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BUILDING CODE

City and County of Honolulu

Ordinance 217
September 14, 1922

Amending Ordinances Nos.
18, 26, 27, 33, 158
186 and 207

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BY AUTHORITY

ORDINANCE No. 217

AN ORDINANCE RELATING TO BUILDINGS AND AMENDING ORDINANCES NUMBERS 18, 26, 27, 33, 158, 186 AND 207.

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF HONOLULU:

Section 1—Definitions

The words and phrases used in Ordinances numbers 18, 158, 207, 27, 26, 33 and 186 of the City and County of Honolulu shall have the following meaning:

1—"City of Honolulu" or "City" shall designate that portion of the City and County of Honolulu included within the following boundaries: Commencing at a point on Black Point at the foot of Diamond Head where the military boundary cuts the water edge; thence N. 11° 30' E. 4.25 miles; thence N. 66° W. approximately 6.03 miles to the military boundary of Fort Shafter; thence along this boundary to the waterfront, thence along the waterfront to the point of beginning.

Fire Districts

2—"Fire District No. 1" shall include that portion of the City within the following boundaries: Commencing at a point on the waterfront where a line 100 feet Waikiki from the Waikiki property line of Punchbowl Street extended and parallel to Punchbowl Street cuts the water's edge; thence mauka and parallel to Punchbowl Street to a point 100 feet mauka of the mauka boundary of Beretania Street; thence Ewa and parallel to Beretania Street to a point 100 feet Ewa of the Ewa property line of River Street; thence parallel to the Ewa boundary of River Street to the waterfront; thence along the waterfront to the point of beginning.

3—"Fire District No. 2" shall include that portion of the City within the following boundaries: Commencing at the most southerly corner of Fire District No. 1 near Punchbowl Street, and the waterfront; thence 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 and parallel to Beretania Street to a point 100 feet Waikiki of the Waikiki boundary of Alapai Street; thence makai and parallel to Alapai Street to a point 100 feet makai of the makai boundary of King Street; thence Ewa and parallel to King Street to a point 100 feet Waikiki of the Waikiki boundary of South Street; thence parallel to South Street to the center line of Ala Moana; thence southwesterly and parallel to the U. S. Bulkhead line to the waterfront; thence along the waterfront to point of beginning.

Again commencing at a point 100 feet Waikiki of the Waikiki boundary of Punchbowl Street and 100 feet mauka of the mauka boundary of Beretania Street; thence mauka and parallel to Punchbowl Street to a point 100 feet mauka of the mauka boundary of Vineyard Street; thence parallel to Vineyard Street to a point 100 feet Ewa of the Ewa boundary of Liliha Street to a point 100 feet mauka of the mauka boundary of King Street; thence parallel to King Street to Asylum Road; thence along the center line of Asylum Road extended to a point 100 feet makai of the makai boundary of King Street; thence parallel to

King Street to a point 100 feet Ewa of the Ewa boundary of River Street; thence parallel to River Street to a point 100 feet mauka of the mauka boundary of Beretania Street; thence parallel to Beretania Street to the point of beginning.

