



A BILL FOR AN ORDINANCE

RELATING TO LOADING ZONES AND BUS STOPS.

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

SECTION 1. Findings and Purpose. The Council finds that: 1) the loading and unloading of passengers and goods are vital to a healthy and strong economy, 2) Transportation Management Special Improvement Districts may be established pursuant to ROH Chapter 36 to assist in managing curb functions properly, safely, and in an orderly manner, and 3) within Transportation Management Special Improvement Districts, supplemental permits may be established to assist in covering the cost of increased administrative, management, and enforcement needs pertaining to loading zones and bus stops.

The purpose of this ordinance is to establish a supplemental permit to allow parking in loading zones located within the boundary of a Transportation Management Special Improvement District, to authorize rule-making that includes the adoption of rules capping the number of supplemental permits issued and other provisions relating to loading zones within specific Transportation Management Special Improvement Districts, and to update certain provisions, including those relating to fees, for permits to park in loading zones and official bus stops.

SECTION 2. Section 15-13.9, Revised Ordinances of Honolulu 1990 ("Authority to store vehicles"), as amended by Ordinance 19-1, is amended by amending subsection (a) to read as follows:

- "(a) Officers and employees of the Honolulu police department and department of customer services are authorized to remove vehicles or cause them to be removed from a street, highway, or pedestrian mall to a storage area or other place of safety under any of the following circumstances:
- (1) When any vehicle is left unattended upon any bridge or elevated structure, viaduct, causeway, or left unattended in any tube or tunnel, where such vehicle constitutes an obstruction to traffic;
 - (2) When any vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle request the removal of the vehicle or are by reason of physical injury incapacitated to such an extent as to be unable to provide for the vehicle's custody or removal;



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- (3) When any vehicle is left unattended upon a street and is parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic;
- (4) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking during the morning peak traffic hours designated by official signs specifying the hours of restricted parking every day, except Saturdays, Sundays, and public holidays, on the streets or portions thereof described in Schedule XVII;
- (5) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking during the afternoon peak traffic hours designated by official signs specifying the hours of restricted parking every day, except Saturdays, Sundays, and public holidays, on the streets or portions thereof described in Schedule XVIII;
- (6) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking during the morning and/or afternoon peak traffic hours designated by official signs specifying the hours of restricted parking every day, except Saturdays, Sundays, and public holidays, on the streets or portions thereof described in Schedule XIX;
- (7) When any vehicle is left unattended or parked in a tow zone at all hours of any day on the streets or portions thereof described in Schedule XX;
- (8) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking designated by official signs specifying those times of restricted parking on the streets or portions thereof described in Schedule XXI;
- (9) When any vehicle is left unattended or parked upon a street and is parked in front of a public or private driveway so as to constitute an obstruction to vehicular traffic using or attempting to use such driveway for purposes of egress or ingress;
- (10) When any vehicle is left unattended on a street, or portion thereof, so as to interfere with or impede construction, demolition, repair, ~~and/or~~ or maintenance work being done on, adjacent to, above, or below the street, provided a permit has been issued for the work by the director of transportation services, and adequate regulatory signs are posted designating the time of the prohibition;



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- (11) When any vehicle is left unattended upon any street within 10 feet of a fire hydrant;
- (12) When any vehicle is left unattended upon any street within four feet of either side of a public or private driveway;
- (13) When any vehicle is left unattended or parked in a crosswalk, or within 20 feet of a crosswalk at an intersection, or within 20 feet upon the approach to any midblock crosswalk;
- (14) When any vehicle is left unattended at any time on the roadway portion of any freeway; or when any vehicle, except an authorized emergency vehicle or highway maintenance or construction equipment, is left unattended on the median, shoulder, or any other portion, other than the roadway portion, of any freeway for more than four hours;
- (15) When any bus, truck, truck-trailer, trailer, van, house trailer, or any vehicle used for commercial purposes whose gross vehicle weight is 10,000 pounds or more, except vehicles of the public utilities and construction equipment while engaged in repair or construction work, or vehicles actually loading or unloading goods, wares, or merchandise, is parked on any public street for more than four consecutive hours;
- (16) When any vehicle is left unattended in a transit bus or an express bus lane;
- (17) When any vehicle is left unattended upon any bicycle lane or bicycle path;
- (18) When any vehicle is left unattended or parked in violation of the pedestrian mall provisions of Article 25;
- (19) When any vehicle is left unattended or parked in an official bus stop as described in Schedule XXV;
- (20) When any vehicle is parked, stopped, or left standing in violation of Section 15-14.1(a)(21) to (a)(26);
- (21) When any vehicle is left unattended or parked on any public street, road, or highway, and the vehicle has any one or more of the following:
 - (A) No valid vehicle registration emblem or an expired vehicle registration emblem;



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- (B) No valid sticker affixed certifying a certificate of inspection as required in HRS Section 286-26₁, or an expired certificate of inspection sticker; or
- (C) No valid license plates.

For purposes of this ~~[paragraph:]~~ subdivision, ["Public] "public street, roadway, or highway" includes the entire width, including the berm or shoulder, of every road, alley, street, way, lane, trail, highway, bikeway, or bridge when any part thereof is open for use by the public;

- (22) When a vehicle is parked in a ~~[restrictive]~~ restricted parking zone in violation of Article ____ of this chapter; ~~[and]~~
- (23) When a vehicle is parked in a reserved car-sharing on-street parking stall without a valid and current reserved car-sharing on-street parking stall sticker in accordance with Section 15-28.1(g); and
- (24) When a vehicle is parked in a loading zone or an officially designated bus stop without a valid and current decal or other approved device permitting parking in loading zones and official bus stops in accordance with Section 15-15.5."

SECTION 3. Section 15-15.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 15-15.5 Permits and supplemental permits to park in loading zones and official bus stops.

- (a) ~~[The]~~ Except as provided in subdivision (3), the [licensing division of the department of finance] department of customer services is authorized to issue, upon application therefor on forms furnished by the department of customer services and upon the payment of annual fees as hereinafter provided, permits for the parking of trucks as described in HRS Section 249-1, as amended, in freight curb loading zones when freight is being loaded upon or is being unloaded from such vehicles, and permits for the parking of tour ~~[buses,]~~ vehicles as defined in HRS Section ~~[286-2,]~~ 251-1, as amended, in officially designated bus stops when passengers are being loaded upon or being unloaded from such vehicles.



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- ~~[(b)]~~ (1) A permit, deemed granted upon approval of the application, shall expire on December 31st of the year in which it is issued. However, an application for renewal of such permit for the following year may be made on and after the first day of December and approval thereof may be granted upon the payment of the permit fee. The permit shall be evidenced by an appropriate decal which shall be placed on the front right bumper, or on a place to be designated by the ~~[licensing division]~~ department of customer services in the case of vehicles not required to have front bumpers.
- ~~[(e)]~~ (2) The ~~[licensing division of the department of finance]~~ department of customer services shall charge and collect an annual fee of ~~[\$24.00]~~ \$60 for each permit, and a fee of ~~[one dollar]~~ \$10 for each decal, for a total charge of ~~[\$25.00]~~ \$70; provided~~[-]~~ that where the application for such permit is made in any month other than January, the permit fee ~~[of \$24.00]~~ shall be reduced by ~~[two dollars]~~ 1/12 of the annual cost for each permit for each full month of the then calendar year which has elapsed at time of the application; and provided further, that where a decal is mutilated, defaced, or lost, a replacement decal ~~[shall]~~ will be issued upon payment of ~~[one dollar.]~~ \$10. The director of customer services is authorized, at the discretion of the director of customer services, to establish and increase the annual permit fee and the decal fee by no greater than five percent once per calendar year; provided that the current fees are set forth in Schedule XXXIX, which is to be provided by the director of transportation services subsequent to the effective date of this ordinance and made a part hereof. The sums collected shall be deposited in the highway fund.
- ~~[(d)]~~ (3) Permits issued pursuant to this subsection shall not allow the permittee to park in:
- (A) ~~[officially]~~ Officially designated city bus stops in the Waikiki special district, as defined in Section 21-9.80-2 [of the land use ordinance], as amended. Such bus stops shall be restricted [to] for use by city transit buses only[-]; and
- (B) Freight curb loading zones and officially designated bus stops located within the boundary of a transportation management special improvement district established pursuant to Chapter 36.
- (b) The department of customer services is authorized to issue, upon application therefor on forms furnished by the department of transportation services and



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upon the payment of annual supplemental permit charges as hereinafter provided, supplemental permits for the parking of trucks as described in HRS Section 249-1, as amended, and for the parking of tour vehicles, as defined in HRS Section 251-1, as amended, in loading zones when freight or passengers are being loaded upon or being unloaded from such vehicles, for loading zones within the boundary of a transportation management special improvement district established pursuant to Chapter 36.

