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**A BILL FOR AN ORDINANCE**

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RELATING TO CITY STREAMS.

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

SECTION 1. Purpose. The purpose of this ordinance is to ensure the regular inspection and maintenance of streams owned by the City and County of Honolulu.

SECTION 2. Section 41-26.2, Revised Ordinances of Honolulu 1990, is amended by adding a new definition of "City-owned" to read as follows:

"City-owned" means the same as defined in Section 41-43.1."

SECTION 3. Section 41-26.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 41-26.3 Maintenance of streams.**

- (a) The owner of any stream has the duty to maintain, dredge, and clear such stream, or applicable portion thereof, so that the natural flow of water runs unimpaired. The owner shall also be responsible for the removal of any debris, vegetation, silt or other items or material of any kind[,] that may interfere with the natural flow of water or is likely to create an unsanitary condition or otherwise become a public nuisance.
  
- (b) The chief engineer shall conduct an inspection of all city-owned streams that are lined with concrete or other impervious material no less than annually and all other city-owned streams no less than semi-annually, and shall remove or cause to be removed any debris, vegetation, silt, or other item or material of any kind that may interfere with the natural flow of water or is likely to create an unsanitary condition or otherwise become a public nuisance. In determining the scheduling of the annual or semi-annual inspections and removal of debris, vegetation, silt, or other items or materials, as applicable, the chief engineer shall consider seasonal patterns of elevated flood risk, such as that associated with hurricane activity, and approved, applicable permits."

SECTION 4. Ordinance material to be repealed is bracketed and stricken.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.



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SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Trevor Ozawa

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DATE OF INTRODUCTION:

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September 6, 2018  
Honolulu, Hawaii

\_\_\_\_\_ Councilmembers

APPROVED AS TO FORM AND LEGALITY:

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

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu