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**THE
REVISED ORDINANCES
OF HONOLULU
1969**

as Amended

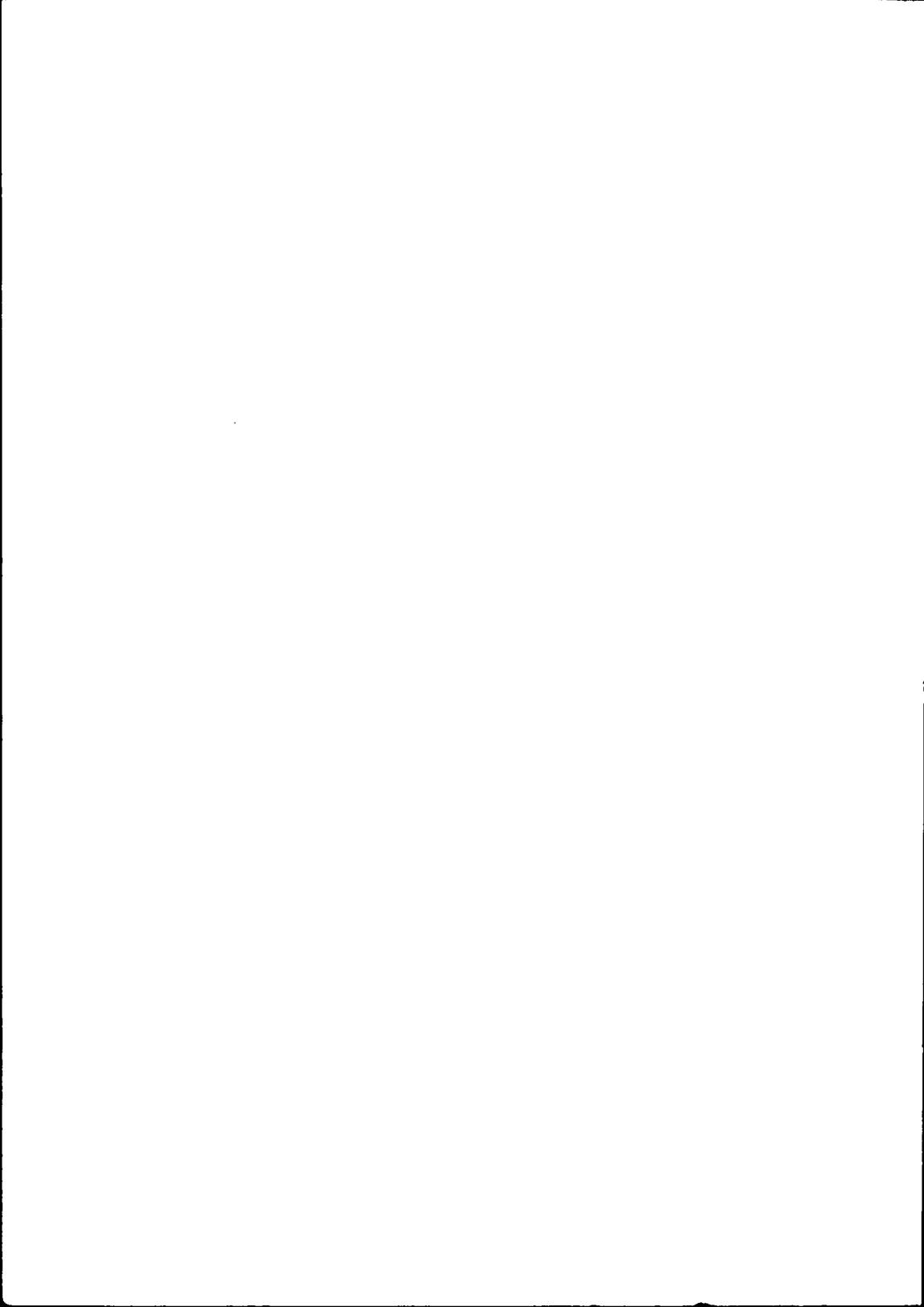
**1970-71-72 CUMULATIVE
SUPPLEMENT**

Comprising the Ordinances of the
CITY AND COUNTY OF HONOLULU,
Ordinance No. 3508 through Ordinance No. 4068
January 1, 1970—December 31, 1972



MUNICIPAL REFERENCE & RECORDS CENTER
City Hall Building, 5th Floor
City Hall Annex, 1555 King Street
Honolulu, Hawaii 96813

PUBLISHED BY AUTHORITY



PREFACE

This Supplement was prepared in compliance with Hawaii Revised Statutes, Sections 46-2.1 and 46-2.2.

This Supplement contains all the ordinances of a general and permanent nature enacted in 1970, 1971 and 1972. They have been classified, arranged, and numbered as in the Revised Ordinances of Honolulu 1969; repealed Sections carry appropriate references, new Sections appear in appropriate places, amended Sections generally appear in their amended form.

Where the Corporation Counsel has added to or changed the wording of a Section, whether to conform to the style of the Revised Ordinances of Honolulu 1969 or to correct typographical errors or to remove ambiguity, brackets or notes have been inserted. All changes are only those authorized by Revised Charter of Honolulu, Section 3-205 and said Sections 46-2.1 and 46-2.2.

RICHARD K. SHARPLESS
Corporation Counsel

Honolulu, Hawaii
December 31, 1972

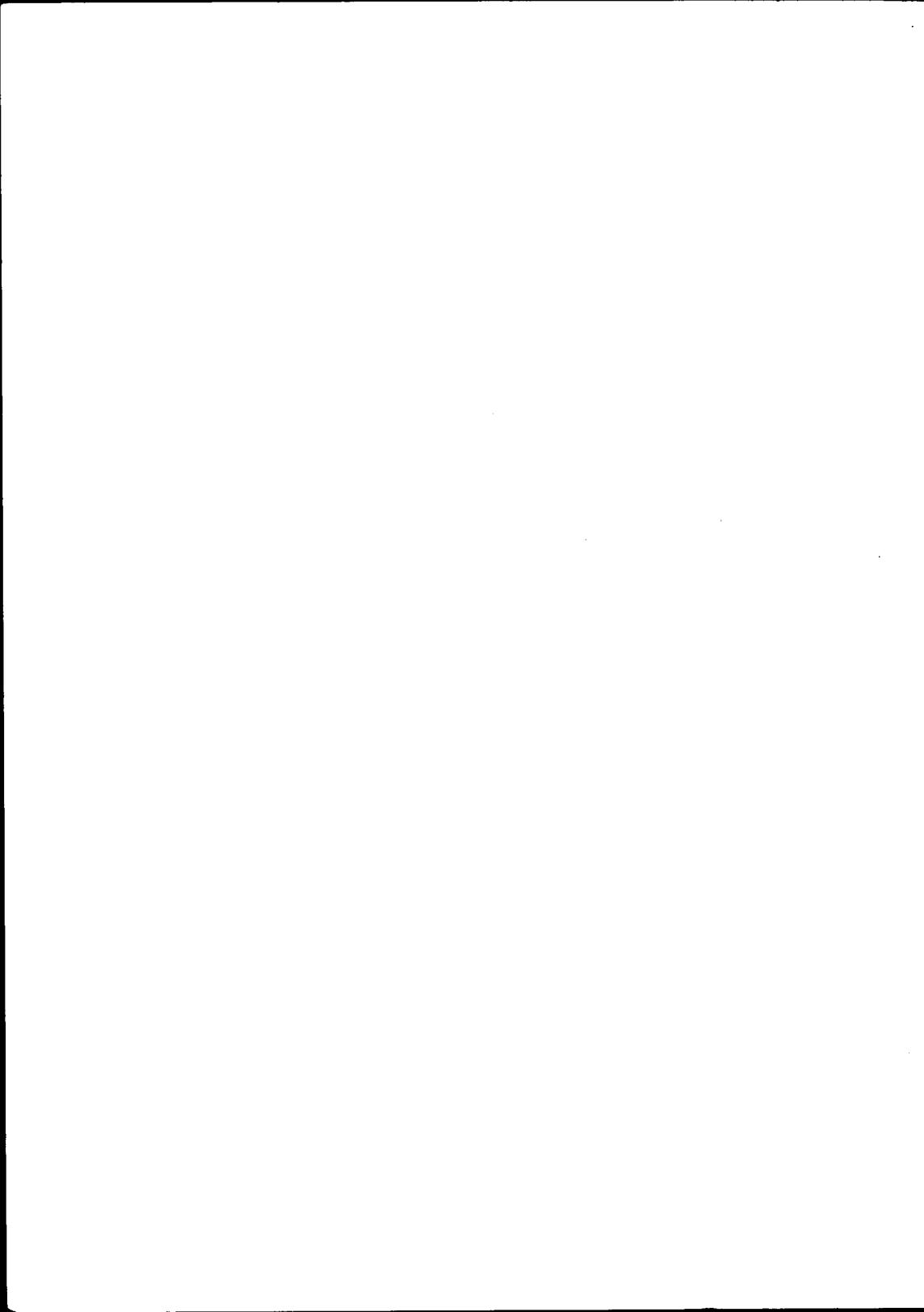


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TITLE III

Administrative Code

CHAPTER 4. Executive Organization.

Article 1. Executive Agencies.¹²

Sec. 4-1.1. Organization.

The executive branch of the City shall be divided into the following agencies:

(a) Departments and heads thereof under direct supervision of Mayor:

Corporation Counsel Corporation Counsel
Department of Finance Director of Finance
Planning Department Planning Director
Department of Civil Service Director of Civil Service
Information Systems

Department Director of Information Systems

(b) Departments and heads thereof under the direct supervision of the Managing Director:

Department of Public Works Chief Engineer
Building Department Building Superintendent
Department of Health City and County Physician
Fire Department Fire Chief
Department of Traffic Traffic Engineer
Department of Parks and

Recreation Director of Parks and Recreation
Prosecuting Attorney Prosecuting Attorney
Police Department Chief of Police
Medical Examiner Medical Examiner

(c) Other agencies and administrative heads thereof, and miscellaneous personnel under the direct supervision of the Managing Director unless expressly excepted therefrom.

12. Term of office, § 12-114, Charter.

Oath of office, § 12-115, Charter.

Dual offices, prohibited § 12-116, Charter.

- Royal Hawaiian Band Bandmaster
 - Oahu Civil Defense Agency Deputy Director (Oahu
Civil Defense Administrator)
 - Board of Water Supply Manager and Chief Engineer
 - Honolulu Redevelopment
Agency Honolulu Redevelopment Manager
 - Oahu Committee on Children and Youth Chairman
 - Poundmasters Poundmasters
 - District Court Personnel Chief Magistrate
 - Public School Custodian Service
Personnel State Department of Education
- (Sec. 4-1.1, R.O. 1969; Am. Ord. 3902)

**Article 3. Bonds Of Elected Officials,
Officers and Employees.**

Sec. 4-3.1. Bonds Of Elected Officials.

Before entering upon the duties of his office each Councilman and the Mayor shall be covered by an individual bond in the amount of \$25,000.00 conditioned for the faithful performance of the duties of his office. (Am. Ord. 4002)

Sec. 4-3.2. Bonds Of Officers And Employees.

All officers and employees of the City, except the Board of Water Supply, shall be covered by a public employees faithful performance blanket position bond in the amount of \$25,000.00 for each officer and employee, subject to excess indemnity coverage for the following officers and employees:

Director of Finance	\$75,000.00
Deputy Director of Finance	75,000.00
Chief of Treasury	75,000.00
Assistant Chief of Treasury	75,000.00
Treasury Head Teller	75,000.00
Director of Auditoriums	75,000.00
Deputy Director of Auditoriums	75,000.00
Auditoriums Fiscal Officer	75,000.00
Auditoriums Accountant V.	75,000.00
Auditoriums Box Office Manager	25,000.00
Auditoriums Box Office Accountant	25,000.00

(Sec. 4-3.2, R.O. 1969; Am. Ord. 4002)

