

THE  
REVISED ORDINANCES  
OF HONOLULU  
1969

As Amended

1978 CUMULATIVE  
SUPPLEMENT

Comprising the Ordinances of the  
CITY AND COUNTY OF HONOLULU,  
Ordinance No. 3508 through Ordinance No. 77-132  
January 1, 1970-December 31, 1977

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ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ БІЛІМ ЖӘНЕ ҒЫЛЫМ МИНИСТРЛІГІ

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PREFACE

This Supplement was prepared in compliance with Hawaii Revised Statutes, Sections 46-2.1 and 46-2.2 and supersedes the "1977 Cumulative Supplement of the Revised Ordinances of Honolulu in 1969."

This Cumulative Supplement contains all of the amendments subsequent to the adoption of the "Revised Ordinances of Honolulu 1969" through December 31, 1977. The ordinances have been classified, arranged, and numbered as in the Revised Ordinances of Honolulu 1969; repealed Sections carry appropriate references, new Sections appear in appropriate places, amended Sections generally appear in their amended form.

Where the Corporation Counsel has added to or changed the wording of a Section, whether to conform to the style of the Revised Ordinances of Honolulu 1969 or to correct typographical errors or to remove ambiguity, brackets or notes have been inserted. All changes are only those authorized by Revised Charter of Honolulu, Section 3-205 and said Sections 46-2.1 and 46-2.2.

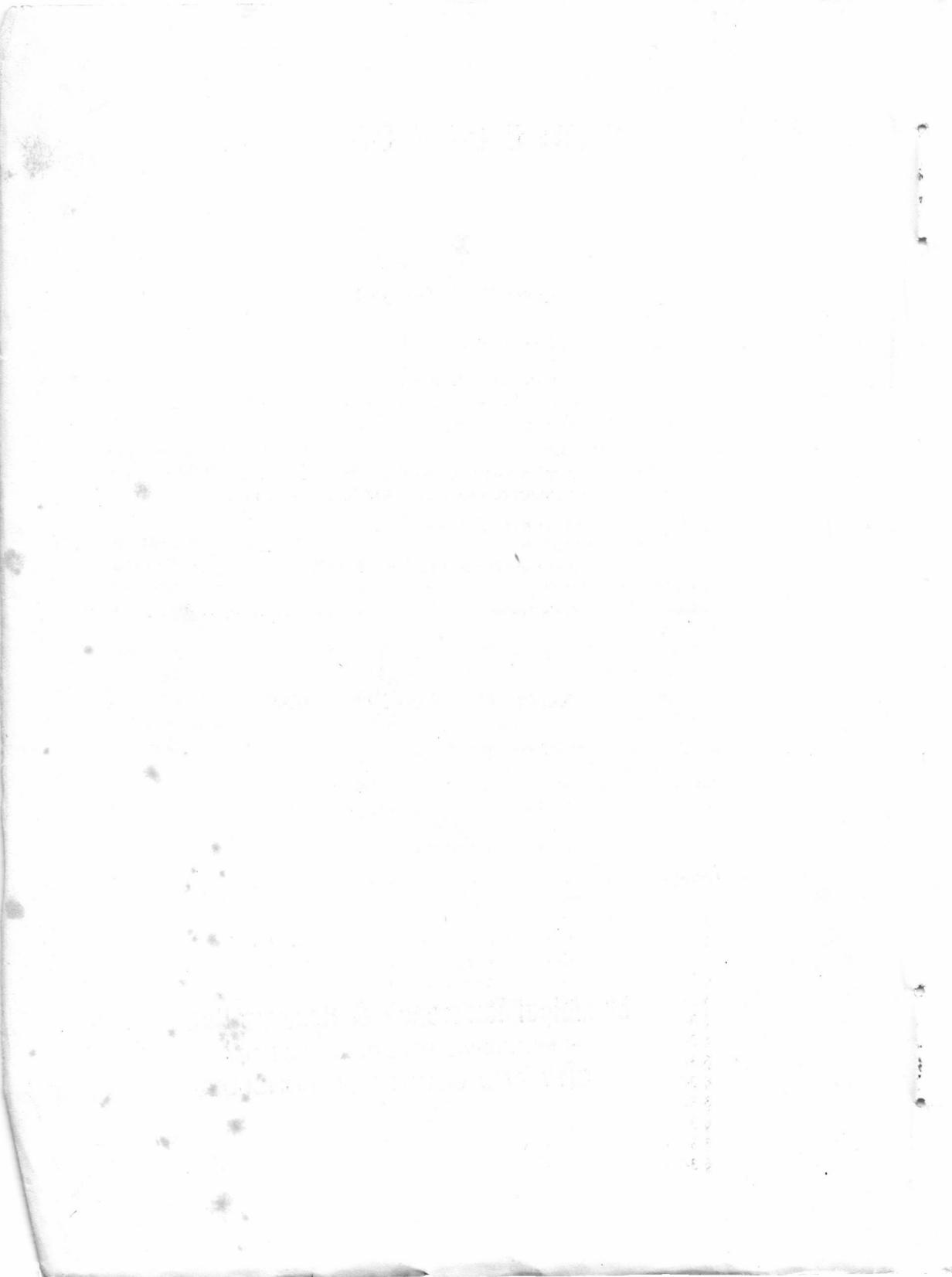
BARRY CHUNG  
*Corporation Counsel*

Honolulu, Hawaii  
December 31, 1977

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# TABLE OF CONTENTS

Page

## TITLE I GENERAL PROVISIONS

<b>CHAPTER 1.</b>	<b>GENERAL PROVISIONS.</b>	
<b>Article 2.</b>	Construction Of Ordinances.	
§ 1-2.5	Penalties For Violations Of City Charter And Rules And Regulations .....	1
<b>Article 6.</b>	City Seal.	
§ 1-6.1	Adoption And Description .....	1-2
§ 1-6.2	Unauthorized Use Of Seal And Penalty Therefor ....	2
<b>Article 8.</b>	Intergovernmental Relations .....	3
§ 1-8.1	Definition .....	3
§ 1-8.2	Intergovernmental Relations, Effects Of .....	3-4
§ 1-8.3	Penalties .....	4
§ 1-8.4	Separability .....	4

## TITLE III ADMINISTRATIVE CODE

<b>CHAPTER 3.</b>	<b>OFFICE OF THE MAYOR.</b>	
<b>Article 5.</b>	Municipal Reference And Records Center.	
§ 3-5.1	Organization .....	5
§ 3-5.2	Duties And Functions .....	5
§ 3-5.3	Deposit Of Publications .....	5
<b>Article 6.</b>	Temporary Vacancies On Boards, Commissions And Committees.	
§ 3-6.1	Purpose .....	5-6
§ 3-6.2	Filling Of Temporary Vacancies For Less Than 120 Calendar Days .....	6
§ 3-6.3	When Confirmation Necessary By Council .....	6-7
§ 3-6.4	Termination Of Appointment .....	7
§ 3-6.5	Inapplicability .....	7
§ 3-7.1	Repealed.	
§ 3-7.2	Repealed.	
§ 3-7.3	Repealed.	
§ 3-7.4	Repealed.	
§ 3-7.5	Repealed.	
§ 3-7.6	Repealed.	
§ 3-7.7	Repealed.	

	<b>Page</b>
<b>CHAPTER 4. EXECUTIVE ORGANIZATION.</b>	
<b>Article 1.</b> Executive Agencies.	
§ 4-1.1 Organization .....	9-10
<b>Article 2.</b> General Duties And Powers.	
§ 4-2.9 Acting Agency Head .....	10
<b>Article 3.</b> Bonds Of Elected Officials, Officers And Employees.	
§ 4-3.1 Bonds Of Elected Officials .....	10
§ 4-3.2 Bonds Of Officers And Employees .....	10-11
§ 4-3.3 Procurement Of Bonds .....	11
§ 4-3.4 Liability Of Officers And Employees On Bonds.....	11
 <b>CHAPTER 5. DEPARTMENTS UNDER THE MAYOR.</b>	
<b>Article 1.</b> Corporation Counsel.	
§ 5-1.2 Powers, Duties And Functions .....	13
§ 5-1.3 Prohibited Acts .....	13
§ 5-1.4 Penalties .....	13
<b>Article 2.</b> Department Of Finance.	
§ 5-2.7 Refund Of License Fees Authorized.....	14
 <b>CHAPTER 6. DEPARTMENTS UNDER THE MANAGING DIRECTOR.</b>	
<b>Article 1.</b> Department Of Public Works.	
§ 6-1.3 Divisions Of The Department .....	15
§ 6-1.4* (Repealed) .....	15
<b>Article 2.</b> Building Department.	
§ 6-2.4 House Numbering .....	15-16
<b>Article 11.</b> Department Of Land Utilization Central Coordinating Agency For Oahu	
§ 6-11.1 Authority And Purpose .....	16
§ 6-11.2 Designation.....	16
§ 6-11.3 Powers, Duties And Functions .....	16-17
§ 6-11.4 Rules .....	17
§ 6-11.5 Applicability .....	17
§ 6-11.6 Appeals .....	17-18
§ 6-11.7 Validity .....	18
 <b>CHAPTER 7. OTHER AGENCIES AND PERSONNEL.</b>	
<b>Article 2.</b> Royal Hawaiian Band.	
§ 7-2.4 Fees For Services.....	19

\*Subsequent amendment to this article will be governed by Ord. No. 4410 which was approved on Jan. 23, 1975.

	<b>Page</b>
<b>Article 3.</b>	Oahu Civil Defense Agency. (See Article 16 of this Chapter)
<b>Article 3.</b>	Registration Of Lobbyists.
§ 7-3.1	Declaration Of Intent ..... 19-20
§ 7-3.2	Definitions ..... 20-21
§ 7-3.3	Registration And Reporting..... 21-22
§ 7-3.4	Registration And Report Forms To Conform To Law And Truth ..... 22
§ 7-3.5	Certificate Of Registration ..... 22-23
§ 7-3.6	Prohibition ..... 23
§ 7-3.7	Additional Duties Of The City Clerk ..... 24
§ 7-3.8	Penalties ..... 24
§ 7-3.9	Severability ..... 24
<b>Article 6.</b>	Repealed.
<b>Article 9.</b>	Poundmaster.
§ 7-9.3	Duties; Compensation ..... 24-25
§ 7-9.8	Administrative Services..... 25
<b>Article 13.</b>	Ethics Commission.
§ 7-13.3	Powers, Duties And Functions ..... 25-26
§ 7-13.4	Requirements Applicable To The Rendering Of Opinions ..... 26
§ 7-13.5	Request For Opinions By Officers Or Employees .... 27
§ 7-13.7	Compensation (Repealed)..... 27
§ 7-13.7	Administrative Services..... 27
§ 7-13.8	Applicability ..... 27
<b>Article 14.</b>	Commission On Culture And The Arts.
§ 7-14.2	Creation Of Commission ..... 27-28
§ 7-14.3	Rules; Meetings ..... 28
§ 7-14.4	Objectives, Powers, Duties And Functions ..... 28-29
§ 7-14.6	Administrative Services..... 29
<b>Article 15.</b>	Additional Standards Governing The Conduct Of Officers And Employees.
§ 7-15.1	Definitions ..... 29
§ 7-15.2	Additional Standards of Conduct ..... 30
§ 7-15.3	Restrictions Relative To Post Employment. .... 30-31
§ 7-15.4	Penalties And Disciplinary Action For Violations.... 31
<b>Article 16.</b>	Oahu Civil Defense Agency.
§ 7-16.1	Oahu Civil Defense Agency ..... 31-32
<b>Article 17.</b>	Oahu Metropolitan Planning Organization.
§ 7-17.1	Legislative Intent ..... 32-33
§ 7-17.2	Cooperation ..... 33
§ 7-17.3	Work Elements..... 33
§ 7-17.4	City Official Authorized To Execute Comprehensive Agreement With Oahu Metropolitan Planning Organization ..... 34
§ 7-17.5	Separability..... 34

## TITLE IV GENERAL ADMINISTRATION

### CHAPTER 8. SPECIAL FISCAL PROVISIONS.

<b>Article 1.</b>	Pay Plan In The Offices Of The Corporation Counsel And The Prosecuting Attorney.	
§ 8-1.1	Deputies And Clerks .....	35
<b>Article 7.</b>	Insurance.	
§ 8-7.1	Public Liability Insurance .....	35-36
§ 8-7.2	Property Insurance .....	36-37
§ 8-7.3	Medical Expense, Death And Dismemberment Insurance.....	37
§ 8-7.4	Insurance For Leased Or Rented Property .....	37
§ 8-7.5	Conditions.....	37
<b>Article 10.</b>	Salaries Of Various City Officers.	
§ 8-10.1	Salary Of The Mayor .....	37
§ 8-10.2	Salaries Of Councilmen .....	38
§ 8-10.3	Salaries Of Appointed Officials Of The Executive Branch .....	38
§ 8-10.4	Salaries Of Appointed Officials Of The Council .....	38-39
§ 8-10.5	Repealed.	
§ 8-10.6	Repealed.	
<b>Article 19.</b>	Repealed.	
<b>Article 23.</b>	Repealed.	
<b>Article 34.</b>	Repealed.	
<b>Article 35.</b>	Bus Transportation Revolving Fund.	
§ 8-35.1	Creation.....	39
§ 8-35.2	Purpose .....	39
<b>Article 36.</b>	Federal Revenue Sharing Fund.	
§ 8-36.1	Creation.....	39
§ 8-36.2	Purpose .....	40
§ 8-36.3	Administration .....	40
<b>Article 37.</b>	Highway Beautification And Disposal Of Abandoned Vehicles Revolving Fund.	
§ 8-37.1	Creation.....	40
§ 8-37.2	Purpose .....	40-41
§ 8-37.3	Expenditures.....	41
§ 8-37.4	Administration .....	41
<b>Article 38.</b>	Bikeway Fund.	
§ 8-38.1	Creation.....	41
§ 8-38.2	Purpose .....	41
§ 8-38.3	Expenditures.....	41
§ 8-38.4	Administration .....	42

	<b>Page</b>
<b>Article 39.</b>	<b>Community Development Fund.</b>
§ 8-39.1	Creation..... 42
§ 8-39.2	Purpose ..... 42-43
§ 8-39.3	Administration ..... 43
<b>Article 40.</b>	<b>Housing And Community Development Trust Fund.</b>
§ 8-40.1	Creation..... 43
§ 8-40.2	Purpose ..... 44
§ 8-40.3	Administration ..... 44
<b>Article 41.</b>	<b>Housing And Community Development Section 8 Contract Fund.</b>
§ 8-41.1	Creation..... 44
§ 8-41.2	Purpose ..... 44
§ 8-41.3	Administration ..... 44
<b>Article 42.</b>	<b>Farmers Home Administration Watershed Loan Fund.</b>
§ 8-42.1	Creation..... 44
§ 8-42.2	Purpose ..... 45
§ 8-42.3	Administration ..... 45
<b>Article 43.</b>	<b>Housing Buy-Back Revolving Fund.</b>
§ 8-43.1	Creation..... 45
§ 8-43.2	Purpose ..... 45
§ 8-43.3	Administration ..... 45-46
<b>Article 44.</b>	<b>Parks And Playgrounds Revolving Fund.</b>
§ 8-44.1	Creation..... 46
§ 8-44.2	Purpose ..... 46
§ 8-44.3	Expenditures ..... 46-47
§ 8-44.4	Administration ..... 47
<b>Article 45.</b>	<b>Housing And Community Development Rehabilitation Loan Revolving Fund.</b>
§ 8-45.1	Definitions ..... 47
§ 8-45.2	Title ..... 47
§ 8-45.3	Purpose ..... 48
§ 8-45.4	Limitations ..... 48-49
§ 8-45.5	Rules And Regulations ..... 49
 <b>CHAPTER 9. COLLECTION AND DISPOSAL OF REFUSE.</b>	
<b>Article 1.</b>	<b>General Provisions.</b>
§ 9-1.1	Definitions ..... 51-52
§ 9-1.2	Collection Of Refuse By The Division ..... 52
§ 9-1.3	Preparation And Placing Of Refuse By Owner ..... 52-54
§ 9-1.4	Limitations To Collection By Refuse Crews ..... 54
§ 9-1.5	Unlawful To Disturb Receptacles ..... 54
§ 9-1.6	Refuse Acceptable And Not Acceptable By Disposal Facilities ..... 54-55
§ 9-1.7	Dead Animals..... 55
§ 9-1.8	Unlawful To Abandon Materials ..... 55
§ 9-1.9	Dumping Of Refuse Prohibited..... 55

	<b>Page</b>
<b>Article 2.</b>	Collection License.
§ 9-2.1	License Required, Collection Of Refuse ..... 56
§ 9-2.2	Licenses ..... 56-57
§ 9-2.3	Conditions Of Licenses ..... 57
§ 9-2.4	Prohibitions ..... 57
<b>Article 3.</b>	Requirements Applicable To Businesses, Private Dwellings, Government Facilities.
§ 9-3.1	Business ..... 57
§ 9-3.2	Private Dwellings ..... 58
§ 9-3.3	Service To Government Buildings ..... 58
<b>Article 4.</b>	Collection And Disposal Charges.
§ 9-4.1	Collection Charges For Businesses ..... 58
§ 9-4.2	Disposal Charges For Businesses, Federal And State Agencies ..... 59
§ 9-4.3	Failure To Pay Service Charges ..... 59
§ 9-4.4	Dead Animals ..... 59
§ 9-4.5	Disposition Of Fees, Charges And Deposits ..... 59
<b>Article 5.</b>	Penalties.
§ 9-5.1	Penalty ..... 59
§ 9-5.2	Revocation Or Suspension Of License ..... 60
<b>Article 6.</b>	Procedure On Arrest.
§ 9-6.1	Procedure ..... 60
§ 9-6.2	Summons Or Citation ..... 60
<b>CHAPTER 10. INSPECTION COSTS.</b>	
<b>Article 1.</b>	General Provisions.
§ 10-1.1	Definitions ..... 61
<b>Article 2.</b>	Overtime Inspections.
§ 10-2.1	Charges For Overtime Inspections ..... 61
<b>CHAPTER 11. SEWERS.</b>	
<b>Article 1.</b>	General Provisions.
§ 11-1.1	Intention ..... 63
§ 11-1.2	General Definitions ..... 63-68
§ 11-1.3	Use Of Public Sewers ..... 68
§ 11-1.4	Sewer Extensions ..... 68-69
§ 11-1.5	Lateral Sewer Construction And Connection ..... 69-70
§ 11-1.6	Restrictions Relating To Use Of Public Sewers ..... 70-73
§ 11-1.7	Right-Of-Entry And Inspection ..... 73
<b>Article 2.</b>	Sewer System For New Subdivision.
§ 11-2.1	In General ..... 73-74
§ 11-2.2	Temporary Treatment Plants — Pumping Stations... 74
§ 11-2.3	Construction Costs ..... 75
<b>Article 3.</b>	Sewer System For Other Than In New Subdivisions.
§ 11-3.1	For Connections Within Improvement Districts ..... 75
§ 11-3.2	Sewer Installation Charges ..... 75-76

	<b>Page</b>
<b>Article 4.</b>	<b>Private Sewer System.</b>
§ 11-4.1	Building Or House Sewers . . . . . 76
§ 11-4.2	Treatment Plants — Pumping Stations . . . . . 77
<b>Article 5.</b>	<b>Industrial Wastewaters.</b>
§ 11-5.1	Industrial Wastewater Discharge Certificate . . . . . 77
§ 11-5.2	Change Of Certificate Restrictions . . . . . 78
§ 11-5.3	Suspension Of Certificate . . . . . 78
§ 11-5.4	Revocation Of Certificate . . . . . 78
§ 11-5.5	Sampling, Analyses, And Flow Measurements For Certificate . . . . . 78-79
§ 11-5.6	Pretreatment Of Industrial Wastewaters . . . . . 79
§ 11-5.7	Damage Caused By Prohibited Wastewater Discharge . . . . . 79
§ 11-5.8	Trade Secrets . . . . . 79
§ 11-5.9	Existing Industrial Wastewater Dischargers . . . . . 79
<b>Article 6.</b>	<b>Sewer Service Charges.</b>
§ 11-6.1	Who Must Pay . . . . . 80
§ 11-6.2	Need For Distinction . . . . . 80
§ 11-6.3	Customer Classifications . . . . . 80
§ 11-6.4	Sewer Service Charge Schedules . . . . . 80
§ 11-6.5	Determination Of Discharge . . . . . 81-82
§ 11-6.6	Non-Residential Strength Surcharges . . . . . 82
§ 11-6.7	Industrial Cost Recovery . . . . . 82-83
§ 11-6.8	Payment Of Bills . . . . . 83
<b>Article 7.</b>	<b>Pumping Or Treating Of Cesspools.</b>
§ 11-7.1	General . . . . . 83
§ 11-7.2	Requirements . . . . . 84
§ 11-7.3	Cesspool Service Charge . . . . . 84
§ 11-7.4	Payment Of Bills . . . . . 84
<b>Article 8.</b>	<b>Sewer Fund.</b>
§ 11-8.1	Creation . . . . . 85
§ 11-8.2	Purpose . . . . . 85
§ 11-8.3	Accounts . . . . . 85
§ 11-8.4	Authorization . . . . . 85
§ 11-8.5	Refunds . . . . . 85
<b>Article 9.</b>	<b>Termination Of Water Service.</b>
§ 11-9.1	Authorization . . . . . 86
<b>Article 10.</b>	<b>Penalty.</b>
§ 11-10.1	General . . . . . 86
Appendix H	. . . . . 349-350
Appendix I	. . . . . 351
<b>CHAPTER 12. REGULATIONS OF COMMON CARRIERS.</b>	
<b>Article 1.</b>	<b>Taxicabs.</b>
§ 12-1.1	Definitions . . . . . 87-88
§ 12-1.2	Limitation Of Taxicabs . . . . . 88
§ 12-1.3	Establishment Of Road Taxi Stands . . . . . 88-89
§ 12-1.4	Authority Of Chief Of Police . . . . . 89
§ 12-1.5	Prohibited Acts . . . . . 89-90

	<b>Page</b>
§ 12-1.6	Fraudulent Call And Non-Payment . . . . . 90
§ 12-1.7	Bulky Items . . . . . 90
§ 12-1.8	Disorderly Persons . . . . . 90
§ 12-1.9	Taximeters . . . . . 90-91
§ 12-1.10	Taxicab Driver's Certificate . . . . . 91-92
§ 12-1.11	Rate Of Fare And Baggage Charge . . . . . 92-93
§ 12-1.12	Special Operations . . . . . 93
§ 12-1.13	Trip Records . . . . . 93
§ 12-1.14	Soiling Of Taxicab . . . . . 94
§ 12-1.15	Condition Of Taxicabs . . . . . 94
§ 12-1.16	Taxicab License . . . . . 94-95
§ 12-1.17	Taxi Sign . . . . . 95
§ 12-1.18	Penalty . . . . . 95
§ 12-1.19	Appeals . . . . . 95
§ 12-1.20	Severability . . . . . 95
<b>Article 2.</b>	U-Drive Motor Vehicles.
§ 12-2.4	Fixed Stands . . . . . 96
§ 12-2.7	Evidence Of Financial Responsibility . . . . . 96-97
<b>Article 4.</b>	General Provisions.
§ 12-4.1	Vehicle For Hire To Be Marked Or Numbered . . . . . 97
 <b>CHAPTER 13. REGULATIONS PROMOTING GENERAL WELFARE.</b>	
<b>Article 4.</b>	Use Of Intoxicating Liquors In Certain Public Places.
§ 13-4.2	Prohibition Of Intoxicating Liquor In Public Areas; Exceptions . . . . . 99
<b>Article 10.</b>	Fireworks Control.
§ 13-10.11	Unlawful To Set Off Pyrotechnic Articles; Exception . 99
§ 13-10.12	Sales Prohibited . . . . . 99-100
<b>Article 12.</b>	Repealed.
<b>Article 13.</b>	Repealed.
<b>Article 17.</b>	Repealed.
<b>Article 18.</b>	Rules And Regulations Relative To The Use Of Public Parks, Playgrounds, Beaches And Other Public Areas.
§ 13-18.1	"Public Park" Defined . . . . . 100
§ 13-18.2	Park Rules And Regulations . . . . . 100-102
§ 13-18.3	Permits . . . . . 103-104
§ 13-18.4	Rules And Regulations Pertaining To Street Trees, Hedges And Shrubs . . . . . 104
§ 13-18.5	Penalty . . . . . 104-105;
<b>Article 21.</b>	Obnoxious Substances.
§ 13-21.1	Declaration Of Legislative Intent . . . . . 105
§ 13-21.2	Definitions . . . . . 105-106
§ 13-21.3	Prohibitions, Except As Otherwise Provided In Section 13-21.4 . . . . . 106

	<b>Page</b>
§ 13-21.4	Exceptions . . . . . 106-107
§ 13-21.5	Permit To Be Obtained By Agency . . . . . 107
§ 13-21.6	Conditions . . . . . 107-109
§ 13-21.7	Vendor To Obtain License . . . . . 109
§ 13-21.8	Licenses, Permits Renewability . . . . . 109
§ 13-21.9	Penalty . . . . . 110
§ 13-21.10	Severability . . . . . 110
<b>Article 23.</b>	Repealed.
<b>Article 25.</b>	Repealed.
<b>Article 26.</b>	Repealed.
<b>Article 28.</b>	Swimming Pools.
§ 13-28.2	Fences And Other Protective Devices . . . . . 110
<b>Article 31.</b>	Regulation Of Dogs.
§ 13-31.2	Strays Prohibited . . . . . 110
§ 13-31.9	Penalty . . . . . 110
<b>Article 31A.</b>	Barking Dogs.
§ 13-31A.1	Definitions . . . . . 111
§ 13-31A.2	Barking Dogs Prohibited . . . . . 111
§ 13-31A.3	Complaint Forms For Private Citizens . . . . . 111
§ 13-31A.4	Summons Or Citation . . . . . 111-112
§ 13-31A.5	Failure To Obey Summons Or Citation . . . . . 112
§ 13-31A.6	Issuance Of Complaint, When . . . . . 112
§ 13-31A.7	Penalty . . . . . 112
§ 13-31A.8	Annual Report Required . . . . . 112
§ 13-31A.9	Severability . . . . . 113
<b>Article 32.</b>	The Sale To, Possession Of Or Use By Minors Of Chemical Substances Containing Volatile Organic Solvents.
§ 13-32.1	Definitions . . . . . 113
§ 13-32.2	Use As Inhalants Prohibited . . . . . 113
§ 13-32.3	Possession Or Transfer For Unlawful Purpose Prohibited . . . . . 113
§ 13-32.4	Use By Minors Other Than As An Inhalant, Regulated . . . . . 113
§ 13-32.5	Record Of Sales Required . . . . . 114
§ 13-32.6	Penalty . . . . . 114
<b>Article 35.</b>	Repealed.
<b>Article 36.</b>	Repealed.
<b>Article 38.</b>	Functus.
<b>Article 40.</b>	Disposal Of Weeds, Garbage, Trash And Waste From Property.
§ 13-40.1	Declaration Of Legislative Intent . . . . . 114
§ 13-40.2	Definitions . . . . . 115-116
§ 13-40.3	Premises To Be Free Of Weeds, Garbage, Trash And Waste . . . . . 116
§ 13-40.4	Clearing Of Weeds, Garbage, Trash And Waste From Property . . . . . 116-118

	Page
<b>Article 41.</b>	Control Of And Evacuation From Disaster Areas During Potential Disasters.
§ 13-41.1	Legislative Findings . . . . . 118
§ 13-41.2	Definitions . . . . . 118-119
§ 13-41.3	Prohibitions . . . . . 119
§ 13-41.4	Declaration By Mayor . . . . . 119
§ 13-41.5	Violations . . . . . 119
<b>Article 42.</b>	Bicycles.
§ 13-42.1	Definitions . . . . . 120
§ 13-42.2	Retail Bicycle Dealers, Records Required . . . . . 120
§ 13-42.3	Proof Of Ownership . . . . . 120
§ 13-42.4	Certificates Of Registration . . . . . 120-121
§ 13-42.5	Procedure When Owner Transfers Registration Of Bicycle . . . . . 121
§ 13-42.6	Evidence Of Ownership . . . . . 121
§ 13-42.7	Defacing Serial Numbers, Etc., Of Bicycles . . . . . 121
§ 13-42.8	Applicability . . . . . 122
§ 13-42.9	Penalty . . . . . 122
<b>Article 43.</b>	Aerial Advertising.
§ 13-43.1	Aerial Advertising Prohibited . . . . . 122
§ 13-43.2	Penalty . . . . . 122
<b>Article 44.</b>	Repealed.
<b>Article 45.</b>	Dog License.
§ 13-45.1	License Fee For Dogs . . . . . 123
§ 13-45.2	Disposition Of License Fee . . . . . 123
§ 13-45.3	Impoundment Of Unlicensed Dogs . . . . . 123
<b>Article 46.</b>	Smoking Prohibited In Certain Areas.
§ 13-46.1	Declaration Of Legislative Intent . . . . . 123
§ 13-46.2	Areas Where Smoking Is Prohibited . . . . . 124
§ 13-46.3	Exceptions . . . . . 124
§ 13-46.4	Placard Required . . . . . 124
§ 13-46.5	Applicability . . . . . 124
§ 13-46.6	Penalties . . . . . 124-125
§ 13-46.7	Severability . . . . . 125
<b>Article 47.</b>	Use Of Sound Amplifying Device In Public Buildings.
§ 13-47.1	Definitions . . . . . 125-126
§ 13-47.2	Prohibition . . . . . 126
§ 13-47.3	Exceptions . . . . . 126
§ 13-47.4	Penalty . . . . . 126

**CHAPTER 14. TAXES AND OTHER RELATED COSTS OR FEES.**

<b>Article 1.</b>	Motor Vehicle Weight Tax.
§ 14-1.1	Vehicle Weight Tax . . . . . 127

	<b>Page</b>
<b>Article 2.</b>	<b>Fees For Motor Vehicle Registration.</b>
§ 14-2.1	Fee For Original Registration Of Motor Vehicle . . . . . 127
§ 14-2.2	Fee For New Series Of Number Plates . . . . . 128
§ 14-2.3	Fee For Tag Or Emblem In Subsequent Years . . . . . 128
§ 14-2.4	Fee For Replacement Of Lost Or Mutilated Number Plates, Tags, Or Emblem Of Motor Vehicle . . . . . 128
§ 14-2.5	Number Plate Reservations . . . . . 128
 <b>CHAPTER 16. BUILDING CODE.</b>	
<b>Article 1.</b>	<b>Adoption Of The Uniform Building Code.</b>
§ 16-1.1	The Uniform Building Code . . . . . 129-175
<b>Article 2.</b>	<b>Relocation Of Building.</b>
§ 16-2.1	Applicability . . . . . 175
§ 16-2.2	Application For A Relocation Permit . . . . . 175-176
§ 16-2.3	Performance Security . . . . . 176-177
§ 16-2.4	Issuance Of Permit . . . . . 177
§ 16-2.5	Identification . . . . . 177-178
§ 16-2.6	Police Escorts . . . . . 178
§ 16-2.7	Effect Of Issuance . . . . . 178
§ 16-2.8	Duration And Extension Of Time . . . . . 178
§ 16-2.9	Denial Of Permit . . . . . 178
§ 16-2.10	Default In Performance . . . . . 179
§ 16-2.11	Entry Upon Premises . . . . . 179
§ 16-2.12	Fees For Permits . . . . . 180
§ 16-2.13	Building Permit Not Required . . . . . 180
§ 16-2.14	Penalty . . . . . 180
<b>Article 3.</b>	<b>Lei Vendors' Stands.</b>
§ 16-3.1	Applicability . . . . . 180
§ 16-3.2	Permits Required . . . . . 180
§ 16-3.3	Permit Fees . . . . . 181
§ 16-3.4	Minimum Requirements . . . . . 181
§ 16-3.5	Penalty For Violation . . . . . 181
<b>Article 4.</b>	<b>Factory Built Housing.</b>
§ 16-4.1	Applicability . . . . . 181
§ 16-4.2	Permits Required . . . . . 181
§ 16-4.3	Permit Fees . . . . . 182
§ 16-4.4	Minimum Requirements . . . . . 182
§ 16-4.5	Penalty For Violation . . . . . 182
<b>Article 5.</b>	<b>Thatched Material On Exterior Of Building: Protection Against Exposure Fires.</b>
§ 16-5.1	Applicability . . . . . 183
§ 16-5.2	General . . . . . 183
§ 16-5.3	Sprinkler Requirements . . . . . 183-185
§ 16-5.4	Penalty For Violation . . . . . 185
<b>Article 7.</b>	<b>Drainage And Flood Control.</b>
§ 16-7.2	Definitions . . . . . 185-186
§ 16-7.3	Adequacy Of Drainage . . . . . 186

	<b>Page</b>
§ 16-7.9	Subdivision Drainage Facilities . . . . . 186-187
§ 16-7.10	Open Drainways . . . . . 187-188
§ 16-7.11	Fences Along Improved Channels . . . . . 188
§ 16-7.12	Connection To City Drainage System . . . . . 188
§ 16-7.13	Allocation Of Costs . . . . . 189
§ 16-7.14	Improvements Under The Improvement District Assessment Ordinance . . . . . 189
§ 16-7.15	Election By Property Owners To Pay Additional Amounts . . . . . 189
§ 16-7.16	Land Requirements, Maintenance, Repair, Operation And Cleaning Of Drainage Facilities . . . . . 189-190
§ 16-7.17	Exception . . . . . 190
§ 16-7.18	Inequities . . . . . 190
§ 16-7.19	Subject To The Provisions Of Part II, Chapter 205, HRS, As Amended . . . . . 190
§ 16-7.20	Federal-Aid Projects . . . . . 190
§ 16-7.21	Approval Denied . . . . . 191
§ 16-7.22	Discharge Of Waters Other Than Storm Runoff Onto Public Rights-Of-Way And/Or Into Storm Drainage Systems . . . . . 191

**CHAPTER 17. THE ELECTRICAL CODE.**

<b>Article 2.</b>	Definitions.	
§ 17-2.1	Definitions . . . . .	193
<b>Article 3.</b>	Administration And Enforcement.	
§ 17-3.1	Administration And Enforcement . . . . .	193-194
§ 17-3.3	Appeals And Petitions . . . . .	194
§ 17-3.5	Electrically Charged Fences Or Structures . . . . .	194
§ 17-3.6	Installation Of Electric Watthour Meter For Dwelling Unit . . . . .	194
<b>Article 4.</b>	Permits And Inspection Fees.	
§ 17-4.1	Permit Required . . . . .	194
§ 17-4.2	Charges For Extra And Miscellaneous Inspection . . . . .	195
§ 17-4.3	Repealed.	
§ 17-4.4	Repealed.	
§ 17-4.5	Repealed.	
§ 17-4.6	Repealed.	
§ 17-4.7	Repealed.	
§ 17-4.8	Repealed.	
§ 17-4.9	Repealed.	
§ 17-4.10	Repealed.	
<b>Article 5.</b>	Standards.	
§ 17-5.1	Standards For Electrical Work . . . . .	195-196
§ 17-5.2	Standards For Performance Of Electrical Work . . . . .	196
<b>Article 6.</b>	Repealed.	

**CHAPTER 18. FEES AND PERMITS FOR BUILDING,  
ELECTRICAL, PLUMBING AND  
SIDEWALK CODES.**

<b>Article 1.</b>	Purpose.	
§ 18-1.1	Purpose And Intent .....	197
<b>Article 2.</b>	General Provisions.	
§ 18-2.1	Definitions .....	197
<b>Article 3.</b>	When Permit Required.	
§ 18-3.1	Permits Required .....	197-199
§ 18-3.2	Separate Building Permit Required .....	199-200
§ 18-3.3	Emergency Electrical Work .....	200
§ 18-3.4	Permit Requirement During Transition Period .....	200
§ 18-3.5	Temporary Permit Required .....	200
<b>Article 4.</b>	Application For Permit.	
§ 18-4.1	Application .....	200-201
§ 18-4.2	Plans And Specifications .....	201
§ 18-4.3	Information On Plans And Specifications .....	201-202
§ 18-4.4	Requirement For Affidavit .....	202
<b>Article 5.</b>	Permit Issuance.	
§ 18-5.1	Issuance .....	202-203
§ 18-5.2	Retention Of Plans .....	203
§ 18-5.3	Validity .....	203-204
§ 18-5.4	Suspension Or Revocation Of Building Permits .....	204-206
§ 18-5.5	Compliance With Hawaii Revised Statutes; Identity Of Licensees .....	206
§ 18-5.6	Transferability Of Building Permit .....	206-207
§ 18-5.7	Non-Liability Of City For Damages .....	207
<b>Article 6.</b>	Fees.	
§ 18-6.1	Building Permit Fees .....	207-208
§ 18-6.2	Refund Of Fees .....	208
§ 18-6.3	Exemptions .....	208
<b>Article 7.</b>	Violation And Penalties.	
§ 18-7.1	Violation And Penalty .....	208-209
	Table 18-A, Fees For Permits .....	209

**CHAPTER 19. PLUMBING CODE.**

<b>Article 1.</b>	General Provisions.	
§ 19-1.1	Title And Purpose .....	211
§ 19-1.2	Scope .....	211
<b>Article 2.</b>	Administration And Enforcement.	
§ 19-2.1	Authority .....	211
§ 19-2.2	Duties Of The Administrative Authority .....	211-212
§ 19-2.3	Right Of Entry .....	212
§ 19-2.4	Dangerous And Insanitary Construction .....	212-213
§ 19-2.5	Violations And Penalties .....	213
§ 19-2.6	Permit Required .....	213

	<b>Page</b>
§ 19-2.7	All Work To Be Inspected . . . . . 213
§ 19-2.8	Notification . . . . . 213
§ 19-2.9	Liability . . . . . 214
§ 19-2.10	Unconstitutionality . . . . . 214
<b>Article 3.</b>	<b>Qualification Of Performers Of Work</b>
	<b>Under Plumbing Code.</b>
§ 19-3.1	General Provisions . . . . . 214
<b>Article 4.</b>	<b>Installation Requirements.</b>
§ 19-4.1	Uniform Plumbing Code . . . . . 214-230'
 <b>CHAPTER 20. STREETS, SIDEWALKS, CURBS AND DRIVEWAYS CONSTRUCTION CODE.</b>	
<b>Article 1.</b>	<b>Excavation And Repairs Of Streets</b>
	<b>And Sidewalks.</b>
§ 20-1.1	Permit To Dig Up Streets, Application, Insurance, Bond, Permit Fee . . . . . 231-233
§ 20-1.2	Notice Of Commencement, Prosecution Of Work And Inspection . . . . . 233
§ 20-1.3	Trench Excavation, Backfill And Pavement Restoration . . . . . 233-234
§ 20-1.4	Restoration By The City . . . . . 234-235
§ 20-1.5	Charges To Be Levied And Disposition Thereof . . . . . 235
§ 20-1.6	Indemnification Of City . . . . . 235
§ 20-1.7	Penalty . . . . . 235
<b>Article 2.</b>	<b>Regulations Governing The Construction Of</b>
	<b>Sidewalk, Curb Or Driveway Within The</b>
	<b>Right-Of-Way Of Public Streets.</b>
§ 20-2.1	Short Title And Purpose . . . . . 236
§ 20-2.2	Definitions . . . . . 236
§ 20-2.3	Sidewalks, Curbs And Driveways To Conform To Grade, Standards And Specifications . . . . . 237
§ 20-2.4	Permit Required . . . . . 237
§ 20-2.5	Construction Of Sidewalks, Curbs Or Driveways . . . . . 237
§ 20-2.6	Notice To Owner . . . . . 237
§ 20-2.7	Failure To Construct Sidewalks, Curbs, Or Driveways . . . . . 237-238
§ 20-2.8	Standards And Specifications For Sidewalks . . . . . 238
§ 20-2.9	Standard Details And Specifications For Curbs . . . . . 238-239
§ 20-2.10	Standards And Specifications For Driveways . . . . . 239
§ 20-2.11	Standards And Specifications For Wheelchair Ramps . . . . . 239
§ 20-2.12	Ramp In Gutter Prohibited . . . . . 240
§ 20-2.13	Conversion Of Abandoned Driveway To A Sidewalk . . . . . 240
§ 20-2.14	Inspection And Approval . . . . . 240
§ 20-2.15	Penalties . . . . . 240-241
<b>Article 3.</b>	<b>Repealed.</b>
<b>Article 5.</b>	<b>Cleaning And Maintaining Sidewalks.</b>
§ 20-5.1	Cleaning Of Sidewalks . . . . . 241
§ 20-5.3	Notice To Property Owners . . . . . 241

	Page
<b>Article 6.</b>	Construction Of Improvements By Certain Property Owners.
§ 20-6.3	Allocation Of Costs ..... 241-242
§ 20-6.5	Exceptions ..... 242
<b>Article 7.</b>	Public Utility Facilities.
§ 20-7.2	Connection By Property Owners to Underground Public Utility Facilities ..... 243-244
§ 20-7.3	Penalty ..... 244
§ 20-7.4	Connection By The City To Underground Public Utility Facilities ..... 244-245
§ 20-7.5	Allocation Of Costs For Underground Public Utility Facilities In Special Design Districts ..... 245-246
 <b>CHAPTER 22. SUBDIVISION OF LAND.</b>	
<b>Article 3.</b>	Subdivision And Consolidation Of Land.
§ 22-3.10	Advertisement, Offer, Contract, Sale Or Transfer Before Final Map Approval, Prohibited ..... 247
<b>Article 6.</b>	Public Access To Shoreline And Mountain Areas.
§ 22-6.1	Legislative Intent And Purpose ..... 247
§ 22-6.2	Statutory Authority ..... 247
§ 22-6.3	Definitions ..... 248
§ 22-6.4	Scope ..... 248-249
§ 22-6.5	Requirements ..... 249-250
§ 22-6.6	Dedication Of Access And Approval Of Subdivision . 250
<b>Article 7.</b>	Parks And Playgrounds.
§ 22-7.1	Statutory Authority ..... 251
§ 22-7.2	Definitions ..... 251-252
§ 22-7.3	Scope ..... 252-253
§ 22-7.4	Exceptions ..... 253
§ 22-7.5	Land Area Required For Parks And Playgrounds ... 253-254
§ 22-7.6	Payment Of Money In Lieu Of Dedicating Or Providing Land, Or A Combination Of Payment Of Money And Dedicating Or Providing Land ..... 254-255
§ 22-7.7	Valuation Of Land When Fees Are To Be Paid ..... 255
§ 22-7.8	Credit For Parks And Playgrounds ..... 255-256
§ 22-7.9	Rules And Regulations ..... 256
§ 22-7.10	Appeals ..... 256
 <b>CHAPTER 23. GRADING, SOIL EROSION AND SEDIMENT CONTROL.</b>	
<b>Article 1.</b>	General Provisions.
§ 23-1.1	Purposes ..... 257
§ 23-1.2	Scope ..... 257
§ 23-1.3	Definitions ..... 257-258
§ 23-1.4	Hazardous Conditions ..... 258
§ 23-1.5	Exclusions ..... 258-259

	<b>Page</b>
<b>Article 2.</b>	Permits; Bond; Inspection.
§ 23-2.1	Permit . . . . . 259
§ 23-2.2	Application For Permit . . . . . 259-262
§ 23-2.3	Permit Limitations . . . . . 262-263
§ 23-2.4	Permit Fees . . . . . 263-264
§ 23-2.5	Expiration Of Permit . . . . . 264-265
§ 23-2.6	Denial Of Permit . . . . . 265
§ 23-2.7	Suspension Or Revocation Of Permit . . . . . 265-266
§ 23-2.8	Bond . . . . . 266
§ 23-2.9	Inspection . . . . . 266-267
<b>Article 3.</b>	Grading, Grubbing And Stockpiling.
§ 23-3.1	Conditions Of Permit . . . . . 267-270
§ 23-3.2	Special Requirements . . . . . 270-271
<b>Article 4.</b>	Violations And Penalties; Liabilities.
§ 23-4.1	Violations And Penalties . . . . . 271-272
§ 23-4.2	Liability . . . . . 272
§ 23-4.3	Rule-Making Powers . . . . . 272
§ 23-4.4	Decisions Of The Chief Engineer . . . . . 272
 <b>CHAPTER 24. IMPROVEMENT BY ASSESSMENTS.</b>	
<b>Article 1.</b>	General Provisions.
§ 24-1.1	Methods . . . . . 273-274
§ 24-1.2	Storm Drainage System . . . . . 274
§ 24-1.2A	Parks, Playgrounds And Beaches . . . . . 274
<b>Article 2.</b>	Costs.
§ 24-2.1	Costs To Be Borne By The City . . . . . 275
§ 24-2.2	Costs Of Water System . . . . . 275
<b>Article 3.</b>	Procedure.
§ 24-3.2	Petition Of Owners . . . . . 276
<b>Article 4.</b>	Assessments.
§ 24-4.4	Lien; New Assessment . . . . . 277-278
§ 24-4.5	Payment Of Installments . . . . . 278-279
§ 24-4.12	Sale Of Land Bid In By Director Of Finance At Sale . . . . . 279
<b>Article 5.</b>	Financing.
§ 24-5.1	Improvement District Bonds, General Obligation Bonds And Special Assessment Revolving Fund, And Advances From Available Funds . . . . . 279-280
§ 24-5.2	Special Funds For Payment Of Bonds . . . . . 280-281
§ 24-5.4	Sale And Use Of Bonds . . . . . 281
§ 24-5.5	Payment Before Maturity . . . . . 281-282
 <b>CHAPTER 25. HOUSING CODE.</b>	
<b>Article 1.</b>	General Provisions.
§ 25-1.1	Findings And Declaration Of Intent Of The Council . . . . . 283
§ 25-1.2	Short Title . . . . . 283
§ 25-1.3	Application And Compliance . . . . . 283-284

	<b>Page</b>
<b>Article 2.</b>	Definitions.
§ 25-2.1	Definitions ..... 284-286
<b>Article 3.</b>	Inspections.
§ 25-3.1	Inspections ..... 286
<b>Article 4.</b>	Space And Occupancy Standards.
§ 25-4.1	Location On Property ..... 286-287
§ 25-4.2	Yards And Courts ..... 287-288
§ 25-4.3	Room Dimensions ..... 288-289
§ 25-4.4	Light And Ventilation ..... 289-290
§ 25-4.5	Sanitation ..... 290-291
<b>Article 5.</b>	Structural Requirements.
§ 25-5.1	Structural Requirements ..... 291
<b>Article 6.</b>	Mechanical Requirements.
§ 25-6.1	Mechanical Requirements ..... 291-292
<b>Article 7.</b>	Exits.
§ 25-7.1	Exits ..... 292
<b>Article 8.</b>	Fire Protection.
§ 25-8.1	Fire Protection ..... 292
<b>Article 9.</b>	Substandard Buildings.
§ 25-9.1	Definition ..... 292-295
§ 25-9.2	Complaint ..... 295-296
<b>Article 10.</b>	Enforcement.
§ 25-10.1	Enforcement ..... 297
§ 25-10.2	Public Nuisances ..... 297
§ 25-10.3	Housing Board Of Appeals ..... 297-298
§ 25-10.4	Penalty ..... 298
§ 25-10.5	Severability ..... 298
 <b>CHAPTER 26. STREETS, SIDEWALKS, MALLS AND OTHER PUBLIC PLACES.</b>	
<b>Article 1.</b>	General Provisions.
§ 26-1.1	Definitions ..... 299-301
§ 26-1.2	Purpose ..... 301
<b>Article 2.</b>	Lei Selling.
§ 26-2.1	Regulations Affecting Lei Sellers ..... 301
§ 26-2.2	Penalty ..... 301
<b>Article 3.</b>	Minors Engaged In Street Trade.
§ 26-3.1	Permit Required ..... 302
§ 26-3.2	Conditions Of Permit ..... 302
§ 26-3.3	Minors Engaged In Street Trades Not To Molest Passers-By ..... 302
§ 26-3.4	Minors Engaged In Street Trades Not To Deface Windows, Sidewalks And Malls ..... 303
§ 26-3.5	Record Of Permits ..... 303
§ 26-3.6	Prohibition ..... 303
§ 26-3.7	Penalties ..... 303

	<b>Page</b>
<b>Article 4.</b>	Litter Prohibited.
§ 26-4.1	Litter In Public Places ..... 303
§ 26-4.2	Placement Of Litter In Receptacles So As To Prevent Scattering ..... 303
§ 26-4.3	Sweeping Litter Into Gutters Prohibited ..... 304
§ 26-4.4	Property Owners' Duty To Keep Sidewalks Free Of Litter ..... 304
§ 26-4.5	Litter Thrown By Persons In Vehicles ..... 304
§ 26-4.6	Truck Loads Causing Litter ..... 304
§ 26-4.7	Litter In Parks ..... 304
§ 26-4.8	Litter In Streams And Fountains ..... 304
§ 26-4.9	Dropping Litter From Aircraft ..... 304
§ 26-4.10	Posting Notices Prohibited ..... 305
§ 26-4.11	Litter On Occupied Private Property ..... 305
§ 26-4.12	Owner To Maintain Premises Free Of Litter ..... 305
§ 26-4.13	Litter On Vacant Lots ..... 305
§ 26-4.14	Clearing Of Litter From Open Private Property By City ..... 305-306
§ 26-4.15	Animal Body Waste Prohibited ..... 307
§ 26-4.16	Penalties ..... 307
<b>Article 5.</b>	Use Of Streets And Sidewalks By Solicitors And Canvassers.
§ 26-5.1	Unlawful To Use Public Streets And Sidewalks For Certain Business Purposes ..... 307
§ 26-5.2	Penalty ..... 308
<b>Article 6.</b>	Peddler's License.
§ 26-6.1	Annual Fee ..... 308
§ 26-6.2	Regulations Affecting Peddlers ..... 308-309
§ 26-6.3	Penalty ..... 309
<b>Article 7.</b>	Structures On, Above, Or Below A Public Sidewalk.
§ 26-7.1	Permit Required ..... 309
§ 26-7.2	Newsstands ..... 309-311
§ 26-7.3	Public Telephone Enclosures ..... 311-314
§ 26-7.4	Curbside Tellers ..... 314
§ 26-7.5	Freight Elevators And Freight Chutes ..... 314-315
§ 26-7.6	Public Convenience And Necessity ..... 315
§ 26-7.7	Non-Waiver Of Other Requirements ..... 315
§ 26-7.8	Payment Of Fees ..... 315
§ 26-7.9	Revocation Of Permits ..... 315
§ 26-7.10	Unlawful To Erect Gasoline Pumps Upon Sidewalks; Penalty ..... 315-316
§ 26-7.11	Penalty ..... 316
<b>Article 8.</b>	Procedure On Arrest.
§ 26-8.1	Procedure Upon Arrest ..... 316
§ 26-8.2	Summons Or Citation ..... 316

<b>Article 9.</b>	Use Of Malls.	
§ 26-9.1	Declaration Of Intent .....	317
§ 26-9.2	Definitions .....	317
§ 26-9.3	Powers And Duties Of The Department .....	317-319
§ 26-9.4	Appeals .....	319
§ 26-9.5	Penalty, Procedure On Arrest, And Summons Or Citation .....	319-320
§ 26-9.6	Severability .....	320

**CHAPTER 27. GREEN FEES AND RELATED  
EQUIPMENT FOR MUNICIPAL  
GOLF COURSES.**

<b>Article 1.</b>	General Provisions.	
§ 27-1.1	Definitions .....	321
§ 27-1.2	Green Fees .....	321-322
§ 27-1.3	Repealed.	
§ 27-1.4	Rates For Rental Of Golf Carts .....	322

**CHAPTER 28. PUBLIC TRANSIT SYSTEM.**

<b>Article 1.</b>	Fees For Advertising On Buses.	
§ 28-1.1	Advertising Space Defined .....	323
§ 28-1.2	Authorization To Rent Or Let .....	323
§ 28-1.3	Fees .....	323-324
<b>Article 2.</b>	Island-Wide Fare Structure.	
§ 28-2.1	Fare Structure .....	324
§ 28-2.2	Handicapped .....	325-327
§ 28-2.3	Senior Citizens .....	327
§ 28-2.4	Baggage .....	327
§ 28-2.5	Special Instructions .....	327
§ 28-2.6	Suspension Of Fares For Promotional Purposes .....	328
§ 28-2.7	Non-Transference Of Bus Pass And Penalty .....	328
<b>Article 3.</b>	Activities Prohibited On Public Conveyances.	
§ 28-3.1	Activities Prohibited On Public Conveyances .....	328
§ 28-3.2	Signs Required .....	328
§ 28-3.3	Removal Or Defacing Of Signs .....	328
§ 28-3.4	Placing Lighted Objects Close To Combustible Matter .....	329
§ 28-3.5	Penalty .....	329
<b>Article 4.</b>	Special Transit Service.	
§ 28-4.1	Authorization .....	329
§ 28-4.2	Access .....	329
§ 28-4.3	Eligibility .....	329
§ 28-4.4	Appeal .....	330
§ 28-4.5	Fare .....	330
§ 28-4.6	Service .....	330
§ 28-4.7	Evaluation Board .....	330

## APPENDICES

<b>A — Lease Or Rental Of Property Of The City And County Of Honolulu .....</b>	<b>333-336</b>
<b>B — Ordinances Creating Funds .....</b>	<b>337</b>
<b>D — Curb Lines And Grades .....</b>	<b>339</b>
<b>E — Improvement Districts (Creating And Assessing) .....</b>	<b>341-345</b>
<b>G — Legislative Branch .....</b>	<b>347</b>
<b>H — Sewer Service Charge Schedules .....</b>	<b>349-350</b>
<b>I — Cesspool Charge Schedules .....</b>	<b>351</b>

## TABLES OF DISPOSITION

<b>Table I — Disposition Of Sections In Revised Ordinances Of 1969 .....</b>	<b>355-357</b>
<b>Table II — Disposition Of Ordinances From January 1, 1970 To December 31, 1977 .....</b>	<b>359-372</b>
<b>INDEX .....</b>	<b>373-392</b>

TITLE I  
**General Provisions**

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CHAPTER 1.  
General Provisions.

**Article 2. Construction Of Ordinances.**

**Sec. 1-2.5. Penalties For Violations Of City Charter and Rules  
And Regulations.**

In any case where there shall be a violation of any provision of the City Charter or any provision of any Rules and Regulations promulgated by any City agency as authorized by the City Charter, the person violating the same shall be subject to a maximum fine of not more than \$1,000.00 or to imprisonment of not more than one year, or both, unless otherwise provided for in the City Charter or by any other ordinance. Upon conviction thereof, the person shall be punished for each offense, as provided by law for the prosecution of misdemeanors; provided that if such offense by the same person shall continue after due notice each day's continuance of the same shall constitute a separate offense. (Am. Ord. 4076, 4348)

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

Sec. 1-2.6. Refusal to provide identification.

**Article 6. City Seal.**

**Sec. 1-6.1. Adoption And Description.**

(a) The existing seal of the City and County of Honolulu, the impress and description of which is shown below\*, 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. (Ordinance 1730).

(b) The impress of the City's Seal, which was included as a part of Ordinance No. 1730 but inadvertently omitted in the 1961 Codification of Ordinances, shall be re-enacted herein in order to provide specific information for the benefit of the general public. The Seal of the City and County of Honolulu shall be circular in shape, three inches in diameter, and of the design being described, with the tinctures added as a basis for the coat of arms as follows:

---

\*Sample of actual impress on file with City Clerk's Office.

**Arms.**

A Heraldic Shield quartered; first and fourth quarters bearing the stripes and colors of the Hawaiian flag; second and third quarters, on a yellow field, a white ball pierced on a staff; over-all, a green escutcheon surcharge, with a five pointed yellow star in the center.

**Supporters.**

Nuuanu Pali on the dexter side and Diamond Head on the sinister side; over-all green color.

**Crest.**

A rising sun irradiated in gold, surrounded by a legend "City and County of Honolulu — State of Hawaii."

**City Seal of the City and County of Honolulu.**

(c) A line drawing version of the above described City Seal shall be as follows:\* (Sec. 1-6.1, R.O. 1969; Am. Ord. 4628)

**Sec. 1-6.2. Unauthorized Use Of Seal And Penalty Therefor.**

(a) Whoever knowingly displays any facsimile of the Seal of the City and County of Honolulu in, or in connection with any advertisement, poster or circular, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the City and County of Honolulu or by any department, agency, or instrumentality thereof, shall be guilty of a misdemeanor.

The preceding provision shall not be construed to apply to the use of a facsimile of the Seal in any newspaper, periodical, book, pamphlet or stationary where the facsimile of the Seal is printed for informational purposes only to indicate that any article or printed matter therein originated from authorized sources of the City and County of Honolulu.

(b) Whoever, except when authorized in writing by the City Council for official use of the City, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any facsimile of the Seal of the City and County of Honolulu, or any substantial part thereof, shall be guilty of a misdemeanor.

The phrase "sell" shall be broadly construed to include transactions involving cash donations to the seller and/or his agent or representative.

(c) The word "facsimile" as used in this Section shall mean the use of the Seal as described or impressed or the gold color replica or any combination thereof found in Section 1-6.1 of this Article. (Am. Ord. 4604, 4653)

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\*Sample of actual Seal on file with City Clerk's Office.

## Article 8. Intergovernmental Relations.

**Purpose and Intent.** The Council has found that the significance of viable relations with State and federal agencies has become of increasing importance, as an ever greater number of projects undertaken for the public welfare have been done so with both the financial assistance of federal and State agencies and with certain restrictions and regulations placed upon them by federal and State law. In keeping with these circumstances, the City Council finds it important to definitize certain policies for the information and guidance of the various officers and agencies of the City and County of Honolulu as well as other affected State and federal agencies and departments.

The 1972 Charter Review Commission provided that the City's Legislative Branch shall have coordinate status with the Executive Branch and shall be responsible for broad policy making and that the Executive Branch shall be responsible for the implementation and execution of the policies set by the Legislative Branch.

Pursuant to the powers granted under the Revised City Charter, as well as the Hawaii Revised Statutes, the City Council hereby exercises its legislative powers under RCH Section 3-101 and determines the policies pertaining to Intergovernmental Relations to be as stated hereinbelow. Special attention is directed to RCH Section 12-121 which requires that each agency of the City and County of Honolulu **shall** cooperate "with agencies of the governments of the United States, the State and any state and with any of their political subdivisions having similar functions" in the performance of their respective functions. (Am. Ord. 4526)

### Sec. 1-8.1. Definition.

(a) For purposes of this ordinance, the following terms shall have the meaning given herein.

(1) "Intergovernmental agreement" means any instrument in the nature of a contract, compact, memorandum of understanding or agreement which is intended to be executed between the City and either the federal government, the State government, the government of any other state, any political subdivision of any state, any combination thereof or with a quasi-governmental agency.

(2) "Obligation" shall mean any commitment, promise or similar representation contained in an intergovernmental agreement that the City or any agency thereof will provide either funds, documents, statistical data, or any professional or technical service to any other governmental or quasi-governmental agency. (Am. Ord. 4526)

### Sec. 1-8.2. Intergovernmental Relations, Effects Of.

(a) Signature authorization. Any intergovernmental agreement or any amendments thereto which places an obligation upon the City or

any department or agency thereof shall require prior City Council's consent and approval. City Council's consent and authorization as well as the designated official authorized to execute the intergovernmental agreement in behalf of the City and County of Honolulu shall be contained in the form of either an ordinance or resolution.

(b) Transmittal by Resolution. When carrying out the provisions of any intergovernmental agreement entered into in accordance with this article, all applications and/or amendments thereof, statistical data programs, reports, or other official communications which support the application and which are required to be provided by the City or its component departments to any other governmental or quasi-governmental agency shall first be presented to the City Council for its review and approval prior to its transmittal. Council's consent and authorization shall be through adoption of an appropriate resolution. (Am. Ord. 4526)

**Sec. 1-8.3. Penalties.**

Penalty for violations of any provision of this article shall be a fine not to exceed \$1,000.00 or one year's imprisonment, or both. Prosecutions in such cases shall be as provided by law for the prosecution of misdemeanors. (Am. Ord. 4526)

**Sec. 1-8.4. Separability.**

It is the intention of the Council that this Article and every provision thereof shall be considered separable, and the invalidity of any section, clause, provision or part thereof, shall not affect the validity of any other portion of this Article. (Am. Ord. 4526)

Am. 4/3/79  
Ord. 79-21

Article \_\_\_\_ Authority of Executive Agency to Adopt  
Rules & Regulations.  
Sec. 1- \_\_\_\_ Adoption of Rules & Regulations.

# TITLE III

## Administrative Code

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### CHAPTER 3. Office of the Mayor.

#### Article 5. Municipal Reference And Records Center.

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

There shall be a Municipal Reference and Records Center headed by a director of Municipal Reference and Records who shall be appointed and may be removed by the Mayor. The Municipal Reference and Records Center shall be in the Office of the Mayor. (Sec. 3-5.1, R.O. 1969; Am. Ord. 4586)

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

It shall be the duty of the Director of Municipal Reference and Records 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. 1969; Am. Ord. 4586)

##### Sec. 3-5.3. Deposit Of Publications.

The Municipal Reference Library, a division of the Municipal Reference and Records Center, is hereby designated as a depository library for publications issued by or for City agencies. Each City agency shall immediately upon release of a publication, deposit with the Municipal Reference Library three (3) copies of any consultant study, document, compilation, journal, report, rules and regulations but excluding publications determined by the issuing agency to be of a confidential nature. (Am. Ord. 4586)

#### Article 6. Temporary Vacancies On Boards, Commissions And Committees.

##### Sec. 3-6.1. Purpose.

This article is enacted pursuant to Revised Charter of Honolulu, Section 12-103(d), which provides that temporary vacancies on boards,

commissions and committees shall be filled by the Mayor as provided by ordinance. (Am. Ord. 4286)

**Sec. 3-6.2. Filling Of Temporary Vacancies For Less Than 120 Calendar Days.**

(a) The Mayor is authorized to fill subject to Council approval temporary vacancies on boards, commissions or committees for which he has been initially authorized by Charter, law or ordinance to make an original appointment on boards, commissions or committees when a regularly appointed member of a board, commission or committee is ill, incapacitated, out of state or when such office becomes temporarily vacant for any other reason.

(b) No confirmation by Council is necessary. Whenever the Mayor fills out a temporary vacancy on boards, commissions or committees for less than 120 calendar days, no confirmation by Council is necessary.

(c) The Mayor's written request for approval to fill a temporary vacancy of less than 120 calendar days shall include effective date of appointment, effective date of termination and reasons for appointment.

(d) No reappointment permitted. The Mayor shall not reappoint the same temporary appointee who has been appointed to fill a temporary vacancy on boards, commissions or committees for less than 120 calendar days on the same board, commission or committee upon the expiration of the initial 120 calendar days. (Am. Ord. 4286)

**Sec. 3-6.3. When Confirmation Necessary By Council.**

(a) Filling of temporary vacancies in excess of 120 calendar days. The Mayor is authorized to fill temporary vacancies on boards, commissions or committees for which he has been initially authorized by Charter, law or ordinance to make an original appointment on boards, commissions or committees when a regularly appointed member of a board, commission or committee is ill, incapacitated, out of state or when such office becomes temporarily vacant for any other reason in excess of 120 calendar days; provided that such temporary appointee shall be subject to confirmation by the Council as provided in RCH Section 3-108.9 (public hearing).

(b) No reappointment. The Mayor shall not reappoint the same temporary appointee who has been appointed to fill a temporary vacancy on boards, commissions or committees in excess of 120 calendar days on the same boards, commissions or committees upon the expiration of the initial temporary appointment.

(c) Date of termination. In any message from the Mayor stating that the temporary vacancy is to be filled in excess of 120 calendar days, the Mayor shall state the date of termination of such appointment.

(d) No confirmation of Council necessary, when. When the Mayor

fills a temporary vacancy on boards, commissions or committees pursuant to the provisions of this section, no confirmation by the Council is necessary where the Charter does not require confirmation by the Council of original appointees of the Mayor on such boards, commissions or committees. (Am. Ord. 4286)

**Sec. 3-6.4. Termination Of Appointment.**

All appointments made hereunder shall forthwith terminate on the date noted on the Mayor's letter of appointment. (Am. Ord. 4286)

**Sec. 3-6.5. Inapplicability.**

This Article shall not apply to temporary appointments on boards, commissions or committees for which the Mayor is not required by law, charter, ordinance or rules and regulations to have either the Council's approval or confirmation. (Am. Ord. 4286)

**Sec. 3-7.1. (Repealed) (Am. Ord. 4316)**

**Sec. 3-7.2. (Repealed) (Am. Ord. 4316)**

**Sec. 3-7.3. (Repealed) (Am. Ord. 4316)**

**Sec. 3-7.4. (Repealed) (Am. Ord. 4316)**

**Sec. 3-7.5. (Repealed) (Am. Ord. 4316)**

**Sec. 3-7.6. (Repealed) (Am. Ord. 4316)**

**Sec. 3-7.7. (Repealed) (Am. Ord. 4316)**



CHAPTER 4.\*

Executive Organization.

Article 1. Executive Agencies.<sup>12</sup>

Sec. 4-1.1. Organization.

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

(a) Departments and heads thereof under direct supervision of 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

(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
- Oahu Committee on Children and Youth . . . . . Chairman
- Poundmasters . . . . . Poundmasters
- District Court Personnel . . . . . Chief Magistrate

12. Term of office, § 12-117, Revised Charter.  
 Oath of Office, § 12-118, Revised Charter.  
 Dual offices, prohibited § 12-119, Revised Charter.  
 \*Honolulu Redevelopment Agency — omitted. See Revised Charter Chapter 11,  
 Article 6, Department of Housing and Community Development.

Public School Custodian Service

Personnel . . . . . State Department of Education  
(Sec. 4-1.1, R.O. 1969; Am. Ord. 3902)

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

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

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

An agency head may appoint 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. As acting head he shall execute all the powers and duties of the agency head. Vacancies resulting from death, resignation, dismissal or expiration of term of office of an agency head shall be filled in accordance with applicable provisions pertaining to that agency contained in the Revised Charter of the City and County of Honolulu. Notwithstanding any other provision to the contrary, any incumbent Corporation Counsel and Prosecuting Attorney whose term of office has expired coterminously with that of the appointing authority shall not serve in an acting or interim agency head capacity unless and until their appointments have been approved by the City Council. Any person whose appointment fails to receive Council's confirmation shall not be eligible for another appointment to the same office during the term of the appointing authority. (Sec. 4-2.9, R.O. 1969; Am. Ord. 77-20)

**Article 3. Bonds Of Elected Officials,  
Officers And Employees.**

**Sec. 4-3.1. Bonds Of Elected Officials.**

Before entering upon the duties of his office each Councilman and the Mayor shall be covered by an individual bond in the amount of \$25,000.00 conditioned for the faithful performance of the duties of his office. (Am. Ord. 4002)

**Sec. 4-3.2. Bonds Of Officers And Employees.**

All officers and employees of the City, except the Board of Water Supply, shall be covered by a public employees faithful performance blanket position bond in the amount of \$25,000.00 for each officer and employee, subject to excess indemnity coverage in the following amounts for the below-listed officers and employees:

Director of Finance . . . . .	\$225,000.00
Deputy Director of Finance . . . . .	225,000.00

Chief of Treasury .....	225,000.00
Assistant Chief of Treasury .....	225,000.00
Treasury Head Teller .....	75,000.00
Director of Auditoriums .....	75,000.00
Deputy Director of Auditoriums .....	75,000.00
Auditoriums Fiscal Officer .....	75,000.00
Auditoriums Accountant V .....	75,000.00
Auditoriums Box Office Manager .....	25,000.00
Auditoriums Box Office Accountant .....	25,000.00

(Sec. 4-3.2, R.O. 1969; Am. Ord. 4002, 4562)

**Sec. 4-3.3. Procurement Of Bonds.**

The bonds specified in Sections 4-3.1 and 4-3.2 shall be procured by the Director of Finance as he may deem best in the interest of the City, subject to the following conditions:

(a) That such bonds be procured from companies licensed to do business in Hawaii.

(b) That such bonds be in favor of and the premiums thereof shall be borne by the City; provided, that in the event of any undertaking or project involving joint participation between the City and the United States or any agency of the United States, and the condition of such undertaking or project requires that the officers of the City entrusted with the receipt and disbursement of funds be covered by a faithful performance or fidelity bond, then the United States may be named as co-obligee in the bond. (Sec. 4-3.3, R.O. 1969; Am. Ord. 4002, 4562)

**Sec. 4-3.4. Liability Of Officers And 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. 1969; Am. Ord. 4002)

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## CHAPTER 5.

### Departments Under The Mayor.

#### Article 1. Corporation Counsel.

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

(e) Settlement of Claims. Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes and matters in favor of or against the City or in which the City is concerned as debtor or creditor, now existing or which may hereafter arise, not involving or requiring payment in excess of \$2,500.00, 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.

(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 \$2,500.00, 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. 1969; Am. Ord. 3704)

##### Sec. 5-1.3. Prohibited Acts.

The Corporation Counsel shall not:

(a) Initiate, engage or participate in any legal action or proceedings in which the City, its officials and/or employees are not directly involved in or named as a party to a contemplated or ongoing legal proceeding.

(b) Other than situations where Corporation Counsel is expressly authorized by Federal or State statutes or City laws, bring action against a private person as defined in Section 1-3.1(h) hereof without first obtaining the consent and approval of the City Council which shall be manifested by an adopted Council Resolution. (Am. Ord. 77-118)

##### Sec. 5-1.4. Penalties.

Penalty for violation of any provision of this article shall be a fine not to exceed \$1,000.00 or one year's imprisonment or both. Prosecution in such cases shall be as provided by law for the prosecution of misdemeanors. (Am. Ord. 77-118)

## Article 2. Department Of Finance.

### Sec. 5-2.7. Refund Of License Fees Authorized.

(a) Legislative findings and declaration of intent.

The Council finds that:

Whenever a business license fee has been paid improperly or paid under circumstances when it need not have been paid or otherwise paid in excess of the amount required by law and such payments have been either voluntary, involuntary, the result of a mistake of law or of fact or any combination thereof and the payor has derived no benefit from the payment of such fee, there exists a moral obligation on the part of the City and County of Honolulu to refund said payment or such amount as represents the illegal excess collected over that required by law.

(b) Director of Finance authorized to refund, when:

Upon the written request of the payor received within six months from the date of the erroneous payment, the Director of Finance may refund license fees or so much thereof as represents the illegal excess collected over the amount required to be collected by law or regulation when paid under the following conditions; when such fees need not have been paid but were in fact paid voluntarily or involuntarily, under a mistake as to the applicable law or mistake of fact provided that the payor has not derived any benefit from the payment of the license fee. If such a benefit has been derived therefrom as in the case of a payment made pursuant to a law or regulation subsequently declared by a court of competent jurisdiction to be invalid, only the amount of the fee, which when prorated over the term of the license represents the balance of the term for which the license fee was paid subsequent to the decision invalidating the law or regulation under which payment was made, shall be refunded; provided further that notwithstanding the receipt of any benefits by the payor, payments made involuntarily as defined in subsection (d) of this ordinance shall be refunded in their entirety.

(c) Limitations.

The authority granted the Director of Finance in subsection (b) of this ordinance shall not extend to the payment of any other claims based on an asserted moral obligation.

(d) Involuntary payment.

For the purposes of this ordinance, involuntary payments shall be deemed to be those payments made under protest to prevent interference with or the closing of the payor's business or the arrest of his person. Similarly, payment made under the threat of force or procured by fraud shall be deemed involuntary. (Am. Ord. 3641)

## CHAPTER 6.

### Departments Under The Managing Director.

#### Article 1. Department Of Public Works.<sup>33</sup>

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

(e) Division of Wastewater Management.\* The Division of Wastewater Management, under the supervision of a director, shall be responsible for the engineering, construction, maintenance and operation of sewage works, including but not limited to transmission lines, pump stations, treatment plants, holding ponds, tunnels and cesspools. (Sec. 6-1.3, R.O. 1969; Am. Ord. 77-128)

**Sec. 6-1.4 (Repealed) (Sec. 6-1.4, R.O. 1969; Am. Ord. 3981, 4368, 4410)**

#### Article 2. Building Department.

##### Sec. 6-2.4. House Numbering.

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

(b) Method in rural areas. The Director and Building Superintendent or his designated assistant in numbering buildings in areas outside of the districts of Honolulu, Pearl City, Lanikai, Kailua and Wahiawa 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 Director and Building Superintendent or his designated assistant.

(c) Numbering of entrances. All main entrances to buildings shall be numbered, and the Director and Building Superintendent 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 cor-

<sup>33</sup>In general, Chap. 4 Art. VI, Revised Charter.

\*Name changed from Division of Sewers to Division of Wastewater Management by Ordinance No. 77-128.

rectly 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 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 Director and Building Superintendent or any assistant designated by him, after being notified in writing by the Director and Building Superintendent 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. (Am. Ord. 4410)

## **Article 11. Department of Land Utilization Central Coordinating Agency For Oahu.**

### **Sec. 6-11.1. Authority And Purpose.**

This ordinance is adopted pursuant to authority conferred by Chapter 46, Hawaii Revised Statutes, as amended by Act 74, Session Laws of Hawaii 1977. The purpose of this ordinance is to improve the coordination and efficiency of the land use and planning control systems. (Am. Ord. 77-73)

### **Sec. 6-11.2. Designation.**

Pursuant to Chapter 46, Hawaii Revised Statutes, as amended, the Department of Land Utilization is hereby designated the central coordinating agency for the City and County of Honolulu. (Am. Ord. 77-73)

### **Sec. 6-11.3. Powers, Duties And Functions.**

The central coordinating agency shall:

- (a) Maintain and continuously update a repository of all laws,

rules and regulations, procedures, permit requirements and review criteria of all Federal, State, and City and County agencies having control or regulatory powers over land development projects within the City and County and shall make said repository and knowledgeable personnel available to inform any person requesting information as to the applicability of the same to a particular project within the City and County.

(b) Study the feasibility and advisability of utilizing a master application form to concurrently file applications for an amendment to a general plan and development plan, change in zoning, special management area permit and other permits and procedures required for land development projects in the City and County to the extent practicable with one master application.

(c) Maintain and continuously update a master file for the City and County of all applications for building permits, subdivision maps, and land use designations of the State and City and County.

(d) When requested by the applicant, the central coordinating agency shall endeavor to schedule and coordinate, to the extent practicable, any referrals, public informational meetings or any public hearings with those held by other Federal, State and/or City and County commissions or agencies pursuant to existing laws pertaining to the City and County. (Am. Ord. 77-73)

**Sec. 6-11.4. Rules.**

The central coordinating agency shall compile the repository and adopt necessary rules pursuant to Chapter 46, Hawaii Revised Statutes, as amended. Drafts of rules and regulations to be promulgated by said agency to implement the functions specified in Section III herein above shall be presented to the City Council for its review prior to its finalization. (Am. Ord. 77-73)

**Sec. 6-11.5. Applicability.**

All State and City and County departments, divisions, agencies and commissions, with control or regulatory powers over land development projects within the City and County shall cooperate with the central coordinating agency in making available and updating information regarding laws, rules and regulations, procedures, permit requirements and review criteria they enforce upon land development projects. The term "agency" shall be as defined by Chapter 91, Hawaii Revised Statutes. (Am. Ord. 77-73)

**Sec. 6-11.6. Appeals.**

Appeals from actions by the Director of Land Utilization in the administration of the rules and regulations adopted pursuant hereto shall be heard and decided by the City Council. An appeal shall be sustained only if the Council finds that the Director's action was based on

an erroneous finding of material fact, or that the Director had acted in an arbitrary or capricious manner, or had manifestly abused his discretion. (Am. Ord. 77-73)

**Sec. 6-11.7. Validity.**

The validity of any word, section, clause, paragraph, sentence, part or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts. (Am. Ord. 77-73)

Section 6-11.7.1. The central coordinating agency shall compile the repository and shall coordinate rules pursuant to Chapter 46, Hawaii Revised Statutes, as amended. Lists of rules and regulations to be promulgated by such agency to implement the functions specified in Section 11 herein shall be presented to the City Council for its review prior to its final action. (Am. Ord. 77-73)

Section 6-11.7.2. Application. The City and County departments, divisions, agencies and commissions, with control or regulatory powers over land development projects within the City and County shall cooperate with the central coordinating agency in making available and updating information regarding laws, rules and regulations, permit requirements and other matters they enforce upon land development projects. The central coordinating agency shall be as defined by Chapter 9, Hawaii Revised Statutes. (Am. Ord. 77-73)

Section 6-11.7.3. Appeals. Appeals from actions by the Director of Land Utilization in the administration of the rules and regulations adopted pursuant to this ordinance shall be heard and decided by the City Council. An appeal shall be retained only if the Council finds that the Director's action was based on

**CHAPTER 7.**

Other Agencies And Personnel.

**Article 2. Royal Hawaiian Band.<sup>51</sup>**

Am. 3/9/79  
Ord. 79-13

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

The following are the fees to be assessed for any performance by the Royal Hawaiian Band of the City:

<b>Occasion</b>	<b>Fees</b>
(1) Vessel arrival or departure.	\$100.00 for each performance.
(2) Private function.	\$200.00 for the first hour and thereafter \$50.00 for each fifteen minutes or fraction thereof.
(3) Television, radio, movies or recordings.	\$50.00 per fifteen minutes or fraction thereof, plus royalties and residuals.
(4) Public or Semi-public function.	No fees.

The term "public" shall mean to include occasions sponsored by or related to a governmental purpose. The term "semi-public" shall mean to include occasions which are sponsored by or related to community, civic, athletic, or ethnic organizations or associations and which are either eleemosynary corporations chartered under the laws of the State of Hawaii, or listed by the Internal Revenue Service as a non-profit organization or association or duly recognized by the residents of the City as a community or civic organization, with sufficient public purpose to warrant performance by the band with incidental benefits to the private organizations or associations.

All fees collected under this Article shall be paid into the General Fund of the City. (Sec. 7-2.4, R.O. 1969; Am. Ord. 3509)

**Article 3. Oahu Civil Defense Agency.  
(See Article 16 of this Chapter and Ordinance No. 4565, dated Feb. 4, 1976)**

**Article 3. Registration Of Lobbyists.**

**Sec. 7-3.1. Declaration Of Intent.**

The Council hereby declares that the operation of responsible democratic government requires that the fullest opportunity be

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51. Pensions, Chap. 88, HRS, as amended.  
Travel, § 46-10, HRS, as amended.

afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the Council, to committees of the Council, and to officers of the Executive Branch their opinion on pending legislation and rules involved in the City's policymaking process. However, the preservation and maintenance of the integrity of the policymaking process requires the identification in certain instances of persons and groups who engage in efforts to persuade members of the City Council or officers of the Executive Branch to take specific action. It is the purpose of this Article to require registration of lobbyists in order to make available to the Council, the Executive Branch, and the public information relative to the activities of such persons and groups. (Am. Ord. 4432)

### **Sec. 7-3.2. Definitions.**

As used in this Article, unless the context requires otherwise:

(a) "Contribution" means a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution;

(b) "Person" means an individual, partnership, committee, association, corporation, and any other organization or group of individuals;

(c) "Lobbyist" means any person who engages himself for pay or other consideration for the purpose of influencing, directly or indirectly, and whether by himself or through any agent or employee or other person in any manner whatsoever, the policymaking process of the City and County of Honolulu. A person who accepts membership dues or contributions made, or a fee or salary paid, with the understanding that the person accepting the same intends to devote a portion of the funds contributed or the time for which the salary is paid to lobbying activities shall be deemed to have "engaged himself" to conduct such activities.

(d) "Lobbying" means certain activities of a person who is included in the definition of a "Lobbyist" as defined in Section 7-3.2(c) and not specifically excluded under Section 7-3.3(e) hereof. "Lobbying" shall be deemed to include any person who, although not compensated, represents an association, corporation or an organization which accepts membership dues or contributions with the understanding that a portion of the funds so received will be used to influence the policymaking process of the City and County of Honolulu.

(e) "Agency" means any "agency" as defined in Section 12-101 of the Revised City Charter.

(f) "The policymaking process" means any action taken by an officer or employee of the City and County of Honolulu with respect to any bill, resolution or other measure in the City Council, or with

respect to any rule, regulation, standard, rate or other regulatory enactment of any city agency.

(g) "Officer or employee of the City and County of Honolulu" means any "officer" or "employee" as defined in Section 12-101 of the Revised City Charter. (Am. Ord. 4432)

### **Sec. 7-3.3. Registration And Reporting.**

(a) Each lobbyist shall, not later than five days after engaging himself to conduct lobbying activities or receiving contributions, membership dues or a fee or salary as set forth in Section 7-3.2(c) hereof, file a registration form with the Clerk of the City Council.

(b) Such registration form shall be developed by the City Clerk and shall include the registrant's full name and address; place of business; the full name and complete address of each person, whether or not an employee, who will lobby on behalf of the registrant; the full name of each person by whom the registrant is retained or employed or on whose behalf the registrant lobbies; duration of his employment; and a description of the matters on which the registrant expects to lobby. If the registrant lobbies or purports to lobby on behalf of members, such registration form shall include a statement of the number of members, and a full and complete description of the methods by which the members develop and make decisions about positions on policy. In addition thereto, each registration form shall be accompanied by a written authorization from each person [as defined in 7-3.2(b)] by whom he is employed or authorized to lobby. In a situation where the "person" is other than a natural person, i.e., corporation, association, partnership or any organization consisting of groups of individuals, written authorization shall be executed by the President or an officer delegated such power by the President or the organization's board of directors.

(c) Each lobbyist shall file with the City Clerk of the City Council an annual report concerning his activities during the preceding calendar year ending December 31st by January 10th of each year, or, if the aforesaid date falls on a Saturday, Sunday or holiday, the next business day, as long as such lobbyist continues to engage in the activity described in subsection 7-3.2(c) of this article. The annual report form shall be developed by the City Clerk and shall include, in addition to an up-to-date statement of the information required to be supplied in the registration form, such information for the preceding calendar year concerning (a) contributions, membership fees and other receipts relating to lobbying activities of the lobbyist, (b) amounts expended for lobbying by the lobbyist, and (c) each decision of the policymaking process the reporting lobbyist sought to influence, as the City Clerk deems necessary to effectuate the purposes of this article.

(d) Each lobbyist shall file a supplementary registration form with the Clerk of the City Council no later than ten days after any change in the information supplied in his last registration form under subsection

(b) of this section. Such supplementary registration form shall include a complete description of the information that has changed.

(e) The registration and reporting requirements set forth herein shall not apply to:

(1) Any person who merely appears at a public hearing before the Council, its Committees or City agencies to express his opinion on pending legislation and/or rules and regulations involved in the City's policymaking process.

(2) Any federal, state, or county official or employee acting in his official capacity;

(3) Any elected public official acting in his official capacity;

(4) Any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes, or is employed by a newspaper or periodical or radio or television station) which in the ordinary course of business publishes news items, editorials or other comments, or paid advertisements, which directly or indirectly urge the taking of legislative or executive action, if the newspaper, periodical, radio or television station or individual engages in no further or other activities in connection with influencing decisions in the policymaking process of the City and County of Honolulu.

(5) Any person representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of the church;

(6) Any unpaid volunteer representing a non-profit organization, association, or corporation, provided that the organization, association or corporation:

a. is registered in accordance with Section 7-3.3 of this ordinance; and

b. files a written authorization with the City Clerk specifically designating such person to represent it;

and such persons may engage in the activities described in this subsection without being holders of a certificate of registration. (Am. Ord. 4432)

#### **Sec. 7-3.4. Registration And Report Forms To Conform To Law and Truth.**

Each registration and report form required to be filed under this article shall conform to law and truth and shall be signed and certified under oath as true and correct by the registrant, or, if the registrant is a person other than an individual, by an appropriate officer of such registrant. (Am. Ord. 4432)

#### **Sec. 7-3.5. Certificate Of Registration.**

(a) Within ten (10) working days after receipt of a registration form completed as provided in Section 7-3.3(b) hereof and certified under

oath as true and correct as provided in Section 7-3.4 hereof, the City Council, through the City Clerk, shall either issue a certificate of registration to the registrant or notify the registrant that the form lacks relevant information or is improperly filled out, and no certificate of registration will be issued unless the omission is rectified or the form properly filled out.

(b) Within ten (10) working days after receipt of the annual report form prescribed by Section 7-3.3(c) hereof, the City Council, through the City Clerk, shall renew the registrant's certificate of registration or shall, upon notice to the registrant, suspend the certificate until such time as the registrant's annual report form has been brought into compliance with the requirements of this article.

(c) The initial certificate and any renewed certificate shall remain in force until ten (10) working days following the next succeeding annual reporting date as set forth in Section 7-3.3(c) hereof, except that a certificate may be suspended or revoked as set forth in subsections 7-3.5(d) and (e) hereof.

(d) If, either prior or subsequent to the issuance or renewal of a certificate of registration, the City Council obtains information leading it to believe that the registration or report form under consideration or on which issuance or renewal of a certificate has been based contains a material misstatement of fact, the City Council or a duly authorized Committee thereof, after a hearing, may suspend or revoke, for a period of up to one year following hearing on the misstatement, any effective certificate and may decline to issue or renew a certificate for a period of up to one year following the hearing. In exercising its discretion with respect to suspending or revoking or declining to issue or renew certificates of registration, the City Council or a duly authorized Committee thereof shall grant a hearing to the aggrieved registrant at which it shall consider the nature of the material misstatement of fact, whether it was made intentionally or inadvertently, and any other circumstances surrounding the making of the material misstatement of fact.

(e) In the event that, subsequent to filing of the registration form and issuance of the certificate, the City Council obtains information leading it to believe that a change in the information set forth in the registration form occurred and was not reflected in a supplementary registration form filed as required by Section 7-3.3(d) hereof, the City Council may, upon notice to the registrant, suspend the certificate of registration until a supplementary report containing the appropriate information is on file. (Am. Ord. 4432)

#### **Sec. 7-3.6. Prohibition.**

No person who is not the holder of a current certificate of registration issued by the City Council through the City Clerk as provided herein shall engage in lobbying activities. (Am. Ord. 4432)

**Sec. 7-3.7. Additional Duties Of The City Clerk.**

In addition to other duties prescribed by law, it shall be the duty of the City Clerk:

(a) to prescribe registration and report forms required to be filed by this article, and to furnish and make available such forms to city agencies affected by this article and to persons required to register and report;

(b) to accept and file any information voluntarily supplied that exceeds the requirements of this article;

(c) to make registration and report forms filed with it available for public inspection and copying during regular office hours; a reasonable charge for xerox copies may be made for the reimbursement of costs thereof;

(d) to preserve such registration and report forms for a period of five years from date of receipt;

(e) to report suspected violations of law to the appropriate law enforcement authorities;

(f) to establish procedures for the orderly processing of lobbyist registration. (Am. Ord. 4432)

**Sec. 7-3.8. Penalties.**

(a) Except as otherwise provided in this article, violation of any provisions of this article shall be grounds for suspension or revocation of the certificate of registration for a period of up to one year following hearing on the violation by the City Council or its duly authorized Committee. (Am. Ord. 4432)

**Sec. 7-3.9. Severability.**

If any provision of this article, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of this article and the application of such provisions to other persons and circumstances shall not be affected thereby. (Am. Ord. 4432)

**Article 6. (Repealed) (Am. Ord. 3902)****Article 9. Poundmaster.****Sec. 7-9.3. Duties; Compensation.**

Each Poundmaster shall be responsible for the safekeeping and proper care of any estray committed to his charge.

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.

Each Poundmaster shall receive for his services from the owner of such estray the following fees:

**A. Impounding of Estrays.**

**(1) Animals Trespassing on Private Property.**

The owners of such animals shall pay the Poundmaster the fees prescribed in Section 142-70, HRS.

**(2) Animals Trespassing on Public Highway or Property.**

The owners of such animals shall pay the Poundmaster the fees prescribed in Section 142-66, HRS.

**(3) Pound Fees.**

Bulls, Stallions & Boars of

Breeding Age

\$5.00 for each animal for  
each 24-hour period

All Other Estrays

\$3.00 for each animal for  
each 24-hour period

**B. Fees for Transporting Animals to Pound or Back to Owner or Both.**

Type of Animal	Use of Trailer	Use Of Tow Vehicle	Helper's Fees
Bulls, stallions, & boars of breeding age	\$5.00	\$.50 per mile	\$3.00 per hour
All other estrays	\$2.50	\$.50 per mile	\$2.00 per hour

**C. Fees for Transporting Animals Other Than to Pound or Back to Owner.**

The Poundmaster is authorized to negotiate with the owner of the animal for the fees to transport and to keep animals other than as prescribed in subparagraphs A and B hereof. (Sec. 7-9.3, R.O. 1969; Am. Ord. 3751, 4599)

**Sec. 7-9.8. Administrative Services.**

The Poundmasters shall be attached to the Department of Parks and Recreation for administrative, fiscal and budgeting purposes and the Director of Parks and Recreation shall cause employees of his department to furnish such administrative, fiscal and budgeting services as may be needed by the Poundmasters from time to time. (Am. Ord. 4599)

**Article 13. Ethics Commission.**

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

(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 Revised Charter and Article 15 of this Chapter.

(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 Article X of the Revised Charter, to the administration of said Article X, or to any other matter relating to the fostering and maintenance of ethical conduct.

(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 10-106 of the Revised Charter. (Sec. 7-13.3, R.O. 1969; Am. Ord. 4129)

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

(a) Except in the case of a written request by the elected or appointed officer or employee concerned, 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.

(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 published and shall be in such form and with such deletions as may be necessary to prevent the disclosure of the identity of the persons involved.

(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 and shall recommend appropriate disciplinary action against officers and employees found to have violated standards of conduct established by the Revised Charter or by ordinance. 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 and recommendation of the Commission. The disclosures of conflicts of interests as provided in paragraph 2 of Section 10-103 of the Revised Charter shall be made matters of public record at any time that such conflict becomes apparent. (Sec. 7-13.4, R.O. 1969; Am. Ord. 4129)

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

(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 Article X of the Revised Charter. (Sec. 7-13.5, R.O. 1969; Am. Ord. 4129)

**Sec. 7-13.7. Compensation. (Repealed) (Am. Ord. 4129)****Sec. 7-13.7. Administrative Services.**

The Commission shall be attached to the Office of the Corporation Counsel for administrative purposes and the Corporation Counsel shall cause employees of his office to furnish such services and necessary supplies, materials, and equipment as may be needed by the Commission. (Sec. 7-13.8, R.O. 1969; Am. Ord. 4129)

**Sec. 7-13.8. Applicability.**

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 Section 12-101.3, relative to "employees" and Section 12-101.4, relative to "officers," 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 Sections 6-603 and Section 6-304(f) of the Revised Charter, but excludes independent contractors. (Sec. 7-13.9, R.O. 1969; Am. Ord. 4129)

**Article 14. Commission On Culture And The Arts.****Sec. 7-14.2. Creation Of Commission.**

There shall be a Commission on Culture and the Arts consisting of eleven members, excluding ex-officio members, who shall be appointed by the Mayor with the approval of the Council. There shall be one member for each of the below-listed categories, except for the category, Drawing, Painting, Printmaking and Sculpture which shall have two members:

- (a) Design: graphic, industrial, visual.
- (b) Urban Design: architecture, landscape architecture, and interior design.
- (c) Drawing, Painting, Printmaking and Sculpture.
- (d) Crafts: ceramics, weaving, woodworking, etc.
- (e) Music: contemporary and classical.
- (f) Theatre Arts: drama.
- (g) Dance.
- (h) Multi-media: cinematography, photography, television.
- (i) Literature: prose, poetry.
- (j) At large.

Each member of the Commission shall be appropriately qualified to fulfill the roles of the Commission within his respective category. Of the members originally appointed two shall serve for a term of one year, three for a term of two years, two for a term of three years, two for a term of four years and two 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 and a vice-chairman from its members, whose duties shall be as set forth in this article and in the rules adopted by the Commission. (Sec. 7-14.2, R.O. 1969; Am. Ord. 4050, 4458)

Am. 7/12/78  
Ord. 78-67  
**Sec. 7-14.3. Rules; Meetings.**

The Commission shall adopt the necessary procedural rules which will enable it to conduct its business and to carry out its powers, duties and functions. Meetings of the Commission shall be held at least once a month at the call of the chairman. Six members shall constitute a quorum and the affirmative vote of a majority of members present at such meeting, a quorum being present, shall be necessary to take any action. (Sec. 7-14.3, R.O. 1969; Am. Ord. 4050)

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

The objectives of the Commission shall be to assist the City in attaining national pre-eminence in culture and the arts, to assist the City in the preservation of the artistic and cultural heritages of all its people, to promote a community environment which provides equal and abundant opportunity for exposure to culture and the arts in all its forms and to encourage and provide equal opportunity for the development of cultural and artistic talents of the people of Honolulu. In the furtherance of these objectives, the Commission shall have the following powers, duties and functions:

(a) In connection with the acquisition of works of art by the City, the Commission shall make recommendations, provide advice and assist the City agencies authorized to expend funds for such works of art in determining the amounts of money to be made available, the evaluation, selection, and commissioning of artists and craftsmen and the evaluation and review of works in progress, the evaluation, selection and purchase of works of art not specifically commissioned by the City and the acceptance or non-acceptance of works of art offered as gifts to the City.

(b) In the area of community aesthetics the Commission shall review the architectural, landscape and interior design of all planned and existing City buildings, grounds and facilities and make recommendations to the executive and legislative branches of the City with respect to the establishment of aesthetic standards.

(c) In the development of the City's program for the preservation, advancement and dissemination of culture and the arts to its citizens, the Commissions shall make recommendations and submit proposals to the various branches, departments, agencies and offices of the City with respect to the formulation of new arts and culture programs and the expansion of existing programs. (Sec. 7-14.4, R.O. 1969; Am. Ord. 4050)

#### **Sec. 7-14.6. Administrative Services.**

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. The Mayor shall designate an employee of the City to serve as coordinator and provide liaison between the Commission and the various agencies, departments and offices of the City.

In addition to the Coordinator, the following officials, or their designated representatives, shall attend and participate ex-officio in all meetings of the Commission:

- (a) the Director of the Office of Social Resources,
- (b) the Director of the Department of Parks and Recreation,
- (c) The Building Superintendent,
- (d) the Auditoriums Director, and
- (e) the Royal Hawaiian Bandmaster.

The ex-officio representatives shall have no vote in proposed actions of the Commission. (Sec. 7-14.6, R.O. 1969; Am. Ord. 4050)

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

#### **Sec. 7-15.1. Definitions.**

(i) "Officers and employees" shall be given the meaning as prescribed in subsection 3 and subsection 4 of Section 12-101 of the Revised Charter; provided that the terms "officers and employees" shall also include officers and employees under a personal service contract with the executive branch of the City as prescribed in subsections (g) and (h) of Section 6-603 of the Revised Charter or under equivalent contracts with the legislative branch of the City as prescribed in subsection (f) of Section 6-304 of the Revised 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. (Sec. 7-15.1, R.O. 1969; Am. Ord. 4130)

**Sec. 7-15.2. Additional Standards Of Conduct.**

(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 executive branch of the City as prescribed in subsections (g) and (h) of Section 6-603 of the Revised Charter or equivalent contracts with the legislative branch of the City as prescribed in subsection (f) of Section 6-304 of the Revised Charter. (Sec. 7-15.2, R.O. 1969; Am. Ord. 4130)

(f) Order any person to violate, or aid or abet any person in the violation of, the provisions of Section 6-312.2 of the Revised Charter of the City, relating to prohibition on political activities of persons in the civil service. (Am. Ord. 4130)

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

(a) 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:

(1) Appear before any agency in relation to any case, proceeding or application with respect to which such person was

(aa) directly concerned; or

(bb) which was under his active consideration; or

(cc) with respect to which knowledge or information was made available to him, unless he files a sworn affidavit with the agency he intends to do business with:

(i) that he was not directly concerned with such case, proceeding or application; or

(ii) such case, proceeding or application was not under his active consideration; or

(iii) no knowledge or information was made available to him which was not readily available to the public during the period of said active service or employment with respect to such case, proceeding or application.

(2) 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, unless he first files a sworn affidavit with the agency with which such person or business intends to do business that he did not participate in any official act or action by the City during his City employment.

(b) For purposes of this section the one year referred to above in connection with the phrase "termination of his city service or employment" shall begin from the time said former officer or employee last participated in a case, proceeding, or application in which such per-

son (1) was directly concerned, or (2) which was under his active consideration, or (3) with respect to which knowledge or special information was made available to him.

(c) No officer or employee shall do business with any former officer or employee who falls within the scope of this section unless such former officer or employee first files a sworn affidavit as provided herein.

(d) Any former officer or employee who falls within the scope of this section and who makes a false statement in his sworn affidavit or files a false affidavit shall be deemed to have committed perjury and thereby subject to the provisions of Section 1060 of Act 9, SLH 1972 (Penal Code) and be punished as provided in said Act 9.

(e) 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. (Sec. 7-15.3, R.O. 1969; Am. Ord. 4005, 4285)

#### **Sec. 7-15.4. Penalties And Disciplinary Action For Violations.**

(a) The failure to comply with or any violation of the standards of conduct established by this Article shall be grounds for impeachment of elected officers and for the removal from office or from employment of all other officers and employees. The appointing authority may, upon the recommendation of the Ethics Commission, reprimand, put on probation, demote, suspend or discharge an employee found to have violated the standards of conduct established by this Article. Nothing contained herein shall preclude any other remedy available against such officer or employee.

(b) In addition to any other penalty provided by law, any contract entered into by the City in violation of Sections 10-101 through 10-105 of the Revised Charter or of this Article is voidable on behalf of the City; provided that in any action to void a contract pursuant to this Article the interest 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. (Sec. 7-15.4, R.O. 1969; Am. Ord. 4130)

### **Article 16. Oahu Civil Defense Agency.**

#### **Sec. 7-16.1. 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. 1969; Am. Ord. 4565)

## **Article 17. Oahu Metropolitan Planning Organization.**

### **Sec. 7-17.1. Legislative Intent.**

Act 180, Session Laws of Hawaii 1975, provides for the establishment of an Oahu Metropolitan Planning Organization and Policy Committee. This legislation creates a quasi-governmental agency consisting of nineteen members from both legislative bodies of the State of Hawaii and the City and County of Honolulu. The Oahu Metropolitan Planning Organization's primary objective is to satisfy Federal requirements for carrying out continuing, comprehensive, cooperative urban transportation planning that results in plans and programs consistent with the comprehensively planned development of Oahu.

In order to insure that the affected departments and agencies of the City and County of Honolulu effectively and satisfactorily participate in the required 3C process — continuing, comprehensive and cooperative — for urban transportation planning for the island of Oahu pursuant to Federal and State statutes, laws, rules, and regulations as well as the City's Revised Charter Section 12-121, the City Council finds it necessary, in the public interest and welfare, to enact this Article.

The 1972 charter Review Commission provided that the City's Legislative Branch shall have coordinate status with the Executive Branch and shall be responsible for broad policymaking, and that the Executive Branch shall be responsible for the implementation and execution of the policies set by the Legislative Branch.

Section 5-412 of the Revised City Charter provides that the City Council shall be the policy making body for the City and County of Honolulu relating to approval and adoption of all subject matters relating to General Plans, Development Plans and land uses. The Department of General Planning makes recommendations to the City Council on the above-mentioned subject area.

Likewise, the Charter provides that the City Council shall be the policymaking body for matters relating to the City's publicly-owned mass transportation system. The Department of Transportation Services provides the pertinent program, data and related reports, together with the Department's recommendation for Council's approval and adoption.

By enactment of this Article, to the extent permitted by law, it is the Council's intent and objective that all officers and agencies of the

City and County of Honolulu shall comply with the provisions of Act 180 as well as the requisite Federal laws, rules and regulations to the end that the State of Hawaii and the City and County of Honolulu would be recertified for the receipt of federal funding for transportation planning and construction projects. (Am. Ord. 4570)

#### **Sec. 7-17.2. Cooperation.**

(a) Officers and department heads of the City and County of Honolulu shall cooperate, in a timely and satisfactory manner, with the Oahu Metropolitan Planning Organization and provide whatever pertinent or necessary report, information or data required or requested by the Metropolitan Planning Organization in the preparation and annual updating of the Oahu Transportation Program.

(1) All projects for which any department of the City desires assistance under the provisions of the Urban Mass Transportation Act of 1964, as amended, or the Federal Aid Highway Act of 1973 or any other Federal Act, program or regulations involving or affecting the Metropolitan Planning Organization shall be initiated by submission of the proposed program or project to the City Council for its prior approval. Upon approval by the Council, the project description, along with all required accompanying data, shall be forwarded to the Oahu Metropolitan Planning Organization for appropriate review and action.

(2) In addition, any department desiring to implement a transportation project not requiring federal funds shall so inform the Oahu Metropolitan Planning Organization so that such projects may be included in the Oahu Transportation Program. (Am. Ord. 4570)

#### **Sec. 7-17.3. Work Elements.**

(a) The Department of Transportation Services and the Department of General Planning shall be responsible for their respective work elements as stated in Exhibit 1\* which is incorporated herein by reference and made a part hereof. Their completed work products shall be forwarded to the Oahu Metropolitan Planning Organization to be included in such planning work programs and transportation plans as are required to carry out the urban transportation process for Oahu. (Am. Ord. 4570)

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\*See Ord. No. 4570 for general work elements.

**Sec 7-17.4. City Official Authorized To Execute Comprehensive Agreement With Oahu Metropolitan Planning Organization.**

(a) The Presiding Officer and Chairman of the City Council of the City and County of Honolulu shall be authorized to execute the Comprehensive Agreement in behalf of the City and County of Honolulu pursuant to the authority granted under Section 5-104(h) of the Revised Charter of Honolulu. (Am. Ord. 4570)

**Sec. 7-17.5. Separability.**

It is the intention of the Council that this Article and every provision thereof shall be considered separable, and the invalidity of any section, clause, provision or part thereof, shall not affect the validity of any other portion of this Article. (Am. Ord. 4570)

TITLE IV  
**General Administration**

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CHAPTER 8.  
Special Fiscal Provisions.

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

**Sec. 8-1.1. Deputies And Clerks.**

The salary ranges and schedules of the deputies and law clerks of the Departments of the Corporation Counsel and Prosecuting Attorney shall be set by the Corporation Counsel and Prosecuting Attorney respectively with the salary range and schedule of the highest ranking deputy to be five percent (5%) less than that of the Corporation Counsel or Prosecuting Attorney and for subsequent salary ranges and schedules in descending order with a five percent (5%) differential between salary ranges and schedules. (Sec. 8-1.1, R.O. 1969; Am. Ord. 3601, 3983, 4171)

**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.

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\*This Article has been recodified from Article 8 to Article 7 due to clerical error in the assignment of the Article number in Ord. No. 3586.

- (e) The Waikiki Shell and the Neal Blaisdell Center.
  - (f) Aircraft owned and operated by the City.
  - (g) Watercraft owned and operated by the City.
- (2) To cover hazards or perils 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.
  - (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 Neal Blaisdell Center, such coverage shall be in the amount of \$25,000.00 for each occurrence.
  - (3) Except that in the case of aircraft and watercraft, the limits of coverage shall not exceed \$1,000,000.00, Bodily Injury/Property Damage, for any one occurrence. (Sec. 8-7.1, R.O. 1969; Am. Ord. 3586)

### **Sec. 8-7.2. Property Insurance.**

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) For all buildings and structures owned or leased by the City, coverage shall be procured under a \$50,000 deductible form against fire and extended coverage perils except that for all residential use buildings, including apartment units, under the jurisdiction of the Department of Housing and Community Development, the fire and extended coverage perils shall be procured without the \$50,000 deductible, and coverage against malicious mischief and vandalism, with a fifty dollar (\$50.00) deductible form, shall be procured.

(2) 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. (Sec. 8-7.2, R.O. 1969; Am. Ord. 3586, 77-36)

Am. 8/16/79  
Ord. 79-72(c) Aircraft

**Sec. 8-7.3. Medical Expense, Death And Dismemberment Insurance.**

The Director of Finance shall procure insurance for medical expense, death and dismemberment resulting from accident, occurring in the recreational program conducted by the City, with a maximum benefit of \$2,500.00 per occurrence. (Am. Ord. 3586)

**Sec. 8-7.4. Insurance For Leased Or Rented Property.**

The Director of Finance shall procure any insurance and in such amounts as may be required by any contract entered into by the City for the lease or rental of private properties to be used for City purposes. (Am. Ord. 3959)

**Sec. 8-7.5. 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. 8-7.4, R.O. 1969; Am. Ord. 3586, 3959)

**Article 10. Salaries Of Various City Officers.\***

**Sec. 8-10.1. Salary Of The Mayor.**

The salary of the Mayor shall be 10 percent above that of the Managing Director, payable semi-monthly out of the City Treasury. (Sec. 8-10.1, R.O. 1969; Am. Ord. 3600, 3982, 4165, 4480, 77-90)

\*This Article has been recodified from Article 11 to Article 10 due to clerical error in the assignment of the Article number in Ord. No. 3600.

**Sec. 8-10.2. Salaries Of Councilmen.**

The salary of each Councilman shall be \$17,500.00 per annum, payable semi-monthly out of the City Treasury, except that the chairman shall receive an additional sum of \$1,750.00 per annum. (Sec. 8-10.2, R.O. 1969; Am. Ord. 4190)

**Sec. 8-10.3. Salaries Of Appointed Officials Of The Executive Branch.**

(a) The salary of the Managing Director shall be 10% above that of the highest paid department head, payable semi-monthly out of the City Treasury.

(b) The salaries of all heads of departments shall be 10% above the highest amount payable to an employee at SR-31 in the salary schedule applicable to City and County civil service employees, payable semi-monthly out of the City Treasury.

(c) The salaries of first deputies of heads of departments shall be 95% of the salary paid to the department heads, payable semi-monthly out of the City Treasury.

(d) The salary of the Deputy Managing Director shall be 95% of the salary paid to the Managing Director, payable semi-monthly out of the City Treasury.

(e) The salary of the Director of Information and Complaint shall be 5% above SR-31-L4 in the salary schedule applicable to City and County civil service employees, payable semi-monthly out of the City Treasury.

(f) The salary of the Bandmaster and the Director of Municipal Reference and Records Center shall be set by the Mayor, within the SR-31 range applicable to City and County civil service employees, payable semi-monthly out of the City Treasury. (Sec. 8-10.3, R.O. 1969; Am. Ord. 3600, 3982,4058, 4165, 4480, 77-90)

**Sec. 8-10.4. Salaries Of Appointed Officials Of The Council.**

(a) The salaries of the City Clerk and the Director of Council Services\* shall be 10% above the highest amount payable to an employee at SR-31 in the salary schedule applicable to City and County civil service employees, payable semi-monthly out of the City Treasury.

(b) The salaries of the deputy city clerk and the deputy director of the office of Council Services shall be 95% of the salary paid to their department heads payable semi-monthly out of the City Treasury.

(c) Positions of Legislative Analyst. All positions of legislative analyst in the Office of Council Services shall be compensated at rates not to exceed the highest amount payable to an employee at SR-31 in the salary schedule applicable to City and County civil service employees, payable semi-monthly out of the City Treasury.

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\*See Ord. No. 4116 establishing Office of Council Services.

(d) Positions of Legislative Aide. The salaries of legislative aides shall be set by the Chairman of the City Council, with the concurrence of the City Council, payable semi-monthly out of the City Treasury.

(e) Other Positions. All other positions shall be classified within a position classification plan as set forth in Hawaii Revised Statutes, Chapter 77, and all persons holding such positions shall be compensated, as provided by the compensation law of the State. (Am. Ord. 3600, 3982, 4057, 4197, 77-90, 77-124)

**Sec. 8-10.5. (Am. Ord. 4496) (Repealed) (Am. Ord. 77-90)**

**Sec. 8-10.6. (Am. Ord. 4496) (Repealed) (Am. Ord. 77-90)**

**Article 19. (Repealed) (Am. Ord. 3520)**

**Article 23. (Repealed) (Am. Ord. 3520)**

**Article 34. (Repealed) (Am. Ord. 4626)**

### **Article 35. Bus Transportation Revolving Fund.**

#### **Sec. 8-35.1. Creation.**

There is hereby created and established a special fund to be known as the "Bus Transportation Revolving Fund." (Am. Ord. 3707)

#### **Sec. 8-35.2. Purpose.**

This fund is for the following purposes:

(1) For bus transportation system purposes, including but not limiting the generality of the foregoing, the management, operation and maintenance of the bus transportation system with respect to which the City and County of Honolulu has entered into a management agreement with MTL, Inc.

(2) As a depository for all revenues generated or received for the management, operation and maintenance of such bus transportation system owned, leased or controlled by the City.

(3) As a source of funds to pay for the management, operation and maintenance of such bus transportation system owned, leased or controlled by the City. (Am. Ord. 3707)

### **Article 36. Federal Revenue Sharing Fund.**

#### **Sec. 8-36.1. Creation.**

There is hereby created and established a special fund to be known as the "Federal Revenue Sharing Fund." (Am. Ord. 4069)

**Sec. 8-36.2. Purpose.**

There shall be deposited into the "Federal Revenue Sharing Fund" all moneys received from the United States of America under the State and Local Fiscal Assistance Act of 1972. All moneys deposited into this fund shall be expended for "priority expenditure" purposes authorized by the provisions of said Act based on appropriations in the Operating Budget and Capital Budget Ordinances. The appropriations shall be explicit as to the purpose for which intended and shall be accompanied by a statement of such conditions and restrictions as may apply to insure full compliance with the said Act.

Priority expenditure purposes outlined in the said Act mean only —

(1) Ordinary and necessary maintenance and operating expenses for —

(a) public safety (including law enforcement, fire protection, and building code enforcement),

(b) environmental protection (including sewage disposal, sanitation and pollution abatement),

(c) public transportation (including transit systems and streets and roads),

(d) health,

(e) recreation,

(f) libraries,

(g) social services for the poor and aged, and

(h) financial administration.

(2) Ordinary and necessary capital expenditures authorized by law. (Am. Ord. 4069)

**Sec. 8-36.3. Administration.**

The Director of Finance and the Chief Budget Officer shall be responsible for the administration of this fund. Expenditures from this fund shall be in accordance with prescribed laws and procedures applicable to expenditures of City revenues. (Am. Ord. 4069)

## **Article 37. Highway Beautification And Disposal Of Abandoned Vehicles Revolving Fund.**

**Sec. 8-37.1. Creation.**

There is hereby created and established a special fund to be known as the "Highway Beautification and Disposal of Abandoned Vehicles Revolving Fund." (Am. Ord. 4119)

**Sec. 8-37.2. Purpose.**

There shall be deposited into the "Highway Beautification and Disposal of Abandoned Vehicles Revolving Fund" all receipts from the fee

of 50 cents assessed and collected under HRS, Section 286-51, as amended from time to time. All moneys deposited into this fund shall be expended for:

- (a) beautification and other related activities of primary high-ways under the ownership, control and jurisdiction of the City, and
- (b) disposition and other related activities of abandoned vehicles as prescribed in HRS, Chapter 290. (Am. Ord. 4119)

**Sec. 8-37.3. Expenditures.**

All expenditures from this fund shall be for purposes authorized herein based on appropriations in the Operating Budget and/or Capital Budget ordinances. (Am. Ord. 4119)

**Sec. 8-37.4. Administration.**

The Director of Finance and the Chief Budget Officer shall be responsible for the administration of this fund. Expenditures from this fund shall be in accordance with prescribed laws and procedures applicable to expenditures of City revenues. (Am. Ord. 4119)

## **Article 38. Bikeway Fund.**

**Sec. 8-38.1. Creation.**

There is hereby created and established a special fund to be known as the "Bikeway Fund." (Am. Ord. 4419)

**Sec. 8-38.2. Purpose.**

There shall be deposited into the "Bikeway Fund" all receipts from the tax of \$3.00 levied and collected under HRS, Section 249-14, as amended from time to time. All moneys deposited into this fund shall be expended for:

- (a) acquisition, design, construction, improvement, repair, and maintenance of bikeways, including the installation and repair of storm drains and bridges;
- (b) installation, maintenance, and repair of bikeway lights and power, including replacement of old bikeway lights;
- (c) purposes and functions connected with traffic control and preservation of safety upon bikeways; and
- (d) payment of interest on and redemption of bonds issued to finance bikeway construction and improvements. (Am. Ord. 4419)

**Sec. 8-38.3. Expenditures.**

All expenditures from this fund shall be for purposes authorized herein based on appropriations in the Operating Budget and/or Capital Budget ordinances. (Am. Ord. 4419)

**Sec. 8-38.4. Administration.**

The Director of Finance and the Chief Budget Officer shall be responsible for the administration of this fund. Expenditures from this fund shall be in accordance with prescribed laws and procedures applicable to expenditures of City revenues. (Am. Ord. 4419)

**Article 39. Community Development Fund.****Sec. 8-39.1. Creation.**

There is hereby created and established a special fund to be known as the "Community Development Fund." (Am. Ord. 4479)

**Sec. 8-39.2. Purpose.**

There shall be deposited into the "Community Development Fund" all moneys received from the United States of America under the Housing and Community Development Act of 1974. All moneys deposited into this fund shall be expended for the primary objective of the Community Development Program as authorized by the provisions of said Act based on appropriations in the Operating Budget and Capital Budget Ordinances. The primary objective is the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.

(a) This primary objective is for the support of community development activities which are directed toward the following specific objectives —

(1) the elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally persons of low and moderate income;

(2) the elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities;

(3) the conservation and expansion of the Nation's housing stock in order to provide a decent home and a suitable living environment for all persons, but principally those of low and moderate income;

(4) the expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development of viable urban communities;

(5) a more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational and other needed activity centers;

(6) the reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income; and

(7) the restoration and preservation of properties of special value for historic, architectural or esthetic reasons.

(b) It is also the purpose of said Act to further the development of a national urban growth policy by consolidating a number of complex and overlapping programs of financial assistance to communities of varying sizes and needs into a consistent system of Federal aid which —

(1) provides assistance on an annual basis, with maximum certainty and minimum delay, upon which communities can rely in their planning;

(2) encourages community development activities which are consistent with comprehensive local and area-wide development planning;

(3) furthers achievement of the national housing goal of a decent home and a suitable living environment for every American family; and

(4) fosters the undertaking of housing and community development activities in a coordinated and mutually supportive manner. (Am. Ord. 4479)

#### **Sec. 8-39.3. Administration.**

The Director of Finance and the Chief Budget Officer shall be responsible for the administration of this fund. Expenditures from this fund shall be in accordance with prescribed laws and procedures applicable to expenditures of City revenues. (Am. Ord. 4479)

### **Article 40. Housing And Community Development Trust Fund.**

#### **Sec. 8-40.1. Creation.**

There is hereby created and established a special fund to be known as the "Housing and Community Development Trust Fund." (Am. Ord. 4490)

**Sec. 8-40.2. Purpose.**

All moneys received for specific purposes by the Department of Housing and Community Development in its capacity as trustee, escrow agent, beneficiary, custodian or security holder, shall be deposited into the Housing and Community Development Trust Fund and maintained in separate accounts according to, and used for, the purposes for which such moneys are received. (Am. Ord. 4490)

**Sec. 8-40.3. Administration.**

The administrative head of the Department of Housing and Community Development shall be responsible for the administration of the accounts in the Housing and Community Development Trust Fund under such procedures as may be prescribed by the Director of Finance. (Am. Ord. 4490)

## **Article 41. Housing And Community Development Section 8 Contract Fund.**

**Sec. 8-41.1. Creation.**

There is hereby created and established a special fund to be known as the "Housing and Community Development Section 8 Contract Fund." (Am. Ord. 4545)

**Sec. 8-41.2. Purpose.**

There shall be deposited into the "Housing and Community Development Section 8 Contract Fund" all moneys received from the United States of America under the Housing and Community Development Act of 1974 for the purposes set forth under Title II of said Act, and expended for such purposes. (Am. Ord. 4545)

**Sec. 8-41.3. Administration.**

The administrative head of the Department of Housing and Community Development shall be responsible for the administration of the "Housing and Community Development Section 8 Contract Fund" in accordance with disbursement procedures prescribed by the Director of Finance. (Am. Ord. 4545)

## **Article 42. Farmers Home Administration Watershed Loan Fund.**

**Sec. 8-42.1. Creation.**

There is hereby created and established a special fund to be known as the "Farmers Home Administration Watershed Loan Fund." (Am. Ord. 4563)

Am. 4/3/79  
Ord. 79-22

Am. 4/3/79  
Ord. 79-22

**Sec. 8-42.2. Purpose.**

All proceeds from the issuance and sale of general obligation bonds to the Federal government to help finance the City's share of the cost of the Kahaluu Flood Control Project shall be deposited into the Farmers Home Administration Watershed Loan Fund to be expended for property acquisition in connection with the undertaking of said project. (Am. Ord. 4563)

Am. 4/2/79  
Ord. 79-22

**Sec. 8-42.3. Administration.**

The Director of Finance and the Chief Budget Officer shall be responsible for the administration of this fund in accordance with prescribed laws and procedures applicable to expenditure of City funds. (Am. Ord. 4563)

**Article 43. Housing Buy-Back Revolving Fund.****Sec. 8-43.1. Creation.**

There is hereby created and established a contingency revolving fund to be known as the "Housing Buy-Back Revolving Fund." (Am. Ord. 4660)

**Sec. 8-43.2. Purpose.**

The purpose of the Housing Buy-Back Revolving Fund is to permit the City to expeditiously exercise its buy-back options created or to be created in favor of the City in certain City housing projects. (Am. Ord. 4660)

**Sec. 8-43.3. Administration.****(a) Department of Finance.**

The Director of Finance shall be responsible for the administration of the Housing Buy-Back Revolving Fund under such procedures as may be prescribed by him.

**(b) Purchase Agreement.**

With respect to purchase agreements, the Director of Finance is hereby authorized to enter into agreements and execute the same on behalf of the City, provided that the following provisions are observed by the Director:

(1) Purchases shall be made in the name of the City and County of Honolulu, State of Hawaii by and through the Department of Housing and Community Development.

(2) The purchase amount for each unit shall not exceed the amount as determined by the buy-back provisions of the respective legal agreements.

(c) Sales Proceeds.

All proceeds from the sale of repurchased units shall be deposited into the "Housing Buy-Back Revolving Fund." (Am. Ord. 4660)

## **Article 44. Parks And Playgrounds Revolving Fund.**

### **Sec. 8-44.1. Creation.**

There is hereby created and established a special fund to be known as the "Parks and Playgrounds Revolving Fund." (Am. Ord. 77-3)

### **Sec. 8-44.2. Purpose.**

There shall be deposited into the "Parks and Playgrounds Revolving Fund" all moneys received in lieu of providing land in perpetuity or dedicating land, together with facilities for park and playground purposes pursuant to Section 22-7.6 of the Revised Ordinances of Honolulu 1969. All moneys deposited into this fund shall be expended for parks and playground purposes in the following manner:

(a) Within five years from the date of receipt of the funds the City shall expend the funds for:

- (1) purchase of land for development of a new or expansion of existing parks and playgrounds, and/or
- (2) purchase of park and playground equipment, and/or
- (3) improvement of existing parks and playgrounds, all according to locational priorities.

(b) Locational priority for creation, expansion and improvement of parks and playgrounds are:

- (1) Neighborhood and mini-park(s) located within one-half (1/2) mile distance from the project site shall be given first priority.
- (2) Should the creation, expansion and/or improvement of a neighborhood facility prove to be unfeasible, the second priority should be given to community park(s) located within 1-mile distance of the project site.
- (3) District park(s) within 2-mile distance of the project site shall be considered in the event the implementation of 1 and 2 above are unfeasible.
- (4) Regional parks shall have the last priority. (Am. Ord. 77-3)

### **Sec. 8-44.3. Expenditures.**

All expenditures from this fund shall be for purposes authorized herein based on appropriations in the Operating Budget and/or Capital Budget ordinances. Any other provision to the contrary notwithstanding there shall be no disbursement of monies from this fund except for parks and playground purposes in accordance with sub-

section 2 hereinabove. The foregoing provision shall not preclude the Director of Finance from investing said funds at interest in accordance with Section 8-203 of the Revised City Charter. (Am. Ord. 77-3)

**Sec. 8-44.4. Administration.**

The Director of Finance and the Chief Budget Officer shall be responsible for the administration of this fund. Expenditures from this fund shall be in accordance with prescribed laws and procedures applicable to expenditures of City revenues. (Am. Ord. 77-3)

**Article 45. Housing And Community Development  
Rehabilitation Loan Revolving Fund.**

**Sec. 8-45.1. Definitions.**

(a) "Rehabilitation" means the necessary and required improvement of a property in accordance with project standards.

(b) "Project Standards" means code requirements of a concentrated code enforcement project and a rehabilitation project, and provisions of the Urban Renewal Plan for an urban renewal project.

(c) "Urban Renewal Project Area" means a slum or blighted, deteriorated or deteriorating area as defined by Section 53-51, Hawaii Revised Statutes.

(d) "Concentrated Code Enforcement Project Area" means a deteriorated or deteriorating area as described by Section 105(a)(3) of the Housing and Community Development Act of 1974.

(e) "Rehabilitation Project Area" means an area designated by the Administering Department, with the consent of the City Council, for a voluntary property rehabilitation program.

(f) "Department" means the Department of Housing and Community Development.

(g) "Dwelling Unit" means a room or rooms connected together, constituting an independent housekeeping unit for a family and containing a single kitchen.

(h) "Eligible Family" means one or more persons, all related by blood, adoption or marriage, occupying a dwelling unit and who has occupied said unit for a period of one year immediately prior to application for said loan. (Am. Ord. 77-61)

**Sec. 8-45.2. Title.**

There is hereby created and established a Housing and Community Development Rehabilitation Loan Fund, which may be cited as "H&CD Loan Fund." (Am. Ord. 77-61)

**Sec. 8-45.3. Purpose.**

The purpose of this Revolving Fund is to make loan money available primarily to low- and moderate-income applicants who are owner-occupants or lessee-occupants of residential properties in urban renewal, concentrated code enforcement and rehabilitation project areas who are unable to secure or qualify for funds under the Rehabilitation Loan Program, Section 312, Housing Act of 1964, as amended, or from other sources under comparable terms and conditions, to finance rehabilitation of their properties to conform to project standards.

There is authorized sufficient sums to be appropriated for each fiscal year which shall constitute a revolving fund to be used by the Department in carrying out this loan program. All moneys in such revolving fund shall be available for servicing loans made pursuant to this Article. (Am. Ord. 77-61)

**Sec. 8-45.4. Limitations.**

(a) Loans shall be made in the name of the City and County of Honolulu to an eligible family who is an owner-occupant or is a lessee-occupant of a parcel of land containing not more than two dwelling units which is situated in an approved urban renewal, concentrated code enforcement or rehabilitation project area.

(b) The amount of each loan, together with other existing liens, shall not exceed ninety per cent (90%) of the appraised value of the fee property or leasehold property after rehabilitation but in no event shall exceed the sum of \$10,000 per dwelling unit.

(c) All loans shall be adequately secured as determined by the Department.

(d) All loans shall bear interest at three per cent (3%) per annum on the outstanding balance thereof.

(e) Monthly payments shall be made on all loans. The Department may defer said payments for such periods as deemed appropriate and necessary upon its determination that the applicant is unable to meet these payments because of limited income, unemployment or for any other valid reason.

(f) The term of each loan shall not exceed ten (10) years or three-fourths ( $\frac{3}{4}$ ) of the remaining economic life of the structure after rehabilitation or the remaining fixed rental period of a leasehold property less two years, whichever is the least.

(g) The loan shall be paid in full should the borrower cease to be an occupant of the property or if title or lease to the property is transferred prior to the maturity date, unless the succeeding titleholder(s) or leaseholder(s) meets the eligibility requirements established by the Department for said loan.

(h) The Department may prescribe such charges, fees and other costs as may be related to each loan.



INVESTIGATION OF THE ACTS OF VIOLENCE  
COMMITTED BY THE ORGANIZATION OF ARAB BUSINASSMEN

MEMORANDUM FOR THE DIRECTOR  
FROM THE SAC, NEW YORK  
SUBJECT: [Illegible]

[Illegible text block]

## CHAPTER 9.

### Collection And Disposal Of Refuse.

#### Article 1. General Provisions.

##### Sec. 9-1.1. Definitions.

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

(a) "Chief" shall mean the Chief of the Division of Refuse Collection and Disposal of the Department of Public Works of the City and County of Honolulu.

(b) "Director" shall mean the Director and Chief Engineer of the Department of Public Works of the City and County of Honolulu.

(c) "Division" shall mean the Division of Refuse Collection and Disposal of the Department of Public Works of the City and County of Honolulu.

(d) "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.

(e) "Business" shall mean any individual proprietorship, partnership, corporation, association, joint venture or project operated, which carries on commercial or industrial activity for gain or profit, including any hotel or hotel-apartment.

(f) "Refuse" shall mean:

(1) Garbage consisting of all organic wastes resulting from the preparation and serving of food.

(2) Rubbish consisting of and including such materials as paper, cardboard, clothes, shoes, bottles, cans, china, glass, grass, hedge cuttings, tree branches under 2 inches in diameter and any other material of similar character; and

(3) Bulky wastes consisting of such materials as lumber, iron pipes, tree branches over 2 inches in diameter, refrigerators, stoves, radios, television sets, phonographs, bedsteads, bed springs, tables, sofas, chairs, water heaters, sinks and other similar materials or equipment of a weighty or bulky nature.

(g) "Hotel or Hotel-Apartment" shall mean an establishment operating under a license issued pursuant to the provisions of HRS Chapter 445-92.

(h) "Licensed Collector" shall mean and include any person who has been licensed by the City to collect refuse in accordance with Sec. 9-2 hereof.

(i) "Incinerator" shall mean any incinerator owned or controlled by the City where refuse is disposed of by incineration.

Am. 6/1/79  
Ord. 79-32

(j) "Disposal Facilities" shall mean all landfills, transfer stations and incinerators operated or controlled by the City.

(k) "Solid Waste" shall mean all refuse, soil, rock, construction debris, demolition debris and all similar materials.

(l) "Director of Finance" shall mean the Director of Finance of the City and County of Honolulu. (Sec. 9-1.1, R.O. 1969; Am. Ord. 4339)

(m) (n) (o)

Am. 6/1/79  
Ord. 79-32

### Sec. 9-1.2. Collection Of Refuse By The Division.

(a) 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:

(1) The owner thereof has made provision for refuse collection by his own vehicles or by a licensed collector.

(2) The owner thereof has installed or provided the premises with private incineration equipment or other refuse disposal facilities which have been approved by the Director as being adequate and safe and which have been approved by the State Department of Health as conforming to the provisions of HRS Chapter 322, relating to nuisances and sanitary regulations.

(b) Any refuse removed by the City and any solid waste accepted by the City shall become the property of the City. (Sec. 9-1.2, R.O. 1969; Am. Ord. 4339)

### Sec. 9-1.3. Preparation And Placing Of Refuse By Owner.

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

(1) All rubbish consisting of tree branches under 2 inches in diameter, hedge and plant cuttings, palm and coconut branches, vines and other similar materials shall be cut into lengths not exceeding 3 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 not exceeding 3 feet in length nor weighing more than 50 pounds each.

(3) All other refuse except that mentioned in (1) and (2) directly above shall be placed in durable or non-durable containers described as follows:

(a) Durable Containers.

The interior surface of the container shall be smooth with no projections and the top diameter shall be equal to or larger than the bottom diameter. The container shall have a capacity of at least 10 gallons but not more than 35 gallons. The maximum weight of an empty container shall be 25 pounds. The

maximum weight of a filled container shall be 75 pounds. Every container holding any garbage shall have a tight fitting lid.

(b) Non-Durable Containers.

Non-durable containers made of plastic film, paper or cardboard may be used if such containers are able to contain their contents securely at all times. The maximum weight for filled non-durable containers shall be 50 pounds. Such containers shall be collected together with their contents.

(4) All rubbish consisting of ashes, powders, dust, sawdust, broken bottles, glass or china or other materials likely to cause injury to persons collecting the same shall be securely wrapped or contained before being placed in the container.

(5) Garbage shall be drained and securely wrapped before being placed in the container.

(b) On or the evening before the scheduled day of collection, all refuse prepared for collection as hereinabove provided, shall be placed within the sidewalk area, which is the area located between the curb or, in the absence of a curb, the edge of the asphalt pavement, and the property line boundary of the public roadway in a location readily accessible to the collector. In apartment and business districts, refuse may be placed within 20 feet of the curb, as defined above. Refuse may be placed for collection within the sidewalk area (as defined above) of private roads and non-standard private roadways when all of the following conditions are met:

(1) All of the residents along the roadway shall want such collection.

(2) The roadway shall serve at least 3 residences.

(3) The roadway shall have an unobstructed width of at least 12 feet not including parking lanes.

(4) Horizontal and vertical curves of the roadway shall meet subdivision standards.

(5) Maximum roadway grade shall not exceed 19 percent.

(6) The owners of the roadway shall provide and maintain an all-weather road surface.

(7) The roadway shall have an adequate turnaround. If there is no turnaround, reversing of the truck shall not exceed a distance of 100 feet.

(8) Reversing on a grade exceeding 10 percent shall not be required.

(c) Containers shall not be left on the street or sidewalk area after the day of collection.

(d) Bulky wastes shall be collected on a non-regular basis under procedures determined by the Chief.

(e) Three cubic yard containers designed for mechanical handling, if used, shall not be placed within the sidewalk area, but shall be placed within the property to be served in locations directly accessible to the

pickup forks of the collection truck. Access roadway requirements for the collection of 3 cubic yard containers shall be that required for collection on private roads and non-standard private roadways as provided in Sec. 9-1.3(b), except that maximum roadway grade shall not exceed 12 percent. (Sec. 9-1.3, R.O. 1969; Am. Ord. 4339)

#### **Sec. 9-1.4. Limitations To Collection By Refuse Crews.**

The Division will not collect:

(a) Any soil, rock, concrete, explosives, liquids, radioactive materials, construction debris or demolition debris.

(b) Any refuse not prepared for collection as provided by Sec. 9-1.3 hereof.

(c) Any refuse not placed for collection as provided by Sec. 9-1.3 hereof.

(d) Any rubbish consisting of tree branches, plant cuttings, vines and other similar materials exceeding one cubic yard 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 business where the owner thereof shall have failed to pay the service charges hereinafter provided for. (Sec. 9-1.4, R.O. 1969; Am. Ord. 4339)

#### **Sec. 9-1.5. Unlawful To Disturb Receptacles.**

No person shall:

(a) Remove or disturb any refuse from the place where the same has been placed for collection;

(b) Collect, or haul away any refuse from the place where the same has been placed for collection;

(c) Transport any refuse; provided, that authorized persons may remove, disturb, collect, haul away or transport any refuse from the place where the same has been placed for collection. For purposes of this section, authorized persons shall mean:

(1) Owner;

(2) Division employees during authorized working hours;

(3) Licensed collector.

(Sec. 9-1.6, R.O. 1969; Am. Ord. 4339)

#### **Sec. 9-1.6. Refuse Acceptable And Not Acceptable By Disposal Facilities.**

(a) The Division shall accept the following solid waste at all of its disposal facilities: paper, cardboard, yard trimmings, bottles, cans, plastic, garbage, lumber and tree branches less than 5 feet long and less than 4 inches in diameter.

(b) The Division shall accept the following types of solid wastes only at specific disposal sites designated by the Chief: large household appli-

ances, tree trunks, dirt, rock, concrete, reinforcing steel, metal pipe, metal roofing, automobile parts, and bed springs.

(c) The Division shall not accept deliveries of any refuse which are not made during hours of operation as posted at each facility.

(d) The Chief may divert all or part of the incoming refuse away from a disposal facility, or limit the area to be served by a disposal facility when, in his judgment, such action is necessary to undertake repairs or to maintain the facility, or where the facility lacks the continued capacity to handle the incoming refuse, or so as to prolong the life of the facility. (Secs. 9-1.3 and 9-1.4, R.O. 1969; Am. Ord. 4339, 4454)

Am. 6/1/79 (e)  
Ord. 79-32

#### **Sec. 9-1.7. Dead Animals.**

(a) Every owner of dead animals shall remove such animals, or cause the same to be removed, within a reasonable time after death, or before the same shall constitute a nuisance.

(b) Any person who has actual knowledge of the dead animal shall cause such animal to be removed within a reasonable time after death, or before the same shall constitute a nuisance.

(c) Dead animals weighing up to 70 pounds will be collected and disposed by the Division, provided they are placed in an open area which is accessible to the collector, or such animals will be accepted at any municipal incinerator during operating hours.

(d) Dead animals weighing over 70 pounds will be accepted at disposal areas other than the municipal incinerators during operating hours. (Sec. 9-1.7, R.O. 1969; Am. Ord. 4339)

#### **Sec. 9-1.8. Unlawful To Abandon Materials.**

(a) No person shall abandon scrap iron, lumber or other similar materials, upon any public street, road, highway or other public thoroughfare, or any part thereof.

(b) 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. 1969; Am. Ord. 4339)

#### **Sec. 9-1.9. Dumping Of Refuse Prohibited.**

No person shall dump or dispose of any refuse or other solid wastes upon any public or private premises including any water course or drainage facility whether publicly or privately owned within the City except upon municipal disposal sites or private disposal sites established under the Comprehensive Zoning Code. (Sec. 9-1.8, R.O. 1969; Am. Ord. 4339)

## Article 2. Collection License.

### Am. 4/3/79 Ord. 79-16 Sec. 9-2.1. License Required, Collection Of Refuse.

No person shall engage in any business which involves the collecting of any refuse from any building or premises other than his own without first obtaining a license therefor as provided in Sec. 9-2.2 below. (Sec. 9-3.1, R.O. 1969; Am. Ord. 4339)

### Am. 4/3/79 Ord. 79-16 Sec. 9-2.2. Licenses.

(a) Application. Application for a license to engage in said business shall be made to the Director of Finance, and the applicant shall state thereon his name and business address, the nature of materials to be collected, the manner in which and the location where the same shall be disposed.

(b) Bond. Every applicant for a license shall execute and submit a surety bond in favor of the City in the penal sum of \$1,000.00, which bond shall be subject to all of the conditions set forth in Sec. 9-2.3 herein, including the cost of collecting and disposing of refuse by the City in case the licensee fails to collect and dispose of refuse which the licensee has contracted so to do with others. Said bond shall be issued by a surety company authorized to do business in Hawaii in accordance with HRS Sec. 78-20, as amended by Act 32, SLH 1973.

(c) Vehicular Public Liability and Damage Insurance. The licensee shall secure and present to the Director of Finance at the time of application a standard automobile liability insurance policy covering the licensee, or any person driving any vehicle belonging to the licensee with his permission in the amount of \$100,000.00 for bodily injury to or death of one person in any accident and in the amount of \$300,000.00 for bodily injury to or death of two or more persons in any one accident respectively, and property damage insurance in the amount of \$10,000.00 because of damage to or destruction of property of others in any one accident.

(d) Comprehensive Non-Vehicular Public Liability Insurance Policy. The licensee shall secure and present to the Director of Finance at the time of application a standard comprehensive non-vehicular public liability insurance policy covering the licensee and his employees and agents, which shall also include a rider covering the City in the sum of \$300,000.00. Such rider shall be in the form of an endorsement issued by the insurer.

(e) Term of Licenses. Such refuse collection license shall be issued for a term of one year commencing July 1st through June 30th of the next succeeding year.

(f) License Fee. The fee for an annual license to collect refuse shall be \$100.00 payable in advance to the Director of Finance on or before July 1st of each year. The fee for any annual license issued to an applicant after July 1st shall be prorated according to the remaining months

of each fiscal year. No license fee shall be refundable. (Sec. 9-3.2, R.O. 1969; Am. Ord. 4339)

Am. 4/3/79  
Ord. 79-16 **Sec. 9-2.3. Conditions Of Licenses.**

Every license issued under this Article shall be subject to the following conditions:

(a) All vehicles used by the licensee for the collection of refuse shall be so designed and constructed as to prevent the spilling or scattering of its contents upon the public streets. All such vehicles and equipment shall be kept in a clean, inoffensive and sanitary condition. The name of the licensee shall be marked on the left side of all such vehicles and containers in letters not less than 2 inches in height. Vehicles shall not be loaded in excess of the gross vehicle weight.

(b) All refuse shall be handled and transported by the licensee in such a manner as to prevent scattering, spilling or leaking of the same or to otherwise create a nuisance thereby or to violate any rule or regulation of the State Department of Health.

(c) All refuse collected by the licensee shall be disposed of at a municipal disposal site or in a private disposal site established under the Comprehensive Zoning Code.

(d) The licensee shall not violate any provisions contained herein or in any other ordinance relating to the collection and disposal of refuse within the City. (Sec. 9-3.3, R.O. 1969; Am. Ord. 4339)

Am. 4/3/79  
Ord. 79-16 **Sec. 9-2.4. Prohibitions.**

(a) No person licensed to collect refuse shall scatter or spill or cause to be scattered or spilled any refuse set out for collection, either at the location at which it is collected or while transporting the same for disposal, unless the refuse so scattered and spilled is immediately gathered up and removed.

(b) No person licensed to collect refuse shall violate any of the conditions prescribed in Sec. 9-2.3 hereof. (Sec. 9-3.9, R.O. 1969; Am. Ord. 4339)

Am. 4/3/79  
Ord. 79-16 **Sec. 9-2.5. Initial compliance**

### **Article 3. Requirements Applicable To Businesses, Private Dwellings, Government Facilities.**

#### **Sec. 9-3.1. Business.**

(a) No person shall operate or maintain a business, without arranging or providing for the collection of all refuse therefrom.

(b) Where the collection of refuse is to be made by the Division, the owner or occupant of the business shall prepare and place refuse for collection in the manner set forth in Sec. 9-1.3 hereof. (Sec. 9-4.1, R.O. 1969; Am. Ord. 4339)

**Sec. 9-3.2. Private Dwellings.**

Every owner of a private dwelling shall prepare and place refuse for collection by the Division in the manner set forth in Sec. 9-1.3 hereof, unless such owner has made other provisions for refuse collection or disposal in accordance with Sec. 9-1.2 hereof. In the case of private dwellings occupied by persons other than the owner, the occupant thereof may be made responsible hereunder in place of the owner, if the owner and occupant have so agreed and the Division is notified of this fact in writing. Such notice must be signed by both the owner and the occupant. (Sec. 9-4.2, R.O. 1969· Am. Ord. 4339)

**Sec. 9-3.3. Service To Government Buildings.**

The Division may provide refuse collection services to buildings of the Federal and State governments upon being requested to do so by the authorities responsible for such buildings. The charge for service to such governmental buildings, other than buildings used for residential purposes, shall be that which is applicable to a place of business. For services rendered to buildings used for residential purposes, the charges shall be established by agreement. Such agreement shall be executed by the Director of Finance, with the recommendation of the Director, on behalf of the City. The Division shall not provide refuse collection services to buildings of the Federal and State governments after September 30, 1974, except that refuse collection from housing projects of the Hawaii Housing Authority shall be governed by HRS, Section 360-32 or by agreement between the City and the Housing Authority. (Sec. 9-4.3, R.O. 1969; Am. Ord. 4339)

**Article 4. Collection And Disposal Charges.****Am. 2/4/80 Ord. 80-1 Sec. 9-4.1. Collection Charges For Businesses.**

(a) Unit Charge for Collection. 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 \$.10 per cubic foot, provided that a minimum service charge of \$3.00 per month or fraction thereof shall be assessed against each business served by the Division.

(b) Volumes of refuse shall be based on monthly averages determined by periodic measurements. New accounts shall be charged the minimum service charge of \$3.00 per month during the period that the monthly average volume is being determined, provided that after the average monthly volume is determined retroactive adjustment of charges over the minimum may be made, if deemed to be warranted, such determination to be made by the Director of Finance.

(c) Service charges under this section shall be billed monthly by the Director of Finance and shall be payable within 30 days after the date of billing. (Secs. 9-2.1, 9-2.2, and 9-2.3, R.O. 1969; Am. Ord. 4339)

**Sec. 9-4.2. Disposal Charges For Businesses, Federal And State Agencies.**

Am. 2/4/80  
Ord. 80-1

(a) Unit Charges for Disposal. For the receipt and disposal of refuse and other solid wastes delivered to disposal facilities by any business, and Federal or State agency, the following unit charges shall apply:

(1) For refuse delivered to municipal incinerators, baling stations, transfer stations, shredding stations or landfills, \$.18 per pound or fraction thereof. In the event of a breakdown or unavailability of weighing equipment, unit charges shall be \$.90 per cubic yard or fraction thereof. The minimum charge per truckload shall be \$2.00.

(2) For derelict vehicles as defined in HRS, Chapter 290, \$20.00 each.

(b) All charges under this Section shall be collected by the Director of Finance under such procedures as shall be prescribed by him. (Sec. 9-2.4, R.O. 1969; Am. Ord. 4339)

**Sec. 9-4.3. Failure To Pay Service Charges.**

The Chief shall discontinue service to any place of business for failure to pay any service charge when due. The Chief shall resume service upon request for reinstatement of service by the business and upon payment to the Director of Finance of all overdue charges. There shall be a service reinstatement fee of \$5.00 which shall be paid to the Director of Finance at the time request for reinstatement of service is made. (Sec. 9-2.7, R.O. 1969; Am. Ord. 4339)

**Sec. 9-4.4. Dead Animals.**

There shall be no charge for the collection or disposal of dead animals described in Sec. 9-1.7. (Sec. 9-2.5, R.O. 1969; Am. Ord. 4339)

**Sec. 9-4.5. Disposition Of Fees, Charges And Deposits.**

All fees and charges collected under this Chapter shall be deposited into the General Fund as general realization. (Sec. 9-2.6, R.O. 1969; Am. Ord. 4339)

**Article 5. Penalties.****Sec. 9-5.1. Penalty.**

Any persons violating any provisions of this chapter shall upon conviction be punished by a fine not exceeding \$100.00 or imprisonment for a period not exceeding 90 days or both. (Secs. 9-1.9, 9-3.10, and 9-4.4, R.O. 1969; Am. Ord. 4339)

**Sec. 9-5.2. Revocation Or Suspension Of License.**

In the case where a person has been convicted, the Court shall have the further power to suspend or revoke any license or permit issued to such person hereunder for any remaining portion of the term of such license or permit, or such person may be punished by both such fine, suspension, or revocation. No license or permit shall be issued to any person whose license or permit has been so suspended or revoked, as above prescribed for a period of two years after the date or such suspension or revocation. The Court may also order forfeiture of the bond provided in Sec. 9-2.2(b) above, or any part thereof, for the non-observance or violation by a licensee of the conditions of the license. (Secs. 9-3.3, and 9-3.8, R.O. 1969; Am. Ord. 4339)

**Article 6. Procedure On Arrest.****Sec. 9-6.1. Procedure.**

Any authorized police officer or special officer, upon making an arrest for a violation of this Chapter, shall take the name and address of the alleged violator and shall issue to him in writing a summons or citation hereinafter described, notifying him to answer to the complaint to be entered against him at a place and at a time provided in said summons or citation. The term "special officer" shall mean any officer or employee of the Department of Public Works who has the duty and responsibility to enforce the provisions of this Chapter and who has been conferred and appointed as special officer by the Chief of Police of the City and County of Honolulu. (Am. Ord. 4339)

**Sec. 9-6.2. Summons Or Citation.**

(a) There shall be provided for use by police officers or special officers, a form of summons or citation for use in citing violators of this Chapter where the circumstances do not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.

(b) In every case when a citation is issued, the original of the same shall be given to the violator; provided that the administrative judge of the district court may prescribe by giving to the violator a carbon copy of the citation and provide for the disposition of the original and any other copies.

(c) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original. (Am. Ord. 4339)

**CHAPTER 10.**

Inspection Costs.

**Article 1. General Provisions.**

**Sec. 10-1.1. Definitions.**

(b) "Cost" shall mean the amount to be charged by the City for overtime inspections at the rate of \$15.00 per hour. (Sec. 10-1.1, R.O. 1969; Am. Ord. 3613, 4233, 4523)

**Article 2. Overtime Inspections.**

**Sec. 10-2.1. Charges For Overtime Inspections.**

The monies so realized shall be general realizations and the same shall be deposited into the General Fund. (Sec. 10-2.1, R.O. 1969; Am. Ord. 3613)\*

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\*Ordinance No. 3613 amends only the second paragraph of Sec. 10-2.1.



