



**A BILL FOR AN ORDINANCE**

RELATING TO OBSTRUCTIONS ON PUBLIC SIDEWALKS.

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

SECTION 1. Purpose. The purpose of this ordinance is to provide for the unobstructed traversing upon public sidewalks by pedestrians during the hours from 6:00 a.m. to 10:00 p.m., subject to certain exceptions.

SECTION 2. Chapter 29, Revised Ordinances of Honolulu 1990 ("Streets, Sidewalks, Malls and other Public Places"), as amended, is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to be read as follows:

**"Article \_\_\_\_ . Creating, Causing, or Maintaining Obstructions on Public Sidewalks Prohibited**

**Sec. 29-\_\_\_\_. 1 Prohibition—Exceptions—Citations.**

- (a) No person shall create, cause, or maintain an obstruction on a public sidewalk that interferes, impedes, and/or prevents the full, free, and unobstructed passage of pedestrians upon public sidewalks or interferes with the normal flow of pedestrian traffic upon a public sidewalk during the hours from 6:00 a.m. to 10:00 p.m.
- (b) The prohibitions in subsection (a) do not apply to a person:
  - (1) Unable to comply due to suffering a medical emergency;
  - (2) Unable to comply due to physical or mental incapacitation;
  - (3) Engaging in protected expressive activity;
  - (4) Participating in or attending a parade, festival, performance, rally, demonstration, or similar event conducted on the street pursuant to a permit issued by the city;
  - (5) Acting as authorized or allowed by ordinance, permit, or regulation issued by the City and County of Honolulu;
  - (6) Engaged in a maintenance, repair, or construction activity on behalf of a governmental entity or a public utility; and



A BILL FOR AN ORDINANCE

- (7) In line for goods or services, unless the person or person's possessions impede the ability of pedestrians to travel along the length of the sidewalk or enter a doorway or other entrance alongside the sidewalk.
- (c) No law enforcement officer shall issue a citation, make an arrest, or otherwise enforce this section against any person unless:
  - (1) The law enforcement officer visually observes the interference with, impediment to, or prevention of the full, free, and unobstructed passage of pedestrians; and
  - (2) The officer orally requests or orders the person to refrain from the alleged violation of this section and the person fails to comply after receiving the oral request or order.
- (d) As used in this section:

"Expressive activity" means speech or conduct, the principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinions, views, or ideas, and for which no fee is charged or required as a condition of participation in or attendance at such activity. Expressive activity generally would not include sports events, such as marathons, fundraising events, beauty contests, commercial events, cultural celebrations, or other events the principal purpose of which is entertainment.

"Obstruct" means to block up, stop up, or close up, or place an obstacle in or fill with obstacles or impediments that interfere with the passing of a pedestrian or to be or come in the way of a pedestrian's free use of the sidewalk.

"Obstruction" means the act or condition of being obstructed, or a condition of being clogged or blocked.

"Public sidewalk" means a publicly owned or maintained "sidewalk," as defined in Section 29-1.1, and includes a "replacement sidewalk" as defined in that section. Where the property line adjacent to a public sidewalk is not clearly established, then for purposes of this article, the sidewalk is deemed to extend 10 feet away from the roadway from the curb line or pavement of the roadway.



---

**A BILL FOR AN ORDINANCE**

---

**Sec. 29-\_\_\_.2 Penalty.**

Any person violating any provision of this article shall be subject to a \$100 fine. In lieu of a \$100 fine, a judge may sentence a person found in violation of this section to provide community service."

SECTION 3. This ordinance takes effect upon its approval; provided that the enforcement of this ordinance shall not be implemented in a Council district until:

- (a) The Office of Housing and the Department of Community Services submit a comprehensive written report to the Council that outlines the City Administration's implementation plan and action steps taken to expedite deployment of homeless services and housing solutions in each of the nine City Council districts, pursuant to Resolution 18-158, FD1; and



A BILL FOR AN ORDINANCE

(b) The Council accepts the written report for the Council district by resolution.

INTRODUCED BY:

Ernest Martin (br)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

July 5, 2018  
Honolulu, Hawaii

\_\_\_\_\_  
\_\_\_\_\_

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this 11<sup>th</sup> day of October, 20 18.

Kirk Caldwell

KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE 18-34

BILL 51 (2018), CD2

Introduced: 07/05/18 By: ERNEST MARTIN – BY REQUEST Committee: PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY

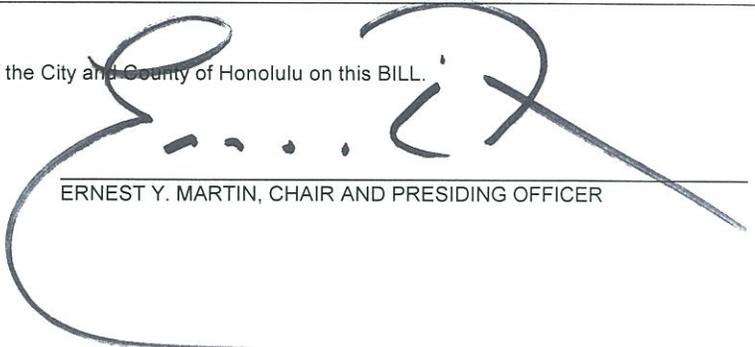
Title: A BILL FOR AN ORDINANCE RELATING TO OBSTRUCTIONS ON PUBLIC SIDEWALKS.

Voting Legend: \* = Aye w/Reservations

07/11/18	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY. 7 AYES: ANDERSON, FUKUNAGA, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 NO: ELEFANTE. 1 ABSENT: KOBAYASHI.
07/25/18	PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY	BILL POSTPONED IN COMMITTEE.
08/29/18	PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY	CR-287 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
09/01/18	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
09/12/18	COUNCIL/PUBLIC HEARING	CR-287 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY. 7 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MARTIN, MENOR, OZAWA, PINE*. 1 NO: ELEFANTE. 1 ABSENT: MANAHAN.
09/19/18	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
09/19/18	PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY	CR-320 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.
10/03/18	COUNCIL	CR-320 ADOPTED AND BILL 51 (2018), CD2 PASSED THIRD READING AS AMENDED. 6 AYES: FUKUNAGA, KOBAYASHI, MARTIN, MENOR*, OZAWA, PINE*. 3 NOES: ANDERSON, ELEFANTE, MANAHAN.

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

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER