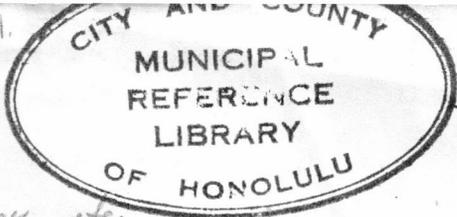


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Aug. 20, 1980.

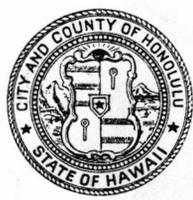


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1969

Honolulu Ordinances, etc.

THE REVISED ORDINANCES OF HONOLULU 1969

Comprising the Ordinances of the
CITY AND COUNTY OF HONOLULU,
Ordinance No. 2088 through Ordinance No. 3507
December 31, 1969



PUBLISHED BY AUTHORITY

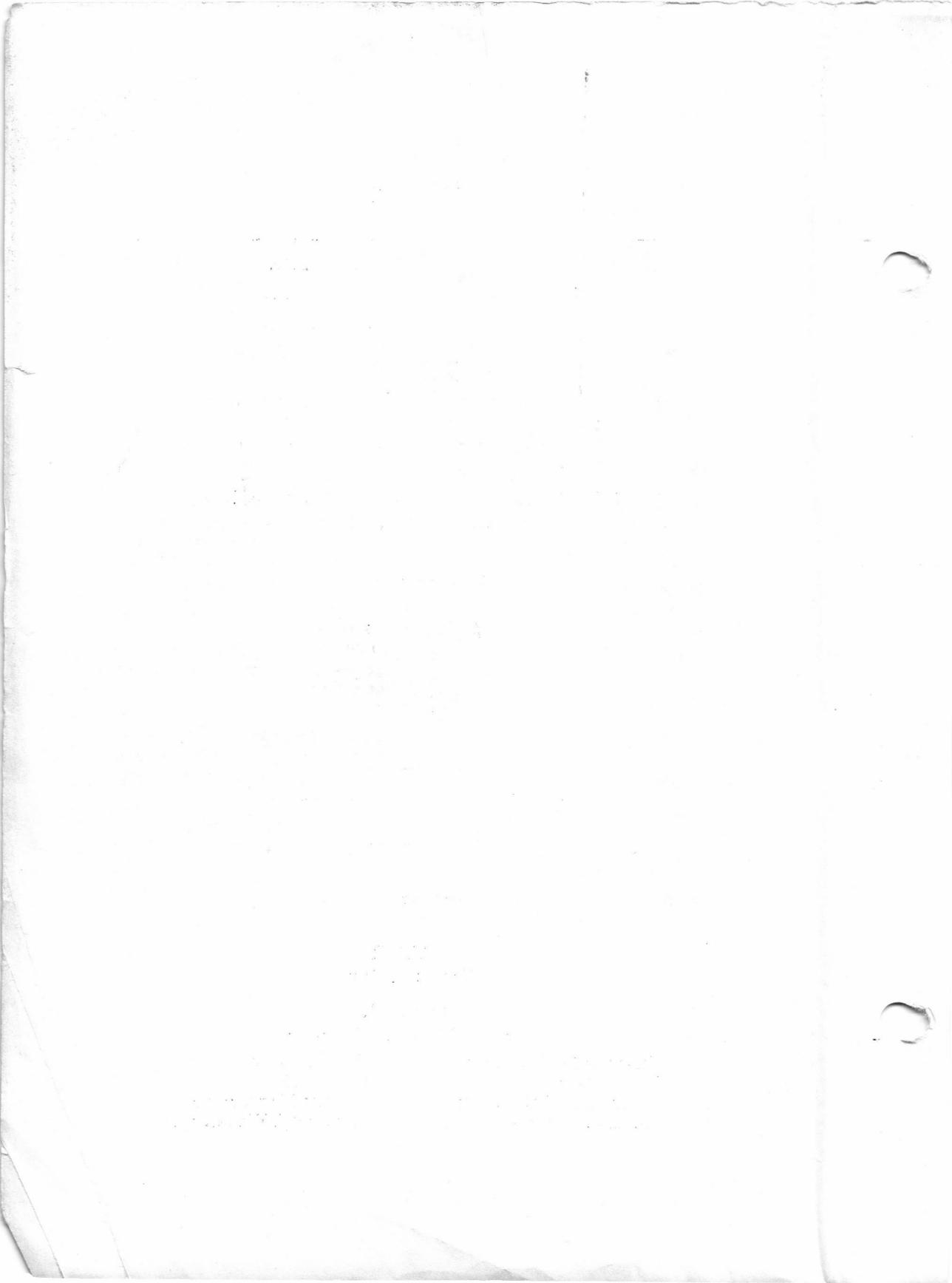
Effective Date.....^{DEC 3 1971}

MAYOR
FRANK F. FASI

COUNCIL
WALTER M. HEEN, *Chairman*

CHARLES M. CAMPBELL
BRIAN CASEY
CLESSON Y. CHIKASUYE
(Mrs.) MARY GEORGE

BEN F. KAITO
GEORGE KOGA
TORAKI MATSUMOTO
HERMAN J. WEDEMEYER



FOREWORD

This is the third compilation and revision of the ordinances of the City and County of Honolulu since 1957.

The basic format of this compilation and revision is similar to prior compilations and revisions of the ordinances of the City and County of Honolulu, which encompasses approximately 200 ordinances out of 1,452 ordinances of the City and County of Honolulu which were enacted as of May 31, 1961. As in the prior sets of the ordinances, the Building Code and the Traffic Code were incorporated by reference; however, we have incorporated by reference additional codes: they are the Comprehensive Zoning Code, the Electrical Code, and the Plumbing Code. These codes were incorporated by reference because they lend themselves to separate codification and compilation.

The number of ordinances which directly amended provisions contained in the Revised Ordinances of Honolulu, 1961, and the development of the Comprehensive Zoning Code, the Electrical Code, and the Plumbing Code reflects the socio-economic and physical growth of the City and County of Honolulu and the myriad problems which accompany such growth.

Efforts of the entire staff, and in particular, the contributions of the legal and secretarial staff of the counselling and drafting division, headed by Yoshiaki Nakamoto, Esq., are gratefully acknowledged.

PAUL DEVENS
Corporation Counsel

Honolulu, Hawaii
November 15, 1971

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PREFACE

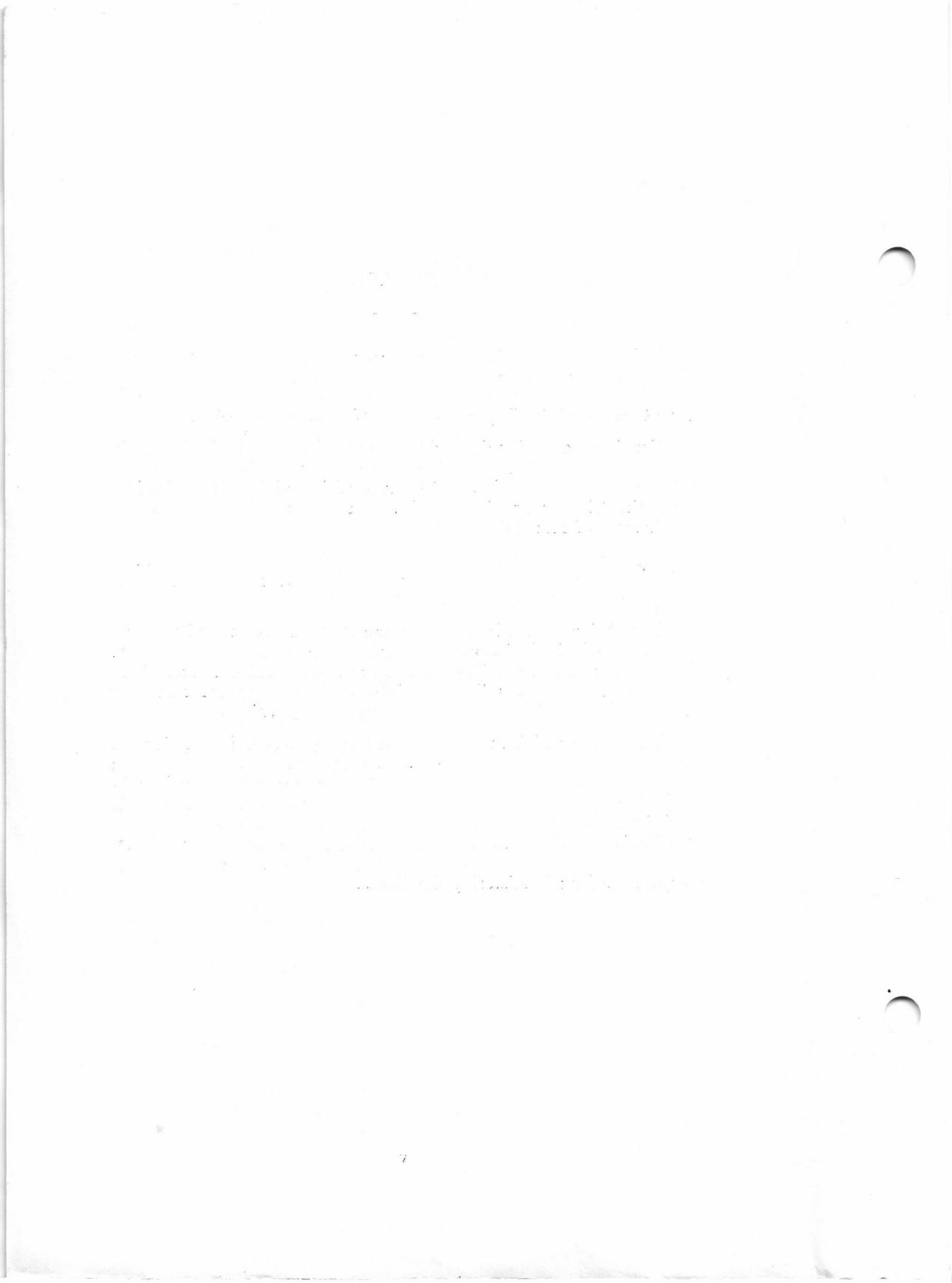
This set of the Revised Ordinances of Honolulu, 1969, constitutes the second revision and recodification of the general ordinances of the City and County of Honolulu since the adoption of the home rule type Charter of the City and County of Honolulu in 1959.

For the reasons that the said Charter can be found in the Appendix to Title 6 of HRS, and individual copies can be obtained from the Finance Department, City and County of Honolulu, Honolulu, Hawaii, the Charter has been omitted from this volume of Revised Ordinances of Honolulu, 1969.

This set contains the ordinances of a general and permanent nature enacted prior to December 31, 1969, which we consider as being desirable for retention.

In addition, resolutions such as the lease and rental policies, and ordinances of a limited nature, such as improvement districts, frontage improvements, setback lines, and other similar subjects have been included in the Appendices for informational purposes and they are not to be cited or considered as part of this volume.

The Codes which are incorporated by references in the Revised Ordinances of Honolulu, 1969, i.e., the Comprehensive Zoning Code (Ordinance 3234), the Traffic Code (Ordinance 3744), the Plumbing Code (Ordinance 3336), the Electrical Code (Ordinance 2541), and the Building Code (Ordinance 3251), have been excluded from the Revised Ordinances of Honolulu, 1969. The incorporated Codes are on file and open to inspection by the public at the departments responsible for administering the Codes.



AN ORDINANCE adopting the Revised Ordinances of Honolulu 1969, declaring the effect thereof, providing for the effective date thereof, and repealing the Revised Ordinances of Honolulu 1961.

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 (Appendix to Title 6 of HRS and Act 46, SLH 1970), that the 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 designed as "REVISED ORDINANCES OF HONOLULU 1969," and its official abbreviated designation shall be "R.O. 1969."

Section 2. Repeal; exception. The Revised Ordinances of Honolulu 1961, as amended, is hereby repealed except as herein provided:

(a) That all ordinances, amending the Revised Ordinances of Honolulu 1961 which are adopted and effective after December 31, 1969, and which are omitted from the Revised Ordinances of Honolulu 1969 shall not be deemed to have been repealed, but shall be continued in full force and effect unimpaired by the Revised Ordinances of Honolulu 1969.

(b) That the repeal of the Revised Ordinances of Honolulu 1961, 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 1961, 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 1961, or any part thereof, shall be repealed or altered by the Revised Ordinances of Honolulu 1969, shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeiture shall be instituted and proceeded within all respects as if such Revised Ordinances of Honolulu 1961, 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, setback lines and other similar subjects shall be affected by the repealing clause of this ordinance.

Section 3. Construction of Revised Ordinances. Provisions in the Revised Ordinances of Honolulu 1969, 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 1969, 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. Photocopies of the Revised Ordinances of Honolulu 1969, are available for examination at the Clerk's Office.

Section 6. Effective date. This ordinance shall take effect upon the first day the Revised Ordinances of 1969 shall go on public sale.

INTRODUCED BY :

(S) MARY GEORGE

(S) GEORGE KOGA

Councilmen

DATE OF INTRODUCTION :

September 15, 1970

Honolulu, Hawaii

Approved as to form and legality :

(S) YOSHIAKI NAKAMOTO

Deputy Corporation Counsel

Approved this 22nd day of October, 1970.

(S) FRANK F. FASI

Mayor, City and County of Honolulu

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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 1969" and its official abbreviated designation shall be "R.O. 1969." (Sec. 1-1.1, R.O. 1961)

Article 2. Construction Of Ordinances.

Sec. 1-2.1. Construction Of Revised Ordinances Of Honolulu 1969.