**CHAPTER 11.****Sewers.****Article 1. General Provisions.****Sec. 11-1.1. Intention.**

It is the intent and purpose of this chapter to regulate the use, connection and construction of all public and private sewers and to fix charges therefor.

This Ordinance replaces Chapter 11 of the Revised Ordinances of Honolulu, 1969. (Sec. 11-1.1, R.O. 1969; Am. Ord. 4611)

**Sec. 11-1.2. General Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) **ADVANCED PRIMARY TREATMENT.** An intermediate form of wastewater treatment which provides for removal of generally 75 percent of the suspended solids and 45 percent of the BOD<sup>5</sup>.

(2) **ASSESSMENT OR SEWER ASSESSMENT.** A compulsory levy or charge on selected property for a particular sewer improvement undertaken in the interests of the public and which benefits the lessees or owners of the selected property.

(3) **BENEFITTED OR SPECIAL BENEFITTED PROPERTY.** That property or portion of a property provided with a direct or indirect connection to the public sewer, deriving therefrom the direct and indirect advantages and benefits of sewer service.

(4) **BIOCHEMICAL OXYGEN DEMAND OR "BOD<sup>5</sup>."** A standard test used in assessing sewage strength. The measure of decomposable organic material in domestic or industrial wastewater as represented by the oxygen utilized over a period of 5 days at 20°C and as determined by the appropriate procedure in "Standard Methods."

(5) **CESSPOOL.** A covered lined or partially lined pool, pit or deep hole in the ground to receive the untreated discharges of sewage and from which the liquids seep into the surrounding soil through the bottom or sides.

(6) **CITY.** The City and County of Honolulu.

(7) **COMBINED SEWER.** A sewer receiving a mixture of storm water and sanitary sewage with or without industrial wastes.

(8) **CONNECTION.** Any connection made or to be made to a public sewer at a manhole, in a new manhole, at the end of a stub, wye, saddle wye, lateral or main.

(9) **DEPARTMENT.** The governmental unit known as the Department of Public Works of the City and County of Honolulu.

(10) **DIRECTOR.** The Director and Chief Engineer of the Department of Public Works of the City and County of Honolulu or his authorized representatives.

(11) **DIRECT STORM INFLOW.** Rain water which enters the collection system through roof and patio drain connections, catch basin connections, and holes in the tops of manhole covers in flooded streets. Direct storm inflow is distinguished from infiltration by the rapidity with which inflow begins and ends after a period of rainfall. Storm water infiltration, on the other hand, may persist for an extended period after the cessation of rainfall.

(12) **DOMESTIC WASTEWATER.** The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

(13) **DRAIN, STORM.** A pipe, conduit or channel used for conveying storm and surface water, wash water or other similar discharges but excludes sewage and polluted industrial wastes.

(14) **DRY WEATHER FLOW.** Wastewater flow during period of little or no rainfall. Rates of flow exhibit hourly, daily, and seasonal variations. A certain amount of infiltration may also be present.

(15) **EFFLUENT.** Sewage, water or other liquid flowing out of any basin treatment device, or facility.

(16) **EXTENSION OR EXTENSION SEWER.** The continuation of an existing public sewer through public or private property not owned, in whole or in part, by the applicant or owner of the particular property or subdivision to be served.

(17) **FORCE MAIN.** A pipe line on the discharge end of a pump carrying flow under pressure.

(18) **GARBAGE.** The animal and vegetable waste from the handling, preparation, cooking, and dispensing of food.

(19) **GREASE.** Any material which is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate procedure in "Standard Methods." (Includes fats and oils.)

(20) **GREASE INTERCEPTOR.** A pretreatment device designed and installed to separate fats, oils, and grease from wastewater.

(21) **HOUSE CONNECTION.** The sewer connecting the building sewer or building waste drainage system to the public sewer for the purpose of conveying domestic wastewater.

(22) **INDUSTRIAL CONNECTION SEWER.** The sewer connecting the building sewer or building waste drainage system to the public sewer for the purpose of conveying industrial wastewater.

(23) **INDUSTRIAL USER.** Any nongovernment user of a publicly owned treatment works identified in the U.S. "Standard Industrial Classification Manual, 1972," under the following divisions:

Division A — Agriculture, Forestry, and Fishing

Division B — Mining

Division D — Manufacturing

Division E — Transportation, Communications,  
Electric, Gas, and Sanitary Services

Division I — Services

Users listed in these divisions may be excluded if it can be demonstrated that they discharge primarily domestic wastes.

(24) **INDUSTRIAL WASTEWATER.** All water-carried wastes and wastewater of the community excluding domestic wastewater and uncontaminated water. Includes all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes of non-human origin.

(25) **INDUSTRIAL WASTEWATER DISCHARGE CERTIFICATE.** A document from the Department authorizing discharge of industrial wastewater.

(26) **INFILTRATION.** The unintentional entry of water into the wastewater collection system from the surrounding soil. Common points of entry include broken pipe and defective joints in the pipe or walls of manholes. Infiltration may result from sewers being laid below the groundwater table or from saturation of the soil by rain or irrigation water.

(27) **INFLUENT.** Sewage, water or other liquid flowing into any basin treatment device, or facility.

(28) **INTERCEPTOR.** A sewer which is laid transversely to the general sewer system which receives flow from sewer mains and lateral sewers and conducts such flow to a plant for treatment and disposal.

(29) **LATERAL OR LATERAL SEWER.** A branch or side sewer of a minimum 6" inside diameter in size from a public sewer main to serve one or more lots.

(30) **MAIN.** A sewer into which several laterals or other sewer lines may discharge.

(31) **MAJOR CONTRIBUTING INDUSTRY.** An industrial user that: 1) has a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average shall be computed on the period of use), or 2) has a flow or pollutant loading greater than five percent of the design capacity of the sewer system; or 3) has in its wastes toxic pollutants in toxic amounts; or 4) is found to have significant impact, either singly or in combination with other contributing industries on the sewer system or upon the quality of effluent from the sewer system.

(32) **MANHOLE.** An opening in a sewer constructed for the purpose of permitting a man to enter or leave the sewer.

(33) **MAY.** "May" is permissive.

(34) **NORMAL SEWAGE.** Sewage, industrial waste or other wastes having the following characteristics:

BOD<sup>5</sup> — 1,668 lbs. per million gallons

(200 mg/l) or less

SS — 1,668 lbs. per million gallons

(200 mg/l) or less

Grease — 834 lbs. per million gallons

(100 mg/l) or less

pH — not less than 5.5 and

not more than 9.5

(35) **OCEAN OUTFALL.** Conveyance system whereby treated wastewater is discharged to the marine receiving waters for final disposal.

(36) **OWNER.** Includes a holder in fee, life tenant, executor, administrator, trustee, guardian or other fiduciary, lessee or licensee holding under any government lease or license of real property.

(37) **pH.** The reciprocal of the logarithm of the hydrogen ion concentration. It indicates the intensity of acidity and alkalinity on a pH scale running from 0 to 14. A pH value of 7.0, the midpoint of the scale, represents neutrality. Values above 7.0 indicate alkalinity and those below 7.0 indicate acidity.

(38) **PRIMARY TREATMENT.** A basic form of wastewater treatment which provides for removal of generally 60 percent of the suspended solids and 35 percent of the BOD<sup>5</sup>.

(39) **POLLUTED WATER.** Any water so mixed with substances of such character and in such quantity that its natural quality is so altered as to impair its usefulness or render it unfit for its intended use.

(40) **RELIEF SEWER.** A sewer constructed to relieve an existing line or lines determined to be structurally defective or inadequate and of insufficient capacity.

(41) **SANITARY SEWER.** A sewer the specific purpose of which is to carry only sanitary sewage and industrial wastes.

(42) **SEASONAL AVERAGE DRY WEATHER FLOW (SADWF).** The average daily flow during the month of maximum wastewater discharge for each seasonal discharger.

(43) **SECONDARY TREATMENT.** An advanced form of wastewater treatment which provides removal of 85 percent of the suspended solids and 85 percent of the BOD<sup>5</sup>, minimum.

(44) **SEPTIC TANK.** A water-tight settling tank in which settled sludge is in immediate contact with the sewage flowing through the tank and the organic solids are decomposed by anaerobic bacterial action.

(45) **SEWAGE.** The waterborne wastes derived from ordinary human living processes and of such character as to permit satisfactory disposal, without special treatment, into the public sewer, a private sewer, or by means of a household sewage disposal system.

(46) **SEWAGE PUMP STATION.** Any arrangement of devices within a structure used for lifting and forcing out sewage.

(47) **SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures for treating sanitary sewage and industrial wastes excluding cesspools, individual household septic tank systems and individual household aerobic units.

(48) **SEWER OR SANITARY SEWER.** A pipe or conduit for carrying sewage.

(49) **SEWER, BUILDING OR HOUSE.** That portion of a pipe or conduit carrying sanitary sewage and/or industrial wastes from a building to the public sewer or a common sewer.

(50) **SEWER, PRIVATE.** A sewer, privately owned, which is not directly controlled by the Department.

(51) **SEWER, PUBLIC.** A sewer directly controlled by the Department.

(52) **SEWER SYSTEM.** A system of piping, with appurtenances, for collecting and conveying sewage from source to discharge.

(53) **SHALL.** "Shall" is mandatory.

(54) **SLUG.** Any discharge of water, sewage or industrial wastes which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(55) **STANDARD METHODS.** The current edition of "Standard Methods for the Examination of Water and Wastewater," as published by the American Public Health Association, and Water Pollution Control Federation.

(56) **STORM SEWER.** A sewer which carries only storm and surface water, street wash, and other wastewater or drainage.

(57) **STORM WATER INFLOW.** Water originating as rainfall which finds its way into the collection system either by infiltration or by direct inflow.

(58) **SUBDIVISION.** A division of a piece of property into two or more lots.

(59) **SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids; and which are largely removable by laboratory filtering and as determined by the appropriate procedure in "Standard Methods."

(60) **TOXIC SUBSTANCES.** Any substance whether gaseous, liquid or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process, or to constitute a hazard to human beings or animals, or to inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant.

(61) **USER.** An individual, establishment or industry using any part of the public sewer.

(62) **WASTEWATER.** Any liquid waste of any kind, whether

treated or not, and whether animal, mineral or vegetable including sewage, agricultural, industrial, and thermal wastes.

(63) WET WEATHER FLOW. Wastewater flow during period of moderate to heavy rainfall. Storm water inflow may increase the wet weather flow to a rate many times greater than the dry weather flow and, unless provided for in sewerage design, can produce hydraulic overloads resulting in wastewater overflows to streets and watercourses. (Sec. 11-1.2, R.O. 1969; Am. Ord. 4315, 4424, 4611)

### **Sec. 11-1.3. Use Of Public Sewers.**

#### **(a) When Required.**

Every lot that has sanitary facilities requiring sewage disposal which is accessible to a public sewer and is not connected shall be connected to the public sewer within ninety (90) days after the owner or person legally responsible has been notified to do so.

#### **(b) Permit to Connect.**

(1) A permit to connect shall be obtained from the Department before any connection or reconnection may be made to a public sewer.

(2) Said permit is issued only for the facility or improvement shown on the original plans and specifications or application.

(3) Where any money or payment is due the Department for a connection, the full amount shall be paid before the connection is made.

(4) Said permit will be issued only after an application for a building permit has been filed.

(5) All connections for industrial wastewaters shall require an Industrial Wastewater Discharge Certificate before a permit to connect is issued.

#### **(c) Where Public or Private Sewer System is Not Available.**

Where public or private sewers are not available or accessible, an owner may elect to construct a cesspool or septic tank or other aerobic treatment unit as defined in Chapter 38, State of Hawaii Public Health Regulations, provided the use of such a unit meets the public health requirements of all public agencies having jurisdiction over the use of said facilities.

#### **(d) Where Public or Private Sewer System is Inadequate.**

Where public or private sewers are inadequate to accommodate additional sewage, connection will not be permitted until the inadequacy is relieved either by the City or the applicant at his expense. For sewer lines, the relief sewer must be constructed to the City's ultimate master plan size and location in accordance with Section 11-2.1(b) of this Ordinance. (Sec. 11-1.3, R.O. 1969; Am. Ord. 4222, 4611)

### **Sec. 11-1.4. Sewer Extensions.**

#### **(a) Application.**

The property owner or subdivider of an unsewered area may apply for an extension. The application must be in writing. If the application is approved by the Department, the Department shall make an estimate of the cost and submit it to the applicant.

The cost shall include land acquisition, engineering, and inspection.

(b) Payment and Refund.

The owner or subdivider shall pay 50 per cent of the cost of any portion of such extension which passes through property not owned or controlled by him and 100 per cent of the cost of any portion which passes through property owned or controlled by him.

Before any contract is let, the applicant shall deposit with the Department a sum equal to his share of the estimated cost. In the event the sewer extension costs less than the estimate, a refund will be made to the applicant. If it costs more than the estimate, the applicant shall pay his share of the difference to the Department.

(c) Specifications.

The extension of an existing public sewer, any part of which runs through property not owned or controlled, wholly or in part, by the owner or subdivider shall be constructed by the Department, upon approval by the Director, in accordance with the provisions of Chapter 103, HRS, as amended. Such extension shall extend to the proximate boundary of the land specified in the application or of land owned by the owner or subdivider and contiguous to the land specified, whichever is closer.

The Department shall construct the extension including any laterals to serve the applicant's area. The Department shall determine the type, size, and location of the extension. The applicant, property owner, or subdivider shall not have any title to the extension. (Sec. 11-1.4, R.O. 1969; Am. Ord. 4315, 4424, 4611, 77-83)

**Sec. 11-1.5. Lateral Sewer Construction And Connection.**

(a) Lateral Construction.

All laterals shall not have less than 6-inch inside diameter and shall be installed, when practicable, at a right angle with the sewer. Each shall end at the property line with a 6-inch by 4-inch or the required size cast iron reducer properly capped unless excepted in special cases by the Director.

(b) Connection to a Lateral.

(1) A 4-inch or appropriate size 45° cast iron wye or long radius 90° bend shall be connected to the lateral from which shall extend the cleanout line vertically or 45° from the vertical to at least one-inch above ground except in a sidewalk and driveway area. In sidewalk and driveway areas, the cleanout shall be flush with the surface and shall be made of brass. No construction shall be backfilled or covered until inspected and approved by the Department.

The entire cleanout shall be installed within the property and at the expense of the property owner.

A sewer manhole in lieu of the above cleanout shall be installed when directed by the Director.

(2) If an existing lateral connection does not include a cleanout as described above, the property owner shall have one installed within 60 calendar days after written notice has been given him by the Director.

(3) Special control structures and other appurtenances shall be constructed by the applicant when required by the Director.

(c) Lateral Sewer Installation Charges.

An applicant for lateral sewer installation shall pay for installation charge in accordance with the schedule of changes in Section 11-3.2. (Sec. 11-1.5, R.O. 1969; Am. Ord. 4611)

### **Sec. 11-1.6. Restrictions Relating To Use Of Public Sewers.**

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, unpolluted industrial process water, roof runoff, subsurface drainage, or any waters from an uncontaminated cooling system, swimming pool, decorative fountain or pond, into any public sewer or any private sewer which is connected to the public sewer.

(b) No person shall enter, obstruct, uncover or tamper with any portion of the public sewer, or connect to it, or dispose anything into any sewer and/or sewer manhole without the written permission of the Director.

(c) No person or party shall remove or demolish any building or structures with plumbing fixtures connected directly or indirectly to the public sewer without first notifying the Department of such intention. All openings, in or leading to the public sewer line or lines caused by such work shall be sealed watertight and inspected by the Department before being backfilled.

(d) No person shall fill or backfill over, or cause to cover, or obstruct access to, any sewer manhole.

(e) No person shall erect any improvements, structures or buildings over public sewers without the written permission of the Director.

(f) Except as hereinafter provided in this section, no person shall discharge or cause to be discharged any of the following described substances, waters or wastes into any public sewers:

(1) Liquid or vapor having a temperature higher than 150° F;

(2) Water or waste which may contain more than 100 mg/l concentration of fats, oils, or grease or more than 13 pounds of such substances per day after pretreatment by a grease interceptor, whichever is less, or containing substances which may solidify or become viscous at temperatures between 32° and 150° F;

(3) Gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas;

(4) Toxic, noxious or malodorous liquid, solid, or gas deemed a public hazard and nuisance;

(5) Garbage that has not been properly shredded to a size of ¼" or less so that all particles will be carried freely under normal flow conditions in the public sewers;

(6) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, paper ware either whole or ground or any other solid or viscous substances or normally dry, solid wastes capable of causing obstruction to the flow in or damage to sewers or other interference with the proper operation of the sewerage works;

(7) Water or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage works;

(8) Water or wastes containing any substance in sufficient quantity to discolor, injure, disrupt or interfere with the normal operation of any sewage treatment process, constitute a hazard to human or animal life, create a public nuisance, or significantly lower the quality of the receiving waters;

(9) Water or wastes containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at a sewage treatment plant;

(10) Any unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;

(11) Radioactive wastes or isotopes of such half-life or concentration that may exceed limits established by the Director in compliance with applicable state or federal regulations;

(12) Water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations;

(13) Unreasonably large amounts of dissolved solids; and

(14) Water or wastes containing in excess of:

0.1 mg/l arsenic

0.2 mg/l cadmium

2.0 mg/l copper

1.0 mg/l cyanide

1.0 mg/l lead

0.01 mg/l mercury

1.0 mg/l nickle

0.2 mg/l selenium

0.2 mg/l silver

0.5 mg/l total chromium

3.0 mg/l zinc

0.02 mg/l total identifiable

chlorinated hydrocarbons

1.0 mg/l phenolic compounds

(g) Fats and greases shall not be discharged to the sewer system if their concentration and physical dispersion results in separation and adherence to sewer structures and appurtenances. If there is evidence of adherence of such materials to said structures, or if such materials cause blockage in the sewer system, then the wastewater carrying such materials must be effectively pretreated by a process or device to effect removal from the flow before its discharge to the sewer system.

Grease, oil, and sand interceptors shall be provided when deemed necessary by the Director for the proper handling of liquid wastes containing grease in excessive amounts, any flammable material, sand and other harmful ingredients. All interceptors shall be of a type and capacity acceptable to the Director, and shall be located as to be readily accessible for cleaning and inspection.

(1) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(2) All grease, oil, and sand interceptors shall be maintained in continuously efficient operation at all times by the owner at his expense. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, amounts, and means of disposal which are subject to review by the Director.

(h) Any person who shall discharge or cause to be discharged into the public sewers any water or wastes having more than 200 mg/l of suspended solids or BOD<sup>5</sup> shall be obligated to pay a surcharge in accordance with Subsection 11-6.6 to the Department occasioned by the extent to which such water or waste shall contain an excess over the foregoing limitation of concentration.

(i) Where preliminary treatment facilities are provided for any wastewater as a condition of its acceptance, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(j) When required by the Director, the owner of any property served by a building sewer carrying industrial wastes shall install monitoring and recording equipment, and a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be readily accessible and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed and maintained by the owner at his expense.

(k) All measurements, tests, and analyses of the characteristics of water and wastewater to which reference is made in subsections (f), (g), and (h) of this Section shall be determined in accordance with the latest edition of the American Public Health Association's "Standard

Methods for the Examination of Water, Sewage and Industrial Wastes" and shall be made at the control manhole provided for in subsection (j) of this Section, or upon suitable samples taken at said control manhole. If no special manhole is available, the sampling location shall be determined by the Department. (Sec. 11-1.6, R.O. 1969; Am. Ord. 4315, 4611)

### **Sec. 11-1.7. Right-Of-Entry And Inspection.**

#### **(a) Existing Systems.**

The Department may, during reasonable hours and upon notification to the person with a right to possession, enter any building or premises in the discharge of his official duties to inspect, investigate, measure or test the wastes discharged or the private sewer connected, directly or indirectly, to the public system.

#### **(b) Inspection of Construction of Sewer System Works.**

During the construction of all sewer system works, including private sewers which directly or indirectly connect to the public system, the City shall have access thereto for inspection purposes and if considered advisable by the Director, may require an inspector on the job continuously. At no time shall sewers be backfilled or covered until the Department has been notified and has given proper inspection and approval. If the work is not approved, it shall be repaired or removed and reconstructed, whichever is directed by the Director.

All cost of inspection and test shall be borne by the owner or subdivider. (Am. Ord. 4611)

## **Article 2. Sewer System for New Subdivision.**

### **Sec. 11-2.1. In General.**

#### **(a) Connection to Public Sewers.**

In every subdivision where connection to a public sewer system is practicable and reasonable, or where temporary sewage treatment and disposal facilities have been approved by all authorities having jurisdiction, the subdivider shall install a complete sewer system connected to the public sewer or temporary sewage treatment and disposal facility unless such subdivision is for agricultural purposes where the lots are two acres or larger in size and the soil is deemed suitable and adequate for an acceptable private sewage disposal system.

#### **(b) Specifications.**

(1) The sewer system shall be of the type and size and at the locations approved by the Director provided that these shall not be contrary to the locations fixed for utilities by the City General Plan or for sewer system facilities by the Department of Public Works Master Plans.

(2) The sewer system shall be constructed in accordance with the current standards and specifications of the Department. Before the construction of a sewer is commenced, the construction plan therefor shall be approved by the Director and by the State Department of Health pursuant to Section 321-16, HRS.

(3) A lateral shall be provided to service each lot.

(c) Title to City.

Upon completion of the construction of the subdivision sewer system and any other related new construction and approval of said construction by the Department, the subdivider or developer shall convey title of the sewer system to the City for use of the Department if required by the Director.

Before acceptance of the sewer system by the Department, the subdivider shall convey easements covering those portions of the sewer system installed in privately owned areas and shall convey to the City, for the use of the Department, fee simple title to all sites on which are located pump stations or treatment plants constructed by the subdivider or developer as part of the public sewer system. (Sec. 11-2.1, R.O. 1969; Am. Ord. 4315, 4424, 4611)

### **Sec. 11-2.2. Temporary Treatment Plants — Pumping Stations.**

(a) Specifications.

Where connection to a public sewer is not available, the subdivider may construct temporary treatment and disposal facilities or where gravity service to the public sewer is not possible, he may construct a temporary pump station, provided, however, that the sewer system, including the temporary treatment plant with pertinent structures, shall be constructed in accordance with the standards and specifications of the Department, or other agency having jurisdiction, or other standards or requirements as may be established by the Director, and provided further, that prior written approval of the Director has been obtained as to the necessity for such plant or station.

(b) Title.

The subdivider shall convey the title to the treatment plant or the pump station including the site, in fee to the City for the use of the Department, except as provided herein. Acceptance of title and possession to either the plant or station reserves for the Department the right to admit sewage or wastewater to either facility from other areas provided that the needs of the subdivider are met for a stipulated period as mutually agreed upon prior to date of conveyance. Title shall revert to the grantor or his successors or assigns in the event the Director finds the plant or the station is no longer needed.

In remote areas where the treatment plant or pump station serves less than 40 lots, or any area where it serves less than 10 lots, the Director may require the facility to be owned and maintained as a private system at the owner's or subdivider's expense. (Sec. 11-2.2, R.O. 1969; Am. Ord. 4315, 4424, 4611)

**Sec. 11-2.3. Construction Costs.****(a) General.**

Except as otherwise provided herein or by statute, the entire cost of installation of sewer system works within a subdivision and for any new construction required for connection to the public sewers shall be borne by the subdivider or developer.

**(b) Temporary Treatment Plant and Temporary or Permanent Pump Station.**

The entire cost of constructing a temporary treatment plant or a temporary or permanent pump station shall be borne by the subdivider or developer.

**(c) Over-Size Facilities.**

(1) Whenever the Director finds that good planning and engineering practice require sewer system works of greater capacity or greater depth than required to serve a subdivision, he shall require the provisions thereof.

(2) Whenever the Director requires a subdivider to install a treatment plant or pump station with pertinent structures or other sewer system works or sewer lines with an inside diameter of more than eight inches in diameter, which are, in either case, of greater capacity or at greater depth than is necessary to serve the subdivision or other land under the same ownership, which is hereinafter referred to as the "initial subdivider's area," the Department shall install or provide for the installation of the same in accordance with the provisions of Chapter 103, HRS. Before any contract is let, the subdivider shall pay the Department an amount equivalent to the cost of construction of the facilities adequate to serve the "initial subdivider's area," as determined by the Director. (Sec. 11-2.3, R.O. 1969; Am. Ord. 4315, 4424, 4611)

**Article 3. Sewer System for Other Than in New Subdivisions.****Sec. 11-3.1. For Connections Within Improvement Districts.**

No lateral installation charge shall be made for one or more original laterals to an original lot which is being or has been assessed in accordance with the improvement district Ordinance, unless this lot has later been rezoned for higher usage and the owner desires an additional lateral or the lot is required to be served by a relief sewer which has been or will be constructed to relieve an inadequate existing sewer. (Sec. 11-3.1, R.O. 1969; Am. Ord. 4611)

**Sec. 11-3.2. Sewer Installation Charges.****(a) Charge.**

(1) For unsewered properties.

An applicant for sewer service for an unsewered property shall pay the following assessment per square foot of specially benefitted area:

- a) Residential zoned areas . . . . . 16 cents psf
- b) Business and industrial zoned areas . . . . . 20 cents psf
- c) Hotel and apartment zoned areas . . . . . 24 cents psf

The benefitted area shall be determined by the Department.

Upon approval of the application by the Department and payment of assessment charge by the applicant, the Department will construct the sewer to the property line as soon as possible. (2) For sewer properties rezoned to higher use.

For properties with an existing sewer lateral which have been rezoned to higher use after the existing sewer service was provided; and the property is required to be served by a relief sewer which has been or will be constructed to relieve the inadequate existing sewer; shall pay the difference between the rates per square foot of that zoned to higher use and that zoned from, specified in subsection 11-3.2(a)(1) above.

(b) Special Conditions.

(1) No charge will be made for replacements of lateral sewer installations because of normal deterioration.

(2) Charges for construction of an additional lateral shall be the actual total cost of the installations, including overhead costs.

(3) A charge shall be made for a lateral sewer which has already been constructed for which no assessment or installation charge has been paid. The charge shall be as specified in Subsection 11-3.2(a)(1). (Sec. 11-3.2, R.O. 1969; Am. Ord. 4315, 4424, 4611)

**Article 4. Private Sewer System.**

**Sec. 11-4.1. Building Or House Sewers.**

(a) Inspection After Connection.

Existing private sewers connected to the public system may be inspected and tested for excessive infiltration whenever deemed necessary by the Director. If the rate of infiltration is excessive, the owner, when informed by the Director, shall effect approved remedial measures within 30 days. Infiltration in excess of 500 gallons per day per inch of diameter of pipe per mile of pipe shall be considered excessive. The cost of inspection after corrective action has been completed shall be paid by the owner.

(b) Restrictions.

All private sewers connected to the public systems shall be governed by the provisions under Section 11-1.6, Restrictions Relating to Use of Public Sewers. (Sec. 11-4.1, R.O. 1969; Am. Ord. 4611)

**Sec. 11-4.2. Treatment Plants — Pumping Stations.****(a) Existing.**

The Department may agree to operate and maintain existing treatment plants and pump stations if these facilities are upgraded to conform with standards to be established by the Director pursuant to Section 11-4.2(c), and title is conveyed to the City. Title shall revert to the grantor or his successors or assigns in the event the Director finds the plant or the station is no longer needed.

**(b) New.**

Provisions contained in Section 11-2.2 are also applicable to new private treatment plants and pump stations.

(c) The Director is hereby authorized to prescribe and enforce rules and regulations to carry out the provisions of this section by establishing procedures and standards for City acceptance of private treatment plants and pump stations. (Sec. 11-4.2, R.O. 1969; Am. Ord. 4222, 4611)

**Article 5. Industrial Wastewaters.****Sec. 11-5.1. Industrial Wastewater Discharge Certificate.**

(a) No person shall discharge or cause to be discharged any industrial wastewaters into the public sewers without first obtaining an Industrial Wastewater Discharge Certificate from the Department.

(b) This certificate may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, and such other conditions as may be required to effectuate the purpose of this Ordinance.

(c) No certificate is transferable without the prior written consent of the Director.

(d) No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by the Industrial Wastewater Discharge Certificate. Any person desiring to discharge wastewaters or use facilities which are not in conformance with the certificate shall apply to the Department for an amended certificate.

(e) Certificates shall be issued for a specified time period, not to exceed ten (10) years. A certificate may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the Department 90 days prior to the expiration of the certificate, the certificate shall be extended six (6) additional months. (Am. Ord. 4611)

**Sec. 11-5.2. Change Of Certificate Restrictions.**

The Department may change the restrictions and conditions of a certificate from time to time as circumstances may require. An industrial discharger shall be allowed a reasonable period of time determined by the Director to comply with any changes required. (Am. Ord. 4611)

**Sec. 11-5.3. Suspension Of Certificate.**

(a) The Director may suspend a certificate for a period not to exceed 45 calendar days when such suspension is necessary in order to stop a discharge which presents an immediate hazard to the public health, safety or welfare to the local environment or to the public sewer system.

(b) Any discharger notified of a suspension of his certificate shall immediately cease and desist in the discharge of all industrial wastewater to the sewer system. In the event of a failure of the discharger to comply voluntarily with the suspension order, the Director shall take such steps as are reasonably necessary to insure compliance or invoke the penalty specified in this chapter.

(c) The Director shall reinstate the certificate upon proof of satisfactory compliance with all discharge requirements of the Department. (Am. Ord. 4611)

**Sec. 11-5.4. Revocation Of Certificate.**

(a) The Director may order a certificate to be revoked upon finding that the discharger has violated a provision of this Ordinance.

(b) A discharger whose certificate has been revoked shall immediately stop all discharges of any liquid-carried wastes covered by the certificate to the sewer system. The Director may disconnect or permanently block from the sewer system the industrial sewer connection of any discharger whose certificate has been revoked if such action is necessary to insure compliance with the order of revocation.

(c) A discharger whose certificate has been revoked must apply for a new certificate and pay all delinquent fees, charges, penalties, and such other sums as may be due to the Department. Costs incurred by the Department in revoking the prior certificate and disconnecting the industrial sewer connection shall be paid for by the discharger before issuance of a new certificate. (Am. Ord. 4611)

**Sec. 11-5.5. Sampling, Analyses, And Flow Measurements For Certificate.**

(a) When required by the Director, an Industrial Wastewater Constituent Data Form will accompany the application for the Industrial Wastewater Discharge Certificate.

(b) A discharger shall submit an amended or revised constituent data form when any significant changes from the data on file are contemplated.

(c) The Director may require each discharger to submit a current constituent data form every two years after issuance of the certificate.

(d) All sampling, analyses and flow measurements required by the form shall be performed by qualified personnel in a laboratory acceptable to the Department. (Am. Ord. 4611)

#### **Sec. 11-5.6. Pretreatment Of Industrial Wastewaters.**

(a) An industrial wastewater pretreatment system or device may be required by the Director to treat industrial flow prior to discharge to the public sewer system. This may be necessary to restrict or prevent the discharge of certain wastewater constituents, to distribute more equally over a longer time period of any peak discharges or to accomplish any pretreatment result required by the Director.

(b) All pretreatment systems or devices shall be approved by the Director but such approval shall not absolve the industrial discharger of the responsibility of meeting any industrial effluent limitation required by the Department. (Am. Ord. 4611)

#### **Sec. 11-5.7. Damage Caused By Prohibited Wastewater Discharge.**

Any industrial wastewater discharger who discharges or causes the discharge of prohibited wastewaters which damage the sewer system resulting in costs to the Department shall be liable to the Department for all such costs occasioned thereby. (Am. Ord. 4611)

#### **Sec. 11-5.8. Trade Secrets.**

In respect to trade secrets, it is determined that the public interest served by not making said records public clearly outweighs the public interest served by the disclosure of said records. Accordingly, any trade secrets acquired by the Department in the course of implementation or enforcement of this Chapter shall not be made public except to that extent necessary to enforce this Chapter. (Am. Ord. 4611)

#### **Sec. 11-5.9. Existing Industrial Wastewater Dischargers.**

All persons discharging industrial wastewater directly or indirectly to the sewer system prior to the effective date of this Chapter, and who have obtained prior approval are hereby granted a temporary certificate to discharge industrial wastewaters. This temporary certificate shall expire six months after notification by the Director that a new certificate is to be obtained, or shall become current after two years from the effective date of this Chapter if not informed otherwise by the Director. (Am. Ord. 4611)

## Article 6. Sewer Service Charges.

### Sec. 11-6.1. Who Must Pay.

All customers who are connected, directly or indirectly, to the public sewer system as defined herein shall pay a sewer service charge. (Am. Ord. 4611)

### Sec. 11-6.2. Need For Distinction.

Separate sewer service charge schedules have been adopted for "residential" and "non-residential" customers because of differences in strength characteristics and the differences in relationship between water usage and wastewater discharge quantity for each class of customer. (Am. Ord. 4611)

### Sec. 11-6.3. Customer Classifications.

(a) "Residential" customers have been defined to include only the following:

Single family dwellings

Duplexes

Apartment buildings; condominiums and townhouses

Retirement hotels (permanent guests)

Mobile homes and mobile home parks, if any

Housing projects

(b) "Non-residential" customers have been defined to include all industrial, commercial, agricultural, governmental and miscellaneous services, plus the following which have been specifically excluded from the above definition of "Residential" customers:

Military bases (excluding housing units)

Convalescent homes and sanitariums

Hotels, motels, resorts, camps, lodges and guest ranches (transient guests)

School dormitories and fraternity houses

Boarding houses

(c) Any customer with both residential and non-residential usage and a common meter shall be classified as non-residential and charged accordingly. (Am. Ord. 4611, 77-83)

### Am 6/12/80 Sec. 11-6.4. Sewer Service Charge Schedules.

Ord 80-41 Sewer service charge schedules are listed separately in Appendix H.

The Department shall annually review the sewer charge schedule and recommend to the City Council revisions, as necessary, to reflect the actual operation and maintenance costs as required by Federal Environmental Protection Agency Regulations. (Am. Ord. 4611, 77-83)

**Sec. 11-6.5. Determination Of Discharge.**

(a) Dischargers using private wells or other private water sources will be required to install, at their own expense, water meters approved by the Director for measuring the supplemental water quantity or, alternatively, they will be required to install, at their own expense and at the appropriate location, a calibrated flume, weir, flow meter or similar device approved by the Director for measuring wastewater quantity. A flow recording and totalizing register will also be required, and measurements to verify the quantities of waste flows will be performed on a random basis by the Department.

(b) Because of landscape irrigation or consumptive usage, some non-residential users may discharge substantially less than 80 percent of their metered water usage to the sanitary sewer system. Those users may, upon request to the Director, be permitted to have the amount of water being discharged to the sewer determined by one of the methods listed below. The specific method to be used will be selected by the Director based on considerations of cost of installation and anticipated accuracy of the method.

(1) Method 1.

The user shall install and maintain at the user's expense a calibrated flume, weir, flow meter or similar device approved by the Director as to type and location to measure the user's wastewater discharge. In the latter case, a flow meter and totalizing register will be required and measurements to verify the quantity of wastewater flow will be performed on a random basis by the Director. The property owner shall install at his expense a suitable vault for installing the flow meter. The vault shall be located on the user's sewer lateral or building sewer at a location approved by the Director, and the Department shall be granted access rights.

(2) Method 2.

The user shall install and maintain at the user's expense a water meter for submetering the water discharging to the public sewer. The property owner shall at his expense do any necessary plumbing subject to Department inspection to separate the types of water use and provide for the meter to be located adjacent to the primary water meter and within the public right-of-way or at a location approved by the Director.

(3) Method 3.

If the Director determines that it is impractical for a user to employ Method 1 or 2 as a result of physical difficulty or excessive cost, he may permit the user to estimate the amount of wastewater reasonably anticipated to be discharged to the public sewer. The user's estimate may be based upon average historical water use during wet weather periods or upon any other reasonable basis, and may be based upon flow meter tests if practical. The Director shall review the data submitted by the user and may modify the

user's estimate, where appropriate. The decision of the Director shall be final if Method 3 is utilized. If a user is not satisfied with the determination under Method 3, he shall have the right to require at his expense utilization of Method 1 or 2 for determination of the amount of wastewater discharge to the public sewer. (Am. Ord. 4611, 77-83)

### Sec. 11-6.6. Non-Residential Strength Surcharges.

(a) In addition to user charges based solely on quantity, non-residential users shall also be subject to a strength surcharge in accordance with Section 11-1.6(h). A monitoring program shall be initiated by the Department to periodically measure the strength characteristics of wastewater discharges from these users, in accordance with Section 11-1.6(j).

(b) The non-residential user charge schedule is applicable to domestic strength wastewater having an average suspended solids loading of 200 mg/l. The charge to a non-residential user whose wastewater loading exceeds 200 mg/l shall be determined by means of the following formula, where SSm equals the measured suspended solids loading for that user and c is the user charge per 1,000 gallons of either water usage or wastewater discharge, whichever is applicable.

$$\text{Charge per 1000 gallons} = c \left[ 0.687 + \frac{0.313 (\text{SSm})}{200} \right]$$

(c) All non-residential users that discharge wastewater having suspended solids loadings greater than 200 mg/l shall be identified by the Department and shall be subject to this strength surcharge, effective upon the completion of construction of Phase II, Sand Island Sewage Treatment Plant.

(d) Strength surcharges for BOD<sup>5</sup> shall not be levied against non-residential users until completion of the West and East Mamala Bay secondary treatment facilities, as applicable.

(e) The actual formulas for water usage and wastewater discharge are shown in the sewer service charge schedules listed separately in Appendix H. (Am. Ord. 4611)

Am. 6/2/80  
Ord 80-24

### Sec. 11-6.7. Industry Cost Recovery.

(a) Each industrial user not excluded that utilizes the East Mamala Bay System which consists of Sand Island Sewage Treatment Plant (Phase II), the New Ala Moana Sewage Pump Station and Force Main, and/or the Hart Street Sewage Pump Station Modifications shall be required to repay its pro-rata portion of the Federal share of the cost of constructing each of these facilities.

(b) The annual charges shall become effective upon the completion of construction of the respective facilities and are shown in the sewer service charge schedules listed separately in Appendix H.

(c) The Department shall estimate each industrial user's annual charges on the basis of its monitored suspended solids loadings and its maximum monthly metered water usage.

(d) Each industrial user that elects to monitor its wastewater flows will be charged for that portion of the annual capital recovery cost attributable to flow and suspended solids on the basis of its maximum monthly metered wastewater flow. (Am. Ord. 4611)

#### **Sec. 11-6.8. Payment of Bills.**

(a) All bills shall be due and payable upon deposit in the United States mail or upon the presentation to the consumer. Payment shall be made to collectors duly authorized by the City.

(b) Any bill which is not paid within thirty (30) days after presentation or deposit in the United States mail shall be deemed delinquent and the water service by the Board of Water Supply may be discontinued five (5) business days after written notice is given to the consumer. For consumers not served by the Board of Water Supply, the Department may use any reasonable means to effectively terminate the discharge into the public sewer.

(c) A service fee for handling a dishonored check may be made in accordance with fees established by the Department. (Am. Ord. 4611, 77-83)

### **Article 7. Pumping Or Treating Of Cesspools.**

#### **Sec. 11-7.1. General.**

(a) Services to be provided for.

Services under this article will be provided only to properties for which a public sewer is not available or accessible and are classified as residential under Subsection 11-6.3(a) of this Chapter.

Services will not be provided to properties classified as non-residential. Non-residential properties are required to obtain service from private establishments.

(b) Procedure.

An occupant or owner of residential property may request by telephone or in writing to have the cesspool serviced by the Department. Upon receipt of the request, a crew will be scheduled to service the cesspool; if the cesspool must be pumped, the contents of the cesspool will be removed.

The Department may, at its option, use chemical treatment in lieu of pumping. (Am. Ord. 4611)

**Sec. 11-7.2. Requirements.**

## (a) Maintenance of Cesspool.

The owner shall maintain his cesspool in a safe, serviceable condition and readily accessible to the Department's crew. Failure to exercise reasonable care to minimize the frequency of servicing may result in termination of pumping or treatment services by the Department.

## (b) Replacement and Rehabilitation of Cesspools.

Any cesspool requiring one or more pumping per week for a period of three weeks shall be replaced or rehabilitated within ninety (90) days after the owner or person legally responsible has been notified to do so by the Director. Failure to take corrective action required by the Director may result in termination of pumping services by the Department. (Am. Ord. 4611, 77-83)

**Sec. 11-7.3. Cesspool Service Charge.**

## (a) Pumping.

A charge shall be made for pumping cesspools. The person requesting the service shall have the choice of either paying on a per-call basis or on an annual contract basis. A person who elects to be on an annual contract basis must apply in writing to the Department.

No charge shall be made for pumping a cesspool which is being chemically treated by the City and payment is being made for the service.

## (b) Chemical Treatment.

A monthly charge shall be made for any cesspool under chemical treatment. The charge will be the same as the monthly user charge he would pay if his property had been sewered.

## (c) Cesspool Service Charge Schedule.

Cesspool service charge schedules are listed in Appendix I. (Am. Ord. 4611)

**Sec. 11-7.4. Payment Of Bills.**

(a) All bills shall be due and payable upon deposit in the United States mail or upon other presentation to the consumer. Payment shall be made to collectors duly authorized by the City.

(b) Any bill which is not paid within thirty (30) days after presentation or deposit in the United States mail shall be deemed delinquent and the water service by the Board of Water Supply may be discontinued five (5) business days after written notice is given to the consumer. For consumers not served by the Board of Water Supply, the Department may use any reasonable means to effectively terminate the discharge into the public sewer.

(c) A service fee for handling a dishonored check may be made in accordance with fees established by the Department. (Am. Ord. 4611)

## Article 8. Sewer Fund.

### Sec. 11-8.1. Creation.

There is hereby created and established a Special Fund to be known as the Sewer Fund. (Am. Ord. 4611)

### Sec. 11-8.2. Purpose.

All monies received pursuant to the provision of Section 204(b) (1) (B) of the Federal Water Pollution Control Act amendments of 1972 (PL 92-500), and Chapter 70-77, Hawaii Revised Statutes shall be deposited into the Sewer Fund, and shall be expended for the purpose authorized. (Am. Ord. 4611)

Am. 6/12/80  
Ord. 80-41

### Sec. 11-8.3. Accounts.

(a) A separate account shall be established to account for all revenues derived from any sewer service charges except from Industrial Cost Recovery and all funds expended from it. Expenditures from this fund shall be limited for the purpose of carrying out the operation and maintenance of the sewer system, including replacement.

(b) Two separate accounts shall be established to account for all revenues derived from Industrial Cost Recovery.

(1) Fifty percent (50%) of all revenues derived shall be deposited in an account from which annual payments shall be made to the Federal Government as reimbursement for advances made to the City for sewer system construction.

(2) The remaining fifty percent (50%) shall be deposited in a separate account of which forty percent (40%) shall be used to finance future sewer system construction under PL 92-500. The remaining ten percent (10%) may be used for future sewer system construction or for operation and maintenance of the sewer system. (Am. Ord. 4611)

### Sec. 11-8.4. Authorization.

The Director of Finance and the Budget Director are hereby authorized to take any and all actions necessary to effect compliance with the provisions of this Article. (Am. Ord. 4611)

### Sec. 11-8.5. Refunds.

Any payments heretofore made pursuant to the "In-Lieu Charges to Tax Exempt Users" prior to the effective date of this ordinance shall be refunded. (Am. Ord. 77-83)

## **Article 9. Termination Of Water Service.**

### **Sec. 11-9.1. Authorization.**

It has been determined that termination of water service to enforce payment of sewer service charges is necessary. Therefore, the Board of Water Supply is hereby given the authority to terminate water service for delinquency in payment of sewer service charges when so directed by the Director. (Am. Ord. 4611)

## **Article 10. Penalty.**

### **Sec. 11-10.1. General.**

Any person violating any provisions of this Chapter shall upon conviction, be punished by a fine of \$100 or by imprisonment not exceeding ninety (90) days, or both, except that in cases where such offense shall continue after due notice, each day's continuance of the same shall constitute a separate offense. (Am. Ord. 4611)

**CHAPTER 12.****Regulations Of Common Carriers.****Article 1. Taxicabs.****Sec. 12-1.1. Definitions.**

As used in this Article, unless the context otherwise requires:

(a) "Chief of Police" shall mean the Chief of Police of the City, or his duly authorized subordinates.

(b) "Council" shall mean the Council of the City and County of Honolulu.

(c) "Road Taxi Stand" shall mean a space set aside on a public street or City-controlled facility by the Council for the exclusive use of taxicabs.

(d) "Passenger for Hire" shall mean a person transported in a taxicab for consideration.

(e) "Taxicab" means a vehicle, operated by a taxicab driver, which is used in the movement of passengers for hire on the public highways and which is directed to a destination by the passenger for hire or on his behalf and which operates on call or demand.

The term "taxicab" shall not include:

(1) Motor vehicles used solely for touring or sightseeing purposes.

(2) Motor vehicles used solely to transport passengers for hire from a fixed taxi stand without the District of Honolulu to a fixed taxi stand within the District of Honolulu and vice versa, which motor vehicles may, as part of the continuous trip between such taxi stands, pick up passengers for hire, other than at such fixed stands, in response to calls outside of the District of Honolulu or discharge passengers for hire, other than at such fixed stands, outside of the District of Honolulu.

(3) Motor vehicles used solely to transport students or teachers.

(4) Chartered buses.

(5) Motor vehicles used solely for funerals and weddings.

(f) "Waiting Time" shall mean and include the period during which a taxicab is standing at the direction of or on behalf of a passenger for hire and the time consumed due to traffic delays while transporting a passenger for hire, which time is automatically computed by the taximeter when the speed of the vehicle falls at or below 12 miles per hour.

(g) "Taxicab driver" shall mean a person duly licensed as a driver of a motor vehicle who has obtained a valid taxicab driver's certificate.

(h) "Total stoppage" shall mean the complete halting of bus transportation service furnished by a public bus system, resulting from a labor strike and/or a disaster.

(i) "Property for Hire" shall mean property transported in a taxicab for consideration. (Sec. 12-1.1, R.O. 1969; Am. Ord. 3587, 3725, 4021, 4269, 77-31)

#### **Sec. 12-1.2. Limitation Of Taxicabs.**

The City Council shall establish a limit on the number of taxicabs operating in the City and County of Honolulu based on the recommendation by the Department of Transportation Services. The Department of Transportation Services may make an annual recommendation to the City Council based upon its study and review which shall include, but not be limited to, the following:

- (1) the effect on the consumer,
- (2) the number of taxicabs already in operation,
- (3) whether existing transportation is adequate to meet the public needs,
- (4) the probable effect of increased service on traffic conditions,
- (5) the effect on revenues of existing holders of business licenses,
- (6) the effect on the wages or compensation and working conditions of existing taxicab driver licensees, and
- (7) any other facts which the Department deems relevant.

Said limit may be set prior to July 1 annually. Said recommendation shall be submitted 60 days prior thereto. The Department of Transportation Services shall, within 60 days of the effective date of this ordinance, submit to the City Council a recommendation on the limit on the number of taxicabs. Subsequent to the adoption and approval of this ordinance, the further issuance of any taxicab licenses shall cease until action by the City Council on the recommendation on the limit on the number of taxicabs is taken. (Sec. 12-1.2, R.O. 1969; Am. Ord. 4021, 77-31)

#### **Sec. 12-1.3. Establishment Of Road Taxi Stands.**

The City Council shall establish road taxi stands on public streets and City-controlled facilities upon recommendation of the Department of Transportation Services. The Department of Transportation Services shall study and recommend to the City Council the site placement of such stands. The Department of Finance shall issue, upon application therefor on forms furnished by the Department and upon the payment of annual fees as hereinafter provided, permits for the parking of taxicabs. A permit, deemed granted upon approval of the application, shall expire on June 30 of the year issued. However, an application for the renewal of such permit for the following year may be made on and after the first day of June and approval thereof may be granted upon the payment of the permit fee. The permit shall be evidenced by an appropriate decal which shall be placed as near as practicable on the upper right corner of the front bumper.

The Licensing Division of the Department of Finance shall charge and collect an annual fee of TWENTY FOUR DOLLARS (\$24.00) for each permit, and a fee of ONE DOLLAR (\$1.00) for each decal, for a total charge of TWENTY FIVE DOLLARS (\$25.00); provided that, where the application for such permit is made in any month other than July, the permit fee of TWENTY FOUR DOLLARS (\$24.00) shall be reduced by TWO DOLLARS (\$2.00) for each full month of the then permit year which shall have elapsed at time of the application; provided that, when an annual permit fee has already been paid on a vehicle and that vehicle is, within the year replaced by another vehicle, the unexpired portion of the permit fee paid on the vehicle so replaced shall be credited to the permit fee payable for the substitute vehicle and for the purpose hereof, the unexpired portion of the permit fee shall be reduced by TWO DOLLARS (\$2.00) for each full month remaining of the current permit year; and provided further that, where a decal is mutilated, defaced or lost, a replacement decal shall be issued upon payment of ONE DOLLAR (\$1.00). The sums collected shall be deposited in the Highway Fund. (Sec. 12-1.3, R.O. 1969; Am. Ord. 3621, 4021, 77-31, 77-115)

#### **Sec. 12-1.4. Authority Of Chief Of Police.**

(a) Denial, Suspension, or Revocation of Taxicab Driver's Certificate.

The Chief of Police is authorized to deny initial issuance or renewal or suspend or revoke any taxicab driver's certificate if an applicant cannot meet the requirements set forth in Section 12-1.10(c), as amended, or a taxicab driver violates any of the provisions contained in this Article. Any applicant or taxicab driver shall be afforded an opportunity for a hearing if a certificate is denied, suspended or revoked by the Chief of Police pursuant to the provisions of Chapter 91, HRS.

(b) Rule-Making Powers.

The Chief of Police is authorized to promulgate any rules or regulations not inconsistent with this ordinance, having the force and effect of law, as provided for in Chapter 91, HRS, in the administration and enforcement of this ordinance. (Sec. 12-1.4, R.O. 1969; Am. Ord. 77-31)

#### **Sec. 12-1.5. Prohibited Acts.**

(a) Backing From and Into a Taxi Stand.

No person shall back a taxicab from a taxi stand onto a public highway. No person shall back a taxicab from a public highway into a taxi stand where it is otherwise legally possible to maneuver such taxicab so as to thereafter emerge from said taxi stand without backing onto the highway.

(b) Intoxicating Liquor.

Intoxicating liquor, as defined by Section 281-1, HRS, as amended, shall not be carried in any taxicab during the business hours of such taxicab, except as the property of a passenger riding in said taxicab, or as property for hire.

(c) Responding to Calls.

The operator of a taxicab stand shall not refuse to furnish an unengaged, available taxicab and driver during the business hours of such stand upon call or request from an orderly person located within one mile of such stand, by the most direct street route. No taxicab driver, while on duty and not engaged in another call, shall fail to drive an available taxicab in response to a call or request from an orderly person.

(d) Additional Passengers.

Additional passengers shall not be picked up without the consent of all the passengers for hire, already in the taxicab. The fare of the additional passengers for hire shall be based upon a new taximeter reading from the point of departure of the last departing passenger for hire to the destination of the additional passengers for hire. (Sec. 12-1.5, R.O. 1969; Am. Ord. 77-31)

**Sec. 12-1.6. Fraudulent Call And Non-Payment.**

It shall be unlawful for any person to call for a taxicab for purposes of hire without intending to use such taxicab or to use a taxicab for hire without intending to pay the legal fare upon completion of the trip. (Sec. 12-1.6, R.O. 1969; Am. Ord. 77-31)

**Sec. 12-1.7. Bulky Items.**

A taxicab driver may refuse to transport any item not capable of being transported within the confines of the rear passenger compartments or the trunk of the taxicab. (Sec. 12-1.7, R.O. 1969; Am. Ord. 3618, 4021, 77-31)

**Sec. 12-1.8. Disorderly Persons.**

Notwithstanding any of the foregoing provisions, the operator of a taxicab stand may refuse to dispatch a taxicab to, and a taxicab driver may refuse to furnish transportation to a disorderly person. (Sec. 12-1.8, R.O. 1969; Am. Ord. 3725, 4021, 4093, 77-31)

**Sec. 12-1.9. Taximeters.**

(a) Installation.

Each taxicab shall be equipped with a taximeter calibrated to charge the current fare established under Section 12-1.11.

(b) The specifications, tolerances, and other technical requirements relating thereto shall be as established by the State Division of Weights and Measures. The operation, visibility, lighting and inspection will conform to all applicable State laws or regulations.

(c) Inspection.

No driver, owner, or operator of a taxicab or taxi stand shall use or cause to be used a taxicab for purposes of hire before the taximeter, installed therein, has been inspected for accuracy in accordance with all applicable laws and regulations.

(d) Current Rates.

No driver, owner, or operator of a taxicab or taxi stand shall use or cause to be used for purposes of hire, a taxicab installed with a taximeter not reflecting the current rates. (Sec. 12-1.9, R.O. 1969; Am. Ord. 3652, 4356, 77-31)

### **Sec. 12-1.10. Taxicab Driver's Certificate.**

(a) No driver of a taxicab shall use or cause to be used, for purpose of hire, a taxicab which does not have a taxicab driver's certificate mounted within 12 inches of the taximeter so that it is readily visible to all passengers (the certificate shall not be mounted on the sunvisor of the taxicab). The taxicab driver's certificate shall be issued by the Chief of Police. It shall contain a photograph of the taxicab driver to be furnished by him, his name, driver's license number and any other information specified by the Chief of Police. The taxicab driver's certificate shall be laminated in plastic or so constructed so as to make alteration difficult. It shall be a violation of this ordinance for any person to alter such taxicab driver's certificate.

(b) The Chief of Police shall collect a fee of One Dollar (\$1.00) for the issuance of each original or duplicate taxicab driver's certificate.

(c) No taxicab driver's certificate shall be issued to any person unless he has:

(1) A valid State of Hawaii driver's license.

(2) One year of driving experience prior to operating a taxicab.

(3) Satisfactorily passed an examination showing:

(a) A sufficient understanding of the traffic laws or ordinances, and this ordinance.

(b) A sufficient understanding of the locations of streets, roads, highways, and significant landmarks within the City and County of Honolulu.

(c) A sufficient understanding of the English language.

(4) Showed that his principal occupation is driving a taxicab or a motor vehicle used for touring or sightseeing purposes. For the purpose of this Article, "principal occupation" is that occupation from which more than 50% of a person's total gross income is derived and in which he works a minimum of forty (40) hours per week.

(5) Complied with the standards promulgated by the Chief of Police relating to moral character and physical fitness of the applicant based on prior records or certified documents relative thereto.

(d) Every taxicab driver's certificate issued under this section shall expire, unless otherwise revoked, one (1) year after the issuance thereof and shall be renewed on or before its expiration date upon meeting the standards set in Section 12-1.10(c) hereinabove, to determine the fitness of the applicant to continue as a taxicab driver by the Chief of Police. A new set of photographs shall be furnished with each application for renewal.

(e) Whenever a driver's license of any taxicab driver is suspended or revoked, the Chief of Police shall require that the taxicab driver's certificate be surrendered to and be retained by the Chief of Police, except that at the end of the period of suspension, the certificate so surrendered shall be returned to the licensee. (Sec. 12-1.10, R.O. 1969; Am. Ord. 3621, 4093, 77-31)

**Sec. 12-1.11. Rate Of Fare And Baggage Charge.**

(a) No driver, owner, or operator of a taxicab or taxi stand shall charge or cause to be charged, fares for the use of a taxicab, for purposes of hire, other than as provided herein and all taximeters shall be adjusted accordingly.

(b) Fares.

(1) Mileage Rate.

For the first 1/8 of a mile or fraction thereof . . . . . \$00.80

For each additional 1/8 mile or fraction thereof . . . . . \$00.10

(2) Waiting Time.

For each minute or fraction thereof . . . . . \$00.10

(3) Baggage or Parcel Charge.

For each piece of baggage or parcel, excluding items such as purses, brief cases, airline hand bags, cameras, grocery bags (less than 25 pound size), parcels less than four cubic feet in size, collapsible wheel chairs. . . . . \$00.25

(The collection of such baggage or parcel charge may at the option of the taxicab driver be waived.)

(4) Surfboard(s) or Bicycle.

For each surfboard or bicycle too large to be carried within the rear passenger compartment or trunk of the taxicab . . . . . \$3.00

(5) Additional passengers in excess of four passengers.

For each additional passenger in excess of four, except children under two years of age . . . . . \$00.25

(c) Fares are only applicable to the use of the taxicab when actually occupied by or standing at the direction of the passenger for hire or when occupied by parcels or baggage transported for hire. No other

Am. 816/79  
Ord. 79-68

charges shall be made for the use of a taxicab for hire except as provided herein.

(d) The aforesaid schedule of fares shall be printed in bold type letters, not less than  $\frac{3}{8}$  of an inch in height, and shall be posted within 12 inches of the taximeter so as to be readily visible to all passengers for hire. (Sec. 12-1.11, R.O. 1969; Am. Ord. 77-31)

#### **Sec. 12-1.12. Special Operations.**

(a) Notwithstanding any provision contained herein to the contrary, any taxicab operator may operate his taxicab as a jitney during a public bus service total stoppage subject to the following:

(1) The fares shall be no more than \$.50 per passenger;

(2) The taxicab operator may operate the taxicab as a jitney only along public bus service's Route 1 (Lunalilo Home Road to Umi Street), Route 2R (Waikiki to School-Middle Streets) and Route 2S (Waikiki to Puunui Street); provided that the Chief of Police is hereby authorized to add new jitney routes following existing public bus service routes in addition to the routes mentioned hereinabove whenever he has sufficient evidence that the public, utilizing the public transit service, is desirous of having such additional jitney routes for their convenience;

(3) There shall be two placards, reading "jitney" and "\$.50 per passenger," affixed to the right-hand visor of the jitney, one of which shall be facing outward so it shall be visible by potential passengers and the other affixed to said right hand visor facing the passengers riding therein, and such placards shall be furnished by the Chief of Police;

(4) The loading or unloading of passengers shall take place only at established public bus service bus stops along the routes prescribed herein;

(5) No baggage fee shall be assessed during jitney operations. (Sec. 12-1.12, R.O. 1969; Am. Ord. 77-31)

#### **Sec. 12-1.13. Trip Records.**

(a) All taxicab drivers shall keep a Trip Record containing the following entries:

(1) Number of passengers, time (to the minute), date and odometer reading when leaving the boarding point.

(2) The time (to the minute), date, fare charged and odometer reading at the discharge point.

(3) The time (to the minute), date and odometer reading of departure and return to taxi stand when making trips for a personal purpose.

(b) The Trip Record shall be open to inspection by the Chief of Police during regular business hours. (Sec. 12-1.13, R.O. 1969; Am. Ord. 77-31)

**Sec. 12-1.14. Soiling Of Taxicab.**

A taxicab driver may require a passenger for hire, whose condition may be likely to soil the seats of the taxicab, to sit upon protective material furnished by such driver. Upon non-compliance with the request, the taxicab driver may refuse to transport such passenger. (Sec. 12-1.14, R.O. 1969; Am. Ord. 4341, 77-31)

**Sec. 12-1.15. Condition Of Taxicabs.**

No vehicle shall be operated as a taxicab unless it is in a reasonably clean and safe condition inside, so as not to damage the person, clothing or possessions of a passenger. The vehicle's exterior shall be reasonably clean and shall be essentially free from cracks, breaks and major dents. It shall be painted to provide adequate protection and appearance. Each operating wheel shall be equipped with hub caps or wheel covers. Repairs done to comply with this section shall be done within a reasonable time based on availability of parts and labor. (Am. Ord. 77-31)

**Sec. 12-1.16. Taxicab License.****(a) Issuance.**

The Director of Finance shall issue taxicab licenses and collect the required fees in accordance with the provisions of this Article and any other applicable provisions of the law. The issued licenses shall not be transferable.

**(b) Fees.**

(1) The annual fee for a taxicab license shall be \$25.00; provided that, when a license fee has already been paid on a vehicle and that vehicle is, within the year, replaced by another vehicle, the unexpired portion of the license fee paid on the vehicle so replaced shall be credited to the license fee payable for the substitute vehicle. For the purposes hereof, the unexpired portion of the license fee paid on the vehicle which has been replaced shall be that portion of the annual fee which is equal to  $8\frac{1}{3}$  per cent of said fee multiplied by the number of full months remaining during the current licensing year.

Whenever a vehicle licensed as a taxicab is replaced by another vehicle under the provisions of this Article, the sum of \$5.00 in addition to the license fee shall be assessed against the owner of the vehicle so replaced to defray the administrative costs incurred by the City.

(2) Upon surrender, the license shall be cancelled.

**(c) Surrender and Cancellation.**

(1) The holder of a taxicab license shall immediately surrender said license to the Director of Finance when the taxicab licensed thereunder has not been used to carry passengers for hire for a consecutive period of 30 days.

(2) The above period shall be extended to a total of 180 days if the non-use is caused by the vacation, illness or injury of the regular taxicab driver or due to the delay of repair due to parts or receipt of a replacement taxicab.

(3) Upon surrender, the taxicab license shall be cancelled. (Am. Ord. 77-31)

#### **Sec. 12-1.17. Taxi Sign.**

A taxicab shall be identified with a sign (which may be a dome light sign) on the roof of the taxicab. The name of the individual owning or operating the taxicab or the name of the firm shall be shown on the front of the sign and it will be optional to place either the name or telephone number of such individual or firm on the rear of the sign. Such sign may have flashing actuator. A taxicab driver may actuate such sign to call for police or other assistance in cases when a robbery is in progress. The use of a flashing dome light, except to signal when a robbery is in progress, shall be in violation of Section 15-19.22, Traffic Code of the City and County of Honolulu. Except as provided herein, the type, design, and placement of the sign shall be as specified by the Chief of Police. The sign may be a detachable type so that it may be removed when the vehicle is not used for taxicab purposes. (Am. Ord. 77-31)

#### **Sec. 12-1.18. Penalty.**

Any person violating any of the provisions of this Article shall upon conviction thereof, be subject to a fine not exceeding \$1,000.00 or imprisonment for a period not exceeding one year or to both such fine and imprisonment. (Am. Ord. 77-31)

#### **Sec. 12-1.19. Appeals.**

An applicant whose application for a taxicab license has been denied, revoked or suspended by the Department may file within thirty days after receipt of said revocation, suspension or denial, an appeal for a hearing with the City Council. (Am. Ord. 77-31)

#### **Sec. 12-1.20. Severability.**

The provisions of this Article by this ordinance are hereby declared to be severable. In accordance therewith, if any portion of said article is held invalid for any reason, the validity of any other portion of this Article shall not be affected and if the application of any portion of this Article to any person, property or circumstance is held invalid, the application hereof to any other person, property or circumstance shall not be affected. (Am. Ord. 77-31)

## Article 2. U-Drive Motor Vehicles.

### Sec. 12-2.4. Fixed Stands.

(c) Sign required. A fixed stand shall have in front of it a sign easily visible from the sidewalk area, permanently installed and publicly displayed, which sign shall include the name or trade name of the licensee and the words "U-Drive," "automobile(s) for rent" or "car(s) for rent," except that the visibility of such a sign from the sidewalk area is not required when such a fixed stand is operated from a hotel lobby, as the term "hotel" is defined in Chapter 21, R.O. 1969, as amended. (Sec. 12-2.4, R.O. 1969; Am. Ord. 3550)

### Sec. 12-2.7. Evidence Of Financial Responsibility.

(a) The Director of Finance shall require evidence of financial responsibility in one of the following manners before issuing a license to engage in the U-Drive Rental Business:

(1) Insurance Policy. The Director of Finance shall require the original insurance policy duly countersigned by its authorized Hawaii agent complete with all endorsements and attachments or a certified copy thereof before a license as provided for herein shall be issued. Such policy shall provide for primary liability insurance covering the licensee, customer and any person driving the vehicle with express implied permission of the licensee or customer in the amount of \$50,000.00 because of bodily injury to or death of one person in any accident, and in the amount of \$100,000.00 because of bodily injury to or death of two or more persons in any one accident, and property damage insurance in the amount of \$10,000.00 because of damage to or destruction of property of others in any one accident, for each U-Drive vehicle. Such insurance shall provide primary liability coverage, and the insurer shall be absolutely liable thereon up to the policy limits under the same conditions as the insured would be liable to claimants, notwithstanding any provision in the policy, in the contract for rental or lease of the U-Drive vehicle, or in any other agreement to the contrary. No policy will be accepted from any insurance carrier unless the said carrier shall designate the Commissioner of Insurance of the State of Hawaii, or his duly authorized representative, as an agent for the purpose of accepting service of legal process on behalf of said carrier. Said carrier shall also agree that the policy shall not be cancelled, except in compliance with the provisions herein.

(2) Bond. One or more bonds of one or more surety companies duly authorized to engage in the surety business in the State and approved by the Director of Finance. The total amount of such bonds shall be \$100,000.00. The bond shall be subject to the same conditions of liability as specified for the policy of insurance. If

there is more than one surety company, the surety companies shall be jointly and severally liable to any claimant.

(3) Legal tender or other securities. A deposit with the Director of Finance of legal tender, cashier's check, bank draft, irrevocable letter of credit, certified check, or other security determined to be satisfactory by the Director of Finance in the total amount of \$100,000.00. Such security shall be held by and made payable to the Director of Finance and shall not expire for a period of two years after the termination of the U-Drive Rental license. The licensee shall not receive interest for such deposit. Upon expiration of such two-year period, the licensee shall be refunded the deposit or balance thereof, provided no suits against the proceeds of such security has been commenced during such period. The conditions of liability for the security in this subsection shall be the same as specified for policy of insurance. The Director of Finance shall satisfy from the proceeds of such security any judgment against the licensee, customer or any person driving the vehicle with express or implied permission of the licensee or customer, arising from the operation of a U-Drive vehicle. Neither the City, its officers, employees, agents, or appointees shall be liable to the licensee for any payments made pursuant to such judgment. (Sec. 12-2.7, R.O. 1969; Am. Ord. 3597)

#### Article 4. General Provisions.

##### Sec. 12-4.1. Vehicle For Hire To Be Marked Or Numbered.

It shall be unlawful for any person to operate, propel, or drive any motor vehicle used for the carrying of passengers for hire, unless there is attached in plain view on the front and rear bumpers of such motor vehicle, at a location approved by the Director of Finance, a numbered emblem of such size, color and design as may be approved by the Director of Finance. Such emblem shall be valid until the 30th day of June next following the date of issue and shall be furnished by the Director of Finance at cost upon issuance of license to carry passenger for hire required under Section 445-222, HRS for the applicable period.

It shall be unlawful to place or display the emblem on or transfer it to any vehicle other than that for which it was issued, or to duplicate or alter, or to give or otherwise transfer to another person, or to wilfully damage or mutilate the same, except that it may be destroyed for the purpose of removing it upon its expiration date or upon termination of the use of the vehicle for the carrying of passengers for hire. (Sec. 12-4.1, R.O. 1969; Am. Ord. 4596)

Am. 8/9/78  
Ord. 78-74

Article 5

. Pedicabs.

Am. 5/13/80  
Ord. 80-26

It is the policy of the Bank to invest its funds in the most profitable and safe manner possible, and to maintain a high standard of liquidity. The Board of Directors has approved the following resolutions:

Resolved, that the Board of Directors be authorized to invest the funds of the Bank in any and all securities, real estate, and other property, and to sell, mortgage, or otherwise dispose of the same, and to execute all necessary instruments in connection therewith, and to do all things which may be necessary or proper to carry out the foregoing policy.

Resolved, that the Board of Directors be authorized to invest the funds of the Bank in any and all securities, real estate, and other property, and to sell, mortgage, or otherwise dispose of the same, and to execute all necessary instruments in connection therewith, and to do all things which may be necessary or proper to carry out the foregoing policy.

Resolved, that the Board of Directors be authorized to invest the funds of the Bank in any and all securities, real estate, and other property, and to sell, mortgage, or otherwise dispose of the same, and to execute all necessary instruments in connection therewith, and to do all things which may be necessary or proper to carry out the foregoing policy.

### Article 4 - General Provisions

Section 11-13. Wherever in this Charter the word "shareholder" is used, it shall be construed to mean any person who is entitled to receive dividends or to exercise the right of vote in the election of directors, and who is not a director, officer, or employee of the Bank.

Section 14. The Board of Directors may, from time to time, make such amendments to this Charter as it may deem necessary or proper, and such amendments shall be valid and binding upon the Bank and its shareholders as if they had been originally contained in this Charter.

Section 15. The Board of Directors may, from time to time, make such amendments to this Charter as it may deem necessary or proper, and such amendments shall be valid and binding upon the Bank and its shareholders as if they had been originally contained in this Charter.

Section 16. The Board of Directors may, from time to time, make such amendments to this Charter as it may deem necessary or proper, and such amendments shall be valid and binding upon the Bank and its shareholders as if they had been originally contained in this Charter.

Attest:  
 Secretary

## CHAPTER 13.

### Regulations Promoting General Welfare.

#### Article 4. Use Of Intoxicating Liquors In Certain Public Places.

Am. 3/20/78.  
Ord. 78-27.

##### Sec. 13-4.2. Prohibition Of Intoxicating Liquor In Public Areas; Exceptions.

(a) No person shall drink, offer to drink or display to public view in any public park, public playground, public school ground, public off-street parking area or any building located thereon, any intoxicating liquor, whether in a bottle, demijohn, jug, container or otherwise.

(b) Subject to the provisions of Chapter 281, HRS, as amended, and if the sale and consumption of liquor is permitted by concession agreements, the prohibitions contained in subsection (a) above shall not apply within the licensed premises (as described in a liquor license) of concessionaires of the City located:

- (1) On any public golf course.
- (2) Those facilities and properties under the jurisdiction and supervision of the Director of Auditoriums.
- (3) In public parks where private donations were used to construct a memorial pavilion wherein restaurant operation is feasible. (Sec. 13-4.2, R.O. 1969; Am. Ord. 4164, 4435)

#### Article 10. Fireworks Control.

##### Sec. 13-10.11. Unlawful To Set Off Pyrotechnic Articles; Exception.

Except as permitted under Section 13-10.2 of this Article, it shall be unlawful for any person to throw, set off, fire or cause to be exploded any pyrotechnic articles; provided that, those articles excluded from the definition of "fireworks" in Section 13-10.1(a) and set forth in subsections (1) through (6) of Section 13-10.1(a), may be thrown, set off, fired or caused to be exploded on the Fourth of July during the hours from 1:00 p.m. to 10:00 p.m.; New Year's Eve and Chinese New Year's Eve between the hours of 1:00 p.m. and 12:00 midnight of each of these days; on New Year's Day and Chinese New Year's Day between the hours of 12:00 midnight and 2:00 a.m. of each of these days. (Sec. 13-10.11, R.O. 1969; Am. Ord. 77-120)

##### Sec. 13-10.12. Sales Prohibited.

No person shall sell or offer for sale any pyrotechnic articles except during the following periods:

- (1) For July 4 holiday from June 27 until 9 p.m. July 4;

(2) For New Year's holiday from December 26 until 9 p.m. December 31; and

(3) For Chinese New Year's festivities commencing seven (7) days prior to Chinese New Year's Day and until 9 p.m. Chinese New Year's Eve;

provided that this Section shall not apply to sale or offer for sale or delivery of pyrotechnic articles by wholesalers to retailers licensed as provided hereinabove; and provided further that this Section also shall not apply to an authorized sale of pyrotechnic articles to a person possessing a permit issued by the Chief of Police under Sections 13-10.4 and 13-10.5. (Sec. 13-10.12, R.O. 1969; Am. Ord. 4009)

**Article 12. (Repealed) (Am. Ord. 3609)**

**Article 13. (Repealed) (Am. Ord. 3609)**

**Article 17. (Repealed) (Am. Ord. 3609)**

**Article 18. Rules and Regulations Relative  
To The Use Of Public Parks, Playgrounds,  
Beaches And Other Public Areas.**

**Sec. 13-18.1. "Public Park" Defined.**

"Public park" shall include any park, park roadway, playground, athletic field, beach, beach right-of-way, tennis court, golf course, swimming pool, and other recreation areas and facilities under the control, maintenance and management of the Department of Parks and Recreation. (Sec. 13-18.1, R.O. 1969; Am. Ord. 3920)

**Sec. 13-18.2. Park Rules And Regulations.**

(a) Within the limits of any public park, it shall be unlawful for any person to:

(1) Willfully or intentionally destroy, damage or injure any property.

(2) Climb onto any tree, except those designated for climbing, or to climb onto any wall, fence, shelter, building, statue, monument or other structure, excluding play apparatus.

(3) Swim, bathe, wade in, or pollute the water of any ornamental pool or fountain.

(4) Throw or dispose of any refuse or waste material, except in receptacles placed therein.

(5) Kindle, build, maintain or use any fire, other than in a grill or brazier.

(6) Annoy, molest, kill, wound, chase, shoot or throw missiles at any animal or bird.

(7) Distribute, post or place any commercial handbill or circular, notice, or other advertising device or matter, except as permitted by the terms of any agreement relating to the use of park property.

(8) Use any surfboard or devices or materials with jagged or rough ends and edges, which are dangerous to surfers, swimmers, or bathers.

(9) Construct or fabricate surfboards.

(10) Permit any animal, except dogs as hereinafter provided, to enter and remain within the confines of any park area.

(aa) Depending upon the size of the park, location of the park, frequency of use by other than dog handlers or the primary use of a specific area within a park, the Director is hereby authorized to set aside areas within such parks for dog shows, obedience classes and trials by a permit which may contain terms and conditions necessary for the safety, health and welfare of the users of the park other than the users connected with the dog shows, obedience classes or trials.

(bb) Depending upon the size of the park, location of the park, frequency of use by other than dog handlers or the primary use of a specific area within a park, the Director is hereby authorized to set aside an area within such parks for use by handlers of dogs on a leash; provided that the Director is hereby authorized to promulgate rules and regulations covering the use of such areas which shall provide for the sanitary use of the area, protection of shrubbery, trees, turf, and other property, and the safety, health and welfare of users other than dog handlers or dogs.

(11) Feed any animal or bird when signs are posted prohibiting such feeding.

(12) Wash, polish or repair cars or other vehicles.

(b) Except as authorized by permits, and subject to the terms and conditions imposed by the Department of Parks and Recreation, it shall be unlawful for any person, within the limits of any public park,

Am. 6/2/80 to: (13)  
Ord. 80-36

(1) Cut or remove any wood, plant, grass, soil, rock, sand or gravel.

(2) Sell or offer for sale any merchandise, article, or thing, whatsoever.

(3) Moor, tie up, store, repair or condition any boat, canoe, raft or other vessel.

(4) Repair or condition any surfboard.

(5) Park any vehicle on grassed areas.

(6) Amplify music or use battery operated loudspeakers (bull horns).

(7) Ride or drive any horse or any other animal.

(8) Engage in or conduct any activity which creates any sound, noise or music exceeding 80 dBA sound pressure level taken at a point ten (10) feet in front of the source for a cumulative time period of at least five (5) minutes when measured with a calibrated American National Standard Institute (ANSI) Type I or Type II sound level meter with weighting set at "A" and response set at "slow".

(c) Within the limits of any public park, it shall be unlawful for any person, wherever signs are posted prohibiting such activities, to:

(1) Throw, cast, catch, kick or strike any baseball, tennis ball, football, basketball, croquet ball or other object.

(2) Ride upon roller skates, skate boards or bicycles.

(3) Engage in kite flying.

(d) Except in park areas specifically designated for such purposes, it shall be unlawful for any person to:

(1) Throw, cast, roll or strike any bowling ball or golf ball.

(2) Engage in model airplane flying.

(3) Engage in model boat sailing.

(4) Kindle, build or maintain any campfire.

(5) Discharge firearms for target practice only.

(6) Engage in archery for target practice and tournament only.

(7) Launch model rockets.

(e) In addition to the requirements of subsection (b) above, the repair or conditioning of any surfboard shall be performed only by a concessionaire of the Department of Parks and Recreation who has a surfboard concession. Such repair work shall be conducted only in an enclosed building or structure, approved by the Department of Parks and Recreation, Building Department, and the State Department of Health. The terms and conditions to be imposed by the Department of Parks and Recreation shall include, together with the requirements necessary to safeguard the health and safety of the public, the securing of adequate insurance to protect the City from any liability resulting from such repair work.

(f) It shall be unlawful for any person, other than authorized personnel of the Department of Parks and Recreation, or a person then golfing on the course, or his caddy, to gather or pick up golf balls within the boundaries of a public golf course.

(g) Within the limits of any public park, it shall be unlawful for any person, where signs are posted prohibiting or restricting such activities, to operate, park or stand a motor vehicle in violation of such prohibitions or restrictions. Such signs may impose any prohibition or restriction upon the operation, parking or standing of motor vehicles which the Director of Parks and Recreation shall determine will maximize the enjoyment and use of any park by park users. Such restrictions may include the installation of parking meters in regional parks. (Sec. 13-18.2, R.O. 1969; Am. Ord. 3920, 4530, 77-35)

**Sec. 13-18.3. Permits.**

(a) Permits Required.

Any person using the recreational and other areas and facilities under the control, maintenance, management and operation of the Department of Parks and Recreation shall first obtain a permit from the Department for the following uses:

- (1) Picnic groups, consisting of 50 or more persons;
- (2) Camping;
- (3) Sports activities conducted by either a league, organization, association, group or individual;
- (4) Recreational activities, including fund raising activities, sponsored by community organizations, associations, groups or individuals;
- (5) Meetings or gatherings or other similar activity held by organizations, associations or groups;
- (6) Nonrecreational, public service activities, meetings and gatherings held by organizations, communities, or groups; and
- (7) Right of entry into parks for installation of utilities or construction work.

(b) Director to Promulgate Rules and Regulations.

The Director shall promulgate rules and regulations pursuant to Chapter 91, HRS, to govern the use of said areas and facilities which will:

- (1) Insure maximum permissible use of said areas and facilities by appropriate distribution of users;
- (2) Insure proper, orderly and equitable use of areas and facilities through scheduling and user controls;
- (3) Insure protection and preservation of areas and facilities by not overtaxing facilities;
- (4) Promote the health, safety and welfare of the users of said areas and facilities; or
- (5) Establish procedures for obtaining permits and revocation therefor.

(c) Conditions of Permit.

Permits shall be issued pursuant to the provisions contained in this Article and to the rules and regulations promulgated by the Director, and they shall be subject to the conditions in this Article and to any rules and regulations promulgated by the Director. Any violation of the provisions contained in this Article, or of any rules and regulations promulgated by the Director which implement said provisions, or of any conditions contained in this Article, or of any rules and regulations promulgated by the Director which implement said conditions, or of the terms or conditions contained in the permit which violation is caused by the permittee, members of his group, officers, employees or his agents shall constitute ground for revocation of the permit by the Director of Parks and Recreation. Any permittee whose permit has

been revoked by the Director may appeal to the City Council pursuant to the rules and regulations hereby authorized, and said appeal must be filed by the permittee within 30 days of the mailing of a notice of said revocation to the last known address of the permittee. (Sec. 13-18.3, R.O. 1969; Am. Ord. 3738)

**Sec. 13-18.4. Rules And Regulations Pertaining To Street Trees, Hedges And Shrubs.**

The Director shall promulgate rules and regulations pursuant to Chapter 91, HRS, relative to the planting, trimming and maintenance of all shade trees, hedges and shrubs within the public right of way on public streets of the City, and relative to the issuance of permits for the replacement, removal, planting, spraying, trimming or pruning of street trees by private citizens. (Sec. 13-18.4, R.O. 1969; Am. Ord. 3738)

**Sec. 13-18.5. Penalty.**

(a) Procedure on Arrest.

Any authorized police officer, upon making an arrest for a violation of this Article, shall take the name and address of the alleged violator and shall issue to him in writing a summons or citation hereinafter described, notifying him to answer to the complaint to be entered against him at a place and at a time provided in said summons or citation.

(b) Summons or Citation.

(1) There shall be provided for use by authorized police officers, a form of summons or citation for use in citing violators of this Article which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.

(2) In every case when a citation is issued, the original of the same shall be given to the violator; provided that the administrative judge of the district court may prescribe by giving to the violator a carbon copy of the citation and provide for the disposition of the original and any other copies.

(3) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

(c) Severability.

If any Section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(d) Penalty.

Any person convicted of a violation of any Section or provision of this Article shall be punished by a fine of not more than Two Hundred Fifty and No/100 Dollars (\$250.00) or by imprisonment in the Honolulu Jail for not more than 30 days, or by both such fine and imprisonment. (Sec. 13-18.5, R.O. 1969; Am. Ord. 3920)

## **Article 21. Obnoxious Substances.**

### **Sec. 13-21.1. Declaration Of Legislative Intent.**

The Council of the City and County of Honolulu finds that the use and possession of devices capable of emitting gases or obnoxious substances, as hereinafter defined, by unauthorized persons creates a potential danger to the peace and well being of the community at large; but, nevertheless, such devices when properly used, serve a useful purpose. Therefore, pursuant to the power granted in Section 2-101 of the City Charter and Section 70-70 of the Hawaii Revised Statutes to protect health, life and property and to protect the general welfare and safety of the inhabitants of the City, this Article regulating the sale, purchase, possession, transportation and use of obnoxious substances and granting the Chief of Police of the City and County of Honolulu authority to supervise the sale, purchase, possession, transportation and use thereof according to the standards hereinafter stated, is enacted to insure that the dissemination of devices emitting obnoxious substances is limited to those agencies and their employees who have a legitimate need thereof. The terms of this Article shall be liberally construed to effectuate the purpose stated herein. (Sec. 13-21.1, R.O. 1969; Am. Ord. 3540, 3692)

### **Sec. 13-21.2. Definitions.**

As used in this Article, unless the context clearly requires otherwise:

(a) "Agency" means all such organizations, public and private, whose operations are determined by the Chief of Police to require the use of one or more of the devices enumerated in Section 13-21.3 to accomplish a proper purpose.

(b) "Chief of Police" means the Chief of Police of the City and County of Honolulu or his authorized subordinate.

(c) "Devices" means all shells, cartridges, bombs, guns, or aerosol capable of emitting obnoxious substances in gas, vapor form, liquid or solid form.

(d) "Employee" means all officers, agents and employees of an agency whether or not such officer, agent or employee has been issued a permit.

(e) "Gun" means all revolvers, pistols, rifles, fountain pen guns, riot guns, shot guns, and cannons portable or fixed except those regularly manufactured, and used with firearm ammunition.

(f) "Obnoxious substances" means those substances or the derivatives thereof enumerated in Section 13-21.3.

(g) "Shell, cartridge, or bomb" means all shells, cartridges, or bombs capable of being discharged or exploded by the use of percussion caps, fuse, electricity or other means to cause or permit the release or emission of the substance enumerated in Section 13-21.3. (Sec. 13-21.1, R.O. 1969; Am. Ord. 3540, 3692)

### **Sec. 13-21.3. Prohibitions, Except As Otherwise Provided In Section 13-21.4.**

(a) No person shall use any shell, cartridge, bomb, gun or other device capable of emitting any liquid, gaseous or solid substance or any combination thereof, which is injurious to person or property, or which is nauseous, sickening, irritating or offensive to any of the senses; to injure, molest, discomfort, discommode, or coerce another in the use or control of his person or property.

(b) No person shall possess, discharge, use, transport, sell or offer to sell any shell, cartridge, bomb, gun or other device capable of emitting chloracetophenone (CN), o-chlorobenzalmalononitrile (CS) or any derivatives thereof in any form.

(c) No person shall possess, discharge, use, transport, sell or offer to sell any shell, cartridge, bomb, gun or other device capable of emitting Oleo Resin Capsicum or any derivative thereof used to repel animals. (Sec. 13-21.1, R.O. 1969; Am. Ord. 3540, 3692)

### **Sec. 13-21.4. Exceptions.**

(a) City police department authorized to use all devices. Notwithstanding the prohibitions prescribed in Section 13-21.3, the Chief of Police or his subordinates may purchase, possess, discharge, use or transport such shells, cartridges, bombs, guns or other devices emitting the obnoxious substances enumerated in Section 13-21.3 in carrying out their duties.

(b) Private security agencies authorized to use items (a) and (b) devices. Notwithstanding the prohibitions prescribed in Section 13-21.3 specifically relating to items (a) and (b) thereof, private security officers who are employees of private police or security agencies may purchase, possess, discharge, use or transport such shells, cartridges, bombs, guns or other devices emitting the obnoxious substances in items (a) and (b) of Section 13-21.3 in carrying out their duties, subject, however, to the conditions prescribed in Section 13-21.6.

(c) Other organizations authorized to use item (c) device. Notwithstanding the prohibitions prescribed in Section 13-21.3 specifically

relating to item (c) thereof, employees of government and private organizations who, by necessity of their employment, are required to go on private property to carry out their duties may possess, discharge, use or transport such shells, cartridges, bombs, guns or other devices emitting the obnoxious substances enumerated in item (c) or animal repellents of Section 13-21.3 subject, however, to the conditions prescribed in Section 13-21.6. (Sec. 13-21.1, R.O. 1969; Am. Ord. 3540, 3692)

**Sec. 13-21.5. Permit To Be Obtained By Agency.**

(a) Application. Any agency desiring to purchase, possess, discharge, use or transport obnoxious substances authorized herein shall first file an application on forms furnished by the Chief of Police for a permit.

(b) Additional requirements:

(1) The application shall include the name of the officer or employee who has been authorized to purchase said devices from vendors.

(2) Each agency is authorized to purchase only such devices emitting obnoxious substances as are listed on its permit.

(c) The agency shall submit the names of its employees who are to possess, discharge, use or transport such devices together with its application for permit so that the Chief of Police may issue separate permits to the named employees submitted by the agency.

(d) To defray the cost of processing the permit and to administer the provisions of this Article, each agency authorized hereunder, except for government agencies and except in the case of agencies desiring to use the obnoxious substances enumerated in Section 13-21.3(c), shall pay to the Director of Finance a sum of \$50.00 for its permit and a sum of \$5.00 for each permit issued to its employees. (Sec. 13-21.1, R.O. 1969; Am. Ord. 3540, 3692)

**Sec. 13-21.6. Conditions.**

Government and private agencies described in items (b) and (c) in Section 13-21.4 shall be subject to the following conditions, relative to the purchase, use, storage, possession, transportation, and other requirements in connection with obnoxious substances.

(a) The Chief of Police, upon application by an agency, shall determine that the possession, discharge, use and transportation of said devices are necessary due to the nature of the services performed by the agency. The Chief of Police shall have the sole authority to designate the specific service or services for which there is a necessity for the use of such devices. The devices shall be used only in connection with the performance of the service or services designated.

(b) After said determination and designation, the agency shall submit a list of names of employees whom the agency intends shall possess, discharge, use and transport the devices. The Chief of Police shall issue a permit to the individual employee upon finding that the employee:

- (1) Is of good moral character;
- (2) Is of the age of twenty years or more;
- (3) Has not been convicted in this state or elsewhere of a crime of violence or of the illegal use, possession or sale of narcotics; and
- (4) Has not been adjudged insane.

The agency shall cooperate in providing all such evidence as to fitness of the employee as may be required by the Chief of Police in making the foregoing findings.

The permit furnished by the Chief of Police shall be carried on the employee's person whenever he has in his possession any of said devices.

(c) Upon making the determination in subparagraphs (a) and (b) of this Section favorable to the requesting agency, the Chief of Police shall issue to said agency a permit authorizing it to purchase, own and control the specified device or devices capable of emitting obnoxious substances listed thereon which devices shall at all times remain subject to the exclusive ownership and control of the agency. A copy of all permits shall be retained on file at the Honolulu Police Department.

(d) All devices emitting obnoxious substances owned by an agency except those enumerated in Section 13-21.3(c), which may be secured in a locked compartment in the agency vehicle, shall be stored at a single location which is under the exclusive control of the agency and approved by the Chief of Police. The issuance and reissuance of said devices shall be only to employees authorized pursuant to subsection (b) hereof according to controls approved by the Chief of Police. In addition, an accurate record of the issuance and turn in of all said devices as well as the number of such devices in the possession of each employee and the number in possession of the agency will be kept by the agency.

(e) The possession and transportation of said devices by an employee shall be, unless otherwise provided, restricted to:

- (1) Transportation between the place of storage and the place of performance of the approved service;
- (2) The location where the services for which the use of such devices was approved and are being performed; and
- (3) Transportation from one place of performance of an approved service to another, if during the course of the employee's duties he is required to provide services at more than one place.

(f) The employee shall discharge or use said devices only in the scope of his employment and only when reasonably necessary to perform the same.

(g) The agency will be liable for the negligent use or misuse of all devices under its control whether or not such devices are being used by its employees within the scope of their employment; provided, however, that the penalty provision of Section 13-21.9 shall not apply to the agency for the unlawful acts of its employees unless the same are permitted or induced by the actions of the agency.

(h) The records and procedures for the possession, use and transportation of such devices shall be subject to inspection by the Chief of Police from time to time. (Sec. 13-21.1, R.O. 1969; Am. Ord. 3540, 3692)

**Sec. 13-21.7. Vendor To Obtain License.**

(a) Any person, corporation, partnership or association vending the obnoxious substances enumerated herein shall first obtain a license from the Director of Finance.

(b) The vendor shall keep accurate records of the sale of said obnoxious substances including monthly inventories showing the quantity and type of devices received, inventories showing the quantity of devices on hand, accurate records of the sale of such devices including the name of the purchasing agency, date of purchase, type of obnoxious substances sold and the number of each type and such other records as the Chief of Police may require.

(c) The Chief of Police shall have access to the vendor's books and records pertaining to the purchase and sale of obnoxious substances at reasonable times during business hours.

(d) The sale of obnoxious substances shall be made in case sized units as packaged at the factory and unopened except that the unopened case may be placed in a container provided by the local vendor prior to the sale. Sales of such obnoxious substances shall be made only to the duly authorized representative of the purchasing agency as provided in Sections 13-21.5(b)(1) and 13-21.6 or in the case of delivery to the said agency, such delivery shall be only to the location specified in the agency's permit. Deliveries as provided for herein shall be made only by the personnel of the vendor or the delivery service in both cases which are listed on the vendor's permit required by this Section. No permit shall be required for the personnel or delivery service making such deliveries.

(e) The annual fee for a license under this Section shall be \$25.00, which shall be payable to the Director of Finance. (Am. Ord. 3692)

**Sec. 13-21.8. Licenses, Permits Renewability.**

All licenses and permits issued pursuant to this Article shall be renewed every year on or before July 1 provided, however, that all licenses or permits issued prior to July 1, 1971, shall remain valid until July 1, 1972. (Am. Ord. 3692)

**Sec. 13-21.9. Penalty.**

Any person violating any provision of this Article shall upon conviction be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding one year or both; and upon such conviction, any license or permit issued to any person hereunder shall be revoked. (Sec. 13-21.2, R.O. 1969; Am. Ord. 3692)

**Sec. 13-21.10. Severability.**

If any Section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions. (Am. Ord. 3692)

**Article 23. (Repealed) ( Am. Ord. 3609)****Article 25. (Repealed) (Am. Ord. 3609)****Article 26. (Repealed) (Am. Ord. 3534)****Article 28. Swimming Pools.****Sec. 13-28.2. Fences And Other Protective Devices.**

(b) All gates or doors must be self-closing and equipped with a self-latching device capable of keeping such gate or door securely closed, with latches placed at least four feet above ground or otherwise made inaccessible from the outside to small children; provided that the door of any dwelling forming any part of the enclosures hereinabove required need not be so equipped. (Sec. 13-28.2, R.O. 1969; Am. Ord. 77-11)

**Article 31. Regulation Of Dogs.****Sec. 13-31.2. Strays Prohibited.**

It shall be unlawful for any dog, whether such dog is licensed or not, to become a stray. (Sec. 13-31.2, R.O. 1969; Am. Ord. 77-107)

**Sec. 13-31.9. Penalty.**

The owner of a dog which has become a stray, or any other person convicted of a violation of any Section or provision of this ordinance, shall be punished by a fine not exceeding \$50.00 or by imprisonment not exceeding 30 days, or by both. (Sec. 13-31.9, R.O. 1969; Am. Ord. 77-107)

## **Article 31A. Barking Dogs.**

### **Sec. 13-31A.1. Definitions.**

As used herein:

(a) "Dog" shall include any member of the canidae family, male or female.

(b) "Owner" shall mean any person owning, harboring or keeping a dog, whether licensed or not, or having custody, whether temporary or permanent, thereof.

(c) "Person" shall mean and include corporations, estates, associations, partnerships and trusts, as well as one or more individual human beings.

(d) "Barking dog" shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten minutes or barks intermittently for ½ hour or more to the disturbance of any person at any time of day or night and regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" for purposes of this Article if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog. (Am. Ord. 77-108)

### **Sec. 13-31A.2. Barking Dogs Prohibited.**

It shall be unlawful to be the owner of a barking dog as defined hereinabove in Sec. 13-31A.1. (Am. Ord. 77-108)

### **Sec. 13-31A.3. Complaint Forms For Private Citizens.**

The Honolulu Police Department, in consultation with the Hawaiian Humane Society, shall develop a complaint form with respect to barking dog disturbances that may be obtained by private citizens by mail from either the Honolulu Police Department, the Hawaiian Humane Society, or the Mayor's Office of Information and Complaint. (Am. Ord. 77-108)

### **Sec. 13-31A.4. Summons Or Citation.**

Any authorized police officer, or any officer of the Hawaiian Humane Society who has been deputized by the Chief of Police as a special officer for the purpose of enforcing the provisions of this Article, may issue a summons or citation to an alleged violator of the provisions of this Article. Procedures with respect to the design, form, content, numbering and disposition of copies of said summons or citation shall be in all respects the same as those specified in Section 13-31.6, R.O. 1969, relating to summonses in connection with stray dogs. Said summons or citation shall instruct such person to report to

the Violations Bureau of the respective District Courts of the City and County of Honolulu. Each such person may, within seven (7) days after the receipt of such summons, appear at such Violations Bureau and post a bail bond, in such amounts as may be set by the administrative judge of the District Courts, for appearance on the date as may be set out for such person to appear before the District Court. Upon failure to appear upon such date, said bail bond shall be deemed forfeited. (Am. Ord. 77-108)

**Sec. 13-31A.5. Failure To Obey Summons Or Citation.**

It shall be unlawful for any person to fail to appear at the place and within the time specified in the summons issued to him by an officer for any violation of this Article, regardless of the disposition of the charge for which he was originally cited. (Am. Ord. 77-108)

**Sec. 13-31A.6. Issuance Of Complaint, When.**

In the event any person fails to comply with a summons given to such person or if any person fails or refuses to deposit bail as required and within the time permitted, the Violations Bureau shall forthwith have a complaint entered against such person and secure the issuance of a warrant for his arrest. (Am. Ord. 77-108)

**Sec. 13-31A.7. Penalty.**

Any owner keeping or permitting to remain on any premises within the City and County of Honolulu a barking dog shall receive a warning citation which will require him to follow specific instructions for the training of his dog(s) given by the Humane Society. The owner who receives a warning citation shall not be required to post bail or be subject to the penalty provisions, provided the owner in good faith carries out the dog training instructions given him by the Humane Society.

For failure to comply with the above provisions, he shall be punished by a fine of \$5.00 for the first offense; \$10.00 for the second offense within six months; and a fine not exceeding \$50.00 or imprisonment not exceeding 30 days, or by both, for any subsequent offense within 6 months. (Am. Ord. 77-108)

**Sec. 13-31A.8. Annual Report Required.**

The Hawaiian Humane Society shall render a full report of its activities and operations relating to the enforcement of this Article to the Mayor and the Council within one month after the end of each fiscal year. (Am. Ord. 77-108)

**Sec. 13-31A.9. Severability.**

If any provision of this Article is held for any reason invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Article. (Am. Ord. 77-108)

**Article 32. The Sale To, Possession Of Or Use By  
Minors Of Chemical Substances Containing  
Volatile Organic Solvents.**

**Sec. 13-32.1. Definitions.**

(a) A minor shall mean any person below the age of 18 years.

(b) Toxic chemical substance shall mean any substance, not a "food" as defined in Section 328-1(3), HRS, which substance includes in its composition volatile organic solvents including amyl acetate, trichloroethylene, or acetone, or any other chemical substance, capable of producing upon inhalation any degree of intoxication. (Sec. 13-32.1, R.O. 1969; Am. Ord. 3535)

**Sec. 13-32.2. Use As Inhalants Prohibited.**

No person shall use toxic chemicals as an inhalant at any time; provided that this Section shall not apply to any person using as an inhalant any such toxic chemical substance pursuant to the direction of a physician. (Am. Ord. 3535)

**Sec. 13-32.3. Possession Or Transfer For Unlawful Purpose Prohibited.**

No person shall for the purpose of violating or aiding another to violate any provision of this Article, intentionally possess, buy, sell, transfer possession, or receive possession of any toxic chemical substance. (Am. Ord. 3535)

**Sec. 13-32.4. Use By Minors Other Than As An Inhalant, Regulated.**

(a) Except as provided in subsection (c) hereof and Section 13-32.5, no minor shall possess or buy any toxic chemical substance.

(b) Except as provided in subsection (c) hereof and Section 13-32.5, no person shall sell, give, lend or transfer possession of any toxic chemical substance to a minor.

(c) Provided, however, a person may sell, give, lend, or transfer possession of a toxic chemical substance to a minor for model building or other lawful use where said minor has in his possession and exhibits the written consent of his parent or guardian. (Am. Ord. 3535)

**Sec. 13-32.5. Record Of Sales Required.**

A person making a sale of toxic chemical substances to a minor who exhibits the written consent of his parent or guardian shall record the name, address, sex, and age of the minor and the name and address of the consenting parent or guardian. All data required by this Section shall be kept in a permanent type register available for inspection by the Chief of Police or his authorized representative for a period of at least six months. (Am. Ord. 3535)

**Sec. 13-32.6. Penalty.**

Any person who violates any provision of this ordinance shall, upon conviction, be punished by a fine not exceeding \$100.00 or by imprisonment not exceeding three months, or by both. (Sec. 13-32.2, R.O. 1969; Am. Ord. 3535)

**Article 35. (Repealed) (Am. Ord. 3609)****Article 36. (Repealed) (Am. Ord. 3609)****Article 38. (Functus)\*****Article 40. Disposal Of Weeds, Garbage, Trash  
And Waste From Property.****Sec. 13-40.1. Declaration Of Legislative Intent.**

The following is the declaration of legislative intent of the Council:

(a) The provisions which are set forth hereinafter are authorized pursuant to the provisions of Section 70-67, HRS, prevention and removal of nuisances.

(b) Any weeds, garbage, trash or waste which are more specifically defined hereinafter are declared to be nuisances to the health, safety and welfare of the residents of the City and, therefore, cutting and removal thereof shall be accomplished pursuant to the provisions set forth hereinafter.

(c) The provisions set forth hereinafter are intended to remove and control such weeds, garbage, trash and waste and to provide the necessary power and authority to an administrative agency of the City to effectuate said purpose. (Am. Ord. 3623)

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\*Functions transferred to the State by Act 203, SLH, 1970.

**Sec. 13-40.2. Definitions.**

(a) "Building Superintendent" shall mean the Director and Building Superintendent of the Building Department of the City.

(b) "Cut" shall mean to clear, trim, shape, separate, divide, sever, shorten, reduce, curtail, slash, or to otherwise control and dispose of weeds on property; provided, however, that weeds may be disposed of by incineration as provided for in Chapter 1, Section 18.2 of the State Fire Marshall's Rules and Regulations.

(c) "Owner" shall mean the fee simple owner, lessee of record, administrator, administratrix, executor, executrix, receiver, trustee, property management agent, or any other individual who has control or possession of privately owned real property.

(d) "Property" shall mean real property and only apply to the first tier of privately or government owned vacant lots abutting both sides of all public thoroughfares or privately owned thoroughfares open to the public; provided that the depth in connection with the first tier of lots shall not exceed 150 feet from the property line abutting said public streets; and provided further that this ordinance shall not apply to real property zoned as agricultural and preservation under the Comprehensive Zoning Code.

(e) "Remove" shall mean to move, displace, shift, take away, haul or otherwise transfer garbage, trash and waste from property; provided, however, that trash may be disposed of by incineration as provided for in Chapter 1, Section 18.2 of the State Fire Marshall's Rules and Regulations.

(f) "Vacant" shall mean unimproved and unoccupied.

(g) "Weeds" means vegetation of such nature, which has reached such growth, and is present in such quantity, that it constitutes a substantial risk of one or more of the following hazards:

(1) The vegetation, when dry, is or will be a fire hazard.

(2) The vegetation is, or is naturally suited as a sheltering or breeding place for rats, mice, mosquitoes or other vermin or noxious insects.

(3) The vegetation overgrows or spreads upon or over any road, alley, path, or sidewalk owned or open to the public to such extent as to obstruct, impede or interfere with the safe or convenient use or maintenance thereof.

(4) The vegetation has grown or spread, or has fallen or may fall into any privately owned or controlled stream, ditch, sewer, canal or other waterway and obstruct or narrow the channel thereof or impede the flow of water therein.

(h) "Garbage" shall mean all animal and vegetable matter, such as waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, drugstores, hotels, and rooming and boarding houses, and other deleterious substances.

(i) "Trash" shall mean rubbish such as feathers, ashes, tin cans, paper, rags, boxes and glass.

(j) "Waste" shall mean any object, substance or thing, of whatever kind of character, which, for any reason, may be or may have been thrown away, discarded, or abandoned such as, but not limiting the generality of the foregoing:

(1) refrigerators, ranges, furniture, fixtures and other similar household items;

(2) vehicles, machinery, farm equipment, construction equipment, scrap iron of all kinds or any other similar item;

(3) debris from demolished structures or buildings;

(4) bulky wastes discharged by mercantile, industrial and other establishments; and

(5) all garbage and trash other than defined in (h) and (i) above.  
(Am. Ord. 3623, 4215)

#### **Sec. 13-40.3. Premises To Be Free Of Weeds, Garbage, Trash And Waste.**

The owner of vacant property shall at times maintain the premises free of weeds, garbage, trash and waste. (Am. Ord. 3623)

#### **Sec. 13-40.4. Clearing Of Weeds, Garbage, Trash And Waste From Property.**

(a) Notice to remove. The Building Superintendent is hereby authorized and empowered to notify the owner of property within the City to properly cut and remove weeds, garbage, trash and waste located on such owner's property. Such notice shall be by certified mail, addressed to said owner at his last known address. A copy of said notice shall be posted on the property.

(b) Period during which owner shall commence cutting and removing weeds, garbage, trash or waste. The owner of such property shall be given thirty (30) calendar days within which to commence the cutting and removal of said weeds, garbage, trash or waste as described in the notice.

(c) Form of notice. The notice shall describe the work to be done and shall state that if the work is not commenced within thirty (30) calendar days after notice is given and diligently prosecuted to completion without interruption, the Building Superintendent shall cut and remove the weeds, garbage, trash or waste and the cost thereof shall be a lien on the property.

(d) Building Superintendent to keep record. The Building Superintendent shall cause to be kept in his office a permanent record containing:

(1) A description of each parcel of property for which notice to cut and remove weeds, garbage, trash and waste has been given;

(2) The name of the owner, if known;

(3) The date on which such notice was mailed and posted;

(4) The charges incurred by the City in cutting and removing the weeds, garbage, trash or waste and all incidental expenses in connection therewith; and

(5) A brief summary of the work performed.

Each such entry shall be made as soon as practicable after completion of such act.

(e) Action upon noncompliance. Upon the failure, neglect or refusal of any owner so notified to commence cutting and removing the weeds, garbage, trash or waste within thirty (30) days after notice has been given as hereinbefore provided, or within thirty (30) days after the date of mailing such notice in the event the Post Office Department is unable to make delivery thereof, provided that same was properly addressed to the last known address, of such owner, the Building Superintendent is hereby authorized and empowered to pay for cutting and removing such weeds, garbage, trash or waste out of City funds or to order its disposal by City employees. The Building Superintendent and his authorized representatives, including any contractor with whom he contracts hereunder, and assistants, employees, or agents of such contractor, are hereby authorized to enter upon said property for the purposes of cutting and removing the weeds, garbage, trash or waste described in the notice. Before the Building Superintendent or his authorized representative or contractor arrives, any property owner may cut and remove the weeds, garbage, trash or waste at his own expense.

(f) Charge to owner. When the City has cut and removed such weeds, garbage, trash or waste or has paid for their removal, the cost thereof, including overhead costs, plus accrued interest at the rate of seven per cent (7%) per annum shall be charged to the owner of such property and the owner shall be billed therefor by mail. The bill shall apprise the owner that failure to pay the bill will result in a lien. Interest at the rate of seven per cent (7%) per annum shall accrue from the thirty-first (31st) calendar day after the bill has been mailed to the owner for payment in the event the same has not been paid prior thereto.

(g) Statement of Building Superintendent. Where the full amount due the City is not paid by such owner within thirty (30) calendar days after the bill has been mailed for payment, the Building Superintendent shall cause to be recorded with the City Director of Finance a statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done and file the same with the Director of Finance who shall refer the collection thereof to the Corporation Counsel.

(h) Mechanic's and materialman's lien procedure. Any work done by the City hereunder is deemed to be done pursuant to quasi contract or constructive contract between the City and the owner. Based on the foregoing contractual relationship, if the owner fails to pay the amount duly noted on the statement filed by the Building Superintendent, the

Corporation Counsel may proceed to file a mechanic's and materialman's lien pursuant to the provisions of Part II of Chapter 507, HRS, or any other appropriate lien procedures. (Am. Ord. 3623, 4215)

## **Article 41. Control Of And Evacuation From Disaster Areas During Potential Disasters.**

### **Sec. 13-41.1. Legislative Findings.**

The Council finds that:

(a) Because of the possibility of disaster of great destructiveness resulting from flood, tidal waves, storm waves, fire or other natural causes or from enemy attack, sabotage or other hostile enemy action; and

(b) In order to insure the orderly evacuation of persons and property; and

(c) To protect the public peace, health, safety and welfare; and

(d) To preserve the lives and property of the people of the City and County of Honolulu;

it is in the public interest to make unlawful certain activities as provided herein. (Am. Ord. 3684)

### **Sec. 13-41.2. Definitions.**

The meaning of the terms used in this ordinance shall be as follows:

(a) "Authorized personnel" shall mean any:

(1) City or State employee assigned to disaster duty during an impending disaster or disasters;

(2) National Guardsmen;

(3) United States Armed Forces personnel; and

(4) Civil Defense Agency personnel or volunteers.

(b) "Impending Disaster" shall mean any situation where a catastrophe threatens an inhabited area and the Civil Defense Agency has issued a warning that the inhabitants thereof should evacuate the threatened area.

(c) "Disaster" shall mean any situation, usually catastrophic in nature, where numbers of persons are plunged into helplessness and suffering and, as a result, may be in need of food, clothing, shelter, medical care or other necessities of life, and the Governor of the State or Mayor of the City and County of Honolulu has declared a state of disaster or emergency.

(d) "Impending Disaster Area" shall mean the area which is threatened by a catastrophe such as a flood, tidal waves, storm waves, fire or other natural causes or from enemy attack, sabotage or other hostile enemy action.

(e) "Disaster Area" shall mean the area in which a disaster occurs.

(f) "Highway" shall mean any primary or secondary road, street, alley, pedestrian walkway, and trail. (Am. Ord. 3684)

**Sec. 13-41.3. Prohibitions.**

No person shall commit the following acts during an impending disaster or disasters:

(a) Loiter, loaf, or idle upon any public or private highway, place, sidewalk or beach, on foot or on any vehicle, in or close to an impending disaster or disaster area.

(b) Disobey any direction or command of any authorized person directing traffic.

(c) Refuse or fail to evacuate any area, public or private, upon order of any authorized person, which action impedes or tends to impede the effectiveness and orderly handling of the evacuation of persons from an impending disaster or disaster area.

(d) Refuse or fail to leave any area public or private upon order of any authorized person, which action impedes or tends to impede the effective and orderly handling of the disaster; provided, however, nothing herein shall be construed to prevent any authorized person from lawfully preserving, protecting or salvaging any property, real or personal, or to prevent any other authorized person from performing any other lawful duty within a disaster area after the danger to life and property from natural causes or enemy action has passed.

For the purposes of this subsection, the administrator of the Oahu Civil Defense Agency shall determine when the danger to life and property has subsided. (Am. Ord. 3684)

**Sec. 13-41.4. Declaration By Mayor.**

The power to declare a state of disaster or emergency is hereby conferred on the Mayor of the City and County of Honolulu. (Am. Ord. 3684)

**Sec. 13-41.5. Violations.**

Any person violating the provisions of this ordinance shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment in the City and County jail for a term not to exceed 30 days, or both. (Am. Ord. 3684)

## Article 42. Bicycles.\*

### Sec. 13-42.1. Definitions.

As used in this Article, unless the context clearly requires otherwise:

- (a) "Child" shall mean a minor under the age of 18 years.
- (b) "Director" shall mean the Director of Finance and includes his authorized deputies and subordinates.
- (c) "New bicycle" shall mean a new bicycle or a bicycle previously unregistered under this Article which is sold by a retail dealer.
- (d) "Parent" shall mean either one of the parents of the child, or any legal guardian.
- (e) "Retail dealer" shall mean any person who sells bicycles in the regular course of business primarily for the use and enjoyment of the purchaser and not for resale.
- (f) "Transferee" shall mean the person to whom and in whose name a bicycle will be transferred including retail dealers or in the case of a child his parent. (Am. Ord. 3798)

### Sec. 13-42.2. Retail Bicycle Dealers, Records Required.

All retail dealers shall keep a record for four years after the sale of a new bicycle of the name of the purchaser, and the serial number, description, and make of the bicycle sold to the purchaser. This record may be inspected by the chief of police or his representative during reasonable business hours. (Am. Ord. 3798)

### Sec. 13-42.3. Proof Of Ownership.

Upon initial registration of a new bicycle with the City by an owner within five days of the purchase thereof and as required by Section 249-14, HRS, the Director shall require the owner to furnish proof of ownership in the form or nature of a bill of sale executed by a retail dealer, in the name of the purchaser. The bill of sale shall include the name and address of the retail dealer, a written statement executed by the purchaser that he has examined the bicycle to verify the correct serial number and description as written in the bill of sale. If the purchaser is a child, the bill of sale shall be issued in the name of the parent. The director may verify the bill of sale presented at the registration of bicycle from the records of the retail dealer. (Am. Ord. 3798)

### Sec. 13-42.4. Certificates Of Registration.

Upon the presentation of satisfactory evidence of proof of ownership as required by Section 13-42.3, the Director shall assign to such bicycle a number plate and issue to the owner whose name appears on the bill of sale, a certificate of registration. In the event of loss, mutila-

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\*This ordinance took effect on January 1, 1972.

tion or destruction of any certificates of registration, the owner of the registered bicycle shall file such statement of facts and provide such other information as the Director shall require and unless the Director shall otherwise direct, a duplicate certificate of registration shall be issued.

The certificate of registration shall contain upon the face thereof, the date of issue, the number plate assigned to the bicycle, the name and address of the owner, the serial number, description, make of the bicycle and such other information as may be deemed necessary by the Director. The reverse side of the certificate of registration shall contain a form for notice to the Director of a transfer of registration by the owner. (Am. Ord. 3798)

#### **Sec. 13-42.5. Procedure When Owner Transfers Registration Of Bicycle.**

Upon a transfer of the registration of a bicycle registered under this part the person named on the face of the registration and the transferee shall endorse the certificate of registration to the intended transferee, or his parent if such transferee is a child.

Within 20 days thereafter, the transferee shall forward the certificate of registration so endorsed to the Director. Upon receipt of the certificate properly endorsed, the Director shall examine and determine the genuineness and regularity of the transfer of registration of the bicycle, and he shall prevent the transfer of registration of a bicycle by any person not entitled thereto. Upon being satisfied as to the regularity of the application for transfer of registration the Director shall re-register the bicycle in the name of the transferee and shall issue to the transferee a new certificate of registration. No bicycle registration under the provisions of this Article shall be transferred except as provided in this Section. (Am. Ord. 3798)

#### **Sec. 13-42.6. Evidence Of Ownership.**

Under no circumstances shall any certificate of registration issued under this part be deemed to be a guaranty as to the validity of the title to the bicycle by the Director, nor shall the certificate of registration be used as collateral for a loan or the recordation of liens. (Am. Ord. 3798)

#### **Sec. 13-42.7. Defacing Serial Numbers, Etc., Of Bicycles.**

No person shall wilfully deface, destroy, or alter the serial number, a component part number, or any other identification mark of any bicycle so placed or stamped on a bicycle by the manufacturer for the purpose of identifying the bicycle or its component parts.

This Section does not prohibit the restoration by an owner of an original mark or number, when the restoration is authorized in writing by the Director. (Am. Ord. 3798)

**Sec. 13-42.8. Applicability.**

The provisions of this Article shall not apply to any new bicycle sold prior to the effective date of this ordinance. (Am. Ord. 3798)

**Sec. 13-42.9. Penalty.**

Any person violating the provisions of Sections 13-42.2 and 13-42.7 shall, upon conviction, be fined not more than \$500.00 or imprisoned not more than six months, or both. (Am. Ord. 3798)

**Article 43. Aerial Advertising.****Sec. 13-43.1. Aerial Advertising Prohibited.**

No person shall use an aircraft to display in any manner whatsoever:

(a) Any political sign or advertising device, including but not limiting the generality of the foregoing, poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol and any other form of advertising sign or device.

(b) Any sign or advertising device which indicates or relates to places of natural beauty or of historical or cultural interest, including but not limiting the generality of the foregoing, poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol or any other forms of advertising sign or device.

(c) **Exceptions.** Identifying marks, trade names, trade insignia, and trade marks placed upon the fuselage or wings of the commercial or private plane are not deemed to be aerial advertising signs as defined herein. (Am. Ord. 3549, 3793)

**Sec. 13-43.2. Penalty.**

Any person who violates any provision of this Article shall, upon conviction, be punished by a fine not less than \$25.00 nor more than \$500.00, or by imprisonment not exceeding three months, or by both. (Am. Ord. 3549)

**Article 44. (Am. Ord. 4533) (Repealed) (Am. Ord. 77-67)**

## **Article 45. Dog License.**

### **Sec. 13-45.1. License Fee For Dogs.**

The annual license fee for dogs over four (4) months of age shall be two dollars (\$2.00). Upon receipt of the license fee the Director of Finance shall issue a metal tag of such form and design he may designate with a serial number and the year for which it is issued inscribed thereon, charging therefor the sum of twenty-five cents (25¢), which tag shall be attached to a collar of the dog for which the license has been issued.

If the license fee is not paid when due, a penalty of ten percent thereof shall be added to and become part of the fee.

The full amount of the fee shall be paid for any fraction of any year for which a license is issued. (Am. Ord. 4544)

### **Sec. 13-45.2. Disposition Of License Fee.**

All monies received by the Director of Finance under this ordinance shall be paid into the General Fund of the City and County of Honolulu. (Am. Ord. 4544)

### **Sec. 13-45.3. Impoundment Of Unlicensed Dogs.**

Impoundment of unlicensed dogs shall be as provided as in Section 143-8, Hawaii Revised Statutes. (Am. Ord. 4544)

## **Article 46. Smoking Prohibited In Certain Areas.**

### **Sec. 13-46.1. Declaration Of Legislative Intent.**

The Council of the City and County of Honolulu desires to protect the health, comfort and safety of its citizens attending public meetings and activities, transacting business and/or visiting within premises under the jurisdiction and control of the City and County of Honolulu. Therefore, pursuant to the power granted in Article II of the City Charter and Section 70-70 of the Hawaii Revised Statutes to protect health, life and property and to protect the general welfare and safety of the inhabitants of the City, this Article prohibiting smoking and carrying of lighted objects in certain areas in the City is enacted to insure that smoking and the carrying of lighted objects in certain areas in the City will be so prohibited in those certain areas. The terms of this Article shall be liberally construed to effectuate the purpose stated herein. (Am. Ord. 4561)

**Sec. 13-46.2. Areas Where Smoking Is Prohibited.**

No person shall smoke or carry a lighted cigar, cigarette, pipe or match, or use any spark, flame or fire-producing device in any of the following places owned and operated by the City and County of Honolulu:

- (a) Meeting or conference rooms where persons are gathered.
- (b) Elevators, regardless of capacity in any county building or facility.
- (c) Auditorium or sports area that is enclosed.
- (d) Community centers where persons may gather for meetings, parties, or any other purpose where the area is enclosed. (Am. Ord. 4561)

**Sec. 13-46.3. Exceptions.**

This Article shall not apply to smoking rooms or restrooms and any other area that is not enclosed. (Am. Ord. 4561)

**Sec. 13-46.4. Placard Required.**

All areas within buildings and enclosed facilities where this Article is applicable shall conspicuously display a sign reading "Smoking Prohibited by Law." (Am. Ord. 4561)

**Sec. 13-46.5. Applicability.**

This Article shall apply only where the area is properly placarded as provided by Sec. 13-46.4 herein. (Am. Ord. 4561)

**Sec. 13-46.6. Penalties.**

(a) Definition of Special Police Officer.

(1) "Special Police Officer" shall mean any officer or employee of the City commissioned by the Chief of Police to enforce the provisions of this Article.

(2) "Police Officer" shall mean any member of the Police Department of the City and County of Honolulu who has been commissioned and appointed by the Chief of Police to enforce all laws of the State of Hawaii, ordinances of the City and County of Honolulu and rules and regulations having the effect of law.

(b) Procedure on Arrest.

Any police officer or special police officer, upon making an arrest for a violation of this Article, shall take the name and address of the alleged violator and shall issue to him in writing a summons or citation hereinafter described, notifying him to answer to the complaint to be entered against him at a place and at a time provided in said summons or citation.

(c) Summons or Citation.

(1) There shall be provided for use by police officers or special police officers, a form of summons or citation for use in citing

violators of this Article which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.

(2) In every case when a citation is issued, the original of the same shall be given to the violator; provided that the administrative judge of the district court may prescribe by giving to the violator a carbon copy of the citation and provide for the disposition of the original and any other copies.

(3) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

(d) Ejectment.

Any police officer or special police officer may eject from the premises any person to whom a citation has been issued and who continues to smoke after he had been requested by the officer to stop smoking.

(e) Fine.

Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than \$10.00 nor to exceed \$25.00. (Am. Ord. 4561)

#### **Sec. 13-46.7. Severability.**

Each of the provisions of this Article shall be severable and if any provision shall be determined to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall not be affected thereby but shall remain in full force and effect. (Am. Ord. 4561)

### **Article 47. Use Of Sound Amplifying Device In Public Buildings.**

#### **Sec. 13-47.1. Definitions.**

As used in this Article, unless the context otherwise requires:

(a) "Department head" shall mean the head of a department of the executive branch of the City and County of Honolulu.

(b) "Sound amplifying device" shall mean and include any instrument or device for the production or reproduction of music, spoken words or other sounds, or any loudspeaker or other sound amplifying

device designed to enlarge the volume of sound produced by any instrument or by the human voice, which instrument or device is used or intended to be used for the purpose of advertising or calling attention to any article, thing or event, or for the purpose of addressing any person or group of persons or the public or of attracting the attention of any person or group of persons or the public.

(c) "Public building" shall mean any building or structure owned or controlled by the City and County of Honolulu. (Am. Ord. 4580)

**Sec. 13-47.2. Prohibition.**

No person shall use any sound amplifying device in a public building at any time without the prior written approval of the department head or his authorized subordinate who exercises jurisdiction over the specific public building in which the sound amplifying device is to be used. Such written approval shall be pursuant to a written request, on forms furnished by the department head, which shall be submitted to the department head within five (5) working days before the date of the use of the sound devices. The department head shall respond to such request within five (5) working days either approving or disapproving the request. Any person aggrieved by the action of the department head may appeal same to the Council. (Am. Ord. 4580)

**Sec. 13-47.3. Exceptions.**

The following shall be exceptions to the abovementioned subsection 2:

(a) The use of sound amplifying devices for any program to be held in a public building sponsored by the City and County of Honolulu.

(b) Any sound device which is wired, built in, or made a part of a public building which is used for any program authorized therein for which the public building has been specifically constructed or for which a specific type of program therein has been authorized by said department head. (Am. Ord. 4580)

**Sec. 13-47.4. Penalty.**

(a) Denial of use of public building.

Any person failing to obtain the prior written approval shall be denied the use of a sound device within a public building.

(b) Ejection.

Any person who has been denied the use of a public building because he has failed to obtain prior written approval for the use of a sound device but actually and continually uses the sound device may be ejected from the public building by a police officer.

(c) Fine.

Any person violating any of the provisions of this Article shall, upon conviction, be punished by a fine not exceeding \$50.00. (Am. Ord. 4580)

Am. 11/9/78 Article — Protective regulations for exceptional trees.  
 Ord. 78-91 Am. 4/3/79 126  
 Ord 79-23 Article — Vehicular advertising.

Chapter 13

Am. 5/9/79

Ord. 79-26

~~Am.~~ 12/26/79

Ord. 79-97

Regulations governing public shows.

Article 2. Fees For Motor Vehicle Registration.\*\*

Sec. 14-2.1. Fee For Original Registration Of Motor Vehicle.

The fee for the original registration of a motor vehicle shall be as follows:

(a) For the period ending on December 31, 1975, Two Dollars and Twenty-five Cents (\$2.25).

(b) For the period commencing on January 1, 1976 and ending on December 31, 1976, Three Dollars and Fifty Cents (\$3.50). This sum is based upon the following cost factors:

1) License Plate Cost .....	\$1.55
2) Administration cost for registration .....	1.95
	\$3.50

(c) For the period commencing on January 1, 1977 and thereafter, Three Dollars and Seventy-Five Cents (\$3.75). This amount is based upon the 1976 cost factors of \$3.50 plus the cost of a new 1977 tag or emblem.

(d) For a registration involving a reassignment of number plates, pursuant to a request therefor, from a motor vehicle registered in the State and owned or previously owned by the owner to another motor vehicle subsequently acquired by him, Five Dollars (\$5.00). (Am. Ord. 77-67)

\* Effective date of Article 1 shall be the same as when Ord. No. 39/9 became effective.

\*\* Effective date of Article 2 is June 30, 1977.

2/8/80

Date

CHAPTER 14.

Taxes and Other Related Costs or Fees.

Article 1. Motor Vehicle Weight Tax.\*

Sec. 14-1.1. Vehicle Weight Tax.

The rate and the minimum tax at which all vehicles and motor vehicles shall be taxed as provided by Hawaii Revised Statutes, Section 249-2, as amended, shall be as follows:

Am. 11/24/78  
Ord. 78-97

(a) The rate for motor vehicles designed solely for carrying passengers (which classification shall include automobiles, buses, ambulances and hearses) shall be three quarters of a cent per pound of the net weight of such motor vehicles;

Am. 11/24/78  
Ord. 78-97

(b) The rate for motor vehicles and other vehicles designed for carrying property or for purposes other than the carriage of passengers (including trucks, truck tractors and road tractors, trailers and semi-trailers) shall be one and one-half cents per pound of the net weight of such motor vehicles and vehicles; and

Am. 11/24/78  
Ord. 78-97

(c) The minimum tax assessed and collected by reason of this section shall in no case be less than twelve dollars (\$12.00). (Am. Ord. 77-67)

Am. 11/24/78  
Ord. 78-97

(c)

Article 2. Fees For Motor Vehicle Registration.\*\*

Sec. 14-2.1. Fee For Original Registration Of Motor Vehicle.

Am. 4/2/80  
Ord. 80-31

The fee for the original registration of a motor vehicle shall be as follows:

(a) For the period ending on December 31, 1975, Two Dollars and Twenty-five Cents (\$2.25).

(b) For the period commencing on January 1, 1976 and ending on December 31, 1976, Three Dollars and Fifty Cents (\$3.50). This sum is based upon the following cost factors:

- 1) License Plate Cost ..... \$1.55
  - 2) Administration cost for registration ..... 1.95
- \$3.50

(c) For the period commencing on January 1, 1977 and thereafter, Three Dollars and Seventy-Five Cents (\$3.75). This amount is based upon the 1976 cost factors of \$3.50 plus the cost of a new 1977 tag or emblem.

(d) For a registration involving a reassignment of number plates, pursuant to a request therefor, from a motor vehicle registered in the State and owned or previously owned by the owner to another motor vehicle subsequently acquired by him, Five Dollars (\$5.00). (Am. Ord. 77-67)

\* Effective date of Article 1 shall be the same as when Ord. No. 3619 became effective.

\*\* Effective date of Article 2 is June 30, 1977.

Signature

Date

Am. 6/12/80  
Ord. 80-39

**Sec. 14-2.2. Fee For New Series Of Number Plates.**

The fee for the issuance of a new series of number plates for a motor vehicle shall be Three Dollars and Fifty Cents (\$3.50). (Am. Ord. 77-67)

Am. 6/12/80  
Ord. 80-39

**Sec. 14-2.3. Fee For Tag Or Emblem In Subsequent Years.**

The fee for the issuance of a tag or emblem for a motor vehicle, upon payment of the applicable tax, in any year in which the number plates do not evidence the payment of the current year's tax, shall be Fifty Cents (\$.50). (Am. Ord. 77-67)

Am. 6/12/80  
Ord. 80-39

**Sec. 14-2.4. Fee For Replacement Of Lost Or Mutilated Number Plates, Tags, Or Emblem Of Motor Vehicle.**

The fee for the replacement of a lost or mutilated number plate or plates, tag or emblem of a motor vehicle shall be as follows:

(a) For the period ending on December 31, 1975:

	Fee
1) Number Plates .....	\$2.00
2) Tag or Emblem.....	.25

(b) For the period commencing on January 1, 1976 and ending December 31, 1976:

Number Plates .....	\$3.50
---------------------	--------

(c) For the period commencing on January 1, 1977 and thereafter:

1) Number Plates .....	\$3.50
2) Tag or Emblem.....	.25

(Am. Ord. 77-67)

Am. 6/12/80  
Ord. 80-39

**Sec. 14-2.5. Number Plate Reservations.**

Number plates for motor vehicles shall be issued from available stock in alphabetical and numerical order; provided that the Director of Finance may issue number plates from available stock for a motor vehicle out of such alphabetical or numerical order pursuant to a request therefor; and provided further, that whenever a new series of number plates for motor vehicles is to be issued, the Director of Finance may accept reservations for number plates on a list of number plates he anticipates issuing in the initial change to the new series and issue number plates for motor vehicles out of such alphabetical or numerical order pursuant to such reservations as follows:

(a) During a period of not less than two weeks, only a reservation for number plates in the new series corresponding to the number plates of a motor vehicle owned by the person making the reservation may be accepted.

(b) Thereafter, during a period of not less than two weeks any reservation for any of the remaining available plates may be accepted. (Am. Ord. 77-67)

CHAPTER 16.  
Building Code.

Am. 10/6/80  
Ord. 80-73 **Article 1. Adoption Of The Uniform Building Code.**

**Sec. 16-1.1. The Uniform Building Code.**

The "Uniform Building Code, 1976 Edition" as copyrighted and published in 1976 by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, is by reference incorporated herein and made a part hereof, subject to the following amendments.

(1) Amending Section 103.

Section 103 is amended as follows:

(a) By amending the first paragraph to read:

"Sec. 103. The provisions of this Code shall apply to the construction, alteration, moving, demolition, repair, and use of any building or structure within the city inland of the shoreline high-water line, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this Code, and hydraulic flood control structures."

(b) By adding thereto a fifth paragraph to read:

"Wherever in this Code reference is made to the Mechanical Code or Fire Code, the provisions in the Mechanical Code or Fire Code shall be deemed only guides and not mandatory."

(2) Amending Section 104(a).

Section 104(a) is amended to read:

"(a) General. Buildings or structures to which additions, alterations, or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this Section; provided, however, that when any portion of a building is cut or altered by necessity because of taking for public use, through condemnation proceedings or otherwise, it shall be lawful to repair the remaining portion with the same class of materials as had been previously used therein, provided, further, that such repairs shall serve only to make the remaining portion of the building whole and not add thereto."

(3) Amending Section 104(j).

Section 104(j) is amended to read:

"(j) Historic Buildings. Repairs, alterations and additions necessary to the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all of the requirements of this Code, when authorized by the Building Official provided:

1. The building or structure has been designated by the State Department of Land and Natural Resources or by City Ordinance as having special historical significance.

2. Any unsafe conditions as described in Section 203, will be corrected in accordance with approved plans.

3. The restored building or structure will not be more hazardous, based on life and fire risk, than the existing building.”

(4) Amending Section 203.

Section 203 is amended to read:

“Sec. 203. Unsafe Buildings. (a) General. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment as specified in this code or any other effective ordinance, are, for the purpose of this Section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Subsections (b), (c), (d), and (e) of this Section.

“(b) Notice to Owner. The Building Official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this Section, the Building Official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the Building Official. If necessary, such notice also shall require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the Building Official.

“Proper service of such notice shall be by personal service, registered mail or certified mail upon the owner of record, provided, that if such notice is by registered mail or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the Building Official shall begin as of the date he receives such notice.

“(c) Posting of Signs. The Building Official shall cause to be posted at each entrance to such building a notice to read: DO NOT ENTER. UNSAFE to OCCUPY. BUILDING DEPARTMENT, CITY & COUNTY OF HONOLULU. Such notice shall remain posted until the required repairs, demolition, or removal are com-

pleted. Such notice shall not be removed without written permission of the Building Official and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

“(d) Action Upon Noncompliance. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Building Official may order the owner of the building prosecuted as a violator of the provisions of this Code.

“(e) Nothing contained herein shall be construed to limit or restrict the Building Official from instituting, on behalf of the City, any other legal or equitable proceedings, in addition to those specified herein to obtain compliance with the notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof.”

(5) Amending Section 204.

Section 204 is amended to read:

“Sec. 204. Board of Appeals.

“(a) Creation. There shall be and is hereby created a Board of Appeals, hereinafter called the Board, consisting of nine members who shall be qualified by experience and training to pass upon matters pertaining to building construction and who shall be appointed by the Mayor with the approval of the City Council. Four members shall be currently registered as engineers or architects with the State of Hawaii Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects. One member shall be qualified by experience and training to pass upon matters pertaining to electrical work. One member shall be qualified by experience and training to pass upon matters pertaining to plumbing work. The members of the Board shall serve for a term of five years and until their successors have been appointed and qualified. 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 and vice chairman annually.

“(b) Board Action. All Board action requires an affirmative vote of five or more Board members.

“(c) Powers and Duties. The Board shall:

“1. Hear and determine appeals from the decisions of the Building Official in the administration of the City and County of Honolulu Building Code, Electrical Code and Plumbing Code, including, but not limited to, matters involving any denial of the use of new or alternate materials, types of construction, equipment, devices or appliances.

“In the case of any denial of the use of new or alternate materials, types of construction, equipment, devices, or appliances, an appeal may be sustained if the record shows (A) that such new

or alternate materials, types of construction, equipment, devices, or appliances meet the required standards established by the Codes being appealed from, (B) that permitting the use thereof will not jeopardize, life, limb or property, (C) that such use will not be contrary to the intent and purpose of the Code being appealed from. In such appeals the appellant shall pay all expenses necessary for tests which may be ordered by the Board.

"The Board may reverse, affirm or modify, wholly or partly, the decision appealed from.

"2. Hear and determine petitions for varying the application of the Building Code, Electrical Code and Plumbing Code. A variance may be granted if the Board finds (A) that the strict application, operation or enforcement of the Code provision or provisions being appealed from would result in practical difficulty or unnecessary hardship to the applicant, (B) that safety to life, limb and property will not be jeopardized, and (C) that the granting of a variance would not be injurious to the adjoining lots and the buildings thereon, would not create additional fire hazards, and would not be contrary to the purposes of the Code and the public interest. In making its determination, the Board shall take into account the character, use and type of occupancy and construction of adjoining buildings, buildings on adjoining lots and the building involved.

"3. Hear and determine appeals from the decision of the Fire Official in the administration of the City and County of Honolulu Building Code with respect to the testing and maintenance of fire-extinguishing systems; and to the testing of equipment pertinent to mechanically ventilated smokeproof enclosures.

"(d) Compensation. Each member of the Board shall be compensated at the rate of \$20.00 per day for each day's actual attendance at a meeting, but such compensation shall not exceed, in the aggregate, \$60.00 in any one month.

"(e) Procedure. The proceedings of the Board shall be subject to the provisions of Chapter 91, Hawaii Revised Statutes, as amended. The Board shall adopt reasonable rules and regulations for conducting its meetings, hearings, and investigations in conformity therewith and may impose reasonable fees to cover the costs of such proceedings."

(6) Adding Section 206.

Section 206 is added to read:

"Sec. 206. Any provisions of this Code to the contrary notwithstanding, the following shall be at all times in full force and effect, and in the case of conflicting requirements, the stricter shall be complied with:

"Hawaii Revised Statutes;

"Ordinances of the City and County of Honolulu;

"Rules and Regulations of the Department of Land Utilization.;

“Subdivision Rules and Regulations adopted pursuant to the subdivision ordinance;

“Rules and Regulations of the Board of Water Supply, City and County of Honolulu;

“Public Health Regulations, Department of Health, State of Hawaii;

“Rules and Regulations of the Department of Labor and Industrial Relations, State of Hawaii;

“Rules and Regulations of the Fire Marshal, State of Hawaii;

“Airport Zoning Regulations of the Director of Transportation, State of Hawaii;

“Provided, however, that for public buildings and facilities covered by Section 103-50, HRS, the following provisions contained herein shall not apply:

“1. Section 1711(b) and (c).

“2. Section 1712.

“3. Section 1713.

“4. Requirements under column heading ‘Access/Egress by Means of a Ramp or an Elevator Must Be Provided for the Physically Handicapped as Indicated’ in Table No. 33-A.”

(7) Amending Section 301.

Section 301 is amended to read:

“Sec. 301. Permits Required. A building permit is required to perform work covered by this Code as provided under Chapter 18, R.O. 1969.”

(8) Deleting Sections 302 and 303.

Sections 302 and 303 are deleted.

(9) Amending Section 304.

Section 304 is amended to read:

“Sec. 304. Lot Survey. A survey of the lot at the owner’s expense may be required by the Building Official to verify compliance of the structure with approved plans.”

(10) Amending Section 305.

Section 305 is amended to read:

“Sec. 305. Special Inspections. (a) General. When required by the Building Department, the owner or his agent shall employ a special inspector who shall be present at all times on special construction or work involving unusual hazards or requiring constant inspection.

“(b) Special Inspector. The special inspector shall be a qualified person approved by the Building Official. An engineer registered in the State of Hawaii and performing inspection in the branches of engineering in which he is registered shall be deemed to be a qualified person.

“The special inspector shall furnish continuous inspection on the construction and work requiring his employment. He shall keep a record of the special inspection made and report any Code

violations in writing to the Building Official.

“(c) Approved Fabricators. Special inspections required by this Section and elsewhere in this Code shall not be required where the work is done on the premises of a fabricator approved by the Building Official to perform such work without special inspection. The certificate of approval shall be subject to revocation by the Building Official if it is found that any work done pursuant to the approval is in violation of this Code.”

(11) Amending Section 403.

The fifth paragraph of Section 403 is amended by adding the following sentence:

“This shall not include water heater as defined in this Chapter.”

The seventh paragraph of Section 403 is amended to read:

“BUILDING. A building is any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The term shall include, without limiting the generality of the foregoing, any structure mounted on wheels or otherwise, such as a trailer, wagon or powered vehicle, which is parked and stationary and used for business or living purposes, provided, however, that the term shall not include a mobile trailer, push cart, wagon, or powered vehicle which is used exclusively for the purpose of selling any commercial products and which actually travels on the public or private streets.”

The eighth paragraph of Section 403 is amended to read:

“BUILDING, EXISTING, is a building for which a legal building permit has been issued, or one which complied with the Building Code in effect at the time the building was erected.”

The last paragraph of Section 403 is amended to read:

“BUILDING OFFICIAL shall mean the Director and Building Superintendent of the City or his authorized deputy.”

(12) Amending Section 404.

The following paragraph is added before the definition “CAST STONE”.

“CARPORT is a private garage which is at least 100 per cent open on one side and with 50 per cent net openings on another side or which is provided with an equivalent of such openings on two or more sides.”

“A private garage which is 100 per cent open on one side and 25 per cent open on another side with the later opening so located to provide adequate cross ventilation may be considered a carport when approved by the Building Official.”

The definition of “CITY” is amended to read:

“CITY shall mean the City and County of Honolulu.”

A new paragraph is added after the definition of “CITY” to read:

“CITY COUNCIL shall mean the City Council of the City.”

(13) Amending Section 407.

Section 407 is amended by changing the definition of “FAMILY”

to read:

“FAMILY shall be as defined in the Comprehensive Zoning Code of the City.”

The following paragraph is added before the definition of “FIRE CODE” to read:

“FIRE CHIEF and FIRE OFFICIAL may be used synonymously and shall mean the Chief of the Fire Department of this City or his regularly authorized deputy.”

(14) Amending Section 417.

Section 417 is amended by changing the definition of “PLATFORM, ENCLOSED” to read:

“PLATFORM, ENCLOSED, is a partially enclosed portion of an assembly room more than 1,000 square feet in area (including dressing rooms, toilet facilities and storage rooms) and the ceiling of which is not more than 5 feet above the proscenium opening and which is designed or used for the presentation of plays, demonstrations, or other entertainment wherein scenery, drops, decorations, or other effects may be installed or used.”

(15) Amending Section 420.

The following paragraph is added before the definition of “STORY”:

“STATE shall mean the State of Hawaii.”

(16) Amending Section 503(d).

Section 503(d) is amended by Exception No. 1 to read:

“1. Where an approved spray booth, constructed in accordance with the Rules and Regulations of the Fire Marshal is installed, such booth need not be separated from other Group H Occupancies or from Group B Occupancies.”

(17) Amending Section 504(a).

Section 504(a) is amended to read:

“(a) General. Buildings shall adjoin or have access to a public space, yard, or street on not less than one side.

Required yards shall be permanently maintained.

“For the purpose of this Section, the center line of an adjoining street or alley shall be considered an adjacent property line, and the center line of an adjoining private right-of-way not less than 10 feet in width shall be considered an adjacent property line if the owner of the premises for which the building permit application is filed owns a portion thereof. With the exception of an arcade, bridge or ramp used for thoroughfare purposes only, such private rights-of-way shall be unobstructed from the ground to the sky and permanently maintained as such.

“Eaves over required windows shall not be less than 30 inches from side and rear property lines. For eaves, see Section 1710.

“No building or structure or any portion thereof shall be located on or over a property line except an arcade, bridge or ramp used for thoroughfare purposes only, or as otherwise permitted in this

Code and in the Comprehensive Zoning Code.”

(18) Amending Section 504(b).

Section 504(b) is amended by adding an exception after the first paragraph to read:

“EXCEPTION: Lot lines established within a joint development under the Comprehensive Zoning Code and boundary lines established for condominium ownership purpose only shall not be considered as property lines for the purpose of this Section.”

(19) Amending Section 510.

Section 510 is amended to read:

“Sec. 510. Ceiling Height.

“Minimum ceiling heights in all occupancies customarily used by human beings shall be as specified in Part III; provided that where no minimum height is specified, the ceiling height shall be not less than 7 feet. Projections below the ceiling may be permitted provided the clearance is not less than 6 feet 6 inches.”

(20) Amending Table No. 5-A.

Table No. 5-A is amended as follows:

The descriptions for Group M Occupancies are amended to read:

“1. Private garages, carports, sheds, agricultural buildings, greenhouses and lath houses.

“2. Fences<sup>1</sup>, retaining walls, swimming pools, tanks, and towers.”

Footnote is added to read:

“<sup>1</sup>In all fire zones fences 6 feet or less in height may be of any materials allowed by this Code.”

(21) Amending Section 605.

The first paragraph of Section 605 is amended to read:

“Sec. 605. All enclosed portions of Group A, Division 1 Occupancies customarily used by human beings and all dressing rooms shall be provided with natural light by means of exterior glazed openings with an area not less than one-tenth of the total floor area, and natural ventilation by means of openable exterior openings with an area of not less than one-twentieth of the total floor area or shall be provided with artificial light and mechanically operated ventilating system. The mechanically operated ventilating system shall comply with the requirements of the ‘Public Health Regulations, Department of Health, State of Hawaii.’”

The fourth paragraph of Section 605 is amended to read:

“There shall be provided in an approved location at least one drinking fountain for each floor level. Toilet facilities shall be provided as specified in the ‘Public Health Regulations, Department of Health, State of Hawaii.’”

(22) Amending Section 802(c).

Section 802(c) is amended by adding an exception to the first paragraph to read:

“EXCEPTION: In a building of Type I-F.R., II-F.R., III-One-Hour, IV-Heavy Timber, II-One-Hour, or V-One-Hour construc-

tion, rooms for second grade pupils may be permitted on the second story above grade, provided the building is provided with an alarm system that is actuated by detectors conforming to UBC Standard 43-6."

(23) Amending Section 802(d).

Section 802(d) is amended by adding an exception after the first paragraph to read:

"EXCEPTION: Laboratories, woodworking and metalworking shops, machine shops, paint shops, rooms for storage of flammable materials, and similar areas where visual communication is required between such areas and classrooms."

(24) Amending Section 805.

Section 805 is amended to read:

"Sec. 805. All portions of Group E Occupancies shall be provided with light and ventilation, either natural or artificial, as specified in Section 605.

"For requirements in schools, 'Public Health Regulations, Department of Health, State of Hawaii' shall be complied with.

"For requirements for floors and walls of toilet compartments, See Section 1711."

(25) Amending Section 809.

Section 809 is amended to read:

"Sec. 809. Fire Alarms. Fire alarm systems shall comply with the 'Rules and Regulations of the State Fire Marshal' and be approved by the Fire Chief."

(26) Amending Section 909.

Section 909 is amended to read:

"Sec. 909. Fire Alarms. Fire alarm systems shall comply with the 'Rules and Regulations of the State Fire Marshal' and be approved by the Fire Chief."

(27) Amending Section 1005.

Section 1005 is amended to read:

"Sec. 1005. Light, Ventilation and Sanitation. All buildings or any portion thereof shall be provided with light, ventilation and toilet facilities as specified in the 'Public Health Regulations, Department of Health, State of Hawaii'."

(28) Amending Section 1102(a).

Section 1102(a) is amended by amending the second paragraph to read:

"Other provisions of this Code notwithstanding, a parking garage (Group B, Division 1 or Division 3 Occupancy) located in the basement or first story of a building housing a Group B, Division 2 or a Group R, Division 1 Occupancy may be classed as a separate and distinct building for the purpose of area limitation, limitation of number of stories and type of construction, when all of the following conditions are met:

"1. The Group B, Division 1 or Division 3 Occupancy is of Type I construction.

"2. There is a Three-hour Occupancy separation between the Group B, Division 1 or Division 3 Occupancy and all portions of the Group B, Division 2 or Group R, Division 1 Occupancy.

"3. The basement or first story is restricted to the storage of passenger vehicles (having a capacity of not more than nine persons per vehicle), but may contain laundry rooms and mechanical equipment rooms incidental to the operation of the building.

"4. The maximum building height in feet shall not exceed the limits set forth in Table No. 5-D for the least type of construction involved."

(29) Amending Section 1105.

Section 1105 is amended to read:

"Sec. 1105. Light Ventilation and Sanitation. All buildings or any portion thereof shall be provided with light, ventilation and toilet facilities as specified in the 'Public Health Regulations, Department of Health, State of Hawaii'."

(30) Amending Section 1109(b).

Section 1109(b) is amended by amending the exception after the first paragraph to read:

"EXCEPTIONS: 1. The grade level tier may contain an office, waiting and toilet rooms having a total area of not more than 1000 square feet and such area need not be separated from the open parking garage.

"2. In buildings housing Groups A-2, -2.1, -3 and -4; B; and R-1 Occupancies, open parking garages are permitted when all of the following conditions are met:

"a. The garage portion of the building is of Type I-F.R. construction.

"b. There is a Three-hour Occupancy Separation between the open parking garage and all portions of Group A-2, -2.1, -3 and -4; Group B; or Group R-1 Occupancy."

(31) Amending Section 1109(d).

Section 1109(d) is amended by adding an exception after the third paragraph to read:

"EXCEPTION: Projections below the ceiling may be permitted provided the clearance is not less than 6 feet 6 inches."

(32) Amending Section 1109(k).

Section 1109(k) is amended to read:

"(k) Ventilation. Ventilation shall comply with the requirements as specified in the 'Public Health Regulations, Department of Health, State of Hawaii'."

(33) Amending Section 1205.

Section 1205 is amended to read:

"Sec. 1205. Light, Ventilation and Sanitation. All buildings or any portion thereof shall be provided with light, ventilation and

toilet facilities as specified in the 'Public Health Regulations, Department of Health, State of Hawaii'."

(34) Amending Section 1303.

Section 1303 is amended to read:

"Sec. 1303. For fire-resistive protection of exterior walls and openings, as determined by location on property, see Section 504 and Part V; provided that openings in exterior walls of buildings of type I-F.R., II-F.R., III or IV-H.T. construction and housing Group R-1 Occupancies situated in Fire Zone 3 which are 10 feet or more but less than 20 feet from the adjacent interior property line shall only be required to have windows or doors constructed of approved noncombustible material, but any glass used for windows and doors shall be wire glass of a minimum thickness of ¼-inch, except where the building is so designed to prevent the glass from falling below the story on which it is installed; and provided that for fire-resistive requirements of exterior exit that balconies, the exceptions provided hereinabove, for opening protection shall not apply. Nothing contained herein, however, shall constitute a waiver of the requirements of Section 3305(1) of this Code, relating to stairways."

(35) Amending Section 1304.

Section 1304 is amended by adding an exception to the sixth paragraph to read:

"EXCEPTION: Glass jalousie bladed windows may be used for emergency exit or rescue."

(36) Amending Section 1305.

Section 1305 is amended to read:

"Sec. 1305. Light, Ventilation and Sanitation. Light, ventilation and sanitation requirements shall be as specified in the Housing Code.

"For requirements for floors and walls of toilet compartments, see Section 1711."

(37) Amending Section 1306.

Section 1306 is amended to read:

"Sec. 1306. Yards and Courts. Requirements for yards and courts shall be as specified in the Housing Code and the Comprehensive Zoning Code."

(38) Amending Section 1307.

Section 1307 is amended to read:

"Sec. 1307. Room Dimensions. Requirements for minimum ceiling heights, floor areas, and widths of rooms shall be as specified in the Housing Code. Efficiency dwelling units shall conform to the requirements of the Housing Code."

(39) Amending Section 1308.

Section 1308 is amended to read:

"Sec. 1308. Access to Buildings and Facilities. Buildings containing more than twenty dwelling units or twenty guest rooms or a combination of dwelling units and guest rooms totaling more than

twenty, shall be accessible to the physically disabled by a level entry, ramp or elevator. The number of dwelling units or guest rooms accessible to the physically disabled shall not be less than the following:

- up to 100 — 1 for each 10
- 101 to 200 — 10 plus one for each 25 over 100
- 201 to 500 — 14 plus one for each 50 over 200
- 501 to 1,000 — 20 plus one for each 100 over 500
- 1,001 or more — 25 or 2%, whichever is greater

To determine the total number of accessible units, two or more buildings on the same property shall be considered as one building.

“Toilet facilities in accessible units shall comply with Section 1711.”

(40) Deleting Section 1311.

Section 1311 is deleted.

(41) Amending Section 1313.

Section 1313 is amended to read:

“Sec. 1313. Existing Buildings.

“(a) Purpose. The purpose of this Section is to provide a reasonable degree of safety to persons living and sleeping in Group R, Division 1 Occupancies by requiring alterations to such existing buildings as do not conform with the minimum safety requirements of this Code.

“(b) Scope. The provisions of this Section shall apply exclusively to existing non-conforming Group R, Division 1 Occupancies more than two stories in height.

“(c) Number of exits shall be as required by Section 3302(a).

“(d) Stair Construction. All stairs shall have a minimum run of 9 inches and a maximum rise of 8 inches and a minimum width exclusive of handrails of 30 inches. Every stairway shall have at least one handrail. A landing having a minimum horizontal dimension of 30 inches shall be provided at each point of access to the stairway.

“(e) Interior Stairways. Every interior stairway shall be enclosed with walls of not less than one-hour fire-resistive construction.

“Where existing partitions form part of a stairwell enclosure, wood lath and plaster in good condition will be acceptable in lieu of one-hour fire-resistive construction. Doors to such enclosures shall be protected by a self-closing door equivalent to a solid wood door not less than 1¾ inches thick. Enclosures shall include landings between flights and any corridors, passageways, or public rooms necessary for continuous exit to the exterior of the building.

“The stairway need not be enclosed in a continuous shaft if cut off at each story by the fire-resistive construction required by this Subsection for stairwell enclosures.

“Enclosures shall not be required if an automatic fire-extinguishing system is provided for all portions of the building except bedrooms, apartments, and rooms accessory thereto.

“(f) Exterior Stairways. Exterior stairs shall be non-combustible or of wood of not less than two-inch nominal thickness with solid treads and risers.

“(g) Fire Escapes. Fire escapes may be used as one means of egress, if the pitch does not exceed 60 degrees, the width is not less than 18 inches, the treads are not less than 4 inches wide, and they extend to the ground or are provided with counterbalanced stairs reaching to the ground. Access shall be by an opening having a minimum dimension of 29 inches when open. The sill shall be not more than 30 inches above the floor and landing.

“(h) Doors and Openings. Exit doors shall meet the requirements of Sections 3303(b), (c), (d) and 3304(h). Doors shall not reduce the required width of stairways more than 6 inches when open. Transoms, and openings other than doors, from corridors to rooms shall be fixed closed and shall be covered with a minimum of ¾-inch plywood or ½-inch gypsum wallboard or equivalent material.

“EXCEPTIONS: 1. Existing solid bonded wood core doors 1⅜-inches thick or their equivalent may be continued in use.

“2. Where the existing frame will not accommodate a door complying with Section 3304(h), a 1⅜-inch thick solid bonded wood core door may be used.

“(i) Exit Signs. Every exit doorway or change of direction of a corridor shall be marked with a well-lighted exit sign having letters at least 5 inches high.

“(j) Enclosure of Vertical Openings. Elevators, shafts, ducts, and other vertical openings shall be enclosed as required for stairways in Subsection (e) or by wired glass set in metal frames. Doors shall be noncombustible, or as regulated in Subsection (e).

“(k) Separation of Occupancies. Occupancy separations shall be provided as specified in Section 503. Lobbies, and public dining rooms not including cocktail lounges, shall not require a separation if the kitchen is so separated from the dining room.

“Every room containing a boiler or central heating plant shall be separated from the rest of the building by not less than One-Hour Fire Resistive Occupancy Separation.

“EXCEPTION: A separation shall not be required for such rooms with equipment serving only one dwelling unit.”

(42) Amending Section 1404.

Section 1404 is amended by adding an exception to the third paragraph to read:

“EXCEPTION: Glass jalousie bladed windows may be used for emergency exit or rescue.”

(43) Amending Section 1405.

Section 1405 is amended to read:

“Sec. 1405. Light, Ventilation and Sanitation. Light, ventilation and sanitation requirements shall be as specified in the Housing Code.”

(44) Amending Section 1406.

Section 1406 is amended to read:

“Sec. 1406. Yards and Courts. Requirements for yards and courts shall be as specified in the Comprehensive Zoning Code and the Housing Code.”

(45) Amending Section 1407.

Section 1407 is amended to read:

“Sec. 1407. Room Dimensions. Requirements for minimum ceiling heights, floor areas, and widths of rooms shall be as specified in the Housing Code.”

(46) Deleting Section 1410.

Section 1410 is deleted.

(47) Amending Section 1412.

Section 1412 is amended to read:

“Sec. 1412. Where a carport is separated from a dwelling by walls only, a fire separation is not required between the carport and the dwelling.

“Where a garage is constructed over any portion of a dwelling, the floor of the garage shall be of noncombustible one-hour fire-resistive construction.”

(48) Amending Section 1501.

Section 1501 is amended to read:

“Sec. 1501. Group M Occupancies shall be:

“Division 1. Private garages, carports, sheds, agricultural buildings, greenhouses and lath houses used as accessories only when not over 1000 square feet in area. See Division 3 for larger agricultural buildings.

“Division 2. Fences, retaining walls, swimming pools, tanks and towers.

“Division 3. Agricultural buildings and structures more than 1000 square feet in area in Fire Zone No. 3, including buildings for storage, livestock and poultry; milking barns; shade and horticultural structures.

“For occupancy separations see Table No. 5-B.

“For occupant load see Section 3301.”

(49) Amending Section 1502(a).

Section 1502(a) is amended by adding an exception to the first paragraph to read:

“EXCEPTION: A carport constructed on a hillside may exceed one story in height provided the space below the carport floor is unused or used for Group M Occupancy only.”

(50) Adding exception to Section 1503.

An exception is added to Section 1503 to read:

“EXCEPTION: See Section 1506 for joint garages or joint carports constructed in conjunction with Group R-3 Occupancy.”

(51) Amending Section 1504.

Section 1504 is amended by adding an exception to the second para-

graph to read:

“EXCEPTION: Where a fire separation is not required, a one-story carport may have an opening into a room used for sleeping purposes provided such opening is not a required window.”

(52) Amending Section 1505.

Section 1505 is amended by adding an exception to read:

“EXCEPTION: A carport on a hillside lot may have wood floor planking at least 2 inches in nominal thickness laid with at least ¼-inch spacing between the planks.”

(53) Amending Section 1506.

Section 1506 is amended to read:

“Section 1506. Joint Garages or Joint Carports. Joint garages or joint carports may be erected in conjunction with any Group R-3 Occupancy over a common property line between two lots without any fire-resistive protection at the common property line with the mutual consent of the owners thereof, provided that:

“1. Each portion of the joint garage or carport located on each lot shall be structurally independent of the other portion;

“2. Where the distance between a portion of the joint garage or joint carport and the nearest building located on the same lot is less than 6 feet, a one-hour fire-resistive wall without opening shall be provided on one of the buildings;

“3. The floor area of each portion of the joint garage or joint carport located on each lot shall not exceed 500 square feet and such garage or carport shall not exceed one story in height.”

(54) Adding Section 1507.

Section 1507 is added to read:

“Sec. 1507. Fences. In the City, fences within required yard space shall be constructed in accordance with the Comprehensive Zoning Code. In areas where fence height is not regulated by the Comprehensive Zoning Code, fences over 6 feet in height will be subject to approval of the Fire Department as to access.

“No barbed wire shall be used for the construction of any fence, except in enclosing premises of any ‘public utility’ as defined in Section 269-1, Hawaii Revised Statutes, or premises used for industrial and noxious industry purposes, or a zoo for keeping animals and birds for public view or exhibition, or the premises of jails, prisons, reformatories and other institutions where personal liberties of inmates are similarly restrained, or the premises of governmental institutions which are involved in law enforcement or military activities where security against entry is an important factor, in which cases not more than three strands of barbed wire may be used if placed along or above the height of 6 feet from the ground; provided further, that the provisions of the immediately preceding proviso shall not apply to fences enclosing premises used for pasturing cattle or raising swine.”

“Provided further, that no provision of this Section shall super-

sede Section 15-24.10 of Ordinance No. 3744 (Traffic Code).

“For fences allowed during construction or demolition, see Chapter 44.”

(55) Adding Section 1508.

Section 1508 is added to read:

“Sec. 1508. Agricultural Buildings. (a) Scope. The provisions of this Section shall apply exclusively to agricultural buildings located in Fire Zone No. 3. Such buildings shall be classified as a Group M, Division 3 Occupancy and shall include the following uses:

“1. Storage, livestock and poultry.

“2. Milking barns.

“3. Shade structures.

“4. Horticultural structures (greenhouses and crop protection).

“(b) Construction, Height and Allowable Area.

“1. General. Buildings classed as Group M, Division 3 Occupancy shall be one of the types of construction specified in this Code and shall not exceed the area or height limits specified in Sections 505, 506 and 507 and Table No. 15-A.

“2. Special Provisions. The area of a Group M, Division 3 Occupancy in a one-story building shall not be limited if the building is entirely surrounded and adjoined by public space, street, or yards not less than 60 feet in width, regardless of the type of construction.

“The area of a two-story Group M, Division 3 Occupancy shall not be limited if the building is entirely surrounded and adjoined by public space, streets or yards not less than 60 feet in width and is provided with an approved automatic fire-extinguishing system throughout, conforming to U.B.C. Standard No. 38-1.

“Buildings using plastics shall comply with Type V-N construction. Plastics shall be approved plastics regulated by Chapter 52. For foam plastic, see Section 1717.

“EXCEPTIONS: 1. When used as skylights or roofs, the areas of plastic skylights shall not be limited.

“2. Except where designs must consider snow loads, plastics less than 20 mils thick may be used without regard to structural considerations. The structural frame of the building, however, shall comply.

“Buildings and structures for horticultural use in agricultural districts with covering of wire screen, cheesecloth or nonrigid self-extinguishing plastic sheets are not required to conform to the requirements to Parts III, IV, V, VI, VIII, X and XI of this Code.

“(c) Occupancy Separations. Occupancy separations shall be as specified in Section 503 and Table No. 15-B.

“(d) Exterior Walls and Openings. Except where Table No. 17-A

requires greater protection, exterior walls of agricultural buildings located in Fire Zone No. 3 shall be not less than one-hour fire-resistive construction when less than 20 feet from property line.

“Openings in exterior walls of agricultural buildings in Fire Zone No. 3 which are less than 20 feet from property lines shall be protected by fire assemblies having a fire-protection rating of not less than three-fourths-hour.

“EXCEPTION: One-story greenhouses and lath houses not exceeding 12,000 square feet in floor area located not less than 5 feet from interior property lines may be constructed without fire-resistive exterior walls.

“(e) Exit Facilities. Exit facilities shall be as specified in Chapter 33.

“EXCEPTIONS: 1. The maximum distance of travel from any point in the building to an exterior exit door, horizontal exit, exit passageway or an enclosed stairway shall not exceed 300 feet.

“2. One exit is required for each 15,000 square feet of floor area and fraction thereof.

“3. Exit openings shall be not less than 2 feet 6 inches by 6 feet 8 inches.

TABLE NO. 15-A — BASIC ALLOWABLE AREA FOR A GROUP M, DIVISION 3 OCCUPANCY, ONE STORY IN HEIGHT, LOCATED IN FIRE ZONE NO. 3, AND MAXIMUM HEIGHT OF SUCH OCCUPANCY

I	II			III & IV		V	
	F-R	1-Hour	N	1-Hour or Type IV	N	1-Hour	N

ALLOWABLE AREA<sup>1</sup>

Unlimited	60,000	27,100	18,000	27,100	18,000	21,100	12,000 <sup>1</sup>
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MAXIMUM HEIGHT IN STORIES<sup>2</sup>

Unlimited	12	4	2	4	2	3	2
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<sup>1</sup>See Section 1508, for unlimited area under certain conditions.

<sup>2</sup>For maximum height in feet, see Chapter 5 Table No. 5-D.

TABLE NO. 15-B -- REQUIRED SEPARATIONS BETWEEN GROUP M, DIVISION 3 AND OTHER OCCUPANCIES

(In Hours)

Occupancy	A	E	I	H	B-1	B-2	B-3	B-4	R-1	R-3	M
Rating	4	4	4	4	4	1	1	1	1	1	N

(56) Amending Section 1601(a).

Section 1601(a) is amended to read:

“Sec. 1601. (a) Fire Limits. The fire limits of the City shall consist of Fire District Nos. 1, 2, and 3.

“For purposes of this Code, ‘Fire District’ shall mean the same as ‘Fire Zone’.”

“1. Fire District No. 1 shall include that portion of the City within the following boundaries: commencing at a point where the waikiki property line of that property identified by Tax Map Key: 2-1-15: 10 when extended intersects the waterfront; thence mauka along the waikiki boundary of said parcel 10 to a point on the makai boundary line at Ala Moana to the ewa boundary extended of Kakaako Street; thence mauka along the ewa boundary of Kakaako Street to a point on the makai boundary of Halekauwila Street; thence waikiki along the makai boundary of Halekauwila Street to a point 100 feet waikiki of the waikiki boundary extended of Punchbowl Street thence mauka along a line parallel to and 100 feet waikiki of the waikiki boundary of Punchbowl Street to a point on the makai boundary of Vineyard Boulevard; thence ewa along the makai boundary of Vineyard Boulevard to a point 100 feet ewa of the ewa boundary of River Street; thence makai along a line parallel to and 100 feet ewa of the ewa boundary extended of River Street to the waterfront; thence waikiki along the waterfront to the point of beginning.

“2. Fire District No. 2 shall include those portions of the City within the following boundaries: commencing at the most southerly point of Fire District No. 1 on the waterfront; thence mauka along the waikiki boundary of Fire District No. 1 to a point 100 feet mauka of the mauka boundary of Ala Moana; thence waikiki along a line parallel to and 100 feet mauka of the mauka boundary of Ala Moana to a point 100 feet waikiki of the waikiki boundary of South Street and 100 feet mauka of the mauka boundary of Ala Moana; thence makai along a line parallel to and 100 feet waikiki of the waikiki boundary extended of South Street to a point on the makai boundary of Ala Moana; thence waikiki along the makai boundary

line of Ala Moana to the ewa boundary of Keawe Street; thence makai along the ewa boundary extended of Keawe Street to the point of its intersection with the waterfront; thence ewa along the waterfront to the point of beginning.

“Again commencing at a point on the makai boundary of Halekaiwila Street and 100 feet waikiki of the waikiki boundary extended of Punchbowl Street; thence mauka along a line parallel to and 100 feet waikiki of the waikiki boundary of Punchbowl Street to a point 100 feet mauka of the mauka boundary of Beretania Street; thence waikiki along a line parallel to and 100 feet mauka of Beretania Street to a point 100 feet waikiki of the waikiki boundary of Alapai Street; thence makai along a line parallel to and 100 feet waikiki of Alapai Street to a point 100 feet makai of the makai boundary of King Street; thence ewa along a line parallel to and 100 feet makai of the makai boundary of King Street to a point 100 feet waikiki of the waikiki boundary of South Street; thence makai along a line parallel to 100 feet waikiki of the waikiki boundary of South Street to the makai boundary of Halekaiwila Street to the point of beginning.

“Again commencing at a point 100 feet ewa of the ewa boundary of River Street and 100 feet makai of the makai boundary of King Street; thence ewa along a line parallel to and 100 feet makai of the makai boundary of King Street to the center line extended of Palama Street; thence mauka along the center line of Palama Street to a point 100 feet mauka of the mauka boundary extended of King Street; thence waikiki along a line parallel to and 100 feet mauka of the mauka boundary of King Street to a point 100 feet ewa of the ewa boundary of Liliha Street; thence mauka along a line parallel to and 100 feet ewa of the ewa boundary of Liliha Street to a point on the makai boundary of Vineyard Boulevard; thence waikiki along the makai boundary of Vineyard Boulevard to a point 100 feet ewa of the ewa boundary of River Street; thence makai parallel to River Street along the ewa boundary of Fire District No. 1 to the point of beginning.

“Fire District No. 2 shall also include those areas outside of Fire District No. 1 which are zoned as business districts, planned development-shopping centers, and those areas designated as resort commercial precincts within the Waikiki Special Design District.

“3. Fire District No. 3 shall include all those portions of the City not within Fire District No. 1 or Fire District No. 2.”

(57) Amending Section 1601(d).

Section 1601(d) is amended by adding thereto a second paragraph and third paragraph to read:

“Model homes for display purposes only may have a floor area not to exceed 1,500 square feet when of single story and 3,000 square feet for two stories. Exterior walls of model homes are not required to be fire-resistive when located at least 5 feet from the property line

in Fire District No. 1 or No. 2 and at least 3 feet from the property line in Fire District No. 3.

"In Fire District No. 1 or 2, roof covering shall be fire-retardant."  
(58) Amending Section 1706(a).

Section 1706(a) is amended by amending Exception No. 2 to read:

"2. In buildings housing Group A-2, -2.1, -3, -4; B or R-1 Occupancies, enclosures shall not be required for escalators or ramps used solely for vehicular passage provided the following conditions are met:

"a. The top of the escalator or ramp opening at each story is provided with a draft curtain and automatic fire sprinklers are installed around the perimeter of the opening within 2 feet of the draft curtain. The draft curtain shall enclose the perimeter of the unenclosed opening and extend from the ceiling downward at least 12 inches on all sides. The spacing between sprinklers shall not exceed 6 feet.

"b. All floors with escalator or ramp openings are equipped with automatic fire-extinguishing systems.

"c. There is provided a three-hour fire-resistive separation from floors not equipped with fire-extinguishing systems.

"d. In mixed occupancies housing Group A-2, -2.1, -3, -4 or R-1 Occupancy, the entire building is of Type I construction."

(59) Adding Section 1707(d).

Section 1707(d) is added to read:

"Sec. 1707(d). Exterior Foundation Walls Enclosing Basements. Exterior foundation walls of masonry construction enclosing basements and habitable rooms located below grade shall be damp-proofed or waterproofed as necessary and drains shall be provided around foundations which are subjected to ground water conditions."

(60) Amending Section 1711(b).

Section 1711(b) is amended to read:

"(b) Toilet Facilities. Each water closet stool shall be located in a clear space not less than 30 inches in width and have a clear space in front of the water closet stool of not less than 24 inches.

"Where toilet facilities are provided on any floor where egress by the physically disabled is required by Table No. 33-A, at least one such facility for each sex shall meet the requirement of this Section. These facilities must be accessible to all occupants. For required facilities in Group R, Division 1 Occupancies, see Section 1308. All doorways leading to such toilet rooms shall have not less than a 32-inch door. Each such toilet room shall have the following:

"1. A clear space of not less than 42 inches on each side of doors providing access to toilet rooms. This distance shall be measured at right angles to the face of the door when in the closed position. Not more than one door may encroach into the 42-inch space.

"2. Except in dwelling units and guest rooms, a clear space within the toilet room of sufficient size to inscribe a circle with a diameter not less than 60 inches. Doors in any position may encroach into this space by not more than 12 inches.

"3. A clear space not less than 42 inches wide and 48 inches long in front of at least one water closet stool for the use of the handicapped. When such water closet stool is within a compartment, entry to the compartment shall have a clear width of 30 inches when located at the end and a clear width of 34 inches when located at the side. A door, if provided, shall not encroach into the required space in front of the water closet. Except for door swing, a clear unobstructed access not less than 42 inches in width shall be provided to toilet compartments designed for use by the handicapped.

"4. Grab bars near each side or one side and the back of the toilet stool securely attached 32 inches to 34 inches above and parallel to the floor. Grab bars at the side shall be 42 inches long with the front end positioned 24 inches in front of the water closet stool. Grab bars at the back shall not be less than 30 inches long. Grab bars shall have an outside diameter of not less than  $1\frac{1}{4}$  inches nor more than  $1\frac{1}{2}$  inches and shall provide a clearance of  $1\frac{1}{2}$  inches between the grab bar and adjacent surface. Grab bars need not be provided in Group R, Division 1 apartment houses.

"5. When it can be established that the facilities are usable by a person in a wheelchair, dimensions other than those above shall be acceptable."

(61) Amending Section 1711(c).

Section 1711(c) is amended by adding exceptions to read:

"EXCEPTIONS: 1. Group R, Division 1 hotel rooms exempted by Section 1308.

"2. Where access by means of ramp or elevator is not required by Table 33-A."

(62) Adding Section 1711(h).

Section 1711(h) is added to read:

"(h) Built-up Shower Receptors. In addition to the provisions hereinabove, built-up shower receptors shall also conform to Chapter 19 (Plumbing Code) of the Revised Ordinances of Honolulu, 1969, as amended."

(63) Amending Section 1712.

Section 1712 is amended to read:

"Sec. 1712. Where water fountains are provided in buildings required to provide access to the handicapped in Table No. 33-A, at least one shall have a spout within 33 inches of the floor and shall have up-front, hand-operated controls. When fountains are located in an alcove, the alcove shall not be less than 32 inches in width."

## (64) Amending Section 1713.

Section 1713 is amended to read:

"Sec. 1713. Where public telephones are provided in buildings required to provide access to the handicapped in Table No. 33-A, at least one shall be installed so that the headset, dial and coin receiver are within 40 inches of the floor. Unobstructed access within 12 inches of the telephone shall be provided. Such access shall be not less than 32 inches in width and depth."

## (65) Amending Section 1714.

Section 1714 is amended to read:

"Sec. 1714. (a) Minimum Vertical Clearance. There shall be a minimum vertical clearance of not less than 30 inches between the cooking top of oil, gas and electric ranges and hot plates and the underside of cabinets or shelving above such ranges or hot plates.

"EXCEPTIONS: 1. If the underside of such cabinets or shelving is protected with a metal ventilating hood or asbestos millboard at least ¼-inch thick covered with sheet metal of not less than No. 28 U.S. gauge, stainless steel of a thickness not less than .015 inch, aluminum of a thickness not less than .024 inch or copper of a thickness not less than .020 inch, the minimum vertical clearance shall be not less than 24 inches.

"2. If the underside of such cabinets or shelving is protected with No. 28 gauge sheet metal spaced out one inch; or ¼-inch asbestos millboard on one inch mineral wool batts reinforced with wire mesh or equivalent; or No. 22 gauge sheet metal on one inch mineral wool batts reinforced with wire or equivalent, the minimum vertical clearance shall be not less than 18 inches. This protection shall extend 12 inches beyond the sides of the range or hot plate. Spacers shall be of noncombustible material.

"(b) Minimum Horizontal Clearance. The minimum horizontal clearance from the burner head(s) of a top (or surface) cooking unit to combustible walls extending above the cooking surface shall be not less than 12 inches.

"EXCEPTION: Walls of combustible materials to be installed within 12 inches of a cooking unit shall be provided with protection equivalent to ½-inch gypsum wallboard covered with laminated plastic.

"(c) Surface Finish. Where alternate materials other than as specified in Exceptions 1 and 2 of Section 1714(a) and the Exception to Section 1714(b) are used as approved by the Building Official, the surfaces of such materials shall have a smooth and non-absorbent finish."

## (66) Amending Section 1716.

Section 1716 is amended to read:

"Sec. 1716. Guardrails. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than 30 inches above grade or floor below, and roofs

used for other than service of the building, shall be protected by a guardrail. Guardrails shall be not less than 42 inches in height. Open guardrail and stair railings shall have intermediate rails or an ornamental pattern such that no object 9 inches in diameter can pass through; provided that the dimensions shall be such that no object 5 inches in diameter can pass through for the following occupancies:

"1. Group R, Divisions 1 and 3 Occupancies.

"2. Group E, Division 3 for buildings for day care purposes.

"3. Group I, Division 1 for nurseries for children under kindergarten age.

"4. Group A, Divisions 1, 2, 2.1 and 3 Occupancies.

"The height of stair railings on open sides may be as specified in Section 3305(i) in lieu of providing a guardrail. Ramps shall, in addition, have handrails when required by Section 3306.

"EXCEPTIONS: 1. Guardrails need not be provided on the loading side of loading docks.

"2. Guardrails for Group R, Division 3 and Group M, Division 1 Occupancies may be 36 inches in height.

"3. Interior guardrails within individual dwelling units or guest rooms of Group R, Division 1 Occupancies may be 36 inches in height.

"4. The open space between the intermediate rails or ornamental pattern of guardrails in areas of commercial and industrial type occupancies which are not accessible to the public shall comply with the regulations of the Department of Labor and Industrial Relations, State of Hawaii.

"5. Guardrails on a balcony immediately in front of the first row of fixed seats and which are not at the end of an aisle may be 26 inches in height.

"Openings or portions of openings in exterior walls which are less than 30 inches above a floor shall be provided with at least one between 30 inches and 36 inches above the floor when such openings are on floors above the first floor, and are not provided with structurally adequate safety glass installations or other barriers to prevent a person from falling through the openings."

(67) Adding Section 1718.

Section 1718 is added to read:

"Sec. 1718. (a) Duct Insulation. Materials installed within ducts and plenums for insulating, sound deadening or other purposes shall have a flame-spread rating of not greater than 25 and a smoke developed rating of not greater than 50.

"Insulations applied to the exterior surface of metal ducts located in buildings shall have a flame spread of not more than 25 and a smoke development rating of not more than 50 when tested as a composite installation, including insulation, facing materials, tapes and adhesives as normally applied.

"EXCEPTION: Insulation having a flame-spread rating of

not over 50 and a smoke development rating of not over 100 may be applied to the exterior surface of metal ducts installed only in dwellings or apartment houses where the duct system serves not more than one dwelling unit.

“For the purpose of this Section, DUCT is any tube or conduit for transmission of air. This definition shall not include:

“1. A vent, a vent connector, or a chimney connector.

“2. Any tube or conduit wherein the pressure of the air exceeds one pound per square inch.

“3. The air passages of listed self-contained systems.

“(b) Pipe Insulation. Coverings or insulation used on steam-, hot-water, or cold-water pipes shall have a flame spread of not more than 25 and smoke developed rating of not more than 50 when tested as a composite installation, including insulation, jackets, and lap seal adhesives.

“EXCEPTIONS: 1. Installation in Group R-3 and Group M Occupancies need not comply with this provision.

“2. Insulation for condensate pipes one inch or less in size.”

(68) Amending Section 1807.

Section 1807 is amended to read:

“Sec. 1807. Special Provisions for High Rise Group R-1 Occupancies and Group B, Division 2 Office Buildings.

“(a) Scope. These requirements apply to buildings housing Group B, Division 2 Occupancies used as offices and to buildings housing Group R-1 Occupancies.

“Such buildings having floors used for human occupancy located more than 75 feet above the highest grade shall conform to the special requirements of this Section in addition to other applicable requirements of this Code.

“(b) Fire Sprinkler Protection. Sprinkler protection shall be provided throughout. The sprinkler system shall comply with Chapter 38 of this Code or be hydraulically designed, using the parameters set forth in Chapter 8, Standard 13, 1975 Edition of the National Fire Protection Association with additional provisions and modifications as follows:

“1. Shut off valves and water flow devices shall be provided on each floor. In addition to actuating the alarm system at the annunciator or register, the water flow device shall also actuate a local alarm on the floor upon which the water flow is detected.

“2. Sprinkler system may be served from standpipe risers for Fire Department hose connections. Where a building is served by two or more standpipe risers which also serve a sprinkler system, the standpipe risers shall be interconnected at the bottom, top and mid-height of building with a maximum of 20 stories served by any loop.

“3. Piping may be copper or steel with no minimum size of pipe required. Solder used in connections shall contain not less

than 95 per cent tin and 5 per cent antimony. Pitching of lines is not required.

"4. For a combined standpipe and sprinkler system where pumping is required to provide adequate flow and pressure a minimum of 2 fire pumps, one for standby, shall be provided and sized as follows:

"500 gallons per minute for the first standpipe.

"250 gallons per minute for each additional standpipe.

"Pump capacity need not exceed 2,500 gallons per minute.

Fire pumps for this provision shall be approved or listed for fire service by a nationally recognized independent testing agency.

"5. The fire sprinkler system or the combined fire sprinkler and standpipe systems shall be designed to withstand a test pressure equal to 50 psi at the highest point in the system. However, in no case shall the hydrostatic test pressure be less than 200 psi.

"(c) Fire Alarm. A manual or automatic fire alarm system shall be provided to comply with the 'Rules and Regulations of the State Fire Marshal' and be approved by the Fire Chief.

"(d) Fire Detectors. An approved system which will provide for automatic detection of products of combustion other than heat shall be installed in every mechanical equipment room and in the return air portion of every air conditioning and mechanical ventilation system that serves floors other than the floor on which the equipment is located. The detectors shall be set to operate within limitations of U.B.C. Standard No. 43-6 and shall be located at each opening into the vertical shaft. This detection system shall be connected to the fire alarm system under the Subsection above.

"(e) Standby Power and Light. An approved permanently installed standby power generating system shall be provided. The system shall be equipped with suitable means for automatically starting the generator set upon failure of the normal electrical service and for automatic transfer and operation of all the required electrical functions at full power within 60 seconds of such normal service failure. An on-premise fuel supply sufficient for not less than 2 hours full demand operation of the system shall be provided.

"The Building Official may approve other reliable sources of energy to power the standby power generation system.

"All power, lighting and signal facilities provided under the requirements of this Section shall be transferable to the standby power system. The power requirement shall be determined so as to provide service to, but not limited to the following:

"1. Fire alarm system.

"2. Exit and other emergency lighting.

"3. Fire protection equipment.

"4. Mechanical ventilation required by this Section.

"5. Elevator designated for fire service.

"6. Electrically operated exit locks.

“The standby power generation system shall be tested regularly as required by the Fire Chief.

“(f) Exits. All stairway doors shall have their respective floor numbers painted or installed on both sides of the doors in numerals not less than 3 inches high.

“All stairway doors which are to be locked to prevent entry from the stairway side shall have electric strikes which will be automatically unlocked upon actuation of the fire alarm system. Controls for electric strikes may be provided with manual override of the automatic system.

“(g) Reductions from Code. Other provisions of this Code notwithstanding, when the automatic sprinkler system described above is installed, the following reductions from this Code are permitted:

“1. The fire-resistive time periods set forth in Table No. 17-A may be reduced by one hour for interior bearing walls, exterior bearing and non-bearing walls, roofs, and the beams supporting roofs provided they do not frame into columns. All office building partitions required to be one-hour fire-resistive construction by Table No. 17-A and Section 3304(g) may be of non-combustible construction without a fire-resistive time period. Openings in corridor walls shall be protected by tight-fitting self-closing doors that need not have a fire-resistive time period. In Group R-1 Occupancies, corridor and dwelling unit or guest room separations may be reduced to ½ hour.

“2. Travel distance to a horizontal exit or to an approved stairway may be 300 feet.

“3. Smokeproof enclosures may be eliminated if each interior required stairway is pressurized as provided in Section 3309(h) to not less than .05 and not more than .10 inch of water column.”

(69) Amending Section 1907.

Section 1907 is amended by amending the Exception to read:

“EXCEPTION: The reduction provisions for roofs in Section 1807(g)1 are not permitted.”

(70) Amending Section 2003.

Section 2003 is amended by amending Exception 1 to read:

“1. Regardless of the one-hour fire-resistive time period specified in Table No. 17-A, nonbearing walls fronting on streets or yards having a width of at least 50 feet in Fire Zone No. 1 or 40 feet in Fire Zone No. 2 or No. 3 may be of unprotected noncombustible construction.”

(71) Amending Section 2004.

Section 2004 is amended by adding an exception to read:

“EXCEPTION: In a building of TYPE II-N construction, mezzanine floors, including supporting beams, girders and columns, may be of Type V, one-hour fire-resistive construction or of heavy timber construction.”

(72) Amending Section 2106(e).

Section 2106(e) is amended to read:

“(e) Heavy Timber Floors. Floors shall be without concealed spaces. Heavy timber constructed floors shall be not less than 3 inches nominal splined or tongued and grooved plank or may be of laminated slab construction conforming to the provisions of Section 2106(h).”

(73) Deleting Section 2304(e).

Section 2304(e) is deleted.

(74) Amending Section 2311(h).

Section 2311(h) is amended to read:

“(h) Miscellaneous Structures. Greenhouses, agricultural buildings, and carports, but not including lath houses, shall be designed for wind pressures of 10 pounds per square foot and for pressures acting upward normal to the roof surface equal to 10 pounds per square foot.”

(75) Amending Table No. 23-C.

Table No. 23-C is amended by amending item 5 in the left hand column to read:

“Carports, greenhouses and agricultural buildings, not including lath houses.”

(76) Amending Table No. 23-F.

Table No. 23-F is amended to read:

“TABLE NO. 23-F — WIND PRESSURES FOR VARIOUS HEIGHT ZONES ABOVE GROUND<sup>1</sup>

HEIGHT ZONES (in feet)	WIND PRESSURES (Pounds per square foot)
Less than	30
30 to	49
50 to	99
100 to	499
500 to	1,199
1,200 and over	40

<sup>1</sup>The figures given shall be the minimum requirements.”

(77) Amending Section 2409(c).

Section 2409(c) is amended to read:

“(c) Minimum Thickness. Stone masonry walls shall in no case have a minimum thickness of less than 14 inches.”

## (78) Amending Section 2415(b)3.

Section 2415(b)3 is amended to read:

"3. Cleanout openings shall be provided at the bottom of all cells to be filled at each pour of grout where such grout pour is in excess of 8 feet in height. Any overhanging mortar or other obstruction or debris shall be removed from the insides of such cell walls through cleanout openings if unobstructed vertical cell is less than 2 inches by 3 inches. The cleanouts shall be sealed before grouting, after inspection."

## (79) Amending Section 2415(b)5.

Section 2415(b)5 is amended to read:

"5. All cells containing reinforcement shall be filled solidly with grout. Grout shall be poured in lifts of 8 feet maximum height. All grout shall be consolidated at time of pouring by puddling or vibrating and then reconsolidated by again puddling later, before plasticity is lost.

"When total grout pour exceeds 8 feet in height the grout shall be placed in 4-foot lifts and special inspection during grouting shall be required. Minimum cell dimension shall be 2 inches by 3 inches. Special inspection at time of grouting shall not be considered as special inspection under Table No. 24-H."

## (80) Amending Section 2517(c)2.

The first paragraph of Section 2517(c)2 is amended to read:

"2. Minimum clearance between bottom of floor joists or bottom of floors without joists and the ground beneath shall be 20 inches; between bottom of girders and the ground shall be 12 inches.

"EXCEPTION: Open slat wood decks shall have ground clearance of at least 6 inches for any wood member."

## (81) Adding Section 2519.

Section 2519 is added to read:

"Sec. 2519. (a) Walls without Studs. For Type V buildings single wall construction without studs may be used in accordance with this Section.

"(b) One-story and the uppermost story of wood frame Type V-N buildings may be of single wall construction with boards of thicknesses specified in this Section, without studs, when requirements of this Section are met. Floor to ceiling height shall not exceed 8 feet.

"When wood frame dwellings are supported by posts, bracing of sufficient strength to stabilize the structure against movement from wind pressure or earthquake shall be provided.

"(c) Boards for Single Wall Construction.

"1. One and One-Eighth Inch Boards. Single wall construction with boards of 1 $\frac{1}{8}$ -inch net thickness, are not required to have girts.

"2. One Inch Boards. Where single wall construction is with boards of one inch net thickness, no girt is required provided

approved stiffeners for any section of such wall is spaced not more than 10 feet along the wall.

"3. Three-Fourths Inch Boards. Single wall construction with boards of  $\frac{3}{4}$ -inch net thickness shall have girts and cross partitions at least every 30 feet.

"4. Eleven-Sixteenths Inch Boards. Single wall construction with boards of  $1\frac{1}{16}$ -inch net thickness shall be limited to the following conditions: (A) the span between load bearing single walls shall not exceed 24 feet; (B) the dead load on such walls shall not exceed 150 pounds per lineal foot; (C) girts shall be provided; (D) there shall be approved stiffeners at least every 10 feet along such wall; and (E) any openings in such walls for windows and doors shall have full height jambs or studs where the girt is not continuous.

"(d) Approved Stiffeners. Approved stiffeners shall be studs at least 2 inches by 4 inches, full height window or door jambs, posts, walls or partitions at right angle to the section of wall under consideration.

"(e) Girts. Girts for single wall construction shall be not less than 2 inch by 6 inch belt course or other approved strengthening about mid-height between the floor and the ceiling on all exterior walls."

(82) Amending Section 2604(d).

Section 2604(d) is amended as follows:

a. Paragraph 1 is amended to read:

"1. Strength tests may be required by the Building Official. When tests are required, samples for strength tests of each class of concrete shall be taken not less than once a day nor less than once for each 150 cubic yards of concrete or for each 5000 square feet of surface area placed. The samples for strength tests shall be taken in accordance with U.B.C. Standard No. 26-10. Cylinders for acceptance tests shall be molded, laboratory-cured and tested in accordance with U.B.C. Standard No. 26-10. Each strength test result shall be the average of two cylinders from the same sample tested at 28 days or the specified earlier age."

b. Paragraph 2 is amended to read:

"2. When the frequency of testing of the preceding paragraph will provide less than five tests for a given class of concrete, tests shall be made from at least five randomly selected batches or from each batch if fewer than five are used."

(83) Amending Section 2901.

Section 2901 is amended by amending the second paragraph to read:

"Reference is made to Chapter 23, Revised Ordinances of Honolulu, for requirements governing excavation, grading and earth-work construction, including fills and embankments."

(84) Deleting Section 2904(b).

Section 2904(b) is deleted.

(85) Amending Section 2908(b).

Section 2908(b) is amended to read:

“(b) Determination of Allowable Loads. The allowable axial and lateral loads on piles shall be determined by an approved formula, by load tests or by a foundation investigation.

“A static load test shall be made on at least one pile when the allowable axial load for a single pile exceeds 40 tons. Where the allowable axial load for a single pile is 40 tons or less, static load tests shall be made upon request by the Building Official.

“EXCEPTION: The load test may be waived by the Building Official if substantiated by the soils report.”

(86) Amending Section 3205(c).

Section 3205(c) is amended by deleting the second paragraph.

(87) Amending Section 3207(e).

Section 3207(e) is amended to read:

“(e). Over Public Sidewalk. The water from the roof of all buildings which would flow by gravity onto a public sidewalk shall be carried by means of conduits under the sidewalk and through the curb into the gutter.

“EXCEPTION: Buildings of Group R-3 or M Occupancies, the walls of which are 10 feet or more from the street property line, need not comply with the above.”

(88) Amending Section 3302(a).

Section 3302(a) is amended by amending the Exception after the last paragraph thereto to read:

“EXCEPTIONS: 1. Except as provided in Table No. 33-A, only one exit shall be required for Group R, Division 3 Occupancy. See Section 1404 for emergency exits from sleeping rooms.

“2. In buildings containing apartment units which occupy portions of two floors (maisonettes), each such unit shall have direct access to an exterior exit balcony which shall have the required number of exits to grade, provided that the interior stairway between portions of each unit occupying two floors shall serve that unit only.

“Such units need not have direct access to an exterior exit balcony in buildings equipped with automatic fire-extinguishing systems throughout.

“3. Type I F.R. or Type II F.R. buildings in Group R, Division 1 Occupancy with not more than two living units on any floor may have a single exit that is immediately accessible to all apartments served thereby.

“4. Buildings of Group R, Division 1 Occupancy of at least one-hour fire-resistive construction, not exceeding three stories in height, may have a single exit serving not more than two units per

floor, provided that such exit is an enclosed stairway or an exterior stairway, and provided further that such exit is immediately accessible to all units served.”

(89) Amending Section 3302(f).

Section 3302(f) is amended to read:

“(f) Entrances to Buildings. Main entrances to buildings requiring egress by the physically handicapped, as listed in Table No. 33-A, shall be usable by individuals in wheelchairs and be on a level that would make the elevators accessible where provided. Access for individuals in wheelchairs may be provided via other than the main entrance, provided such access is clearly identified and readily located in relation to the main entrance.”

(90) Amending Section 3303(b).

Section 3303(b) is amended by adding an Exception after the second paragraph to read:

“EXCEPTION: Double acting screen doors used in conjunction with exit doors having panic hardware in school cafeteriums.”

(91) Amending Section 3303(h).

Section 3303(h) is amended by amending Exception 1 to read:

“1. Where the door opens into a stair or a smokeproof enclosure, the landing need not have a length of 5 feet.”

(92) Amending Section 3304(a).

Section 3304(a) is amended by amending the first paragraph to read:

“Sec. 3304. (a) General. This Section shall apply to every corridor serving as a required exit for an occupant load of 10 or more persons except that regardless of occupant load no corridor shall be less than 3 feet in width. For the purposes of this Section the term ‘corridor’ shall include ‘exterior exit balcony’ and any covered or enclosed exit passageway including walkways, tunnels and malls.”

(93) Amending Section 3304(e).

Section 3304(e) is amended by adding an Exception to read:

“EXCEPTION: Foyers, lobbies or reception areas which are constructed as required for corridors may have dead ends exceeding 20 feet, provided that the ratio of length of dead end to width does not exceed 2:1.”

(94) Amending Section 3304(h).

Section 3304(h) is amended by adding a superscript ‘1’ to ‘20’ in the fourth line and a footnote to read:

“1¼-inch solid wood door is equivalent to a 20 minute fire-resistive door, provided it is tight-fitting and smoke and draft stopping; constructed of not less than exterior type solid wood

(without voids, assembled with exterior type glue). Hardware shall be capable of holding the door closed against fire for 20 minutes.”

(95) Amending Section 3305(j).

Section 3305(j) is amended as follows:

a. By amending the Exception after the second paragraph to read:

“EXCEPTIONS: 1. Stairways less than 44 inches in width and stairways serving one individual dwelling unit in Group R Occupancies may have one handrail, except that such stairways open on one or both sides shall have handrails provided on the open side or sides.”

“2. Stairways having less than four risers need not have handrails.”

b. By adding a fourth paragraph to read:

“Handrails used on stairways shall be not over 3¾ inches wide.”

(96) Amending Section 3306(c).

Section 3306(c) is amended to read:

“(c) Slope. Ramps required by Table No. 33-A for the physically handicapped shall not exceed a slope of one vertical to 12 horizontal. The slope of other ramps shall not exceed one vertical to 8 horizontal.”

(96A) Amending Section 3306(d).

Section 3306(d) is amended to read:

“(d) Landings. Ramps for the physically handicapped having slopes greater than one vertical to 15 horizontal shall have landings at the top and bottom and at least one intermediate landing shall be provided for each 5 feet of rise. Top landings and intermediate landings shall have a dimension measured in the direction of ramp run of not less than 5 feet. Landings at the bottom of ramps shall have a dimension in the direction of ramp run of not less than 6 feet.

“Other ramps with slope exceeding 1 foot in 10 feet shall have landings as required for stairways.

“Doors in any position shall not reduce the minimum dimension of the landing to less than 42 inches and shall not reduce the required width by more than 3½ inches when fully open.”

(97) Amending Section 3309.

Section 3309 is amended by amending Subsections (g) and (h) as follows:

a. Subsection (g) is amended to read:

“(g) Smokeproof Enclosures by Natural Ventilation. 1. Doors. Doors to both the vestibule and to stairway shall have a one-hour fire-resistive rating and have closing devices as specified in Section 3309(h)6.

"2. Open Air Vestibule. The required vestibule opening to the outside shall be not more than 10 foot distance from the door opening into the stairshaft, shall be not less than 16 square feet in area with a minimum dimension of 36 inches, shall not be glazed or obstructed in any manner, and shall face a public way at least 20 feet in width or a yard at least 20 feet leading to a public way at least 20 feet in width."

b. Subsection (h) is amended to read:

"(h) Smokeproof Enclosures by Mechanical Ventilation. 1. Doors. The door from the building into the vestibule shall have a one and one-half hour fire-resistive rating and have closing devices as specified in Subsection 6 hereunder.

"The door from the vestibule to the stairway shall be a tight-fitting door equal to not less than an exterior type solid wood door without voids, assembled with exterior type glue, 1¾-inch minimum thickness set in a steel frame. Wired glass, if provided, shall not exceed 100 square inches in area and shall be set in a steel frame. The door shall be provided with a drop sill or other provision to minimize air leakage.

"2. Dimensions and Layout of Vestibule. The minimum width of the vestibule shall be not less than 44 inches. The minimum distance between the nearest portions of the opening of the door into the vestibule and the opening of the door from the vestibule into the stairshaft shall not be less than 6 feet.

"3. Air Movement in Vestibule. Air change in each vestibule shall be not less than one and one-half times per minute. Supply air shall enter and exhaust air shall discharge from the vestibule through separate, tightly constructed metal ducts used only for the purpose. Supply air shall enter the vestibule within 6 inches of the floor level close to the stairway door. Exhaust register shall be located entirely within the smoke trap area with the top of the register not more than 6 inches down from the top of the trap and close to the strike side of the entry door to the vestibule. Doors, when in the open position, shall not obstruct duct openings. Controlling dampers may be provided in duct openings, if needed, to meet the design requirements but are not otherwise required. Pressure in the vestibule shall be maintained at approximately atmospheric level.

"NOTE: For buildings where such air changes would result in excessively large duct and blower requirements, a specially engineered system may be used. Such an engineered system shall provide 2500 cfm exhaust from the vestibule when in emergency operation and shall be sized to handle three vestibules simultaneously

and the smoke detector located outside each vestibule shall release to open the supply and exhaust duct dampers in the affected vestibule.

“4. Smoke Trap. The vestibule ceiling shall be at least 20 inches higher than the door opening into the vestibule to serve as a smoke and heat trap and to provide an upward moving air column. This dimension may be reduced when approved by the Building Official where the rate of air change is increased above the one and one-half times per minute air change required under item 3 above or when the engineered system noted under item 3 is used, but in no case shall be less than 12 inches.

“5. Stairshaft air movement system. The stairshaft shall be provided with mechanical supply and exhaust air. There shall be a minimum of 2500 cfm discharge at the top of the shaft. The supply shall be sufficient to provide air pressure of not less than .05 inch and not more than .10-inch water column with respect to atmospheric pressure.

“6. Exit Doors. The exit doors into the vestibule and into the stairshaft shall close automatically when released by activation of a detector meeting the requirements of Section 4306(b)2. The door holding devices shall be of an approved type which will release the doors so that they will close in the event of a power failure. A detection device shall be installed in the corridor ceiling above the door to the vestibule. A detection device built into an approved automatic closing fire assembly with the fire assembly properly installed shall be acceptable. Buildings required to have fire alarm systems by governmental regulations shall have the detectors installed as described herein tied in with such alarm systems.

“7. Operation of Ventilating Equipment. Vestibule and stairshaft mechanical ventilation may be inactive or may operate at reduced levels for normal operations as approved by the Building Official; but when the detectors referred to in paragraph 6 either fail or are activated, the mechanical equipment shall operate at the levels specified in paragraphs 3 and 5. Failure of the mechanical ventilation equipment shall cause an alarm to be set off.

“8. Stand-by Power. Mechanical ventilation equipment and vestibule and stairwell lighting shall be provided with power from an approved diesel engine-powered generator set to operate within 30 seconds whenever there is a loss of the normal electrical power to the building. The generator shall have a minimum fuel supply to

operate the equipment for two hours. Should the stand-by power unit become inoperable at any time due to breakdown of equipment and cannot be repaired immediately, a portable emergency power unit shall be installed to take its place until the equipment is repaired and in operable condition.

"9. Testing. All equipment pertinent to this Section shall be tested during normal operation at weekly intervals by a registered engineer employed by the owner or by a firm which specializes in this type of service when approved by the Fire Department official.

"Test reports shall be submitted monthly to the Fire Department.

"10. Emergency Lighting. The stairshaft and the vestibule shall be provided with emergency lighting. The stand-by generator which is installed for the smokeproof enclosure mechanical ventilation equipment may be used for stand-by emergency lighting power supply.

"11. Air-conditioned Buildings. In buildings with air conditioning systems or pressure air supply, serving more than one story, a detector of products of combustion other than heat conforming to the requirements of Section 4306(b)2 shall be placed in the return air prior to exhausting from the building or being diluted by outside air. Upon activation the detector shall cause the return air to exhaust completely from the building without any recirculation through the building. Such devices may be installed in each room or space served by a return air duct."

(98) Amending Section 3312(a).

Section 3312(a) is amended by amending the Exception after the first paragraph to read:

"EXCEPTIONS: 1. Group R-3 Occupancies.

"2. Auditoriums, theaters or other places of assembly during the projection of still or motion pictures by means of directed light."

(99) Amending Section 3317(k).

Section 3317(k) is amended by adding an Exception to read:

"EXCEPTION: Security gates may be permitted across corridors or passageways in school buildings if there is a readily visible durable sign on or adjacent to the gate, stating 'THIS GATE TO REMAIN LOCKED IN THE OPEN POSITION WHENEVER THIS BUILDING IS IN USE'. The sign shall be in letters not less than one inch high on a contrasting background. The use of this Exception may be revoked by the Building Official for due cause."

(100) Amending Table No. 33-A.

Table No. 33-A is amended to read:

“TABLE NO. 33-A — AVAILABLE SQUARE FEET PER OCCUPANT AND ACCESS/EGRESS FACILITIES

Use <sup>1</sup>	Minimum of Two Exits Other than Elevators Are Required Where Number of Occupants is Over	Square Feet Per Occupant	Access/ Egress by Means of a Ramp or an Elevator Must be Provided for the Physically Handicapped as Indicated
1. Aircraft Hangars (No Repair)	10	500	Yes
2. Auction Rooms	30	7	Yes
3. Assembly Areas, Concentrated Use (without fixed seats)	50	7	Yes <sup>2 3</sup>
Auditoriums			
Bowling Alleys (Assembly Areas)			
Churches and Chapels			
Dance Floors			
Lodge Rooms			
Reviewing Stands			
Stadiums			
4. Assembly Areas, Less-Concentrated Use	50	15	Yes <sup>2</sup>
Conference Rooms			
Dining Rooms			
Drinking Establishments			
Exhibit Rooms			
Gymnasiums			
Lounges			
Skating Rinks			
Stages			
5. Children's Homes and Homes for the Aged	5	80	Yes
6. Classrooms	50	20	Yes

<sup>1</sup>Refer to Sections 3318 and 3319 for other specific requirements.

<sup>2</sup>Access to secondary areas on balconies or mezzanines may be by stairs only.

<sup>3</sup>Reviewing stands, grandstands and bleachers need not comply.

Use <sup>1</sup>	Minimum of Two Exits Other than Elevators Are Required Where Number of Occupants is Over	Square Feet Per Occupant	Access/Egress by Means of a Ramp or an Elevator Must be Provided for the Physically Handicapped as Indicated
7. Dormitories	10	50	Yes <sup>7</sup>
8. Dwellings	10	300	No
9. Garage, Parking	30	200	Yes <sup>4</sup>
10. Hospitals and Sanitariums— Nursing Homes	5	80	Yes
11. Hotels and Apartments	10	200	Yes <sup>7</sup>
12. Kitchen— Commercial	30	200	No
13. Library Reading Room	50	50	Yes <sup>2</sup>
14. Locker Rooms	30	50	Yes
15. Mechanical Equipment Room	30	300	No
16. Nurseries for Children (Day Care)	6	50	Yes
17. Offices	30	100	Yes <sup>5</sup>
18. School Shops and Vocational Rooms	50	50	Yes
19. Stores—Retail Sales Rooms			
Basement	6	20	Yes
Ground Floor	50	30	Yes
Upper Floors	10	50	Yes
20. Warehouses	30	300	No
21. All Others	50	100	

<sup>1</sup>Refer to Sections 3318 and 3319 for other specific requirements.

<sup>2</sup>Access to secondary areas on balconies or mezzanines may be by stairs only, except when such secondary areas contain the only available toilet facilities.

<sup>3</sup>Reviewing stands, grandstands and bleachers need not comply.

<sup>4</sup>Access to floors other than that closest to grade and to garages used in connection with apartment houses may be by stairs only.

<sup>5</sup>When the listed occupancy exceeds 3 stories.

<sup>6</sup>See Section 3302 for basement exit requirements.

<sup>7</sup>See Section 1308 for access to buildings and facilities in hotels and apartments.

(101) Amending Section 3401.

Section 3401 is amended as follows:

a. Paragraph 2 is amended by changing "4 feet" in the last sentence to "4 square feet".

b. Paragraph 3 is amended to read:

"Any glass not wired glass or fully tempered glass shall be protected above and below with a screen constructed of wire not smaller than No. 12 U.S. gauge with a mesh not larger than 1 inch. The screen shall be substantially supported below the glass."

(102) Amending Section 3801(a).

Section 3801(a) is amended by adding a third paragraph to read:

"All buried galvanized steel and other ferrous piping used in connection with fire-extinguishing systems shall be wrapped or otherwise protected against corrosion in accordance with the Plumbing Code provisions for protection of galvanized ferrous piping for potable water."

(103) Amending Section 3802(b).

Section 3802(b) is amended by amending the first paragraph of Subsection 1 to read:

"1. In every story, basement or cellar of all buildings except Group R-3 Occupancies when floor area exceeds 1500 square feet and there is not provided at least 20 square feet of opening entirely above the adjoining ground level in each 50 lineal feet or fraction thereof of exterior wall in the story, basement or cellar on at least one side of the building.

"Each of the required 20 square feet of openings shall have at least one opening with minimum dimensions of 3 feet by 4 feet. Such required openings shall be unobstructed by sunshades, louvers, grillwork, or other construction on the exterior wall which will prevent or hinder access to the openings by the Fire Department personnel."

(104) Amending Section 3803(c).

Section 3803(c) is amended to read:

"(c) Location. There shall be a dry standpipe outlet connection at every floor level landing above the first story of every required stairway and on each side of the wall adjacent to the exit opening of a horizontal exit; provided that outlets need not be provided in more than two required stairways within a building or portion of building isolated by building separation walls or horizontal exits; and provided further that no portion of the building is more than 130 feet from an outlet. Outlets at enclosed stairways shall be located within the enclosures and where a smokeproof enclosure is provided, outlets shall be within the stairway enclosure.

"Risers and laterals of dry standpipe systems not located within an enclosed stairway or smokeproof enclosure shall be protected by a degree of fire resistance equal to that required for vertical

enclosures in building in which they are located. Outlets need not be protected.

"In buildings where more than one standpipe is provided, they shall be interconnected at the bottom. Valves shall be provided to permit isolating a standpipe riser without interrupting the supply to other risers from the same source of supply."

(105) Amending Section 3803(d).

Section 3803 (d) is amended by amending Subsection 5 to read:

"5. Outlets. Each standpipe shall be equipped with an approved 2½-inch outlet not less than 2 feet nor more than 4 feet above the floor level at each story above the first or ground floor. Outlets shall be provided at the first or ground floor only when specifically requested by the Fire Department. All dry standpipes shall be equipped with a two-way, 2½-inch outlet above the roof line of the building when the roof has a pitch of less than 4 inches in 12 inches. All outlets shall be installed so that a 12 inch long wrench may be used in connecting the hose with clearance for the wrench on all sides of the outlet. Standpipes located in smokeproof enclosures shall have outlets located in the stairway. Standpipe outlets in stairway enclosures or smoke towers shall be so located that the exit doors do not interfere with the use of the outlet. All outlets shall be equipped with gate valves with substantial chains."

(106) Adding Section 3803(e).

Section 3803(e) is added to read:

"(e) Testing. After completion of installation, the following test procedures shall be followed to determine that the system as installed performs properly:

"1. Hydrostatic Test — Perform to comply with Subsection (d)1 of this Section.

"2. Flow Test — Flow 100 gpm of water through the standpipe system to the roof outlet. A separate flow test shall be conducted through each inlet. Install a test gauge at the inlet being used to measure the inlet pressure. The maximum allowable pressure loss within the system due to friction shall be 15 p.s.i. while 100 gpm is flowing.

"3. Operate each outlet valve in the system to determine that it will function properly."

(107) Amending Section 3805(a).

Section 3805(a) is amended to read:

"Sec. 3805. (a) General. Combination standpipes shall be installed in accordance with the provisions of this Section. Design and installation shall be in accordance with U. B. C. Standard No. 38-3. Where a combination standpipe is installed in accordance with this Section, a separate dry standpipe system need not be installed."

(108) Amending Section 3805(b).

Section 3805(b) is amended to read:

“(b) Where Required. A combination standpipe system may be installed in lieu of dry standpipes and wet standpipes required under Sections 3803 and 3804.”

(109) Amending Section 3805(d).

Section 3805(d) is amended by amending the fifth sentence of Subsection 5 to read:

“Standpipes located in smokeproof enclosures shall have outlets in the stairway.”

(110) Amending Section 3806.

Section 3806 is amended to read:

“Sec. 3806. During the construction of a building and until the permanent fire-extinguishing system has been installed and is in service, fire protection shall be provided in accordance with the regulations of the Department of Labor and Industrial Relations, State of Hawaii and the ‘Rules and Regulations of the Fire Marshal, State of Hawaii.’”

(111) Adding Section 3808.

Section 3808 is added to read:

“Sec. 3808. Maintenance, Inspection and Testing. (a) General. All fire-extinguishing systems and devices, including but not limited to automatic sprinklers, combination standpipes, dry and wet standpipes, special automatic extinguishing systems, basement pipe inlets and the appurtenances thereto shall after approval pursuant to Section 3801(b), be maintained in good working condition by the owner and inspected and tested periodically as specified hereunder. The Fire Chief shall have authority to enforce the provisions of this Section.

Am. 12/27/78  
Ord. 78-108

“(b) The building owner shall be responsible for conducting tests and inspections of systems or devices herein regulated, and the appurtenances thereto, at least once during each calendar year. Tests and inspections at shorter intervals may be required when an inspection by the Fire Chief indicates that there is a reason to believe that the system or device would fail to operate in an emergency.

Am. 12/27/78  
Ord. 78-108

“(c) Procedures to be followed in accomplishing the tests and inspections required by paragraph (b) of this Section shall be as promulgated by the Fire Chief in rules and regulations adopted pursuant to Chapter 91, Hawaii Revised Statutes, and Section 4-105, Revised Charter of the City and County of Honolulu, 1973, and shall have the force and effect of law.

Am. 12/27/78  
Ord. 78-108

“(d) Tests and inspections shall be conducted by:

Am. 12/27/78  
Ord. 78-108

“1. A person, partnership, joint venture, corporation, or any combination thereof, qualified and licensed under Chapter 444, Hawaii Revised Statutes, to perform the full testing procedure for the particular system or device being tested; or

“2. A person having a current valid certificate of fitness issued by the Fire Chief certifying such person as qualified to conduct such testing.

The Fire Chief shall make, amend, or repeal such rules and regulations as may be required to fully effectuate the provisions of this paragraph.

Am. 12/27/78  
Ord. 78-108

“(e) The Fire Chief shall be notified at least one working day in advance of the performance of any required test or inspection. The purpose of this notification is to allow a representative of the Fire Department to witness the conducting of the test or inspection.

“(f) At the conclusion of each test or inspection the Fire Chief shall be notified of any fire extinguishing system or device that was determined to be inoperable.

“(g) When it is determined that the fire extinguishing system or device is operable the owner or his agents shall attach a tag, the form of which has been approved by the Fire Chief, to the system or device. Such tag shall show the identity of the building, type of fire extinguishing system inspected or tested, date of inspection or test, name of inspector or tester, and such other information as shall be required by the Fire Chief. The tag shall be signed by a qualified person responsible for the inspecting and/or testing. Any person inspecting, testing or servicing the fire extinguishing system or device shall make a written report to the Fire Chief.

“(h) Whenever necessary to make an inspection to enforce any of the provisions of this Section, the Fire Chief or his authorized representative may enter any building or upon any premises at all reasonable times to inspect the same or to perform any duty imposed upon the Fire Chief by this Section, upon presentation of proper credentials.

“(i) In the event the owner of a building shall fail, neglect or refuse to comply with the provisions of this Section or with a notice issued pursuant to this Section by the Fire Chief or his authorized representative, the Fire Chief may order the owner prosecuted as a violator of the provisions of this Section pursuant to Section 205 of this Code.”

(112) Amending Section 3906(b).

Section 3906(b) is amended by amending the second paragraph thereof to read:

“Where any usable space having headroom of 4 feet or more occurs under a raised platform of an assembly room such platform shall be of not less than one-hour fire-resistive construction or of heavy timber floor construction.”

(113) Amending Section 4005.

Section 4005 is amended to read:

“Sec. 4005. Ventilation. Ventilation shall be provided as specified in the ‘Public Health Regulations, State of Hawaii’.”

(114) Amending Section 4401.

Section 4401 is amended by amending the third paragraph to read:

“Any material or structure temporarily occupying public property, including fences and walkways, which creates a hazard to the

public shall be adequately lighted between sunset and sunrise.”

(115) Amending Section 4403.

Section 4403 is amended to read:

“Sec. 4403. Storage on Public Property. Material and equipment necessary for work to be done under a permit shall not be placed or stored on public property so as to obstruct free and convenient approach to and use of any fire hydrant, fire or police alarm box, utility box, catch basin, or manhole or so as to interfere with the free flow of water in any street or alley gutter without permission from the agency having jurisdiction.”

(116) Amending Section 4405.

Section 4405 is amended to read:

“Sec. 4405. Protection of Utilities. An adequate protective frame and boarding shall be built about every street lamp, utility box, fire or police alarm box, fire hydrant, catch basin, and manhole that may be damaged by any work being done under the permit. This protection shall be maintained while such work is being done and shall not obstruct the normal functioning of the device.”

(117) Amending Section 4406.

Section 4406 is amended to read:

“Sec. 4406. Walkway. A walkway not less than 4 feet wide or width of existing sidewalk when less than 4 feet shall be maintained on the sidewalk in front of the building site during construction, alteration or demolition unless the public agency having jurisdiction authorizes the sidewalk to be fenced and closed. Adequate signs and railings shall be provided to direct pedestrian traffic. Railings shall be provided when required by Section 4407.

“The walkway shall be capable of supporting a uniform live load of 150 pounds per square foot.”

(118) Amending Section 4407.

Section 4407 is amended to read:

“Sec. 4407. Pedestrian Protection. (a) Protection Required. Pedestrian traffic shall be protected by a railing on the street side when the walkway extends into the roadway, by a railing adjacent to excavations and by such other protection as set forth in Table No. 44-A. The construction of such protective devices shall be in accordance with the provisions of this Chapter. In all cases, proper and reasonable devices shall be provided to eliminate hazards to the public.

“(b) Railings. Railings shall be substantially built and when of wood shall be constructed of new material having a nominal size of at least 2 inches by 4 inches. Railings shall be at least 3 feet 6 inches in height and when adjacent to excavations shall be provided with a mid-rail.

“(c) Fences. Fences shall be solid and substantially built, be not less than 6 feet in height above grade, and be placed on the side of the walkway nearest to the building site. Fences shall extend the

entire length of the building site where practical and each end shall be returned to the building line.

"Openings in such fences shall be protected by doors which normally are kept closed.

"All fences shall be provided with 2-inch by 4-inch plate, top and bottom, and shall be well braced. The fence material shall be a minimum of ¾-inch boards or ¼-inch plywood.

"(d) Canopies. The protective canopy shall have a clear height of 8 feet above the walkway. The roof shall be tightly sheathed.

"If materials are stored or work is done on the roof of the canopy, the street sides and ends of the canopy roof shall be protected by a tight curb board not less than 1 foot high and a railing not less than 3 feet 6 inches high.

"The entire structure shall be designed to carry the loads to be imposed on it."

(119) Amending Table No. 44-A.

Table No. 44-A is amended by adding a superscript "1" to PROTECTION REQUIRED in the right-hand column and adding a footnote to read:

"Not applicable to construction in Preservation, Agricultural and Residential Districts except when required by the Building Official."

(120) Amending Section 4501.

Section 4501 is amended by deleting the fourth paragraph.

(121) Deleting Section 4502.

Section 4502 is deleted.

(122) Deleting Section 4503.

Section 4503 is deleted.

(123) Amending Section 4504.

Section 4504 is amended to read:

"Sec. 4504. Roof eaves, cornices, belt courses, and appendages such as water tables, sills, capitals, bases and architectural projections which cannot be occupied or used may project over the public street of the building site a distance as determined by the clearance of the lowest point of the projection above the grade immediately below, as follows:

"Clearance above grade less than 8 feet — No projection is permitted.

"Clearance above grade over 8 feet — One inch of projection is permitted for each additional inch of clearance provided that no such projection shall exceed a distance of 4 feet.

"Roof eaves shall be sloped to downspouts and/or gutters leading back to the building which shall conduct any drainage under the sidewalk area through the curb to the street gutter."

(124) Amending Section 4505.

Section 4505 is amended to read:

"Sec. 4505. (a) General. For the purpose of this Section, a

marquee shall include any object or decoration attached to or a part of said marquee, except signs.

“(b) Projection and clearance. The marquee shall project not more than three-fourths of the distance from the property line to the face of the curb but in no case reach within 2 feet 6 inches of the face of the curb.

“There shall be a minimum of 8 feet vertical clearance between the lowest point of any marquee to the sidewalk below.

“(c) Construction. A marquee shall be supported entirely from the building and shall be constructed entirely of noncombustible materials.

“EXCEPTION: Drop-roll curtains of canvas may be suspended below the exterior periphery, provided a minimum clearance of 7 feet from the sidewalk below is maintained.

“(d) Roof Construction. The roof or any part thereof may be a skylight, provided wire glass not less than ¼-inch thick with no single pane more than 18 inches wide is used.

“Every roof and skylight of a marquee shall be sloped to downspouts which shall conduct any drainage from the marquee under the sidewalk to the curb.

“(e) Location Prohibited. Every marquee shall be so located as not to interfere with the operation of any exterior standpipe or to obstruct the clear passage of stairways or exits from the building or the installation or maintenance of street lighting.”

(125) Amending Section 4506(b).

Section 4506(b) is amended by amending the Exception to read:

“EXCEPTIONS: 1. A fixed awning not more than 10 feet in length may be erected over a doorway to the building.

“2. Fixed awnings projecting not more than 4 feet from the face of the building and of a total length not more than 50 per cent of the street frontage of the building may be erected over windows along the street.”

(126) Amending Section 4506(c).

Section 4506(c) is amended by amending “2 feet to the face of the nearest curb line” to read “2 feet 6 inches to the face of the nearest curb line.”

(127) Amending Section 4507.

Section 4507 is amended to read:

“Sec. 4507. No doors, either fully opened or when opening, shall project beyond the property line.”

(128) Adding 4508.

Section 4508 is added to read:

“Sec. 4508. Bus Shelters. Roofs of bus shelters built under the auspices of the City’s Department of Transportation Services may be constructed over public street not more than three-fourths of the distance from the property line to the face of the curb, but in no case reach within 2 feet 6 inches of the face of the curb, with a minimum

of 8 feet vertical clearance between the lowest point of the roof to the sidewalk below.”

(129) Adding Chapter 49.

Chapter 49 is added to read:

## “CHAPTER 49 — PATIO COVERS

“Sec. 4901. Patio covers are one story roof structures which shall not exceed 12 feet in height. Patio covers shall be open on one or more sides for a clear height of not less than 6 feet 8 inches between the floor and the soffit of supporting members. Where two sides are open, such open sides may be partially closed by solid walls which are not more than 36 inches in height above the patio floor and the remaining sides may be totally enclosed. Open sides shall not be covered with any materials which would obstruct the free passage of light and air.

“Patio covers may be detached or attached to other buildings as accessories to Group M, Group R-3 or to single dwelling units in Group R-1 Occupancies. Patio covers shall be used only for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms.

“EXCEPTION: Open sides may be closed with insect screening and plastic.<sup>1</sup>

<sup>1</sup>The plastic referenced in Section 4901 and 4902 is readily removable translucent or readily removable transparent flexible plastic screening of not more than 20 mil thickness.

“Sec. 4902. Design loads. Patio covers shall be designed and constructed to sustain, within the stress limits of this Code, all dead loads plus a minimum vertical live load of 10 pounds per square foot. Such covers shall be designed to resist the minimum horizontal wind load set forth in this Code, except that where less than 12 feet high the horizontal wind load shall be 10 pounds per square foot. In addition, they shall be designed to support a minimum wind uplift equal to the horizontal wind load acting vertically upward normal to the roof surface, except that for structures not more than 10 feet above grade the uplift may be three-fourths of the horizontal wind load. When enclosed with insect screening or plastic<sup>1</sup>, wind loads shall be applied to the structure assuming it is fully enclosed.

<sup>1</sup>The plastic referenced in Section 4901 and 4902 is readily removable translucent or readily removable transparent flexible plastic screening of not more than 20 mil thickness.

“Sec. 4903. Light and Ventilation. Where required windows open into a patio cover, the requirements of Section 1305 and 1405 shall apply.

“Sec. 4904. A patio cover may be supported on a concrete slab on grade without footings provided the slab is not less than 3½

inches thick and further provided that the columns do not support live and dead loads in excess of 750 pounds per column.

"Sec. 4905. Construction. Construction shall be of non-combustible materials, except for buildings of Types III, IV-Heavy Timber and V construction.

"Sec. 4906. Roof Covering. For roof covering see Section 1704.

"EXCEPTION: For patio covers attached to a building of Group R-3 or Group M Occupancy, the roof covering may be of such plastic materials as may be approved by the Building Official. The use of such plastic roof covering when so approved is subject to the following limitation:

"Such structures shall project not more than 16 feet, including the overhang, from the face of the exterior wall of the building and shall not exceed 400 square feet in any single continuous area. Such areas of plastic patio covering shall be separated from each other by at least 10 feet."

(130) Deleting Chapter 50.

Chapter 50 is deleted.

(131) Deleting Chapter 51.

Chapter 51 is deleted.

Am. 4/28/78

Ord. 78-40

(131A) Adding Chap. 53 -  
"Energy Conservation"

(132) Amending Section 5402.

Section 5402 is amended by amending the second paragraph to read:

"Labels for safety glazing in hazardous locations as specified in Section 5406 shall comply with Section 321-132 of Part XII, Chapter 321, Hawaii Revised Statutes as amended."

(133) Amending Section 5405.

Section 5405 is amended to read:

"Sec. 5405. Regular plate, sheet, or patterned glass in jalousies and louvered windows shall be no thinner than nominal 7/32 inch and no longer than 36 inches. When other glass types are used, design shall be submitted to the Building Official for approval. Exposed glass edges shall be smooth. Wired-glass with wire exposed on longitudinal edges shall not be used in jalousies or louvered windows."

(134) Amending Section 5406.

Section 5406 is amended to read:

"Sec. 5406. Glazing in 'hazardous locations' shall be of 'safety glazing material'. 'Hazardous locations' and 'safety glazing material' shall be as defined in Part XII, Chapter 321, Hawaii Revised Statutes, as amended."

(135) Amending Table No. 54-C.

Table No. 54-C is amended by amending the entries in the right hand column under "Over 50 Sq. Ft." for "Minimum Frame Lap" and "Minimum Glass Frame Lap" to read: "3/8".

(136) Adding Chapter 57.

Appendix, Chapter 57 — REGULATIONS GOVERNING

FALLOUT SHELTERS, Uniform Building Code, 1976 Edition, is by reference incorporated herein and made a part of this Code.

(137) Amending Section 6002.

Section 6002 is amended by adding a second paragraph to read:

“Whenever the Uniform Building Code Standards are referred to as the standard in this Code, compliance with the current codes and standards of the National Fire Protection Association will be equivalent to meeting the Uniform Building Code Standards.” (Sec. 16-1.1, R.O. 1969; Am. Ord. 3800, 3866, 3875, 3969, 4011, 4284, 4381, 4434, 4572, 4598, 77-97)

Am. 10/6/80  
Ord. 80-73

## Article 2. Relocation of Building.

### Sec. 16-2.1. Applicability.

The provisions of Chapter 18 of the R.O. 1969, as amended, to the contrary notwithstanding, no person shall move or cause to be moved any building or structure into or within the City without complying with the provisions of this Article and all other applicable provisions of Chapter 16, R.O. 1969, as amended; Chapter 17, R.O. 1969, as amended; and Chapter 19, R.O. 1969, as amended; provided, however, any movement of a building or structure which is confined within the boundaries of a single lot shall not be subject to this Article, but shall be subject to Chapter 18 of the R.O. 1969 and all other applicable provisions of the Uniform Building Code as amended by Section 16-1.1, R.O. 1969, as amended; Electrical Code, Chapter 17, R.O. 1969, as amended; and the Uniform Plumbing Code as amended by Section 19-1.1, R.O. 1969, as amended. The transportation of factory built housing shall be governed by Article 4. (Sec. 16-2.1, R.O. 1969; Am. Ord. 3800, 3969, 4434, 77-97)

### Sec. 16-2.2. Application For A Relocation Permit.

Any person intending to move any building or structure shall apply to the Building Official, being the Director and Building Superintendent of the City, for a relocation permit in writing upon a form furnished by the Building Official and shall set forth such information as the Building Official may reasonably require in order to carry out the purposes of this Article.

The application shall be signed by (1) the owner or owners of the site upon which the building or structure is to be moved, or by the person or persons having the right of legal possession of such site for at least a period of five years from the date of the application, (2) by the owner or owners of the building or structure to be relocated and (3) by the person or persons hired to relocate such building or structure, and shall be accompanied by three sets of plans and specifications showing all work to be performed on the building or structure upon relocation to the new site; provided, however, if the

building or structure is to be moved to and stored at locations specifically used as storage areas for buildings and structures and such storage of buildings or structures is permitted under the zoning ordinances, the application for a relocation permit may be signed by the person or persons having legal possession of such locations and by the person or persons required under "(2)" and "(3)" above, and the provisions for the submission of plans and specifications shall not be applicable. The plans and specifications shall be prepared, processed and inspected in the same manner as provided under Chapter 18, R.O. 1969, as amended. (Sec. 16-2.2, R.O. 1969; Am. Ord. 3800, 3969, 4434, 77-97)

### **Sec. 16-2.3. Performance Security.**

Upon filing of an application for a relocation permit, the applicant shall further:

(a) File with the Director of Finance of the City a surety bond executed by a corporate surety licensed to do business in the State of Hawaii and satisfactory to the said Director of Finance. The bond shall be in favor of the City in an amount equal to the cost of restoring the building or structure to the condition contemplated under the terms and conditions of the permit and the plans and specifications. The bond shall be conditioned upon the faithful performance of all of the terms and conditions of the relocation permit and of all work described in the plans and specifications to the satisfaction of the Building Official. The bond shall contain the further condition that after any default or failure to perform the work, and notice thereof as provided in Section 16-2.10, the City may at its option cause all of such work to be done or completed in accordance with the terms and conditions of the permit and the plans and specifications therefor submitted to the Building Official or demolish the building or structure. In lieu of the bond above required, the applicant may deposit with the said Director of Finance any of the following: cash; cashier's check issued by a bank or a savings and loan association doing business in the State of Hawaii; a certified check, a negotiable certificate of deposit, or an irrevocable letter of credit, drawn on, or issued by, a bank doing business in the State of Hawaii. The check and letter of credit must be made payable to the order of said Director of Finance. In the case of a negotiable certificate of deposit, the same shall be specially endorsed to the order of the said Director of Finance. Such security shall be subject to the same conditions that are applicable to the surety bond; and

(b) Deposit with the said Director of Finance the sum of \$500.00, either in cash or in certified or cashier's check, as security for the faithful performance by the applicant in repairing or in paying for any property owned by the City or by others which has been damaged in the process of moving such building or structure. Upon the faithful performance of such obligation by the applicant or by any person on behalf of the applicant, to the satisfaction of the Building Official,

or if no such damage has resulted thereby, the sum so deposited shall be returned to the applicant. If the applicant fails or refuses to repair, or pay for, such damage within 30 days after written notification thereof by the Building Official, the Building Official shall use such sums deposited or any portion thereof to cause the repair of such property so damaged. Any money remaining after such repair has been completed shall be returned to applicant. In lieu of the aforementioned \$500.00 security deposit, the applicant may establish with the Director of Finance a revolving fund for the amount of \$2,000.00. (Sec. 16-2.3, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

#### **Sec. 16-2.4. Issuance Of Permit.**

If the work described in the application for permit and in the plans and specifications submitted therewith conform to the requirements of Chapter 18, R.O. 1969, as amended, and other pertinent laws and ordinances, and the bond, cash and/or checks as required under Section 16-2.3 have been filed or deposited, and the fee specified in Section 16-2.12 has been paid, and the permit or permits as required under the provisions of Section 15-21.12 of the City Traffic Code has or have been issued by the State Director of Transportation and/or the City Director of Transportation Services, the Building Official shall issue a relocation permit. In issuing the permit, the Building Official shall impose therein such terms and conditions as he may deem reasonable and proper including, but not limited to, (a) the designation of route to be followed as specified in the permit or permits issued pursuant to said Section 15-21.12 of the City Traffic Code, (b) the presence of a police officer during the entire period that such building or structure is in the process of being moved from its original site to the new site designated in the permit, (c) height and width restrictions of the building or structure being relocated to provide adequate clearance from any and all obstructions which may be encountered on the route so designated, (d) the description of the site upon which the building or structure is to be moved, (e) the condition to which such building or structure must be restored while in storage, (f) the repair of or payment for any damage done to any property owned by the City or others in the process of moving a building or structure, such terms and conditions to be written upon the permit or appended in writing thereto. The plans and specifications after approval by the Building Official shall not be changed, modified, or altered without authorization from the Building Official and all work shall be done in accordance with the approved plans and specifications. The Building Official shall retain one set of such plans and specifications. (Sec. 16-2.4, R.O. 1969; Am. Ord. 3800, 3969, 4434, 77-97)

#### **Sec. 16-2.5. Identification.**

All buildings or structures which are to be relocated shall be identified with appropriate designations by the Building Official,

after it has been determined by the Building Official that such buildings or structures may be relocated. No building or structure or any portion thereof, shall be moved without such identification. (Sec. 16-2.5, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

#### **Sec. 16-2.6. Police Escorts.**

The applicant shall apply to the Police Department of the City for escort services of a police officer in conformity with the requirements of Section 16-2.4. The applicant shall bear the costs of such services.

In addition to any other requirement which may be provided by law for the submission of reports in the event of any damage to property resulting from the moving of any building or structure, the police officer assigned to provide escort service shall submit a report to the Building Official of any such damage. (Sec. 16-2.6, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

#### **Sec. 16-2.7. Effect Of Issuance.**

The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of Chapter 16, R.O. 1969, as amended; Chapter 17, R.O. 1969, as amended; Chapter 19, R.O. 1969, as amended; or of any other law.

The issuance of a permit shall not prevent the Building Official from thereafter requiring the correction of errors in the plans and specifications or from halting building operations when in violation of the provisions of said Chapter or of any other law; nor shall it prevent the institution of criminal action and the imposition of penalty as prescribed under Section 16-2.14 for violation of any of the provisions of this Article. (Sec. 16-2.7, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

#### **Sec. 16-2.8. Duration And Extension Of Time.**

All work for which a relocation permit is issued under the provisions of this Article shall be completed within 120 days of the date of issuance of the permit, unless extended for good cause by the Building Official. Any request for extension shall be made not less than 15 days prior to the date of expiration of the permit. (Sec. 16-2.8, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

#### **Sec. 16-2.9. Denial Of Permit.**

No permit shall be issued to move any building or structure:

(a) which may result in more than one housing accommodation to be situated on any lot in areas determined by the Board of Water Supply to lack sufficient water supply for domestic use, fire protection and/or sanitation; or

(b) which has deteriorated or been damaged to an extent greater than 50% of the cost of replacement (new) of such building or structure. (Sec. 16-2.9, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

**Sec. 16-2.10. Default In Performance.**

Whenever the Building Official finds that a default has occurred in the performance of any term or condition of a relocation permit, or upon the failure of the applicant to complete the work required thereby or as described in the plans and specifications therefor within the time prescribed, the Building Official shall give notice to the owner of the building and to the surety, if any, of such default and to correct the same forthwith. Such notice shall be served upon the owner and the surety, if any, by certified mail with request for a return receipt.

If the owner or the surety has not complied with such notice within 60 days, the Building Official shall cause the building or structure to be demolished or the work to be completed, whichever he shall determine is reasonable under the circumstances, without further notice. In determining whether to demolish the building or structure or whether to complete the work, the Building Official shall consider the condition of the building or structure at the time of the failure to comply with said notice, the cost to complete the work required, the sufficiency of the bond or deposit to cover such cost, and whether, in the interest of safeguarding the public health, safety or welfare, it is reasonable in light of all of the circumstances to complete the work. The cost of completing the work or demolishing the building or structure shall be paid for out of the money deposited with the Director of Finance of the City, or out of the money recovered from the surety under the surety bond, as provided under Section 16-2.3 (a). The owner shall be liable for any deficiency in the amount of money necessary for such purposes. (Sec. 16-2.10, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

**Sec. 16-2.11. Entry Upon Premises.**

The Building Official, the surety, and the duly authorized representatives of either shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.

In the event of any default or failure to perform as provided under the provisions of Section 16-2.10 hereinabove, the surety, or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on its behalf, shall have the right to go upon the premises to complete the required work or to demolish and remove the building or structure.

It shall be unlawful for the owner, or any person in legal possession of the premises to interfere with or obstruct the ingress or egress to or from any such premises of any authorized representative or agent of any surety or of the City engaged in the work of completing or demolishing and removing any building or structure for which a relocation permit has been issued, after a default has occurred as provided under the provisions of Section 16-2.10. (Sec. 16-2.11, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

**Sec. 16-2.12. Fees For Permits.**

The fees for the issuance of relocation permits shall be computed in accordance with Table No. 18-A of Chapter 18, R.O. 1969, as amended; provided, however, if a permit is issued after the commencement of the relocation of a building or structure for which a permit is required, the fee shall be increased by an additional amount of One Hundred Dollars (\$100.00). (Sec. 16-2.12, R.O. 1969; Am. Ord. 3800, 3969, 4434, 77-97)

**Sec. 16-2.13. Building Permit Not Required.**

No building permit as provided under Chapter 18 of the R.O. 1969, as amended, shall be required for any work required under the relocation permit or for any work of completion or demolition undertaken pursuant to Section 16-2.10 hereinabove; provided, however, all other provisions in said Chapter shall be fully complied with when not in conflict or inconsistent with the provisions of this Article. (Sec. 16-2.13, R.O. 1969; Am. Ord. 3969, 4434, 77-97)

**Sec. 16-2.14. Penalty.**

Any person violating any of the provisions of this Article shall upon conviction, be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six (6) months, or by both.

The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance. (Sec. 16-2.14, R.O. 1969; Am. Ord. 4434, 77-97)

Am. 10/6/80  
Ord. 80-73

**Article 3. Lei Vendor's Stands.****Sec. 16-3.1. Applicability.**

Nothing in this Chapter shall apply to prohibit the construction, repair, alteration and maintenance of a "lei vendor's stand", as defined herein, which conforms to the provisions of this Article.

A "lei vendor's stand" is a building, as defined in this Chapter, situated in Fire Zone No. 2, which is used solely for lei vending purposes and which fronts on a street not less than 80 feet in width. (Sec. 16-3.1, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

**Sec. 16-3.2. Permits Required.**

No person shall construct, alter, repair, maintain or demolish a lei vendor's stand, or convert a building into a lei vendor's stand, or cause any of the foregoing to be done, without first obtaining a separate building permit for each such stand from the Director and Building Superintendent. (Sec. 16-3.2, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

**Sec. 16-3.3. Permit Fees.**

A fee for each building permit shall be paid to the Building Official as provided in Table No. 18-A of Chapter 18, R.O. 1969, as amended. (Sec. 16-3.3, R.O. 1969; Am. Ord. 3800, 3969, 4434, 77-97)

**Sec. 16-3.4. Minimum Requirements.**

A lei vendor's stand shall conform to the following minimum requirements:

(a) Floor Area. The floor area shall not exceed 50 square feet.

(b) Height. The height shall not exceed 12 feet.

(c) Location on Property and Spacing. The distance to an interior property line or a building on the same property, including a lei vendor's stand, shall not be less than 50 feet, provided that the distance to a building with exterior walls that are one-hour fire-resistive may be not less than 15 feet, the distance to a building with exterior walls that are two-hour fire-resistive or more may be not less than 10 feet, and provided further that when not more than three lei vendors' stands are located together, the distance between the stands may not be less than 10 feet.

(d) Type of Construction. Construction may be of any material allowed by this Chapter, provided that thatched roofing and siding shall be provided with approved fire-retardant treatment and a thatched roof shall be protected by a manually operated sprinkler system when the distance to a wet standpipe system which conforms to the requirements of this Chapter is more than 75 feet. (Sec. 16-3.4, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

**Sec. 16-3.5. Penalty For Violation.**

Any violation of the provisions of this Article shall be punishable by a fine not exceeding \$300.00, or by imprisonment for not more than 90 days, or by both. (Sec. 16-3.5, R.O. 1969; Am. Ord. 4434, 77-97)

Am. 10/6/80  
Ord. 8-73

**Article 4. Factory Built Housing.****Sec. 16-4.1. Applicability.**

Nothing in this Chapter shall apply to prohibit the installation of "factory built housing" as defined in the State of Hawaii Regulation XXXVII, Factory Built Housing, which conforms to the provisions of this Article. (Am. Ord. 3800, 4434, 77-97)

**Sec. 16-4.2. Permits Required.**

No person shall install factory built housing, or cause the foregoing to be done, without first obtaining a separate building permit from the Building Official for each such factory built housing for each building where such building consists of more than one factory built housing unit. (Am. Ord. 3800, 4434, 77-97)

**Sec. 16-4.3. Permit Fees.**

A fee for each building permit shall be paid to the Building Official as provided in Table No. 18-A of Chapter 18, R.O. 1969, as amended. The fee will be based on all cost of installing the factory built house on the site and the value of all additions or alterations to be made, including the cost of carport, fences, retaining walls, etc. (Am. Ord. 3800, 3969, 4434, 77-97)

**Sec. 16-4.4. Minimum Requirements.**

(a) Factory built housing shall bear the insignia of approval of the State of Hawaii.

(b) For a building composed of more than one factory built housing unit, each unit shall bear the insignia of approval of the State of Hawaii.

(c) To obtain a building permit for the installation of factory built housing or a building composed of more than one factory built housing unit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall be accompanied by plans as required by Chapter 18, R.O. 1969, as amended and shall give the following information:

**For Building Department:**

- (1) Model Number of house.
- (2) Address and tax map key.
- (3) Posting details.
- (4) If carport, fence or retaining wall is being built concurrently, location and details.
- (5) All yard setback dimensions, including front yard.
- (6) Parking (2 spaces minimum).
- (7) Building height envelope sectional details and construction therein.
- (8) Percentage of lot coverage of all buildings and structures.
- (9) Grading.
- (10) If lot has beach frontage, setback from zone of wave action.
- (11) Any and all other data necessary to substantiate compliance with applicable provisions of the Comprehensive Zoning Code.
- (12) Location and details of drop driveway.

**For Health Department:**

- (13) Where sewer services in unavailable location of cesspool or septic tank. (Am. Ord. 3800, 3969, 4434, 77-97)

**Sec. 16-4.5. Penalty For Violation.**

Any violation of the provisions of this Article shall be punishable by a fine not exceeding \$300.00 or by imprisonment of not more than 90 days, or by both. (Am. Ord. 3800, 4434, 77-97)

Am. 10/6/80  
 Ord. 80-73

**ARTICLE 5. THATCHED MATERIAL ON EXTERIOR OF BUILDING: PROTECTION AGAINST EXPOSURE FIRES.**

**Sec. 16-5.1. Applicability.**

Thatched material on the exterior of buildings shall be permitted only upon buildings located in areas zoned for resort use which primarily service the tourist trade when approved by the Building Official.

The thatched material permitted in this Article shall be used for decorative purposes on the roof or wall of buildings. The building, independent of the thatched material, shall comply with all applicable provisions of this Chapter.

When thatched material is used as permitted in this Article, and an appropriate permit is obtained therefor in accordance with Article I of this Chapter, outside sprinklers for protection against exposure fires shall be required as hereinafter provided. (Sec. 16-5.1, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

**Sec. 16-5.2. General.**

(a) Thatched materials used on the roof of a building shall be protected by manually operated sprinkler heads, with adequate water supply, pipe size and sprinkler head spacing in accordance with sprinkler system requirements set forth in this Article.

(b) Thatched materials used on the wall of a building shall be protected by manually operated outside sprinklers. Size and spacing of sprinklers and pipe size shall be in accordance with Chapter 6, Outside Sprinklers for Protection Against Exposure Fires, of the National Fire Codes of the National Fire Protection Association. Controls shall be as set forth in this Article. (Sec. 16-5.2, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

**Sec. 16-5.3. Sprinkler Requirements.**

(a) General. Sprinklers shall be located at the high point of the roof. Upright or pendant sprinklers shall be used for gable roofs. Sidewall sprinklers shall be used for shed roofs.

(b) Spacing of Sprinklers. The maximum width of roof with one row of sprinklers shall be as follows:

Roof Slope	Orifice Size	Width of Roof
1:3 or greater	3/8"	15'
"	1/2"	20'
"	17/32"	25'
Less than 1:3	3/8"	10'
"	1/2"	15'
"	17/32"	20'

Maximum spacing of sprinklers on branch lines (along ridge) shall be as follows: 3/8-inch orifice — 6 feet; 1/2-inch orifice — 8 feet; 17/32-inch orifice — 10 feet.

Conical roofs may be protected with one sprinkler at the apex if the diameter of the roof does not exceed the width of roof referred to above.

Where the width of a roof exceeds the width allowed for one row of sprinklers, as provided in the table above, two or more rows of sprinklers shall be required. The rows of sprinklers shall be placed such that the entire roof area is protected.

(c) Areas Protected. Each area (zone) of thatched material that is separated from another thatched area by an open space of 20 feet or more or by noncombustible construction of 20 feet or more shall be considered a separate area (zone).

Risers to each separate zone shall not be less than that shown in Subsection (e) below, except as modified as follows:

(1) More than one zone may be protected by one valve, if the supply is adequate.

(2) If one area (zone) is larger than can be protected with the existing supply, the zones can be subdivided into subzones if the following criteria are met: An area of at least 800 square feet is protected by a subzone control valve; there is at least a 10 per cent overlap in coverage of adjoining subzones; and operation of the manual control valves will automatically transmit an alarm to the Fire Department.

(d) Water Supply. The sprinkling system shall have a separate connection to the water main in the street, to an approved automatic fire-extinguishing system supply line, to a wet standpipe supply line, or to a domestic supply of adequate size. The water supply required shall be determined from either of the following:

(1) Flow per sprinkler for the largest zone, with residual pressure at the highest sprinkler at 15 pounds per square inch with all heads operating, shall be as follows:

Orifice Size	Gallons Per Minute
3/8"	15
1/2"	20
17/32"	25

(2) The flow shall be hydraulically calculated so as to discharge at least 0.11 gallons per minute per square foot of surface area to be sprinklered.

(e) Riser and Pipe Size. Pipe sizes shall be determined from the flow as calculated above. However, no pipe less than one inch in size shall be used. The following table may be used in conjunction with this flow calculation for the selection of pipe or riser sizes:

Orifice Size	Pipe or Riser Size							
	1"	1¼"	1½"	2"	2½"	3"	3½"	4"
	No. of Sprinklers							
3/8"	3	4	7	11	21	37	40	40
1/2"	2	3	5	8	15	27	40	40
17/32"	1	2	4	6	11	19	30	38

(f) Number of Sprinklers Served. The number of sprinklers on a branch line shall not exceed six. Center feed shall be used for six or more sprinklers. The number of sprinklers under control of each control valve shall not exceed forty. At the location of each valve, there shall be a drain connection and a ¼-inch valve outlet test connection to accommodate pressure gauge.

(g) Material Installed Above Grade. Piping shall be galvanized steel schedule 40 with galvanized malleable iron fittings or hard drawn copper with silver solder fittings. Pipes shall be securely fastened to the structure.

Valves shall be the manual type approved and listed by the Underwriters' Laboratories or by other approved testing agencies. Valves shall be installed outdoors and so located as to be readily accessible in case of fire. Signs indicating the use of valves shall be conspicuously posted.

(h) Local Alarm. Any one system with 20 or more sprinklers under control of one valve shall be complemented with a local fire alarm, either electrically or mechanically operated. (Sec. 16-5.3, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

**Sec. 16-5.4. Penalty For Violation.**

Any violation of the provisions of this Article shall be punishable by a fine not exceeding \$300.00 or by imprisonment for not more than 90 days, or by both. (Sec. 16-5.4, R.O. 1969; Am. Ord. 3800, 4434, 77-97)

Am. 8/20/80  
Ord. 80-63

Article 6. Regulations within Flood Hazard Districts & Developments Adjacent to Drainage Facilities

**Article 7. Drainage And Flood Control.**

**Sec. 16-7.2. Definitions.**

As used herein, the following definitions shall apply unless the context indicates otherwise:

"Chief Engineer" shall mean the Chief Engineer of the City or his authorized representative.

"City" shall mean the City and County of Honolulu.

"City Standards" shall mean the storm drainage standards approved by the Chief Engineer, a copy of which shall be on file in the Division of Engineering, Department of Public Works. These





























































































































































































































































































































































































