Sec. 4-3.3. Procurement Of Bonds

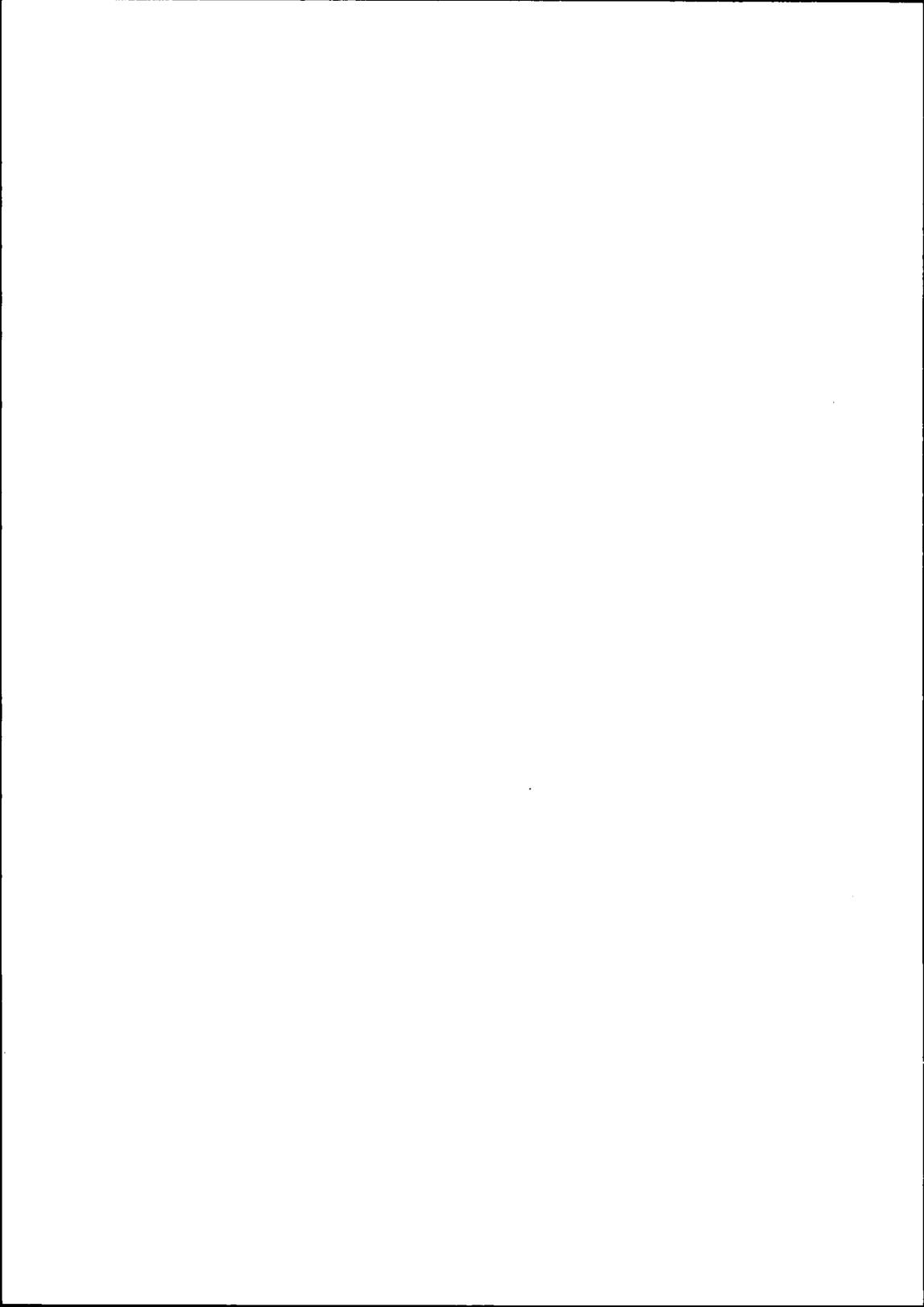
The bonds specified in Sections 4-3.1 and 4-3.2 shall be procured by the Director of Finance as he may deem best in the interest of the City, subject to the following conditions:

(a) That such bonds be procured from companies licensed to do business in Hawaii.

(b) That such bonds be in favor of and the premiums thereof shall be borne by the City. (Sec. 4-3.3, R.O. 1969; Am. Ord. 4002)

Sec. 4-3.4. Liability Of Officers And Employees On Bonds.

If any bonded City officer or employee refuses or neglects to account for and pay over all moneys received by him by virtue of his office or employment, he shall be liable for such refusal or neglect upon his official bond, and the Finance Director shall bring an action against him for the recovery thereof, in the name of the City and recover in such action, in addition to the amount so received, fifty per cent thereon by way of damages. No order of the Council shall be necessary to bring such action. The Finance Director's reasonable expenses, including an attorney's fee if necessarily incurred, shall be a City charge. (Sec. 4-3.4, R.O. 1969; Am. Ord. 4002)



CHAPTER 5.

Departments Under The Mayor.

Article 1. Corporation Counsel

Sec. 5-1.2. Powers, Duties And Functions.

(e) Settlement of Claims. Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes and matters in favor of or against the City or in which the City is concerned as debtor or creditor, now existing or which may hereafter arise, not involving or requiring payment in excess of \$2,500.00, provided the money to settle claims generally has been appropriated and is available therefor; and provided further that a quarterly report of all settlements shall be filed with the Council within 15 days after the end of each quarter.

(j) Settlement of Land Acquisitions. Have the power to adjust, compromise, settle or submit to arbitration, any land acquisition requests referred to this office by other City agencies or eminent domain actions, causes of eminent domain actions in favor of or against the City or in which the City is concerned as purchaser, seller, condemnor or condemnee, now pending or which may hereafter arise, not involving or requiring payment in excess of \$2,500.00, provided the money to settle any specific land acquisition or eminent domain action generally has been appropriated and is available therefor; and provided further that a quarterly report of all settlements shall be filed with the Council within 15 days after the end of each quarter. (Sec. 5-1.2, R.O. 1969; Am. Ord. 3704)

Article 2. Department Of Finance.

Sec. 5-2.7. Refund Of License Fees Authorized.

(a) Legislative findings and declaration of intent.

The Council finds that:

Whenever a business license fee has been paid improperly or paid under circumstances when it need not have been paid or otherwise paid in excess of the amount required by law and such payments have been either voluntary, involuntary, the result of a mistake of law or of fact or any combination thereof and the payor has derived no benefit from the payment of such fee, there exists a moral obligation on the part of the City and County of Honolulu to refund said payment or such amount as represents the illegal excess collected over that required by law.

(b) Director of Finance authorized to refund, when.

Upon the written request of the payor received within six months from the date of the erroneous payment, the Director of Finance may refund license fees or so much thereof as represents the illegal excess collected over the amount required to be collected by law or regulation when paid under the following conditions; when such fees need not have been paid but were in fact paid voluntarily or involuntarily, under a mistake as to the applicable law or mistake of fact provided that the payor has not derived any benefit from the payment of the license fee. If such a benefit has been derived therefrom as in the case of a payment made pursuant to a law or regulation subsequently declared by a court of competent jurisdiction to be invalid, only the amount of the fee, which when prorated over the term of the license represents the balance of the term for which the license fee was paid subsequent to the decision invalidating the law or regulation under which payment was made, shall be refunded; provided further that notwithstanding the receipt of any benefits by the payor, payments made involuntarily as defined in subsection (d) of this ordinance shall be refunded in their entirety.