In the construction of the Revised Ordinances of Honolulu 1969 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. 1961)

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

Am. 8/16/79
Ord. 79-75

Am. 8/16/79
Ord. 79-75

contain any express provision excluding such construction, or when the subject matter or context of a provision of the Revised Ordinances may be repugnant thereto. (Sec. 1-2.2, R.O. 1961)

Am. 8/16/79
Ord. 79-75

**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 are enacted later in time shall prevail unless such construction be inconsistent with the meaning of such Chapter. (Sec. 1-2.3, R.O. 1961)

Am. 8/16/79
Ord. 79-75

Sec. 1-2.4. Penalty Where No Penalty Provided.¹

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. 1961)

Am. 8/16/79
Ord. 79-75

Am. 1/15/78 - Sec. 1-2.5 Penalties for Violations of City Charter
Ord. 4076
Am. 2/12/74
Ord. 4348

Article 3. Definitions.²

Am. 8/16/79
Ord. 79-75

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.

1. Maximum fine set, § 70-86, HRS.
Misdemeanor cases, § 712-2, HRS.
2. cf. § 12-101, Charter.

Am. 2/8/79
Ord. 79-5

3
Sec. 1-2.6. Refusal to provide identification

(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.

(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.³

(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. 1961)

3. Defined, § 70-1, HRS.

Article 4. Repeal Of Resolutions Or Ordinances.

Am. 8/16/79
Ord. 79-75

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. 1961)

sec. 1-4.2 - Sec 1-4.*

Am. 8/16/79
Ord. 79-75

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 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. 1961)

Am. 8/16/79
Ord. 79-75

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. 1961)

Article 5. Severability.

Am. 8/16/79
Ord. 79-75

Sec. 1-5.1. General Provisions.

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. 1961)

Article 6. City Seal.

Am. 9/9/76
Ord. 4628

Sec. 1-6.1. Adoption.⁴

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. (Sec. 1-6.1, R.O. 1961)

4. Authorized, § 70-89, HRS. 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. 6/23/76
Ord. 4604
Am. 4/5/76
Ord. 4653

Sec. 1-6.2. Seal; Unauthorized Use
5

Article 7. Continuity In Government.

Sec. 1-7.1. Purpose.

The purpose of this Article is to provide for an order of succession and the designation of stand-by officers to the offices of the Mayor and Councilmen in the event of any vacancy in such offices, or in the event of unavailability of any councilman, resulting from a civil defense emergency. (Am. Ord. 2784)

Sec. 1-7.2. Definitions.

(a) The term "civil defense emergency" shall mean any disaster or emergency of great destructiveness resulting from enemy attack, sabotage or other hostile action, upon the basis of which the existence of a state of civil defense emergency is proclaimed.

(b) The term "stand-by officers" means persons who shall function with all the powers, responsibilities and duties of the office for which they have been designated in the event of the unavailability of the officers for whom they stand-by, during a period of a civil defense emergency as in this Article provided. (Am. Ord. 2784)

Sec. 1-7.3. Determination As To Unavailability.

The determination as to whether a particular officer is unavailable during a civil defense emergency period shall be made by the City Council or the remaining available members of the Council. (Am. Ord. 2784)

Sec. 1-7.4. Succession To Office Of Mayor.

(a) In the event that the Office of the Mayor becomes vacant during a civil defense emergency period, the vacancy shall be filled as provided by Act 261, S.L.H. 1959 (City Charter).

(b) If the vacancy referred to in subsection (a) of this Section cannot be filled in conformity with the provisions of Act 261, S.L.H. 1959 (City Charter), the following shall serve as stand-by officers for the Office of Mayor in the order of succession set forth hereinbelow:

- (1) The Chairman of the City Council.
- (2) The Vice-Chairman of the City Council.

(3) Councilmen-at-large in the order of the longest continuous tenure; provided that, if there are two or more councilmen with equal length of tenure, then the councilman polling the larger number of votes in the preceding general election shall be prior in the order of succession.

(4) District Councilmen in the order of the longest continuous tenure; provided that, if there are two or more district councilmen with equal length of tenure, then the councilman polling the larger number of votes in the preceding general election shall be prior in the order of succession.

(5) The Managing Director.

(c) Pending the assumption of office by any councilman as hereinabove provided, or in case of a temporary absence from the State, or temporary disability or unavailability of the Mayor, the Managing Director shall act as Mayor. If the Managing Director should resign or be unable to act, the Budget Director shall then act as Mayor. (Am. Ord. 2784)

Sec. 1-7.5. Succession To Office Of Councilman.

(a) In the event that a vacancy occurs in the office of a councilman during a civil defense emergency period, the vacancy shall be filled as provided by Act 261, S.L.H. 1959 (City Charter).

(b) In the event that the vacancy referred to in subsection (a) above cannot be filled in the manner prescribed therein, the remaining members of the Council shall appoint a successor possessing the requisite qualifications to fill the vacancy.

(c) If the provisions of subsections (a) and (b) above cannot be complied with within seven calendar days after the occurrence of a civil defense emergency, the Mayor shall appoint the successor to the office of any councilman which is vacant or for which a councilman is otherwise unavailable; provided that any person so appointed shall have the requisite qualifications specified by Act 261, S.L.H. 1959 (City Charter). (Am. Ord. 2784)

Sec. 1-7.6. Succession To Office Of Chairman Or Vice-Chairman.

(a) In the event of a vacancy in the office of Chairman or Vice-Chairman of the Council, the Council shall elect one of its members as the successor to such office as provided by Act 261, S.L.H. 1959 (City Charter).

(b) In the event that both the Chairman and Vice-Chairman are unavailable during a civil defense emergency period, the Council shall appoint a presiding officer pro tempore from its membership. (Am. Ord. 2784)

Sec. 1-7.7. Term Of Office.

(a) Any person who assumes the Office of Mayor or of a councilman due to a vacancy in such office shall continue in office for the unexpired term, if such unexpired term is for less than one year.

If the unexpired term is for one year or more, such person shall continue in office until a successor is chosen pursuant to the provisions of Act 261, S.L.H. 1959 (City Charter); provided that, if the existence of the civil defense emergency prevents compliance with the provisions of said Act 261, the person filling the vacancy shall continue in office until a successor has been chosen as provided by law.

(b) Any person who assumes the office of a councilman during a civil defense emergency period, other than to fill a vacancy, shall continue in office until the original incumbent becomes available or, if the original incumbent remains unavailable, then for the duration of the civil defense emergency period and thereafter, until a successor has been chosen as provided by Act 261, S.L.H. 1959 (City Charter). (Am. Ord. 2784)

Sec. 1-7.8. Effect Of Succession To Office.

In the event that any councilman or the Managing Director assumes the Office of Mayor because of a vacancy in the Office of the Mayor, then a vacancy shall exist in the office of councilman or the Managing Director, as the case may be. (Am. Ord. 2784)

Sec. 1-7.9. Stand-by Officers; Compensation.

(a) Persons designated as stand-by officers for the Mayor or Councilmen shall receive no compensation for such designation as stand-by officers.

(b) In the event of a vacancy in any such office, the person filling the vacancy shall be entitled to the compensation attaching to such office.

(c) In the event any person assumes the office of a councilman during a civil defense emergency, other than to fill a vacancy, such person shall be entitled to compensation, as may be provided by ordinance, while performing the duties and functions of such office. (Am. Ord. 2784)

Am. 11/18/75 Article 8. Intergovernmental Relations.
Ord. 4526

Am. 4/3/79 Article ____ Authority of Executive Agency to Adopt
Ord. 79-21 Rules & Regulations

Legislative Branch
TITLE II ~~(Reserved)~~

Am. 6/2/80
Ord. 80-29

Article 1. Legislative hearings & procedure

THE UNIVERSITY OF CHICAGO

1960

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.

Ord. no. 4286
3/17/74

Article 6. ~~(Reserved)~~. *Temporary Vacancies on Boards, Commissions, & Committees.*

Article 7. Major Disaster Council.

- § 3-7.1. Creation Of Major Disaster Council.
- § 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.⁵

Sec. 3-1.1. Election And Term Of Office.⁶

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 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. (Sec. 3-1.1, R.O. 1961)

Sec. 3-1.2. Powers, Duties And Functions.⁷

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

5. In general, Chap. 1, Art. V, Charter.

6. Same, § 5-101, Charter.

7. Same, § 5-104, Charter.

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.

(n) Exercise such other powers and perform such other duties as may be prescribed by the Charter or by ordinance. (Sec. 3-1.2, R.O. 1961)

Article 2. Managing Director.⁸

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. (Sec. 3-2.1, R.O. 1961)

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. (Sec. 3-2.2, R.O. 1961)

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

Article 3. Budget Director.⁹

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. (Sec. 3-3.1, R.O. 1961)

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.

(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. (Sec. 3-3.2, R.O. 1961)

Article 4. Director Of Information And Complaint.¹⁰

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. (Sec. 3-4.1, R.O. 1961)

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. (Sec. 3-4.2, R.O. 1961)

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

10. Same, § 5-107, Charter.

Civil service status of employees, § 5-603 (b), Charter.

Am. 5/10/76
Ord. 4586

Article 5. Municipal Reference Library.¹¹

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. (Sec. 3-5.1, R.O. 1961)

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 collections, and to make available to any officer or employee of the City government information on any subject desired. (Sec. 3-5.2, R.O. 1961)

Article 6. (Reserved).

Temporary Vacancies on Boards, Commissions & Committees
Adopted 3/12/74
Ord. no. 4286

Rep. 5/24/74
Ord. 4316

Article 7. Major Disaster Council.

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

Rep. 5/24/74
Ord. 4316

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. 3-7.1, R.O. 1961)

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

Rep. 5/24/74
Ord. 4316

(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;

11. Civil service status of employees, § 5-603 (b), Charter.

(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 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. 3-7.2, R.O. 1961)

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

Rep. 5/24/74
Ord. 4316
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. 3-7.3, R.O. 1961)

Sec. 3-7.4. Coordinator.

Rep. 5/24/74
Ord. 4316
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. 3-7.4, R.O. 1961)

Sec. 3-7.5. Divisions.

Rep. 5/24/74
Ord. 4316
(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. 3-7.5, R.O. 1961)

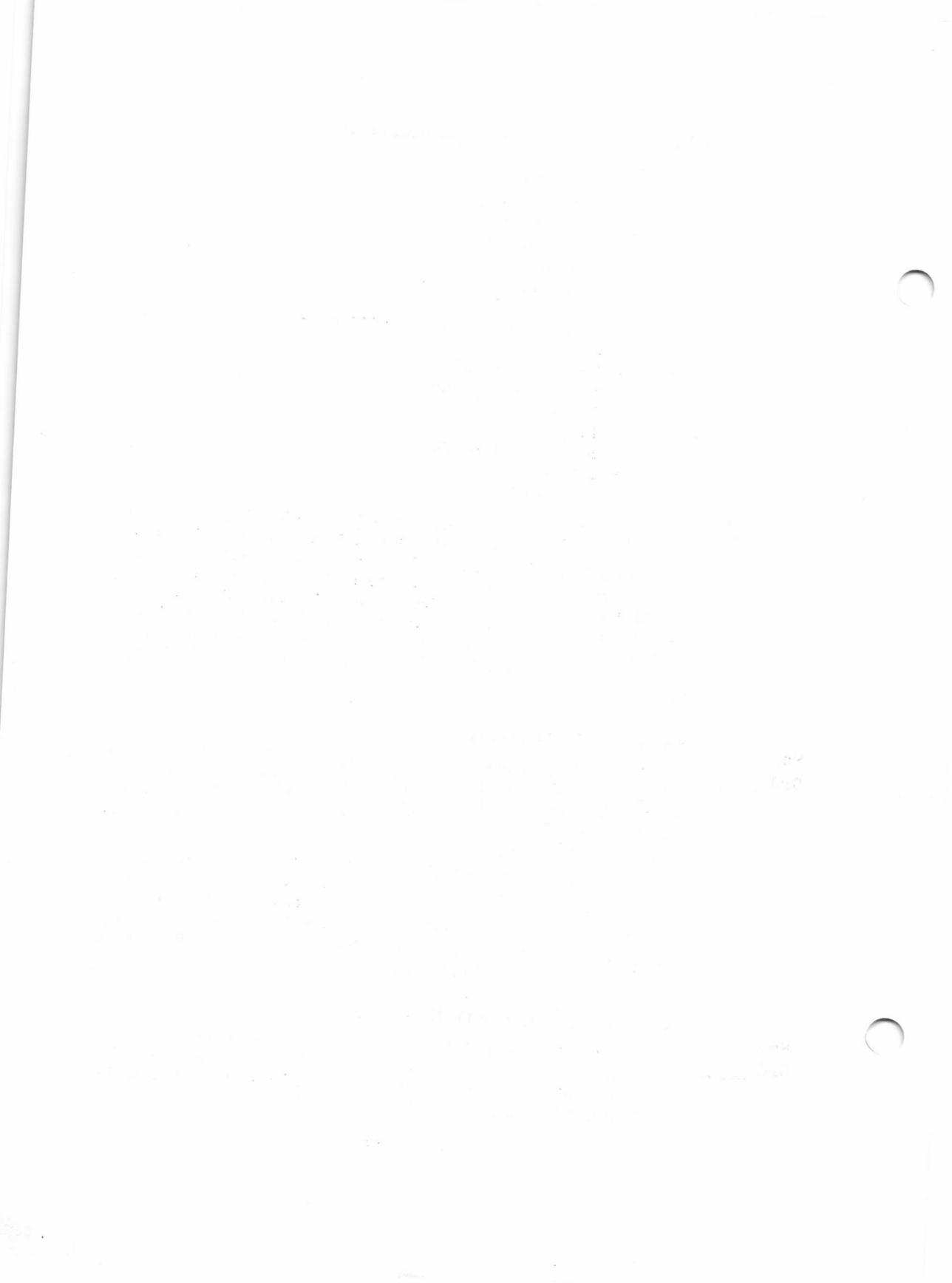
Rep. 5/24/74
Ord. 4316 **Sec. 3-7.6. Headquarters.**

(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. 3-7.6, R.O. 1961)

Rep. 5/24/74
Ord. 4316 **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. 3-7.7, R.O. 1961)



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 Required.
- § 4-3.2. Amount And Conditions Of Bonds.
- § 4-3.3. Additional Bonds.
- § 4-3.4. Liability Of Officers, Deputies, Assistants, Clerks, Or Employees On Bonds.
- § 4-3.5. Liability For Unauthorized Demands.

Article 1. Executive Agencies.¹²

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 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
Department.....Director of Information Systems

12. Term of office, § 12-114, Charter.
 Oath of office, § 12-115, Charter.
 Dual offices, prohibited § 12-116, Charter.

(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
- 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
- Oahu Committee on Children and Youth.....Chairman
- Poundmasters.....Poundmasters
- District Court Personnel.....Chief Magistrate
- Public School Custodian Service Personnel.....State Department of Education (Sec. 4-1.1, R.O. 1961 ; Am. Ord. 3477)

Am. 3/13/72
Ord. 3902 →

Article 2. General Duties And Powers.

Sec. 4-2.1. Officers.¹³

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. (Sec. 4-2.1, R.O. 1961)

13. Officers defined, § 12-101.4, Charter ; § 1-3.1 (d), R.O. 1969.
 Prohibition from receiving master's fee, § 78-7, HRS.
 Permitting coffee break, § 80-2, HRS.
 Outside employment prohibited, § 78-6, HRS.

Sec. 4-2.2. Appointment And Removal Of Officers And Employees.¹⁴

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

(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. (Sec. 4-2.2, R.O. 1961)

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. (Sec. 4-2.3, R.O. 1961)

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. (Sec. 4-2.4, R.O. 1961)

¹⁴. Limitation of salary of First deputy or Assistant, § 46-24, HRS. Civil service exemptions, § 5-603, Charter.

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 and service to the public. (Sec. 4-2.5, R.O. 1961)

Sec. 4-2.6. Records.¹⁵

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. (Sec. 4-2.6, R.O. 1961)

Sec. 4-2.7. Cooperation With Other Agencies.¹⁶

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. (Sec. 4-2.7, R.O. 1961)

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. (Sec. 4-2.8, R.O. 1961)

Sec. 4-2.9. Acting Agency Head.

Am. 3/15/77
Ord. 77-20

(a) Absence Due to Illness, Incapacity or Temporary Absence from the City; or When Vacancy Occurs.

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 that 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.

¹⁵. Open to public inspection, § 12-110, Charter; superseding §§ 92-1 to 6, HRS.

¹⁶. Coordination with other agencies, § 12-117, Charter; other governments, § 12-118, Charter.

(b) Additional Compensation for Temporary Absence of Agency Head.

Any person designated as acting agency head pursuant to subsection (a) hereof shall not be entitled to the compensation received by the agency head; provided that if an agency head's illness, incapacity or temporary absence from the City exceeds ten (10) continuous working days involving a single occurrence, such acting agency head shall be entitled to compensation paid to the agency head until the agency head returns; provided further that such additional compensation shall be paid to the acting agency head retroactive to the termination of the ten (10) day waiting period.

(c) Additional Compensation When Vacancy Occurs.

Any person designated as acting agency head pursuant to subsection (a) hereof shall not be entitled to the compensation received by the agency head; provided that if such vacancy exceeds ten (10) continuous working days involving a single occurrence, such acting agency head shall be entitled to compensation paid to the agency head until the position is filled; provided further that such additional compensation shall be paid to the acting agency head retroactive to the termination of the ten (10) day waiting period. (Sec. 4-2.9, R.O. 1961; Am. Ord. 3499)

Sec. 4-2.10. Service Awards.*

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 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. (Sec. 4-2.10, R.O. 1961)

Article 3. Bonds Of Officers.¹⁷

Sec. 4-3.1. Bonds Required.

Bonds required of each officer and appointed deputy. Before

* Functus. See Chapter 82, HRS.

¹⁷. In custody of Director of Finance, § 5-403(o), Charter; § 5-2.2(n) R.O. 1969.

Bond required, § 9-404, Charter.

Am. 9/12/72
Ord. 4002

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. (Sec. 4-3.1, R.O. 1961)

Am. 9/12/72
 Ord. 4002
 Am. 2/4/76
 Ord. 4562

Sec. 4-3.2. Amount And Conditions Of Bonds.

The individual and/or blanket position bonds to cover all positions of the City and County of Honolulu, except the Board of Water Supply, shall be procured by the Director of Finance as follows:

(a) Individual bonds, for officers elected or appointed to specific positions hereinbelow enumerated, in the respective amounts designated:

City Councilmen (9).....	\$ 5,000.00
Mayor	10,000.00
Director of Finance.....	25,000.00
Manager and Deputy Manager, Honolulu Redevelopment Agency.....	25,000.00
Chairman, Motor Vehicle Dealers Licensing Board	5,000.00
Chief of Police.....	10,000.00
Chairman, Police Commission.....	10,000.00

(b) Public employees faithful performance blanket position bond in the amount of \$5,000.00 for all other officers and employees, not specifically enumerated in subsection (a) hereof but excluding officers and employees of the Board of Water Supply, subject to specific excess indemnity coverage as follows:

Budget Director	\$ 5,000.00
Chief Clerk, Honolulu District Court.....	5,000.00
Deputy Director of Finance.....	5,000.00
Licensing Officer, Division of Licensing.....	5,000.00
Deputy Registrar, Division of Licensing.....	5,000.00
Purchasing Administrator, Division of Purchasing	5,000.00
Chief Buyer, Division of Purchasing.....	5,000.00
Chief of Treasury, Division of Treasury.....	10,000.00
Assistant Chief of Treasury, Division of Treasury.....	5,000.00
Paying Teller, Division of Treasury.....	10,000.00
Receiving Teller, Division of Treasury.....	10,000.00
Building Superintendent	5,000.00
City and County Physician.....	5,000.00
Chief Engineer	5,000.00
Director of Auditoriums.....	5,000.00

(c) The procurement of individual and/or blanket bond coverages of the City and County of Honolulu shall be subject to the following conditions:

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

(2) That such surety bonds 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.

(3) That, except as otherwise provided in this Article, the terms and conditions of the surety bond policy shall be procured by the Director of Finance as he may deem best in the interests of the City and County of Honolulu. (Sec. 4-3.2, R.O. 1961; Am. Ord. 2340)

Sec. 4-3.3. Additional Bonds.

Am. 9/12/72
Ord. 4002

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. (Sec. 4-3.3, R.O. 1961)

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 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. (Sec. 4-3.4, R.O. 1961)

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. (Sec. 4-3.5, R.O. 1961)



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.
- § 5-2.4. Board of Trustees Of The Policemen, Firemen And Bandsmen Pension System.
- § 5-2.5. Number Plates For Certain Motor Vehicles.
- § 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.

Article 5. Information Systems Department.

- § 5-5.1. Organization.
- § 5-5.2. Appointment Of Director Of Information Systems.
- § 5-5.3. Qualifications.
- § 5-5.4. Powers, Duties and Functions Of The Director Of Information Systems.

Article 1. Corporation Counsel.¹⁸

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. (Sec. 5-1.1, R.O. 1961)

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

The Corporation Counsel shall :

(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.

Represent any Junior Police Advisor in the event he is named defendant in a civil action in connection with the performance of his duties as Junior Police Advisor ; provided that in the case of such Advisors at public schools, such representation shall be undertaken only in the event the Attorney General's office does not.

(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.

(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

18. In general, Chap. 2, Art. V, Charter.
 Private Practice Prohibited, § 78-6, HRS; § 11-101, Charter.
 Special Counsel § 5-205, Charter.
 Fees for services prohibited, § 11-101, Charter.
 Legal counsel for Board of Water Supply, § 8-116, Charter.
 Defense of liquor commission employees, § 281-103, HRS.
 Uniform Reciprocal Enforcement of Support Act between Counties,
 § 576-4, HRS.
 Pay plan and organization, Art. 1, Chap. 8, R.O. 1969.
 Pay plan for legal assistants, Art. 1, Chap. 8, R.O. 1969.

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; and provided further that a quarterly report of all settlements shall be filed with the Council within 15 days after the end of each quarter.

(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 Workmen'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.

(j) Settlement of Land Acquisitions. Have the power to adjust, compromise, settle or submit to arbitration, any land acquisition requests referred to this office by other City agencies or eminent domain actions, causes of eminent domain actions in favor of or against the City or in which the City is concerned as purchaser, seller, condemnor or condemnee, now pending or which may hereafter arise, not involving or requiring payment in excess of \$500.00, provided the money to settle any specific land acquisition or eminent domain action generally has been appropriated and is available therefor; and provided further that a quarterly report of all settlements shall be filed with the Council within 15 days after the end of each quarter. (Sec. 5-1.2, R.O. 1961; Am. Ord. 2245, 3373)

Am. 11/30/77
Ord. 77-118

Sec. 5-1.3. Prohibited Acts.

Article 2. Department Of Finance.¹⁹

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. (Sec. 5-2.1, R.O. 1961)

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.

Am. 10/24/79
Ord. 79-86
(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.

(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.²⁰

19. In general, Chap. 4, Art. V, Charter.

20. See Appendix A, Rental Policy.

(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. (Sec. 5-2.2, R.O. 1961)

Sec. 5-2.3. Pension Board Of The City.²¹

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. (Sec. 5-2.3, R.O. 1961)

Sec. 5-2.4. Board Of Trustees Of The Policemen, Firemen And Bandsmen Pension System.²²

The organization and the duties and functions of the Board of Trustees of the Policemen, Firemen and Bandsmen Pension System of the City shall be as provided by law, and the Director of Finance shall ex officio be secretary and treasurer of the board. (Sec. 5-2.4, R.O. 1961)

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 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 249-4 to 249-6 inclusive, HRS.

21. In general, § 5-406, Charter; § 88-156, HRS.

22. In general, § 5-405, Charter; §§ 88-151 to 156, HRS.

(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 249-4 to 249-6 inclusive, HRS.

(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. 5-2.5, R.O. 1961)

Sec. 5-2.6. Motor Vehicle Dealers Licensing Board.*

(a) Organization. The Motor Vehicle Dealers Licensing Board heretofore created by statute shall be an agency of the City under the jurisdiction of the Department of Finance. The Board shall consist of five members who shall be appointed by the Mayor with the approval of the Council. Each shall have been engaged in the business of selling at retail, or negotiating for the purchase of motor vehicles in the State for a period of at least one year preceding the date of his appointment. Three of the members shall be, or shall have been, engaged as dealers primarily in the sale of new motor vehicles, one of the members shall be, or shall have been, engaged primarily in the sale of used motor vehicles and one of the members shall be solely and exclusively engaged as salesman of new or used motor vehicles. The Board shall designate one of its members as chairman.

* Functions transferred to the State by Act 263, SLH 1969.

(b) Term of office. The term of office of the members of the Board shall be as provided by statute.

(c) Powers, duties and functions. The powers, duties and functions of the Board shall be as provided by statute.

(d) Administration of funds and personnel. The function of administering the funds appropriated for the operations of the Board shall be vested in the Director of Finance and the Director of Finance shall be empowered to take all necessary personnel actions with reference to employees of the Board. Neither the Board nor its members shall in any way interfere with the administrative affairs of the Department of Finance. (Am. Ord. 2460)

Article 3. Planning Department.²³

Sec. 5-3.1. Organization.²⁴

There shall be a Planning Department, consisting of a Planning Director, a Planning Commission, a Zoning Board of Appeals and the necessary staff. (Sec. 5-3.1, R.O. 1961)

Sec. 5-3.2. Planning Director.²⁵

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. 5-3.2, R.O. 1961)

Sec. 5-3.3. Powers, Duties And Functions Of The Planning Director.²⁶

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.

²³. In general, Chap. 5, Art. V, Charter.

²⁴. Same, § 5-501, Charter.

²⁵. Same, § 5-502, Charter.

²⁶. Same, § 5-503, Charter.

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

(f) Advise the Mayor and Council on matters concerning the planning programs. (Sec. 5-3.3, R.O. 1961)

Sec. 5-3.4. Planning Commission.²⁷

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. (Sec. 5-3.4, R.O. 1961)

Sec. 5-3.5. Powers, Duties And Functions Of The Planning Commission.²⁸

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.

27. Same, § 5-504, Charter.

28. Same, § 5-505, Charter.

(d) Adopt regulations having the force and effect of law pursuant to the subdivision ordinance.²⁹

(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. (Sec. 5-3.5, R.O. 1961)

Sec. 5-3.6. Zoning Board Of Appeals.³⁰

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. (Sec. 5-3.6, R.O. 1961)

Sec. 5-3.7. Powers, Duties And Functions Of The Zoning Board Of Appeals.³¹

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 circum-

29. See Subdivision Rules and Regulations.

30. Same, § 5-506, Charter.

31. Same, § 5-507, Charter.

stances 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. (Sec. 5-3.7, R.O. 1961)

Article 4. Department Of Civil Service.³²

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. (Sec. 5-4.1, R.O. 1961)

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.

(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 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. (Sec. 5-4.2, R.O. 1961)

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

³². In general, Chap. 6, Art. V, Charter.

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. (Sec. 5-4.3, R.O. 1961)

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. (Sec. 5-4.4, R.O. 1961)

Article 5. Information Systems Department.

Sec. 5-5.1. Organization.

There shall be an Information Systems Department headed by a Director of Information Systems. (Am. Ord. 3476)

Sec. 5-5.2. Appointment Of Director Of Information Systems.

The Director of Information Systems shall be appointed and may be removed by the Mayor. (Am. Ord. 3476)

Sec. 5-5.3. Qualifications.

The Director of Information Systems shall have had:

(1) A minimum of five years of experience in an electronic data processing position, including experience with third generation concepts and hardware to include teleprocessing;

(2) At least three years experience out of the five years experience in an administrative and managerial capacity; and

(3) At least one year of experience out of the three years of experience in a comprehensive management capacity for the development, implementation and operation of business applications on a large scale computer system. (Am. Ord. 3476)

Sec. 5-5.4. Powers, Duties And Functions Of The Director Of Information Systems.

The Director of Information Systems as the chief data processing officer shall provide the Council and all other agencies, except the Board of Water Supply,* with all the necessary services arising out of or connected with a data processing system, develop and maintain a data processing system, and shall perform all other services incidental to his department as may be required by law, ordinance, or the Mayor. (Am. Ord. 3476)

* See Council's Committee of the Whole Report dated September 17, 1969.

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 Stand-by 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. Departmental 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 10. Department Of Auditoriums.

- § 6-10.1. Organization.
- § 6-10.2. Powers, Duties And Functions Of The Department Of Auditoriums.
- § 6-10.3. Director Of The Department Of Auditoriums.

Article 1. Department Of Public Works.³³

Sec. 6-1.1. Organization.³⁴

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. (Sec. 6-1.1, R.O. 1961)

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. (Sec. 6-1.2, R.O. 1961)

Sec. 6-1.3. Divisions Of The Department.

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

³³. In general, Chap. 2, Art. VI, Charter.

³⁴. See Art. 10, Chap. 8, R.O. 1969 (Chief Engineer's salary).

(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.

(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, graders, sweepers, eductors, mixers, compressors and rollers.

(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.

(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.

(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.

(6) Limitation. This subsection 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.

(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.

(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.

(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 Division, 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.

(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.

(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.

(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.

(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.

(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.

(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.

Am. 12/30/77
Ord. 77-128

§ 6-1.4. DEPARTMENTS UNDER MANAGING DIRECTOR § 6-1.4.

(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.³⁵

(4) Reviewing private subdivision plans and inspecting the construction of said subdivisions. (Sec. 6-1.3, R.O. 1961)

Rep. 1/23/75 Sec. 6-1.4. House Numbering.³⁶

Ord. 4410

Am. 10/15/74

Ord. 4368

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

Am. 8/8/72

Ord. 3981

(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 buildings 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

35. Authority, §§ 70-62 to 76, HRS.

36. Authority, § 70-64, HRS.

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 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. 6-1.4, R.O. 1961)

Article 2. Building Department.³⁷

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. (Sec. 6-2.1, R.O. 1961)

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.

(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

37. In general, Chap. 3, Art. VI, Charter.

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

to desirable amendments to the Building Code and other related ordinances which he administers and enforces; and

(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. 6-2.2, R.O. 1961)

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 Section 19-1.1 and Section 17-6.1, R.O. 1969 respectively, and shall be attached to the Building Department. (Sec. 6-2.3, R.O. 1961)

Am. 4/23/75
Ord. ~~4440~~ - 6-2.4. House Numbering

Article 3. Department Of Health.³⁸

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. (Sec. 6-3.1, R.O. 1961)

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, duties

³⁸ In general, Chap. 8, Art. VI, Charter.

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.

(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 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.

* Functions transferred to the State by § 27-21, HRS.

§ 6-3.3. DEPARTMENTS UNDER MANAGING DIRECTOR § 6-4.1.

(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. (Sec. 6-3.2, R.O. 1961)

Sec. 6-3.3. Dentists.³⁹

City and County dentists as provided by law shall be under the supervision, direction and control of the City and County Physician. (Sec. 6-3.3, R.O. 1961)

Sec. 6-3.4. Ambulance Stand-By Service.

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. 6-3.4, R.O. 1961)

Article 4. Fire Department.⁴⁰

Sec. 6-4.1. Organization.

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. (Sec. 6-4.1, R.O. 1961)

* Functions transferred to State by § 327-1, HRS.

39. Appointment, qualifications, § 70-28, HRS.

40. In general, Chap. 4, Art. VI, Charter; § 70-74, HRS.

Probationary appointments, § 70-31, HRS.

Car allowance, § 70-32, HRS.

Salary increases, § 70-30, HRS.

Signal system, rental of, § 70-101, HRS.

Retirement system, §§ 88-21, 88-45, 88-63, 88-64, 88-66, HRS.

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.

(f) Examine and Approve Plans. Examine and approve plans and specifications for buildings pursuant to authority granted under Section 132-10 of the Hawaii Revised Statutes. (Sec. 6-4.2, R.O. 1961 ; Am. Ord. 3447)

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. (Sec. 6-4.3, R.O. 1961)

Article 5. Department Of Traffic.⁴¹

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. (Sec. 6-5.1, R.O. 1961)

Sec. 6-5.2. Powers, Duties And Functions.⁴²

The Department of Traffic shall:

(a) Approve plans and designs for the construction, recon-

⁴¹. In general, Chap. 5, Art. VI, Charter.

⁴². Emergency powers. See Traffic Code.

§ 6-6.1. DEPARTMENTS UNDER MANAGING DIRECTOR § 6-6.3.

struction 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. (Sec. 6-5.2, R.O. 1961)

Article 6. Department Of Parks And Recreation.⁴³

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. (Sec. 6-6.1, R.O. 1961)

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. (Sec. 6-6.2, R.O. 1961)

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.

⁴³. In general, Chap. 6, Art. VI, Charter.

(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. (Sec. 6-6.3, R.O. 1961)

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. (Sec. 6-6.4, R.O. 1961)

Article 7. Prosecuting Attorney.⁴⁴

Sec. 6-7.1. Appointment And Removal.

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. (Sec. 6-7.1, R.O. 1961)

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.

⁴⁴ In general Chap. 7, Art. VI, Charter.
Private Practice Prohibited, § 78-6, HRS; § 11-101, Charter.
Fees for services prohibited, § 11-101, Charter.
Liquor violations, §§ 281-101 to 103, HRS.

§ 6-7.3. DEPARTMENTS UNDER MANAGING DIRECTOR § 6-8.1.

(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. (Sec. 6-7.2, R.O. 1961)

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. (Sec. 6-7.3, R.O. 1961)

Sec. 6-7.4. Assistants.⁴⁵

The Prosecuting Attorney may appoint deputies and such other legal assistants, clerks, stenographers, interpreters 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. (Sec. 6-7.4, R.O. 1961)

Article 8. Police Department.⁴⁶

Sec. 6-8.1. Organization.

The organization of the Police Department shall be as provided by law. (Sec. 6-8.1, R.O. 1961)

⁴⁵ Pay plan and organization, Art. 1, Chap. 8, R.O. 1969.
Pay plan for legal assistants, Art. 1, Chap. 8, R.O. 1969.

⁴⁶ In general, Art. VII, Charter.
Automobile insurance provided, § 52-51, HRS.

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. (Sec. 6-8.2, R.O. 1961)

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. (Sec. 6-8.3, R.O. 1961)

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. (Sec. 6-8.4, R.O. 1961)

Sec. 6-8.5. Powers, Duties And Functions Of The Chief of Police.⁴⁷

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.

(b) Train, equip, maintain and supervise the force of police officers pursuant to the rules of the Police Commission.⁴⁸

(c) Take charge of and keep the City jail and all prisoners committed thereto.⁴⁹

(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. (Sec. 6-8.5, R.O. 1961)

47. License to let off fireworks, § 727-7, HRS.

State compact for exemption from registering firearms, § 134-11, HRS.

48. Investigator assigned to Prosecuting Attorney, § 6-704.2, Charter.

49. Federal prisoners, §§ 353-101 to 103, HRS.

Article 9. Medical Examiner⁵⁰

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. (Sec. 6-9.1, R.O. 1961)

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. (Sec. 6-9.2, R.O. 1961)

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. (Sec. 6-9.3, R.O. 1961)

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 immediately to notify the Office of the Medical Examiner and the Police Department. (Sec. 6-9.4, R.O. 1961)

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

⁵⁰. In general, Chap. 9, Art. VI, Charter.
Effective date, § 14-101(g), Charter.

of the circumstances set forth in this Chapter without the prior approval of the Medical Examiner and the Chief of Police. (Sec. 6-9.5, R.O. 1961)

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. 6-9.6, R.O. 1961)

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. (Sec. 6-9.7, R.O. 1961)

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 inquisitions. (Sec. 6-9.8, R.O. 1961)

Article 10. Department Of Auditoriums.

Sec. 6-10.1. Organization.

There shall be a department to be known as the "Department of Auditoriums" consisting of a director and the necessary staff. (Am. Ord. 2292)

Sec. 6-10.2. Powers, Duties And Functions Of The Department Of Auditoriums.

The Department of Auditoriums shall have full and complete authority to manage, control and operate the facilities of the municipal auditorium complex and the Waikiki Shell complex of the City and shall be responsible for the custody, repair and maintenance of all property and equipment assigned to and used by said department. (Am. Ord. 2292)

Sec. 6-10.3. Director Of The Department Of Auditoriums.

The director shall be the administrative head of the Department of Auditoriums. He shall be appointed and may be removed by the Mayor.

§ 6-10.3. DEPARTMENTS UNDER MANAGING DIRECTOR § 6-10.3.

(1) The director of the Department of Auditoriums shall:

(a) Have the authority to negotiate contracts for the renting or leasing of property under the control of the Department of Auditoriums, including contracts for concessions, pursuant to the rental policy established by the Council; provided that all such contracts shall be executed by the Director of Finance.*

(b) Have the authority to manage, control and operate the facilities of the municipal auditorium complex and the Waikiki Shell complex of the City, including the right of custody, repair and maintenance of all property and equipment assigned to and used by the Department of Auditoriums. (Am. Ord. 2292)

* See Appendix A, Rental Policy.



Am. 2/26/76
Ord. 4570 Article — Oahu Metro. Planning Org.

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 Services.

Am. 2/4/76
Ord. 4565 → **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. Rep. 3/13/72
- § 7-6.2. Appointment, Term, Removal. Ord. 3902
- § 7-6.3. Function.
- § 7-6.4. Powers And Duties.

Article 7. (Reserved).

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.
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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.
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- § 7-12.3. Expenses Incurred; Appropriations.
- § 7-12.4. Annual Report Required.

Article 13. Ethics Commission.

- § 7-13.1. Membership, Term and Appointment.
- § 7-13.2. Rules; Meetings.
- § 7-13.3. Powers, Duties And Functions.
- § 7-13.4. Requirements Applicable To The Rendering Of Opinions.
- § 7-13.5. Request For Opinions By Officers Or Employees.
- § 7-13.6. Requests By Third Parties.
- § 7-13.7. Compensation.
- § 7-13.8. Administrative Services.
- § 7-13.9. Applicability.

Article 14. Commission On Culture And The Arts.

- § 7-14.1. Definitions.
- § 7-14.2. Creation Of Commission.
- § 7-14.3. Rules; Meetings.
- § 7-14.4. Powers, Duties And Functions.
- § 7-14.5. Compensation.
- § 7-14.6. Administrative Services.
- § 7-14.7. Art In City Buildings.

**Article 15. Additional Standards Governing The Conduct
Of Officers And Employees.**

- § 7-15.1. Definitions.
- § 7-15.2. Additional Standards Of Conduct.
- § 7-15.3. Restrictions Relative To Post Employment.
- § 7-15.4. Noncompliance.

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. (Sec. 7-1.1, R.O. 1961)

Article 2. Royal Hawaiian Band.⁵¹

Sec. 7-2.1. Organization.⁵²

(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. (Sec. 7-2.1, R.O. 1961)

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. (Sec. 7-2.2, R.O. 1961)

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 account the same were paid, the date and amount thereof. (Sec. 7-2.3, R.O. 1961)

Am. 1/15/70

Ord. 3509

Am. 3/9/79

Ord. 79-13

Sec. 7-2.4. Fees For Services.

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. 7-2.4, R.O. 1961)

51. Pensions, Chap. 88, HRS.

52. Travel, § 46-10, HRS.

Am. 2/4/76
Ord. 4565

Article ¹⁶ 3. Oahu Civil Defense Agency.⁵³

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. (Sec. 7-3.1, R.O. 1961)

Am. 3/18/75 Article 3, Reg. of Lobbyists
Ord. 4432

Article 4. Board Of Water Supply.⁵⁴

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. (Sec. 7-4.1, R.O. 1961)

Article 5. Honolulu Redevelopment Agency.⁵⁵

Sec. 7-5.1. Provisions For.

There shall be a Honolulu Redevelopment Agency as created and established by law. (Sec. 7-5.1, R.O. 1961)

Article 6. Office Of The Urban Renewal Coordinator.⁵⁶

Rep. 3/13/72
Ord. 3902

Sec. 7-6.1. Organization.

There shall be an Office of the Urban Renewal Coordinator which shall be headed by an Urban Renewal Coordinator. (Sec. 7-6.1, R.O. 1961)

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

53. In general, § 128, HRS.

54. In general, § 54, HRS; Art. VIII, Charter.
Loans to, §§ 36-23, 24, HRS.

55. In general, § 4-104, Charter; § 53, HRS.

56. In general, § 4-104, Charter; § 53, HRS.

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. (Sec. 7-6.2, R.O. 1961)

Sec. 7-6.3. Function.

The Office of the Urban Renewal Coordinator shall coordinate every aspect of any urban redevelopment and renewal program in accordance with the provisions set forth in Chapter 53, HRS, 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. (Sec. 7-6.3, R.O. 1961)

Sec. 7-6.4. Powers And Duties.

In addition to the powers and duties provided in Section 53-59, HRS:

(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. (Sec. 7-6.4, R.O. 1961)

Article 7. (Reserved).

Article 8. Oahu Committee On Children And Youth.⁵⁷

Sec. 7-8.1. Organization.

There shall be an Oahu Committee on Children and Youth as provided by law. (Sec. 7-8.1, R.O. 1961)

⁵⁷. In general, Chap. 581, HRS.

Article 9. Poundmasters.⁵⁸

Sec. 7-9.1. Appointment.

The Mayor, with the approval of the Council, shall appoint suitable persons as Poundmasters for the City whose term of office shall be coterminous with the term of the Mayor but who shall continue in office until their successors are duly qualified and appointed, and whose compensation shall be as hereinafter provided. (Sec. 7-9.1, R.O. 1961 ; Am. Ord. 2760)

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. (Sec. 7-9.2, R.O. 1961)

Sec. 7-9.3. Duties; Compensation.

Am. 6/14/76
Ord. 4599 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. (Sec. 7-9.3, R.O. 1961)

Sec. 7-9.4. Application For Impounding.⁵⁹

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. 7-9.4, R.O. 1961)

58. Authority, § 70-76, HRS.
Brands, Part II, Chap. 142, HRS.

59. Damages for trespass, §§ 142-62, 63, 64, 66, 69, HRS.
Recovery by owner before impounding, § 142-71, HRS.

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. 7-9.5, R.O. 1961)

Sec. 7-9.6. Notice And Method Of Pound Sales.⁶⁰

It shall be the duty of every Poundmaster to publish a notice in a newspaper of general circulation in the City as soon as 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. 7-9.6, R.O. 1961)

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. 7-9.7, R.O. 1961)

⁶⁰. Damages claimed for trespass, §§ 142-62, 63, 64, 66, 69, HRS.

Expenses for driving and conveying, §§ 142-67, 70, HRS.

Owner's relief, § 142-72, HRS.

Jurisdiction of district magistrate, appeal, § 142-73, HRS.

Am. 6/14/76
Ord. 4599

Article 10. District Court Personnel.⁶¹

Sec. 7-10.1. Compensation.*

The compensation of district court personnel shall be as provided by law. (Sec. 7-10.1, R.O. 1961)

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. (Sec. 7-11.1, R.O. 1961)

Article 12. Hawaiian Humane Society.⁶²

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

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 any dog, while such dog is a stray and to dispose of the same in accordance with the provisions of Chapter 143, HRS.

A "stray" or "stray dog" means any dog running at large.

The term "at large" means: (a) On the premises of a person other than the owner of the dog, without the consent of an occupant of such premises; or (b) On a public street, on public or private school grounds, or in any other public place, except when under the control of the owner by leash, cord, chain or other similar means of physical restraint, provided that such leash, cord, chain or other means is not more than eight (8) feet in length. (Sec. 7-12.1, R.O. 1961; Am. Ord. 2271)

Sec. 7-12.2. Authorization To Issue Summons.

Such officers of the Hawaiian Humane Society, having the duty of seizing and impounding stray dogs pursuant to the provisions of Article 31, Chapter 13 of R.O. 1969, who are deputized

61. Responsibility of the City, § 608-2, HRS.

Magistrates, § 608-3, HRS.

Clerical staff, Chap. 77, HRS.

* Administrative jurisdiction over the District Court transferred to the State by § 27-1, HRS.

** Transferred to the State by § 27-11, HRS.

62. Authority, § 70-78, HRS.

as special officers by the Chief of Police for the purpose of enforcing the provisions of said Article, are hereby authorized and empowered to issue summonses according to the procedures as set forth in said Article 31, to violators of the provisions of said Article. (Am. Ord. 2271)

Sec. 7-12.3. Expenses Incurred; Appropriations.

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. 1961; Am. Ord. 2271)

Sec. 7-12.4. Annual Report Required.

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. 7-12.3, R.O. 1961; Am. Ord. 2271)

Article 13. Ethics Commission.*

Sec. 7-13.1. Membership, Term And Appointment.

There shall be an Ethics Commission consisting of seven members who shall be appointed by the Mayor with the approval of the Council. Of the members originally appointed, one shall serve for a term of one year, two for a term of two years, two for a term of three years and two for a term of four years. Thereafter, each member shall be appointed for a term expiring four years from the date of the expiration of the term of his predecessor, or in the case of a vacancy for the remainder of the unexpired term. Each member shall serve until his successor has been appointed and qualified. The Commission shall annually select a chairman. (Am. Ord. 2830)

Sec. 7-13.2. Rules; Meetings.

Meetings of the Commission shall be held at the call of the chairman and the affirmative vote of a majority of the entire membership shall be necessary to take any action. (Am. Ord. 2830, 3441)

Am. _____ **Sec. 7-13.3. Powers, Duties And Functions.**

Ord. _____ (a) The Commission shall render advisory opinions at any time at the request of an officer or employee of the City involving pos-

* See also Chap. 7, Art. XV, R.O. 1969.

sible conflicts of interest on the part of such officer or employee.

Am. 4/16/73
Ord. 4129 (b) The Commission shall also render advisory opinions in circumstances where there is alleged to be a conflict of interest or unethical conduct on the part of any employee or officer of the City "within the scope of the Charter and Article 15 of this Chapter."

Am. 4/16/73
Ord. 4129 (c) The Commission may submit to the Mayor and Council recommendations and reports which it deems advisable and which pertain to the standards of conduct contained in the Code of Ethics, to the administration of the Code of Ethics, or to any other matter relating to the fostering and maintenance of ethical conduct.

(d) The Commission may initiate or make investigations and hold hearings.

(e) The Commission may subpoena witnesses, administer oaths and take testimony relating to matters before the Commission and require the production for examination of any books or papers relative to any matter under investigation or in question before the Commission. Before the Commission shall exercise any of the powers authorized herein with respect to any investigation or hearings it shall be by formal resolution, supported by a vote of the majority of the members of the Commission, defining the nature and scope of its inquiry.

(f) The Commission may, from time to time adopt, amend and repeal such rules and regulations, not inconsistent with the provisions herein and of Article 15, as in the judgment of the Commission seem appropriate for the carrying out of the provisions herein and of Article 15 and for the efficient administration thereof, including every matter or thing required to be done or which may be done with the approval or consent or by order or under the direction or supervision of or as prescribed by the Commission. The rules and regulations, when approved, promulgated and filed as provided in Chapter 91 of the Hawaii Revised Statutes shall have the force and effect of law.

Am. 4/16/73
Ord. 4129 (g) Any individual, except as hereinafter provided, including the individual making the allegation, who divulges information concerning the allegation prior to the issuance of an advisory opinion by the Commission, or if the investigation discloses that the advisory opinion should not be issued by the Commission, at any time divulges any information concerning the original allegation, or divulges the contents of disclosures except as permitted by this ordinance, shall, if found guilty, be punishable by a fine of not more than \$1,000.00 or imprisonment of not more than one year, or both, except that an officer or employee shall be subject to the provisions of Section 11-102 of the Charter. (Am. Ord. 2830, 3441)

Sec. 7-13.4. Requirements Applicable To The Rendering Of Opinions.

Am. 4/16/73
Ord. 4129 (a) The Commission may for good cause refuse to entertain a request for an advisory opinion. Without limiting the generality of the foregoing, the Commission may refuse to entertain a request where: (1) the request is speculative or purely hypothetical and does not involve an actual situation or (2) the request is frivolous. In no case, however, shall the Commission entertain a request that is not in writing and not signed by the person making the request.

(b) The Commission shall acknowledge the receipt of the request in writing to the person submitting the request. If the request involves an employee or officer and the request is made by a person other than such employee or officer, a copy of the request shall be sent to the employee or officer so involved with the name of the person making the request deleted so that his name will not be disclosed.

(c) All records, reports, writings, documents, exhibits and other evidence received by the Commission shall be held in confidence and no information as to the contents thereof shall be disclosed unless such items are presented and received by the Commission at a hearing or meeting that is open to the public.

Am. 4/16/73
Ord. 4129 (d) Within thirty days after a request for an opinion, or within thirty days after a hearing on any request shall have been concluded, whichever is later, the Commission shall render its opinion in writing. All opinions rendered by the Commission shall be in such form and with such deletions as would prevent the disclosure of the identity of the officer or employee involved.

Am. 4/16/73
Ord. 4129 (e) After an opinion has been rendered, the Commission shall notify the appointing authority of the officer or employee involved or the Council in the case of elected officials, of its decision. The appointing authority or the Council shall take whatever action that is deemed necessary, report the action taken to the Commission within 15 days after receiving the decision of the Commission. The disclosures of conflicts of interests as provided in paragraph 2 of Section 11-101 of the Charter shall be made matters of public record at any time that such conflict becomes apparent. (Am. Ord. 2830, 3441)

Sec. 7-13.5. Request For Opinions By Officers Or Employees.

Am. 4/16/73
Ord. 4129 (a) Any officer or employee may request an opinion from the Commission relating to any situation involving such officer or employee which may give rise to the possibility of conflict of interest under the Code of Ethics of the Charter.

(b) The request shall be in writing, shall set forth the pertinent

facts and shall be signed by the officer or employee making the request.

(c) The request shall be held in confidence and no disclosure thereof shall be made, except as provided herein. (Am. Ord. 2830)

Sec. 7-13.6. Requests By Third Parties.

(a) A request for an advisory opinion submitted by a person other than the officer or employee involved in the request shall be in writing and shall be signed by the person making the request; provided that the name of the person making the request shall not be disclosed. Such request shall relate to an actual situation and shall set forth the pertinent facts, including the names of those involved.

(b) Where the employee or officer involved in the request is not the person making the request, such employee or officer shall have an opportunity to respond in writing within fifteen days after receipt of a copy of the request. The response may include a request for a hearing before the Commission.

(c) Where no hearing is requested by the officer or employee involved, the Commission shall render its opinion on the basis of the information available; provided that the Commission may request for additional information when deemed necessary.

(d) The Commission shall, upon receipt of a request for a hearing within the period above referred to by the officer or employee involved, set a time and place for the hearing for the purpose of determining the facts. The person making the allegation and the employee or officer involved shall have the opportunity to appear at the hearing, by himself or by counsel, and to present any and all evidence, including testimony and exhibits, which are relevant to the issue involved. No testimony shall be excluded, except for irrelevancy.

(e) All hearings before the Commission involving an alleged conflict of interest of any employee or officer shall be held in executive session, provided that a public hearing may be held where such officer or employee, alleged to have a conflict of interest, consents thereto. (Am. Ord. 2830)

Sec. 7-13.7. Compensation.

The members of the Commission shall receive no compensation but shall be entitled to reimbursement of expenses incurred by them in the performance of their duties. (Am. Ord. 2830)

Sec. 7-13.8⁷. Administrative Services.

The Commission shall be attached to the Office of the Corporation Counsel for administrative purposes and the Corporation Coun-

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Ord. 4129

Am. 4/16/73
Ord. 4129

sel shall cause employees of his office to furnish such services and necessary supplies, materials, and equipment as may be needed by the Commission. (Am. Ord. 2830, 3441)

Sec. 7-13.9⁸ Applicability.

Am. 4/16/73
Ord. 4129

The provisions herein shall be applicable to officers and employees of the City and County of Honolulu and the terms "officers and employees" shall be given the meaning as provided in subsection 3, relative to "employees" and subsection 4, relative to "officers" of Section 12-101 of the Charter; provided that the term "officers and employees" as used herein shall also include officers or employees under a personal service contract as prescribed in subsections (g) and (h) of Section 5-603 of the Charter, but excludes independent contractors. (Am. Ord. 3441)

Article 14. Commission On Culture And The Arts.

Sec. 7-14.1. Definitions.

The following terms whenever used in this Article shall have the following respective meanings:

(a) "Arts" include music, dance, painting, drawing, sculpture, architecture, drama, poetry, prose, crafts, industrial design, interior design, fashion design, photography, television, motion picture art and all other creative activity of imagination and beauty.

(b) "Culture" includes the arts, customs, traditions and mores of all of the various ethnic groups of Hawaii. (Am. Ord. 3048)

Sec. 7-14.2. Creation Of Commission.

Am. 11/28/72
Ord. 4050
Am. 5/27/75
Ord. 4458

There shall be a Commission on Culture and the Arts consisting of five members who shall be appointed by the Mayor with the approval of the Council. 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. Thereafter, each member shall be appointed for a term expiring five years from the date of expiration of the term of his predecessor, or in the case of a vacancy for the remainder of the unexpired term. Each member shall serve until his successor has been appointed and qualified. The Commission shall annually select a chairman. (Am. Ord. 3048)

Sec. 7-14.3. Rules; Meetings.

Am. 11/28/78
Ord. 4050
Am. 7/24/78
Ord. 78-67

The Commission shall adopt the necessary rules which will enable it to carry out its powers, duties and functions. Meetings of the Commission shall be held at the call of the chairman and the affirmative vote of a majority of the entire membership shall be necessary to take any action. (Am. Ord. 3048)

Sec. 7-14.4. Powers, Duties And Functions.

Am. 11/28/72
Ord. 4050

With respect to any appropriation for the original construction of a City building, the Commission shall:

(a) Advise and assist the head of the agency, authorized to expend such funds, in determining the amount to be made available for works of art.

(b) Advise and assist the head of the agency, authorized to expend such funds, in the selection of works of art.

(c) Make recommendations to the head of the agency, authorized to expend such funds, in the selection and commissioning of artists and craftsmen.

(d) Review the design, execution and placement of works of art and make recommendations thereon to the agency head. (Am. Ord. 3048)

Sec. 7-14.5. Compensation.

The members of the Commission shall receive no compensation but shall be entitled to reimbursement of expenses incurred by them in the performance of their duties. (Am. Ord. 3048)

Sec. 7-14.6. Administrative Services.

Am. 11/28/72
Ord. 4050

The Commission shall be attached to the Office of the Mayor for administrative purposes and the Mayor shall cause employees of his office to furnish such services as may be needed by the Commission. (Am. Ord. 3048)

Sec. 7-14.7. Art In City Buildings.

In connection with the original construction of any City building, the acquisition of works of art shall be considered by the agency expending funds for such construction. Such works of art may be an integral part of the structure, attached to the structure, detached within or outside of the structure or may be exhibited in other public facilities.

An amount equal to not more than one percent of the construction appropriation may be set aside for the acquisition of works of art. Notwithstanding the foregoing limitation on the amount to be

set aside for acquisition of works of art, an amount in excess of 1% may be set aside upon recommendation of the Commission and with the concurrence of the Council.

In considering the acquisition of works of art for City buildings, an agency head shall consult with the Commission on Culture and the Arts and the Commission shall render advice and make recommendations as in this Article provided. (Am. Ord. 3048)

Article 15. Additional Standards Governing The Conduct Of Officers And Employees.*

Sec. 7-15.1. Definitions.

Unless the context of this Article otherwise clearly requires, for purposes of this Article the terms defined in this Section shall have the respective meanings hereinafter set forth:

(a) "Agency" includes (1) the City and County of Honolulu; (2) the Council and its committees; (3) all departments, offices, boards, commissions, committees; (4) all independent commissions and other similar establishments of the City government; and (5) any other governmental unit of the City.

(b) "Business" includes (1) a corporation; (2) a partnership; (3) a sole proprietorship; (4) institutions; (5) trusts; (6) foundations; or (7) any other individual or organization carrying on a business, whether or not operated for profit.

(c) "City" means the City and County of Honolulu.

(d) "Compensation" means (1) any money; (2) thing of value; and (3) economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or another.

(e) "Controlling interest" means an interest which is sufficient in fact to control, whether the interest be greater or less than fifty per cent.

(f) "Financial interest" means an interest held by an individual, his spouse, or minor children which is: (1) an ownership interest in a business; (2) a creditor interest in an insolvent business; (3) an employment, or prospective employment for which negotiations have begun; or (4) an ownership interest in real or personal property.

(g) "Former employee" means any person who has served the City in a position involving the taking of official action, as hereinafter defined.

(h) "Official act" or "official action" means any act or action which involves the use of discretionary authority or the ulti-

* See also Chap. 7, Art. XIII, R.O. 1969.

mate authority to contract or to grant or deny permits or approval on an application.

Am. 4/16/73
Ord. 4130 (i) "Officers and employees" shall be given the meaning as prescribed in subsection 3 and subsection 4 of Section 12-101 of the Charter; provided that the terms "officers and employees" shall also include officers and employees under a personal service contract as prescribed in subsections (g) and (h) of Section 5-603 of the Charter, but excluding independent contractors; and provided further that an individual shall not be deemed an officer or employee solely by reason of his receipt of a pension, disability payments, or other payments not made for current services. (Am. Ord. 3442)

Sec. 7-15.2. Additional Standards Of Conduct.

No officer or employee of the City, except as hereinafter provided, shall:

(a) Participate, as an agent or representative of a City agency, in any official action directly affecting a business or matter in which (1) he has a substantial financial interest; or (2) by or for which a firm of which he is a member, an associate, or an employee has been engaged as a legal counsel or advisor or consultant or representative in a matter directly related to such action; provided that a councilman is not precluded from voting on such matter before the Council so long as a written disclosure has been made in the event there is a conflict of interest involving this subsection and relating to such matter.

(b) Acquire financial interest in business enterprises which he has reason to believe may be directly involved in official action to be taken by him.

(c) Appear in behalf of private interests before any agency other than a court of law, nor shall he represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party; provided, however, that a member of any board, commission or committee, whose board, commission or committee does not exercise either quasi-judicial or quasi-legislative power, may appear for compensation in behalf of private interests before agencies other than the one on which he serves and other than those agencies that have the power to review the actions of the agency on which he serves, or to act on the same subject matter as the agency on which he serves; provided further that no officer or employee shall be denied the right to appear before any agency to petition for redress of grievances caused by any official act or action affecting his personal rights, privileges or property, including real property.

(d) Accept a retainer, compensation, or election campaign contribution that is contingent upon action by an agency.

Am. 4/16/73
Ord. 4130
+ Adding (4)

(e) Enter into any contract in behalf of the City with an officer or employee or with a business in which an officer or employee has a controlling or substantial financial interest, involving the furnishing of services, materials, supplies, and equipment unless the contract is made after competitive bidding; provided that this paragraph shall not apply to personal contracts of employment with the City as prescribed in subsections (g) and (h) of Section 5-603 of the Charter. (Am. Ord. 3442)

Sec. 7-15.3. Restrictions Relative To Post Employment.

Am. 3/1/74
Ord. 4285

Except as hereinafter provided, no former officer or employee of the City shall for compensation and within a period of one year after termination of service or employment:

(a) Appear before any agency in relation to any case, proceeding or application with respect to which such person was directly concerned, or which was under his active consideration or with respect to which knowledge or information was made available to him, but not readily available to the public, during the period of said service or employment.

(b) Assist another person or business, including the one of which he is an officer or employee, in any official act or action by the City in which such former City officer or employee at any time participated during his City employment. For purposes of this subsection (b) the termination of the former City officer's or employee's service or employment with the agency which he served or by which he was employed when he so participated shall be deemed to be the termination of his City service or employment.

(c) Provided, however, this Section shall not prohibit any agency from contracting with a former officer or employee to act on a matter on behalf of the City within the period of limitation stated herein and shall not prevent such officer or employee from appearing before any agency in relation to such employment. (Am. Ord. 3442, 3481)

Am. 9/13/72
Ord. 4005 (d)

Sec. 7-15.4. Noncompliance.

Am. 4/16/73
Ord. 4130

(a) The failure to comply with or any violation of one or more of the standards of conduct set forth hereinabove by any appointive officer or by any employee shall be additional grounds for the removal from office or from employment of such officers and employees. Nothing contained herein shall preclude any other remedy available against such officer or employee.

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Ord. 4130

(b) In addition to any other penalty provided by law, any contract entered into by the City in violation of Section 11-101 of the Charter and this Article is voidable on behalf of the City; provided that in any action to void a contract pursuant to this Article the interests of third parties who may be damaged thereby shall be taken into account, and the action to void the official act or action is initiated within ninety days after the matter is referred to the Ethics Commission. (Am. Ord. 3442)

Am. 3/23/73
 Ord. 4119 - Highway Beautification & Disposal of Abandoned
 Vehicles Revolving Fund.
 Am. 1/3/73
 Ord. 4069 - Estab. "Federal Revenue Sharing Fund"
 Am. 2/20/75 "Bikeway Fund"
 Ord. 4419

TITLE IV

General Administration

Am. 6/27/75
 Ord. 4479 - "Community Develop. Fund"
 Am. 9/4/75 "Housing & Community Development Trust Fund"
 Ord. 4490

CHAPTER 8.

SPECIAL FISCAL PROVISIONS.

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

- § 8-1.1. Deputies And Clerks.
- § 8-1.2. Variations From Pay Plan.

Article 2. (Reserved).

Article 3. Automotive Equipment Service Revolving Fund.

- § 8-3.1. Revolving Fund For Automotive Equipment Service Division.

Article 4. (Reserved).

Article 5. Municipal Stores Revolving Fund.

- § 8-5.1. Creation.
- § 8-5.2. Payments And Expenditures.

Article 6. Payrolls Clearance Fund.

- § 8-6.1. Creation.
- § 8-6.2. Authorization.

Article 7. Insurance.

- § 8-7.1. Public Liability Insurance.
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- § 8-7.3. Boiler Insurance.
- § 8-7.4. Conditions.

Article 8. Highway Fund.

- § 8-8.1. Redesignation.

Article 9. (Reserved).

Am. 12/31/75
 Ord. 4545 - Article —. Housing & Com Dev. Sec. 8 Contract Fund
 Am. 2/4/76
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Article 10. Salaries Of Various City Officers.

- 8-10.1. Salary Of The Mayor.
- 8-10.2. Salaries Of Councilmen.
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Article 11. Improvement Revolving Fund.

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- 8-11.2. Use Of Fund.
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- 8-13.4. Disposition Of Unclaimed Moneys.

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- 8-14.1. Creation.
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- 8-14.3. Administration.
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Article 16. Improvement District Bond And Interest Redemption Fund.

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- 8-17.1. Creation.
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- 8-19.1. Creation.
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- 8-20.1. Creation.
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- 8-21.1. Creation.

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- 8-34.1. Creation.
- 8-34.2. Deposit.
- 8-34.3. Source Of Payment.

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

Sec. 8-1.1. Deputies And Clerks.

The salary of the deputies and law clerks of the Offices of the Corporation Counsel and the Prosecuting Attorney shall be at the following rates per annum, payable semi-monthly out of the City Treasury:

Am. 8/11/72	Positions:	
Ord. 3983	(a) First Deputies	\$23,265.00
Am. 5/31/73	(b) Deputies:	
Ord. 4171	LS-10	22,000.00
	LS-9	21,000.00
	LS-8	20,460.00
	LS-7	18,480.00
	LS-6	17,160.00
	LS-5	15,840.00
	LS-4	14,520.00
	LS-3	13,200.00
	LS-2	11,880.00
	LS-1	10,560.00
	(c) Law Clerks	9,240.00

(Sec. 8-1.1, R.O. 1961 ; Am. Ord. 2088, 2213, 2779, 2780, 3132, 3223, 3416, 3432)

Sec. 8-1.2. Variations From Pay Plan.

The department heads are hereby authorized to set a salary of any deputy between the salary range of one LS position to another LS position including entry level. (Sec. 8-1.3, R.O. 1961 ; Am. Ord. 2088, 2213, 3432)

Article 2. (Reserved).

Rep. 3/31/80
Ord. 80-19

Article 3. Automotive Equipment Service Revolving Fund.**Sec. 8-3.1. 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. 1961)

Article 4. (Reserved).**Article 5. Municipal Stores Revolving Fund.****Sec. 8-5.1. Creation.**

There is hereby created a fund to be known as the "Municipal Stores Revolving Fund." (Sec. 8-6.1, R.O. 1961)

Sec. 8-5.2. 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. 1961)

Article 6. Payrolls Clearance Fund.

Sec. 8-6.1. Creation.

There is hereby created a working capital fund to be known as the "Payrolls Clearance Fund." (Sec. 8-7.1, R.O. 1961)

Sec. 8-6.2. 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. 1961)

Article 7. Insurance.

Sec. 8-7.1. Public Liability Insurance.

(a) The Director of Finance shall procure Public Liability Insurance:

(1) To cover any loss arising from the operation, maintenance or use of the following premises or properties:

(a) Vehicles owned by the City, except vehicles of the Board of Water Supply.

(b) Vehicles owned by employees of the Honolulu Police Department and regularly used in the performance of their duties.

(c) Off-street parking lots, if the City is required to procure such insurance by covenants contained in bonds issued to finance such parking lots.

(d) Passenger elevators owned and operated by the City.

(e) The Waikiki Shell and the Honolulu International Center.

(2) To cover hazards or perils under the following circumstances:

(a) Non-ownership liability arising out of the use of vehicles owned or hired by employees of the City and used within the scope of their employment.

(b) Amounts of insurance. The limits of liability for insurance to be procured under this Section shall be in the following amounts:

(1) Bodily injury coverage in the amount of \$100,000.00 for

each person, subject to the limitation of \$300,000.00 for each occurrence; and

(2) Property damage coverage in the amount of \$10,000.00 for each occurrence; provided that in the case of off-street parking lots, such coverage shall be in the amount of \$5,000.00 for each occurrence, and in the case of the Waikiki Shell and the Honolulu International Center, such coverage shall be in the amount of \$25,000.00 for each occurrence. (Sec. 8-8.1, R.O. 1961; Am. Ord. 2342, 2495, 3022)

Sec. 8-7.2. Property Insurance.

Am. 8/5/70
Ord. 3586

The Director of Finance shall procure insurance covering the following types of properties owned by or in the care, custody and control of the City.

(a) Money and Securities.

(1) Money and securities shall be protected against the various forms of theft insurable under robbery, burglary or broad-form money and security coverages available and sold by insurance companies.

(2) The Director of Finance is hereby authorized to secure the types of insurance policies that will adequately insure the risks or exposures at various locations for the actual value or in such amounts as will adequately protect the City from loss of money and securities.

(b) Fire and Allied Insurance.

(1) Full coverage shall be procured against fire and extended coverage perils for the Honolulu International Center Complex, the Waikiki Shell, the Ala Wai Golf Course Clubhouse, and the Pali Golf Course Clubhouse.

(2) For all buildings and structures owned or leased by the City, except those mentioned in (1) above, the replacement cost of which exceeds \$50,000.00, coverage shall be procured under a \$50,000.00 deductible form against fire and extended coverage perils.

(3) The amount of insurance shall be for the replacement cost of the premises and equipment insurable under the various forms approved by the Department of Regulatory Agencies of the State. (Am. Ord. 2495, 3022)

Am. 4/1/79
Ord. 77-36

(b) Fire & Allied Insurance

Am. 8/16/79
Ord. 79-72

(c) Aircraft

Sec. 8-7.3. Boiler Insurance.

(a) The Director of Finance shall procure Boiler Insurance which provides coverage for public liability, damage to the boiler itself, and other supplemental coverages for steam boilers located at Farrington High School and Maluhia Hospital.

(b) The amount of such insurance shall be \$50,000.00, single limit, for each location. (Am. Ord. 2495, 3022)

Sec. 8-7.4. Conditions.

The policies of insurance to be procured pursuant to the provisions of this Article shall be subject to the following conditions:

(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 companies fully qualified to carry out the terms and conditions of the policy, such qualifications being based on the experience, competence and financial standing of such companies.

