

THE REVISED ORDINANCES OF HONOLULU 1978

Comprising the Ordinances of the
CITY AND COUNTY OF HONOLULU,
Ordinance No. 3508 through Ordinance No. 78-118
December 31, 1978

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THE
REVISED ORDINANCES
OF HONOLULU
1978

Honolulu, Hawaii
CITY AND COUNTY OF HONOLULU
OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS
1978

FOR INFORMATION OF ALL INTERESTED PARTIES

1978

1978

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FOREWORD

This is the fourth 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 402 ordinances out of 1,414 ordinances of the City and County of Honolulu which were enacted as of January 1, 1970. As in the prior sets of the ordinances, the Traffic Code, the Comprehensive Zoning Code and the Uniform Building Code (adopted by the International Conference of Building Officials) with local amendments, have been incorporated by reference.

The number of ordinances which directly amend provisions contained in the Revised Ordinances of Honolulu 1969, as shown in the numerous supplements, reflects the dynamic ebb and flow of the social and economic factors within this community requiring development and enactment of legislative policies which are included in this volume.

All of the efforts that go into the compilation, revision and codification of the ordinances of the City and County of Honolulu and the production of this volume, in particular, the efforts of the clerical staff of the Counselling and Drafting Division under the supervision of Sara Imamura, with the assistance of Gail Kakehi, and under the general supervision of Deputy Corporation Counsel Yoshiaki Nakamoto, are gratefully acknowledged.

RICHARD K. SHARPLESS
Corporation Counsel

Honolulu, Hawaii
December 31, 1978

PREFACE

This volume of the Revised Ordinances of Honolulu 1978 constitutes the third revision and recodification of the general ordinances of the City and County of Honolulu since the adoption of the Charter of the City and County of Honolulu 1959.

Since the Charter, and the Revised Charter of Honolulu 1973, which took effect on January 1, 1973, are available as individual copies, we have not included them in this volume.

This volume contains the ordinances of a general and permanent nature enacted prior to December 31, 1978, which we consider 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 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 reference in the Revised Ordinances of Honolulu 1978, i.e., the Comprehensive Zoning Code (Ordinance 3234) and the Traffic Code (Ordinance 4650), have been excluded from this volume. Although the Uniform Building Code adopted by the International Conference of Building Officials has been excluded from this volume, the local amendments thereto, the Electrical Code (Ordinance 2541), the Plumbing Code (Ordinance 77-109) and the fees and permits therefor, are included in this volume, but, except for the Uniform Building Code, they have been published as a single pamphlet for the convenience of the public. The incorporated Codes are on file and open to inspection by the public at the departments responsible for administering the Codes.

A BILL FOR AN ORDINANCE relating to the revision of the Revised Ordinances of Honolulu 1969, as amended, and the compilation, consolidation, revision, indexing and arranging of all ordinances of general and permanent nature enacted after January 1, 1970 and the codification and adoption of the foregoing as the Revised Ordinances of Honolulu 1978; declaring the effect thereof; authorization of publication and setting the effective date of the Revised Ordinances of Honolulu 1978; and the repeal of the Revised Ordinances of Honolulu 1969, as amended, and all ordinances adopted between January 1, 1970 and December 31, 1978, except as otherwise provided herein.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Enactment of the provisions in, and adoption as, the Revised Ordinances of Honolulu 1978.

a. Enactment. Each provision which revises the Revised Ordinances of Honolulu 1969, as amended, and each provision which constitutes the compilation, consolidation and revision of the ordinances enacted on and after January 1, 1970, are hereby enacted as the Revised Ordinances of Honolulu 1978;

b. Codification and adoption. The provisions which are enacted as above, which are indexed and arranged, are codified and adopted as the Revised Ordinances of Honolulu 1978;

c. Revisor. The revision, compilation, consolidation, indexing and arranging of the Revised Ordinances of Honolulu 1969, as amended, and ordinances enacted after January 1, 1970, were done pursuant to the provisions of Section 3-205 of the Revised Charter of Honolulu 1973 and Act 46 of the Session Laws of Hawaii, 1970, under the supervision and control of the Corporation Counsel;

d. Designation and citation. The foregoing enactment of ordinances and codification thereof are officially designated as the Revised Ordinances of Honolulu 1978 and may be cited as the ROH; and

e. Effective date. The ROH shall become effective on the day it is officially released by the Director of Finance for sale to the public.

SECTION 2. Repeal of prior laws; what not repealed. All ordinances in force immediately prior to December 31, 1978 which are embraced, with or without change, in the ROH are hereby repealed on or after January 1, 1979,

and so much of the ROH as is applicable or corresponds thereto shall be in force in lieu thereof; provided that the repeal shall not apply to or affect the following, except to the extent that they are theretofore, superseded or repealed, to wit:

a. All ordinances amending the Revised Ordinances of Honolulu 1969, which are adopted and effective after December 31, 1978, and which are omitted from the ROH, shall not be deemed to have been repealed, but shall be continued in full force and effect unimpaired by the ROH;

b. Any provision which was a part of an ordinance, amending ordinance, chapter, article, section, subsection, paragraph or subparagraph of the Revised Ordinances of Honolulu 1969, as amended, which is omitted from the ROH in the process of codifying the ROH;

c. Any ordinance or amending ordinance which is not of a general and permanent nature and which is not included in or by reference made a part of the ROH;

d. Any provision in an ordinance of a temporary nature or any provision relating to the particular places, highways, projects, enterprises;

e. Any provision in an ordinance in the nature of a saving clause or short title, or any provision in an ordinance relating to constitutionality, legislative findings or intent, interpretation, or the repeal of laws;

f. Any provision in an ordinance as to the time at which or manner in which provisions in an ordinance embraced in the ROH were or are to take effect or apply, or other transition provisions in an ordinance; and

g. Any provision in an ordinance as to the effect of noncompliance of any ordinance or part thereof with any federal law, or as to the effect of failure to secure a certificate or approval of any federal officer or other federal agency, and notwithstanding the enactment of the ROH such non-compliance, or the failure to secure such certificate of approval, shall have the same effect as if the ROH had not been enacted.

SECTION 3. Preservation of rights and liabilities. Said repeal shall not affect any act done, ratified, or confirmed, or any right accruing, accrued, or established, or any action, suit, or proceeding had or commenced in any civil cause, prior to the repeal, but all rights and liabilities under any ordinance embraced in the ROH or so repealed shall continue and may be enforced in the same manner and with the same effect as if the repeal had not been made; nor shall the repeal in any manner affect the right to any office or change the term or tenure thereof.

SECTION 4. Preservation of penalties for offenses, etc. Said repeal shall not affect any offense committed or any punishment, penalty, or forfeiture incurred, prior to the repeal, under any ordinances embraced in the ROH or so repealed, but every such offense may be prosecuted and punished, and every such punishment, penalty, or forfeiture imposed and enforced, in the same manner and with the same effect as if the repeal had not been made.

SECTION 5. Construction of ROH. Provisions in the ROH shall be construed as continuations or amendments of applicable or corresponding provisions of previously existing laws 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 ROH, reference may be had to the previously existing laws for the purpose of applying the rules of construction relating to repeal by implication or for the purpose of resolving the ambiguity or correcting the error.

SECTION 6. References in existing ordinances. References in ordinances not repealed to provisions embraced, with or without change, in the ROH shall be construed as applying to such provisions in the ROH.

SECTION 7. Effect of this ordinance. The enactment by Section 1 of this ordinance of the ROH shall not affect or repeal the ordinances passed after January 1, 1979, which shall become law prior to the date of the taking effect of the ROH; but all such ordinances shall have full effect, and so far as these ordinances vary from or conflict with any provision contained in the ROH, they shall have the effect of subsequent ordinances and as amending, repealing or adding to the ROH. For purposes of incorporation into the ROH, all references to general ordinances passed after January 1, 1979 to the Revised Ordinances of Honolulu 1969, as amended, or to any other previously existing ordinances shall be deemed to refer to the applicable or corresponding provisions contained in the ROH.

SECTION 8. Revivor. When any ordinance repealing a former ordinance or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance or provision.

SECTION 9. Correction of errors; formal changes. The Corporation Counsel may correct before the publication of the ROH in bound form typographical and grammatical errors, erroneous references to sections, and other mistakes obviously made through oversight or accident and may also make any other purely formal or clerical changes in keeping with the purpose of the revision.

SECTION 10. Printing, binding, and distribution. The Director of Finance is authorized to obtain bids for advertising for the printing of the ROH and to determine the number of volumes necessary based on past experience. The Director of Finance is authorized to furnish copies of the ROH at no cost to government agencies which were previously accorded similar treatment and shall sell copies to other persons at a price to be fixed by him, not exceeding \$100.00. The Director of Finance may change the sales price when circumstances make such change advisable. The ROH shall be included as part of the inventory of the municipal store and the cost of publishing same shall be paid out of the municipal store's account and any income derived therefrom from the sale of the ROH shall be included in the municipal store's account.

SECTION 11. Copies for public inspection. There shall be at least three copies of the ROH available for examination by the public at the Clerk's office.

SECTION 12. Effective date. This ordinance shall take effect upon its approval, except as provided in Section 1 relative to the ROH.

INTRODUCED BY:
(S) ANDREW K. POEPOE
Council members

DATE OF INTRODUCTION:
November 28, 1979
Honolulu, Hawaii

Approved as to form and legality:
(S) YOSHIAKI NAKAMOTO
Deputy Corporation Counsel

Approved this 6th day of March, 1980.
(S) FRANK F. FASI, *Mayor*

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