of rooms, or the furnishing of table board, for not more than five persons in a dwelling

occupied as a private residence shall be permitted when such use is incidental only. (Sec. 21-2.9 R.O. 1957)

**Sec. 21-2.10. Unclassified Areas As Residential Districts.**

All those portions of the District of Honolulu which are not set aside for other use districts shall for the purpose of this Chapter be deemed and are unrestricted residential districts; provided, however, that nothing herein shall be deemed to affect the status of lands which have been or are set aside as watershed or forest reserve areas, pursuant to law so long as such status is maintained. (Sec. 21-2.10 R.O. 1957)

**Sec. 21-2.11. Variances in Restricted Residential Districts.**

Rep. 3/13/63  
Ord. 2316  
Am. 9/9/65  
Ord. 2693

*7 New Sec. 21-2.11 - Single-Family Cluster Developments.*

(a) In any particular case, where compliance with the requirements for residential districts set forth in Sections 21-2.2. to 21-2.8., inclusive, would cause practical difficulty or unnecessary hardship, the Planning Commission, with the approval of the Council, may allow a variance from such requirements to the owner of the property concerned provided that:

(1) Application.

A written application therefor shall be filed with the Commission setting forth a description of the property, the regulation affecting it, and the conditions justifying a variance from such regulation, together with the affidavit referred to hereinbelow.

(2) Notice by Registered or Certified Mail; Affidavit.

The applicant shall send a notice by registered or certified mail to the owners or lessees of record of real estate situated within a distance of 500 feet measured from the nearest point of the property subject to such application.

Said notice shall note the applicant's request for a variance from the requirements for the particular residential district, his reasons for the request and instruction that any protest should be filed in writing with the Planning Commission no later than 14 days after the date of postmark. The applicant shall file with the Commission an affidavit as to the date of mailing of such notice.

(3) Decision.

Within 30 days after the Commission has received the application and the affidavit, but no sooner than 17 days after the date of the affidavit the Commission shall render its decision granting or refusing, with or without conditions, such application; provided, however, that if 50 per cent of the owners or lessees required to be notified hereunder protest the granting of application as aforesaid, the application shall be refused. Other-

wise the Commission may grant the same if it finds that there exists or would exist practical difficulty or unnecessary hardship if a variance is not permitted. For the purpose of determining the number of persons required to constitute the said 50 per cent, a parcel of land owned or leased jointly by two or more persons shall be considered as being held by one person and the concurrence of the majority of such joint owners or such joint lessees shall be required to constitute a valid protest. Different parcels of land within an affected area owned or leased by the same person shall be considered and counted as being separately owned or leased and where both the owners and lessees of any one parcel of land enter a protest they shall be considered as one person.

(4) Limitation.

Relief should be granted in such manner and under such conditions so as to protect and promote public interest.

(5) Exceptions.

In any case where an application is made by a governmental agency, the notice to owners and lessees and the affidavit set forth in Paragraph (2) hereinabove shall not be required, and the Commission may act upon such application at any time within 30 days after the filing of such application. (Sec. 21-2.11 R.O. 1957; Am. Ord. 1705)

### Article 3. Hotel and Apartment Districts.

#### Sec. 21-3.1. General Requirements.

(a) Within the hotel and apartment districts, any use is permitted excepting farming, restricted business, business, limited industrial, semi-industrial, industrial and noxious industry uses; provided, however, that certain accessory uses incidental to and customarily conducted within hotel and apartment districts shall be permitted and allowed, provided they are in compliance with all existing laws, ordinances, and regulations applicable thereto. The term "accessory uses" shall include, without limiting the generality of its meaning, restaurants, barber shops, beauty parlors, massage studios, haberdasheries, wearing apparel shops, flower shops, newsstands, gift shops and other personal service shops; provided, that:

(1) All such hotel and/or apartment hotel buildings in which such accessory uses shall be permitted and allowed shall contain more than 20 rooms as prescribed in the Building Code relative to hotels and apartments and such accessory uses shall be permitted and allowed only as an adjunct to and as a part of the main building and no other; such buildings shall be constructed in compliance with the Building Code requirements and with other ordinances,

regulations and laws then existing applicable to business uses; such buildings shall house and contain hotel offices and lobby, and in addition thereto shall house and contain dining rooms if a restaurant is part of the services provided in order to comply with the provisions of this Article.

(2) All such personal service shops and businesses shall be operated primarily as a service to and for the convenience of the tenants and occupants of the building in which such services are located;

(3) No doors and entrances to such shops and businesses shall be located on the exterior of the building or fronting the public street but shall be provided for and located from within the building in which such services are located; and

(4) No signs, displays or other advertising matter relating to such services shall be located, fixed, posted or exhibited on the exterior of the building in which such services are located. (Sec. 21-3.1 R.O. 1957)

**Sec. 21-3.2. Apartment District C.**

(a) Permissible Uses. Within an area designated as Apartment District C, no building, structure or premises shall be used and no building or structure shall hereafter be erected, reconstructed, replaced, structurally altered or enlarged except for the following uses:

Am. 5/18/62  
Ord. 2171

- (1) One-family dwellings.
- (2) Duplex dwellings.
- (3) Apartment buildings.
- (4) Churches, hospitals and sanitariums.
- (5) Schools—elementary, intermediate and secondary.
- (6) Colleges and universities.
- (7) Federal, State and City buildings housing public facilities.
- (8) Substations used by public utilities for the purpose of furnishing electricity, gas and telephone service.

(9) Accessory buildings for tools and laundry facilities and private garages, carports or off-street parking spaces required for the occupants of the premises.

(b) Restrictions. Permissible Uses of Apartment District C shall be further subject to the following provisions:

Am. 5/9/63  
Ord. 2349

(1) Building Heights. No building shall exceed three stories or 36 feet in height.

(2) Yard Depths. There shall be a front yard depth of 20 feet. The side yard depth shall be 10 feet for two-story buildings, and 15 feet for three-story buildings; provided, that where the side

Am. 7/31/63  
Ord. 2386  
Am. 10/16/64  
Ord. 2510

yard abuts a public or private street or road, 20 feet or more in width, such side yard shall have a minimum depth of 20 feet. The rear yard depth shall be 20 feet. No structure shall be erected, constructed, placed or allowed to remain within the area of the yard spaces, with the exception of open carports.

(3) Lot Size. Every lot within Apartment District C shall have a minimum lot area of 7,500 square feet, exclusive of easements or rights-of-way for ingress and egress purposes in favor of others, and a minimum lot width of 60 feet. No apartment building shall be permitted where the lot area is below 7,500 square feet.

(4) Parking Requirement. There shall be provided one auto parking space of 8' x 20' minimum dimension for each family unit. If more than one space is required, the spaces shall be so arranged as to permit each space free access to and from a street or road unobstructed by automobiles occupying the other spaces.

(5) Non-conforming Use. If the present use of any building, structure or premises within the above district does not conform to the provisions of this section, such use may be continued but may not be changed, extended, expanded, enlarged, or converted, except to a conforming use. In addition, if the non-conforming use is discontinued or abandoned for 180 days or more, the non-conforming use shall be deemed terminated.

(c) Definitions.

(1) Apartment—A room or suite of rooms, arranged, designed, used or intended to be used as a single housekeeping unit.

(2) Apartment Building—A building in which there are three or more apartments.

(3) Duplex Dwelling—A building entirely separated from any other building by space, designed, arranged, used or intended to be used as two apartments.

(4) One-family Dwelling—A building entirely separated from any other building by space, designed, arranged, used or intended to be used as a single housekeeping unit.

(5) Yard—Any space on the same lot with the building, open and unobstructed from the ground to the sky.

(6) Yard, front—The minimum horizontal distance between the street line and the building or any projection thereof other than steps, unenclosed balconies, and unenclosed porches.

(7) Yard, rear—The yard between the rear of the building and the rear lot line or lines.

(8) Yard, side—The yard between the side of the building and the side lot line or lines.

(d) Conflict with statutes, ordinances, resolutions, and regulations. In case of a conflict between the requirements of this section and the requirements of any other statutes, ordinances, resolutions, and regulations or other provisions of this ordinance, the more stringent requirements shall apply. (CPC Res. 937)

### **Sec. 21-3.3. Apartment District B.**

(a) Permissible Uses. Within an area designated as Apartment District B, no building, structure or premises shall be used and no building or structure shall hereafter be erected, reconstructed, replaced, structurally altered or enlarged except for the following uses:

- (1) One-family dwellings.
- (2) Duplex dwellings.
- (3) Four-unit apartment buildings.
- (4) Churches, hospitals and sanitariums.
- (5) Schools—elementary, intermediate and secondary.
- (6) Colleges and universities.
- (7) Federal, State, and City buildings housing public facilities.
- (8) Substations used by public utilities for the purpose of furnishing electricity, gas and telephone service.
- (9) Accessory buildings for tools and laundry facilities and private garages, carports or off-street parking spaces required for the occupants of the premises.

(b) Restrictions. Permissible Uses of Apartment District B shall be further subject to the following provisions:

(1) Building Heights. No building shall exceed two stories or 25 feet in height.

(2) Yard Depths. There shall be a front yard depth of 15 feet. The rear and side yard depths shall be 10 feet; provided, that where the rear or side yard abuts a public or private street or road, 20 feet or more in width, such rear or side yard shall have a minimum depth of 15 feet. No structure shall be erected, constructed, placed or allowed to remain within the area of the yard spaces, with the exception of open carports.

(3) Lot Size. Every lot within Apartment District B shall have a minimum lot area of 6,000 square feet, exclusive of easements or rights-of-way for ingress and egress purposes in favor of others, and a minimum lot width of 60 feet.

(4) Additional Units. For each additional 3,000 square feet of lot area in excess of the 6,000 square foot minimum lot area, two additional single-family units may be provided.

(5) Parking Requirement. There shall be provided one auto parking space of 8' x 20' minimum dimension for each family unit. If more than one space is required, the space shall be so arranged as to permit each space free access to and from a street or road unobstructed by automobiles occupying the other spaces.

(6) Non-conforming Use. If the present use of any building, structure or premises within the above district does not conform to the provisions of this section, such use may be continued but may not be changed, extended, expanded, enlarged, or converted, except to a conforming use. In addition, if the non-conforming use is discontinued or abandoned for 180 days or more, the non-conforming use shall be deemed terminated. (CPC Res. 1004)

**Sec. 21-3.4. Conflict With Statutes, Ordinances, Resolutions And Regulations.**

Am. 2/23/62  
Ord. 2109

Adding  
21-3.4  
Resort  
Hotel, District 1.

In case of conflict between the requirements of Sec. 21-3.3 and the requirements of any other statutes, ordinances, resolutions, and regulations or other provisions of the ordinances, the more stringent requirements shall apply. (CPC Res. 1004)

Am. 10/17/62  
Ord. 2251  
Adding 21-3.4  
Resort Hotel  
District 2

Am. 9/24/64  
Ord. 2502

**Article 4. Business Districts.**

Am. 2/1/68  
Ord. 3119

Sec. 21-3.5(6)

**Sec. 21-4.1. Permissible Uses.**

"Within a business district, any use is permissible except limited industrial, semi-industrial, industrial, noxious industrial and airport uses, unless otherwise indicated herein.

"The term 'business uses' shall include, without limiting the generality of its meaning, all retail and wholesale stores, shops, bakeries, clothing or tailoring shops, ice cream manufacturing plants and milk depots employing not over twenty-five people, gymnasiums, public garages, blacksmith shops, gasoline service stations, restaurants, amusement houses, theaters, dance halls, undertaking parlors, automobile sales rooms, automobile repair shops, small carpenter shops, office buildings, laundry and dry cleaning establishments employing not more than ten persons, and animal hospitals which are air-conditioned and sound-proof and without outdoor kennel facilities." (Sec. 21-4.1 R.O. 1957; Am. CPC Res. 984; Am. Ord. 1847.)

Am. 11/9/67  
Ord. 3092  
Article 4

**Sec. 21-4.2. Restricted Business Districts.**

(a) Within an area designated as a Restricted Business District (RBD) any use permitted within a hotel and apartment district as provided in Section 21-3.1 herein is permissible. In addition thereto, the following uses are declared to be permissible uses:

- (1) Medical or dental offices or clinics.
- (2) Architectural and engineering design offices.

- (3) Law offices.
  - (4) Real estate and appraiser's offices.
  - (5) Public accountants' offices.
  - (6) Insurance offices.
  - (7) Bonafide non-profit private clubs and lodges.
  - (8) Restaurants, upon application to and approval by the City Planning Commission.
  - (9) Custom dressmaking, tailoring and millinery shops.
  - (10) Eleemosynary institutions.
  - (11) Accessory uses permissible in residential districts and hotel and apartment districts.
- (b) Uses of Restricted Business Districts shall be further subject to the following provisions:

(1) Required Lot Size and Maximum Density. Within the Restricted Business Districts the lot density and requirements shall be as follows:

(a) Apartment Houses, Boarding and Lodging Houses. Every apartment house, boarding and lodging house within a Restricted Business District shall be constructed on a lot having a minimum lot area of 7500 square feet and a minimum lot width of 60 feet.

(b) Hotel and Apartment Hotel. Hotel and apartment hotel within a Restricted Business District shall be constructed on a lot having a minimum lot area of 7500 square feet and a minimum lot width of 75 feet.

(c) Professional Business Building. Every professional business building within a Restricted Business District shall be constructed on a lot having a minimum lot area of 7500 square feet and a minimum lot width of 60 feet.

(2) All provisions set forth herein shall not be construed so as to avoid conformity with all applicable existing laws, ordinances and regulations pertaining thereto. (Sec. 21-4.2 R.O. 1957)

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## Article 5. Industrial Districts.

### Sec. 21-5.1. Limited Industrial Districts.

(a) Within a Limited Industrial District no building, structure or land shall be employed to uses other than those designated in subsection (b) below as "permitted uses", and no building or structure shall be erected, constructed, enlarged or altered within such District unless the same be designated, arranged, designed and intended for such permitted uses.

(b) Permitted uses shall include the following:

(1) Any use permitted in a Business District, except blacksmith shops, undertaking parlors, small carpenter shops and automobile repair shops; provided, however, that brake adjustments, including changing brake linings, and other minor adjustments, changes or repairs of a similar nature that do not require special spaces or stalls shall not be prohibited.

(2) Soda water and soft drink bottling and distribution plants.

(3) Ice cream and milk products manufacturing and storage; cold storage plants.

(4) Light and heavy equipment and product display rooms, storage and service.

(5) Laundry, dry cleaning and carpet cleaning plants.

(6) Manufacture of jewelry, dental, surgical and optical goods.

(7) Wearing apparel manufacturing.

(8) Printing, engraving and bookbinding shops.

(9) Warehouse, storage, terminal and loft buildings.

(10) Animal or veterinary hospitals or kennels.

(11) Milk bottling or central distribution station or depots.

(12) Farm implement sales and service.

(13) General food, fruit and vegetable processing and manufacturing plants.

(14) Radio transmitting and television stations, provided that towers are of the self-sustaining type without guys.

(15) Automobile sales and service areas.

(16) Manufacture of pottery and figurines or other similar ceramic products, using only pre-pulverized clay, and kilns fired only by electricity or gas.

(17) Craft, cabinet and furniture manufacturing.

(18) Other uses similar to and being of the same general character as those listed above, provided approval is given by the Planning Commission.

(c) Use of land within a limited Industrial District shall also be subject to the following requirements:

(1) Lot sizes. Every lot within a Limited Industrial District shall comprise an area of not less than 10,000 square feet and have an average lot width of 70 feet.

(2) Front yard spacing. Each of such lots fronting on a major thoroughfare or boulevard having a minimum width of

Am. §  
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90 feet shall have a front yard, hereafter called "front yard spacing" for a depth of not less than 10 feet from the property line which shall be devoted to planting, except for portions thereof devoted to vehicle and pedestrian access.

(3) Interior boundary wall or planting. The interior boundary of lots within such District which abut on a residential or hotel and apartment district shall be separated from such different use district by a six foot high masonry wall or by suitable landscaping. (Sec. 21-5.1 R.O. 1957)

8/11/66  
d. 2833 **Sec. 21-5.2. Semi-Industrial Districts.**

(a) Within semi-industrial districts any use is permitted, except industrial and noxious industry uses as defined in Sections 21-5.3 and 21-5.4. The term "semi-industrial use" shall include, without limiting the generality of its meaning, such uses as:

(1) Paint shops, warehouses for the storage of non-explosive goods, ice plants, power plants, cold storage plants, creameries employing over 25 persons, factories employing not more than five persons for the manufacture of sheet metal work, including, among other things, roofing, cornices, gutters and awnings; or

(2) Establishments employing not more than five persons for the heating of asphalt, the coating of pipes with asphalt, or work of a similar nature, excepting an asphalt plant manufacturing asphalt and paving mixtures which emits large volumes of smoke, dust, offensive gases and similar matter.

(b) The structural framework of buildings erected for semi-industrial use shall be of steel, iron, masonry or reinforced concrete, and their exterior walls, interior partitions, roofs, and floors shall be of incombustible materials, except mezzanine floors may be constructed out of slow burning construction, and two-inch planks covered with five-ply asphalt or its equivalent, and gravel roofing may be used over steel roof beams and trusses.

(c) Any building erected for semi-industrial use shall not be more than two stories high and shall not exceed 36 feet in height from the ground level; provided that:

(1) The portion which houses a travelling crane and hoist may have a roof extending up to 50 feet from the ground level; or

(2) A penthouse or addition for employees' use as a lunch room, recreation area, clubhouse or other similar use may be constructed on such buildings with the roof thereof not exceeding 40 feet from the ground level; provided, that the floors of such penthouse or addition may be constructed of slow burning construction, and the roof thereof shall be constructed of incombustible material, or normal two-inch planks covered with five-ply

asphalt or its equivalent, and gravel roofing over steel roof beams and trusses, subject to further limitations hereinafter set forth.

(d) The space requirements from the nearest property line and between buildings are as follows:

	Minimum Distance
Distance to nearest property interior line.....	10 feet
Distance to nearest building.....	20 feet

(e) The maximum floor areas in relation to street fronts are as follows:

- Where building fronts one street.....20,000 square feet
- Where building fronts two streets.....40,000 square feet
- Where building fronts three streets.....60,000 square feet;

provided, that the foregoing floor areas may be increased 50 per cent, if the building is equipped with an approved automatic sprinkler system. The floor area of a penthouse or addition for employees' use as a lunch room, recreation area, clubhouse or other similar use, shall not be included in the computation of maximum floor area; provided, that the floor area is not more than ten per cent of the total floor area of the building.

(f) The foregoing limitations on floor area shall not be applicable to any one-story building which is not more than 30 feet in height, equipped with an approved automatic sprinkler system and is surrounded entirely by streets, yards, or other open area, except public parks or school grounds, which extend at least 60 feet beyond the building.

(g) Nothing in this Section shall be construed as preventing the erection, for semi-industrial use, of first class buildings, semi-first class buildings, second class buildings, and buildings of slow burning heavy timber construction. They shall not be placed closer than five feet to any interior property line and shall meet the height, floor area and other spacing requirements set forth in the Building Code, except that they may be placed on interior property lines, or within five feet thereof, if their walls adjacent to said property lines, or within five feet thereof, are of masonry and if the said walls contain no openings for doors and windows. All buildings erected for semi-industrial use shall have doors and windows meeting the standards set forth in the Building Code.

(h) The applicable provisions of the Building Code shall apply in construing this Section. (Sec. 21-5.2 R.O. 1957)

**Sec. 21-5.3. Industrial Districts.**

Within industrial districts, all classes of uses are permitted with the exception of noxious industry as defined in Section 21-5.4. The term "industrial uses" shall include, without limiting the generality of its meaning, such uses as boiler and steel works, planing mills,

Am. 8/11/66  
Ord. 2833

Am  
Or

lumber yards, foundries, shipworks, canneries, oil storage plants, lime kilns which do not emit dust nor noxious or offensive fumes, junk establishments, factories and machine shops employing more than five persons and all such works other than noxious industry as defined in Section 21-5.4. The term "junk establishment" shall refer to all lands, building and premises used for storing, depositing or keeping junk and similar goods for business purposes. No junk establishment shall use any part of its premises within 50 feet of any street property line or within eight feet of any other property line for the storage of said junk and similar goods except in buildings entirely enclosed with walls, and for the purpose of this provision, the term "street" shall have the definition set forth therefor in the Building Code. (Sec. 21-5.3 R.O. 1957)

#### **Sec. 21-5.4. Noxious Industry Districts.**

*Am. 8/11/66*  
*Ord. 2833*  
Within noxious industry districts any use is permitted except use of any building in whole or in part as a dwelling, hotel, lodging house, boarding house or tenement, or as living quarters. However, one dwelling upon any premises for a watchman and his family is permissible. The term "noxious industry" shall include, without limiting the generality of its meaning, such industries as fertilizer works, chemical plants and soap works which emit noxious fumes and odors, fish canneries, glue works, asphalt plants, gas works, creosote treatment plants, tanning works, slaughter houses, crematories, lime kilns or any works or plants which emit noxious or offensive odors, fumes, gas or excessive smoke. (Sec. 21-5.4 R.O. 1957)

### **Article 6. Agricultural Districts.**

#### **Sec. 21-6.1. Farming Districts.**

Within farming districts any use is permissible except business, semi-industrial, industrial, limited industrial and noxious industry uses. The term "farming" shall include dairy, poultry farms, piggeries, orchards, ranches and other agricultural uses. (Ord. 1815)

#### **Sec. 21-6.2. Agricultural District A.**

(a) Within an Agricultural District A, no building, structure or premises shall be utilized and no building or structure shall hereafter be erected, structurally altered, placed, replaced, enlarged, or maintained except for the following uses:

(1) All forms of animal husbandry, such as the breeding or raising of horses, cattle, goats, rabbits, sheep, dogs, cats, mink and foxes, but excluding the breeding or raising of swine.

(2) The hatching and raising of poultry, fish or frogs.

(3) The killing and dressing of poultry or rabbits only, provided such poultry or rabbits are raised on the premises.

(4) Agricultural uses, including plant nurseries, orchards, and the production, cultivation, growing or harvesting of field and truck crops.

(5) The processing of products of the soil or preparation of the same for marketing, provided that the same are grown or raised on the premises.

(6) Golf courses; except driving tees or ranges, miniature courses and similar uses operated for commercial purposes.

(7) Living quarters for employees, single family dwellings, recreational facilities, mills, offices, warehouses, silos, greenhouses, barns, coops, water tanks, maintenance shops, and other accessory buildings, which are an essential part of and necessary to the operation of the aforementioned permissible uses.

a. The single family dwellings for the owners or for the employees shall be permitted only if there is one acre of land for each single family dwelling.

(b) The uses which are permitted within Agricultural District A shall also conform to the following requirements:

(1) Area or lot size.

a. For the raising or keeping of livestock or domestic animals, excluding poultry, rabbits, fish or frogs, the lot area shall not be less than 3 acres and the lot width or frontage shall not be less than 100 feet.

b. For other permissible uses, the lot area shall not be less than one acre and the lot width or frontage shall not be less than 100 feet.

(2) Height restrictions. Maximum height of any structure in Agricultural District A shall not exceed 3 stories or 36 feet in height. Water tanks, sugar mills and pineapple canneries, chimneys, smoke stacks, or silos may exceed the height requirements after review and approval by the Planning Director and approval by the Council by Resolution.

(3) Yard spacing.

a. Front yard. No structure shall be constructed closer than 25 feet from the front of the lot or boundary of the street.

b. Side and rear yard spacing. No structure shall be constructed closer than 15 feet from the side and rear boundaries.

(4) Parking requirements. For any of the permitted uses within Agricultural District A, minimum parking facilities shall be provided on the following basis:

a. One parking space for every single family dwelling; and

b. One parking space for every two persons employed on the premises; and

c. One truck loading and unloading area for each farm. An area 10 feet wide and 30 feet long shall be provided for this purpose. (Ord. 1815)

**Sec. 21-6.3. Agricultural District B.**

(a) Within an area designated as Agricultural District B, no building, structure or premises shall be utilized and no building or structure shall hereafter be erected, structurally altered, placed, replaced, enlarged, or maintained, except for the following purposes:

(1) All uses permitted within Agricultural District A, provided that all such uses shall comply with all of the requirements set forth for said district.

(2) The raising and keeping of swine or hogs.

(3) Facilities for the killing and dressing of animals and poultry, or the curing of meat, provided that the animals and poultry are raised on the premises.

(b) The uses which are permitted within Agricultural District B shall conform to the following requirements:

(1) Area or lot size.

(a) For hog or swine operations, the lot area shall not be less than 3 acres and the lot width not less than 100 feet.

(b) For all other permitted agricultural uses, the lot area shall conform to that required in Agricultural District A.

(2) Yard spacing. Yard spacing requirements shall conform to those required in Agricultural District A.

(3) Height requirements. Height requirements shall conform to those set forth in Agricultural District A.

(4) Parking requirements. Parking requirements shall conform to those set forth in Agricultural District A. (Ord. 1815)

**Sec. 21-6.4. Non-Conforming Uses.**

Any lawful use of land and/or buildings or structures existing or under construction prior to the effective date of an ordinance zoning or rezoning the area in accordance with this Article, may be continued although such use does not conform to the relevant requirements of this Article. (Ord. 1815)

**Article 7. Airport Districts.**

**Sec. 21-7.1. Permitted Uses.**

Am. 10/20/65  
Ord. 2719

Within an area designated as an Airport District no land, building, structure or any portion thereof shall be used, and no building or

structure shall be erected, constructed, enlarged or altered, except for the following uses:

(a) Runways, taxiways, cleared safety areas, aircraft parking and loading aprons, terminal buildings, control towers, fire stations, airport maintenance shops and warehouses, landscaped areas, vehicular roads, auto parking lots, service stations, transient auto garages, airport post offices, restaurants and cocktail lounges, soda fountains, flower shops, gift shops, boot black stands, photo shops, lei stands, newsstands, haberdasheries, drug stores, banks, wireless office, transient hotels, miscellaneous concessions to serve the traveling public, postal transfer stations, and bases of operations for airport ground transportation.

(b) Offices for passenger reservations, ticketing, flight operations, dispatching and communications; flight kitchens; aircraft maintenance facilities; aircraft servicing facilities; aircraft parking areas; aircraft hangars; air freight facilities and air mail handling facilities.

(c) Facilities for the processing of passengers arriving from foreign ports by Federal agencies, meteorological facilities for the U. S. Weather Bureau and communication and landing aid facilities for the U. S. Federal Aviation Agency.

(d) Aviation fuel storage and dispensing, freight warehouses, refrigeration facilities for the handling of perishable air freight, flying schools, aircraft charter operations, aircraft and aircraft parts sales, aircraft tool distribution, aeronautical radio facilities, facilities for maintenance of aircraft component parts, air freight pickup and delivery service, and airline catering.

(e) Electroplating shops, cold storage plants, animal or veterinary hospitals or kennels, craft, cabinet and furniture manufacturing, upholstery shops, ice cream plants, milk depots, laundry and dry cleaning plants, bakery shops, automobile sales, repair and storage, automobile parts, tire recapping or treading, bowling alleys, medical and dental offices, insurance offices, travel and tour agencies, steam bath and massage studios, trade schools, truck terminals, warehouse storage and wearing apparel manufacturing.

(f) The assembly and fabrication of products of steel or metals; assembly and fabrication of products of plastic, fiberglass, foam rubber, polyethylene or other synthetics; assembly and fabrication of products of cellulose or cellophane; and assembly and fabrication of products of wood or paper; provided, however, that the term "assembly and fabrication" as used herein shall exclude the manufacturing of the basic materials used in the various units of products to be assembled or fabricated.

(g) Assembly, mixture, packaging, distribution and sales of general foods, vegetables, and fruits, excluding canneries.

(h) Shops for the printing and binding of cards, stationery and books, and preparation of neon signs. (Sec. 21-7.1 R.O. 1957; Am. Ord. 2037)

### Sec. 21-7.2. Restrictions On Use.

Use of land within an Airport District shall be subject to the following requirements:

(a) Lot sizes. Each lot shall have an area of not less than 20,000 square feet and an average lot width of not less than 100 feet.

Am. 10/20/65  
Ord. 2719

(b) Front yard spacing. A lot fronting on a thoroughfare or boulevard having a minimum width of 90 feet, shall have a front yard, hereinafter called "front yard spacing," with a depth of not less than 20 feet from the property line and along said thoroughfare or boulevard, which shall be devoted to planting except for portions thereof devoted to vehicular and pedestrian access.

(c) Parking space. Not less than 40 per cent of the total area of each lot, inclusive of front yard spacing, shall be devoted to off-street parking and for ingress and egress by standard-sized vehicles; provided, however, that areas actually devoted to optional side and rear yard planting strips may be included as part of such off-street parking area; provided, further, that, if a lot is used predominantly for storage purposes with no retail or commercial activities, the parking requirement shall be one space for every two employees. Parking space as required above shall be paved with asphaltic or concrete surface.

(d) Types of buildings. Construction requirements for buildings within such District shall be the same as those required for buildings in semi-industrial districts by Section 21-5.2.

(e) Height of buildings. No building shall exceed the height limitation established by the State Airport Zoning Board for the area in question; provided, however, that heights of buildings used for airport terminal and accessory uses shall be as prescribed by the State Department of Transportation.

(f) Smoke, noise, and offensive odors. No permissible use above mentioned shall emit smoke or offensive odors, or any noise exceeding 40 decibels, measured from any street right-of-way. (Sec. 21-7.2 R.O. 1957; Am. Ord. 2037)

## Article 8. Use Of Property In The Rural Districts.

### Sec. 21-8.1. General Provisions.

In the Districts of Koolaupoko, Koolauloa, Waialua, Wahiawa, Ewa and Waianae, the use districts enumerated in Section 21-1.1 may be created or set aside in accordance with the provisions of Sections

21-1.4 and 21-1.5 hereof; provided, that any area within said Districts which has not been created or set aside accordingly shall remain and be subject to all requirements and restrictions of this Chapter and the Building Code now or hereafter enacted which are made applicable to said Districts.

Any provision to the contrary notwithstanding, no dwelling unit in excess of one dwelling unit per acre of land nor any other building not used directly for agricultural purposes shall be placed or constructed on any lot of an agricultural subdivision, as defined in the Subdivision Rules and Regulations, at any time unless the requirements for street improvements and utilities prescribed in the subdivision laws for non-agricultural subdivisions have been complied with. (Sec. 21-8.1 R.O. 1957; Am. CPC Res. 1008)

#### **Sec. 21-8.2. Use Of Property In Certain Areas of Said Districts.**

No use of property shall be permitted, nor shall any structures thereon be erected, or structurally altered, or maintained which is located along the following public highways and roads in the said Districts, unless otherwise provided or except for one or more of the uses set forth in Section 21-8.3\* hereof.

(a) Within 300 feet of Kamehameha Highway, Kalanianaʻole Highway and Kailua Road in the District of Koolaupoko;

(b) Within 300 feet of Kamehameha Highway in the Districts of Koolauloa, Waialua and Wahiawa;

(c) Within 300 feet of Farrington Highway and portions of Kaukonahua Road in the Districts of Waianae and Ewa;

(d) Mauka of Papipi Road, extending from the end of Papipi Road and Fort Weaver Road and for a depth of 1,500 feet along Papipi Road in the District of Ewa; or

(e) Within any area in the Districts of Koolaupoko, Koolauloa, Waialua, Wahiawa, Ewa and Waianae which have not been set aside for other uses hereinafter called—unclassified areas. (Sec. 21-8.2 R.O. 1957)

#### **Sec. 21-8.3. Permitted Uses.**

The permitted uses in the areas described in Section 21-8.2\* are as follows:

(a) One-family dwelling, with the usual accessory buildings, including a private garage of such size as may be necessary for the occupants of the dwellings, and buildings for use as servants' quarters; provided, that no such dwelling shall be constructed on any lot having an area of less than 5,000 square feet, and if more than one such dwelling is to be constructed on any lot there must

\* Errors in R.O. 1957 corrected.

be at least 5,000 square feet of lot area for each one-family dwelling; and provided, further, that the 5,000 square feet area requirement for each one-family dwelling shall not apply to the construction of such dwelling on a lot less than 5,000 square feet in area, where the boundaries of such lot were established prior to:

- (1) May 12, 1951, in the District of Koolaupoko;
- (2) November 9, 1951, in the Districts of Koolauloa, Waialua, Wahiawa, Waianae and Ewa;
- (3) June 20, 1952, relative to the area along Papipi Road in the District of Ewa; or
- (4) April 9, 1954, relative to unclassified areas in the Districts of Koolaupoko, Koolauloa, Waialua, Wahiawa, Waianae and Ewa.