- (1) A supplemental permit, deemed granted upon approval of the application, shall expire on December 31st of the year for which it is issued. An application for renewal of such supplemental permit for the following year may be made on and after the first day of December and approval thereof may be granted upon the payment of the supplemental permit fee, decal fee, and the additional fee for each transportation management special improvement district within which permission to load and unload is requested. The supplemental permit shall be evidenced by an appropriate decal or other device as approved by the director of transportation services which shall be placed on the front right bumper or such other place on the vehicle as may be approved by the director of transportation services.

- (2) The department of customer services shall charge and collect an annual fee of \$120 for each supplemental permit, and a fee of \$10 for each decal or other approved device, for a total charge of \$130; provided that where the application for the supplemental permit is made in any month other than January, the supplemental permit fee shall be reduced by 1/12 of the annual cost for each supplemental permit for each full month of the then calendar year which has elapsed at the time of the application; and provided further, that where a decal or other device is mutilated, defaced, or lost, a replacement decal or approved device will be issued upon payment of \$10.
 - (A) Supplemental permits to authorize the loading and unloading of passengers and freight in a transportation management special improvement district will be subject to an additional fee for each transportation management special improvement district within which permission to load and unload is requested. The supplemental permit charge for each transportation management special improvement district is \$120.



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- (B) The director of transportation services is authorized, at the discretion of the director of transportation services, to establish and increase the additional transportation management special improvement district fee and the decal fee by no greater than five percent once per calendar year; provided that the current fees are set forth in Schedule XXXIX, which is to be provided by the director of transportation services subsequent to the effective date of this ordinance and made a part hereof.
- (C) The sums collected from the supplemental fees must be deposited in the bus transportation fund and must be allocated to defraying the cost of the increased management and enforcement needs of the transportation management special improvement district loading zones and the associated operational and administrative costs.
- (D) The director of transportation services may enter into an agreement with any entity or entities authorized by ordinance to manage freight and passenger loading and unloading in a transportation management special improvement district.
- (c) A person may not park a vehicle in a permitted loading zone or bus stop unless there is affixed to the vehicle a valid and current decal or other approved device permitting parking in loading zones and official bus stops in accordance with this section and, for a loading zone or official bus stop in a transportation management special improvement district, unless there is affixed to the vehicle a valid and current decal or other approved device permitting parking in loading zones and official bus stops in that transportation management special improvement district. Any vehicle parked in a permitted loading zone or bus stop without a valid and current decal or approved device, or, for a permitted loading zone or bus stop within a transportation management special improvement district, parked without a valid and current decal or approved device permitting parking in a permitted loading zone or bus stop within the applicable transportation management special improvement district, is subject to being towed, and the owner of the vehicle is subject to a fine of \$100 for each offense.
- (d) Permits, decals, or other approved devices issued pursuant to this section are not effective during a parade or special event or when parking is otherwise prohibited pursuant to Sections 15-13.12, 15-14.8, 15-15.1, and 15-15.3, or other applicable laws.



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- (e) The director of customer services and the director of transportation services may adopt rules, in accordance with HRS Chapter 91, having the force and effect of law for the implementation, administration, and enforcement of this article, specifically including the adoption of rules limiting the number of supplemental permits issued within, and specifying other provisions relating to loading zones within, individual transportation management special improvement districts."

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. In SECTION 2 of this ordinance, the Revisor of Ordinances shall insert the appropriate article number in ROH Section 15-3.9(a)(22), for the new article created in ROH Chapter 15 in SECTION 2 of Ordinance 19-1 upon the codification of that article.



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SECTION 5. This ordinance takes effect on January 1, 2020.

INTRODUCED BY:

Brandon Elefante (br)

DATE OF INTRODUCTION:

June 27, 2019
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