

**OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 300 \* HONOLULU, HAWAII 96813  
PHONE: (808) 768-4141 \* FAX: (808) 768-4242 \* INTERNET: [www.honolulu.gov](http://www.honolulu.gov)



KIRK CALDWELL  
MAYOR

ROY K. AMEMIYA, JR.  
MANAGING DIRECTOR  
GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

February 15, 2018

Mr. Glen I. Takahashi  
City Clerk  
Office of the City Clerk  
530 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Takahashi:

**SUBJECT: Approved Bills**

The following Bill are approved and returned herewith:

Bill 77 (2017), CD1	Relating to bicycles lanes.
Bill 90 (2017)	Relating to the fee schedule for public records.
Bill 93 (2017), CD2	Relating to Waimanalo Bay Beach Park.
Bill 99 (2017), CD1	Relating to bus stops.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell", is written over a horizontal line.

Kirk Caldwell  
Mayor

Attachment

18FEB15 PM 4:13 CITY CLERK



**A BILL FOR AN ORDINANCE**

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RELATING TO BICYCLE LANES.

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

SECTION 1. Council findings and purpose. The purpose of this ordinance is to address bicycle lanes. In particular, it names the Ala Napunani Street bicycle lanes in memory of Zachary Manago, who was a celebrated Moanalua High School all-star baseball player and graduate, and a freshman at Hawaii Pacific University ("HPU"). Zachary Manago began riding his bicycle to HPU's downtown campus due to the lack of parking, and quickly became both an avid cyclist and an active member of the cycling community, passionately supporting safer bicycling conditions for Hawaii's cyclists.

On December 17, 2010, despite having taken thorough safety precautions to ensure a safe bicycle ride, Zachary Manago was killed in a hit-and-run accident with a motor vehicle along Kamehameha Highway during an organized bicycle ride. Revised Ordinances of Honolulu 1990, Section 22-9.3(a)(3)(A)(i), provides that in exceptional cases, a new or existing park, site or facility may be named for a deceased individual if the individual has a "significant association with the park, site, or facility." Naming the Ala Napunani Street bicycle lanes for Zachary Manago, who was raised and residing on Ala Napunani Street, is an appropriate way to honor his memory and recognize his contribution to bicycling in Honolulu.

SECTION 2. Section 15-6.7, Revised Ordinances of Honolulu 1990 ("Traffic Lane Markings"), is amended by amending subsection (d) to read as follows:

"(d) Bicycle Lane.

(1) How Designated or Terminated.

(A) The director of transportation services may designate a bicycle lane on a city highway. The designation [~~shall be~~] is made by adding the bicycle lane to Schedule XXXIV, attached to the ordinance codified in this section and made a part hereof. The director, however, shall not designate a bicycle lane on the Fort Street Mall.

The director of transportation services also may terminate the designation of a bicycle lane on a city highway. The designation [~~shall be~~] is terminated by deleting the bicycle lane from Schedule XXXIV.

(B) Procedures for Adding or Deleting Bicycle Lane.



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## A BILL FOR AN ORDINANCE

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Section 15-3.1 [~~shall apply~~] applies when adding a bicycle lane to or deleting a bicycle lane from Schedule XXXIV. A bicycle lane, after its addition to the schedule, [~~shall~~] will take effect in accordance with Section 15-3.1. A bicycle lane, after its deletion from the schedule, [~~shall~~] will be deemed terminated when the bicycle lane marking is entirely removed from the city highway.

(C) A bicycle lane on a city highway [~~shall~~] must be delineated by a white solid line and the words "Bike Only." The director of transportation services shall mark each bicycle lane and may install other appropriate traffic control devices.

(D) Notwithstanding any ordinance to the contrary, the director of transportation services shall name the bicycle lanes along Ala Napunani Street in memory of Zachary Manago. The director of transportation services shall also erect appropriate signage reflecting the name of the bicycle lanes, and the placement of such signage at the Zachary Manago bicycle lanes along Ala Napunani Street is approved.

(2) Prohibitions.

(A) Except as otherwise provided under subdivision (3), a person shall not operate, park, stop, or stand a vehicle, other than a bicycle, in a bicycle lane.

(B) A person shall not leave a vehicle, including a bicycle, unattended within a bicycle lane.

(3) Exceptions.

(A) A person may operate, park, stand, or stop any of the following motor vehicles in a bicycle lane:

(i) An authorized emergency vehicle when responding to an emergency;

(ii) An official government vehicle when on an authorized mission involving the performance of a duty within or adjacent to the lane;



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**A BILL FOR AN ORDINANCE**

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- (iii) An authorized maintenance vehicle when necessary to perform repair or maintenance work on a government or public utility facility near the lane;
  - (iv) An authorized tow vehicle when necessary to tow another vehicle parked in or adjacent to the lane; and
  - (v) A city transit bus when necessary for the boarding or alighting of a passenger at a bus stop.
- (B) A person may operate or stop a motor vehicle or moped in a bicycle lane under the following circumstances:
- (i) The person may operate the motor vehicle or moped across the lane when necessary to enter or exit a driveway or legal parking space adjacent to the lane;
  - (ii) The person may operate or stop the motor vehicle or moped across the lane when necessary to turn into or turn from a street intersecting the lane; or
  - (iii) The person may operate or stop the motor vehicle or moped in the lane when necessary to clear the way for an authorized emergency vehicle as required under HRS Section 291C-65.
- (C) A person, when operating, parking, stopping, or standing a motor vehicle or moped in a bicycle lane as permitted under this subdivision, shall do so with due regard for the safety of any bicyclist or pedestrian in the lane. This ~~[subdivision shall not protect]~~ paragraph should not be construed as protecting that person from the person's ordinary negligence or reckless disregard for the safety of a bicyclist or pedestrian in the lane.
- (4) **Penalty.** Any person violating this subsection shall be subject to a fine of at least \$25.00."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 77 (2017), CD1

**A BILL FOR AN ORDINANCE**

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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Joey Manahan

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DATE OF INTRODUCTION:

September 15, 2017  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Kathleen A. Kelly  
Deputy Corporation Counsel **KATHLEEN A. KELLY**

APPROVED this 15<sup>th</sup> day of February, 2018.

Kirk Caldwell  
KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
C E R T I F I C A T E

ORDINANCE

BILL 77 (2017), CD1

Introduced: 09/15/17

By: JOEY MANAHAN

Committee: TRANSPORTATION

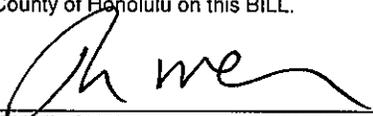
Title: A BILL FOR AN ORDINANCE RELATING TO BICYCLE LANES.

Voting Legend: \* = Aye w/Reservations

10/11/17	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON TRANSPORTATION AND PLANNING. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MARTIN, MENOR, OZAWA, PINE. 1 ABSENT: MANAHAN.
10/21/17	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
10/26/17	TRANSPORTATION AND PLANNING	CR-414 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
11/01/17	COUNCIL/PUBLIC HEARING	CR-414 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON TRANSPORTATION AND PLANNING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
11/08/17	PUBLISH.	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.  CC-381 MENOR – RE-REFERRAL FROM COMMITTEE ON TRANSPORTATION AND PLANNING TO COMMITTEE ON TRANSPORTATION.
01/25/18	TRANSPORTATION	CR-54(18) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
01/31/18	COUNCIL	CR-54(18) WAS ADOPTED AND BILL 77 (2017), CD1 PASSED THIRD READING. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA. 1 ABSENT: PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
GLEN I. TAKAHASHI, CITY CLERK

  
RON MENOR, CHAIR AND PRESIDING OFFICER



**A BILL FOR AN ORDINANCE**

RELATING TO THE FEE SCHEDULE FOR PUBLIC RECORDS.

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

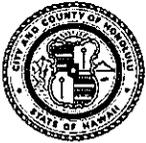
SECTION 1. Purpose. The purpose of this ordinance is to update the schedule of fees relating to public records.

SECTION 2. Section 6-11.1, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 6-11.1 Charges for extracts, certified copies, and searches of public records.**

Except as otherwise provided in this article, a copy or extract of any public document or record ~~[which]~~ that is open to inspection ~~[of]~~ by the public ~~[shall]~~ must be furnished to any person applying for the same by the public officer having custody or control thereof pursuant to the following schedule of fees:

- (a) Duplicated copy of any record (by duplicating machines including, but not limited to, microfilm printer, Thermofax, Verifax, Xerox, etc.)
  - For the first page of each document or record..... \$ .50
  - Each additional page or copy thereof..... .25
- (b) Abstract of information from public record
  - Each page..... .50
  - Each additional copy..... .25
- (c) Typewritten copy of any record
  - Per 100 words or fraction thereof ..... 1.00
- (d) Copy of map, plan, diagram
  - Black and White Reproductions
    - Up to 22" x 36" size; per sheet..... 5.00
    - Larger than 22" x 36" size; prevailing commercial rate,  
With minimum charge per sheet..... 5.00
  - Color Reproductions
    - Up to 8 ½" by 14"; per sheet..... 1.00
    - Up to 11" x 17"; per sheet..... 2.00
    - Larger than 11" x 17"; prevailing commercial rate  
with minimum charge per sheet..... 25.00



**A BILL FOR AN ORDINANCE**

- Black and White or Color Custom Prints  
For each 10 minutes or fraction thereof of searching, creation, and printing of document; per sheet.....5.00
- (e) Photograph or photograph enlargement .....Prevailing commercial rate
- (f) City clerk's certificate of voter registration.....[-50] 5.00
- (g) ~~[Voter registration lists (in printed forms as may be available)-~~  
~~..... 1.00 per precinct]~~  
Countywide voter data or any portion thereof (as may be available).....750.00 per data export  
Voter data subscription (6 data exports).....4,000.00
- (h) Certified copy of medical examiner's report and autopsy report..... 5.00
- (i) Medical information extracted from ~~[health department]~~ city records for insurance companies and other firms..... 5.00
- (j) Certified statement attesting to veracity of information obtained from public records  
Per 100 words of statement or fraction thereof.....1.00
- (k) Certification by public officer or employee as to correctness (or in attestation that document is a true copy) of any document, including maps, plans, and diagrams  
Per ~~[page]~~ document..... [-50] 5.00
- (l) Use of motion picture film for the purpose of producing a copy, subject to the terms, conditions, and covenants contained in an agreement between the city and the party seeking to use the film for the purpose stated herein[-]  
Per minute of film.....2.00
- (m) Searches of real property tax records  
For each 15 minutes or fraction thereof of searching and typing .....4.75"



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**A BILL FOR AN ORDINANCE**

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SECTION 3. Section 6-11.4, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 6-11.4 Exemption from payment of fees and charges.**

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

- (1) Government agencies requiring the records or publications for official purposes;
- (2) Nonprofit organizations directly concerned with the matter involved in the records or publications; provided~~[-however,]~~ that the exemption from the payment of fees [and/or] or charges [shall be], or both, is limited to one copy or one set of such records or publications;
- (3) Newspapers; provided~~[-however,]~~ that the exemption from the payment of fees [and/or] or charges [shall be], or both, is limited to one copy or one set of such records or publications; and
- (4) Organizations ~~[which]~~ that have arranged a reciprocal agreement with a city agency for the mutual exchange of records and publications

(b) The director of ~~[finance]~~ budget and fiscal services may waive fees ~~[and/or] or~~ charges, or both, for the following:

- (1) Educational materials necessary for carrying out an agency program; ~~[or]~~
- (2) Distribution of records and publications when ~~[such]~~ the distribution is of benefit and interest to the city; or
- (3) Records or publications required by a student engaged in studying city operations as part of ~~[such]~~ the student's school assignment; provided~~[-however,]~~ that exemption from the payment of fees ~~[and/or] or~~ charges ~~[shall be], or both, is~~ limited to one copy or one set of such records or publications.

