



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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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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- (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.



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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 18-5

BILL 99 (2017), CD1

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

INTRODUCED BY:

Trevor Ozawa

DATE OF INTRODUCTION:

October 26, 2017
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

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

APPROVED this 15th day of February, 20 18.

KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 18 - 5

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


RON MENOR, CHAIR AND PRESIDING OFFICER