(c) That such insurance shall be procured by competitive bidding pursuant to Section 9-401 of the City Charter; provided, however, that the Director of Finance, except as otherwise provided in this Article, shall be authorized to specify the terms and conditions deemed necessary in the best interest of the City upon which the bids shall be based. (Sec. 8-8.2, R.O. 1961; Am. Ord. 2495, 3022)

Am. 2/22/72
Ord. 2722

Article 8. Highway Fund.⁶³

Sec. 8-8.1. Redesignation.

The special fund designated as "Road Fund" is redesignated "Highway Fund" pursuant to the provisions of Section 249-18, HRS, as amended. (Sec. 8-9.1, R.O. 1961)

Article 9. (Reserved).

Am. 8/11/72
Ord. 3982

Article 10. Salaries Of Various City Officers.

Sec. 8-10.1. Salary of the Mayor.

Am. 6/27/75
Ord. 4480

The salary of the Mayor shall be \$33,000.00 per annum, payable semi-monthly out of the City Treasury. (Am. Ord. 2193, 2711, 3433)

Sec. 8-10.2. Salaries Of Councilmen.*

The salary of each Councilman shall be \$10,500.00 per annum, payable semi-monthly out of the City Treasury, except that the

⁶³. Establishment: See § 249-18, HRS, as amended.

* Salaries of Councilmen amended to \$14,400.00, by § 46-22.1, HRS, as amended.

Salary of Chairman amended to \$16,000.00 by § 46-22.1, HRS, as amended.

chairman shall receive an additional sum of \$1,500.00 per annum. (Am. Ord. 2193, 2711)

Sec. 8-10.3. Salaries Of Appointed Officials.

Am. 9/9/70
Ord. 3600 The salary of the following appointed officials shall be at the following rates per annum, payable semi-monthly out of the City Treasury:

	Per Annum
Am. <u>8/11/72</u> Ord. <u>3982</u> Managing Director	\$28,050.00
Chief Engineer	26,950.00
Am. <u>12/15/72</u> Ord. <u>4058</u> Corporation Counsel	25,850.00
Finance Director	25,850.00
Am. <u>5/31/73</u> Ord. <u>4165</u> Planning Director	25,850.00
Prosecuting Attorney	25,850.00
Am. <u>6/27/75</u> Ord. <u>4480</u> Traffic Engineer	25,850.00
Building Superintendent	23,650.00
Police Chief	23,650.00
Director of Information Systems	23,650.00
City and County Physician	22,550.00
Civil Service Director	22,550.00
Fire Chief	22,550.00
Parks & Recreation Director	22,550.00
Medical Examiner	21,450.00
Auditoriums Director	21,450.00
Urban Renewal Coordinator	21,450.00
Am. <u>12/15/72</u> Ord. <u>4057</u> City Clerk	21,450.00
Bandmaster	17,600.00

Am. 6/29/78 - 8-10.4 (Sec. 8-11.1, R.O. 1961; Am. Ord. 2193, 2302, 2711, 3433, 3478, 3489)

Ord. 4197 - 8-10.4 - Salaries of Appointed Officials of the Council

Am. 9/25/75 - 8-10.5 - Salary Sched. for Mayor & Appointed Officials... Exec. Branch

Article 11. Improvement Revolving Fund.

Sec. 8-11.1. Creation.

There is hereby created and established a revolving fund to be known as the "Improvement Revolving Fund." (Sec. 8-12.1, R.O. 1961)

Sec. 8-11.2. 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. (Sec. 8-12.2, R.O. 1961)

Sec. 8-11.3. 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. (Sec. 8-12.3, R.O. 1961)

Article 12. (Reserved).

Article 13. Treasury Trust Fund.

Sec. 8-13.1 Creation.

There is hereby created and established a special trust fund to be known as the "Treasury Trust Fund." (Am. Ord. 2224)

Sec. 8-13.2. Purpose.

All moneys received by the various agencies of the City for specific purposes, as trustee, escrow agent, custodian or security holder and which moneys are found by the Director of Finance, in view of the nature of the purposes for which the same have been received, to require expeditious disbursement shall be deposited into the Treasury Trust Fund from which the Director of Finance may authorize disbursements through checking accounts. Such moneys shall be maintained by separate accounts according to, and used for, the purposes for which such moneys are received. (Am. Ord. 2224)

Sec. 8-13.3. Administration.

The administrative head of each City agency shall be responsible for the administration of the respective agency account or accounts in the Treasury Trust Fund under such procedures as may be prescribed by the Director of Finance. (Am. Ord. 2224)

Sec. 8-13.4. Disposition Of Unclaimed Moneys.

All moneys deposited into the Treasury Trust Fund, not used for the purposes for which such moneys were received, and remaining

unclaimed for a period of at least five years after the purposes for which such moneys were originally received have ceased to exist, shall be transferred into the General Fund of the City as general realization. (Am. Ord. 2224)

Article 14. General Trust Fund.

Sec. 8-14.1. Creation.

There is hereby created and established a special trust fund to be known as the "General Trust Fund." (Am. Ord. 2223, 2332)

Sec. 8-14.2. Purpose.

All moneys received by the various agencies of the City for specific purposes, as trustee, escrow agent, donee, beneficiary, custodian or security holder, for which no special trust fund exists, shall be deposited into the General Trust Fund and maintained in separate accounts according to, and used for, the purposes for which such moneys are received; provided that gifts and donations shall be first accepted by the Council pursuant to Section 12-109 of the City Charter. (Am. Ord. 2223, 2332)

Sec. 8-14.3. Administration.

The administrative head of each City agency shall be responsible for the administration of the respective agency account or accounts in the General Trust Fund under such procedures as may be prescribed by the Director of Finance. (Am. Ord. 2223, 2332)

Sec. 8-14.4. Disposition Of Unclaimed Moneys.

All moneys deposited into the General Trust Fund, not used for the purposes for which such moneys were received, and remaining unclaimed for a period of at least five years after the purposes for which such moneys were originally received have ceased to exist, shall be transferred into the General Fund of the City as general realization. (Am. Ord. 2223, 2332)

Article 15. (Reserved).

Article 16. Improvement District Bond And Interest Redemption Fund.

Sec. 8-16.1. Creation.

There is hereby created and established a special fund to be known as the "Improvement District Bond and Interest Redemption

Fund." The Director of Finance shall transfer from the Improvement District Assessment Fund into the "Improvement District Bond and Interest Redemption Fund" such moneys as are required for the payment of principal of and interest on the bonds as are issued under Chapter 24, R.O. 1969, when the same becomes due and payable. (Am. Ord. 2243, 2477)

Sec. 8-16.2. Administration.

The Director of Finance shall be responsible for the administration of the "Improvement District Bond and Interest Redemption Fund" under such procedures as may be prescribed by him. (Am. Ord. 2243, 2477)

**Article 17. Honolulu Redevelopment Agency
Revolving Fund.**

Sec. 8-17.1. Creation.

There is hereby created and established a working capital fund to be known as the "Honolulu Redevelopment Agency Revolving Fund." (Am. Ord. 2295)

Sec. 8-17.2. Purpose.

The purpose of the Honolulu Redevelopment Agency Revolving Fund is to facilitate the expenditure of joint costs allocable to the separate programs undertaken by the Honolulu Redevelopment Agency. (Am. Ord. 2295)

Sec. 8-17.3. Administration.

The administrative head of the Honolulu Redevelopment Agency shall be responsible for the administration of the fund under such procedures as may be prescribed by the Director of Finance. (Am. Ord. 2295)

Sec. 8-17.4. Disposition Of Unexpended Balance.

All moneys remaining unexpended in the Honolulu Redevelopment Agency Revolving Fund after the purposes for which such moneys were originally deposited have ceased to exist, shall be transferred to the funds from which the working capital was originally provided. (Am. Ord. 2295)

Article 18. General Obligation Bond And Interest Redemption Fund.

Sec. 8-18.1. Creation.

There is hereby created and established a special fund to be known as the "General Obligation Bond and Interest Redemption Fund." (Am. Ord. 2330)

Sec. 8-18.2. Purpose.

All moneys as are provided for the payment of principal of and interest on general obligation bonds of the City and County of Honolulu shall be deposited into the General Obligation Bond and Interest Redemption Fund, and shall be used only for the payment of such principal and interest when the same become due and payable. (Am. Ord. 2330)

Rep. 2/26/70 Article 19. School Construction Fund (Federal).

Ord. 3520

Sec. 8-19.1. Creation.

There is hereby created and established a special fund to be known as the "School Construction Fund (Federal)." (Am. Ord. 2333)

Sec. 8-19.2. Purpose.

All moneys received from the United States of America, under Public Law 815, as amended, shall be deposited into the School Construction Fund (Federal), and shall be used only for the purposes for which such moneys were received. (Am. Ord. 2333)

Article 20. Improvement District Assessment Fund.

Sec. 8-20.1. Creation.

There is hereby created and established a special fund to be known as the "Improvement District Assessment Fund." (Am. Ord. 2331)

Sec. 8-20.2. Purpose.

All moneys collected by the Director of Finance of the City and County of Honolulu for assessments levied by each improvement district assessment ordinance and the proceeds of all bonds sold to cover the cost of improvements in each improvement district, shall

be placed in the Improvement District Assessment Fund; provided, however, all moneys collected on account of assessments and interest for any improvement district after the issuance of any improvement district bonds shall be applied solely to the payment of interest on and principal of such bonds until such bonds have been paid. (Am. Ord. 2331)

Article 21. Community Renewal Program Fund.

Sec. 8-21.1. Creation.

There is hereby created and established a special fund to be known as the "Community Renewal Program Fund." All Community Renewal Program Grant moneys received from the United States of America under Title I of the Housing Act of 1949, as amended, shall be deposited into the "Community Renewal Program Fund," and all budgetary appropriations made for the Community Renewal Program shall be transferred to the fund. All moneys deposited or transferred into the fund shall be used only for the purposes for which such moneys were received or appropriated. (Am. Ord. 2602)

Article 22. Economic Opportunity Program Fund.

Sec. 8-22.1. Creation.

There is hereby created and established a special fund to be known as the "Economic Opportunity Program Fund." (Am. Ord. 2670)

Sec. 8-22.2. Purpose.

All moneys received from the United States of America under provisions of the Economic Opportunity Act of 1964 shall be deposited into the "Economic Opportunity Program Fund." Any budgetary appropriations of City moneys made for the Economic Opportunity Program shall be transferred to the fund. All moneys deposited or transferred into the fund shall be used only for the purposes for which such moneys were received or appropriated. (Am. Ord. 2670)

Rep. 2/26/70 Article 23. Act 97 Clearance Fund.
Ord. 3520

Sec. 8-23.1. Creation.

There is hereby created and established a special fund to be known as the "Act 97 Clearance Fund." (Am. Ord. 2669)

Sec. 8-23.2. Purpose.

All moneys received under the contract entered into by and between the City and the State pursuant to the provisions of Act 97, S.L.H. 1965 (§ 27-1, HRS, as amended), shall be deposited into the "Act 97 Clearance Fund" and shall be expended only for the purposes authorized. (Am. Ord. 2669)

Article 24. Service Fees For Disposition Of Real Property.

Sec. 8-24.1. Property Sold At Public Action.

Whenever any real property, or any interest therein, owned by the City is sold at public auction, the purchaser thereof shall pay in addition to the purchase price fees for services rendered by the City in connection with such sale according to the following schedule:

Services	Fee
Advertising.....	Actual cost
Appraisal.....	Actual cost but not less than \$25.00
Preparation or processing of document of conveyance.....	\$20.00
Preparation or processing of map land description.....	\$25.00
Survey.....	Actual cost (Am. Ord. 2677)

Sec. 8-24.2. Property Disposed Of By Negotiated Sale Or Exchange.

Whenever any real property, or any interest therein, owned by the City is disposed of by negotiated sale or exchange, no service fee for such sale or exchange shall be charged by the City; provided, however, where the proceeds from such negotiated sale or exchange do not inure to the exclusive use of the City, the purchaser thereof shall be charged with service fees, in accordance with the schedule provided in Section 8-24.1. (Am. Ord. 2677)

Article 25. Fee Schedule For Public Records.

Sec. 8-25.1. Charges For Extracts And Certified Copies Of Public Records.

Except as otherwise provided in this Article, a copy or extract of any public document or record which is open to inspection of the public shall be furnished to any person applying for the same by

the public officer having custody or control thereof pursuant to the following schedule of fees :

- (1) Duplicated copy of any record (by duplicating machines including, but not limited to, microfilm printer, Thermofax, Verifax, Xerox, etc.)
 - For the first page of each document or record \$.50
 - Each additional page or copy thereof..... .25
- (2) Abstract of information from public record
 - Each page50
 - Each additional copy..... .25
- (3) Typewritten copy of any record
 - Per 100 words or fraction thereof..... 1.00
- (4) Copy of map, plan, diagram
 - Up to 22" x 36" size; per sheet..... 1.00
 - Larger than 22" x 36" size; per square foot Prevailing commercial rate
 - Minimum charge per sheet..... 1.00
- (5) Photograph or photograph enlargement..... Prevailing commercial rate
- (6) City Clerk's Certificate of Voter Registration.. .50
- (7) Voter Registration Lists (in printed forms as may be available)..... 1.00 each precinct
- (8) Certified copy of medical examiner's report and autopsy report..... 5.00
- (9) Medical information extracted from Health Department records for insurance companies and other firms..... 5.00
- (10) Certified statement attesting to veracity of information obtained from public records
 - Per 100 words of statement or fraction thereof 1.00
- (11) Certification by public officer or employee as to correctness (or in attestation that document is a true copy) of any document, including maps, plans, and diagrams
 - Per page50

(Am. Ord. 2743)

Sec. 8-25.2. Charges For Publications.

(a) Charges for publications shall be based on cost, including reproduction costs, mailing and other handling charges attributable to making the publication available to the public.

(b) The term "publications" refers to copies of documents which are reproduced on a volume basis for general distribution and shall include, but not be limited to, such items as: ordinances, engineering and construction standards, directories, manuals, and handbooks. (Am. Ord. 2743, 3102)

Sec. 8-25.3. Applicability.

The fees established in this Article shall have no application to the furnishing of copies or extracts of public documents or records for which fees have been established by statutory provisions where such statutory provisions have not been superseded. (Am. Ord. 2743)

Sec. 8-25.4. Exemption From Payment Of Fees And Charges.

(a) The following agencies and organizations may be exempted from the payment of fees established in this Article, as well as charges to cover mailing and other handling costs by the public officer having custody or control of the records involved:

(1) Government agencies requiring the records or publications for official purposes;

(2) Non-profit organizations directly concerned with the matter involved in the records or publications; provided, however, that exemption from payment of fees and/or charges shall be limited to one copy or one set of such records or publications;

(3) Newspapers; provided, however, that exemption from payment of fees and/or charges shall be limited to one copy or one set of such records or publications; and

(4) Organizations which have arranged reciprocal agreement with a City agency for mutual exchange of records and publications.

(b) The Director of Finance may waive fees and/or charges for the following:

(1) Educational materials necessary for carrying out an agency program; or

(2) Distribution of records and publications when such distribution is of benefit and interest to the City; or

(3) Records or publications required by a student engaged in studying City operations as part of his school assignment;

provided, however, that exemption from payment of fees and/or charges shall be limited to one copy or one set of such records or publications.

(c) Political parties shall be furnished without charge, three copies of the voter registration lists of all precincts. Candidates who have filed for public elective offices shall be furnished, without charge, one copy of such current voter registration lists as may be requested by the candidate, provided that such lists are available for distribution. Additional copies in excess of the number to be furnished without charge as hereinabove stated shall be furnished upon payment of the fees specified in Section 8-25.1(7). (Am. Ord. 2743)

Sec. 8-25.5. Director Of Finance To Administer.

The provisions of this Article shall be administered by the Director of Finance and he shall be authorized to determine the specific organizations and agencies which shall be exempt from the payment of fees for public records and charges for publications, and to determine the specific records and/or publications for which no fees or charges shall be required. (Am. Ord. 2743)

Am. 2/22/78
Ord. 78-21

Article 26. (Reserved).

Article 27. (Reserved).

Article 28. Federal Grants Fund.

Sec. 8-28.1. Creation.

There is hereby created and established a special fund to be known as the "Federal Grants Fund." (Am. Ord. 2985)

Sec. 8-28.2. Purpose.

All moneys received from the United States of America as grants for specific projects, in addition to supporting moneys from other sources, where such moneys are not accounted for in any other fund, shall be deposited into the "Federal Grants Fund." Any related budgetary appropriations of City moneys shall be transferred into the said fund. All moneys deposited or transferred into the said fund shall be maintained in separate accounts identified with, and expended for, the purposes for which such moneys are received or appropriated. (Am. Ord. 2985)

Article 29. Special Projects Fund.

Sec. 8-29.1. Creation.

There is hereby created and established a special fund to be known as the "Special Projects Fund." (Am. Ord. 3135)

Sec. 8-29.2. Purpose.

All moneys received under special contracts entered into by and between the City and the State, such as for maintenance of State highways, and all moneys received from various other sources for operating and capital improvement expenses for which no financing has been provided in other funds, such as contributions from property owners exclusive of improvement district assessment collections, shall be deposited into the "Special Projects Fund" and expended for the purposes authorized. (Am. Ord 3135)

Am. 12/26/79
Ord. 79-99

Article 30. Charges For Furnishing Electronic Data Processing Services.

Am. 12/26/79
Ord. 79-99

Sec. 8-30.1. Definitions.

As used in this Article the terms listed below shall have the following meaning :

(a) "Information Systems Center" shall mean the agency of the City government having responsibility for operating centralized electronic data processing machines to process information received from City agencies.

(b) "Information Systems Officer" shall mean the employee or officer in charge of the Information Systems Center.

(c) "Public data" shall mean information stored at the Information Systems Center which may be released to the public pursuant to Section 12-110.1 of the Charter.

(d) "Service bureau" shall mean a firm registered to do business in the State of Hawaii and whose principal business is furnishing data processing services. (Am. Ord. 3242)

Am. 12/26/79
Ord. 79-99

Sec. 8-30.2. Policy.

The following policy shall govern the availability of public data :

(a) Public data may be obtained only by Federal, State of Hawaii, and other State and local government agencies requiring data for a public purpose; provided, however, that voter registration data may be obtained by service bureaus and by political

parties recognized by the State of Hawaii, and made available to bona fide candidates for elective public office in the State of Hawaii.

(b) The Information Systems Officer shall not release or sell master tape reels. The Information Systems Officer may produce and sell a duplicate of the master tape reel, or a portion thereof, to an authorized government agency; and may produce and rent duplicate tape reels of voter registration data to service bureaus and to political parties for electioneering purposes.

(c) The following conditions shall be met before public data may be released, sold, or rented:

(1) The applicant obtains the written permission of the officer having custody of the records from which data have been processed;

(2) The Information Systems Officer will not be required to devise special programming or operating procedures specifically tailored to meet the needs of the applicant;

(3) The applicant agrees in writing that he will not sell or otherwise release the data or the duplicate tape reel to a commercial firm, or to use or permit the use of the data or tape for commercial purposes; and

(4) In the case of a duplicate tape reel rented by the City, the service bureau or political party renting the tape agrees in writing to return the tape no later than the date specified by the City. (Am. Ord. 3242)

Am. 12/26/79 **Sec. 8-30.3. Charges For Furnishing Electronic Data Processing Services.**
Ord. 79-99

(a) Charges for producing a duplicate tape or for furnishing electronic data processing services to authorized government agencies shall be computed on the basis of the cost of equipment time, labor, and materials used in connection with processing the requested data.

(b) Charges for duplicate tape reels rented to service bureaus and to political parties shall be computed on the basis of the cost of equipment time, labor, and materials used in producing each duplicate tape. (Am. Ord. 3242)

Am. 12/26/79 **Sec. 8-30.4. Exemption From Payment Of Charges.**
Ord. 79-99

Government agencies requiring data for public purposes may be exempted from all or a portion of the costs of services provided by the Information Systems Center. (Am. Ord. 3242)

Sec. 8-30.5. Director Of Finance To Administer.

The provisions of this Article shall be administered by the Director of Finance and he shall be authorized to determine when government agencies may be exempt from payment of charges. (Am. Ord. 3242)

Am. 12/26/79
Ord. 79-99

Sec. 8-30.6. Penalty

Article 31. General Improvement Bond Fund.**Sec. 8-31.1. Creation.**

There is hereby created and established a special fund to be known as the "General Improvement Bond Fund." (Am. Ord. 3211)

Sec. 8-31.2. Deposit.

There shall be deposited into the "General Improvement Bond Fund" the proceeds of the sale of general obligation bonds of the City and County issued to pay all or part of those appropriations for public improvements made in the Capital Budget Ordinance of the City and County and specified therein to be expended from the "General Improvement Bond Fund." (Am. Ord. 3211)

Sec. 8-31.3. Source Of Payment.

There shall be paid from the "General Improvement Bond Fund" the costs of public improvements appropriated in said Capital Budget Ordinance and specified therein to be expended from the "General Improvement Bond Fund." (Am. Ord. 3211)

Article 32. Highway Improvement Bond Fund.**Sec. 8-32.1. Creation.**

There is hereby created and established a special fund to be known as the "Highway Improvement Bond Fund." (Am. Ord. 3212)

Sec. 8-32.2. Deposit.

There shall be deposited into the "Highway Improvement Bond Fund" the proceeds of the sale of general obligation bonds of the City and County issued to pay all or part of those appropriations for public improvements made in the Capital Budget Ordinance of the City and County and specified therein to be expended from the "Highway Improvement Bond Fund." (Am. Ord. 3212)

Sec. 8-32.3. Source Of Payment.

There shall be paid from the "Highway Improvement Bond Fund" the costs of public improvements appropriated in said Capital Budget Ordinance and specified therein to be expended from the "Highway Improvement Bond Fund." (Am. Ord. 3212)

Article 33. Special Assessment Revolving Fund.**Sec. 8-33.1. Creation.**

There is hereby created and established a special fund to be known as the "Special Assessment Revolving Fund." (Am. Ord. 3214)

Sec. 8-33.2. Deposit.

There shall be deposited into the "Special Assessment Revolving Fund":

(1) The proceeds of the sale of general obligation bonds of the City and County issued for the purpose of establishing, maintaining, or replenishing said "Special Assessment Revolving Fund";

(2) The City's share of the costs of improvements initiated by the City pursuant to Section 24-3.1 of the Revised Ordinances of Honolulu 1969;

(3) The amounts collected on account of assessments and interest for any improvements paid or financed from the "Special Assessment Revolving Fund"; and

(4) The amounts collected on account of assessments and interest for any improvement, the cost of which is assessed against the properties benefited or improved thereby and which cost is financed from general obligation bonds of the City and County, to the extent such assessments and interest:

(a) Are not directed by the Council to be applied to the reimbursement of the general fund of the City and County to the extent of amounts paid for interest on and principal of such general obligation bonds; or

(b) Are in excess of the amounts required for such reimbursement. (Am. Ord. 3214)

Sec. 8-33.3. Source Of Payment.

There shall be paid from the "Special Assessment Revolving Fund":

(1) The interest on and principal of general obligation

bonds of the City and County, the proceeds of which bonds are used to establish, maintain, or replenish the "Special Assessment Revolving Fund," provided that the proceeds of the general obligation bonds shall not be applied to pay such interest and principal; and

(2) The costs of public improvements assessed or assessable in whole or in part against properties benefited or improved by such improvements, provided such improvements shall be limited to special improvements initiated by the City and the payment of such costs from the "Special Assessment Revolving Fund" shall be directed by the Council. (Am. Ord. 3214)

Rep. 8/17/76
Ord. 4626

Article 34. Off-Street Parking Fund.

Sec. 8-34.1. Creation.

There is hereby created and established a special fund to be known as the "Off-Street Parking Fund." (Am. Ord. 3307)

Sec. 8-34.2. Deposit.

There shall be deposited into the "Off-Street Parking Fund" all monies collected by the City from charges for the use of any and all public off-street parking facilities, and all proceeds from the sale of off-street parking facilities or any portion thereof. (Am. Ord. 3307)

Sec. 8-34.3. Source Of Payment.

There shall be paid from the "Off-Street Parking Fund" the costs of off-street parking improvements appropriated in the Capital Budget Ordinance, the costs of operating and maintaining the off-street parking facilities, and the interest on and principal of general obligation bonds or revenue bonds of the City and County issued for the acquisition, construction and improvement of off-street parking facilities. (Am. Ord. 3307)

Am. 6/30/77
Ord. 77-61-

Rehabilitation Loan Revolving Fund



CHAPTER 9.

COLLECTION AND DISPOSAL OF REFUSE.

Am. 7/12/74
Ord. 4339

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- 9-4.1. Places Of Business, Hotels, Etc.
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Am. 7/12/74
Ord. 4339

Article 1. General Provisions.

Sec. 9-1.1. Definitions.

Unless otherwise expressly stated, wherever used in this Chapter the following terms 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.

(d) "Place of Business" shall mean any place other than a hotel, where business, commercial or industrial activity is carried on, any ship berthed in Honolulu Harbor, and any public building of the City and County government.

(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 445-92, HRS.

(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.

(k) "Director of Finance" shall mean the Director of Finance of the City and County of Honolulu. (Sec. 9-1.1, R.O. 1961; Am. Ord. 2717, 3335)

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

The Division shall have charge of and shall administer the collection and disposal of refuse. No refuse shall be collected from any building or place 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 322, HRS, as amended, relating to nuisance, health and sanitation. (Sec. 9-1.2, R.O. 1961; Am. Ord. 2717)

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. 1961)

Sec. 9-1.4. Limitations.

The Division will not 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 tree 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.

(f) Any refuse from any hotel 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. 1961; Am. Ord. 2717)

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 fireproof construction under the standards provided by the Na-

tional 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 combustible 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. 1961)

Sec. 9-1.6. Unlawful To Disturb Receptacles.

Am. 5/20/75
Ord. 4454

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. 1961)

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. 1961)

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 than 15 days shall constitute prima facie evidence of abandonment. (Sec. 9-1.8, R.O. 1961)

Sec. 9-1.9. Penalty.*

Any person violating any provisions of this Article shall, upon conviction, be punished by a fine not exceeding \$100.00 or by imprisonment not exceeding 90 days, or by both. (Sec. 9-1.9, R.O. 1961)

Am. 7/12/74
Ord. 4339

Article 2. Collection And Disposal Charges.
Sec. 9-2.1. Collection Charges For Hotels.

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 monthly basis; provided that a minimum service charge of \$3.00 per month or fraction thereof shall be made for each hotel served by the Division. Such service charges shall be computed and billed on a monthly basis and shall be paid to the Director of Finance not later than 30 days after the end of the calendar month in which services are rendered. (Sec. 9-2.1, R.O. 1961; Am. Ord. 3335)

Sec. 9-2.2. Collection Charges For Places Of Business.

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 monthly basis; provided that a minimum service charge of \$3.00 per month or fraction thereof shall be made for each place of business served by the Division. Such service charges shall be computed and billed on a monthly basis and shall be paid to the Director of Finance not later than 30 days after the end of the calendar month in which services are rendered. (Sec. 9-2.2, R.O. 1961; Am. Ord. 3335)

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:

* See Sec. 1-2.4, R.O. 1969.