(b) Hospitals and/or sanitariums (except those for contagious, mental or drug or liquor addict cases, and/or convalescent homes; provided, that any buildings used in connection with such institutions shall be erected at a distance of not less than 300 feet from such highways or roads as hereinabove described, and any main highways in the unclassified areas of said Districts.

(c) Day-care nurseries, museums, churches, libraries, kindergartens, elementary schools, intermediate schools, high schools, and universities.

(d) Publicly owned buildings.

(e) Public utility uses.

(f) The expansion of existing parks, playgrounds, or community centers owned or operated by either private or governmental agencies.

(g) Golf courses.

(h) Agricultural Uses:

(1) Within the areas along the highways and roads hereinabove described, including, but without limiting the generality of its meaning, field crops, truck gardening, cane raising, pineapple raising, flower gardening, nurseries, orchards and other similar uses; or any other use or enterprise customarily carried on in new buildings adjunct to general agriculture or animal husbandry and not obnoxious or detrimental to the public welfare, except the raising or keeping of swine.

(2) Within the unclassified areas of the said Districts hereinabove mentioned, including, but without limiting the generality of the term, all forms of animal husbandry, except the raising or keeping of swine; all uses incidental to or in conjunction with the production, cultivation, growing or harvesting of all products of the soil, whether agricultural or horticultural; the processing of any of the foregoing or the prepara-

tion of the same for market; and the operation, management, maintenance and development of a farm, plantation, ranch or other enterprise engaged in agricultural or animal husbandry, except the raising of swine which could be located in areas zoned for such purpose; provided, that no lot having an area of less than five acres shall be used for the raising or keeping of livestock or other domestic animals for sale or for other commercial purposes, and no lot having an area of less than one acre shall be used for the raising or keeping of poultry for sale or other commercial purposes, unless all of the persons who shall from time to time be entitled to occupy the lands situated within 350 feet of such use, or unless the Commission shall have approved such use, which may be granted upon notice of application, and with or without public hearing thereon, as the Commission shall deem advisable.

- (i) One or two-story duplex dwellings; provided, that there is at least 7,500 square feet of lot area for each such dwelling.
- (j) Hotels or apartment houses; provided, that there is at least 15,000 square feet of lot area except for unclassified areas as set forth in Section 21-8.2(e). (Sec. 21-8.3 R.O. 1957)

**Sec. 21-8.4. Existing Use Districts.**

(a) General Limitations. Nothing in this Article shall be deemed to supersede any use districts created or set aside in accordance with Section 21-8.1 hereof.

(b) Specific Limitations. Within the Districts of Koolauloa, Wai-  
 alua, Waianae, Wahiawa and Ewa any use districts heretofore created or set aside by resolution or ordinance, and which are located within 300 feet of Kamehameha Highway, Farrington Highway and portions of Kaukonahua Road, shall be excluded from the provision of Section 21-8.2 herein; provided, that the area lying 100 feet beyond the boundaries of existing Rural Residential Districts Nos. 4 and 9 along Farrington Highway in the District of Waipahu shall be covered by the provisions of Section 21-8.2 hereof. (Sec. 21-8.4 R.O. 1957)

**Sec. 21-8.5. Non-Conforming Uses.**

Any non-conforming use of property (use of property that does not conform with the provisions of Section 21-8.2) may be continued and any structure thereon may be maintained, structurally altered or enlarged; provided, that:

- (a) Such non-conforming use of property was in effect prior to:
  - (1) May 12, 1951, in the District of Koolaupoko; (no record CPC acted in Ord. No. 1233)
  - (2) November 9, 1951, in the Districts of Koolauloa, Wai-  
 alua, Wahiawa, Waianae and Ewa;

(3) June 20, 1952, in the area along Papipi Road in the District of Ewa; or

(4) April 9, 1954, in the unclassified areas in the Districts of Koolaupoko, Koolauloa, Waiialua, Wahiawa, Waianae and Ewa;

(b) Such non-conforming use of property shall not be changed into a different non-conforming use; or

(c) If such non-conforming use of property is discontinued for a period of one year or more, any further non-conforming use of the property is prohibited. (Sec. 21-8.5 R.O. 1957)

### Sec. 21-8.6. Variances.

(a) Application. In a particular case where compliance with any provision of Sections 21-8.1, 21-8.2, 21-8.3 and 21-8.4, would cause practical difficulty or unnecessary hardship, the owner or lessee of record (a lessee holding under a recorded lease, the unexpired term of which is more than five years from the date of filing of an application for variance) of the property affected may file a written application for a variance with the Planning Commission.

(b) Notice and public hearing. The application shall set forth the description of the property, the applicable provisions affecting the property, and the conditions justifying the grant of a variance. It shall be accompanied by a deposit of \$100 to cover the cost of publication of notice of public hearing. Any published notice and public hearing shall be in conformity with the practice followed by the Planning Commission as prescribed by statutes or ordinances applicable thereto. Where the variance application requests relief from lot size requirements, the foregoing provisions relative to notice and hearing need not be followed.

(c) Grant of variance, when. Upon a finding by the Planning Commission that the application presents a situation wherein strict enforcement of any provisions in said Sections would involve practical difficulty or unnecessary hardship, and the relief granted is not detrimental to the public welfare, the Commission may issue a variance permit to such applicant, on terms and conditions and for a period of time as the facts may warrant. (Sec. 21-8.6 R.O. 1957)

## Article 9. Other Use Districts.

### Sec. 21-9.1. Conditional Uses.

(a) Purpose: The principal objective of the "Comprehensive Zoning Plan" is to provide for the proper location of all types of land uses. However, it is often necessary to permit, because of their unusual characteristics, or the large area required for their operation, certain uses in zones where the general regulations would not other-

Am. 8/30/62  
Ord. 2226

wise permit such uses. These uses should be given special consideration but require careful control to place them in locations that will be compatible with adjacent uses so as to insure orderly growth of the community, and the various elements of the General Plan. Such uses, together with the conditions controlling their operation, are designated as "conditional uses" and shall be regulated by the following provisions of this section:

Am. 1/19/66

*Sewage treatment plants.*

Ord. 2745

Am. 4/25/63

Ord. 2335

Am. 12/19/63

Ord. 2423

Am. 7/7/67

Ord. 308-1

(adding cm)

Am. 12/11/64

Ord. 2531

Am. 11/19/64

Ord. 2578

Am. 1/16/64

Ord. 2427

(1) Types of Uses. The following conditional uses may be permitted in residential, hotel and apartment, or apartment districts pursuant to the procedure and requirements set forth in this section. Such uses are declared to possess such unique and special characteristics that such specific case shall be considered individually.

- (a) Fraternity and sorority houses.
- (b) Student dormitories.
- (c) Social and religious student club houses.
- (d) Student centers and organizations.
- (e) Boy Scout and Girl Scout headquarters, Y.M.C.A. and Y.W.C.A.
- (f) Headquarters for retarded and crippled children's organizations.
- (g) Private aquatic facilities for instruction and community recreation, whether conducted for profit or not.
- (h) Facilities situated on the premises of a hospital for the use of charitable organizations performing marriage counseling, extending aid to emotionally disturbed children, undertaking child placement or adoption services or providing services to unwed mothers.

Am. 9/7/67

Ord. 3055 - (n) - Live theaters

If a proposal to acquire land for a governmental enterprise is approved by the Council, such action shall also constitute a "Conditional Use" approval permitting the use of the land by the government enterprise. In such case, no conditional use application need be filed.

Am. 5/23/62

Ord. 2357

Am. 5/7/64

Ord. 2447

(2) Procedure. A property owner or lessee (holding under a recorded lease the unexpired term of which is more than five years from the date of filing of his application) desiring a "conditional use" may file an application with the Planning Director, setting forth therein the description of the property, the regulations affecting it, the proposed use, the justification for the "conditional use" and such data and information as may be prescribed for that purpose by the Planning Director. The application shall also be accompanied by a deposit of \$100 to cover the cost of publication of notice of public hearing. Notice of the time and place of the hearing shall be published at least ten days prior to such hearing in a daily newspaper of general circulation in the city.

After such hearing, if the Director determines that the conditional use is necessary or desirable for the public convenience or welfare, and is in harmony with the elements and objectives of the General Plan and the appropriate and orderly development of the district in which such use is proposed, he shall issue a conditional use permit to the applicant. Any applicant aggrieved by any action of the Director may appeal to the Zoning Board of Appeals, in accordance with the provisions of Section 5-507, paragraph (a), of the Charter; provided that such appeal shall be filed within 20 days after the Director has mailed the notice of his action to the applicant. If more than 50 per cent of the owners of property within 750 feet from the boundaries of the property to be placed in conditional use file protests in writing with the Planning Director against the granting of the conditional use permit on or within 20 days after the date of the public hearing or within 10 days after the Director has mailed the notice of his action to the applicant, whichever is later, such protest shall constitute an appeal to the Zoning Board of Appeals. The Board shall hear the appeal and may affirm, modify or set aside the Director's action, pursuant to the provisions of the Charter. Where a property owner within said 750 feet does not file a protest, a lessee of such property holding under a recorded lease, the unexpired term of which is more than five years from the date of filing of the application, may file a written protest as aforesaid in lieu of the owner. In such event said lessee shall be subrogated to the owner's right of protest and appeal.

Am. 5/7/64  
Ord. 2447

(3) Conditions of Approval. In granting an application for a conditional use permit, the Director, and in the case of an appeal, the Zoning Board of Appeals, may impose conditions as to lot size, building spacing, yard spacing and use, or any other conditions which he deems necessary or desirable to protect the best interests of the surrounding property or neighborhood, and which are in harmony with the General Plan.

(4) Time Limit. Any use authorized or permitted pursuant to the provisions of this Section is conditional upon the privileges being utilized within 180 days after the effective date of the approval. If such privileges are not utilized or if construction work is not begun within said time, the authorization to establish the use shall become void.

Where the Council has approved a proposal to acquire land for a governmental enterprise, no time limit shall apply to the utilization of such privileges.

(5) Change or Discontinuance of Conditional Uses. No "conditional use" may be changed to a different type of "conditional use" unless the new use is authorized in accordance with the procedure prescribed in this Section for the establishment of a "conditional use".

If a "conditional use" is abandoned, or is discontinued for a continuous period of 180 days or more, it may not thereafter be re-established unless authorized in accordance with the procedure prescribed for the establishment of a "conditional use".

(6) Compliance with Other Rules, Regulations and Laws of the City or State. Any conditional use permitted herein must comply with the applicable requirements of other governmental agencies. Structures for a conditional use which would be located outside the geographic limits of Fire Zones 1 and 2, and which would otherwise be permissible only in a business district, shall conform to the construction standards required of structures in a business district (Fire Zone 2) under the Building Code. (Ord. 1882; Am. Ord. 2074)

#### **Sec. 21-9.2. Off-Street Automobile Parking District.**

Within an off-street automobile parking district, no building, structure, or land shall be used and no building or structure shall be constructed, erected, structurally altered or enlarged or maintained except as a parking area, public or private, including the use of such parking area for ingress and egress to adjoining property.

Uses of land within an off-street automobile parking district shall also be subject to the following requirements and restrictions:

(1) Ingress and egress shall be provided with entrances or driveways opening on public streets and such entrances or driveways shall not exceed 25 feet in width along the curb line of such street;

(2) The construction of all cuts and drops and all driveway openings shall conform to the specifications and requirements of the City.

(3) Each parking space shall be at least 8 feet in width and 20 feet in length, exclusive of any lanes, aisles, or driveways;

(4) Parking area shall not extend into the portion of the lot within 4 feet of the frontage lot line;

(5) Parking area shall be paved with asphaltic or concrete surface or equivalent and shall have appropriate bumper guards where needed;

(6) The parking area adjoining residential or multiple family districts shall be separated with a concrete or masonry fence or wall. All such walls and fences shall be maintained in good condition;

(7) The fence or wall required to separate the parking area from adjoining districts shall be not less than 3½ feet nor more than 5 feet;

(8) Where lights are used to illuminate the parking area, the lights shall be fixed to reflect the light away from adjacent premises in residential, hotel and apartment, and apartment districts ;

(9) All setback areas and those portions of the lot not paved for parking purposes shall be fully landscaped with lawn, trees, shrubs or other suitable ground cover ;

(10) Parking area shall be used solely for the parking of passenger automobiles and shall not be used for the sale, repair, servicing or dead storage of automobiles. (CPC Res. 1017)

Am. 6/20/02  
Ord. 2186

## Article 10. Setback, Spacing And Bulk Of Structures In Hotel-Apartment And Apartment Zones.

### Sec. 21-10.1. Compliance Required.

Any provisions of existing ordinances, rules or regulations to the contrary notwithstanding, no building or structure in a hotel-apartment or apartment zone shall hereafter be placed, erected, constructed, replaced, structurally altered, added to or enlarged unless the same complies with the setback, spacing and floor area ratio requirements set forth hereinafter ; provided that as to existing buildings which do not conform to the requirements of this ordinance as of its effective date, the foregoing shall not be deemed to prohibit alterations or additions which do not increase the extent of the non-conformity. (Ord. 2007)

### Sec. 21-10.2. Definitions.

(a) Applicant. The owner of a building or structure to be erected, constructed, enlarged, altered, repaired or improved, or his duly authorized representative or lessee.

(b) Height of building. The vertical distance from the average ground elevation of the top of the curb along the frontage street or right-of-way to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. If no concrete, masonry or stone curb exists along the street right-of-way or alley, then the average ground elevation of the edge of pavement shall be used in the determination of height.

(c) Hotel. Any building containing more than 20 rooms intended or designed to be used or which are used, rented or hired out for the housing of transients and tourists, such building to include a lobby, clerk's desk or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests.

(d) Net area of a lot. The total area of a lot, exclusive of easements or rights-of-way for ingress and egress in favor or others or

to serve other lots. Easements or rights-of-way for water, sewer, and other public utility purposes shall not be so excluded when located outside of easements or rights-of-way for said ingress or egress.

(e) Street frontage setback. The horizontal distance between the vertical face of any wall of a structure and a vertical plane through the center line of the street, alley or right-of-way, whether public or private, upon which the structure fronts. (Ord. 2007)

**Sec. 21-10.3. Street Frontage Setback.**

(a) Minimum setback. The minimum street frontage setback, as defined hereinabove, shall be (1) one-half the height of the structure, (2) a distance five feet from the front boundary of the lot, or (3) the distance to any other building setback line established by statute, ordinance, or the general plan; whichever is farther from the center line of the street. For hotel buildings, notwithstanding the said requirement, the minimum street frontage setback for the first three stories not exceeding 35 feet in height, may be a distance five feet from the front boundary of the lot, or the distance to any other building setback line established by statute, ordinance, or the general plan; whichever is farther from the center line of the street.

Where a lot abuts an access street which parallels and adjoins an arterial highway, the street frontage setback shall be measured from the center line of the arterial highway.

(b) Interior lots. For an interior or flag lot, the applicant shall select one of the boundaries which shall be regarded as the center line of a frontage street or right-of-way, for purposes of determining frontage setback. The minimum street frontage setback as set forth in the preceding paragraph shall be measured from said boundary. The height of a building or structure shall be measured from the average ground elevation along said boundary line. The remaining boundaries of such lot shall be considered as adjoining interior lot boundary lines, and setback or spacing therefrom shall be as set forth below. (The boundary selected as the equivalent of a center line of a frontage street shall be other than a lot line or portion thereof which is a boundary of an access roadway.

(c) Lot abutting more than one street.

(1) Where a lot abuts two or more streets, easements or rights-of-way, whether public or private, any of which is more than 20 feet in width, the applicant shall select one of the streets, easements, or rights-of-way which is more than 20 feet in width for purposes of determining the frontage setback. The minimum street frontage setback as provided hereinabove shall be measured from the center line thereof.

Where none of such streets, easements or rights-of-way is more than 20 feet in width, the applicant shall select one of them for purposes of determining the street frontage setback, measured as aforesaid; provided, that such setback shall be determined as if

the front boundary were 10 feet from the existing center line of such street, easement or right-of-way.

(2) The minimum setback from the other streets, easements or rights-of-way shall be the lesser of the following:

(a) The distance prescribed for spacing from an adjoining interior lot boundary line, as set forth hereinbelow, measured from the boundary of the lot, or

(b) One-half the height of the building, measured from the center line of said street; provided, that if such other street, easement or right-of-way is 20 feet or less in width, then the side or rear wall of the structure shall be set back from the boundary of the street, easement or right-of-way, the distance prescribed for spacing from an adjoining lot boundary. (Ord. 2007)

#### **Sec. 21-10.4. Spacing Requirements.**

(a) Spacing from adjoining interior lot boundary lines. The minimum horizontal distance between any wall of a structure and a vertical plane through an adjoining interior lot boundary line shall be as follows:

(1) 5 feet for a one story building.

(2) 10 feet for any building over one story and not exceeding 35 feet in height.

(3) 10 feet for the first 35 feet, and 10 feet plus one foot for each story or portion thereof extending beyond 35 feet, for any building over 35 feet in height.

(b) Beach frontage spacing. The minimum space between any wall of a structure and the mean high water mark or the ocean face of a seawall, where there is an existing seawall makai of the mean high water mark, shall be a minimum of 15 feet or the distance required from the adjoining interior lot boundary line, whichever is greater. (Ord. 2007)

#### **Sec. 21-10.5. Projections.**

No part of any structure shall extend or project beyond the minimum setback or spacing requirements established herein, except roof eaves, marquees, porte cochere, stair walls, fire escapes, movable awnings and hoods and balconies which do not project more than 4 feet beyond the minimum wall setback or spacing requirements; provided that in no case shall the same project over any public property except as permitted under Chapter 45 of the Building Code. (Ord. 2007)

#### **Sec. 21-10.6. Floor Area Ratio.**

(a) Generally. The total floor area of all structures on any lot in a hotel-apartment or apartment zone other than in the area defined in

paragraph (b) below, shall not exceed 200% of the total net area of the lot.

(b) Exception. The total floor area of all structures on any lot in a hotel-apartment or apartment zone in the area within the following boundaries shall not exceed 500% of the total net area of the lot: Beginning at the juncture of the Ala Wai Canal with the sea, thence mauka along the east bank of the Canal to Ala Wai Boulevard, thence mauka along Ala Wai Boulevard to Kapahulu Avenue, thence makai along Kapahulu Avenue and its prolongation to the sea, thence ewa along the shoreline to the point of beginning.

(c) Exclusions. Floor area set aside and used for off-street parking purposes, basements, cellars, open lanais or balconies, and structures on the roof housing elevator machinery, air conditioning equipment and ventilating equipment shall be excluded from the calculation of the total floor area. (Ord. 2007)

#### **Sec. 21-10.7. Effective Date.**

This Article shall take effect on and after March 25, 1962 provided that the provisions of this ordinance shall not apply to construction, placement, alteration or enlargement of any structure, for which a building permit has been issued before such effective date, as to which the applicable setback, spacing and bulk of structure requirements as of the date of issuance of the building permit shall apply; provided further, that no extension of the 90-day period within which work under such building permit must be commenced (as set forth in Section 302(d) of the Building Code as amended by Section 16.1.1(9) or as further amended) may be granted on and after said effective date. (Ord. 2007)

### **Article 11. Temporary Allowance Of Prohibited Uses.**

#### **Sec. 21-11.1. General Provisions.**

Notwithstanding any other provision of law, industrial and/or noxious industrial uses may be carried on in areas zoned for lesser uses when a permit to do so has been obtained from the Planning Director of the City pursuant to the terms hereof.

The Planning Director of the City is hereby authorized to grant such a permit under the following terms and conditions:

(1) The industrial and/or noxious industrial uses shall be carried on for the purpose of developing land for subdivision of lots and/or for the construction of buildings. Such uses shall be confined within the area of the land to be developed and in the case of subdivision of land by increments, within the original tract of land to be subdivided.

(2) The term of the permit shall not exceed 1 year, but may be renewed by the Planning Director for an additional term or

terms not exceeding 1 year each until the development of the land has been completed.

(3) The permit shall specify the industrial and/or noxious industrial uses to be permitted.

(4) Any product manufactured, or resulting from any industrial and/or noxious industrial use, shall only be utilized in the construction of improvements on the site or area of land being developed.

(5) No permit shall authorize any industrial and/or noxious industrial use which emits dust or noise to the extent of causing annoyance to people residing in areas surrounding the area of land being developed, except between the hours of 7 a.m. and 7 p.m. on Mondays through Fridays.

(6) All roadways leading to and from the site of any industrial and/or noxious industrial use shall be paved with asphalt concrete or the equivalent.

(7) No permit shall be issued until the applicant therefor has satisfied the Planning Director that:

a. The emission of dust from any industrial and/or noxious industrial use will be minimized by frequent watering or by such other means as the Planning Director, with the approval of the State Department of Health, may direct.

b. The emanation of noise from any industrial and/or noxious industrial use will be minimized by an enclosure or by such means as the Planning Director, with the approval of the State Department of Health, may direct.

c. The industrial and/or noxious industrial use will be located in an area approved by the Planning Director and be so situated as to minimize the adverse effect on the surrounding area. (Ord. 1889)

#### **Sec. 21-11.2. Procedure.**

(a) Any person desiring a permit to carry on industrial and/or noxious industrial uses in areas zoned for lesser uses shall file an application for such permit with the Planning Director. The application shall be accompanied by a deposit of \$100 to cover the cost of publication of notice of public hearing.

(b) Prior to the granting of any permit, the Planning Director shall hold a public hearing thereon at which time interested persons shall be afforded a reasonable opportunity to be heard. Notice of the time and place of the hearing shall be published at least ten days prior to such hearing in a daily newspaper of general circulation in the City.

(c) A permit authorizing any industrial and/or noxious industrial use may be issued by the Planning Director only if the terms and con-

ditions of this article are met, provided that the Planning Director may make other reasonable requirements, restrictions, terms and conditions reasonably necessary to carry out the purposes of this article.

(d) Any permit issued pursuant to the provisions of this article shall be subject to revocation for violation of the terms and conditions set forth herein or of the requirements, restrictions, terms and conditions imposed by the Planning Director. The Planning Director is hereby authorized to revoke such permit if he finds, after a hearing, that any violation exists. (Ord. 1889)

**Sec. 21-11.3. Quarrying, etc.**

Notwithstanding the provisions of Section 13-16.3, Revised Ordinances 1961, the operation of portable quarrying and rock crushing plants, together with the storage or stockpiling of quarried, crushed or screened mineral material, may be permitted pursuant to the provisions of this Article; provided that only mineral materials quarried from the land being developed shall be crushed or screened in the operation of the portable rock crushing plants. (Ord. 1889)

Rep. 12/15/65  
Ord. 2733

Am. 5/15/69  
Ord. 3411 - Sec. 21-111 Transmittals.

## CHAPTER 22.

### SUBDIVISION OF LAND.

#### Article 1. Filing Fees.

- § 22-1.1. Filing Fee.
- § 22-1.2. Exceptions.
- § 22-1.3. Payment.
- § 22-1.4. Refund.

#### Article 2. Street Lights.

- § 22-2.1. Street Lights Required.
- § 22-2.2. Installation.
- § 22-2.3. Approval By The Chief Engineer.

#### Article 3. Subdivision And Consolidation Of Land.

- § 22-3.1. Purpose.
- § 22-3.2. Definitions.
- § 22-3.3. Approval Of Subdivision Or Consolidation Required.
- § 22-3.4. Compliance With Regulations And Requirements.
- § 22-3.5. Regulations Governing The Subdivision Or Consolidation Of Land.
- § 22-3.6. Approval Or Disapproval Of Maps; Procedure; Legal Effect Of Approval Of Map.
- § 22-3.7. Appeal.
- § 22-3.8. Permits For Work Of Any Character In Unapproved Subdivisions.
- § 22-3.9. Improvements In Unimproved Streets; Acceptance Of Unapproved Streets Prohibited.
- § 22-3.10. Advertisement, Offer, Contract, Sale Or Transfer Before Final Map Approved And Recorded Prohibited.
- § 22-3.11. Filing Fees.
- § 22-3.12. Violations; Penalties; Remedies.
- § 22-3.13. Effective Date.

#### Article 1. Filing Fees.

##### Sec. 22-1.1. Filing Fee.

A filing fee of ten dollars for every application for subdivision of land and an additional charge of one dollar for each lot noted on the initial tentative map and for each additional lot resulting from any subsequent amendment of the initial tentative map, if any, exclusive of any lot set aside for roadway or easement purposes of said maps, shall be charged against every such application. (Sec. 22-1.1 R.O. 1957)

##### Sec. 22-1.2. Exceptions.

(a) The filing fees and charges above prescribed shall not apply to applications for subdivision of land submitted by any office, department or agency of the State of Hawaii or of the City.

(b) The charge of One Dollar (\$1.00), for each lot, above prescribed, shall not apply to subdivision of land into burial or crematory

plots within the confines of a duly established cemetery area; provided, however, that the filing fee of Ten Dollars (\$10.00) above prescribed shall be applicable. (Sec. 22-1.2 R.O. 1957)

#### Sec. 22-1.3. Payment.

Applicable fees and charges above prescribed shall be paid to the Director of Finance or his duly authorized representative upon filing of such application for subdivision with the Department. All such fees and charges collected shall be deposited into the General Fund. (Sec. 22-1.3, R.O. 1957)

#### Sec. 22-1.4. Refund.

In case any application for subdivision is withdrawn by the applicant thereof prior to any consideration or action thereon by the Planning Department, all fees and charges paid on account of said application shall be refunded to the applicant. (Sec. 22-1.4, R.O. 1957)

## Article 2. Street Lights.

#### Sec. 22-2.1. Street Lights Required.

Street lights, including related apparatus and appliances, shall be installed by the subdivider in all subdivisions hereafter laid out within the City. (Ord. 1638)

#### Sec. 22-2.2. Installation.

(a) Street lights, including related apparatus and appliances shall be installed in accordance with the standard specifications contained in the American Standards Association bulletins, entitled, "American Standard Practice For Street and Highway Lighting", published, from time to time, by the Illuminating Engineering Society, 51 Madison Avenue, New York 10, N.Y., which are on file in the Department of Public Works (Division of Street Lighting).

(b) There shall be two classes of street light installations within the City.

(1) Class A. Class A installations shall have an underground power distribution system and metal light standards, all in accordance with "City and County of Honolulu, Electric Street Lighting System—Class A, Specifications 118-A", on file with the City Clerk.

(2) Class B. Class B installations shall have an overhead power distribution system with lights bracketed off from utility line poles, all in accordance with "City and County of Honolulu, Electric Street Lighting System—Class B, Specifications 118-B", on file with the City Clerk.

Am. 8/17/67  
Ord. 3035

(c) The class of street lighting systems installed shall be optional with the subdivider, except that when all electric power, telephone and other similar utility lines are underground, a Class A system shall be installed.

(d) Connections from new systems to existing systems shall be made by the Department of Public Works (Division of Street Lighting), at no cost to the subdivider. (Ord. 1738)

#### **Sec. 22-2.3. Approval By The Traffic Engineer.**

(a) Prior to the installation of street lights, including related apparatus and appliances, within a subdivision, the plans and specifications pertaining thereto shall be approved by the Traffic Engineer or his authorized subordinate.

(b) After such street lights have been installed, and prior to acceptance thereof by the City, the Traffic Engineer or his authorized subordinate shall inspect the same. If the installation is in conformity with the previously approved plans and specifications, the Traffic Engineer shall approve the installation and issue a certificate to the subdivider indicating such inspecting and approval. (Ord. 1738; Am. Sec. 6-5.2 Ord. 1781)

### **Article 3. Subdivision And Consolidation Of Land.**

#### **Sec. 22-3.1. Purpose.**

The purpose of this Article and of the subdivision regulations is to achieve orderly development of subdivisions and consolidations of land; to secure adequate and convenient placing of open spaces for utilities and adequate light and air; to prevent congestion of population; to provide for adequate water supply, sewage disposal, drainage and other utilities and facilities to serve the needs of the residents of the community; to provide for adequate and safe streets for vehicles, fire-fighting apparatus and other emergency vehicles; to provide for safety of pedestrians; to promote good civic design and arrangement of lots; and to promote the efficient expenditure of public funds; all of which tend to promote the health, safety, morals, convenience, economy and general welfare of the people. (Ord. 2040)

#### **Sec. 22-3.2. Definitions.**

For purposes of this Article, the following words and phrases used herein are defined as follows:

a. Subdivision.—Division of land into two or more lots, parcels, sites, or other divisions of land, including designation of easements, for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in, any or all of such lots, parcels, sites, easements or other division. The term shall include

resubdivision, and when appropriate to the context, shall relate to the land subdivided.

b. Consolidation.—Combining of two or more lots into one lot. The term shall include reconsolidation, and when appropriate to the context, shall relate to the land consolidated, and may include consolidation of unregistered land with registered land.

c. Subdivider.—A person, firm, corporation, partnership, association, trust or other entity, or any combination thereof, who is the owner of the land to be subdivided or consolidated, or the duly authorized agent or lessee of the owner.

d. Director.—Planning Director of the City. (Ord. 2040)

### **Sec. 22-3.3. Approval Of Subdivision Or Consolidation Required.**

a. No person shall subdivide or consolidate any land unless the plans therefor conform to the provisions of this ordinance and the regulations of the Planning Commission and the Board of Water Supply, and have been duly approved by the Director.

b. No person shall submit a map of a subdivision or consolidation of land for recordation or filing in the office of the registrar of conveyances or the assistant registrar of the Land Court unless such map has been given final approval by the Director. (Ord. 2040)

### **Sec. 22-3.4. Compliance With Regulations And Requirements.**

a. No subdivision or consolidation shall be approved by the Director unless it conforms to the regulations of the Board of Water Supply governing the extent to which water mains and all necessary appurtenances shall be installed to and within subdivisions, including requirements for a water supply for domestic use and for fire protection.

b. In addition no subdivision or consolidation shall be approved by the Director unless the subdivision or consolidation conforms to the General Plan and Development Plans, and the laws, rules and regulations of the State or the City, or any department or agency thereof, applicable or relating to the subdivision, consolidation or use of the land, including the zoning ordinances. (Ord. 2040)

### **Sec. 22-3.5. Regulations Governing The Subdivision or Consolidation Of Land.**

a. The Planning Commission shall adopt rules and regulations governing the subdivision or consolidation of land, including the procedure and conditions precedent to approval thereof.

b. All regulations when promulgated as provided by law shall have the force and effect of law. Such regulations may be amended or repealed by the same process required for original promulgation.

c. Such regulations may provide for the coordination of streets within subdivisions with existing streets, planned streets and other features of the General Plan and Development Plans of the City, or with projected street patterns for adjoining land areas; for compliance with said General Plan and Development Plans; for adequate and convenient open spaces for traffic, recreation, light and air, and for a distribution of traffic and population, which will tend to create conditions favorable to health, safety, convenience and prosperity.

d. Such regulations may include provisions for the minimum right-of-way and pavement widths of streets or roadways within the subdivision to serve the subdivision or to provide access thereto, the extent to which and the manner in which streets and other ways shall be graded and improved, and requirements and standards of construction for street lighting, sidewalks and shoulder areas, curbs, gutters, sanitary sewers, storm drains, flood control, street name signs, traffic signs, and other utilities and facilities to be provided or installed to and within a subdivision or consolidation, as conditions precedent to the approval of a subdivision or consolidation map.

e. The regulations may provide that a subdivider, before submitting his final map for approval, may submit a preliminary map, showing the proposed subdivision or consolidation in a general way, but not necessarily indicating monuments and other survey points in detail, and that the Director may give such preliminary map tentative approval, with or without modifications suggested by him or agreed upon by the applicant. Such tentative approval shall not be entered on the map nor constitute approval of the map for recording.

f. The regulations may require the filing of construction plans for improvements to be constructed, and the construction of improvements as conditions precedent to final approval.

g. The regulations may provide that in lieu of the completion of the improvements, utilities and facilities in such subdivision or consolidation prior to approval of the map for recordation, and subject to any conditions which the Commission may provide in such rules and regulations, the Director may accept a bond or bonds, with surety, or other security deemed sufficient by the Director and the Manager of the Board of Water Supply to secure the City and the Board of Water Supply the actual construction and installation of such improvements, utilities and facilities at a time and according to specifications fixed by or in accordance with the regulations of the Commission and the Board of Water Supply.

h. The regulations may provide for the granting of modifications by the Director from the construction standards and requirements in the subdivision rules and regulations where the Director finds that the land proposed to be subdivided or consolidated is of such size or shape or is affected by such topographical location or condition or is to be devoted to such uses that it is impossible or impracticable in the par-

ticular case for the subdivider to conform fully to the provisions of the regulations; provided that such modifications shall not be contrary to the intent and purpose of the subdivision rules and regulations. (Ord. 2040)

**Sec. 22-3.6. Approval Or Disapproval Of Maps; Procedure; Legal Effect Of Approval Of Map.**

a. Within 1 year after the tentative approval of the preliminary map, or such extension of time thereafter, not exceeding 6 months at a time, as may be granted in writing by the Director, the subdivider shall cause the proposed subdivision to be accurately surveyed and a final map thereof to be prepared and stamped by a licensed surveyor in accordance with the rules and regulations and in conformity with the preliminary map and any alterations and changes required thereto. Such final map shall be filed with the Director within said period, subject to compliance with all conditions precedent prescribed in the rules and regulations.

b. The Director shall approve or disapprove the final map within 45 days after receipt thereof, unless the subdivider waives this requirement and consents to an extension of such period in writing; otherwise such map shall be deemed to have been approved. Approval of a final map shall be evidenced by the stamp of approval of the Director and his signature or that of an authorized subordinate, on a copy or print of the map.

c. If the final map is disapproved, the Director shall communicate in writing the reason for such action to the subdivider. The stamp of disapproval shall be placed on a copy or print of the map. The Director shall maintain a record of all disapprovals, including the reasons therefor.

d. Every map approved by the Director shall, by virtue of such approval, be deemed to be an addition to or a detail of the General Plan. Approval of the plans shall indicate that the same conform to the subdivision regulations. Approval of a map or a part thereof shall not be deemed to constitute or effect acceptance by the City of any street or other open space shown upon such map.

e. Failure to file a final map within the prescribed period shall automatically terminate all proceedings and the application shall become null and void. If the subdivider desires to recommence proceedings, he shall file a new application and submit a new preliminary or final map together with the required filing fees. Any subdivision map so submitted shall be required to conform to any changes or amendments to the rules and regulations or other applicable laws in effect at the time of such filing. (Ord. 2040)

**Sec. 22-3.7. Appeal.**

a. An applicant aggrieved by an action of the Director in the administration of the subdivision ordinance or rules and regulations may

appeal to the Zoning Board of Appeals within 15 days after receipt of the notice of such action. The applicant shall file 3 copies of the map and state the grounds for such appeal. The Zoning Board of Appeals shall afford the applicant a reasonable opportunity to be heard.

b. The Zoning Board of Appeals may sustain, modify or overrule the Director's action; provided that it may modify or overrule the Director's action only if it finds that the Director's action was based on an erroneous finding of a material fact, or that the Director had acted in an arbitrary or capricious manner or had manifestly abused his discretion. (Ord. 2040)

**Sec. 22-3.8. Permits For Work Of Any Character In Unapproved Subdivisions.**

a. No person shall obtain any permit to move any building onto the subdivision or the consolidated property or to construct any building, cut a curb, tap a sewer or water line or install any water, lighting, or sewer facilities in any subdivision or consolidated property unless the subdivision or consolidation has been approved by the Director, provided that the prohibitions contained in this paragraph shall not be applicable to any work done pursuant to subdivision regulations, nor to work done by public utilities for the purpose of furnishing water, electricity, gas and telephone service.

b. Where a subdivision has been granted tentative approval, permits may be issued for the construction: (1) of not more than 3 model homes in a subdivision consisting of 15 to 50 lots, or (2) of not more than 5 model homes in a subdivision consisting of over 50 lots. However, no lot or building thereon shall be sold or any interest therein transferred until the subdivision has been granted final approval by the Director. (Ord. 2040)

**Sec. 22-3.9. Improvements In Unapproved Streets; Acceptance Of Unapproved Streets Prohibited.**

No street or roadway in any subdivision or consolidation, which has not been laid out, improved and approved in conformity with this Article and the subdivision regulations shall be taken over, received by dedication or otherwise accepted as public highways; nor shall any street lighting system or sewer system in a subdivision or consolidation in which such non-conforming streets are located be taken over or accepted. (Ord. 2040)

**Sec. 22-3.10. Advertisement, Offer, Contract, Sale Or Transfer Before Final Map Approved And Recorded Prohibited.**

No person shall sell or transfer, or advertise, offer, or agree to sell or transfer, any interest in land located in a subdivision or consolida-

tion until a final map thereof has been duly approved by the Director and filed with the Planning Department and recorded in the Office of the Registrar of Conveyances, the Assistant Registrar of the Land Court in case of registered land, or the Office of the State Surveyor. (Ord. 2040; Am. Ord. 2084)

#### **Sec. 22-3.11. Filing Fees.**

A. Schedule. The following schedule of fees shall apply to each application for approval of a subdivision or consolidation:

(1) Subdivisions;

(a) A filing fee of \$10.00 for each application.

(b) An additional charge of \$1.00 for each lot noted on the initial preliminary map and for each additional lot resulting from any subsequent amendment of the initial preliminary map, exclusive of any lot set aside for roadway or easement purposes.

(2) Consolidations;

(a) A filing fee of \$10.00 for each application.

(b) An additional charge of \$1.00 for each new lot created, exclusive of any lot set aside for roadway or easement purposes.

(3) Exceptions.

(a) Said fees and charges shall not apply to any application filed by any agency of the State or the City.

(b) The charge of \$1.00 for each lot shall not apply to subdivision of land into burial or crematory plots within the confines of a duly established cemetery area; provided, that the filing fee of \$10.00 above prescribed shall be required.

B. Payment. Said fees and charges shall be paid by the applicant at the Planning Department or at such other places as may be designated by the Director of Finance upon filing of application for subdivision or consolidation. All such fees and charges collected shall be deposited into the General Fund.

C. Refund. In the event any application is withdrawn by the applicant prior to any consideration or action thereon by the Director, all said fees and charges paid on account of the application shall be refunded to the applicant. (Ord. 2040)

#### **Sec. 22-3.12. Violations; Penalties; Remedies.**

Any person, firm or corporation which violates the provisions of this Article, or any rule or regulation made pursuant to this Article, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both. In addition the Corporation Counsel may institute an

action to prevent, restrain, correct or abate any violation of this Article or of the rules and regulations adopted pursuant thereto. (Ord. 2040)

**Sec. 22-3.13. Effective Date.**

This Article shall take effect on and after the date of its approval (September 14, 1961); provided that the subdivision rules and regulations, 1949, as amended, shall remain in full force and effect until regulations pursuant to this Article have been enacted. (Ord. 2040)

Am. 8/1/62  
Ord. 2212 - Adding Article 4. Sidewalks + Curbs in Residential Subdivisions.

Am. 10/26/66  
Ord. 2875 - Adding Article 5. Utility Lines.

Am. 2/24/69  
Ord. 3357 - Sec. 22-5.1. Installation of Utility Lines.



Am. 1/15/65  
Ord. 2734 = Chapter 23. Grubbing, Grading  
(all) & Stockpiling.

## CHAPTER 23.

### REGULATION OF DESIGN, CONSTRUCTION, MAINTENANCE OR ALTERATION OF GRADING, EXCAVATIONS AND FILLS

#### Article 1. General Provisions.

- § 23-1.1. Definitions.
- § 23-1.2. Purpose.
- § 23-1.3. Scope.
- § 23-1.4. Maintenance.

#### Article 2. Permits; Inspections.

- § 23-2.1. Permits Required.
- § 23-2.2. Exceptions.
- § 23-2.3. Application For Permit.
- § 23-2.4. Permit Fees.
- § 23-2.5. Expiration Of Permit.
- § 23-2.6. Denial Of Permit.
- § 23-2.7. Inspections.

#### Article 3. Grading Requirements.

- § 23-3.1. Ordinary Grading Requirements.
- § 23-3.2. Special Grading Requirements.
- § 23-3.3. Special Precautions.
- § 23-3.4. Drainage.

#### Article 4. Violations And Penalties; Liability.

- § 23-4.1. Violations And Penalties.
- § 23-4.2. Liability.

### Article 1. General Provisions.

#### Sec. 23-1.1. Definitions.

Wherever used in this Chapter the following words shall have the meaning indicated:

(a) "Chief Engineer" shall mean the Chief Engineer, Department of Public Works, City and County of Honolulu, or his duly authorized representative.

(b) "Engineer" shall mean a professional engineer registered in the State of Hawaii.

(c) "Excavation" shall mean any act by which earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

(d) "Fill" shall mean any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and shall include the conditions resulting therefrom.

(e) "Grading" shall mean excavation or fill or any combination thereof and shall include the conditions resulting from excavation or fill.

(f) "Ordinary grading" shall mean grading of a nominal character that conforms to the requirements of Section 23-2.7.

(g) "Special grading" shall mean grading that does not conform to the requirements of ordinary grading and shall require a certificate by an engineer after grading operations are completed. (Sec. 23-1.1 R.O. 1957)

#### **Sec. 23-1.2. Purpose.**

The purpose of this Chapter is to provide minimum standards to safeguard life and limb, protect property and promote public welfare by regulating and controlling the design, construction, quality of fill materials, use, location, and maintenance of grading, excavation, and fill within the City. (Sec. 23-1.2 R.O. 1957)

#### **Sec. 23-1.3. Scope.**

(a) Conformance required. New grading, excavations and fills, or changes, additions, repairs or alterations made to existing excavations and fills shall conform to the provisions of this Chapter, unless exempted under subsection (c) of this Section.

(b) Conflicting provisions. If two or more pertinent limitations are not identical, those limitations shall prevail which provide the greater safety to life and limb, property and public welfare.

(c) Exclusions. This Chapter shall not apply to the following work:

(1) Work in a public street, sidewalk, alley or other public right of way.

(2) Regulated mining or quarrying operations in rock.

(3) Sub-surface excavations and backfill for buildings and other structures authorized by a valid permit from the Building Department of the City; or cesspools and septic tanks authorized by the State Department of Health. This exception shall not affect the applicability of this Chapter to, nor the requirement of grading permit for any fill made with material from such excavation.

(4) Excavation of cemetery plots.

(5) Sanitary filling and operation of rubbish dumps.

(6) Agricultural operations, including ranching and all work performed as an incident to or in conjunction with such operations. Provided, however, that any such work shall not damage or endanger abutting properties or that the general drainage pattern with respect to abutting properties is not in any way altered. (Sec. 23-1.3 R.O. 1957; Am. Ord. 1643)

**Sec. 23-1.4. Maintenance.**

The owner of any property on which an excavation or fill has been made shall maintain in good condition and repair all retaining walls, cribbing, drainage structures and other protective devices. (Sec. 23-1.4 R.O. 1957)

**Article 2. Permits; Inspections.****Sec. 23-2.1. Permits Required.**

Unless otherwise provided herein, it shall be unlawful for any person to commence or perform any grading, excavation or fill without a grading permit from the Chief Engineer. (Sec. 23-2.1 R.O. 1957)

**Sec. 23-2.2. Exceptions.**

A grading permit shall not be required in the following exceptions, provided that the general drainage pattern of the area is not altered by the grading operations, but in all other respects the provisions of this Chapter shall apply:

(a) In an existing house lot, an excavation which does not exceed 3 feet in vertical depth at its deepest point, provided that the surfaces of such cuts do not have a slope at any point steeper than 2 horizontal to 1 vertical.

(b) In an existing house lot, a fill which does not exceed 50 cubic yards of material on any one site, or a fill that does not exceed 3 feet in vertical height at its deepest point, provided that the surface of such fill does not have a slope at any point steeper than 5 horizontal to 1 vertical. (Sec. 23-2.2 R.O. 1957; Am. Ord. 1643)

**Sec. 23-2.3. Application For Permit.**

An applicant for a grading permit shall first file an application in writing with the Division of Engineering, Department of Public Works, City and County of Honolulu. Each such application shall:

(a) Describe the land on which the proposed work is to be done by tax key, street address, or similar description that will readily identify and definitely locate the proposed work.

(b) Be accompanied by plans and specifications, including:

(1) A plot plan showing the location of the grading, boundaries, lot lines, neighboring public ways and sufficient dimensions and other data to show the location of all work; description of the soil; details and location of proposed drainage structures and piping, wall and cribbing; lot drainage; and other information as required by the Chief Engineer to carry out the purpose of this Article;

(2) For grading of areas of 15,000 sq. ft., or more, a contour map showing the present contours of the land and the proposed contours of land after completion of the proposed grading.

(c) State the estimated dates for the starting and completion of the grading work.

(d) Show the name of the permittee, who shall be responsible for the correctness of the work and for requesting the inspections required herein. (Sec. 23-2.3 R.O. 1957)

**Sec. 23-2.4. Permit Fees.**

Before issuing any grading permit, the Chief Engineer shall collect a permit fee in the following amounts:

**GRADING PERMIT FEES**

Volume of Material	Permit Fee
Less than 500 cubic yards . . .	\$ 5.00
500 to 1000 cubic yards . . . . .	10.00
More than 1000 cubic yards . . . . .	20.00 plus
	1.00 for each additional 1000 cubic yards or portion thereof.

The foregoing fees shall be charged for all fill operations. Fifty (50) per cent of the foregoing fees shall be charged for all excavation operations. All grading permit fees shall be deposited in the Highway Fund.

The Chief Engineer shall determine the amount of the grading permit fee but shall waive the collection of said fee when the grading is performed by or on behalf of the Department of Parks and Recreation. (Sec. 23-2.4 R.O. 1957; Am. Ord. 1643, 1884)

**Sec. 23-2.5. Expiration Of Permit.**

Every grading permit shall become null and void if the work authorized by such permit has not been commenced within 180 days or is not completed within one year from date of issue; provided that the Chief Engineer may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits, grant a reasonable extension of time on said permit; provided further, that the application for the extension of time is made before the date of expiration of the permit. No additional extensions will be permitted thereafter. (Sec. 23-2.5 R.O. 1957)

**Sec. 23-2.6. Denial Of Permit.**

Where in the opinion of the Chief Engineer, the work as proposed by the applicant is likely to endanger any property or public way, he shall deny the grading permit. Factors to be considered in determining probability of hazardous conditions shall include, but not be

limited to, possible saturation by rains, earth movements, run-off of surface waters and sub-surface conditions such as the stratification and faulting of rock, nature and type of soil or rock. Failure of the Chief Engineer to observe or recognize hazardous conditions or his failure to deny the grading permit shall not relieve the owner or his agent of responsibility for such conditions or for damages resulting therefrom, and shall not result in the City, its officers or agents, being responsible for the conditions or damages resulting therefrom. (Sec. 23-2.6 R.O. 1957)

### Sec. 23-2.7. Inspections.

(a) In General. The Chief Engineer shall, when requested, make the inspections hereinafter required and shall either approve that portion of the work completed or shall notify the permit holder wherein the same fails to comply with this Chapter. Where it is found by inspection that the soil or other conditions are not as stated or shown in the application for a grading permit, the Chief Engineer may refuse to approve further work until approval is obtained for a revised grading plan conforming to the existing conditions.

(b) Schedule of Inspections. Plans for grading work, bearing the approval of the Chief Engineer, shall be maintained at the site during the progress of the grading work and until the work has been approved. The permittee shall notify the Chief Engineer in order to obtain inspections in accordance with the following schedule and at least two working days before said inspection is to be made.

(1) Initial Inspections. When the permittee or his agent is ready to begin work on an excavation or fill. Notification shall be given to the Department of Public Works, Division of Engineering, after clearing and grubbing.

(2) Rough Grading. When all rough grading has been completed.

(3) Special Structures. When excavations are complete for retaining and crib walls and when reinforcing steel is in place and before concrete is poured.

(4) Final Inspection. When all work, including installation of all drainage and other structures, has been completed.

(c) May Proceed Without Inspection, When. If no inspection is made within two working days after notification, the permittee may proceed with his grading operations. (Sec. 23-2.7 R.O. 1957)

## Article 3. Grading Requirements.

### Sec. 23-3.1. Ordinary Grading Requirements.

(a) Height. No cut or fill may be greater than 15 feet in height.

(b) Cut Slopes. No cut slope may be steeper than  $\frac{1}{4} : 1$  in rock;

$\frac{1}{2}$  : 1 in mudrock, decomposed rock, and residual soils; 1 : 1 in clay and alluvial soils; or  $1\frac{1}{2}$  horizontally to 1 vertical in sandy soils unless a retaining wall or other approved support is provided to support the face of the excavation.

(c) Fill Slopes. No fill slope may be steeper than  $1\frac{1}{2}$  horizontally to 1 vertically for clay soils and 2 to 1 for sandy soils unless a retaining wall or other approved support is provided to support the face of the fill.

(d) Distance of Structures, etc. The top of all cut banks and fills must be located at a horizontal distance at least equal to the bank height from any structure or major improvement. This requirement may be waived when a certificate is submitted from an engineer that soil conditions are such that the top of cut banks or fills may be closer to a structure or improvement than the above requirement.

(e) Ground Condition. The area shall not overlie or contain any springs, mud, marsh, deposits, dumps, refuse-containing fills, adobe, or any old fill whose satisfactory quality has not been established to the satisfaction of the Chief Engineer.

(f) Fill Materials. No organic materials may be used in any fills. The fill materials shall be free of debris and may consist of any rock, sand, or soil, or a mixture thereof, and after compaction shall have a minimum of 85% of maximum density as determined by the AASHO T99 Soil Compaction test modified as follows:

(1) The maximum density shall be determined by using a sample with its natural moisture content and raising or lowering the moisture content as the case may be until a maximum density is obtained.

(2) The fill materials shall be spread in a series of layers each not exceeding 8 inches in thickness before compaction. This requirement may be waived when a certificate is submitted from an engineer that other methods will provide the necessary compaction.

(g) Preparation of Ground Surface. The natural ground surface shall be prepared by the removal of the top soil and vegetation and if necessary shall be graded to a series of terraces prior to the placement of any fills. No fill shall be placed upon a soft, soggy or springy foundation.

(h) Grading Adjacent to Streets. Grading adjacent to streets shall conform to the standards and requirements of the Division of Engineering, Department of Public Works. (Sec. 23-3.1 R.O. 1957; Am. Ord. 1643)

### Sec. 23-3.2. Special Grading Requirements.

(a) Report Before Grading Required. Plans for special grading will be approved only upon submission of a report prepared by an engineer, substantiating the permanence and safety of the proposed

grading and certifying that the proposed grading will have no objectionable effect upon surrounding properties, or upon public health or safety.

(b) Cut Sections. Cut sections shall show the materials which compose the cut banks, the proposed cut sections, and any benches, drainage ditches, or other details which may be proposed.

(c) Fill Sections. Fill sections shall show the proposed fill sections, the original ground surfaces, the prepared ground surface for the foundation of the fill, drainage facilities, and any other construction pertinent to the stability of the fill.

(d) Report After Grading Required. After grading operations are completed a written report by an engineer shall be submitted to the Chief Engineer for approval, indicating:

(1) A description of materials used in the fill, moisture conditions, procedure of deposit and compaction, including preparation of original ground surface before making the fill and a plan showing location of tests made in the fill together with a tabulation of relative densities obtained from compacted fills at each location.

(2) Nearby structures or other improvements if they are affected either structurally or architecturally by the cut or fill operations.

(3) The recommended soil bearing pressures for proposed structures that are planned for the graded site.

(4) A statement that all work was done in conformity with the approved plans and this Chapter.

(e) Additional Tests or Information. The Chief Engineer may require additional tests or information if, in his opinion, the conditions or materials are such that additional information is necessary, and may modify or delete any of the above listed requirements that, in his opinion, are unnecessary, in view of ground conditions at the site to be graded. (Sec. 23-3.2 R.O. 1957; Am. Ord. 1643)

**Sec. 23-3.3. Special Precautions.**

If, at any stage of the work on an excavation or fill, the Chief Engineer determines by inspection that the nature of the formation is such that further work as authorized by an existing permit is likely to endanger any property or public way, the Chief Engineer may require as a condition to allowing the work to be continued, that such reasonable safety precautions be taken as the Chief Engineer considers advisable to avoid such likelihood of danger. "Special Precautions" may include, but shall not be limited to, specifying a flatter exposed slope, construction of additional drainage facilities, berms, terracing, compaction or cribbing. (Sec. 23-3.3 R.O. 1957)

**Sec. 23-3.4. Drainage.**

(a) Adequate Drainage Provisions Required. Adequate provisions

Am. 2/25/63  
 Ord. 2310  
 Am. 12/15/65  
 Ord. 2734

shall be made to prevent any surface waters from damaging the cut face of an excavation or the sloping surface of a fill. All drainage provisions shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural water course approved by the Chief Engineer as a safe place to deposit and receive such waters. The Chief Engineer may require such drainage structures or piping to be constructed or installed which, in his opinion, are necessary to prevent erosion damage and to satisfactorily carry off surface waters.

Am. 12/15/65  
Ord. 2734  
1957

(b) Drainage For House Lots. Where practical, house lots shall be graded so that storm water will drain directly to the streets without crossing other lots or over cut and fill slopes. (Sec. 23-3.4 R.O. 1957)

Am. 1/6/67  
Ord. 2424 - Adding Sec. 23-3.5. Stockpiling

**Article 4. Violations And Penalties; Liability.**

**Sec. 23-4.1. Violations And Penalties.**

(a) Violations. It shall be unlawful for any person to construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any provision of this Chapter.

(b) Penalty. Any person violating any of the provisions of this Chapter shall upon conviction be punished by a fine not exceeding \$500, or by imprisonment not exceeding 180 days or by both.

(c) Continuance. The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance. (Sec. 23-4.1 R.O. 1957)

**Sec. 23-4.2. Liability.**

The provisions of this Chapter shall not be construed to relieve from, nor lessen, the liability of any person in charge of or performing or causing to be performed any grading, excavating, or filling operation, for damages to any one resulting from such operation. The City, its officers, and employees shall be free from any liability, costs or damages which may accrue from any grading, excavating or filling operation or any work connected therewith authorized by this Chapter. (Sec. 23-4.2 R.O. 1957)

## CHAPTER 24.

### IMPROVEMENT BY ASSESSMENTS.

#### Article 1. General Provisions.

- § 24-1.1. Method.
- § 24-1.2. Storm Drain System.
- § 24-1.2A. Parks, Playgrounds And Beaches.

#### Article 2. Costs.

- § 24-2.1. Costs To Be Borne By City.
- § 24-2.2. Costs Of Water Systems.

#### Article 3. Procedure.

- § 24-3.1. Initial Procedure.
- § 24-3.2. Protests, Objections, Suggestions.
- § 24-3.3. Petition By Owners.
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#### Article 4. Assessments.

- § 24-4.1. Assessments Fixed By Ordinance.
- § 24-4.2. Notice And Collection Of Assessments.
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- § 24-4.5. Installments; Payable When.
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- § 24-5.1. Improvement Bonds Authorized.
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- § 24-6.1. Refunding Authorized.
- § 24-6.2. Initiation Of Refunding.
- § 24-6.3. Protest Against Refunding.
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- § 24-6.5. Refunding Bonds.
- § 24-6.6. Installments.
- § 24-6.7. Petition By All Owners.
- § 24-6.8. Old Bonds Canceled.
- § 24-6.9. Obligations Unimpaired.

Article 7. Limitation On Time To Sue.

- § 24-7.1. Limitation On Time To Sue.

Article 1. General Provisions.

Sec. 24-1.1. Method.

Am. 12/13/62  
 Ord. 2281  
 Am. 6/20/68  
 Ord. 3200

(a) Whenever in the opinion of the Council it is desirable to establish, open or construct any public highway, as defined by statute, including in connection therewith the construction of a sidewalk, storm drainage system, water system or street lighting system, or to extend, widen, alter, grade, pave, curb, macadamize or otherwise improve, to an extent exceeding maintenance or repair thereof, the whole or any part of any existing public highway including in connection therewith the construction or improvement of a sidewalk, storm drainage system, water system or street lighting system, or to construct or improve a storm drainage system or street lighting system independently of any other construction or improvement, such betterments or improvements shall be made and done under the provisions of this Chapter; and the cost thereof, including the cost (if not assumed by the City under the discretionary power contained in Section 24-2.1.) of acquiring, whether prior to or after the commencement of the proceedings for such betterments or improvements, any new land therefor, shall be assessed against the land specially benefited, either on a frontage basis or according to area of the land within an improvement district or on both an area and frontage basis; and the City may issue and sell bonds to provide the funds for such improvement, which bonds shall be secured by such assessments as a lien upon the lands assessed, and for such purpose the Council may create, define and establish frontage improvements or improvement districts; all according to the provisions of this Chapter.

(b) Nothing in this Chapter shall prevent the City from compelling abutting property owners at their own expense to construct, maintain and repair sidewalks and curbs in front of the abutting property under any other statute or ordinance, now existing or hereafter to be enacted.

(c) Furthermore, nothing in this Chapter shall prevent the City or the Board of Water Supply, from constructing, improving, maintaining and repairing any storm drainage system, street lighting system or water system, as the case may be, as empowered by any other statute or ordinance, now existing or hereafter to be enacted. (Ord. 1719)

Am. 10/31/63  
 Ord. 2411 (d)  
 Am. 6/20/68  
 Ord. 3200 (d)

§ 24-1.2. IMPROVEMENTS BY ASSESSMENTS

§ 24-2.1.

Sec. 24-1.2. Storm Drainage System.

Am. 6/28/62

Ord. 2194

The term "storm drainage system" whenever used in this Chapter includes "sanitary sewerage system"; provided, that for the construction of sanitary sewerage systems, the lands specially benefited by such improvement shall be assessed according to the area of the lands within an improvement district at the following rates: 8 cents per square foot for residential zoned areas, 10 cents per square foot for business and industrial zoned areas and 12 cents per square foot for hotel and apartment zoned areas. The balance of the cost shall be borne by the City except that, where the construction of any such system is initiated under section 24-3.3 or 24-3.4 of this Chapter, the total cost thereof shall be assessed against the lands specially benefited. (Ord. 1719)

Am. 10/9/62

Ord. 2506

Am. 6/20/68

Ord. 3200

Sec. 24-1.2A. Parks, Playgrounds And Beaches.

Whenever deemed desirable or necessary in the interests of the public, the Council may establish an improvement district for the purpose of acquiring property for a park, playground or public beach in conformity with the provisions of this Chapter; provided that nothing contained herein shall be construed to limit the power of the Council to provide for the acquisition of property for the same purpose without levying assessments. (Ord. 2023)

Article 2. Costs.

Am. 6/20/68

Sec. 24-2.1. Costs To Be Borne By City.

Ord. 3200

(a) The City shall pay out of any funds available for such purposes the entire cost of engineering, incidentals and inspection, and in case of frontage improvement the cost assessable against the frontage or frontages of any adjoining or cross street, or in the case of area improvement districts, the cost of improving the area common to both streets at the intersection of any cross street or one-half of the area opposite the intersection of any adjoining street, and thirty-three and one-third per cent of the total cost of general improvements (excluding engineering, incidentals and inspection and cost of new curbing and sidewalks) upon or along all main or general thoroughfares, as hereinafter defined, and upon or along all other streets or highways, except where improvements are initiated under sections 24-3.3 and 24-3.4; provided, that in the case of a main or general thoroughfare, it shall be lawful for the City to assume and pay out of available funds the cost of all or any part of that portion of a pavement in excess of twenty-six feet in width. A main or general thoroughfare within the meaning hereof is any street or highway as is subjected to more than ordinary traffic and travel by the general public, or which serves as a generally necessary connecting thoroughfare between sub-

stantially different or naturally separate localities or sections of the district of Honolulu, or which serves as a generally necessary connecting thoroughfare between districts of the City.

(b) The Council, whenever in its judgment the interests of the City will be best served and to protect the City from claims for damages from surface waters, may provide for the collection and disposition of storm waters by proceeding independently of any other improvement proceedings, and, in either event, pay the whole or any part of the cost thereof out of available funds or may assess the whole or any part of the cost thereof according to the benefits arising therefrom and in the manner provided for apportioning assessments for general improvements. It shall be lawful for the City to assume and pay out of such available funds all or any part of the cost of acquiring any new land required for any improvement under the provisions of this Chapter.

(c) Notwithstanding the provisions of subsection (a) above, the City shall not bear the costs of inspections requested to be made during any hour after the normal working hours in any work day, or on a Saturday, Sunday or legal holiday. (Ord. 1719; Am. Ord. 1827)

**Sec. 24-2.2. Costs Of Water System.**

If the improvement includes the construction or improvement of a water system as aforesaid, the Board of Water Supply may, but such requirement is not mandatory, assume and pay out of its funds available for such purpose, the cost of engineering, incidentals and inspection, and thirty-three and one-third per cent of the total cost of the construction or improvement of such water system. (Ord. 1719)

**Article 3. Procedure.**

Am. 12/13/62  
Ord. 2281-0  
Am. 2/25/65  
Ord. 2578  
Am. 6/20/68  
Ord. 3200  
**Sec. 24-3.1. Initial Procedure.**

The Council shall by resolution requiring not more than one reading for its adoption, request the Chief Engineer, through the Mayor, to investigate and report to the Council preliminary data concerning the highway or highways, storm drainage system, water system or street lighting system proposed to be opened, constructed or improved, the general character and extent of any improvement to be proposed, whether such improvement should be proposed on a frontage or an area basis, whether any new land will be necessary to be acquired, and the estimated cost thereof and the proportion of the cost which should be borne by the City, the materials recommended to meet the conditions of the improvement, the boundaries of the improvement to be proposed and any subdistricts or zones therein as to which different portions of the cost should be charged, the estimated cost of the improvements, the portions of the cost to be borne by the City, and the

portions of the cost to be specifically assessed against the lands specially benefited with the maximum unit of assessment to be made against the property to be assessed according to the method of assessment to be proposed, and to prepare and furnish all necessary preliminary surveys, maps, plans, drawings and other data, details and specifications for the improvements and any other matters or details intended to apply thereto. The report, when so furnished and filed with the Council, shall not be acted upon until one week has elapsed from the date of the filing of the same. If the improvement or work proposed to be done includes the construction or improvement of a water system or the laying or installation of conduits, pipes, hydrants or any appliance for supplying or distributing a water supply, the Chief Engineer shall obtain from the Board of Water Supply preliminary plans and estimates for such proposed water system, and the Chief Engineer shall furnish the Board of Water Supply with such preliminary plans of the proposed improvement as will enable the Board of Water Supply to make its plans and estimates for the proposed water system. The Chief Engineer shall incorporate such preliminary plans and estimates of the Board of Water Supply in his report to the Council.

Thereafter the Council may, by resolution requiring one reading for its adoption, propose the making of an improvement or improvements specifying the streets, storm drainage system, water system or street lighting system, to be opened, constructed or improved, the area, owner, so far as known, and general description and location of new land to be acquired, if any; the materials proposed to be used; the proposed method of assessment including the minimum number of installment payments to be proposed; the general boundaries of the district or frontage, subdistricts and zones to be assessed; the maximum estimated unit of assessment. The Council may adopt the plans and estimates so furnished by the Board of Water Supply and incorporated in the report of the Chief Engineer, but may not modify or change the same except with the consent of the Board of Water Supply. If no agreement can be reached the water system, conduits, pipes, hydrants and other appurtenances for supplying and distributing water shall be omitted from such contemplated improvement. If the plans and estimates of the Board of Water Supply are adopted by the Council, such plans and estimates shall be referred to and incorporated by reference in such resolution. Such resolution shall refer to and incorporate by reference such surveys, plans, maps and other data reported by the Chief Engineer as shall be approved by the Council. The resolution shall also fix a date of public hearing upon the proposed improvement, which date shall be not less than fifteen days after the first publication of notice thereof in a newspaper of general circulation in the City.

After the adoption of the resolution, the City Clerk shall cause a notice of the public hearing to be published twice a week for two successive weeks (four publications in all) in a newspaper of general cir-

culatation in the City, giving notice generally to all owners, lessees and occupants of land proposed to be assessed or acquired and to all others interested in the general details of the proposed improvements as adopted by the Council and stating the time and place of public hearing and where the resolutions and reports and other data may be seen and examined prior to the hearings. Like notices shall be posted conspicuously at least ten days prior to the hearing approximately every two hundred and fifty feet along the highway or highways, proposed to be opened or improved. In case of a storm drainage system or street lighting system proposed to be constructed or improved independently of other improvements, like notices shall be posted conspicuously at various places within the area or along the frontage to be assessed. Affidavits of publication both in the newspaper and along the route of improvement, respectively, shall be filed with the Council at the hearing. (Ord. 1719)

**Sec. 24-3.2. Protests, Objections, Suggestions.**

Am. 4/4/63  
 Ord. 1327  
 m. 10/9/64  
 rd. 2506

Any owner of property proposed to be assessed may at any time prior to or at the public hearing file in writing with the Council any protest, objection or suggestion as to the proposed improvement, stating briefly his reason therefor, or present the same in person, orally, at the public hearing. If the owners of fifty-five per cent of the total frontage or area to be assessed for such improvements shall at the hearing or prior thereto file with the Council written protests, duly acknowledged by such owners, against the making of the improvements or against any part of the plan therefor, the same shall not be made contrary to the protest. If the protest is against the making of any improvement, the same shall not be made, and the proceedings shall not be renewed within six months from the date of closing the public hearing, unless each and every owner protesting shall sooner withdraw his protest. Any lessee of any property to be assessed under this Chapter, who by the express terms of his lease must pay the kind of assessments contemplated by this Chapter shall be subrogated to all the rights of such owner to protest by filing with the Council prior to or at the hearing a certified copy of his lease, together with a citation of the book and page of the public record of the same if it be recorded; provided, that any lessor of such lessee, or any owner of the property to be assessed, may, at any time before the closing of the public hearing, make void the protest or the rights of protest of any lessee of the property on consideration of filing with the Council a duly acknowledged waiver of the stipulation in the lease which requires the lessee to pay the special assessment, and a written undertaking by the lessor or owner to pay the special assessment to be made under the proposed improvement. (Ord. 1719)

**Sec. 24-3.3. Petition Of Owners.**

Am. 12/13/62  
 Ord. 2281

(a) If the owners of not less than sixty per cent of the frontage

Am. 2/25/65  
 Ord. 2578  
 Am. 6/20/68  
 Ord. 3200

upon any street, alley or highway designated by them or of sixty per cent of the area of land designated by them as a proposed improvement district, shall file with the Council a petition duly acknowledged by the owners requesting the opening or improvement of such street, alley or highway, or of the streets, alleys or highways in the proposed improvement district or for the construction or improvement of a storm drainage system, sanitary sewerage system, water system, or street lighting system, together with the surveys, maps, plans and other preliminary data and estimates mentioned in Section 24-3.1 in the case of a proceeding initiated by the Council, the Council shall thereupon proceed thereon in the same manner as though the plan for such improvements had been initiated on its own motion; and the cost of the preliminary surveys, maps and other data, if not in excess of the estimate therefor stated in the petition, shall be deemed part of the cost of the improvement; provided, that upon such petition the Council shall not have power to abandon the proceedings or make any change or modification of the plans or the details or specifications for the proposed improvements without the written and duly acknowledged consent of the owners of not less than sixty per cent of the frontage or area of the land to be assessed; except that the Council may decline to acquiesce in or may modify any part of the plan which contemplates the payment by the City of any part of the cost of acquiring new land or of any part of the cost of improving any main or general thoroughfare, and in such event, if the owners of not less than sixty per cent of the frontage or property to be assessed shall in writing acquiesce in the change or modification, the Council shall be bound to proceed with the plan as so modified.

(b) An improvement district under the provisions of this section may be initiated by the Council on its own motion as an alternative to initiation by petition of the owners and lessees as hereinabove provided. Under this alternative method the written consent of sixty per cent of such owners and lessees shall be obtained before proceeding with the improvements. (Ord. 1719)

**Sec. 24-3.4. Petition By Owners Of One Hundred Per Cent Of Frontage Or Area.**

*Am. 2/25/65*  
*Ord. 2578* (a) If a petition is filed and is acknowledged by the owners of one hundred per cent of the frontage upon any public highway or of the area of land designated by them as a proposed improvement district, and by all lessees of any property to be assessed under this Chapter, who, by the express terms of the lease, must pay the kind of assessment contemplated by this Chapter, unless the lessor shall, with the petition, file a duly acknowledged waiver of the stipulation in the lease which requires the lessee to pay the special assessments, and a written undertaking by the lessor or owner to pay the special assessments to be made under the proposed improvement, then the Council shall proceed in the same manner as though the plan for the improve-

ment had been initiated on its own motion, excepting that it shall be unnecessary for the Council to give, publish or post notice of the proposed improvements, as provided for in Section 24-3.1; and in the case of a petition acknowledged by the owners of one hundred per cent as aforesaid, Section 24-3.2 shall be inapplicable thereto, any other provision or section to the contrary notwithstanding; and in case the owners of one hundred per cent as aforesaid, shall, in writing, consent to the amount and apportionment of the proposed assessments for such improvements, it shall be unnecessary to give the notice or to hold the hearing specified by section 24-3.9 and the Council may immediately proceed to fix the assessment or assessments in the manner provided by section 24-4.1.

(b) No such improvement shall be approved by the Council, if the cost of the proposed improvement exceeds fifty per cent of the sum total of the market value of the land and of the cost of the proposed improvement therein; provided, that if the cost of the proposed improvement exceeds fifty per cent of the sum total of the market value of the land and of the cost of the proposed improvement, the improvement may be approved by the Council upon deposit of cash or certified check to the extent of the amount by which the cost of the proposed improvement exceeds fifty per cent of the sum total of the market value of the land and of the cost of the proposed improvement.

(c) An improvement district under the provisions of this section may be initiated by the Council on its own motion as an alternative to initiation by petition of the owners and lessees as hereinabove provided. Under this alternative method the written consent of one hundred per cent of such owners and lessees shall be obtained before proceeding with the improvement. (Ord. 1719)

**Am. 12/13/62 Sec. 24-3.5. Determination By Councilmen.**

**Ord. 2281-9** (a) After the hearing provided in section 24-3.1, the Council shall consider any protests, objections, or suggestions which may have been made or filed and whether sufficient valid protests have been filed to compel it to abandon any part or all of the proposed improvement. If the Council still has jurisdiction to continue it shall then proceed, determine whether or not the proposed improvements shall be made as proposed, or made with modifications, and in the latter event modifications or changes not substantially reducing the frontage or area to be assessed, and not increasing the maximum estimated unit of assessment, or lessening the unit cost per front foot or square foot, may be made without again giving notice of a hearing as provided in section 24-3.1; provided, such modification or changes shall not materially alter the general character or plan so advertised; and provided further, that no modification of or changes in the plans and estimates furnished by the Board of Water Supply shall be made without the consent of the Board of Water Supply. If, after such initial or further advertisement and hearing when no changes are made which will

require further advertisement or hearing, the Council determines to proceed with the improvements, it shall, by resolution requiring not more than one reading for its adoption, create, define and establish the extent of the frontage improvement or the improvement district to be assessed, as the case may be, and define the kind, extent and general details of the proposed improvements, describe each parcel of land to be acquired, if any, declare the part or proportion of the cost of the improvement which is to be borne by the City as aforesaid, the method of assessment, and the kinds of materials to be used, and by the resolution further request the Chief Engineer through the Mayor to prepare a corrected map of the highway or highways to be improved showing the abutting lands, or of the improvement district showing the highways therein to be improved, or the storm drainage system, or water system or street lighting system to be constructed or improved, as the case may be, and showing the exact location of the improvements, together with final details, plans and specifications for the work; all in such form as will readily permit and encourage genuine competition between contractors in so far as the materials specified will permit of such competition; and the same when by resolution similarly approved and adopted by the Council, shall be used as the basis for the calling of bids and awarding of a contract or contracts for the work as hereinafter provided. If the improvement or work proposed to be done includes the construction or improvement of a water system as aforesaid, the Council shall by resolution request the Board of Water Supply to furnish final detail plans and specifications for such water system for such proposed improvement, including plans and specifications for adequate and appropriate conduits, pipes, hydrants and other appurtenances (including reservoirs and booster pumps) necessary for supplying and distributing the water supply for such proposed improvement, and such resolution shall also request the Chief Engineer through the Mayor to furnish the Board of Water Supply with such copies of the final surveys, maps and plans covering the proposed improvements, other than for such water system, as may be necessary to enable the Board of Water Supply to prepare the final plans and specifications for such water system. The Board of Water Supply shall furnish such final plans and specifications when so requested; provided, that the Board of Water Supply may refuse to furnish such plans and specifications where funds for the amount the City is obliged to pay towards the contract price have not been included in the budget of the City for such year. Such final plans and specifications so furnished by the Board of Water Supply shall be incorporated in the resolution adopted by the Council and shall be used as the basis for calling of bids and awarding of a contract or contracts for the work.

(b) In case the improvements so determined upon require the acquisition of any new land therefor, the Council shall acquire the same before final award of the contract, either by deed or other volun-

tary conveyance from the owners thereof, or it may, at its option, and in the name of the City cause condemnation proceedings to be brought to acquire the same in like manner as by law provided or like proceedings when brought by the Superintendent of Public Works of the State of Hawaii and after the filing of the petition in such proceedings the final award of the contract may be made. If the cost of acquiring such land exceeds the estimate therefor, the Council may provide for the excess cost by general appropriation.

(c) In the event that land has been acquired by condemnation under the provisions of Chapter 8, R.L.H. 1955, and in the award made on the condemnation there has been deducted from the compensation or damages otherwise payable to the landowner, any amount by reason of the fact that land of such landowner not sought to be condemned would be benefited by the construction of improvements proposed to be made after the condemnation, it shall be unlawful to make any assessments against such land under this Chapter without having first credited against the amount for which the land would otherwise have been assessed the amount that has been deducted in the award made on condemnation for benefits by reason of the construction of improvements proposed to be made after condemnation. (Ord. 1719)

#### Sec. 24-3.6. Compliance With General Plan.

Notwithstanding any provisions of this Chapter to the contrary, the actual construction of any improvement under this Chapter shall not be commenced unless the improvement shall conform to, or shall not be inconsistent with the general plan.

Am. 8/19/63  
Ord. 2394

Any improvement district project involving the construction or improvement of any streets or highways shall include the construction or improvement of all streets or highways within the improvement district, which are included in the general plan. (Ord. 1719; Am. Ord. 1798)

#### Sec. 24-3.7. Contract, Bids, Bonds.

Am. 2/25/65  
Ord. 2578

(a) All improvements made under the provisions of this Chapter shall be constructed under contract let to the lowest responsible and reliable bidder therefor, after public advertisement by the Council in some newspaper of general circulation published in the City twice a week for not less than two weeks. The Council may either let the work as an entire contract, or in its discretion, make one or more contracts separately for the different kinds of work to be performed, or for the improvement of different highways or parts of highways, to be improved under one proceedings. All bids shall be accompanied by a deposit of legal tender or by a certificate of deposit or certified check on a bank doing business within the State or a sufficient surety bond payable to and in favor of the City for or in a sum equal to five per cent of the amount bid; provided, that when the bid exceeds \$50,000, the aforesaid deposit, certificate, check, or bond shall be for \$2,500 plus 2 per cent of the amount in excess of \$50,000, which shall be for-

feited to the City unless the successful bidder signs the contract and furnishes an approved bond within the time specified by the Council. No bid in excess of the estimated costs shall be accepted by the Council without the written and acknowledged approval of the owners of at least sixty per cent of the frontage or area to be assessed, as the case may be, except for public improvements where the amount of assessment is fixed by law; and the Council shall have the right to reject any and all bids and in such case to readvertise for tenders if it deems advisable to do so. No contract shall be made without a bond to the City, for the faithful performance of such contract, in an amount not less than fifty per cent of the contract price, with at least two sufficient sureties, each of whom shall be worth not less than the full amount of the bond over and above all property exempt from execution, and who shall, upon the written demand of the Councilmen or of any owner of property subject to assessment, be required to justify thereon on an examination under oath before the Council; instead of personal sureties, a duly qualified surety company may be substituted as provided by law. If upon such examination any surety is held insufficient, a new bond with sufficient sureties shall be filed by the successful bidder within the time specified and allowed by the Council, or the contract to him and the deposit shall be forfeited. Upon the contract being signed and a sufficient bond furnished as aforesaid, the deposit made with the bid shall be returned to the contractor. Any other method of letting contracts shall be illegal and void.

(b) The Council may, any other provision of the law to the contrary notwithstanding, let the contract without having the total amount of the contract price available, and if the completion of the contract will extend beyond the fiscal year in which the same is executed it may be let without the Council appropriating the total amount the City is obliged to pay towards the contract price. In the latter event, however, the City must have available and appropriated at the time of letting the contract, if the same is to be completed during the next succeeding fiscal year, at least fifty per cent or if the same by its terms is not to be completed until beyond the next succeeding fiscal year at least thirty-three and one-third per cent of the amount the City is obliged to pay toward the contract price and the balance shall in the first event be a first charge on the revenues of the City for the next succeeding fiscal year, and in the latter event to be a first charge on the revenues of each of the next two succeeding fiscal years in the amount that the same will be required during such fiscal years, but in an amount of not less than fifty per cent of the balance at the beginning of the first succeeding fiscal year and the remainder at the beginning of the second succeeding fiscal year. The contract shall not be legal unless, before it is let, the Council by resolution provides for the automatic appropriation at the beginning of the next succeeding fiscal years of the amounts herein made a first charge on the revenues of the

City for such fiscal year and the Director of Finance of the City shall make the appropriations in his books as by the resolution provided. (Ord. 1719)

**Sec. 24-3.8. Water System, Inspection And Use Of System By Board Of Water Supply.**

If an improvement or work includes the construction or improvement of a water system as aforesaid, the Board of Water Supply shall maintain an inspector over the work to see that the plans and specifications which it has furnished have been complied with. After the work has been completed and accepted, the water system, pipes, conduits, hydrants and other appurtenances for supplying or distributing water so installed shall constitute a part of the system of the Board of Water Supply and shall at all times thereafter be used, operated and maintained by it as a part of its system. (Ord. 1719)

**Sec. 24-3.9. Notice Of Improvement Authorized.**

Am. 6/20/68  
Ord. 3200

(a) The Chief Engineer shall prepare a corrected map similar to that required under section 24-3.1 and a preliminary assessment roll and description of properties to be assessed showing in detail the proportionate amount per front foot, and the exterior boundaries of the lands subject to the assessment, if the assessment is to be made on such basis, or per square foot, if the assessment is to be made according to area, proposed to be assessed against the property in the benefited district or in the several subdistricts or zones thereof, if any, and a list of all known owners, lessees and occupants of the land fronting upon such highway or highways or situate within the improvement district. The Council shall thereupon by advertisement in the same manner as that provided in section 24-3.1 give notice of the total amount of the cost of the improvement based upon the bid of the lowest responsible and reliable bidder, the maximum share per front foot or per square foot, as the case may be, proposed to be charged to the benefited district or subdistricts or zones, if any, and that the corrected map, preliminary assessment roll and description of properties may be seen and examined at the office of the Chief Engineer during business hours at any time prior to and including the date fixed for hearing. The notice shall also fix a date and place when a public hearing will be had and the Council will sit as a board of equalization to receive complaints or objections respecting the total amounts of the proposed several assessments, which date shall not be less than ten days nor more than three weeks after the date of the first newspaper publication of the notice.

(b) The Council may, any other provision of the law to the contrary notwithstanding, give notice and hold the assessment hearing as aforesaid prior to advertising for bids on any project in which the total assessment is based on a rate fixed by Section 24-1.2. (Ord. 1719)

Article 4. Assessments.

Sec. 24-4.1. Assessments Fixed By Ordinance.

After the hearing, the Council shall forthwith proceed to make such modifications or changes as to them may seem equitable or just, or shall confirm the first proposed assessment, and upon reaching a final decision shall, by ordinance, fix the portions of the cost to be assessed against the benefited properties and against the owners thereof respectively, which ordinance shall incorporate by reference the assessment roll as approved by the Council. After the final enactment of such ordinance the amounts of the several assessments so listed, advertised and incorporated and not previously objected to shall be conclusively presumed to be just and equitable and not in excess of the special benefits accruing or to accrue by reason of the improvement to the specific property assessed. (Ord. 1719)

Sec. 24-4.2. Notice And Collection Of Assessments.

Am. 6/20/68  
Ord. 3200

The Director of Finance shall forthwith post notice of assessment upon the lands assessed, and notify the several owners, lessees or occupants, respectively, either by certified mail or by registered letter with request for a return receipt, of the several amounts assessed on the respective properties and of the date when such assessments are payable. He shall also collect such assessment and set aside all moneys so collected in a special fund or funds for the frontage improvement or improvement district, as the case may be. (Ord. 1719; Am. Ord. 1880)

Sec. 24-4.3. Assessments, Payable When.

Am. 7/26/69  
Ord. 3250

All assessments so made shall be due and payable within thirty days after the date of the last publication of the ordinance; provided, that any assessments may, at the election of the owner of the land assessed, be paid in installments with interest, as hereinafter provided. Failure to pay the whole of any assessment within the period of thirty days shall be conclusively considered and held an election on the part of all persons interested in such assessments, whether under disability or otherwise, to pay in installments. All persons so electing to pay in installments shall be conclusively considered and held to have consented to the improvement and such election shall be conclusively held and considered as a waiver of any and all right to question all power or jurisdiction of the City to make the improvement, the regularity or the sufficiency of the proceedings, or the validity or correctness of the assessment. (Ord. 1719)

Sec. 24-4.4. Lien; New Assessment.

Am. 2/14/63  
Ord. 2307  
Am. 6/20/68  
Ord. 3200

All assessments made pursuant to this Chapter shall be a lien against each lot or parcel of land assessed from the date of the first

publication of the ordinance declaring the assessment until paid and shall have priority over all other liens except the lien of property taxes and for other public purposes. No delay, mistake, error, defect, or irregularity in any act or proceeding authorized by this Chapter shall prejudice or invalidate any assessment; but the same may be remedied by subsequent or amended acts or proceeding and, when so remedied, the same shall take effect as of the date of the original act or proceeding. If in any court of competent jurisdiction any assessment made under this Chapter is set aside for irregularity in the proceedings, the Council may, upon notice as required in making an original assessment, make a new assessment in accordance with the provisions of this Chapter. (Ord. 1719)

**Sec. 24-4.5. Installments; Payable When.**

Am. 6/20/68  
 Ord. 3200  
 Am. 3/12/78  
 Ord. 3524

In case of an election to pay any assessment in installments, the assessment shall be payable in not less than five nor more than twenty equal annual installments of principal, and each annual installment may in turn be made payable in twelve equal monthly installments as hereinafter provided. Interest, in all cases, shall be paid on the unpaid principal, payable annually at a rate not exceeding six per cent per annum. The number of such annual installments and period of payment and the rate of interest shall be as determined by the Council, provided, that after the annual installments are determined and fixed, if it appears to be of advantage to the assessee, the Council may permit the Director of Finance to accept payments in monthly installments as hereinabove provided. (Ord. 1719)

**Sec. 24-4.6. Payment In Bonds.**

The Director of Finance may accept in lieu of cash in payment of any assessment, installment thereof, interest, penalty, cost, expense or any portion thereof, bonds of the improvements district in which the land is situated, whether such bonds are outstanding or hereafter issued, to a value of par, plus accrued interest to the date of acceptance of such bonds by the Director of Finance. Upon the receipt of such bonds, the Director of Finance shall cancel same and credit the improvement district with the amount allowed on the bonds. (Ord. 1719)

**Sec. 24-4.7. Effect Of Failure To Pay Installment.**

Am. 7/31/63  
 Ord. 2390  
 Am. 6/20/68  
 Ord. 3200

Failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately and the whole amount of unpaid principal and accrued interest shall thereafter draw interest at the rate of one per cent per month or fraction of a month until the day of sale as hereinafter provided; but at any time prior to the day of sale the owner may pay the amount of all delinquent installments with interest thereon at one per cent per month or fraction of a month, and all costs

and expenses accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been made. The owner of any land assessed, not in default as to any installment or payment, may at any time after the expiration of the first thirty day period pay any number of installments in the lump sum, or the entire unpaid principal with interest thereon as to the next subsequent annual date for the payment of installments. (Ord. 1719)

#### Sec. 24-4.8. Owner Of Undivided Interest.

The owner of any undivided interest in any land may pay the whole assessment and may have a joint or several right of action against the other owners of any interest in such land for their proportionate share of the assessment. (Ord. 1719)

#### Sec. 24-4.9. Sale In Case Of Default.

Am. 6/20/68  
Ord. 3200

In case of default in the payment of any installment of principal and interest when due, the Director of Finance shall advertise and sell the property concerning which default is made for the whole of the unpaid assessment thereon, interest and costs. The purchaser of such property shall be permitted to pay in cash the total amount of the delinquent installment or installments of principal and interest and penalty, and the balance in equal annual or monthly installments as originally provided. Such sale and advertisement shall be made by the Director of Finance, in the same manner, under the same conditions and penalties and with the same effect as provided by general law for sales of real property for default in payment of property taxes. (Ord. 1719)

#### Sec. 24-4.10. Purchase At Sale.

At any sale for default in payment of any assessment as aforesaid, the Director of Finance may accept, in lieu of cash, in payment for the land so sold, bonds of such improvement district whether such bonds are then outstanding or hereafter issued, to a value of par plus accrued interest to date of sale. Upon the receipt of such bonds the Director of Finance shall cancel same and credit the improvement district with the amount allowed on the bonds. (Ord. 1719)

#### Sec. 24-4.11. Certificate By Director Of Finance.

The Director of Finance shall on request give a certificate in writing to any person making request for same, showing in the certificate the balance due on any individual assessment for improvements for principal, with the date of next installment payment, the number of the installment payment and the amount to be due for the installment payment and particulars of interest and penalty on the next installment date to be due and owing. (Ord. 1719)

**Sec. 24-4.12. Sale Of Land Bid In By Director Of Finance At Sale.**

Whenever any land has been bid in by the Director of Finance at any sale for default of the owner thereof, the Director of Finance, in making such sale thereof as may by law be authorized, may sell the same upon the following terms and conditions:

- (a) A down payment at the sale of twenty per cent of the sale price;
- (b) The balance payable in monthly installments of not less than one and one-third per cent of the total sale price, plus interest at the rate of five per cent per annum upon all unpaid balances;
- (c) Failure for thirty days to pay any installment due shall effect an entire forfeiture of the purchaser's right, title and interest in such land and in any payments previously made by him on account thereof;
- (d) Such building restrictions as the Director of Finance may prescribe;
- (e) Such land when sold shall be subject to real property taxes. (Ord. 1719)

Am. 11/11/70  
Ord. 3629

Am. 6/20/68 Redesignating  
Ord. 3200 → **Article 5. Improvement Bonds. Finance**

**Sec. 24-5.1. Improvement Bonds Authorized.**

In the event of an election to pay all or any part of any such special assessment in installments, the amount required for immediate use to pay the contract price of the improvement, or the installments thereof from time to time as they fall due may be advanced out of any funds available in the general fund or the permanent improvement fund; provided, that as soon as practicable the amounts so necessary shall be secured, and repaid if advances have been made, by the issuance of sufficient district improvement bonds of the City to raise such required amount or amounts. Such bonds shall be in such form as may be prescribed by the Council, shall bear the name of the benefited or improved district, shall be payable to bearer in a sufficient period of years to cover the outstanding installment payments determined upon pursuant to the provisions of this Chapter, and shall be subject to call but not prior to the second interest date thereof as hereinafter provided. The bonds of each issue shall bear serial numbers, shall be of such denomination, not exceeding \$1,000 each, as may be determined by the Council, and shall bear interest at the rate of not more than six per cent per annum, payable semi-annually, as may be determined by the Council.

Such bonds shall be executed by the Director of Finance and issued pursuant to and under the authority and requirements of reso-

Am. 5/24/62  
Ord. 2173  
Am. 6/20/68  
Ord. 3200  
Am. 3/12/70  
Ord. 3524

lutions of the Council. The bonds shall bear the lithographed or engraved facsimile signatures of the Mayor and the Clerk and shall be sealed with the seal of the City, or a lithographed or engraved facsimile thereof. Interest coupons shall bear a lithographed or engraved facsimile of the signature of the Director of Finance. The Director of Finance shall preserve a record of the bonds in a suitable book kept for that purpose. The bonds shall be payable only out of the moneys collected on account of assessments made for the improvement for which they are issued and the City shall not otherwise guarantee payment of any bonds issued under the provisions of this chapter; provided, that interest payments may be advanced by the Council out of any moneys available in the improvement district revolving fund. (Ord. 1719; Am. Ord. 2020)

#### Sec. 24-5.2. Special Funds For Payment Of Bonds.

Am. 6/20/68  
Ord. 3200

Other Expenses. All moneys collected on account of assessments and interest for any improvement after the issuance of any bonds shall be kept by the Director of Finance in a special fund and applied solely to the payment of interest and principal of bonds issued for such improvement until such bonds have been paid. In the event that any surplus remains in any such special fund after the payment of the bonds chargeable against such fund or in case of a premium received on the sale of the bonds, it shall be credited to and become a part of a fund to be known as the improvement district revolving fund, the moneys in which shall be available to make up deficiencies in the proceeds of bonds sold below par, to cover deficiencies in interest realized on account of diminishing balances of installments outstanding, and to advance interest due on bonds outstanding prior to collection of annual assessments, and also for the purpose of paying all expenses in connection with the sale of delinquent improvement district lots and the prices of such delinquent lots as are bid for and purchased by the Director of Finance for the City, and the Director of Finance is authorized upon such purchase to transfer the proper amounts so bid to the proper special funds for the respective improvement districts concerned. (Ord. 1719)

#### Sec. 24-5.3. Payment Of Principal And Interest.

The principal and interest of the bonds shall be payable at the office of the Director of Finance of the City, and may also be made payable at the office of any bank or fiduciary company in such other places as may be determined by the Council. In all cases the bonds and coupons shall recite the places of payment. In case any bonds are made payable elsewhere than in Honolulu, the Director of Finance shall remit the funds necessary to pay the interest and principal when due, of any such bonds, with exchange, to the institution so designated, first assuring himself that such institution is then solvent. (Ord. 1719)

**Sec. 24-5.4. Use Of Bonds ; Sale.**Am. 6/20/68  
Ord. 3200

Bonds so issued may be used by the Council at par at the time of final acceptance of the contract to pay wholly or in part the contract price of any improvement made as aforesaid, or, in the event that the bonds are not so used, they shall then be sold to the highest bidder or bidders therefor, after public advertisement for tenders for at least once each week for not less than two successive weeks in a suitable newspaper of general circulation published in the City, and the proceeds thereof shall be so applied; provided, that in the event at an advertised sale only part of the issue so advertised be bid for, thereafter the Council may authorize the Director of Finance, by resolution requiring one reading for adoption, to sell the whole or any part of the remainder of such issue at the highest bid so received to any person at private sale. In the event no purchaser is found, the City may be the purchaser of any such bonds, using any funds available and unspent. (Ord. 1719)

**Sec. 24-5.5. Payment Before Maturity.**Am. 2/28/63  
Ord. 2312  
Am. 8/21/64  
Ord. 2485

On and after the second interest due date of any bonds so issued and annually thereafter, whenever sufficient funds are in the hands of the Director of Finance, exceeding the next interest payment on the unpaid balance of any bonds so issued, the Council may direct the Director of Finance, by resolution, to call for payment by advertisement for not less than five days in some newspaper of general circulation in the City, such a number of bonds as there are funds to pay. In each case the bonds to be called for payment shall be those of the lowest outstanding serial numbers which serial numbers shall be specified in the advertisement so published. At the expiration of thirty days from the first publication of such notice interest on the bonds so called for payment shall cease, and the moneys provided for the payment of such bonds with the interest unpaid to the date of their call for payment shall be set aside by the Director of Finance in a special deposit to which fund only the owners of the bonds shall thereafter look for payment. (Ord. 1719)

**Sec. 24-5.6. Payment At Maturity.**

All bonds not previously paid shall be paid at maturity together with interest thereon as the same become due at the places and in the manner prescribed by this Chapter. (Ord. 1719)

**Sec. 24-5.7. Bonds Not Chargeable Against General Revenues.**

No bonds issued under the provisions of this Chapter shall be considered as City bonds within the meaning of section 129-2, R.L.H. 1955, as amended, nor shall the payment of the same be a charge against the general revenues of the City.

## Article 6. Refunding.

### Sec. 24-6.1. Refunding Authorized.

The Council may provide for the refunding of the outstanding indebtedness of improvement districts located within the City, which were created according to law subsequent to December 31, 1925, in the manner hereinafter provided. (Ord. 1719)

### Sec. 24-6.2. Initiation Of Refunding.

Am. 4/20/69  
Ord. 3200

The owners of real property in any improvement district whose property represents seventy-five per cent or more of the outstanding improvement assessments at the time of the filing of the petition, shall, if it is desired that the indebtedness of the district be refunded, file with the Council a petition, which petition shall set forth the indebtedness of the district, that it is desired that the indebtedness be refunded, and the proposed method of refunding the outstanding indebtedness. The Council shall thereupon by resolution, requiring not more than one reading for its adoption, request the Chief Engineer through the Mayor to investigate and report to the Council the amount of unpaid assessments and the property subject to the same in the improvement district, the detail of any delinquent assessments and of any unpaid penalties, whether the petitioners own real estate representing seventy-five per cent or more of the unpaid assessments in the district, the proposed method of reassessment of the lands subject to existing assessments, a new assessment roll showing the proposed new assessments, the cost of the proposed refunding scheme, and other details which may be necessary to carry into effect the proposed refunding project. Such report of the Chief Engineer shall be filed with the Council. Within seven days after the filing of the Chief Engineer's report the petitioners shall deposit with the Director of Finance a sum sufficient to meet the cost of the refunding project as reported by the Chief Engineer.

Thereafter the Council shall, by resolution requiring one reading for its adoption, propose the adoption of the suggested refunding plan specifying the outstanding indebtedness of the district, that the owners of land representing not less than seventy-five per cent of the unpaid improvement assessments have petitioned that the outstanding indebtedness of the district be refunded, the proposed refunding plan in detail, and the proposed method of reassessment, including the minimum number of installment payments to be proposed, and the maximum estimated unit of assessment. The resolution shall refer to and incorporate by reference the preliminary assessment roll and such other data reported by the Chief Engineer as shall be approved by the Council. The resolution shall also fix the date of public hearing upon such plan, which date shall not be less than fifteen days after the first publication of notice thereof in a newspaper of general circulation in

Am. 2/25/65  
Ord. 2578

the City. After the adoption of the resolution, the City Clerk shall cause a notice of the public hearing to be published as provided in section 24-3.1, giving notice generally to all owners, lessees, and occupants of the land still under assessment in the improvement district, and to all others interested in the general detail of the proposed refunding plan, stating the time and place of the public hearing and where the resolution, preliminary assessment roll and other data may be seen and examined prior to the hearing. Like notices shall be posted in three of the most conspicuous places in the improvement district for which the outstanding bonds are issued. Affidavits of publication, both in the newspaper and of the posting, respectively, shall be filed with the Council at the hearing. (Ord. 1719)

#### **Sec. 24-6.3. Protest Against Refunding.**

Any owner of property, the assessments on which to pay the outstanding indebtedness have not been fully discharged, may at any time prior to or at the public hearing, file in writing with the Council any protest, objection or suggestion as to the proposed refunding measure, stating briefly the reason therefor, or may present the same in person orally at the public hearing. If the owners of real property representing thirty per cent or more of the outstanding improvement assessments at the hearing, or prior thereto, file with the Council written protests duly acknowledged by such owners against the proposed refunding project, or against any part of the plan therefor, the same shall not be made contrary to such protest. If the protest is against the adoption of any refunding plan, the same shall not be made, and the proceedings shall not be renewed within one year from the date of closing the public hearing, unless each owner protesting shall sooner withdraw his protest. Any lessee of any property to be assessed under this Chapter who by the express terms of his lease must pay the kind of assessments contemplated by this Chapter, shall be subrogated to all the rights of such owner to protest by filing with the Council prior to or at the hearing a certified copy of his lease, together with a citation of the book and page of the public record of the same if it be recorded; provided, that any lessor of such lessee, or any owner of property to be assessed, may, at any time before the closing of the public hearing, make void the protest or the right of protest of any lessee of the property on consideration of filing with the Council a duly acknowledged waiver of the stipulation in the lease which requires the lessee to pay the special assessment, and a written undertaking by the lessor or owner to pay the special assessment to be made under the proposed improvement. The Council shall also at the hearing sit as a board of equalization to receive complaints or objections respecting the total amounts of the proposed assessments. (Ord. 1719)

#### **Sec. 24-6.4. Determination By Councilmen.**

After the hearing the Council shall consider any protests or sug-

gestions which may have been made or filed and whether sufficient valid protests have been filed to compel it to abandon the proposed refunding plan. If the Council still has jurisdiction to continue, it shall then proceed to determine whether or not the refunding plan shall be adopted as proposed, or adopted with modifications, and in the latter event the City Clerk shall be directed to give notice again of the hearing as provided in section 24-6.2. If after such initial and further advertisement and hearing the Council determines to proceed with the refunding measure, it shall by ordinance requiring not more than one reading for its adoption, promulgate the refunding measure. Should the refunding project provide for the issuance of new bonds in the improvement district, the ordinance shall provide for the form of new bonds to be issued, approve of the assessment roll, and incorporate the same by reference, which assessment roll as provided in section 24-3.9, shall contain only the names of the property owners who have not fully paid the assessments originally provided for the payment of the outstanding improvement bonds and shall provide for the levying of new assessments in amounts sufficient to retire the refunding bonds to be issued pursuant to the terms hereof. After the final enactment of the ordinance the amounts of the several assessments so listed, advertised, or incorporated, not previously objected to, shall conclusively be presumed to be just and equitable and not in excess of the special benefits accruing or to accrue by reason of the original improvement project. Upon final passage of the ordinance as provided above, all assessments therein made shall be a lien in the same manner and to the same extent as provided in section 24-4.4; provided, that in no case shall this new assessment constitute a lien on property which has been discharged from the payment of the original assessment. (Ord. 1719)

#### **Sec. 24-6.5. Refunding Bonds.**

(a) Bonds issued for the refunding of the outstanding indebtedness of any improvement district shall bear the name of the improvement district for which they are issued, shall be payable to bearer and shall be in the form and issued and sold and subject to call and under all the other conditions and terms as prescribed by sections 24-5.1 to 24-5.7, except as otherwise prescribed in this Chapter.

(b) A lower rate of interest than that authorized in the original issue of bonds may be prescribed and the refunding bonds may be authorized to run for a term not to exceed fifteen years from the maturity date of the outstanding bonds. (Ord. 1719)

#### **Sec. 24-6.6. Installments.**

The provisions of sections 24-4.5 to 24-4.7, relating respectively to the payment of the assessments in installments and the effect of failure to pay installments, are incorporated in sections 24-6.1 to 24-6.9 by reference; provided, that the maximum number of annual

installments in which the assessment as provided for in sections 24-6.1 to 24-6.9 may be paid shall be dependent upon the term of the bonds. (Ord. 1719)

#### **Sec. 24-6.7. Petition By All Owners.**

If the petition is filed and acknowledged by the owners of land representing one hundred per cent of the unpaid assessments in any improvement district, and by all lessees of any property to be assessed, who, by the express terms of their respective leases must pay the kind of assessments contemplated by sections 24-6.1 to 24-6.9 unless the lessor of such lease files with the petition a duly acknowledged waiver of the stipulation in the lease which requires the lessee to pay such special assessments, and a written undertaking by the lessor or owner to pay the special assessments to be made under the proposed refunding plan, then the Council upon the payment to the Director of Finance of the cost of the refunding plan, as estimated by the Chief Engineer, shall proceed as provided above to have a hearing on the proposed new method of assessment and the assessment roll; provided, that in case the owners of one hundred per cent as aforesaid, consent, in writing, to the amount and apportionment of the proposed assessments under the refunding plan, it shall be unnecessary to give the notice or to hold any of the hearings specified above and the Council may immediately proceed to fix the assessment in the manner provided. (Ord. 1719)

#### **Sec. 24-6.8. Old Bonds Canceled.**

Should the refunding project provide for the retirement of the outstanding bonds of the improvement district, the Director of Finance shall stamp the retired bonds "canceled" and shall keep such canceled bonds in his possession. (Ord. 1719)

#### **Sec. 24-6.9. Obligations Unimpaired.**

Nothing in sections 24-6.1 to 24-6.8 contained shall be construed as giving the Council or any improvement district authority to impair the obligations of the improvement district under any outstanding improvement district bonds. (Ord. 1719)

### **Article 7. Limitation On Time To Sue.**

#### **Sec. 24-7.1. Limitation On Time To Sue.**

No action or proceeding to review any acts or proceedings or to question the validity or enjoin the performance of any act or the issue or payment of any bonds, or the levy or collection of any assessments authorized by this Chapter, or for any other relief against any acts or proceedings, done or had under this Chapter, whether based upon irregularities or jurisdictional defects or otherwise, shall be maintained unless begun within thirty days after performance of the act or the passage of the resolution or ordinance complained of. (Ord. 1719)

Am. 6/20/68  
Ord. 3200 - Adding Article 8. Severability.  
340

9/20/63

2404

- Adding Chapter 25 - HOUSING CODE  
(Sec. Uniform Housing Code, 1961 ed.)

1/23/69

2409

- Sec. 2, effective date of ordinance

2/13/64

2430

- Sec. 25-2.1 - Sec. H-103 (2); H-503 (11); H-701 (15);  
Sec. 2.

10/6/65

2707

- Sec. 25-2.1; sec. 25-2.1 (H-102 (2) (3) (6) (19);

8/5/70

3585

H-103, H-201, H-204, H-1002; (8) H-401.

10/5/70

3609

- Adding Chapter 26. Streets, Sidewalks  
& Mills.

4/19/71

3721

- Amend. chap. 26 ... adding Article 8. (over)

Am. 10/14/71  
Ord. 3814 - Adopts Uniform Bldg Code,  
w/3, Housing, 1970 ed.

Chapter 22 - Building Code  
Installation in which the assessment as provided for in sections 22-101 to 22-104 of the Uniform Building Code, 1970 ed. shall be applied to the property of the owner.

Section 22-107. Petition By All Owners.

When the provisions of this chapter are applied by the owners of land representing one hundred per cent of the land in assessments of any improvement district assessed by all lessees of any property to be assessed, who, by the express terms of their respective leases must pay the kind and amount of such assessments, the lessor or owner of such property shall file with the Chief Engineer a duly acknowledged waiver of the stipulation in the lease which requires the lessee to pay such assessments, and a waiver, undertaken by the lessor or owner to pay the special assessments to be made under the proposed refunding plan, if such plan is approved by the Council, and the expense of the cost of the refunding plan, as estimated by the Chief Engineer, shall proceed as provided in this chapter for the proposed new method of assessment and the assessment roll; provided, that in case the owners of one hundred per cent as aforesaid, consent, in writing, to the application of the provisions of this chapter under the provisions of this chapter, it shall be unnecessary to give the waiver to hold the property as specified above and the Council may, immediately upon the filing of the petition, the petition and the waiver provided for in this chapter, cause the provisions of this chapter to be applied to the property of the owner.

Am. 9/20/63  
Ord. 2404 - Adding Chapter 25 - HOUSING CODE  
Am. 8/21/64  
Ord. 2483  
Am. 4/27/67  
Ord. 2967

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## APPENDIX "A"

Rules and Regulations of the City and County Planning Commission, City and County of Honolulu, Establishing Standards for the Subdivision of Land in the City and County of Honolulu and for the Preparation and Recording of Maps and the Procedure for Approval Thereof. (Reproduced in its Entirety Except as Indicated)<sup>1</sup>

"SECTION 1. AUTHORITY AND PURPOSE OF RULES AND REGULATIONS. Pursuant to authority conferred by Part V of Chapter 149 of the Revised Laws of Hawaii 1955, as amended, the rules and regulations hereinafter contained are hereby established and shall apply to all subdivisions or parts of subdivisions hereafter made of land within the City and County of Honolulu and to the preparation of subdivision maps thereof for approval; and each subdivision and each part thereof within said City and County shall be made, and each such map thereof shall be prepared and presented for approval, as hereinafter provided.

"SECTION 2. SHORT TITLE. These rules and regulations shall be known as the 'Subdivision Rules and Regulations of the City and County of Honolulu.'

"SECTION 3. DEFINITIONS. For the purpose of these rules and regulations, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

1. The word 'subdivision' shall mean improved or unimproved land or lands divided or proposed to be divided into two or more lots, parcels, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in, any or all such parcels, and shall include resubdivision, and when appropriate to the context shall relate to the process of subdividing of land or territory subdivided.
2. The word 'subdivider' shall mean a person, firm, corporation, partnership, association, trust or other legal entity, or a combination of any thereof who or which

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<sup>1</sup> References in the Rules and Regulations to R.L.H. 1945 designations have been changed to conform to the corresponding designations in R.L.H. 1955. The numbering of Sections is identical with that in the Subdivision Rules and Regulations, CPC, 1949; amendments thereto are cited at the end of the amended paragraph or section.

See also Chapter V, Charter, placing administrative powers and duties of commission in director.

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causes land to be divided into a subdivision for himself, itself, or for others.

3. The words 'preliminary map' shall mean a map made for the purpose of showing the design of a proposed subdivision and of the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

4. The words 'final map' shall mean a map prepared in accordance with Section 149-188 of the R.L.H. 1955, and the provisions of these rules and regulations and which is designed to be placed on record in the office of the Bureau of Conveyances or the Assistant Registrar of the Land Court.

5. The word 'Commission' shall mean the City Planning Commission of the City and County of Honolulu.

6. The words 'Master Plan' shall mean the Master Plan adopted, extended, or changed pursuant to the provisions of Section 149-183, 149-184, 149-187 and 149-188 of the Revised Laws of Hawaii 1955.

7. The words 'City and County of Honolulu' shall mean all that portion of the Territory commonly known as the Island of Oahu.

8. The words 'City of Honolulu' shall mean that portion of the Island of Oahu as defined in Section 149-2 of the Revised Laws of Hawaii 1955, extending from Maunaloa to Moanalua inclusive.

9. The term 'City and County datum' refers to datum plane of mean sea level at Honolulu. Datum plane elevation at Honolulu is 16.54 feet below Tidal Bench Mark No. 2 located at the left of the main entrance of the Judiciary Building on top of the pediment of a pilaster.

10. The term 'street width' shall mean the right-of-way extending from property line to property line.

11. The words 'Chief Engineer' shall mean the person who holds the office of the Chief Engineer of the Department of Public Works of the City and County of Honolulu.

12. The words 'Board of Water Supply' shall mean the Board of Water Supply of the City and County of Honolulu.

13. The words 'Executive Officer' shall mean the person who holds the office of Director and Executive Secretary or the authorized representative of the City Planning Commission.

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14. The words 'residential purposes' shall mean the use of premises for dwelling purposes other than for hotel and apartment purposes.

"SECTION 4. SUBDIVISION TO CONFORM TO RULES AND REGULATIONS OF THE COMMISSION AND OF THE BOARD OF WATER SUPPLY. No map of a subdivision lying within the City and County of Honolulu shall be approved by the Commission unless said map conforms to the rules and regulations of the Commission governing the subdivision of land as set forth herein. In addition, no map of a subdivision lying within the City of Honolulu shall be approved by the Commission unless said map conforms to the rules and regulations of the Board of Water Supply, enacted in conformity with the provisions of Sections 149-185 to 149-195 of the Revised Laws of Hawaii 1955, as amended, as to the requirements for water mains to and within such a subdivision, including but not limited to, requirements for service laterals, fire hydrants, pumps, storage facilities and their appurtenances, and to the said rules and regulations of the said Board as to requirements for a water supply for domestic use and for fire protection for such a subdivision.

"SECTION 5. CONFORMITY WITH MASTER PLAN. Each subdivision shall conform to the Master Plan or adopted parts thereof as provided in Section 149-183, of the Revised Laws of Hawaii 1955. In addition thereto every subdivision map approved by the Commission shall, by virtue of Sections 149-188 and 149-189, Revised Laws of Hawaii 1955, be deemed to be an addition to or a detail of the Master Plan and a part thereof.

"SECTION 6. SUITABILITY OF LAND FOR SUBDIVISION. No subdivision for residential use shall be granted final approval which is held by the Commission and the Chief Engineer to be unsuitable for such use by reason of flooding or bad drainage, adverse earth or rock formation or topography or other features likely to be harmful to the health, safety or welfare of the future residents of such proposed subdivision or of the surrounding built-up neighborhood or community.

"SECTION 7. PRELIMINARY MAP. The subdivider may file a preliminary map of said subdivision with the Commission for tentative approval prior to the filing of the required final map.

If a preliminary map is filed with the Commission, it shall conform as to size and scale with the standards set forth in Section 343-13 of the Revised Laws of Hawaii 1955, or with legal size  $8\frac{1}{2} \times 13$ . When more than one sheet is required, an index sheet of the same size shall be filed to show the entire subdivision on one sheet, with block and lot numbers.

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The preliminary map shall be prepared in accordance with the regulations set forth below and shall show all or as much of the following information as the Commission may require:

A. Name and address of the owner of record, subdivider or his agent, and his surveyor or engineer.

B. Date, north arrow, scale, tax map key, and subdivision name and number.

C. The names and locations of subdivisions immediately adjacent; the locations, names, widths and other dimensions of existing and proposed streets; the approximate location of easements for utilities including drainage, sewer and water, parks and other public places or spaces on immediately adjoining properties, and a notation stating the acreage of the proposed subdivision.

D. The approximate lot layout and the approximate dimensions and area of each lot.

E. The approximate location in the adjoining existing streets or property of existing sewers, water mains, culverts and drain pipes, electric conduits or lines proposed to be used on the property to be subdivided, and the approximate location of service and lateral connections for water and sewers at the property line together with the invert elevations of sewers at points of the proposed connections. All elevations shall be based on City and County datum. The approximate location of existing sewers and water mains within the boundaries of the property to be subdivided shall also be shown.

F. When requested by the Commission, contours at vertical intervals of five (5) feet where the slope is greater than ten (10) per cent, and not more than two (2) feet where the slope is less than ten (10) per cent. Elevations shall be marked on such contours based on City and County datum. In addition, such contours as may be required by the Board of Water Supply shall be shown.

G. The preliminary map shall be accompanied by preliminary profiles showing existing ground surface and proposed grades of streets, when it appears that grades of property or streets exceed ten (10) per cent, including extensions for a reasonable distance beyond the limits of the proposed grading, roadway, and sidewalk, and also the preliminary plan of proposed sanitary and storm sewers, with grades and sizes indicated. All elevations shall be based on City and County datum.

H. Show existing improvements including buildings and their locations in relation to existing and proposed street and lot lines drawn to scale.

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I. Source of water supply.

J. The preliminary map shall indicate the use of the lots proposed by the subdivider, whether for one family dwellings, multi-family dwellings, hotel and apartment use, business, industrial, or noxious industry purposes.

K. The approximate location and the sizes of all parcels of land proposed to be dedicated to public use, and the conditions of such dedication, if any.

L. The approximate location of areas subject to inundation or storm water overflow and of all areas covered by waterways, including ditches and streams.

M. In a subdivision which may reasonably be expected to be resubdivided in whole or in part at some future time there shall be shown in dotted lines on the preliminary map a plan of probable future street extensions.

N. The preliminary map shall be accompanied by a certificate or letter showing that the subdivider owns or possesses an interest in the land or has an option to purchase the land or is an authorized agent of the owner of the land.

### "SECTION 8. FILING OF PRELIMINARY MAP.

A. The preliminary map shall be filed with the Commission not less than three (3) days prior to the next regular meeting of the Commission in order to receive consideration at that meeting.

B. The subdivider shall submit to the Commission eight (8) copies of a preliminary map and accompanying data showing the general layout of the proposed subdivision made in accordance to Section 7 of these rules and regulations.

C. The time of filing of a preliminary map shall be taken to mean the time at which that map together with all other data as required herein is received by the officer designated by the Commission to receive the same. Such officer shall indicate the date of filing on all copies of the preliminary map and accompanying data.

### "SECTION 9. ACTION ON PRELIMINARY MAP.

A. At the meeting of the Commission following receipt of the preliminary map, said map shall be examined by the Commission, the Chief Engineer, and the Board of Water Supply. If the preliminary map conforms to all of the rules and regulations then in effect, including the rules and regulations of the Board of Water Supply pertaining to subdivisions, the Commission shall pass upon the said map and approve it tentatively; provided, however, that such tentative approval shall not be entered on said preliminary map or be construed to mean approval of said map for recordation. If said preliminary map does not conform

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to all said rules and regulations or any of them, the Commission shall disapprove said map and shall express its reasons therefor in writing to the subdivider or his agent; provided, however, that if said map does not conform to said rules and regulations or requires further study and consideration, the Commission may defer action thereon for further study and consideration for a period not to exceed thirty (30) days unless such time is extended by agreement with the subdivider.

B. The tentative approval by the Commission of the preliminary map authorizes the subdivider in writing to proceed with the preparation of construction plans for roadways and utilities in the proposed subdivision and to proceed with the preparation of the final map thereof as provided in Sections 12 and 15 hereof.

C. In the case of a subdivision which does not involve any construction or widening of highways or streets or drains, or the construction or extension of utilities, including water and sewer mains, the subdivider, after obtaining tentative approval of the preliminary map, may prepare a final map of the proposed subdivision, and the final approval of said final map shall be granted upon certification of the Chief Engineer and the Board of Water Supply that, where required, an adequate deposit or deposits for installation of necessary service laterals have been made for water and sewer service connections.

“SECTION 10. DESIGN STANDARDS AND REQUIREMENTS OF SUBDIVISION. Each subdivision and the maps thereof shall conform to the following standards:

A. **Streets and Highways, Alignment.** The map shall show the side lines of each street, the total width of each street, the width of portion to be dedicated and the widths of existing dedications. The widths and locations of adjacent streets and other public properties shall be accurately shown. If any street in the subdivision is a continuation of approximately the continuation of an existing street, the conformity or the amount of non-conformity of such street to such existing street shall be accurately shown. All streets, as far as practicable, may be required to be in alignment with existing adjacent streets or their proper projection and shall be in general conformity with the most advantageous development of the area affected by such subdivision.

B. **Street Widths and Alignment.** The street and highway layout of each subdivision shall conform in width and alignment to those designated on the Master Plan or street plan adopted by the Commission or the Board of Supervisors for the portion of the City and County within which the subdivision lies, and shall conform to any proceedings

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affecting the subdivision which may have been initiated by the Board of Supervisors under Chapter 153 of the Revised Laws of Hawaii 1955, as amended. (Improvement District statutes.) The minimum width of major thoroughfares, boulevards, parkways, major streets, secondary streets, minor streets, dead-end streets shall conform to the following requirements:

	right-of-way	pavement
Parkway:	100 ft.	64 ft. divided highway
Major thoroughfare or boulevard:	90 ft.	64 ft.
Major Street:	76 ft.	60 ft.
Secondary Street:	56 ft.	40 ft.
Minor Street:	44 ft.	28 ft.
Dead-end or Blind Street:	32 ft.	20 ft.

If a dead-end street within a subdivision for residential purposes does not exceed 250 feet in length from a government road and does not serve more than 6 family lots, excluding those lots bounded by another street, the right-of-way width may be less than 32 feet, but not less than 24 feet with a minimum pavement width of 18 feet. (Sec. 1, Am. CPC Res. No. 721; Sec. 1, Am. CPC Res. No. 756)

“As used in these rules and regulations:

1. The term ‘Parkway’ shall mean a traffic artery of 100 feet or more in width which provides for movement of traffic in opposite directions on either side of a dividing island or medial strip, and is designed for through traffic and shown as a parkway on the Master Plan or proposed street plan adopted by the Commission or the Board of Supervisors.
2. The terms ‘Major Thoroughfare’ or ‘Boulevard’ shall mean a traffic artery of 90 feet or more in width that serves or is to serve as a major traffic artery connecting various sections of the City of Honolulu and shown as a Major Thoroughfare or Boulevard on the Master Plan or proposed street plan adopted by the Commission or the Board of Supervisors.
3. The term ‘Major Street’ shall mean a traffic artery of 76 feet or more in width but not more than 90 feet in width that forms an important unit in the City or City and County of Honolulu street and highway system, and shown as a Major Street on the Master Plan or proposed street plan adopted by the Commission or the Board of Supervisors.

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4. The term 'Secondary Street' shall mean any street 56 feet or more in width, of secondary importance in the City or City and County of Honolulu highway system, or which serves or is to serve as a traffic way for a neighborhood or a feeder to a Major Thoroughfare or Boulevard and shown as a secondary street on the Master Plan or proposed street plan adopted by the Commission or the Board of Supervisors.

5. The term 'Minor Street' shall mean any street of 44 feet or more in width, of minor importance in the City or City and County highway system, and intended wholly or principally for local traffic.

6. The terms 'Dead-end' or 'Blind Street' shall mean any street having a right-of-way width of 32 feet or more and having but one permanent outlet for vehicular traffic.

**C. Dead-end or Blind Streets.** Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the proposed subdivision and the resulting temporary dead-end street may be approved without a turn-around in the case where the right-of-way width is 44 feet or more. In all other cases, a turn-around having a diameter of not less than sixty (60) feet shall be provided, except that a T-turn around shall be permissible, if in the opinion of the Commission this type of turn-around meets the requirements of the situation; provided, that such turning area shall conform to the specifications now on file in the office of the Commission. Dead-end streets should not be more than 600 feet in length. If a dead-end street must exceed 600 feet in length because of the topography of the land being subdivided, the minimum right-of-way width shall be 44 feet and the pavement width shall be in conformity with the requirements for a 44-foot right-of-way.

**D. Future Streets.** Where the preliminary map submitted covers only a part of the subdivider's tract, a sketch of the possible future street system of the unsubmitted part shall be furnished, and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not subdivided.

**E. Reserve Strips—Access.** Reserve strips controlling the access to streets, either existing or proposed, will not be permitted, except where the control of such strips is definitely placed in the jurisdiction of the City and County of Honolulu. The subdivision of land shall be such as to provide each lot by means of either a public street or permanent easement of approved width, with satisfactory access to an existing public street. All streets, except dead-end streets, shall end either at the intersection or at a boundary of the tract. No subdivision shall be approved where

access to the same is not in conformity with these rules and regulations.

**F. Acute Angles.** As far as practicable, acute angles between streets at their intersections are to be avoided. When used, however, the acute angle shall be rounded off to fit the design for particular conditions.

**G. Property Line at Corners (Rounding Street Corners).** The property line at a street corner shall be rounded in an arc having a minimum radius of twenty (20) feet, unless otherwise noted on streets shown on the Master Plan or street plan adopted by the Commission or the Board of Supervisors.

**H. Street Names.** Each street that is a continuation of an existing street shall be given the same name of the existing street. Streets that are continuous shall bear the same name throughout. In order to avoid duplication of names all street names proposed for streets shall be subject to the approval of the Commission and adoption of same by the Board of Supervisors.

#### **I. Grades and Curves of Streets and Highways.**

1. Grades of all streets shall be a reasonable minimum and in conformity with the Master Plan, where fixed but shall in no case be less than 0.4 per cent, and shall not exceed 7 per cent for major thoroughfares, major and secondary streets; 10 per cent for minor streets; and 15 per cent for dead-end streets. Where a dead-end street shall have a grade in excess of 12 per cent, a reinforced concrete pavement shall be installed.

2. Vertical and horizontal curves must be so designed as to give visibility of at least five hundred (500) feet on major thoroughfares, major and secondary streets and three hundred (300) feet on minor streets.

3. Variations from these standards, however, may be permitted by the Commission, when approved by the Chief Engineer when necessary to meet topographical conditions. (Sec. 1(a), CPC Res. No. 786)

**J. Location of Utilities.** In general all utilities shall be located within the street width, and government owned water mains shall be located in the paved areas, except that water mains of the suburban water system may be located as designated in the area between the edge of pavement and the property line when approved by the Chief Engineer. Where practicable, sewer mains shall be located in the paved area between curbs.

If in the opinion of the Commission, the Chief Engineer and the Board of Water Supply (where the proposed subdivision lies within the City of Honolulu), the most suitable and reasonable

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locations for any of the utilities, such as sewers, storm drains, water and gas pipes, electric and telephone pole lines and conduits, which are likely to be required within a subdivision, either for the service thereof or for the service of areas in the surrounding territory, do not lie wholly within the street width, the Commission may require provisions to be made for the location of such utilities on routes elsewhere than within said street width. The subdivider shall designate the required area or areas for all such utility locations outside of the street width and shall deliver proper easements for the same.

Easements for sewers, storm drains and government owned water facilities shall be ten (10) feet wide, except that this width may be modified where the Chief Engineer or the Board of Water Supply, whichever is appropriate, finds that a greater or lesser width is necessary or satisfactory for the purpose of the use of the easement area. Easements for all government owned utilities including storm drains except those under the jurisdiction of the Board of Water Supply shall be conveyed to the City and County of Honolulu and documents shall be delivered to the Mayor and the Board of Supervisors for acceptance. Easements for water facilities which are under the jurisdiction of the Board of Water Supply shall be conveyed to the City and County of Honolulu and the Board of Water Supply and documents shall be delivered to the Mayor and Board of Supervisors for acceptance. Easements for water facilities which are under the jurisdiction of the Board of Water Supply shall be conveyed to the City and County of Honolulu and the Board of Water Supply and documents shall be delivered to the Board of Water Supply for acceptance.

**K. Street Lights.** The construction of street lights within subdivisions within the City and County of Honolulu shall conform to the standard specifications on file in the Bureau of Plans of the Department of Public Works of the City and County of Honolulu. Street lights shall be made a part of the contract for subdivision improvements, and installed coincident with other required improvements. Sec. 2, Am. CPC Res. No. 721)

**L. Streets in Subdivisions outside the City of Honolulu.** Streets and roads in subdivisions hereafter constructed outside the City of Honolulu, which will not form a part of the main highway system of the City and County of Honolulu, shall be classified as either Rural Roads or as Suburban Roads.

1. **Rural Roads.** Rural roads are defined as roadways serving subdivisions having minimum lot areas of 43,560 square feet and used primarily for agricultural purposes. Rural roads shall have minimum right-of-way of 44 feet and pavement width of 18 feet on a slope of  $\frac{1}{4}$ -inch to 12 inches with six-foot shoulders graded on a slope of (1) inch in twelve (12) inches.

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Rural roads shall be constructed on a grade to permit proper drainage and shall have adequate cross-drainage installed. Vertical and horizontal curves shall be so designed as to give visibility of at least three hundred (300) feet, and grades shall not be greater than ten (10) per cent and minimum of four-tenths of one (0.4) per cent. Construction details and specifications for rural roads shall be approved by the Chief Engineer.

**2. Suburban Roads.** Suburban roads are defined as roadways serving subdivisions having minimum lot areas of 5,000 square feet.

Suburban roads shall have a minimum right-of-way of 44 feet and pavement width of twenty (20) feet on a slope of  $\frac{1}{4}$ -inch to 12 inches with six (6) foot shoulders graded on a slope of one (1) inch in twelve (12) inches.

Where suburban roads are located in subdivisions with lot areas of 10,000 square feet or less, or in subdivisions within rural residential districts of Class AA, A-1, A and B, Hotel and Apartment, Business and Industrial zones, such roads shall have a minimum pavement width of 20 feet, exclusive of the curbs and gutters.

In the case of dead-end suburban roads with 32 feet minimum right-of-way width, the total pavement width shall be 20 feet where curbs and gutters are installed. (Sec. 1(b), Am. CPC Res. No. 786; Sec. 1, Am. CPC Res. No. 825)

In the case of dead-end roads, the specifications outlined herein for dead-end streets shall be applicable.

Suburban roads shall be constructed on a grade to permit proper drainage and shall have adequate cross-drainage installed. Vertical and horizontal curves shall be so designed as to give visibility of at least three hundred (300) feet, and grades shall not be greater than ten (10) per cent and minimum of four-tenths of one (0.4) per cent. Construction details and specifications for suburban roads shall be approved by the Chief Engineer.

**M. Lot Area.** The minimum area for each lot in a restricted residential district shall be as follows:

1. In AAAA zone, the minimum lot area shall be 20,000 square feet.
2. In any AAA zone, the minimum lot area shall be 15,000 square feet.
3. In any AA zone, the minimum lot area shall be 10,000 square feet.

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4. In any A-1 zone, the minimum lot area shall be 7,500 square feet.
5. In any A zone, the minimum lot area shall be 5,000 square feet.
6. In any B zone, the minimum lot area shall be 3,500 square feet.
7. In any C zone, the minimum lot area shall be 2,500 square feet.

The term 'minimum lot area' is defined as that area of a lot exclusive of easements or rights-of-way for ingress and egress in favor of others; provided, that easements and/or rights-of-way for water, sewer, and/or other public utility purposes shall be excluded from the provisions hereof.

The minimum area for each lot falling without all areas zoned as restricted residential districts shall, insofar as practicable, be 5,000 square feet.

If the subdivision does not lie within the force and effect of an existing zoning ordinance, the Commission may provide for minimum front, side and rear yards. (Sec. 1, Am. CPC Res. No. 401)

**N. Lot Width.** Where practicable the minimum lot width and/or frontage along street and road rights-of-way shall be 50 feet for lot sizes of 6,000 square feet or less and 60 feet for lot sizes larger than 6,000 square feet, provided, however, that where it is deemed a hardship to adhere to these requirements because of the topography of the land or existing lot widths and road characteristics and other contributing factors, the Commission may give favorable consideration to lesser lot widths under the provisions of Section 20 'Modification of Requirements.' (Sec. 2, Am. CPC Res. No. 401)

**O. Lots Large Enough to Be Resubdivided.** Where a tract is subdivided into larger parcels than for building lots, the Commission may require an arrangement of lots and streets in such manner as to permit a later resubdivision in conformity with the street requirements specified in these rules and regulations.

**P. Blocks—Widths and Lengths.** The widths of blocks, as far as practicable, shall conform to the Master Plan, or adopted parts thereof, or adopted street plans in areas outside the Master Plan, and shall be sufficient for an ultimate layout of two tiers of lots therein having the required minimum lot sizes as provided herein. The blocks shall not be less than 300 feet nor more than 1,200 feet in length. Long blocks should be provided adjacent to main thoroughfares to reduce the number of intersections.

**Q. Street Signs.** Street signs for the naming of all streets within a subdivision shall be erected by the subdivider coincident

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with the construction of street improvements and utilities to serve the subdivision or made a part of the contract for subdivision improvements. The type and location of such street signs shall be subject to the approval of the Chief Engineer and shall conform to the standard specifications on file in the Division of Traffic Safety of the Department of Public Works of the City and County of Honolulu. (Sec. 3, Am. CPC Res. No. 721; Sec. 10, CPC Rules & Regulations)

### "SECTION 11. IMPROVEMENTS REQUIRED.

The subdivider shall improve all streets, highways, and roads, alleys and easements in the subdivision. The minimum improvements which the subdivider shall make prior to acceptance and approval of the final map shall be:

A. **Grading and Drainage.** Grading, drainage, and drainage structures necessary to the proper use of streets, highways, and roads and to the public safety shall be constructed by the subdivider.

Where drainage facilities, including culverts, surface ditches, gutters and existing natural water courses are existing or have been provided for the disposal of surface and/or storm water, they shall be maintained and no obstruction or deflection of the facilities shall be permitted, except as approved by the City Planning Commission and the Chief Engineer of the City and County of Honolulu.

The City Planning Commission and the Chief Engineer may require the dedication of an easement or easements of sufficient length and width to provide for the satisfactory disposal of the surface and/or storm water. (Sec. 1(c), Am. CPC Res. No. 786)

B. **Streets and Highway Improvements in Subdivisions within the City of Honolulu.** All streets in subdivisions within the City of Honolulu shall be on a grade which permits proper drainage of the street to or from adjoining streets, and shall have sidewalks, street lights, gutters and curbing, in conformity with the standards of the City and County of Honolulu; provided, however, that the Commission may authorize unimproved sidewalks in subdivisions where the streets constructed therein are not through streets which require no coordination with existing or planned streets, or where, on account of topographical conditions, such as hillside subdivisions or for any other reason the inclusion of improved sidewalks would cause practical difficulty or unnecessary hardships or are not needed. All such streets shall have a pavement designed for the particular soil condition as determined by field and laboratory testing of the soil samples, and shall contain water mains, sewers where practicable, storm drainage facilities and street survey monuments as elsewhere herein stipulated.

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The specifications for pavements, curbs, gutters, sidewalks, street lights, etc., outlined herein shall be in accordance with the specifications now on file in the Bureau of Plans of the Department of Public Works of the City and County of Honolulu (except the specifications as to the water system which shall conform to the rules and regulations and standards of the Board of Water Supply) and are subject to such changes and improvements in highway design, as may be recommended by the Chief Engineer; provided, however, that rolled curbs may be constructed where in the opinion of the Commission and the Chief Engineer said type of curb construction will not be detrimental to the safety of the people within the area and where standard vertical curbs are not necessary for control of flood waters or traffic. (Sec. 1(d), Am. CPC Res. No. 786)

**C. Street Improvements in Subdivisions Outside the City of Honolulu.** Streets and roads in subdivisions lying outside the City of Honolulu and which are to form a part of the main highway system of the City and County of Honolulu, shall have a pavement equivalent or superior in quality to the requirements set forth in Section 22-2.1-11.-B for streets within the City of Honolulu.

All other streets and roads hereafter constructed in subdivisions outside the City of Honolulu and classified herein as either rural roads or as suburban roads shall be improved by the subdivider as follows:

1. **Rural Roads.** Rural roads may be constructed of water bound macadam of four (4) inches finished thickness or coral of six (6) inches finished thickness, properly rolled; provided, however, that in the case of subdivision for other than agricultural purposes, the subdivider shall construct such roadway in conformity with the standards set forth for Suburban Roads.

2. **Suburban Roads.** Suburban roads shall have a pavement designed for the particular soil condition as determined by field and laboratory testing of the soil samples and where the suburban roads are located in subdivisions with lot areas of 10,000 square feet or less, or in subdivisions within rural residential districts of Class AA, A-1, A and B, Hotel and Apartment, Business and Industrial zones, such roads shall have curbs and gutters, exclusive of the minimum 20-foot pavement, in conformity with the standards of the City and County of Honolulu.

In the case of dead-end suburban roads with 32-foot minimum right-of-way widths, the total pavement width shall be 20 feet where curbs and gutters are installed. (Sec. 4, Am. CPC Res. No. 721; Sec. 2, Am. CPC Res. No. 825)

**D. Water Supply.** The subdivider shall provide an adequate and potable water supply. If the subdivision is within the City of Honolulu, the subdivider shall conform to the rules and regulations of the Board of Water Supply, enacted in conformity with the provisions of Sections 149-185 to 149-195, of the Revised Laws of Hawaii 1955, as amended, covering requirements for a water supply for domestic use and for fire protection for such subdivision.

If the subdivision is outside the City of Honolulu and the water supply is to be furnished by the Suburban Water System or by any private water system, the construction plans for such subdivision shall be subject to the approval of the Chief Engineer and Superintendent of Suburban Water System as to conformity with the applicable requirements for adequate water supply and fire protection and standards set forth in Section E, and in any other applicable ordinance. (Sec. 1, Am. CPC Res. No. 651)

**E. Water Mains and Fire Hydrants.** Water mains to be installed to and within subdivisions within the City of Honolulu shall conform to the rules and regulations of the Board of Water Supply, enacted in conformity with Sections 149-185 to 149-195, of the Revised Laws of Hawaii 1955, as amended.

General: Any subdivision hereafter to be laid out within the City and County of Honolulu shall provide six-inch or larger water mains in residential districts and eight-inch or larger water mains in business, industrial and hotel and apartment districts. A six-inch main shall be used only where it completes a good gridiron and in no case in blocks more than 600 feet in length.

Within the City of Honolulu fire hydrants shall be spaced not more than 250 feet in business, industrial, hotel and apartment districts and not more than 350 feet in residential districts. In rural districts, outside the City of Honolulu, fire hydrants shall be spaced not more than 600 feet in residential districts and unzoned areas, and not more than 250 feet in business, industrial, hotel and apartment districts.

Water system and fire protection installations by the subdivider shall be of engineering design, materials and construction practices equal to the standards of the Board of Water Supply, as determined by its Manager, or of the Suburban Water System as determined by the Chief Engineer, whichever is appropriate. The water system shall be complete with all necessary installations and appurtenances, including service laterals, pumps, storage facilities and appurtenances. Connections to existing mains, sterilization, testing, and all other details shall be accomplished according to the standards of the Board of Water Supply or the Suburban Water System, whichever is appropriate.

**F. Sewers.** In every subdivision where connection to a sewer system is practicable and reasonable, the subdivider shall be re-

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quired to install a complete sewerage system connected thereto, unless such subdivision is for agricultural purposes as hereinafter defined.

1. Sewer mains shall be of the length, type (including size) and at the location specified by the Chief Engineer to be necessary to provide the subdivision with adequate sewage disposal; provided that this location shall not be contrary to the location fixed for utilities by the Master Plan. The sewer system and all appurtenances shall be constructed in accordance with the standards and specifications of the Department of Public Works. Before commencing the construction of a sewer, the construction plan therefor must be approved by the Chief Engineer and by the Board of Health of the Territory pursuant to Section 46-16, Revised Laws of Hawaii 1955.

G. **Monuments.** Standard City and County street monuments shall be placed and properly coordinated with the territorial survey triangulation stations at all angle points and at such intermediate points as will be required by the Department of Public Works of the City and County of Honolulu.

### "SECTION 12. CONSTRUCTION PLANS.

A. After the subdivider has secured tentative approval of the Commission of his preliminary map of the subdivision, and before beginning construction of the improvements therein, if he wishes to proceed with the subdivision of his property, the subdivider shall prepare and submit to the Commission construction plans showing details of road construction, drainage structures, sewers, water mains and all other utilities proposed to be installed in the proposed subdivision. The construction plans shall be drawn on tracing cloth to City and County standards as to size and general drafting practice. Included with the construction plans shall be a general layout map showing the location of lots and streets, and the location of water lines, sewer mains and drainage system.

B. The subdivider shall submit five (5) copies of the construction plans to the Commission for examination and submission to the Chief Engineer, the Board of Water Supply, and the Territorial Board of Health for their respective consideration and approval. Such construction plans shall be considered approved for construction purposes when the construction plan tracings bear the approval of the Chief Engineer, the Manager of the Board of Water Supply (when the subdivision is within the City of Honolulu), the Sanitary Engineer of the Territorial Board of Health and the Executive Officer of the Commission within 45 days from the date of submission to the Commission unless such time is extended by agreement with the parties concerned.

"SECTION 13. COMPLETION OF IMPROVEMENTS. AGREEMENT. BOND. After the subdivider has received tentative approval of his preliminary map and approval of his construction plans, he may receive final approval of his final subdivision map in either of two ways, to-wit:

A. **Construction Prior to Final Approval.** The subdivider may proceed with the construction of the required improvements and utilities and after completion of the same in accordance with these rules and regulations, the Commission shall grant final approval of his final map. The subdivider may then record the final map and sell the lots or transfer any interest therein. In this case no bond or security need be posted with the Commission and/or the Board of Water Supply; or

B. **Bond and Final Approval Prior to Construction.** The subdivider shall enter into an agreement with the City and County and, where the subdivision lies within the City of Honolulu, also with the Board of Water Supply, wherein the subdivider agrees to make, install and complete all required improvements within a specified time and to file with the Commission a surety bond or other security, as hereinafter specified, to assure the City and County and/or the Board of Water Supply the actual construction and installation of the improvements and utilities shown on the approved construction plans. In this case, the Commission shall, after the execution and acceptance of the agreement and bond, grant approval of the final map. The subdivider may then proceed to record the final map and sell the lots or transfer any interest therein prior to completion of the said improvements.

(a) **Agreement.** The agreement shall be referred to the City and County Attorney for approval as to form and legality, and shall specify that the subdivider will complete all improvements and utilities to the satisfaction of the Chief Engineer and, in case the subdivision lies within the City of Honolulu, also of the Board of Water Supply, and shall provide that if the subdivider shall fail to so complete such work within the time specified or such extension as may be mutually agreed upon, the City and County and the Board of Water Supply may complete the same and recover the full cost and expense thereof from the subdivider.

(b) **Bond or Other Security.** In order to fulfill the requirement for a faithful performance bond or other security which must be filed with the aforesaid agreement, the subdivider must choose one of the following

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procedures; provided, however, that in no event shall bond with personal sureties be accepted.

1. He shall file with the Commission a surety bond (other than personal surety) in the sum equal to the cost of all the work required to be done by the subdivider as estimated by the Chief Engineer and, in case the subdivision lies within the City of Honolulu, also by the Board of Water Supply; said surety bond shall be payable to the City and County of Honolulu and, in case the subdivision lies within the City of Honolulu, also to the Board of Water Supply, and shall be conditioned upon the faithful performance of any and all work required to be done by the subdivider, and said bond shall be further conditioned to the effect that should the subdivider fail to complete all work required to be done within a specified reasonable time the City and County and, where the subdivision lies within the City of Honolulu, also the Board of Water Supply, may cause all required work which is not finished to be completed, and the parties executing the bond shall be firmly bound for the payment of all necessary costs therefor; or
2. Where the subdivider has entered into a contract with a responsible contractor for the construction of said improvements and utilities, he shall file with the Commission all three of the following: (1) a certified copy of his said contract, (2) a certified copy of the performance bond of his said contractor, and (3) a surety bond (other than personal surety) in a sum equal to at least fifty per centum (50%) of the cost of all the work required to be completed by the subdivider as estimated by the Chief Engineer and, where the subdivision lies within the City of Honolulu, also by the Board of Water Supply; said surety bond shall be payable to the City and County of Honolulu and, in case the subdivision lies within the City of Honolulu, also to the Board of Water Supply, and shall be conditioned as hereinabove set forth; or
3. The subdivider shall make a deposit of money with the Commission or a responsible escrow agent duly designated by the Commission in behalf of the City and County as its agent, in an amount equal to the cost of the construction of said improvements and utilities as estimated by the Chief Engineer and, in case the subdivision lies within

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the City of Honolulu, also by the Board of Water Supply. Under this arrangement, the aforesaid agreement may provide for progress payments to be made to the contractor, for materials used and services and labor performed, out of said deposit as the work progresses; provided, however, that said progress payments shall at no time exceed the value of the completed portion of said improvements as determined by the Chief Engineer and, where the subdivision lies within the City of Honolulu, also by the Board of Water Supply; or

4. In lieu of the surety bond provided for hereinabove, the subdivider may deposit with the Commission a negotiable bond or bonds or other securities of a kind or kinds that are in a sum equal to that prescribed for the aforesaid surety bond and acceptable to the Commission and, in case the subdivision lies within the City of Honolulu, also to the Board of Water Supply.

All securities filed with the Commission, as required under this section, shall be deposited by the Commission with the Department of Public Works of the City and County of Honolulu for safe keeping.

"SECTION 14. INSPECTION OF SUBDIVISION IMPROVEMENTS. CERTIFICATION OF COMPLETION OF IMPROVEMENTS BY CHIEF ENGINEER AND BOARD OF WATER SUPPLY BEFORE FINAL APPROVAL THEREOF. Before starting any construction work, the subdivider shall give written notice at least one week in advance to the Chief Engineer and, in case the subdivision lies within the City of Honolulu, also to the Manager of the Board of Water Supply, of the date of the commencement of such construction, the name of the contractor, and any other pertinent information, and shall file three (3) prints of approved construction plans with the Bureau of Plans of the Department of Public Works and, where the subdivision lies within the City of Honolulu, also three (3) prints of the same with the Board of Water Supply. In addition the subdivider shall file with the Bureau of Plans the unit price on street lighting or an estimated cost for street lighting approved by the Chief Engineer.

During the construction of the improvements and installation of the facilities and utilities and the carrying on of other work in any subdivision, the work shall at all times be subject to inspection by the Chief Engineer and, where the subdivision lies within the City of Honolulu, the Board of Water Supply, and the Commission, or their representatives.

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Subdivision improvements shall not be considered complete and acceptable for final approval by the Commission until such improvements are so certified in writing to be complete and acceptable by the Chief Engineer and, where the subdivision lies within the City of Honolulu, also by the Board of Water Supply.

“SECTION 14-A. DEDICATION OF STREETS AND EASEMENTS. Within thirty (30) days after certification of completion of improvements as required in Section 14 herein, the subdivider shall file with the Department of Public Works or appropriate agency the necessary deeds of conveyance, free and clear of all encumbrances and in accordance with all applicable statutes, ordinances of the City and County of Honolulu, and the rules and regulations of the City Planning Commission or the Board of Water Supply or any other governing body of the City and County of Honolulu, of all streets and easements that are part of or within the subdivision, or he shall notify the city by letter that he intends not to dedicate or surrender such improvements. Such deeds of conveyance shall be approved and accepted within forty-five (45) days from the date of submission to the Department of Public Works, unless such time is extended by agreement with the parties concerned. (Sec. 1, Am. CPC Res. No. 402; Sec. 14-A, CPC Rules & Regulations)

“SECTION 15. FORM OF FINAL MAP AND DATA REQUIRED. In preparing the final map, all engineering and surveying work must be made by or under the supervision of a registered engineer or surveyor respectively.

If the final map, following approval by the Commission, is to be filed with the Land Court for recordation, it shall comply with the requirements specified under the rules of the Land Court for Land Court subdivisions. If the final map is not to be filed with the Land Court, it shall show the following data:

1. Where the final map, following approval by the Commission, is to be filed with the Land Court for recordation, it shall conform as to size and scale with the standards set forth in Section 343-13 of the Revised Laws of Hawaii 1955. Where it is not to be filed with the Land Court, it may be of legal size  $8\frac{1}{2} \times 13$  or of such other size as may be acceptable to the Commission. When more than one sheet is required, an index sheet of the same size shall be filed to show the entire subdivision on one sheet, with block and lot numbers;
2. Shall show proof that it has been accurately surveyed, coordinated to the City and County street monuments where practicable, accurately coordinated to Government Survey Triangulation Stations, and permanently monu-

## APPENDIX "A"

mented on the ground within the City of Honolulu, and outside the City of Honolulu with adequate monuments of a permanent nature;

3. Shall list the names and addresses of the last owner of record, the subdivider or his agent, and of the surveyor who prepared the map;

4. Shall show the names and locations of subdivisions immediately adjacent, the locations, names, widths and other dimensions of adjacent and proposed streets, easements, parks, and other public places or spaces on immediately adjoining properties, and a notation stating the acreage of the subdivision;

5. Shall show the date, north arrow, scale, tax map key, and subdivision name and number;

6. Shall show the boundaries of the lots of the subdivided tract with true azimuths and distances noted thereon and the lot areas; such boundaries shall be determined by accurate survey in the field.

"SECTION 16. FILING OF FINAL MAP. The subdivider, within one (1) year after the tentative approval of the preliminary map, shall file with the Commission eight (8) copies of the final map, prepared in conformity with these regulations, together with four (4) additional copies of a general layout map, same originally attached to construction plans (where required), showing the location of lots, streets, water mains and storm drainage system. The Commission may grant to the subdivider an extension of time within which he may file such final map, provided the subdivider has made an application in writing to the Commission for such purpose before the expiration of said period of one (1) year.

The time of filing a final map shall be taken to mean the time at which the same together with all required data is received by the officer designated by the Commission to receive the same. Such officer shall indicate the date of filing on all copies of the final map and accompanying data.

"SECTION 17. ACTION ON THE FINAL MAP. Upon receipt of the final map the Commission shall check said map and shall approve or disapprove it within forty-five (45) days; otherwise, such map shall be deemed to have been approved and a certificate to that effect shall be issued by the Commission; provided, however, that the applicant for the Commission's approval may waive this requirement and consent to an extension of such period. If the Commission shall disapprove said map, the ground or grounds of disapproval shall be stated in the minutes or other

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records of the Commission. No map shall be disapproved by the Commission without according the subdivider a hearing thereon.

The approval of the final map by the Commission shall not relieve the subdivider of the responsibility for any error or errors in the dimensions or other discrepancies. Such errors or discrepancies shall be revised or corrected, upon request, to the satisfaction of the Commission.\*

“SECTION 18. FINAL APPROVAL OF IMPROVEMENTS. Upon completion of the improvements and utilities in such subdivision as required by these regulations and certification thereof as provided by Section 14, and after the subdivider shall have filed with the Department of Public Works tracings of the construction plans as actually modified to meet construction requirements, the Commission shall approve such performance and thereupon discharge the subdivider and any surety (in whole or in part according to the terms of his agreement, if any) from the obligation of any bonds and release to him any security posted by him, or authorize and direct such discharge and release by the appropriate agency or agencies.\*\*

“SECTION 19. EXCEPTION. AGRICULTURAL SUBDIVISIONS. An agricultural subdivision is defined as a subdivision consisting of lots with minimum area of 43,560 square feet (one acre), each to be used primarily for agricultural purposes including dairies, orchards, piggeries, poultry, and other animal husbandry.

The Commission shall exempt an agricultural subdivision from the requirements herein for construction of street improvements and utilities if it shall find with respect to such subdivision the following facts:

- A. That the exception is reasonably necessary for such use and enjoyment of the land by the subdivider;
- B. That the exception will not be detrimental to the public health, safety or welfare nor injurious to other property in the same general area;
- C. That such subdivision is to be used primarily for agricultural purposes;

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\* Appeal from Disapproval. (The law governing this matter is set forth in Sections 149-188 and 149-189, Revised Laws of Hawaii 1955.)

\*\* Permits for Installation of Service Utilities in Unapproved Subdivisions. (The law governing this matter is set forth in Section 149-190, Revised Laws of Hawaii 1955.)

Improvements in Unapproved Streets, Prohibited Acceptance of Unapproved Streets. (The law governing this matter is set forth in Section 149-191, Revised Laws of Hawaii 1955.)

Building Permits for Erection of Buildings on Unaccepted Streets. (The law governing this matter is set forth in Section 149-192, Revised Laws of Hawaii 1955.)

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PROVIDED, HOWEVER, that such exception shall be without prejudice as to improvements which may be required upon any further subdivision or upon failure of the subdivider to comply with the foregoing conditions for exception. The subdivider desiring such exception shall file with the Commission a verified petition therefor, stating fully the grounds for such exception and the substantiating facts.

In all cases in which such exceptions are authorized the Commission may from time to time require such evidence as it deems necessary that the conditions to such exceptions are being complied with.

In all cases, however, agricultural subdivisions shall provide for minimum rights-of-way and minimum improvements as prescribed under the title of Rural Roads.

No dwelling unit in excess of one single family dwelling unit per acre of land nor any other building not used directly for agricultural purposes, shall be placed or constructed on any lot of an agricultural subdivision at any time unless the requirements for street improvements and utilities prescribed herein for non-agricultural subdivisions have been complied with.

"SECTION 20. MODIFICATION OF REQUIREMENTS. Whenever in the opinion of the Commission the land embraced by any subdivision is of such size or shape or is affected by such topographical location or condition or it is to be devoted to such uses that it is impossible or impracticable in the particular case for the subdivider to conform fully to the provisions of these rules and regulations, the Commission may make such modification thereof as in its opinion is reasonably necessary and not contrary to law or the intent and purpose of these rules and regulations and in conformity with the intent and provisions of Sections 149-185 to 149-195, Revised Laws of Hawaii 1955, as amended.

Before making any such modification, the Commission shall refer the written request for any such modification to either the Chief Engineer or the Board of Water Supply, as appropriate, for consideration and for a written recommendation thereon.

"SECTION 21. REPEAL OF RULES AND REGULATIONS HITHERTO ADOPTED. The Subdivision Rules and Regulations of the City and County of Honolulu which were adopted by the City Planning Commission on December 28, 1939, and all amendments thereto are hereby repealed.

"SECTION 22. EFFECTIVE DATE. These rules and regulations shall become effective upon their approval and adoption by the City Planning Commission in conformity with the provisions of Sections 7-29 to 7-32 of the Revised Laws of Hawaii 1955, and other applicable provisions of law pertaining thereto.

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The City Planning Commission of the City and County of Honolulu, on September 15, 1949, approved and adopted these Rules and Regulations to be effective from and after November 1, 1949."

## APPENDIX "B"

### Rules and Regulations of the Board of Water Supply, Covering Water and Water System Requirements for Subdivisions in the City and County of Honolulu, Honolulu, Hawaii

*AUTHORITY.* Pursuant to the authority conferred by Sections 149-185 to 149-195 of R.L.H. 1955 as amended and by Sections 8-105 (j) and 5-513-3 of the Charter of the City and County of Honolulu, the following Rules and Regulations are hereby established and shall apply to all subdivisions or parts of subdivisions of land hereafter made within the City and County of Honolulu as to requirements for water mains to and within such subdivisions, including, but not limited to, requirements for service laterals, fire hydrants, pumps, storage facilities and their appurtenances, and requirements for a water supply for domestic use and for fire protection for such subdivisions.

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## APPENDIX "B"

### RULE I

#### DEFINITIONS

For the purpose of these Rules and Regulations, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

1. The word "**Board**" shall mean the Board of Water Supply, City and County of Honolulu.

2. The term "**Manager and Chief Engineer**" shall mean the person holding the office of Manager and Chief Engineer of the Board of Water Supply.

3. The word "**Subdivider**" shall mean a person, firm, corporation, partnership, association, trust or other legal entity, or a combination of any thereof who or which causes land to be divided into a subdivision for himself, itself or for others.

4. The word "**Subdivision**" shall mean improved or unimproved land or lands divided or proposed to be divided into two or more lots, parcels, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in, any or all of such parcels, and shall include resubdivision, and when appropriate to the context shall relate to the process of subdividing or the land or territory subdivided.

5. The word "**Commission**" shall mean the Planning Commission of the Planning Department, City and County of Honolulu.

6. The words "**Public Water System**" shall mean the water system owned and operated by the Board.

7. The words "**Subdivision Water System**" shall mean the water system, to and within any subdivision, including mains, valves, hydrants, laterals, pumps, tanks, reservoirs and all appurtenances necessary to provide water and fire protection for such subdivision and where necessary sources of supply.

8. The words "**City and County of Honolulu**" shall mean all of that portion of the State commonly known as the Island of Oahu.

9. The word "**Director**" shall mean the person holding the office of Planning Director of the Planning Department, City and County of Honolulu. [Pars. No. 5, 7 and 8 Am. and Par. No. 9 added, B.W.S. Res. No. 31, 1960, effective date Oct. 1, 1960.]

### RULE II

#### AVAILABILITY OF WATER AND APPROVAL OF SUBDIVISION MAP

1. Extensions from and connections to the public water system will be approved by the Board where pressure conditions permit; provided

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that the Board has a sufficient water supply developed for domestic use and for fire protection to take on new or additional service without detriment to those already served and the subdivision water system otherwise conforms to these Rules and Regulations.

2. In areas where there is no public water supply available, or where large quantities of water are required or a large investment is necessary to provide service, the subdivider will be informed as to the conditions under which the subdivision may be approved and, where appropriate, refunds made.

3. After the Director submits the subdivision map to the Board, the Board will inform the Director in writing of its approval, requirements for approval, or its disapproval of a subdivision map after taking the above into consideration. [Pars. No. 2 and 3 Am. B.W.S. Res. No. 31, 1960, effective date Oct. 1, 1960.]

### RULE III

#### EXTENSIONS TO SUBDIVISION

1. **General Requirement.** The subdivider shall install and pay for the subdivision water system required from the public water system to the subdivision. All such subdivision water systems shall be designed and located in accordance with the standards of the Board.

2. **Increase in Size of Water Main Extensions for Service to Other Areas.** Whenever the Board finds it is necessary that the water mains proposed to deliver water to a subdivision should be of a greater capacity than is required to provide adequate service and fire protection for such subdivision, in order to supply water and fire protection to property not in the subdivision, the Board shall require the subdivider to install mains of such greater capacity.

3. **Reimbursement to Subdivider for Additional Costs of Mains to Subdivisions.** When the subdivider is required to install a larger size main for the reasons set forth in the preceding paragraph the Board will reimburse the subdivider, as soon as practicable after the acceptance by the Board of the completed work, the additional cost of the installation over and above the cost of the mains that would have been required; *provided, however*, that in no case shall reimbursement be made of any portion of the cost of a 6-inch main or of a main of lesser size in residential areas or of any portion of the cost of a main of 8-inch or lesser size in other areas; provided further that reimbursement will not be made to the subdivider where such larger main or mains will serve only areas under the same ownership as the subdivision under consideration.

After the installation has been completed and accepted by the Board, the subdivider shall furnish the Board with an affidavit itemizing the costs incurred by him in the installation of the said larger mains. The said additional costs shall be determined by the Board.

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### RULE IV

#### REFUND FOR EXTENSION TO SUBDIVISION

The Board will make refunds to the subdivider for his investment in main extensions from the public water system to the subdivision on the following basis:

1. The Board will, for a period not exceeding ten years after date of its acceptance of the completed work, refund to the subdivider seventy (70) per cent of all revenue received by the Board, without interest, from water sales and service charges resulting from:

(a) All new service connections to the main extension between the public water system and the subdivision, excepting that extensions to other subdivisions shall not be eligible for refund unless approved by the Board.

(b) All new service connections made to the mains installed by the subdivider within the subdivision.

(c) All existing service connections to existing paralleling inadequate mains, but only along the section or sections of the street or streets where the subdivider has installed main extensions.

(d) All reconnections of existing services to the main extension.

2. After the work has been completed and accepted, the subdivider shall furnish the Board with an affidavit itemizing the costs incurred by him in the installation of said main extension.

3. The Board will make the final determination as to the cost of the main extension installed by the subdivider and refunds shall be based upon said estimates of the Board, less any reimbursement made under Rule III.

4. Such refunds will be made as soon as practicable after January 1 of each year and will be computed on the basis of the revenue received, as set forth in paragraph 1 of this rule, for the preceding calendar year for the said period of ten years or until the amount computed as aforesaid has been refunded; provided that no refunds will be made to the subdivider for any revenue received after ten years from the date of acceptance of the completed work. Under no conditions will an aggregate amount exceeding the refundable amount so computed be refunded. If revenue from such sources are insufficient, an amount less than the amount computed will be refunded.

5. All refunds will be made to the original subdivider entering into the agreement with the Board, unless a written agreement is furnished by the subdivider directing otherwise.

6. Refunds will not be made to subdividers for mains installed within a subdivision. (See Rule V for reimbursement to subdivider for increased size of mains installed within subdivisions.)

7. Refunds will not be made to a subdivider for mains installed to a subdivision where such mains were not approved by the Board prior

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to their installation. [Pars. No. 1 and 4 Am. B.W.S. Res. No. 4, 1957, effective date May 15, 1957 and made applicable to all water main extensions to subdivisions made on and after May 1, 1948.]

### RULE V

#### INSTALLATIONS WITHIN SUBDIVISION

1. **General Requirement.** The subdivider shall install in accordance with these Rules and Regulations and the standards of the Board and pay for the subdivision water system required within a subdivision.

2. **Increase in Size of Water Mains within Subdivisions for Benefit of Other Areas.** Whenever, in order to provide for existing or future services beyond the boundaries of a subdivision, the Board finds that the mains to be installed within the subdivision should be of greater capacity than would be required to provide adequate service within such subdivision, the Board will require the subdivider to make installations of such greater capacity.

3. **Reimbursement to Subdivider for Additional Costs of Water Mains within Subdivisions.** When the subdivider is required to install a larger size main for the reasons set forth in the preceding paragraph, the Board will reimburse the subdivider, as soon as practicable after acceptance by the Board of the completed work, the additional cost of the installation over and above the cost of the mains that would have been required; *provided, however*, that in no case will reimbursement be made of any portion of the cost of a 6-inch main in residential areas or of any portion of the cost of an 8-inch main in other areas; provided further that reimbursement will not be made to the subdivider where such larger main or mains will serve only areas under the same ownership as the subdivision under consideration.

After the installation has been completed and accepted by the Board, the subdivider shall furnish the Board with an affidavit itemizing the costs incurred by him in the installation of the said larger mains. The said additional costs shall be determined by the Board.

### RULE VI

#### SIZES OF MAINS, HYDRANT SPACING, FIRE PROTECTION

1. **Sizes of Mains.** Any subdivision hereafter to be laid out within the City and County of Honolulu shall provide 6-inch water mains or larger in residential districts and 8-inch water mains or larger in business, industrial, and hotel and apartment districts. A 6-inch main shall be used only where it completes a good gridiron and in no case in blocks more than 600 feet in length.

## APPENDIX "B"

2. **Hydrant Spacing.** Fire hydrants shall be spaced not more than 250 feet in business, industrial, hotel and apartment districts, and not more than 350 feet in residential districts. The Board will determine the location of all hydrants. All fire hydrants required for adequate fire protection of a subdivision will normally be located within the subdivision.

If, in the interest of better fire protection, it is determined that one or more of the required hydrants will serve the subdivision to better advantage if located outside the subdivision, they may be so located and the cost shall still be borne by the subdivider, subject to the limitation that the cost to the subdivider shall not exceed the cost to him which would have resulted had all the hydrants been located inside the limits of the subdivision.

3. **Fire Protection.** In fixing the standards for fire protection insofar as water supply is concerned, the Board will be guided by the standards of the National Board of Fire Underwriters in "Grading Cities and Towns of the United States with Reference to their Fire Defenses and Physical Conditions" and by any specific recommendations made by the said National Board with respect to the City and County of Honolulu. [Pars. No. 1 and 3 Am. B.W.S. Res. No. 31, 1960, effective date Oct. 1, 1960.]

### RULE VII

#### LATERALS, DEAD-ENDS, ALTERATIONS TO PUBLIC WATER SYSTEM, CONTOURS

1. **Laterals.** Where water main construction is necessary, the subdivider shall provide each lot in a subdivision with a service lateral from the water main to the sidewalk area adjacent to the lot. As an alternate, one service lateral may be installed for each two lots.

Where the lots to be created front along an existing water main, service laterals as required above shall be paid for by the subdivider and installed by the Board.

2. **Dead-Ends.** Where water mains proposed by a subdivider would result in dead-ends, the subdivider shall correct the condition by the installation of such interconnections as may be required by the Board.

3. **Alterations to Public Water System.** All work and materials in connection with the change in location or grade of any part of the existing public water system made necessary by the subdivision shall be at the expense of the subdivider.

4. **Contours.** When required by the Board, contours or elevations shall be furnished by the subdivider, based upon City and County datum. [Par. No. 1 Am. B.W.S. Res. No. 31, 1960, effective date Oct. 1, 1960.]

RULE VIII

PREPARATION OF PLANS, INFORMATION  
ON PLANS, ELEVATION AGREEMENT, APPROVAL  
OF PLANS, DELAYS IN CONSTRUCTION

1. **Preparation of Plans.** All construction plans shall be prepared by a registered engineer to the extent of his professional qualifications under the laws of the State. Preliminary maps and final maps of subdivisions to be reviewed by the Board shall fully conform to the definitions and requirements of the Rules and Regulations of the Commission.

2. **Information to be shown on Construction Plans.** The construction plans, insofar as the water system is concerned, shall show the following on City and County standard size sheet or sheets:

(a) Name of subdivision, name of subdivider, name of engineer, and location of subdivision.

(b) Date, North arrow, scale, tax key.

(c) The proposed subdivision water system complete, in both plan and profile, and its inter-relationship with street lines, lot lines, curb grades, sewers and drains, both existing and proposed, as well as any other features natural or artificial necessary for a complete understanding of the water system design.

(d) Plan views drawn to a scale of one inch equals 40 feet or one inch equals 20 feet. Profile views drawn to a vertical scale of one inch equals 4 feet or larger. Manhole, fire hydrant, lateral and other details drawn to a scale of one-half inch equals one foot or larger.

(e) The designation, including alignment and width, of all easements for parts of the water system which will not be in street areas to be dedicated to the public.

(f) A general layout map showing the locations of lots and streets within the subdivision and its near vicinity together with existing and proposed water system.

(g) A small key location inset or vicinity map showing the proposed subdivision in relationship to streets and water mains in the area.

(h) In cases in which the owner or subdivider also owns areas contiguous to the proposed subdivision, or separated therefrom by a street, a sketch of the future street and lot pattern and the water system proposed to serve such contiguous areas shall be furnished for study with the construction plans.

3. **Elevation Agreement.** Whenever a lot or lots within a subdivision are at such an elevation that they cannot be assured of a dependable water supply, the approval of the construction drawings will be subject to each owner of such lot or lots signing an "elevation agreement" whereby such lot owner agrees to accept such water serv-

## APPENDIX "B"

ice as the Board is able to render, and such owner agrees to construct, if necessary, and maintain at his expense, a tank or a pump with a tank, all in accordance with the standards and requirements of the Board, of sufficient capacity to furnish a supply of water at such times as the pressure in the water mains may be insufficient to supply such lot or lots with water. When required, a statement as to this conditional approval will be clearly lettered on the construction drawings by the Board.

**4. Approval of Plans.** No construction of a subdivision water system, or any portions thereof shall be undertaken prior to approval of the final construction plans by the Manager and Chief Engineer, the Director, the Chief Engineer of the Department of Public Works, and the State Department of Health. After said approval, the subdivider shall transmit four sets of all final construction plans to the Manager and Chief Engineer.

In areas where there is no public water supply available to serve the subdivision, plans and specifications for the development of water sources, including wells, tunnels, shafts, pumps, buildings, mains and other appurtenant structures and devices, shall be in conformance with the standards of the Board and shall be approved by the Manager and Chief Engineer in their entirety prior to construction.

**5. Delays in Construction.** If any period exceeding one year or such extension as may be granted passes without substantial progress in the construction of the water facilities, after approval of plans by the Board, the plans thereof shall be resubmitted to the Board for review and for making such changes as it deems proper because of changed conditions or revision of standards. [Par. No. 4 Am. B.W.S. Res. No. 31, 1960, effective date Oct. 1, 1960.]

## RULE IX

### MATERIALS AND CONSTRUCTION STANDARDS, INSTALLATION OF WATER SERVICE, INSPECTION OF WORK

**1. Materials and Construction Standards.** All materials, design and construction procedures, and workmanship, with respect to any subdivision water system, or any portion thereof shall be in accordance with the requirements and standards of the Board and with the requirements of the State Department of Health and all applicable laws. The Manager and Chief Engineer shall determine the capacity and location of any of the component parts of the subdivision water system.

**2. Installation of Water Service.** No water service will be approved, excepting a service for subdivision construction purposes, until the subdivision water system has been completed and accepted by

## REVISED ORDINANCES OF HONOLULU

the Board and all the improvements required by the Rules and Regulations of the Commission have been completed.

**3. Inspection of Work.** The Manager and Chief Engineer or any employee representing him shall have free access at all times to all installations made for the subdivision and shall be given any assistance required and every facility, information, and means of thoroughly inspecting the work to be done and the materials used or to be used. [Par. No. 1 Am. B.W.S. Res. No. 31, 1960, effective date Oct. 1, 1960.]

### RULE X

#### OWNERSHIP OF INSTALLED WATER SYSTEM

As a condition precedent to connecting the subdivision water system to the public water system, the subdivider shall convey the subdivision water system to the Board and said subdivision water system thereafter will be maintained and operated as a part of the public water system; *provided, however*, that the Board may refuse to operate and maintain facilities installed without the Board's prior approval. Prior to the commencement of water service, and as a prerequisite to such service, the subdivider shall deliver to the Board perpetual easements for all portions of the subdivision water system installed in other than publicly owned property. The subdivider shall also convey to the Board fee simple title to all sites on which are located tanks, reservoirs, sources of supply, and pumps constructed by the subdivider and connected to the public water system together with easements for ingress and egress. [Am. B.W.S. Res. No. 31, 1960, effective date Oct. 1, 1960.]

### RULE XI

#### MODIFICATION OF REQUIREMENTS

When conditions pertaining to any subdivision are such that the public may be properly served with water and with fire protection without full and strict compliance with these Rules and Regulations, or where the subdivision site or layout is such that the public interest will be adequately protected, such modification thereof as is reasonably necessary or expedient, and not contrary to law or the intent and purpose of these Rules and Regulations, may be made by the Board.

### RULE XII

#### CONSTRUCTION AGREEMENT AND BOND

To secure approval prior to construction of the required improvements, insofar as the construction of the subdivision water system is concerned, the subdivider shall enter into an agreement with the City

## APPENDIX "B"

and County and the Board to make, install and complete all of the required improvements within a specified time and file with the Director a surety bond or other security, as hereinafter specified, to assure the City and County and the Board the actual construction and installation of the improvements and utilities shown on the approved construction plans.

The agreement shall specify, insofar as the subdivision water system is concerned, that the subdivider will complete the same to the satisfaction of the Manager and Chief Engineer, and shall provide that if the subdivider shall fail to so complete such work within the time specified or such extension as may be mutually agreed upon, the Board may complete the same and recover the full cost and expense thereof from the subdivider.

The bond or other security to be filed with the Director with the aforesaid agreement shall be one of the following (provided that in all instances where a surety bond is filed, it shall be executed by the subdivider as principal and a surety company authorized to transact a surety business in the State, as surety) :

1. A surety bond in a sum equal to the cost of the work required to be done as estimated by the Manager and Chief Engineer; payable to the City and County and the Board, and shall be conditioned upon the faithful performance of all work required to be done by the subdivider, and shall be further conditioned to the effect that should the subdivider fail to complete all work required to be done within a specified reasonable time, the Board may cause all required work which is not finished to be completed, and the parties executing the bond shall be firmly bound for the payment of all necessary costs therefor; or

2. Where the subdivider has entered into a contract with a reputable contractor, and has filed with the Director all three of the following: (a) a certified copy of his said contract and specifications, (b) a certified copy of the performance bond of his said contractor, and (c) a surety bond in a sum equal to at least 50 per cent of the cost of all work required to be done by the subdivider as estimated by the Manager and Chief Engineer, and shall be payable and conditioned as above set forth; or

3. The subdivider shall make a deposit of money with the Director, or a responsible escrow agent designated by the Director as agent of the City and County and the Board, in an amount equal to the cost of the construction of said improvements as estimated by the Manager and Chief Engineer. Under this arrangement, the agreement may provide for progress payments to be made to the contractor for materials used and services and labor performed, out of said deposit as the work progresses; provided that said progress payments shall at no time exceed the value of the completed portion of said improvements as determined by the Manager and Chief Engineer and the Chief Engineer of the City and County; or

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4. In lieu of said surety bond or deposit in escrow mentioned in paragraphs numbered 1, 2 and 3 above, the subdivider may make a deposit with the Director of bonds or other negotiable securities in the amount as provided by paragraphs numbered 1, 2 or 3 respectively, of this rule and acceptable to the Manager and Chief Engineer. [Am. B.W.S. Res. No. 31, 1960, effective date Oct. 1, 1960.]

### RULE XIII SEVERABILITY

If any rule, section, sentence, clause, or phrase of these Rules and Regulations or its application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portions of these Rules and Regulations or the application of these Rules and Regulations to other persons or circumstances or property shall not be affected. The Board hereby declares that it would have adopted these Rules and Regulations, and each and every Rule, section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more other Rules, sections, sentences, clauses, or phrases be declared unconstitutional or invalid.

(Sec. 149-195 of Part V of Chapter 149 R.L.H. 1955, as amended, provides as follows: "*Violations, Penalties, Remedies.* Any person, firm or corporation which violates the provisions of this Part, or any rule or regulation made pursuant to this Part, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1000 or imprisonment for not more than one year, or by both. In addition the city and county attorney may institute an action to prevent, restrain, correct or abate any violation of this Part, or of the regulations adopted under this Part, and the court shall adjudge to the plaintiff such relief, by way of injunction (which shall be mandatory) or otherwise, as may be proper under all of the facts and circumstances of the case, in order fully to effectuate the purposes of this Part and of the regulations adopted pursuant thereto.")

### RULE XIV EFFECTIVE DATE

These Rules and Regulations shall become effective upon their approval and adoption by the Board in conformity with the provisions of Sections 7-29 to 7-32 R.L.H. 1955 and other applicable provisions of law.

The Board of Water Supply of the City and County of Honolulu, on September 15, 1949, approved and adopted these Rules and Regulations to be effective from and after November 1, 1949.

Note: Rules I, II, IV, VI, VII, VIII, IX, X and XII were amended in conformity with Secs. 7-29 to 7-32 R.L.H. 1955 and other applicable provisions of law, effective as indicated at end of each of said Rules.

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Rules and Regulations Governing Water Service to Consumers of the Board of Water Supply, City and County of Honolulu, Honolulu, Hawaii

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## APPENDIX "C"

### FOREWORD

These Rules and Regulations have been adopted to establish uniform practices governing water service and to define the obligations of the Board to consumers and of consumers to the Board.

It is the policy of the Board to render adequate and satisfactory service to all consumers and to encourage courtesy to the public by all its employees. The Board desires to cooperate with consumers to eliminate water waste and thus minimize charges to the consumer.

Consumers are advised to obtain information from the Board on the availability of water, pressure conditions to assure satisfactory service, and other pertinent data.

### RULE I

#### DEFINITIONS

For the purpose of these Rules and Regulations, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

1. The word "**Board**" shall mean the Board of Water Supply, City and County of Honolulu.

2. The term "**Manager and Chief Engineer**" shall mean the person holding the office of Manager and Chief Engineer of the Board of Water Supply.

3. The word "**Consumer**" shall mean the person, firm, corporation, association, or governmental department, whether owner or tenant, whose name appears on the records of the Board of Water Supply as the party responsible and liable for receiving water service from the Board.

4. The term "**Service Connection**" shall mean the main tap, pipe, fittings, and valves, from the water main to and including the meter.

5. The term "**Cost of Service Connection**" shall mean the sum of the cost of the labor, materials, transportation, equipment, and road repair, if any, and other incidental charges necessary for the complete installation of a service connection, but excluding the cost of the meter and meter box.

6. The term "**Consumer's Supply Pipe**" shall mean the pipe extending from the consumer's end of the "**Service Connection.**"

7. The word "**Main**" or "**Main Pipe**" shall mean the Board's supply or distribution pipe to which service connections are made.

8. The expression "**City of Honolulu**" shall mean all of that portion of the State commonly known as the Island of Oahu.

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9. The word "**Suburban**" shall mean all that portion of the Island of Oahu not included within the geographical limits of the State known as the "**Honolulu District.**"

### RULE II

#### GENERAL CONDITIONS

1. Any prospective consumer whose premises are within service limits established by the Board for the City and County of Honolulu and adjacent to a distributing main, where pressure conditions permit may obtain water service provided that the Board has a sufficient water supply developed for domestic use and for fire protection to take on new or additional service without detriment to those already served and the consumer agrees to abide by these Rules and Regulations.

2. Where an extension of mains is necessary or where large quantities of water are required or a substantial investment is necessary to provide service, the consumer will be informed by the Board as to the conditions and charges to be made for the particular area and situation in question before water service may be approved.

3. All water supplied by the Board will be measured by means of suitable meters registering in gallons. When it is impractical to meter the service, a flat rate may be charged. The amounts to be paid for water and water service shall be in accordance with the rates established by the Board. The Board will determine the location and size of all meters and service connections to its system. All service connections shall become the property of the Board for operation and maintenance after installation and new connections or disconnections may be made thereto by the Board at any time.

### RULE III

#### CONSERVATION MEASURES AND INTERRUPTION OF WATER SUPPLY

1. The Board will exercise reasonable diligence and care to deliver an adequate supply of water to the consumer and to avoid shortages or interruptions in water service, but will not be liable for any interruption, shortage, insufficiency of supply, or any loss or damage occasioned thereby.

2. Whenever, in the Board's opinion, special conservation measures are advisable in order to forestall water shortage and a consequent emergency, the Board may restrict the use of water by any reasonable method of control.

3. The Board reserves the right at any and all times to shut off water from the mains without notice for the purpose of making re-

## APPENDIX "C"

pairs, extensions, alterations, or for other reasons. Consumers depending upon a continuous supply of water shall provide emergency water storage and any check valves or other devices necessary for the protection of plumbing or fixtures against failure of the pressure or supply of water in the Board's mains. Repairs or improvements will be prosecuted as rapidly as practicable and, insofar as practicable, at such times as will cause the least inconvenience to the consumer.

### RULE IV

#### ELEVATION AGREEMENT, PRESSURE CONDITIONS

1. The Board will make every effort to maintain pressure but will not accept responsibility for maintaining pressure in its water mains.

2. Where property is situated at such an elevation that it cannot be assured of a dependable supply or of adequate service from the Board's distribution system, the consumer, in consideration of connection with the Board's system, must agree to accept such water service as the Board is able to render from its existing facilities and to install if necessary, and maintain at his expense a tank and pump of suitable design and of sufficient capacity to furnish an adequate and dependable supply of water. When required by the Board the consumer shall install an air gap or other protective devices between the consumer's supply pipe and the service connection. The consumer shall execute a written release in favor of the Board for all claims on account of any inadequacy in the Board's system or inadequacy of water supply to the consumer.

3. When the pressure of the Board's supply is higher than that for which individual fixtures are designed, the consumer shall protect such fixtures by installing and maintaining pressure reducing and relief valves. The Board will not be liable for damage due to pressure conditions or caused by or arising from the failure or defective condition of such pressure regulators and relief valves or for damage that may occur through the installation, maintenance, or use of such equipment.

### RULE V

#### APPLICATION FOR WATER SERVICE AND SERVICE CONNECTION

1. Each prospective consumer shall be required to sign the standard application form for the water service desired, assuming responsibility for the payment of future charges for water service at the designated location, before water is turned on for any use whatever. The consumer signing the application form shall be held liable for the payment of all charges for water and water service at the designated location.

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2. Charges will begin when the water service is established and will continue until due notification from the consumer or until discontinued by the Board for failure of the consumer to comply with these Rules and Regulations.

3. When an application for water service is made by a consumer who was responsible for and failed to pay all bills previously rendered, regardless of location or time incurred, the Board may refuse to furnish water service to such applicant until the outstanding bills are paid.

4. A consumer taking possession of a property and using water without having made application to the Board for water service to such property, shall be held liable for the water delivered from the date of the last recorded meter reading. If proper application for water service is not made upon notification to do so by the Board and if accumulated bills for water service are not paid upon presentation, the water service shall be subject to discontinuance without further notice.

### RULE VI

#### NEW SERVICE CONNECTIONS

1. Installation. When the application for a service connection has been approved, such connection will be installed by the Board at the expense of the applicant and thereafter will be maintained by the Board at its expense. There shall be one meter for each service connection, unless the Board, because of operating necessity, installs two or more meters in parallel. All meters will be sealed by the Board before installation and no seal shall be altered or broken except by one of its authorized employees.

2. Deposit. A deposit of not less than \$25.00 and at least equal to the Board's estimate of the cost of the service connection will be required of the applicant before the connection is installed. If the actual cost of the connection is in excess of the deposit, the applicant will be billed and shall pay for the difference. If the actual cost is less than the deposit, the applicant will be refunded the difference.

3. Consumer's Supply Pipe. The consumer shall install and connect at his expense his supply pipe to the shut-off valve or outlet installed by the Board. The consumer's supply pipe shall at all times remain the sole property of the consumer, who shall be responsible for its maintenance and repair. If the consumer's supply pipe is installed before the service connection is set, the Board will make the connection to it; provided, however, it is requested by the consumer prior to the installation of the service connection.

4. Connection to Main. Only employees of the Board will be allowed to connect or disconnect the service connection to or from the Board's main.

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5. Compensation. Employees of the Board are strictly forbidden to demand or accept personal compensation for services rendered.

6. Pipe Through Basement Wall. Where the applicant requires his supply pipe extended through a basement wall, he shall provide the entrance-way through such wall. The Board will not be responsible for any damage caused by leakage through or inside such entrance-way.

7. Location of Service Connection or Main. No service connection or water main will be installed by the Board in any private road, lane, street, alley, court or place, until such private streets are open to the public and brought to proper grade and the Board is given proper easements for the main or service connection. Otherwise, an applicant desiring water service to property fronting on such private roads, lanes, etc., must extend his supply pipe to the nearest public street on which a main exists.

8. Location of Meters. All meters shall be installed in the sidewalk area, preferably in the concrete sidewalk, unless the Board, because of operating necessity, installs the meters elsewhere. The stopcock before the meter is installed for the use of employees of the Board.

9. Change in Location or Size of Service Connection. When the proper size of service connection for any premises has been determined and the installation has been made, the Board has fulfilled its obligations insofar as the size of the service and the location thereof are concerned. If thereafter the consumer desires a change in size of the service connection or a change in the location thereof, he shall bear all costs of such change.

10. Shut-Off Valve. A readily accessible shut-off valve controlling all outlets will be installed by the Board at the expense of the consumer on his supply pipe at a location to be determined by the Board. If a replacement of the shut-off valve is necessary, it shall be paid for by the consumer.

11. Alteration to Public Water System. All work and materials in connection with the change in location or elevation of any part of the existing public water system made necessary by the new service connection shall be at the expense of the applicant.

12. Contours or Elevations. When required by the Board, contours or elevations shall be furnished by the applicant, based upon City and County of Honolulu Datum.

13. Size of Meter and Service Connection. The Board will determine the location and size of all meters and service connections to its system.

14. One Water Service Supplying Two or More Consumers. The Board reserves the right to limit the number of houses or buildings and the area of land to be supplied by one service connection.

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15. Water Service to Undeveloped Areas. Any prospective consumer requesting water service for an undeveloped area or tract of land in which a distribution system has not been installed may be required to furnish the Board with plans and specifications for the proposed distribution system for such area or tract which shall conform to the standards and requirements of the Board. Such distribution system shall be installed at the expense of the consumer in accordance with the plans and specifications as approved by the Board.

### RULE VII

#### METER READING AND RENDERING OF BILLS

1. Meters will be read and bills rendered monthly or bimonthly as determined by the Board. Special readings will be made when necessary for closing of accounts or for other reasons.

2. Closing bills for short periods of time since the last meter reading date will ordinarily be determined by the amount of water actually used, as indicated by the meter reading, plus a proration of the service charge. In prorating service charges, a billing month shall be considered to be 30 days.

3. Readings of Separate Meters Not Combined. For the purpose of computing charges, all meters serving the consumer's premises shall be considered separately, and the readings thereof shall not be combined except in cases where the Board, because of operating necessity installs two or more meters in parallel to serve the same consumer's supply pipe.

### RULE VIII

#### PAYMENT OF BILLS

All bills shall be due and payable upon deposit in the United States mail or upon other presentation to the consumer. Payment shall be made at the office of the Board or, at the Board's option, to duly authorized collectors of the Board. If any bill is not paid within fifteen (15) days after presentation or deposit in the United States mail, the water service shall be subject to discontinuance without further notice.

### RULE IX

#### NON-REGISTERING METERS

If a meter fails to register due to any cause except the non-use of water, an average bill may be rendered. Such average bill will be subject to equitable adjustment taking into account all factors before, during, and after the period of said bill.

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### RULE X

#### METER TESTS AND ADJUSTMENT OF BILLS FOR METER INACCURACY

1. Meter Tests. All meters are tested prior to installation. Any consumer who, for any reason, doubts the accuracy of the meter serving his premises may request a test of the meter. The consumer, if he so requests, will be notified as to the time of the test and may witness the test if he so desires. No charge will be made for meter tests.

2. Adjustment of Bills for Meter Inaccuracy. If, as the result of the test, the meter is found to register more than two per cent fast under conditions of normal operation, the Board will refund to the consumer the overcharge based on past consumption, for a period not exceeding six months, unless it can be proved that the error was due to some cause, the date of which can be fixed. In this latter case, the overcharge shall be computed back to, but not beyond, such date.

### RULE XI

#### DISCONTINUATION OF WATER SERVICE

Water service may be discontinued for reasons as follows.

1. Non-payment of bills. Water service may be discontinued for the non-payment of a bill within fifteen (15) days after the mailing or presentation thereof to the consumer.

2. Non-compliance with the Board's Rules and Regulations. If the consumer fails to comply with any of these Rules and Regulations, the Board will have the right to discontinue the service.

3. Consumer about to vacate premises. Each consumer about to vacate any premises supplied with water by the Board shall give notice of his intention to vacate prior thereto, specifying the date service is desired to be discontinued, otherwise he shall be held responsible for all water service furnished to such premises until the Board has received such notice of discontinuance. Before buildings are demolished, the Board should be notified so the service connection can be closed.

4. Unauthorized Use of Water. The Board will refuse or discontinue water service to any premises if necessary, without giving notice, to protect itself against fraud, abuse, or unauthorized use of water.

5. Wasteful Use of Water. Where negligent or wasteful use of water exists on any premises, the Board may discontinue the service if such conditions are not corrected within five days after giving the consumer written notice of intent to do so.

### RULE XII

#### RESTORATION OF WATER SERVICE

If water service is turned off because of failure to pay a bill, for

## REVISED ORDINANCES OF HONOLULU

violation of any of the regulations of the Board, or for other reasons, all outstanding accounts against the consumer must be paid before water service will be restored.

### RULE XIII

#### BOARD'S EQUIPMENT ON CONSUMER'S PREMISES

All equipment belonging to the Board and installed upon the consumer's premises for measurement, test, check or any other purpose, shall continue to be the property of the Board, and may be repaired, replaced or removed by the Board at any time without the consent of the consumer. The consumer shall exercise reasonable care to prevent damage to meters and other equipment of the Board upon said premises and shall in no way interfere with the operation of the same.

### RULE XIV

#### DAMAGE AND ACCESSIBILITY TO BOARD'S PROPERTY, METER DAMAGED BY HOT WATER

1. Any damage to water mains, service connections, valves, fire hydrants, or other property of the Board shall be paid for by the person or organization responsible for the damage.

2. The consumer shall be liable for any damage to a meter or other equipment or property of the Board caused by the consumer or his tenants, agents, employees, contractors, licensees or permittees, on the consumer's premises, and the Board shall be promptly reimbursed by the consumer for any such damage upon presentation of a bill therefor. In the event settlement for such damage is not promptly made the Board reserves the right to discontinue water service to such premises.

3. When a meter is found to have been damaged by hot water or steam emanating from the premises served, the consumer shall pay for all costs required to repair the meter.

4. No obstruction shall be placed on or around any water meter, fire hydrant, or valve so as to render it inaccessible.

### RULE XV

#### RELIEF VALVES

Wherever a check valve or pressure reducing valve is installed on the consumer's cold water supply line between the main and a hot water storage tank and/or heater, there shall be installed on the consumer's hot water distributing system a suitable pressure relief valve.

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### RULE XVI

#### INGRESS TO AND EGRESS FROM CONSUMER'S PREMISES

Any officer or employee of the Board shall have the right of ingress to and egress from the consumer's premises at all reasonable hours for any purpose reasonably connected with the furnishing of water or other service to said premises and the exercise of any and all rights secured to it by law or these Rules and Regulations. In case any such officer or employee is refused admittance to any premises, or being admitted shall be hindered or prevented from making such inspection, the Board may cause the water to be turned off from said premises after giving 24 hours notice to the owner or occupant of said premises of its intention to do so.

### RULE XVII

#### RESPONSIBILITY FOR WATER RECEIVING EQUIPMENT

1. The consumer shall at his own risk and expense furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the Board will not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence, want of proper care, or wrongful act of the consumer or of any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with any such equipment.

2. Water service may be discontinued to any consumer whose water system includes plumbing fixtures, or water containers in any form, or of any use, which in the opinion of the Board may endanger the Board's water supply from a public health standpoint. Any such discontinuation of service shall continue until objectionable installations have been corrected and the Board has been assured that the objectionable uses and practices will not be resumed.

3. The Board will not be responsible for damage to property caused by spigots, faucets, valves and other equipment that may be open when water is turned on at the meter, either when turned on originally or when turned on after a temporary shutdown.

### RULE XVIII

#### ABATEMENT OF NOISES

Where it has been determined that noises emanating from a consumer's premises are caused by plumbing fixtures or other equipment attached to water pipes and such noises are being transmitted through the water pipes and causing annoyance to other consumers, the Board

## REVISED ORDINANCES OF HONOLULU

may issue a notice in writing to the offending consumer or to the owner of such premises, or to his agent, giving reasonable time within which to correct or to remove the cause of complaint. Failure on the part of such consumer, owner, or person responsible to correct or remove the cause of the noise will be sufficient reason for discontinuance of water service to the consumer until such time as the condition complained of has been remedied.

### RULE XIX

#### ELECTRICAL GROUNDING

1. Protective grounding of alternating current secondary distribution circuits made to the water system shall be subject to the following conditions:

(a) The grounding installation shall conform in all details with the National Electrical Code of the National Board of Fire Underwriters and with the City and County Building Code. The Board shall not be responsible for any damage or injury caused by any electrical grounding.

(b) The installation of the bonding jumper around the meter shall be the responsibility of the installer of the grounding connection. The bonding jumper shall be installed in such a manner as not to interfere with the installation or removal of any of the Board's facilities.

2. No grounding of direct current system to any portion of the water system shall be permitted.

3. No grounding other than as provided in paragraph 1, (a) and (b) hereof shall be made to any portion of the water system without the Board's written approval.

4. The Board will not be responsible for the maintaining of a continuous metallic water piping system and reserves the right, without liability to public utility electric companies, electric consumers, or any other agency or individual, to create a physical break in its service connections and mains, or to incorporate non-metallic pipes and appurtenances in its system and to make joints of any materials, without regard to their efficiency as conductors of electricity and without giving notice.

### RULE XX

#### CONSUMER'S PUMPING INSTALLATIONS

1. Consumers shall not be permitted to install or operate pumps pumping water directly from the mains of the Board's system except in cases approved in writing. No such approval will be given in cases where it is the opinion of the Board that such an installation and the

## APPENDIX "C"

operation thereof may adversely affect the water service extended by the Board to other consumers.

2. Approvals given by the Board under this section will be qualified by clauses making them revocable upon ninety (90) days' notice during which period the consumer, if he desires to continue the operation of the pump, shall eliminate the objectionable features causing the giving of such notice.

3. No pump shall be equipped with a direct water supply connection for priming purposes except with the written permission of the Board.

### RULE XXI

#### CROSS-CONNECTIONS AND BACKFLOW PROTECTION

1. Prohibition of Certain Connections and Installations. In order to provide proper sanitary protection to the Board's water supply and to comply with the applicable regulations of the United States Public Health Service and of the Territorial Board of Health, as adopted or amended from time to time, the Board will require that following the effective date of these Rules and Regulations no cross-connections with other water supplies, or other physical connections, shall exist, or be installed, located, maintained or operated which could permit backflow of contaminated water or any other dangerous, impure, unsanitary, or unpotable substance from the consumer's premises into the Board's water supply system, except as provided below:

(a) Cross-Connections with Other Water Supplies. Owners (or operators) of presently existing water supplies which are in active use and cross-connected to the Board's system will be required to secure permits for the continuance of such cross-connections. Permits will be granted on a provisional basis, renewable yearly, under the following conditions:

(1) Where such water supplies are regularly examined by the Board, or other agencies satisfactory to the Board, and are approved by the Board as acceptable, safe and sanitary supplies and continue as such at all times while the connections are in existence.

(2) Where such water supplies do not meet the requirements of (1) above, are not normally under pressure and are maintained solely for fire fighting purposes, and where adequate protection against backflow to the Board's water system is provided by mechanical, or other, methods or devices satisfactory to the Board.

(3) The Board may waive the requirement of a permit and allow cross-connections to be continued or established if the

## REVISED ORDINANCES OF HONOLULU

connections are with water supplies defined as primary or community supplies by the Territorial Department of Health and approved by the Board and the Territorial Department of Health as acceptable, safe and sanitary supplies.

(b) Other Physical Connections. Other physical connections may be permitted if, in the judgment of the Board, adequate protection can be provided the water supply of the Board against backflow by the installation of mechanical, or other, methods or devices approved by the Board and installed, maintained and operated by the consumer in a manner satisfactory to the Board at all times; provided, however, that the Board may require the consumer to eliminate or rearrange designated plumbing or piping connections or fixtures, or to install a backflow device at the meter or other location, subject to the approval of the Board, as an added safety measure in addition to any and all other backflow protection required or provided by mechanical, or other, methods or devices, whenever (1) the consumer is engaged in the handling of dangerous or corrosive liquids or industrial or process waters, highly contaminated water or sewage, or is engaged in the medical or dental treatment of persons who might have diseases transmittable by water, or whenever (2) in the judgment of the Board there exists a danger of backflow into the Board's mains because of the possibility of unauthorized connections being created through non-compliance or inadvertence on account of the complexity of the system or systems or because of failure by the consumer to provide adequately qualified personnel and supervision for maintenance and extension of the consumer's piping system or systems, or for any other sufficient reason or cause.

2. Separate Pressure System. The Board will require the installation of mechanical, or other, methods or devices on the consumer's side of the meter to prevent backflow whenever the consumer maintains a separate pressure system or a separate storage facility, or in any way increases the pressures of the water within his premises above the pressure furnished by the Board or has such equipment devices or arrangement of piping, storage or industrial methods or processes that might under certain conditions raise the pressure of the water within his premises above the pressure of the water in the mains of the Board. Plans for such installations must be approved by the Board.

3. Pressure Regulation Required of Consumer. As a protection to the consumer's plumbing system a suitable pressure relief valve must be installed and maintained by him at his expense when backflow devices are installed on the consumer's side of the meter.

4. Location and Inspection of Protective Devices. Any device installed for the prevention of backflow as may be required under these Rules and Regulations, shall, unless the Board approves other-

## APPENDIX "C"

wise in writing, be located above ground and in such a manner as to be safe from flooding or submergence in water or other liquids, properly protected from external damage, freely accessible and with adequate working room for inspections, testing and repairing.

All such devices shall be tested at least once every four months and inspected internally not less than once annually. Repairs, replacement of parts, etc., shall be made whenever necessary at the expense of the consumer. Making of tests and annual inspections shall be the responsibility of the consumer and shall be made by the consumer or other qualified person or persons in accordance with methods acceptable to the Board. Records of tests and inspections shall be made on forms prescribed by the Board and a copy of such records shall be furnished to the Board. Failure of the consumer to make the proper tests and submission of records may, at the option of the Board, result in the Board's making the tests, needed repairs and replacements and charging the costs thereof to the consumer.

5. Affidavit of Compliance. Upon request of the Board, the consumer shall present an affidavit either certifying to the fact that there are no connections or other installations of the type prohibited in paragraph 1 of this Section on his premises or describing in detail all non-conforming connections or installations.

6. Conformance with Laws and Ordinances. The several conditions relative to the installation and maintenance of cross-connections and other physical connections referred to in this Section shall be subject to change to meet changing requirements of the Territorial and Federal health authorities and of the City and County Building Code.

7. Discontinuance of Water Service for Non-Compliance. Failure on the part of the consumer to comply with the Board's requirements relative to cross-connections and backflow protection will be sufficient reason for discontinuing water service until such time as the requirements have been met.

## RULE XXII

### AUTOMATIC FIRE SPRINKLER SERVICE

1. Automatic fire sprinkler service will be furnished only where adequate provision is made to prevent diversion of water through such service to other purposes. The fire service connection will be installed by the Board and shall be paid for by the consumer in accordance with the provisions for the installation of new service connections. After the water is turned on, the Board assumes no liability for damage of any kind whatsoever that may occur to the premises served, regardless of cause.

2. No charge will be made for water used through such connection for fire protection purposes but any water lost through leakage or

## REVISED ORDINANCES OF HONOLULU

used in violation of the conditions contained herein shall be paid for by the consumer at the regular schedule of water rates and charges. The Board may disconnect and remove the said service connection if water is used for other than fire protection purposes or if leaks are not corrected. Whenever such disconnection is in effect, the Board shall not be held in any way liable for loss or damage sustained due to such condition.

3. Service charges will be in accordance with the rates established by the Board from time to time.

4. All automatic fire sprinkler services will be metered with a detector check valve and a by-pass meter of a type approved by the Board. The meter and the meter box required therefor shall be furnished by the Board without cost to the consumer. All service connections shall become the property of the Board after installation.

### RULE XXIII

#### SHIPPING SERVICE

An application for the purchase of water by a ship shall be made at the office of the Board or to an authorized agent of the Board by an authorized officer or agent of the ship before water is delivered to said ship. A receipt for the quantity of water delivered to the ship at the pier, dock or wharf shall be signed before departure by the authorized officer or agent of said ship. All water shall be measured by water meters and the authorized officer or agent of the ship shall check the meter readings both at the start and at the finish of each delivery of water. In the event that the meter readings are not taken by said officer or agent, the readings of the Board's authorized agent will be final. The Board will not be held responsible for any damage to property or injury to persons arising from the delivery of water to ships at piers, docks or wharves. The amount to be paid for water shall be in accordance with the rates established by the Board.

### RULE XXIV

#### USE OF AND DAMAGE TO FIRE HYDRANTS, CHANGE IN HYDRANT LOCATION, RESPONSIBILITY FOR MAINTENANCE AND OPERATION OF PRIVATE HYDRANTS

1. Use of Fire Hydrant. Any use of a fire hydrant or tampering therewith or the taking of water therefrom for purposes other than fire protection by persons other than authorized employees of the Fire Department or of the Board is prohibited, except upon prior application to and written permit by the Board. The Fire Department shall have the prior right to use any hydrant at any time and shall have the authority to remove preemptorily, if necessary in case of fire, any

connection that may be made to a hydrant under a permit issued by the Board. The use of any hydrant under a permit and the connections thereto shall be subject to the direction and approval of the Board. The consumer shall not use hydrant main line valves to control flows.

2. Application for Permit. Application for a permit for the use of a fire hydrant for purposes other than fire protection shall be made in writing to the Board and when required, shall be accompanied by a deposit in cash. It shall be non-transferable and shall be shown upon demand by the permittee, its agents or employees. The Board reserves the right to reject any application, to refuse to issue any permit and to revoke any permit at any time. The Board also reserves the right to perform for the permittee at his expense the work of installing and removing the connections and of operating the hydrant. No permit will be issued unless the permittee agrees to notify the Board as soon as the use of the hydrant is finished. In the event that a permit shall be revoked, the use of the hydrant thereunder shall cease immediately and all connections thereto shall be properly removed forthwith. The Board will inspect each hydrant which has been used under a permit, and all costs of repairs which the Board may adjudge to be due to such use and the cost of inspection shall be paid for by the permittee. All water drawn from a hydrant under permit shall be metered or estimated as to quantity in a manner satisfactory to the Board and shall be paid for by the permittee at the current water rates. The permittee shall pay all of the costs of connecting to and disconnecting from the hydrant.

3. Hydrant Wrenches. Only regulation fire hydrant wrenches which shall have been approved by the Board shall be used for the operation of fire hydrants. The use of any other type of wrench or operating device shall not be permitted. The permit will be revoked if other than approved regulation fire hydrant wrenches are used.

4. Damage to Hydrant or Property. The permittee shall report promptly any defect in or damage to the hydrant. The cost of any damage to property or of any injury to persons resulting from the use of the hydrant shall be paid for by the permittee. The Board will not be held responsible for any damage to property or injury to persons arising from the use of any hydrant for any cause whatsoever. Any damage to fire hydrants shall be paid for by the person or organization responsible for the damage.

5. Change in Hydrant Location. The Board will, if it approves the request for a change in location of a hydrant, change such location provided the cost of all labor, material, equipment and all other charges are paid by the person requesting such change.

6. Maintenance of Private Hydrants. The consumer shall at his expense test periodically and keep in good and safe working condition

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including proper maintenance all private hydrants under his control and not under the jurisdiction of the Board.

### RULE XXV

#### REFRIGERATION AND AIR CONDITIONING EQUIPMENT

(This Rule to become effective from and after January 1, 1952)

1. No new installation or replacement installation of refrigeration or air conditioning equipment requiring the use of water from the public water system shall be made on any premises until a permit authorizing such installation has been issued by the Board. Before a permit is issued the owner shall inform the Board in writing of the make, type, horsepower and tonnage of installation, the minimum and maximum water requirements, the name and address of the applicant, the location of the premises where the unit is to be installed, and such additional information regarding the proposed installation as may be required by the Board.

2. Any water using unit of refrigeration or air conditioning equipment of small size shall be equipped with an automatic water-regulating device and/or water-conserving device which will limit the total flow of water to 6 gallons per minute momentary actual load or 2 gallons per minute per ton of refrigeration, whichever is the less, and which will automatically stop the flow of water when the unit stops.

3. Any large size water using unit of refrigeration or air conditioning equipment shall be equipped with water-conserving device which will (a) limit the flow of water to not more than 0.2 gallon per minute per ton of refrigeration, actual load and (b) automatically stop the flow of water when the unit is shut down.

4. For the purpose of these regulations a unit of less than 25 tons rated capacity shall be considered a small unit.

5. Where several units serve the same premises, their combined capacity shall be considered to be the capacity of the unit.

6. All installations of water-using refrigeration and air conditioning equipment, regardless of capacity, which are to be served by the public water system must conform with all other applicable Rules and Regulations.

### RULE XXVI

#### RESALE OF WATER

Unless specifically agreed upon, the consumer shall not resell any water received by him from the Board.

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**RULE XXVII**  
**SEVERABILITY**

If any rule, section, sentence, clause, or phrase of these Rules and Regulations or its application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portions of these Rules and Regulations or the application of these Rules and Regulations to other persons or circumstances or property shall not be affected. The Board hereby declares that it would have adopted these Rules and Regulations, and each and every rule, section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more other rules, sections, sentences, clauses, or phrases be declared unconstitutional or invalid.

**Effective Date:** These Rules and Regulations shall become effective upon their approval and adoption by the Board in conformity with Section 466, Revised Laws of Hawaii 1945, as amended by Act 260, Session Laws of Hawaii 1949.

The Board of Water Supply of the City and County of Honolulu, on March 15, 1951, approved and adopted these Rules and Regulations to be effective from and after May 1, 1951, excepting RULE XXV, which shall become effective from and after January 1, 1952.



## APPENDIX "D"

### Lease or Rental of Property of the City and County of Honolulu

I. Pursuant to the provisions of Section 5-403(k) of the City Charter (Act 261, Session Laws of Hawaii 1959), the following is hereby declared to be the policy of the Council of the City and County of Honolulu governing the leasing, renting and letting of property of the City and County of Honolulu.

II. The term of any contract to lease, rent or let property of the City and County of Honolulu shall not exceed five (5) years.

III. The Finance Director shall call for bids, accept bids and award contracts to lease, rent or let property on terms, conditions and rentals approved by the Corporation Counsel.

#### IV. Procedure.

Sec. 1. **Bidding required.** Unless expressly excepted in Section 14 hereof, no real property or any concession or concession space in any building or on any land owned by or under the jurisdiction of the City and County of Honolulu shall be leased, rented or let except under contract let after public advertisement for sealed tenders in the manner provided hereinafter.

Sec. 2. **Qualification of bidders.** Before any prospective bidder shall be entitled to submit any bid required under the provisions of Section 1 above, he shall, not less than six calendar days prior to the day designated for opening bids, give written notice to the Finance Director of his intention to bid, and the Finance Director shall satisfy himself of the prospective bidder's financial ability, experience and competence to carry out the terms and conditions of any contract that may be awarded. For this purpose, the Finance Director may require prospective bidders to submit answers, under oath, to questions contained in a questionnaire setting forth a complete statement of the experience, competence and financial standing of such prospective bidders. Whenever it appears to the Finance Director that any prospective bidder is not fully qualified and able to carry out the terms and conditions of the contract that may be awarded, he may after affording such prospective bidder an opportunity to be heard, refuse to receive or consider any bid offered by such prospective bidder. All information contained in the answers to questionnaires shall remain confidential, and any government officer or employee who knowingly divulges or permits to be divulged any such information to any person not fully entitled thereto shall be subject to penalties as provided by law. Questionnaires so submitted shall be returned to the bidders after having served their purpose.

#### Sec. 3. Advertisement for bids.

a. Publication of a call for tenders for the awarding of concessions or concession spaces shall be made at least on three sepa-

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rate days in a daily newspaper of general circulation in the City and County of Honolulu.

b. Publication of a call for tenders for leasing of real property or any improvements thereon, other than a concession or concession space, shall be made once a week for at least 2 weeks in a daily newspaper of general circulation in the City and County of Honolulu.

Sec. 4. **Cost of publication.** The Finance Director may require the party requesting the publication of a call for tenders to deposit with him a certified check or cash equal to or greater than the estimated cost of publishing the advertisement for bids, before said advertisement is published. The cost of publication may be deducted from said deposit and retained by the City and County if said party fails to submit a bid.

Sec. 5. **Bids: opening; rejection.** The time of opening of such tenders shall be not less than five days after the last publication. All bids shall be sealed and delivered to the Finance Director, and shall be opened by him at the hour and place to be stated in the call for tenders, in the presence of all bidders who attend, and may be inspected by any bidder. The Finance Director may reject any or all bids and waive any defects, when in his opinion such rejection or waiver will be for the best interests of the City and County.

Sec. 6. **Bids, withdrawal.** No bidder may withdraw his bid for a period of sixty (60) days after the opening thereof.

Sec. 7. **Deposits of legal tender, etc., to accompany bid.** All bids shall be accompanied by a deposit of legal tender or by a certified check payable to the Director of Finance drawn on a bank doing business within the State of Hawaii, for or in a sum equal to 5 per cent of the amount bid, or the sum of \$1,000, whichever is the lesser amount.

Sec. 8. **Forfeiture of deposits, etc.; return thereof.** If the bidder to whom the contract is awarded fails or neglects to enter into the contract and furnish satisfactory security, as required by Section 10 and 11 of this Policy, within ten (10) days after the award or within such further time as the Finance Director may allow, the Finance Director shall pay the deposit into the treasury as a realization of the City and County of Honolulu. If the contract is entered into and the security furnished within the required time, the deposit shall be returned to the successful bidder. Deposits made by the unsuccessful bidders shall be returned to them after the contract is entered into or, if the contract is not entered into, after the expiration of sixty (60) days after the opening of the bids or after the Finance Director publishes another call for tenders, whichever is sooner.

Sec. 9. **Bond may be substituted for deposits, etc.** In lieu of

## APPENDIX "D"

the deposit of legal tender or a certified check, a bid may be accompanied by a surety bond naming the City and County as obligee, with the bidder as principal, and a surety company, authorized to do business as such in this State, as surety, in a penal sum equal to the deposit required under Section 7 hereof, conditioned upon the bidder entering into the contract and furnishing the required security within ten days after the award or within such further time as the Finance Director may allow.

**Sec. 10. Contracts to be in writing; highest responsible bidder.** All such contracts shall be in writing, shall be executed by the Finance Director in the name of the City and County of Honolulu, and shall be made with the highest responsible bidder, if such bidder shall qualify by providing the security required hereinbelow. If the highest and best bid or any other bid has been rejected, or if the bidder to whom the contract was awarded has failed to enter into the contract and furnish satisfactory security, the Finance Director may, in his discretion, award the contract to the next highest responsible bidder.

**Sec. 11. Security deposit.** Before any contract is entered into, the bidder shall give security for the compliance therewith by deposit of an amount equal to two months' rental or other charge required under the contract. In lieu thereof, the Finance Director may accept good and sufficient bond for the said amount, naming the City and County as obligee, with the bidder as principal, and a surety company authorized to do business as such in this State, as surety.

**Sec. 12. Surety on bond; justification.** If the surety or sureties on such bond shall be other than a surety company authorized to do business under the laws of this State, there shall be not more than four such sureties who shall severally justify such amounts as, taken together, will aggregate the full amount of the bond; provided that in the case of such sureties they shall deposit with the Finance Director certified checks or certificates of deposit (payable on demand on or after such period as the Finance Director may stipulate) or bonds, stocks or other negotiable securities, or execute and deliver to such officer a deed or deeds of trust of real property, all of such character as shall be satisfactory to the Finance Director, in security equal to the full cash value of one hundred per cent of the amount for which each surety shall have assumed. The Finance Director may waive the necessity of furnishing such security, in cases where he is satisfied as to the financial responsibility of the proposed surety or sureties; provided that if there be but one personal surety, said surety shall justify the full amount of the bond.

**Sec. 13. Violation voids contract.** After the effective date of this policy, any contract awarded or executed in violation of this Policy shall be void and of no effect.

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Sec. 14. **Bidding not required, when.** The Finance Director may award contracts to lease, rent or let property on terms, conditions and rentals approved by the Corporation Counsel without calling for public bids when:

a) Concessions or concession spaces are set aside for the use of handicapped or blind persons or of any political or governmental subdivision of the federal, state or county governments;

b) Real property and/or improvements thereon have been acquired by the City and County of Honolulu by or under threat of, eminent domain proceedings and where immediate use of the property acquired is not necessary. Said property shall be rented on a month to month tenancy and shall be revocable at the option of the city after the tenant has been given 30 days written notice to vacate. The total tenancy under any such lease or rental agreement shall not exceed the period of one year from the date of acquisition of the property. No renewal or extension of said tenancy beyond the one year period shall be permitted without consent of the Council. The provisions of this paragraph shall not be construed as prohibiting the Finance Director from leasing, renting or letting said property by public bidding and for a period in excess of one year, pursuant to the provisions of this Policy.

c) Real property, including improvements thereon are leased, rented or let to employees of the City and County of Honolulu or the State. Said property shall be leased, rented or let only under the following conditions:

1) The party or parties to whom the property is leased, rented or let must be and continue to be an employee of the City and County of Honolulu or the State during the term of the demise; and

2) The leasing, renting or letting of property to said employee must be related to his employment;

d) Parking stalls or garages on school grounds are rented or let for use after school hours to persons approved by the principal of the school where such facilities are located.

e) School buildings or grounds are rented or let, with approval of the principal of the school involved, and the District Superintendent, Department of Public Instruction.

f) Real Property and/or improvements thereon are leased or let for a period not to exceed thirty (30) days. No extension of such lease shall be permitted without calling for public bids.

g) Real property, including improvements thereon, are leased, rented or let to any political or governmental subdivision of the federal, state or county governments.

h) Concession spaces are leased, rented or let for coin operated vending machines.

APPENDIX "D"

Sec. 14A. Whenever the Finance Director calls for public tenders for the renting, leasing or letting of city property or whenever the Finance Director rents, leases or lets city property under the provisions of Section 14 hereof, he shall give notice thereof to the Mayor and Council within 5 days after the call for public tenders has been made or within 5 days after the property has been demised pursuant to Section 14 hereof.

Sec. 15. This Policy shall take effect upon its approval and it shall apply to the granting or renewal of contracts, leases, licenses, permits or any other arrangement for the use of property owned or under the control and jurisdiction of the City and County of Honolulu.

(Approved by the City Council, January 12, 1960)

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Table I. Disposition Of Securities

Table II. Disposition Of Contracts

ANNOUNCEMENT

The Board of Directors of the City of New York has approved the proposed amendments to the Charter of the City of New York, which were adopted by the Board of Estimate and Finance on July 1, 1968. The amendments are contained in the attached report of the Board of Estimate and Finance, dated July 1, 1968, and in the proposed amendments to the Charter of the City of New York, which are attached hereto. The amendments are effective as to the City of New York on January 1, 1969.

Approved by the City Council, January 15, 1969.

The Board of Estimate and Finance has also approved the proposed amendments to the Charter of the City of New York, which were adopted by the Board of Estimate and Finance on July 1, 1968. The amendments are contained in the attached report of the Board of Estimate and Finance, dated July 1, 1968, and in the proposed amendments to the Charter of the City of New York, which are attached hereto. The amendments are effective as to the City of New York on January 1, 1969.

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**TABLES OF DISPOSITION**

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**Table I. Disposition Of Sections In Revised Ordinances  
Of 1957**

**Table II. Disposition Of Ordinances From January 1, 1958 to  
December 31, 1961**

## Tables Of Disposition

The following symbols are used in this Table :

- A — Appropriation And Supplementary Appropriation Ordinances
- B — Bond Ordinances
- C — Curb, Grade, Curblin And Set-Back Ordinances
- I — Improvement District And Frontage Improvement Ordinances
- F — Functus
- R — Repealed
- S — Salary Ordinances
- T — Traffic Code
- Z — Zoning And General Plan Ordinances

**TABLE I.**  
**DISPOSITION OF SECTIONS IN REVISED ORDINANCES OF 1957.**

1957	1961	1957	1961
1-1.1	1-1.1	8-5.1	8-5.1
1-2.1 to 1-2.4	1-2.1 to 1-2.4	8-6.1 and 8-6.2	8-6.1 and 8-6.2
1-3.1	Am. Ord. 1781	8-7.1 and 8-7.2	8-7.1 and 8-7.2
1-4.1 to 1-4.3	1-4.1 to 1-4.3	8-8.1 and 8-8.2	r
1-5.1	1-5.1	8-9.1	8-9.1
Chapt. 2	r	9-1.1 to 9-1.9	9-1.1 to 9-1.9
3-1.1 to 3-1.6	r	9-2.1	Am. Ord. 1853
3-2.1	r	9-2.2 to 9-2.6	9-2.2 to 9-2.6
3-2.2	3-7.1 to 3-7.7	9-3.1 to 9-3.10	9-3.1 to 9-3.10
3-2.3	r	9-4.1	Am. Ord. 1716
3-2.4	r	9-4.2	9-4.2
Chapt. 4	r	Chapt. 10	r
5-1.1 to 5-1.3	r	11-1.1 to 11-1.6	11-1.1 to 11-1.6
5-2.1 to 5-2.13	r	11-2.1 to 11-2.4	11-2.1 to 11-2.4
5-2.14	5-2.5	11-3.1 to 11-3.3	11-3.1 to 11-3.3
5-3.1 and 5-3.2	r	11-4.1 to 11-4.8	r
5-4.1 to 5-4.6	r	12-1.1 to 12-1.13	12-1.1 to 12-1.13
6-1.1 to 6-1.18	r	12-2.1 to 12-2.8	12-2.1 to 12-2.8
6-2.1 to 6-2.5	r	12-3.1 to 12-3.4	12-3.1 to 12-3.4
6-3.1 to 6-3.5	r	12-4.1 to 12-4.3	12-4.1 to 12-4.3
6-4.1 to 6-4.3	r	12-4.4	Am. Ord. 1771
6-4.4(pt)	6-1.3(pt)	12-4.5 and 12-4.6	12-4.5 and 12-4.6
6-4.5	6-1.4	13-1.1 to 13-1.9	13-1.1 to 13-1.9
6-5.1	r	13-2.1 to 13-2.4	13-2.1 to 13-2.4
6-6.1 to 6-6.3	r	13-3.1 to 13-3.3	13-3.1 to 13-3.3
6-6.4	6-3.4	13-4.1 to 13-4.3	13-4.1 to 13-4.3
6-6.5 to 6-6.8	r	13-5.1 to 13-5.4	13-5.1 to 13-5.4
6-7.1 to 6-7.5	r	13-6.1 to 13-6.8	13-6.1 to 13-6.8
6-7.6	7-2.4	13-7.1 to 13-7.7	13-7.1 to 13-7.7
6-8.1 to 6-8.3	r	13-8.1 and 13-8.2	13-8.1 and 13-8.2
6-8.4(pt)	6-2.2(pt)	13-8.3	Am. Ord. 1696
6-9.1	r	13-8.4	13-8.4
6-9.2	r	13-9.1 to 13-9.8	13-9.1 to 13-9.8
6-9.3	7-10.4	13-10.1 to 13-10.13	13-10.1 to 13-10.13
6-9.4	7-10.5	13-11.1 to 13-11.3	13-11.1 to 13-11.3
6-9.5	7-10.6	13-12.1	13-12.1
6-9.6	7-10.7	13-12.2	13-12.2
7-1.1 to 7-1.19	r	13-13.1 to 13-13.5	13-13.1 to 13-13.5
7-2.1 to 7-2.7	r	13-14.1	13-14.1
7-3.1 to 7-3.6	r	13-14.2	13-14.2
7-4.1 to 7-4.4	r	13-15.1	13-15.1
7-5.1 to 7-5.17	r	13-15.2	13-15.2
7-6.1 to 7-6.18	r	13-16.1 to 13-16.3	Am. Ord. 1717
7-7.1 to 7-7.34	r	13-17.1 to 13-17.5	13-17.1 to 13-17.5
7-8.1 to 7-8.38	r	13-18.1 to 13-18.5	13-18.1 to 13-18.5
7-9.1 and 7-9.2	r	13-19.1 to 13-19.8	13-19.1 to 13-19.8
7-10.1	r	13-20.1 to 13-20.4	13-20.1 to 13-20.4
7-11.1	r	13-21.1	13-21.1
7-12.1	r	13-21.2	13-21.2
7-12.2	7-13.1 to 7-13.3	13-22.1 to 13-22.5	13-22.1 to 13-22.5
8-1.1 to 8-1.4	Am. Ord. 1709	13-23.1	13-23.1
8-2.1	Am. Ord. 1709	13-23.2	13-23.2
8-3.1 and 8-3.2	Am. Ord. 1753	13-24.1	13-24.1
8-4.1	8-4.1	13-24.2	13-24.2

1957	1961	1957	1961
13-25.1	13-25.1	21-2.1	Am. CPC Res. 1008, Ord. 1944
13-26.1 to 13-26.10	13-26.1 to 13-26.10	21-2.2 to 21-2.10	21-2.2 to 21-2.10
13-27.1 to 13-27.6	13-27.1 to 13-27.6	21-2.11	Am. Ord. 1705
13-28.1 to 13-28.6	13-28.1 to 13-28.6	21-3.1	21-3.1
14-1.1	Am. Ord. 1940	21-4.1	Am. CPC Res. 984, Ord. 1847
14-1.2 to 14-1.17	14-1.2 to 14-1.17	21-4.2	21-4.2
14-1.18	Am. Ord. 1946	21-5.1 to 21-5.4	21-5.1 to 21-5.4
15-1.1	15-1.1	21-6.1	r
16-1.1	Am. Ord. 1704	21-7.1	Am. Ord. 2037
16-2.1 to 16-2.77	16-1.1	21-7.2	Am. Ord. 2037
16-3.1 to 16-3.6	16-3.1 to 16-3.6	21-7.3	21-7.3
16-3.7	16-3.8	21-8.1	Am. CPC Res. 1008
16-4.1 to 16-4.20	r	21-8.2 to 21-8.6	21-8.2 to 21-8.6
17-1.1 et. seq.	r	22-1.1 to 22-1.4	22-1.1 to 22-1.4
18-1.1 to 18-1.9	18-1.1 to 18-1.9	22-2.1 to 22-2.3	r
19-1.1 et. seq.	r	22-3.1	r
20-1.1 to 20-1.7	20-1.1 to 20-1.7	23-1.1 to 23-1.2	23-1.1 to 23-1.2
20-2.1 to 20-2.3	20-2.1 to 20-2.3	23-1.3	Am. Ord. 1643
20-2.4	Am. Ord. 1978	23-1.4	23-1.4
20-2.5 and 20-2.6	20-2.5 and 20-2.6	23-2.1	23-2.1
20-2.7	Am. Ord. 1987	23-2.2	Am. Ord. 1643
20-2.8 to 20-2.11	20-2.8 to 20-2.11	23-2.3	23-2.3
20-3.1 and 20-3.2	20-3.1 and 20-3.2	23-2.4	Am. Ord. 1643 and 1884
20-4.1 and 20-4.2	20-4.1 and 20-4.2	23-2.5 to 23-2.7	23-2.5 to 23-2.7
21-1.1	21-1.1	23-3.1 and 23-3.2	Am. Ord. 1643
21-1.2	Am. Ord. 1703, 1737	23-3.3 and 23-3.4	23-3.3 and 23-3.4
21-1.3	Am. Ord. 1742	23-4.1	23-4.1
21-1.4 to 21-1.6	21-1.4 to 21-1.6	23-4.2	23-4.2

TABLE II. DISPOSITION OF ORDINANCES FROM JANUARY 1, 1958  
TO DECEMBER 31, 1961.

1621		T	77	A
22		I	78	I
23		I	79	I
24		T	80	S
25		C	1681	I
26		A	82	T
27		I	83	S
28		A	84	A
29		A	85	I
30		T	86	T
1631		A	87	A
32		A	88	A
33		C	89	R
34		S	90	R
35		A	1691	A
36		C	92	ROH 16-1.1(10)
37	ROH 21-1.2		93	T
38	ROH 22-2.1 to 22-2.3		94	T
39		C	95	S
40		A	96	R
1641	ROH 6-3.2		97	ROH 13-29.1 to 13-29.4
42		S	98	F
43	ROH 23-1.3, 2.2, 2.4, 3.1, 3.2		99	C
44		C	1700	C
45		C	1701	A
46	ROH 16-1.1(3)		02	I
47	ROH 16-3.7		03	F
48		A	04	ROH 16-1.1(7), (8), (14), (25), (26), (27), (32), (40), (49), (57), (59), (60)
49		T		ROH 21-2.11
50		I		A
1651		F	05	T
52		R	06	A
53		A	07	T
54		A	08	A
55		I	09	ROH 8-1.1 to 8-1.4, 8-2.1
56		I	10	R
57		C	1711	F
58		A	12	R
59		I	13	A
60		S	14	A
1661		C	15	I
62		F	16	F
63		A	17	ROH 13-16.1 to 13-16.4
64	ROH 16-1.1(65)		18	C
65		C	19	ROH 24-1.1 et. seq.
66		I	20	I
67		I	1721	ROH 17-1.1 et. seq.
68	ROH 16-1.1(61)		22	C
69		I	23	B
70		C	24	A
1671		I	25	A
72		T	26	F
73		A	27	ROH 19-1.1
74		A	28	ROH 19-1.1
75		I	29	A
76		A	30	ROH 1-6.1, 6.2

1731		T	90		S
32		T	1791		T
33		T	92	ROH 8-8.1, 8.2	Z
34		T	93		Z
35		T	94		Z
36		T	95		Z
37		I	96		I
38		A	97		C
39	ROH 21-1.2		98	ROH 24-3.6	C
40		T	99		C
1741		C	1800		Z
42	ROH 21-1.3		1801		Z
43		A	02		T
44		Z	03	ROH 16-1.1(2)	Z
45		Z	04		Z
46		Z	05		A
47		A	06	ROH 4-2.10	
48		Z	07	ROH 17-1.2, 2.1	Z
49		T	08		Z
50		T	09		Z
1751		A	10		Z
52		A	1811		Z
53	ROH 8-3.1 to 8-3.3		12		Z
54		A	13		Z
55		T	14		T
56		T	15	ROH 21-6.1 to 21-6.4	T
57		T	16		T
58		T	17		T
59		T	18		A
60		I	19		Z
1761	ROH 8-10.1, 10.2		20		Z
62		S	1821		Z
63		Z	22		Z
64		Z	23		Z
65		A	24		Z
66		A	25		Z
67		A	26		T
68		A	27	ROH 24-2.1	Z
69		Z	28	ROH 10-1.1, 2.1	Z
70		F	29		Z
1771	ROH 12-4.4		30	ROH 17-1.3	Z
72		T	1931		Z
73		R	32		A
74		Z	33		A
75		Z	34		Z
76		Z	35	ROH 19-1.1	Z
77		Z	36		Z
78		A	37		Z
79		A	38		Z
80		I	39		Z
1781	ROH Chapter 3-7 (inc.)		40		Z
82		Z	1841		Z
83		Z	42		T
84		Z	43		Z
85		Z	44		Z
86		Z	45		Z
87		Z	46		I
88		Z	47	ROH 21-4.1	I
89		Z	48		I

49	T	08	Z
50	Z	09	Z
1851	I	10	R
52	Z	1911	T
53	ROH 9-2.1	12	T
54	Z	13	C
55	Z	14	I
56	F	15	Z
57	A	16	Z
58	A	17	T
59	A	18	A
60	Z	19	ROH 16-1.1(6), (35)
1861	A	20	A
62	Z	1921	Z
63	Z	22	Z
64	Z	23	Z
65	Z	24	ROH 19-1.1
66	Z	25	A
67	T	26	A
68	Z	27	Z
69	B-R	28	Z
70	A	29	T
1871	A	30	I
72	Z	1931	Z
73	Z	32	Z
74	Z	33	T
75	Z	34	A
76	Z	35	Z
77	Z	36	Z
78	C	37	A
79	T	38	I
80	ROH 24-4.2	39	C
1881	Z	40	ROH 14-1.1, 1.18
82	ROH 21-9.1	1941	T
83	Z	42	A
84	ROH 23-2.4	43	Z
85	Z	44	ROH 21-2.1
86	T	45	T
87	A	46	Z
88	B	47	T
89	ROH 21-11.1 to 21-11.3	48	Z
90	Z	49	Z
1891	Z	50	H
92	T	1951	ROH 8-11.1
93	T	52	T
94	B-F	53	ROH 17-3.1, 3.2, 4.1, 4.3, 4.6, 4.9, 6.1
95	Z	54	T
96	A	55	I
97	Z	56	Z
98	C	57	I
99	C	58	ROH 11-4.1 to 11-4.3
1900	Z	59	T
1901	A	60	T
02	T	1961	A
03	Z	62	I
04	T	63	T
05	T	64	B
06	Z	65	T
07	T		

66		T	25	Z
67		Z	26	F
68		Z	27	T
69		T	28	A
70		T	29	Z
1971		T	30	F
72		T	2031	ROH 8-12.1 to 8-12.3
73	ROH 16-1.1(39)		32	T
74		S	33	Z
75		Z	34	Z
76		S	35	ROH 16-1.1(28A), (29A), (30A)
77		T		Z
78		Z	36	ROH 21-7.1 and 21-7.2
79		Z	37	T
80		Z	38	ROH 5-4.4
1981		T	39	ROH 22-3.1 to 22-3.13
82		Z	40	
83		A	2041	
84		A	42	
85		Z	43	F
86		T	44	T
87	ROH 20-2.4, 2.7		45	A
88		T	46	T
89		Z	47	Z
90		Z	48	Z
1991		Z	49	Z
92		A	50	Z
93		A	2051	I
94		T	52	I
95		C	53	I
96	ROH 20-5.1 to 20-5.3		54	T
97		T	55	Z
98		C	56	B
99		A	57	A
2000		A	58	T
2001		Z	59	C
02		T	60	C
03		A	2061	T
04		A	62	ROH 11-2.4, 11-3.3
05		A	63	ROH 4-2.10
06		A	64	C
07	ROH 21-10.1 to 21-10.7		65	Z
08		I	66	Z
09		Z	67	Z
10		Z	68	Z
2011		B	69	T
12		B	70	T
13		Z	2071	T
14		C	72	Z
15		T	73	ROH 13-18.2
16		Z	74	ROH 21-9.1
17		T	75	Z
18		T	76	Z
19		T	77	Z
20	ROH 24-5.1		78	T
2021		Z	79	Z
22	ROH 16-1.1(60A)		80	Z
23	ROH 24-1.2A		2081	T
24		Z	82	A

2083  
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T  
ROH 22-3.10  
Z  
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T

C.P.C.  
Res.  
937  
984  
1004  
1008  
1017

ROH 21-3.2  
ROH 21-4.1  
ROH 21-3.3, 3.4  
ROH 21-2.1, 21-8.1  
ROH 21-9.2

1908	1907	T	1908
1907	1906	OLSEN HON	1907
1906	1905	N	1906
1905	1904	T	1905
1904	1903	T	1904
1903	1902		
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