~~[(c) Political parties shall be furnished, without charge, three copies of the voter registration lists of all precincts. Candidates who have filed for public elective offices shall be furnished, without charge, one copy of such current voter~~



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**A BILL FOR AN ORDINANCE**

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~~registration lists as may be requested by the candidate, provided that such lists are available for distribution. Additional copies in excess of the number to be furnished without charge as hereinabove stated shall be furnished upon payment of the fees specified in Section 6-11.1 (g).]~~"

SECTION 4. Section 6-11.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 6-11.5 Director of [~~finance~~] budget and fiscal services to administer.**

~~[The provisions of this article shall be administered by the]~~ The director of [~~finance, and the]~~ budget and fiscal services shall administer this article. The director [~~shall be authorized to]~~ may determine [~~the]~~:

- (1) The specific organizations and agencies [~~which shall]~~ that will be exempt from the payment of fees for public records and charges for publications~~[- and to determine the]; and~~
- (2) The specific records [~~and/or]~~ or publications, or both, for which no fees or charges [~~shall]~~ will be required."

SECTION 5. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_  
BILL 90 (2017)

**A BILL FOR AN ORDINANCE**

SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

*Carver* (Br)

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2017 OCT 09 11:09 AM

DATE OF INTRODUCTION:

OCT 09 2017

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

*Reid Yamashiro*  
Deputy Corporation Counsel **REID YAMASHIRO**

APPROVED this 15<sup>th</sup> day of February, 20 18.

*Kirk Caldwell*

KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE

**BILL 90 (2017)**

Introduced: 10/09/17

By: RON MENOR – BY REQUEST

Committee: BUDGET

Title: A BILL FOR AN ORDINANCE RELATING TO THE FEE SCHEDULE FOR PUBLIC RECORDS.

Voting Legend: \* = Aye w/Reservations

11/01/17	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON BUDGET. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
11/15/17	BUDGET	CR-437 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
11/25/17	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
12/06/17	COUNCIL/PUBLIC HEARING	CR-437 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON BUDGET. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
12/13/17	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
01/24/18	BUDGET	CR-28(18) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
01/31/18	COUNCIL	CR-28(18) WAS ADOPTED AND BILL 90 (2017) PASSED THIRD READING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
GLEN I. TAKAHASHI, CITY CLERK

  
RON MENOR, CHAIR AND PRESIDING OFFICER



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL **93 (2017), CD2**

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**A BILL FOR AN ORDINANCE**

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RELATING TO WAIMANALO BAY BEACH PARK.

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

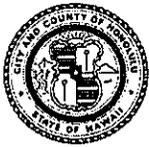
SECTION 1. Purpose. The purpose of this ordinance is to establish fees for permits for recreational stops at Waimanalo Bay Beach Park.

SECTION 2. Chapter 10, Article 2, Revised Ordinances of Honolulu 1990 ("Fees and Charges for Use of Parks and Recreational Facilities"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

**"Sec. 10-2. Fees for permits for recreational stops at Waimanalo Bay Beach Park.**

Permits for recreational stops issued pursuant to Section 10-1.3(a)(11)(B) are subject to a monthly fee of \$165 per tour van or vehicle."

SECTION 3. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 93 (2017), CD2

**A BILL FOR AN ORDINANCE**

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SECTION 4. This ordinance shall take effect upon its approval

INTRODUCED BY:

Ron Menor (br)

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DATE OF INTRODUCTION:

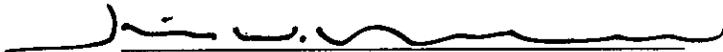
October 19, 2017  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

  
Deputy Corporation Counsel **REID YAMASHIRO**

APPROVED this 15<sup>th</sup> day of February, 20 18.



**KIRK CALDWELL, Mayor**  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
C E R T I F I C A T E

ORDINANCE

**BILL 93 (2017), CD2**

Introduced: 10/19/17

By: RON MENOR – BY REQUEST

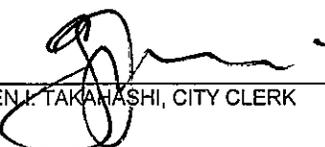
Committee: BUDGET

Title: A BILL FOR AN ORDINANCE RELATING TO WAIMANALO BAY BEACH PARK.

Voting Legend: \* = Aye w/Reservations

11/01/17	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON BUDGET. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
11/15/17	BUDGET	CR-438 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
11/25/17	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
12/06/17	COUNCIL/PUBLIC HEARING	CR-438 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON BUDGET. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
12/13/17	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
01/24/18	BUDGET	CR-29(18) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.
01/31/18	COUNCIL	CR-29(18) WAS ADOPTED AND BILL 93 (2017), CD2 PASSED THIRD READING AS AMENDED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
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GLEN I. TAKAHASHI, CITY CLERK

  
\_\_\_\_\_  
RON MENOR, CHAIR AND PRESIDING OFFICER



**A BILL FOR AN ORDINANCE**

RELATING TO BUS STOPS.

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

SECTION 1. The purpose of this ordinance is to prohibit, subject to exceptions, persons from lying down within bus stop areas.

SECTION 2. Section 13-1.1, Revised Ordinances of Honolulu 1990, as amended ("Definitions"), is amended by adding new definitions of "bus stop," "bus stop area," "designated bus stop area," "expressive activity," and "sidewalk" to read as follows:

"Bus stop" means the same as defined in Section 41-21.1.

"Bus stop area" means the area at a bus stop occupying the entire width of the sidewalk that extends 20 feet before a bus stop sign or bus stop route sign or, for bus stops furnished with a shelter or shelters, the footprint of the shelters, and the entire width of the sidewalk that extends 10 feet before and 10 feet after the footprint of the shelter. The footprint of a shelter is defined by vertical planes, perpendicular to the ground, extending down from the outermost edges of the shelter overhang or roof.

"Designated bus stop area" means a bus stop area at which a sign has been posted as provided in Section 13- .4.

"Expressive activity" means the same as defined in Section 29-15A.2(d).

"Sidewalk" means the same as defined in Section 29-1.1."

SECTION 3. Chapter 13, Revised Ordinances of Honolulu 1990 ("Public Transit"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

**"Article \_\_. Lying Down at Bus Stops**

**Section 13-\_\_ .1 Declaration of legislative intent – Purpose.**

The purpose of this ordinance is to prohibit, subject to exceptions, persons from lying down within bus stop areas.



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**A BILL FOR AN ORDINANCE**

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The council of the City and County of Honolulu finds:

- (a) The city has invested significant public resources in the development and maintenance of city bus stops, including the benches and shelters that are intended to serve patrons of the city's bus system and are necessary to the city's provision of convenient and efficient bus service, which for many Oahu's residents, is an essential mode of transportation to get to and from work, to move about from place to place, and to access entertainment, goods, and services.
- (b) Bus stop areas are created and maintained for the primary purpose of enabling safe and convenient access to the city's bus system. Lying down in bus stop areas is not a customary use of a bus stop. Persons who lie down in bus stops impede and deter others from using the city's bus system; thus, they discourage residents from using the bus to get to and from work, and residents and visitors from using the bus system to get from place to place to access local shops, restaurants, entertainment, and goods and services.
- (c) The need to maintain access to the city's bus system through the bus stops is greatest during the hours from 4:00 a.m. of one day and 1:00 a.m. of the following day when the city's bus system is primarily in operation. Persons who lie down in bus stop areas during this period threaten their own safety and the safety of bus patrons, especially the elderly, disabled, vision-impaired, and children, who are put at increased risk when they are unable to safely sit or stand at a bus stop or safely board or alight from a city bus because persons are lying down in the bus stop area.
- (d) The prohibition against lying down in bus stop areas set forth in this ordinance leaves intact the individual's right to speak, protest or engage in other lawful activity in any bus stop area consistent with the individual's free speech rights. In addition, the prohibition contains exceptions for medical emergencies, and expressive activities, among others.
- (e) The council acknowledges that there are reasons why one might lie down in a bus stop area. The city has offered and continues to offer services to those engaged in lying down in a bus stop area who appear to be in need, or to those who request service assistance. However, in many cases, these persons refuse such services or continue the conduct despite the accessibility of these services. The city will continue to invest in services for those in need, and to make efforts to maintain and improve safety in bus stop areas for everyone. A law enforcement officer may not issue a citation to a person for a violation of this ordinance without first warning the person that lying down in a bus stop area is unlawful.



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**A BILL FOR AN ORDINANCE**

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- (f) Bus patrons are discouraged from using bus stop areas if persons are lying down in the bus stop area or on the sidewalks immediately abutting the bus stop area, deterring and discouraging persons from accessing and using the city bus system as a means of transportation.

**Sec. 13-\_\_\_.2 Prohibition.**

- (a) No person may lie down in a designated bus stop area, or on a tarp, towel, blanket, sleeping bag, bedding, chair, bench, tent floor, cardboard, or any other object or material located in a designated bus stop area, between the hours of 4:00 a.m. on one day and 1:00 a.m. of the following day.
- (b) Subsection (a) does not apply to any person:
- (1) Unable to comply with the direction of a law enforcement officer given under subsection (c) due to a medical condition or emergency;
  - (2) Engaged in an expressive activity;
  - (3) Engaged in a maintenance, repair, or construction activity on behalf of a governmental entity or a public utility; or
  - (4) Under the age of six years old who is lying down in a baby carriage, stroller, or carrier, or is lying down while being held or carried by a person who is not lying down.
- (c) No person may be cited for a violation of this article unless the person continues to engage in the conduct prohibited by this article after having been notified by a law enforcement officer that the conduct is unlawful.
- (d) No person may raise as a defense to a prosecution under this article that they were participating in an expressive event or activity, unless they notified the law enforcement officer prior to or at the time of the citation that they were engaging in an expressive activity, or unless it would have been clearly evident to a reasonably observant person that the lying down was part of an expressive activity.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 99 (2017), CD1

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**A BILL FOR AN ORDINANCE**

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**Sec. 13-\_\_\_.3 Penalty.**

A violation of this article is punishable by a fine of up to \$50 for each offense.

**Sec. 13-\_\_\_.4 Department to post sign and may set demarcation line.**

The department shall post a sign at each designated bus stop area indicating that lying down within such area and facility is prohibited. This requirement may be fulfilled either by posting a new sign or by modifying an existing sign to provide notice of the prohibition.

**Sec. 13-\_\_\_.5 Rules.**

The director may, pursuant to HRS Chapter 91, adopt rules having the force and effect of law for the implementation, administration, and enforcement of this article."

SECTION 4. New ordinance material in Section 2 of this ordinance is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 99 (2017), CD1

**A BILL FOR AN ORDINANCE**

SECTION 5. This ordinance takes effect 120 days following its approval.

INTRODUCED BY:

Trevor Ozawa

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DATE OF INTRODUCTION:

October 26, 2017  
Honolulu, Hawaii

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\_\_\_\_\_

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel **DUANE W.H. PANG**

APPROVED this 15<sup>th</sup> day of February, 20 18.

KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
C E R T I F I C A T E

ORDINANCE

**BILL 99 (2017), CD1**

Introduced: 10/26/17 By: TREVOR OZAWA

Committee: EXECUTIVE MATTERS AND  
LEGAL AFFAIRS

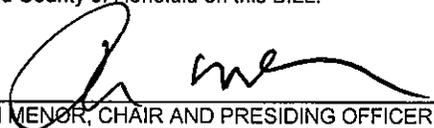
Title: A BILL FOR AN ORDINANCE RELATING TO BUS STOPS.

Voting Legend: \* = Aye w/Reservations

11/01/17	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS. 8 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE*. 1 NO: ELEFANTE.
11/14/17	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-431 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
11/25/17	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
12/06/17	COUNCIL/PUBLIC HEARING	CR-431 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS. 8 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 NO: ELEFANTE.
12/13/17	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
01/23/18	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-13(18) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM.
01/31/18	COUNCIL	CR-13(18) WAS ADOPTED AND BILL 99 (2017), CD1 PASSED THIRD READING AS AMENDED. 7 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA. 1 NO: ELEFANTE. 1 ABSENT: PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
\_\_\_\_\_  
GLEN I. TAKAHASHI, CITY CLERK

  
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RON MENOR, CHAIR AND PRESIDING OFFICER