4—"Industrial District No. 1" shall include that portion of the City within the following boundaries: Commencing at the most westerly corner of Fire District No. 1 near Queen and River Streets; thence parallel to River Street to a point 100 feet makai of the makai boundary of King Street; thence parallel to King Street to the intersection with the center line of Asylum Road extended; thence mauka along said line to a point 100 feet mauka from the mauka boundary of King Street; thence Ewa parallel to King Street to the center line of Houghtailing Road; thence makai along the center line of Houghtailing Road to a point 200 feet mauka from the center line of the Oahu Railway and Land Company's present Kalihi branch; thence Ewa and parallel to and at a distance of 200 feet from the said tracks to the present southeastern boundary of the Pacific Fertilizer and Guano Company's boundary; thence mauka along this boundary to the makai boundary of King Street; thence Ewa along the makai boundary of King Street to the intersection with the military boundary of Fort Shafter; thence makai to a point 200 feet mauka of the center line of the present main tracks of the Oahu Railway and Land Company; thence Waikiki and parallel to the center line of said tracks to the center of the present channel of the Kalihi Stream; thence mauka along the center of the channel of the Kalihi Stream to the intersection with the center line of Kamehameha IV Road extended; thence mauka along the extended center line of Kamehameha IV Road to a point 200 feet makai of the center line of the present Kalihi branch of the Oahu Railway and Land Company's tracks; thence Waikiki parallel to and at a distance of 200 feet from the said track to the center line of Waiakamilo Road; thence makai along the center line of Waiakamilo Road to a point 200 feet mauka of the center line of the right of way of the main tracks of the Oahu Railway and Land Company; thence Ewa and parallel to and at a distance of 200 feet from the center line of said right of way to the intersection with the military boundary at Fort Shafter; thence makai along the military boundary at Fort Shafter to a point 200 feet makai of the center line of the said right of way; thence Waikiki and parallel to and at a distance of 200 feet from the center line of said right of way to the center line of Waiakamilo Road extended; thence makai along the center line of Waiakamilo extended to the waterfront; thence along the waterfront to the point of beginning.

5—"Industrial District No. 2" shall include that portion of the City within the following boundaries: Commencing at the most southerly corner of Fire District No. 2 at Fort Armstrong; thence mauka along the southern boundary of Fire District No. 2 and parallel to South Street to a point 100 feet makai of the property line of King Street; thence Waikiki and parallel to King Street to a point 100 feet Waikiki from the Waikiki property line of Alapai Street extended; thence mauka and parallel to Alapai Street to a point 100 feet mauka of the mauka boundary of King Street; thence Waikiki and parallel to King Street to a point 100 feet Waikiki of the Waikiki boundary of Ward avenue extended; thence makai and parallel to Ward Avenue to a point 100 feet mauka from

Waimanu Street; thence Waikiki and parallel to Waimanu Street to a point 100 feet Waikiki of the Waikiki boundary of Kamakee Street; kiki boundary of Kamakee Street; thence makai and parallel to Kamakee Street to the waterfront; thence Ewa along the waterfront to the point of beginning.

6—"Residential District" shall include all that portion of the City of Honolulu not included in the Fire and Industrial Districts.

7—"Hotel and Apartment District" shall be that portion of the City within the residential district, included within the following described boundaries:

"A"—Commencing at a point on the waterfront where the most southerly boundary of Fort De Russy cuts the water edge; thence mauka along said boundary to the makai boundary of Kalia Road; thence southeasterly along the makai boundary of Kalia Road to the southeasterly boundary of Lewers Road; thence mauka and parallel to Lewers Road to a point 500 feet mauka of the mauka boundary of Kalakaua Avenue; thence southeasterly and parallel to Kalakaua Avenue to the intersection with the northern boundary of Kapiolani Park; thence makai along said Kapiolani Park boundary extended to the waterfront; thence along the waterfront to the point of beginning.

"B"—Commencing at the most easterly corner of Industrial District No. 2, near King Street and Ward Avenue; thence Ewa along the mauka boundary of Industrial District No. 2 to a point 100 feet Waikiki of the Waikiki property line of Alapai Street; thence mauka and parallel to Alapai Street to a point 100 feet mauka of the mauka property line of Beretania Street, thence Ewa and parallel to Beretania Street to a point 100 feet Ewa of the Ewa property line of Alapai Street, thence mauka and parallel to Alapai Street to a point 100 feet mauka of the mauka property line of Kinau Street; thence along a line parallel to and 100 feet mauka of the mauka property line of Kinau Street to a point 100 feet Ewa of the Ewa property line of Makiki Street; thence along a line parallel to and 100 feet Ewa of the Ewa property line of Makiki Street to a point 100 feet mauka of the mauka property line of Dominis Street; thence along a line parallel to and 100 feet mauka of the mauka line of Dominis Street to a point 100 feet Waikiki of the Waikiki property line of Punahou Street; thence along a line parallel to and 100 feet Waikiki of the Waikiki property line of Punahou Street to a point 100 feet mauka of the mauka property line of Wilder Avenue; thence along a line parallel to and 100 feet mauka of the property line of Wilder Avenue to a point 100 feet Waikiki of the Waikiki property line of Alexander Street extended; thence along a line parallel to and 100 feet Waikiki of Alexander Street to a point 100 feet makai of the makai property line of King Street; and thence along a line parallel to and 100 feet makai of the makai property line of King Street to the point of intersection with Industrial District No. 2; thence mauka along the boundary line of Industrial District No. 2 to the point of beginning.

8—"Alterations" means any change.

9—"Apartment House"—same as tenement.

10—"Approved"—refers to any device, material or construction which has been approved by the Building Inspector as a result of tests or investigations made under his direction, or upon the satisfactory evidence of competent or impartial investigations conducted by others.

11—"Basement"—a story partly or completely below the level of the curb.

12—"Boarding or Lodging House"—a building used for boarding or lodging purposes containing not less than 5 or more than 20 sleeping rooms for guests.

13—"Business District" shall designate that portion of the residential district set aside as provided in Section 16 of Ordinance 207.

14—"Cellar"—that part of a building more than 40 per cent of which is below the grade of the street, and in third-class buildings that part of the building which is below the sills.

15—"Church"—for the purpose of this ordinance "church" shall designate any building designed to be used or used as a place of worship by any religious organization or sect.

16—"Fire Limits" shall mean "Fire Districts Nos. 1 and 2."

17—"First-Class Building" is a building constructed of fireproof materials throughout with floors and roof constructed of steel or reinforced concrete beams, filled between with terra cotta tile, or concrete, or masonry arches, or with concrete or reinforced concrete slabs and otherwise constructed as in the subdivision provided. The outer walls shall be constructed of concrete, brick, stone, tile or similar approved material.

No woodwork or other combustible material shall be used in the construction of any first-class building except wooden floor, sleepers, grounds, bucks and nailing blocks when entirely embedded in incombustible material, also the finish flooring and the interior doors and windows when not otherwise specified, with their frames, trims and casings, and also interior finish when solidly backed with fireproof material may be of wood.

Wood Wainscotings more than 4 feet high are prohibited.

There shall be no air space between the top of any floor and the floor boarding.

All exposed structural steel shall be fireproofed with plaster, terra cotta or other fireproofing material approved by the Building Inspector.

Within the Fire and Industrial Districts, first-class buildings shall be provided with fire doors and shutters or wire glass and metal frames on all exterior openings which do not abut a street. Such fire doors and shutters shall be approved.

18—"Second-Class Building" is a building with walls of masonry brick, concrete, or equivalent approved fireproof material supporting the adjacent floor loads, with interior floors supported by studded partitions protected by lath and plaster or approved fire-protected columns, or other approved means—with the roof and ceiling construction made fire-resistive by fire-protected steel, or approved fire-protected wood construction and roof covering of fire-resisting material.

Wood or combustible material may be used throughout except as herein noted.

Within the Fire and Industrial Districts, second-class buildings having exterior openings which do not face an abutting street shall be protected with approved shutters or metal frames and wire glass.

19—"Third-Class Buildings" are all those not first- or second-class as hereinbefore defined.

20—"Curb"—whenever the word "curb" is used with reference to the height of a building or to the definition of a basement, it shall be construed to mean the established curb grade at the center of the front of the building. In case of a building fronting on two or more streets, the center of the building facing the highest curb shall be taken.

21—"Curtain Wall"—An interior or exterior non-bearing wall that is supported at each floor level by the skeleton frame of the building.

22—"Dwelling"—A residence building designed for use as the home of not more than three separate and distinct families. A dwelling within the meaning of this Ordinance

nance shall include necessary out-buildings, servants' quarters and private garage therefor, and may include a private stable for not more than three animals.

23—"Exterior Wall"—Any outside wall of a building other than a party wall.

24—"Factory"—A building or portion thereof designed or used to manufacture, assemble goods, wares or merchandise, the work being performed wholly or partly by machinery.

25—"Fire Door"—A door frame and sill which will successfully resist fire for one hour in accordance with the test specifications of the National Board of Fire Underwriters' Laboratories.

26—"Fireproof" refers to the materials of construction not combustible in the temperatures of ordinary fires, and which will withstand such fires without serious impairment of their usefulness for at least one hour.

27—"Fire-Resisting"—For the purpose of this Ordinance a five-ply tar and gravel roof over wood sheathing, laths or plaster work, woodwork completely covered with sheet metal when approved, wire glass or any material of equal or greater fire-resistive properties than these enumerated, if such is approved, shall be considered fire-resisting.

28—"Fire Window"—A window frame, sash and glazing which will successfully resist a fire for one hour in accordance with the test specifications of the National Board of Fire Underwriters.

29—"Foundations"—That part of a wall below the level of the highest part of the street curb, or if a wall is not on a street, that part of the wall below the level of the highest ground next to the wall, or that part of a party or partition wall below the cellar floor.

30—"Height of Building"—The vertical distance from the curb level to the highest point of the roof beams in the case of flat roofs, or the average height of gable in case of roofs having a pitch of over 20° with the horizontal. In case of dwellings not flush with the street, the height shall be measured from the average height of the corners of the buildings. In measuring the height of a wall the height of the parapet shall not be included.

31—"Hotel"—any building or portion thereof designed or used for supplying food or shelter to residents or guests and containing more than 20 sleeping rooms for guests.

32—"Mill Construction"—The term "Mill Construction" applies to buildings having exterior walls of masonry with heavy timber interior construction, with no concealed spaces, the openings between floors enclosed with brick and protected with fire doors and otherwise constructed as in this subdivision provided.

The main floor spaces shall not be cut up into small rooms unless the partitions are incombustible.

The floor construction shall be at least 2-ply, at least a total of 3 inches in thickness, and boards placed so that all joints are closed and supported over comparative long spans with heavy beams.

Before a structure shall be classed as "mill construction" it shall be approved.

33—"Office Building"—A building which is intended or used for office purposes, no part of which is used for living purposes except by the janitor and his family.

34—"Parapet Wall"—that portion of a wall which extends above the roof line and bears no load except as it may serve to support a tank.

35—"Partition Wall"—An interior subdividing wall.

36—"Party Wall"—A wall that separates two or more buildings, and which is used or adapted for the use of more than one building.

37—"Public Hall"—A public hall is a room for public assemblages, having a total seating capacity of 100 or more persons, but which does not include a theater.

38—"Story"—A story is that part of a building between any floor and the floor or roof next above.

39—"Streets"—a public passage, alley, lane or right of way at least 20 feet in width suitable or intended for pedestrians and vehicles.

40—"Structures"—Includes the terms buildings, appurtenance, wall, platform, staging or flooring used for standing or seating purposes, a shed, fence, sign or billboard on public or private property, or on, above or below a public highway.

41—"Tenement House" or "Tenement" shall include apartment house or apartments and shall designate any houses or buildings or portions thereof which are designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of four or more families living independently of each other and doing their cooking in said building.

42—"Theater"—A building containing a room, for theatrical or operatic exhibitions or other public entertainments, having a total seating capacity of 300 or more persons.

43—"Thickness of Wall"—The minimum thickness of any wall.

44—"Wire Glass"—Glass not less than 1/4 inch in thickness enclosing a layer of wire fabric reinforcement having a mesh not larger than 7/8 inch and the size of wire not less than 24 Brown & Sharpe gauge.

45—"Waterfront"—Shall mean the contour of the mean lower low tide.

Wherever in Sub-divisions 2, 3, 4 and 5 of this section it is provided that the boundary be 100 or 200 feet from the street, the distance shall be measured in each case so that such boundary shall be back a full 100 or 200 feet, as the case may be, measured on a perpendicular from the street property line.

46—"Warehouses"—A warehouse is a building used for the storage of goods, wares or merchandise.

Section 2

Section 2 of Ordinance No. 207 is hereby amended to read as follows:

Sec. 2—FIRST-CLASS BUILDINGS IN FIRE DISTRICT NO. 1. Within Fire District No. 1 all buildings hereinafter erected shall be "first-class buildings" and subject to the requirements of area, height or any other requirements of this Ordinance.

Provided, however, that this section shall be construed to affect existing buildings when the alterations on such total more than 100 per cent of the assessed value of the structure in the case of second-class buildings and 50 per cent of the assessed value of the structure in case of third-class buildings. The assessed value used shall be that taken just prior to the proposed repairs. When the total repairs equal or exceed the above, such structure shall be made to entirely conform to the requirements of the ordinance, or removed.

Provided, further, that when any part of an existing building is taken for public use by condemnation, it shall be lawful to repair the remaining portion of such building with materials similar to those with which the building was originally constructed.

Provided, further, that nothing in the foregoing requirements for first- and second-class buildings within Fire District No. 1 and Fire District No. 2 shall be construed to affect third-class temporary buildings to be erected in accordance with the following requirements:

1—Permits for such structures shall expire 30 calendar days from the date of issue.

2—Such structures shall be confined to open lots, parks or similar open spaces and shall not be closer than 30 feet to the nearest existing structures.

3—Such structure shall be so constructed and maintained as to reduce the probability of fire to a reasonable minimum and shall be subject to the approval of the Chief Engineer of the Fire Department and the Building Inspector of the

City and County of Honolulu, and shall conform to the requirements of structural safety provided in this or other existing ordinances of the City and County of Honolulu.

Section 3

Section 9 of Ordinance No. 26 is hereby amended to read as follows:

Section 9—"Revocation of Permit." If the work upon any building shall be conducted in violation of any of the provisions of the ordinances of the City and County of Honolulu, or if work shall be not commenced or abandoned for a period of more than 90 days, the Building Inspector shall revoke the permit.

Section 4

Section 13 of Ordinance No. 26 as amended by Ordinance No. 161 is hereby further amended to read as follows:

Section 13—"Alterations of Existing Buildings." It shall be unlawful to enlarge, build upon or remove any building unless at the completion of such work the whole building, and every part thereof, shall conform to the provisions of the ordinances of the City and County of Honolulu; provided, however, that when any part of an existing building within Fire Districts Nos. 1 and 2 is taken for the public use by condemnation, it shall be lawful to repair the remaining portion of such building with materials similar to those of which the building was originally constructed. It shall be unlawful to make repairs or alterations, excepting painting, papering or replastering upon any frame or corrugated iron building within the said fire districts to an extent in all (including repairs theretofore made) greater than 50 per cent of its assessed value.

Section 5

Section 16 of Ordinance No. 26 is hereby amended to read as follows:

Section 16—"Quality of Material." All materials used shall be of good quality for the purpose of which they are intended, and shall conform to the trade and manufacturers' standards. Each class of material shall be free from imperfections whereby its strength or durability may be impaired.

Brick—The brick in the building ordinances of the City and County of Honolulu referred to is the merchantable brick of imported or domestic manufacture.

Stone—The stone in the building ordinances of the City and County of Honolulu referred to is the building stone in common use, and may be Island stone or imported building stone, and shall be subject to such tests as the Building Inspector may direct, and shall not be used where such tests show it to be insufficient for the superimposed load.

Sand—Sand shall be clean and free from organic matter.

Lime—Lime shall be the fresh burned quicklime or ordinary lime of commerce.

Cement—The cement referred to is the standard Portland cement of commerce, which, when tested, must fill the requirements of Section 3 (Cement).

Concrete—Concrete shall be composed of Portland cement, sand, and broken stone, or coarse gravel. For the purpose of filling in above floor arches it may be used as an aggregate in Cinder Concrete.

Lumber—The lumber used for building purposes shall be the native or imported merchantable lumber of commerce.

Wrought Iron—All wrought iron shall be fibrous, tough and ductile.

Cast Iron—Cast iron shall be of good foundry mixture, producing a clean, tough, gray iron.

Steel—Structural steel shall be either the Bessemer or the open-hearth steel, and shall conform to Manufacturers' Standard Specifications.

Section 6

Section 3 of Ordinance No. 26 is hereby amended to read as follows:

Section 3—Building Inspector to Issue Permit. Permit to be on work. The Building Inspector shall without delay ascertain whether such plans and specifications embody all the requirements applicable by law and ordinance to the case, and if the requirements be met, shall, upon the payment of the stated fee, issue a permit to perform the work or improvement, at the place described and in accordance with said plans and specifications. The one to whom the permit is issued shall cause the same to be at place of work for which it was issued during working hours.

Section 7

Section 43 of Ordinance No. 26 is hereby amended to read as follows:

Section 43—Thickness of Wall. Concrete walls without reinforcement shall be of the full thickness given in table for masonry walls hereinafter set out.

Reinforced concrete exterior bearing walls and party and division walls, either bearing or non-bearing, in which there is sufficient reinforcement to safely sustain all imposed stresses, shall be not less than two-thirds the thickness given in table for masonry walls hereinafter set out.

Reinforced concrete exterior non-bearing curtain walls, and interior non-bearing partition walls, shall be of not less than the following minimum thicknesses:

Number of Stories in Bldg.	Base-ment.	Thickness at each story.
One	12	4
Two	12	4 4
Three	12	6 4 4
Four	16	8 6 4 4
Five	16	10 8 6 4 4
Six	16	12 10 8 6 4 4

Section 8

Section 75 of Ordinance No. 26 is hereby amended to read as follows:

Section 75—Boiler Rooms. (a) All walls of boiler rooms situated within the fire district Nos. 1 and 2 shall be of masonry, concrete or terra cotta for their full height, and the roof shall be of corrugated iron or concrete or asbestos. If there is a ceiling it shall be of metal asbestos or plaster on metal lath.

Openings into a boiler room as above described shall have fire doors or shutters constructed as specified in Section No. 26 of this Ordinance, arranged to close automatically; and where oil is burned under gravity feed, every doorway shall have a masonry, concrete or terra cotta sill rising not less than 8 inches above the floor. No wood or other inflammable material shall be used in the construction of the floor of any boiler room.

(b) Boiler rooms outside the fire district Nos. 1 and 2 shall be constructed of fireproof material. Every boiler room where shavings or other refuse are used for fuel shall be provided with a stand pipe not less than 1 1/2 inches in diameter located near the door, with at least 25 feet of 1 1/2-inch hose attached thereto.

Section 9

Section 108 of Ordinance No. 26 is hereby amended to read as follows:

"Section 108 — Moving Picture Houses. Theaters outside of the fire districts containing no balconies and only a small stage and little movable scenery must be first or second class buildings or buildings constructed of corrugated iron with iron roofs or iron or steel frames. No moving-picture machine shall be used in a building unless the said machine is enclosed within a fire-proof booth."

Section 10

Section 109 of Ordinance No. 26 is hereby amended to read as follows:
"Section 109—Electrical Work.
No electrical wiring or installation

of electrical apparatus or appliances for furnishing light, heat or power shall be introduced into or placed in any building or structure in the City and County of Honolulu except in compliance with the standard practice therefor. The rules and regulations of the National Board of Fire Underwriters, known as the 'National Electrical Code,' shall be taken as the guide for standard practice."

Section 11

Section 3 of Ordinance No. 27 is hereby amended to read as follows:
"Section 3—Air Space Between Buildings, outside of the city of Honolulu. No building not flush with a street or streets bounding the lot on which it is to stand, shall hereafter be erected within 5 feet of any other boundary line of said lot unless the nature and location of such building and the purposes for which it is to be constructed and adapted, do not require said vacant space for the preservation of public health and public sanitation. There shall be a clear air space of 10 feet between all such buildings, except such as are flush with a street or streets bounding the lot on which they stand, unless the nature and location of such buildings and the purposes for which they are to be constructed and adapted do not require said vacant space for the preservation of the public health and public sanitation. The word 'building' in this paragraph shall be construed to mean and include sheds, lean-tos, outhouses and all other structures of similar character."

Section 12.

Ordinance No. 207 is hereby amended by adding a new section to be known as Section 6A and to read as follows:

Section 6A. No Building Within Five Feet of Boundary. No building hereafter constructed or erected within the Residential District shall be nearer than five feet to any interior lot boundary, except that one story garages and servants' quarters, which do not exceed 800 square feet in area may be built on the rear property line if such is approved.

Section 13

Section 12 of Ordinance No. 207 is hereby amended to read as follows:

Section 12. Fences. No fence of combustible material shall be constructed within Fire Districts No. 1 or No. 2 or shall be used as a wall of any building or roofed over and in conjunction with other fences or walls as the wall of any building, unless such fence shall be constructed in the same manner as walls in Class 1 and Class 2 buildings. And no fence shall be erected between buildings or any interior lot boundary within the residential district exceeding six feet in height: provided, however, that open wire fences that do not obstruct the free passage of light or air may be built in excess of six feet.

Section 14

Section 15 of Ordinance No. 207 is hereby amended to read as follows:

"Section 15. Buildings in Residential, Business and Restricted Use Districts.

(a) No building, except a publicly owned building, designed to be used or intended to be used for any purpose except as a dwelling, boarding house or church shall be erected within the 'residential district' except as in this section provided.

No building now used for a 'dwelling' or 'boarding house' or 'church' shall hereafter be used any differently except as in this section provided.

(b) Hotels and apartments may be erected within the 'hotel and apartment districts.'

(c) Buildings may be used or erected to be used for any purpose within the 'business district.'

(d) Drawings of buildings to be erected or altered to provide a change in use of the 'Residential District' shall be furnished to the Building Inspector together with sufficient data to show whether the applicant is entitled to a building permit under the terms of this ordinance."

Section 15

Section 16 of Ordinance No. 207 is hereby amended to read as follows:

Section 16. Setting apart business and restricted use districts.

The owner or owners of at least sixty per cent of the property within any area in the residential district containing at least 500,000 square feet may have the said area set apart as a business district in the manner and in conformity with the terms of this Section. Such area must be approximately rectangular in shape, must abut on or contain a public street, and must, where practicable, contain both sides of any street, any part of which abuts on or is contained in said area, and must contain land not less than 100 feet in depth on each side of such street or streets. The said owner or owners shall file with the Building Inspector a petition setting forth all the requisite facts, and shall deposit with him the sum of Ten Dollars to cover the cost of publishing the notice of hearing. The Building Inspector shall forthwith verify its contents and if it complies with the provisions hereof he shall call a public hearing thereon and give notice thereof by publication and by posting within said area at least ten days prior to the hearing. The signers of the petition may withdraw their names at any time prior to the closing of the hearing. If, after said public hearing, said petition shall still be supported by sixty per cent of the owner or owners of property in said area, the Building Inspector shall by order, set aside the area described in said petition as a business district, and thereafter such area shall be included in the term "Business District" as used in this ordinance. Any owner of property within said area aggrieved may appeal from any ruling of the Building Inspector made under this section to the Board of Supervisors by filing a written notice of appeal with the City and County Clerk on or before ten days from the date of said order.

If any property in said area is under lease, the unexpired term of which is over five years, the lessee or lessees must approve of said petition in addition to the owner or owners before the area can be counted in the percentage required to set aside a business district.

Section 16.

Sections 2, 3, 4, 5 and 6 of Ordinance No. 18, Sections 2, 3, 4, 5 and 6 of Ordinance No. 14, Sections 1, 2, 3 and 4 of Ordinance No. 55, Sections 12, 15, 63, 66, 85 and 106 of Ordinance No. 26, Section 4 of Ordinance No. 33 are hereby repealed.

Section 17. Constitutionality.

If any section, subdivision, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, illegal or unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 18. Effective Date.

This Ordinance shall take effect from and after the date of its approval.

Introduced by
(Signed) M. C. PACHECO,
Supervisor.
Date of Introduction: August 29,
1922.

Approved this 14th day of September, A.D. 1922.

(S) JOHN H. WILSON,
Mayor, City and County of
Honolulu, Territory of Hawaii.
Honolulu Advertiser, Sept. 19, 20, 21.