(c) Limitations.

The authority granted the Director of Finance in subsection (b) of this ordinance shall not extend to the payment of any other claims based on an asserted moral obligation.

(d) Involuntary payment.

For the purposes of this ordinance, involuntary payments shall be deemed to be those payments made under protest to prevent interference with or the closing of the payor's business or the arrest of his person. Similarly, payment made under the threat of force or procured by fraud shall be deemed involuntary. (Am. Ord. 3641)

CHAPTER 6.

Departments Under The Managing Director.

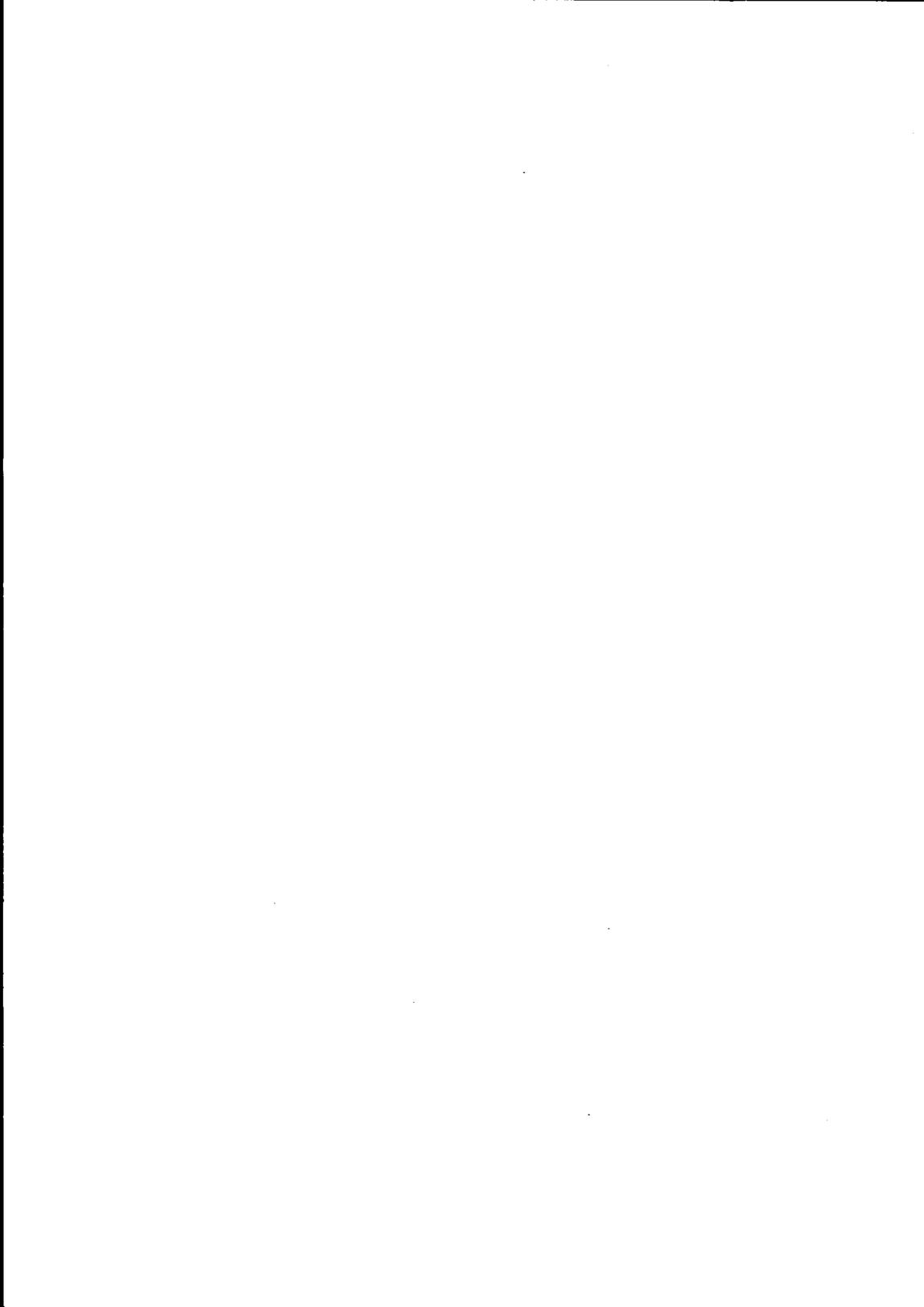
Article 1. Department Of Public Works³³

Sec. 6-1.4. House Numbering.³⁶

(b) Method in rural areas. The Chief Engineer or his designated assistant in numbering buildings in areas outside of the districts of Honolulu, Pearl City, Lanikai, Kailua and Wahiawa shall adhere in all respects to the following system of numeration. The first digit of the building number shall correspond with the zone number of the appropriate tax map of the State of Hawaii; the second digit of the building number shall correspond to the section number on the said tax map. The remaining digits of the building number shall be assigned in a manner to be determined by the Chief Engineer or his designated assistant. (Sec. 6-1.4, R.O. 1969; Am. Ord. 3981)

33. In general, Chap. 2 Art. VI, Charter.

36. Authority, § 70-64, HRS.



CHAPTER 7.
Other Agencies And Personnel.

Article 2. Royal Hawaiian Band.⁵¹

Sec. 7-2.4. Fees For Services.

The following are the fees to be assessed for any performance by the Royal Hawaiian Band of the City:

Occasion	Fees
(1) Vessel arrival or departure.	\$100.00 for each performance.
(2) Private function.	\$200.00 for the first hour and thereafter \$50.00 for each fifteen minutes or fraction thereof.
(3) Television, radio, movies or recordings.	\$50.00 per fifteen minutes or fraction thereof, plus royalties and residuals.
(4) Public or Semi-public function.	No fees.

The term "public" shall mean to include occasions sponsored by or related to a governmental purpose. The term "semi-public" shall mean to include occasions which are sponsored by or related to community, civic, athletic, or ethnic organizations or associations and which are either eleemosynary corporations chartered under the laws of the State of Hawaii, or listed by the Internal Revenue Service as a non-profit organization or association or duly recognized by the residents of the City as a community or civic organization, with sufficient public purpose to warrant performance by the band with incidental benefits to the private organizations or associations.

All fees collected under this Article shall be paid into the General Fund of the City. (Sec. 7-2.4, R.O. 1969; Am. Ord. 3509)

Article 6. (Repealed) (Am. Ord. 3902)

Article 9. Poundmaster.

Sec. 7-9.3. Duties; Compensation.

Each Poundmaster shall be responsible for the safekeeping and proper care of any estray committed to his charge.

51. Pensions, Chap. 88, HRS, as amended.
Travel, § 46-10, HRS, as amended.

He shall give the estrays a sufficient quantity of food and water, and any Poundmaster who shall abuse or neglect any stray in his charge, shall forfeit the pound fees to which he would otherwise have been entitled and shall also be liable to the owner thereof for damages.

Each Poundmaster shall receive for his services from the owner of such stray the following fees:

A. Impounding of Estrays.

(1) Animals Trespassing on Private Property.

The owners of such animals shall pay the Poundmaster the fees prescribed in Section 142-70, HRS.

(2) Animals Trespassing on Public Highway or Property.

The owners of such animals shall pay the Poundmaster the fees prescribed in Section 142-66, HRS.

(3) Pound Fees.

Bulls, Stallions & Boars of

Breeding Age

\$5.00 for each animal for each
24-hour period

All Other Estrays

\$3.00 for each animal for each
24-hour period

B. Fees for Transporting Animals Back to Owner's Premises.

Type of Animal	Use of Trailer	Use of Tow Vehicle	Helper's Fees
Bulls, stallions, & boars of breeding age	\$5.00	\$.50 per mile	\$3.00
All other estrays	\$2.50	\$.50 per mile	\$2.00

(Sec. 7-9.3, R.O. 1969; Am. Ord. 3751)

Article 14. Commission On Culture And The Arts.

Sec. 7-14.2. Creation Of Commission.

There shall be a Commission on Culture and the Arts consisting of ten members, excluding ex-officio members, who shall be appointed by the Mayor with the approval of the Council. There shall be one member for each of the below-listed categories, except for the category, Drawing, Painting, Printmaking and Sculpture which shall have two members:

- (a) Design: graphic, industrial, visual.
- (b) Urban design: architecture, landscape architecture, and interior design.
- (c) Drawing, Painting, Printmaking and Sculpture.
- (d) Crafts: Ceramics, weaving, woodworking, etc.
- (e) Music: contemporary and classical.
- (f) Performing Arts: drama, dance.
- (g) Multi-media: cinematography, photography, television.

(h) Literature: prose, poetry.

(i) At large.

Each member of the Commission shall be appropriately qualified to fulfill the roles of the Commission within his respective category. Of the members originally appointed two shall serve for a term of one year, two for a term of two years, two for a term of three years, two for a term of four years and two for a term of five years. Thereafter, each member shall be appointed for a term expiring five years from the date of expiration of the term of his predecessor, or in the case of a vacancy for the remainder of the unexpired term. Each member shall serve until his successor has been appointed and qualified. The Commission shall annually select a chairman and a vice-chairman from its members, whose duties shall be as set forth in this article and in the rules adopted by the Commission. (Sec. 7-14.2, R.O. 1969; Am. Ord. 4050)

Sec. 7-14.3. Rules; Meetings.

The Commission shall adopt the necessary procedural rules which will enable it to conduct its business and to carry out its powers, duties and functions. Meetings of the Commission shall be held at least once a month at the call of the chairman. Six members shall constitute a quorum and the affirmative vote of a majority of members present at such meeting, a quorum being present, shall be necessary to take any action. (Sec. 7-14.3, R.O. 1969; Am. Ord. 4050)

Sec. 7-14.4. Objectives, Powers, Duties And Functions.

The objectives of the Commission shall be to assist the City in attaining national pre-eminence in culture and the arts, to assist the City in the preservation of the artistic and cultural heritages of all its people, to promote a community environment which provides equal and abundant opportunity for exposure to culture and the arts in all its forms and to encourage and provide equal opportunity for the development of cultural and artistic talents of the people of Honolulu. In the furtherance of these objectives, the Commission shall have the following powers, duties and functions:

(a) In connection with the acquisition of works of art by the City, the Commission shall make recommendations, provide advice and assist the City agencies authorized to expend funds for such works of art in determining the amounts of money to be made available, the evaluation, selection and commissioning of artists and craftsmen and the evaluation and review of works in progress, the evaluation, selection and purchase of works of art not specifically commissioned by the City and the acceptance or non-acceptance of works of art offered as gifts to the City.

(b) In the area of community aesthetics the Commission shall review the architectural, landscape and interior design of all planned and existing City buildings, grounds and facilities and make recommendations to the executive and legislative branches of the City with respect to the establishment of aesthetic standards.

(c) In the development of the City's programs for the preservation, advancement and dissemination of culture and the arts to its citizens, the Commission shall make recommendations and submit proposals to the various branches, departments, agencies and offices of the City with respect to the formulation of new arts and culture programs and the expansion of existing programs. (Sec. 7-14.4, R.O. 1969; Am. Ord. 4050)

Sec. 7-14.6. Administrative Services.

The Commission shall be attached to the Office of the Mayor for administrative purposes and the Mayor shall cause employees of his office to furnish such services as may be needed by the Commission. The Mayor shall designate an employee of the City to serve as coordinator and provide liaison between the Commission and the various agencies, departments and offices of the City.

In addition to the Coordinator, the following officials, or their designated representatives, shall attend and participate ex-officio in all meetings of the Commission:

- (a) the Director of the Office of Social Resources,
- (b) the Director of the Department of Parks and Recreation,
- (c) the Building Superintendent,
- (d) the Auditoriums Director, and
- (e) the Royal Hawaiian Bandmaster.

The ex-officio representatives shall have no vote in proposed actions of the Commission. (Sec. 7-14.6, R.O. 1969; Am. Ord. 4050)

Article 15. Additional Standards Governing The Conduct Of Officers And Employees.

Sec. 7-15.3. Restrictions Relative To Post Employment.

(d) The restrictions of Section 7-15.3 shall not apply to members of a Charter Commission appointed in accordance with Section 13-105 of the City Charter. (Sec. 7-15.3, R.O. 1969; Am. Ord. 4005)

TITLE IV
General Administration

CHAPTER 8.
Special Fiscal Provisions.

**Article 1. Pay Plan In The Offices Of
The Corporation Counsel And
The Prosecuting Attorney.**

Sec. 8-1.1. Deputies And Clerks.

The salary of the deputies and law clerks of the Offices of the Corporation Counsel and the Prosecuting Attorney shall be at the following rates per annum, payable semi-monthly out of the City Treasury:

(a) Office of the Corporation Counsel:	
Salary Range	
Assignments	
LS-11	\$27,140.00
LS-10	26,182.00
LS-9	24,658.00
LS-8	24,024.00
LS-7	21,699.00
LS-6	20,149.00
LS-5	18,599.00
LS-4	17,049.00
LS-3	15,500.00
LS-2	13,949.00
LS-1	12,399.00
LS-01 (Law Clerks)	10,849.00
(b) Office of the Prosecuting Attorney:	
Salary Range	
Assignments	
LS-10	\$26,182.00
LS-9	24,658.00
LS-8	24,024.00
LS-7	21,699.00
LS-6	20,149.00
LS-5	18,599.00
LS-4	17,049.00

Salary Range
Assignments

LS-3	15,500.00
LS-2	13,949.00
LS-1	12,399.00
LS-01 (Law Clerks)	10,849.00
(Sec. 8-1.1, R.O. 1969; Am. Ord. 3601, 3983)	

Article 7. Insurance.*

Sec. 8-7.1. Public Liability Insurance.

(a) The Director of Finance shall procure public liability insurance:

(1) To cover any loss arising from the operation, maintenance or use of the following premises or properties:

(a) Vehicles owned by the City, except vehicles of the Board of Water Supply.

(b) Vehicles owned by employees of the Honolulu Police Department and regularly used in the performance of their duties.

(c) Off-street parking lots, if the City is required to procure such insurance by covenants contained in bonds issued to finance such parking lots.

(d) Passenger elevators owned and operated by the City.

(e) The Waikiki Shell and the Honolulu International Center.

(f) Aircraft owned and operated by the City.

(g) Watercraft owned and operated by the City.

(2) To cover hazards or perils arising out of the use of vehicles owned or hired by employees of the City and used within the scope of their employment.

(b) Amounts of insurance. The limits of liability for insurance to be procured under this Section shall be in the following amounts:

(1) Bodily injury coverage in the amount of \$100,000.00 for each person, subject to the limitation of \$300,000.00 for each occurrence.

(2) Property damage coverage in the amount of \$10,000.00 for each occurrence; provided that in the case of off-street parking lots, such coverage shall be in the amount of \$5,000.00 for each occurrence, and in the case of the Waikiki Shell and the Honolulu International Center, such coverage shall be in the amount of \$25,000.00 for each occurrence.

*This Article has been recodified from Article 8 to Article 7 due to clerical error in the assignment of the Article number in Ord. No. 3586.

(3) Except that in the case of aircraft and watercraft, the limits of coverage shall not exceed \$1,000,000.00, Bodily Injury/Property Damage, for any one occurrence. (Sec. 8-7.1, R.O. 1969; Am. Ord. 3586)

Sec. 8-7.2. Property Insurance.

The Director of Finance shall procure insurance covering the following types of properties owned by or in the care, custody and control of the City.

(a) Money and Securities.

(1) Money and securities shall be protected against the various forms of theft insurable under robbery, burglary or broad-form money and security coverages available and sold by insurance companies.

(2) The Director of Finance is hereby authorized to secure the types of insurance policies that will adequately insure the risks or exposures at various locations for the actual value or in such amounts as will adequately protect the City from loss of money and securities.

(b) Fire and Allied Insurance.

(1) For all buildings and structures owned or leased by the City, coverage shall be procured under a \$50,000.00 deductible form against fire and extended coverage perils.

(2) The amount of insurance shall be for the replacement cost of the premises and equipment insurable under the various forms approved by the Department of Regulatory Agencies of the State. (Sec. 8-7.2, R.O. 1969; Am. Ord. 3586)

Sec. 8-7.3. Medical Expense, Death And Dismemberment Insurance.

The Director of Finance shall procure insurance for medical expense, death and dismemberment resulting from accident, occurring in the recreational program conducted by the City, with a maximum benefit of \$2,500.00 per occurrence. (Am. Ord. 3586)

Sec. 8-7.4. Insurance For Leased Or Rented Property.

The Director of Finance shall procure any insurance and in such amounts as may be required by any contract entered into by the City for the lease or rental of private properties to be used for City purposes. (Am. Ord. 3959)

Sec. 8-7.5. Conditions.

The policies of insurance to be procured pursuant to the provisions of this Article shall be subject to the following conditions:

(a) That such insurance shall be procured only from companies licensed to do business in the State of Hawaii.

(b) That such insurance shall be procured from companies fully qualified to carry out the terms and conditions of the policy, such qualifications being based on the experience, competence and financial standing of such companies.

(c) That such insurance shall be procured by competitive bidding pursuant to Section 9-401 of the City Charter; provided, however, that the Director of Finance, except as otherwise provided in this Article, shall be authorized to specify the terms and conditions deemed necessary in the best interest of the City upon which the bids shall be based. (Sec. 8-7.4, R.O. 1969; Am. Ord. 3586, 3959)

Article 10. Salaries Of Various City Officers.*

Sec. 8-10.1. Salary Of The Mayor.

The salary of the Mayor shall be at the following rates payable semi-monthly out of the City Treasury.

Mayor	\$35,944.00
(Sec. 8-10.1, R.O. 1969; Am. Ord. 3600, 3982)	

Sec. 8-10.3. Salaries Of Appointed Officials Of The Executive Branch.

The salary of the following appointed officials shall be at the following rates per annum, payable semi-monthly out of the City Treasury:

	Department Head	Deputy or First Assistant
Managing Director	\$30,462.00	\$27,416.00
Chief Engineer	28,569.00	26,124.00
Corporation Counsel	28,569.00	
Director of Finance	28,569.00	25,712.00
Planning Director	27,565.00	26,124.00
Director of Transportation Services	27,565.00	26,124.00
Prosecuting Attorney	27,565.00	
Chief of Police	27,565.00	24,876.00
Director and Building Superintendent	27,565.00	24,808.00
Director of Recreation	27,565.00	24,808.00

*This Article has been recodified from Article 11 to Article 10 due to clerical error in the assignment of the Article number in Ord. No. 3600.

	Department Head	Deputy or First Assistant
Director of Data Systems	27,499.00	
Chief Budget Officer	26,124.00	23,688.00
Director of Information and Complaint	25,810.00	
City Physician	25,810.00	23,229.00
Fire Chief	25,810.00	23,229.00
Medical Examiner	25,810.00	23,229.00
Director of Civil Service	25,810.00	
Director of Auditoriums	25,810.00	23,688.00
Bandmaster	18,744.00	16,869.00
Director of Municipal Reference and Records Center	14,532.00	

(Sec. 8-10.3, R.O. 1969; Am. Ord. 3600, 3982, 4058)

Sec. 8-10.4. Salaries Of Appointed Officials And Employees Of The Legislative Branch.

	Office Head	Deputy
City Clerk	\$25,810.00	\$23,229.00

(Sec 8-10.4, R.O. 1969; Am. Ord. 3600, 3982, 4057)

Article 19. (Repealed) (Am. Ord. 3520)

Article 23. (Repealed) (Am. Ord. 3520)

Article 35. Bus Transportation Revolving Fund.

Sec. 8-35.1. Creation.

There is hereby created and established a special fund to be known as the "Bus Transportation Revolving Fund". (Am. Ord. 3707)

Sec. 8-35.2. Purpose.

This fund is for the following purposes:

- (1) For bus transportation system purposes, including but not limiting the generality of the foregoing, the management, operation and maintenance of the bus transportation system with respect to which the City and County of Honolulu has entered into a management agreement with MTL, Inc.

(2) As a depository for all revenues generated or received for the management, operation and maintenance of such bus transportation system owned, leased or controlled by the City.

(3) As a source of funds to pay for the management, operation and maintenance of such bus transportation system owned, leased or controlled by the City. (Am. Ord. 3707)

Chapter 10.
Inspection Costs.

Article 1. General Provisions.

Sec. 10-1.1. Definitions.

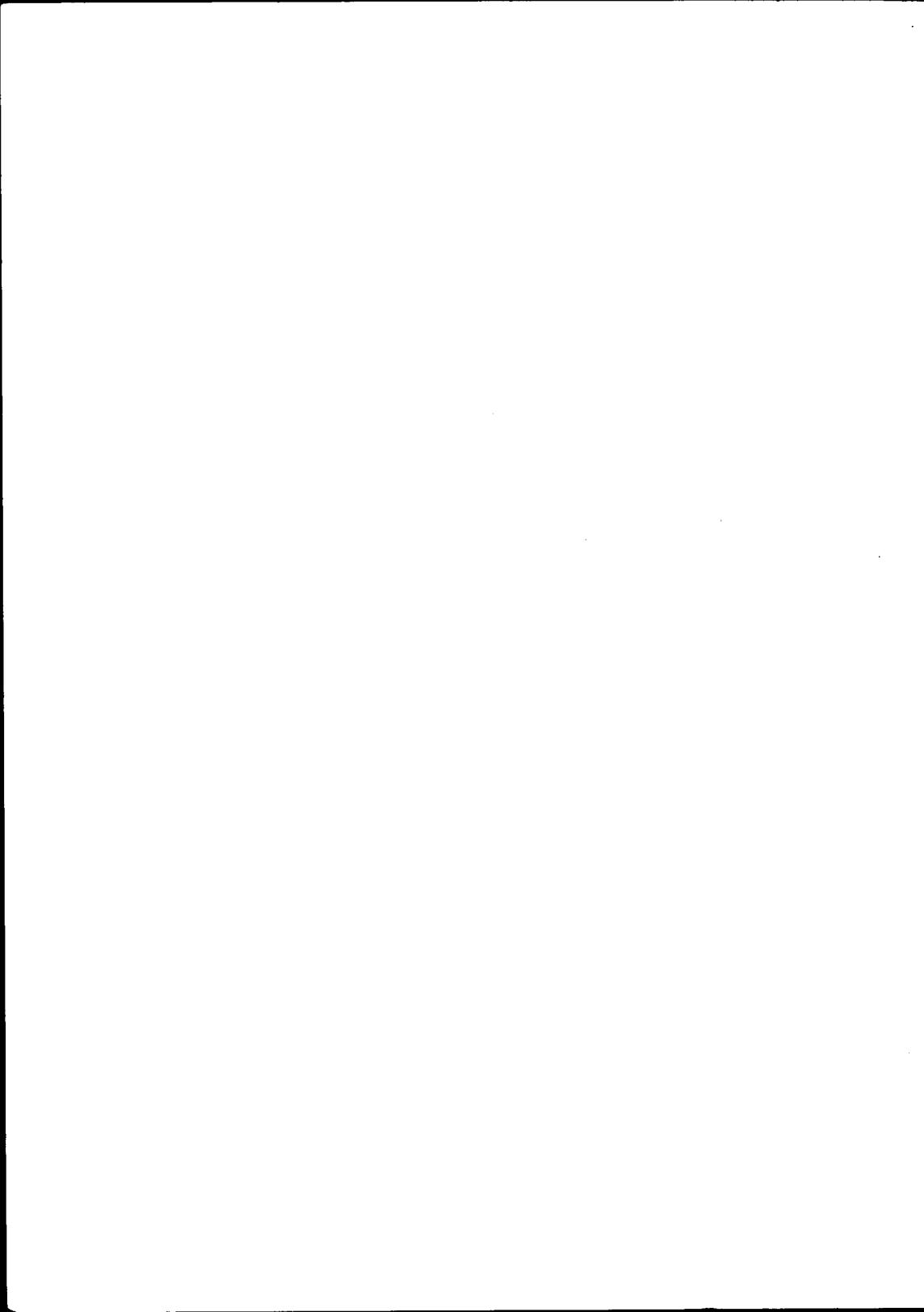
(b) "Cost" shall mean the amount to be charged by the City for overtime inspections at the rate of \$10.50 per hour. (Sec. 10-1.1, R.O. 1969; Am. Ord. 3613)

Article 2. Overtime Inspections.

Sec. 10-2.1. Charges For Overtime Inspections.

The monies so realized shall be general realizations and the same shall be deposited into the General Fund. (Sec. 10-2.1, R.O. 1969; Am. Ord. 3613)*

*Ordinance No. 3613 amends only the second paragraph of Sec. 10-2.1.

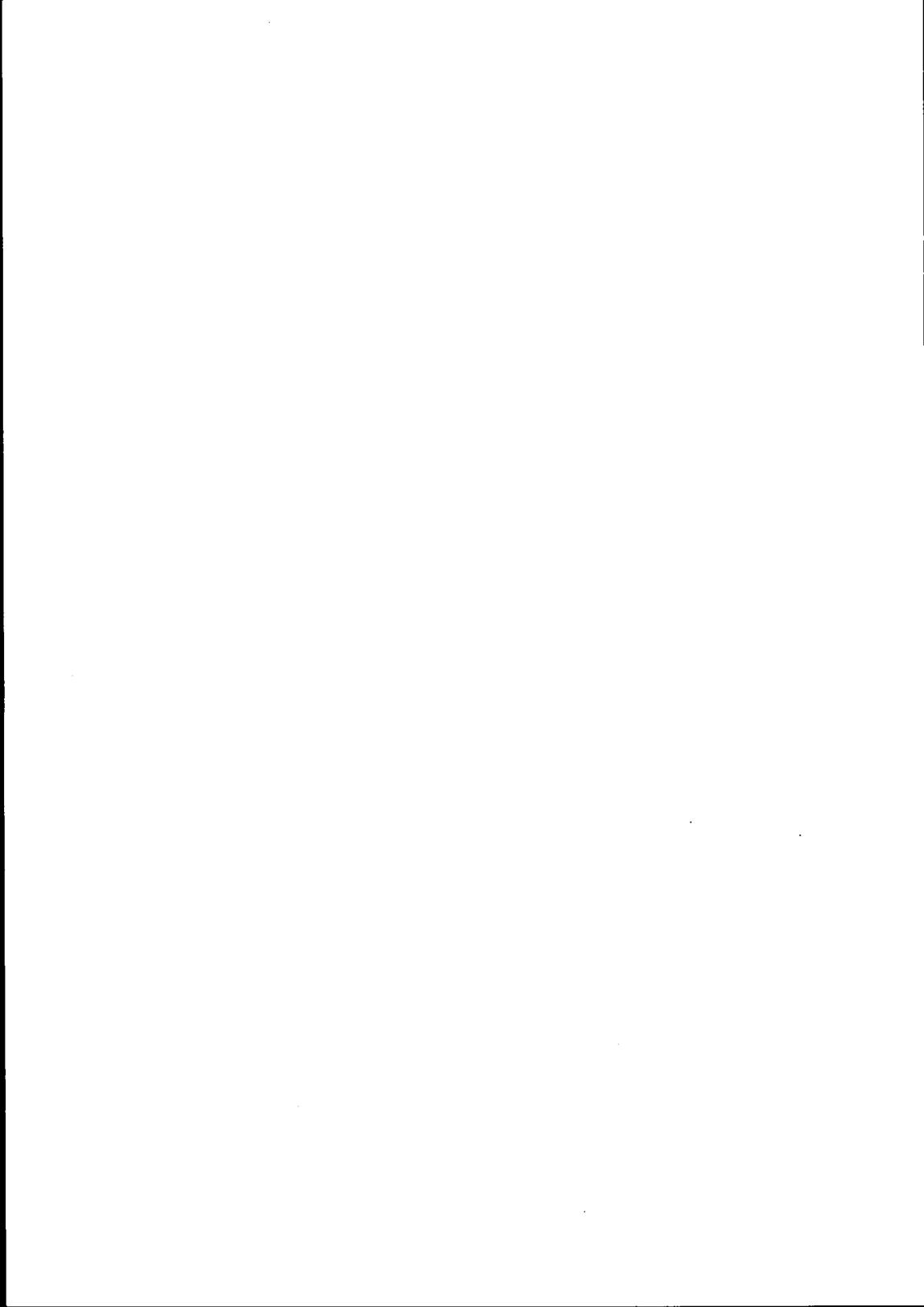


CHAPTER 11.**Sewers.****Article 4. Service Charges For Pumping Of
Cesspools, Septic Tanks, Sumps, Etc.****Sec. 11-4.2. Place of Business.**

(a) All services of pumping out the contents of cesspools, septic tanks, sumps, grease traps and basement serving a place of business shall be rendered at a charge of Twelve Dollars and Fifty Cents (\$12.50) per hour, or fraction thereof, of the time spent in the work, plus traveling time from the City and County Corporation Yard in Honolulu to the job and return. (Sec. 11-4.2, R.O. 1969; Am. Ord. 3691)

Sec. 11-4.3. Deposits.

The Division of Sewers may require that a deposit of Twenty-Five Dollars (\$25.00) be made at its main office in Honolulu Hale before rendering any service to a place of business. (Sec. 11-4.3, R.O. 1969; Am. Ord. 3691)



CHAPTER 12.

Regulations Of Common Carriers.

Article 1. Taxicabs.

Sec. 12-1.1. Definitions.

(e) "Taxicab" means a vehicle, operated by a taxicab driver, which is used in the movement of passengers for hire on the public highways and which is directed to a destination by the passenger for hire or on his behalf and which operates on call or demand from a fixed taxi stand.

(f) "Waiting Time" shall mean and include the period during which a taxicab is standing at the direction of or on behalf of a passenger for hire and the time consumed due to traffic delays while transporting a passenger for hire, which time is automatically computed by the taximeter when the speed of the vehicle falls at or below 12 miles per hour.

(g) "Taxicab driver" shall mean a person duly licensed as a driver of a motor vehicle who has obtained a valid taxicab driver's certificate.

(i) "Total stoppage" shall mean the complete halting of bus transportation service furnished by a public bus system, resulting from a labor strike and/or a disaster.

(j) "Partial stoppage" shall mean the furnishing of less than the regularly scheduled bus transportation service by a public bus system, due to work stoppage, slow down, or labor dispute, or when no regular bus service is scheduled by a public bus system, during the interval from termination of the day's scheduled bus service and the commencement of the next day's scheduled bus service. (Sec. 12-1.1, R.O. 1969; Am. Ord. 3587, 3725, 4021)

Sec. 12-1.2. Authority Of Chief Of Police.

(a) Denial, Suspension, or Revocation of Taxicab Driver's Certificate.

The Chief of Police is authorized to deny initial issuance or renewal or suspend or revoke any taxicab driver's certificate if an applicant cannot meet the requirements set forth in Section 12-1.8(c), as amended, or a taxicab driver violates any of the provisions contained in this Article. Any applicant or taxicab driver shall be afforded an opportunity for a hearing if a certificate is denied, suspended or revoked by the Chief of Police pursuant to the provisions of Chapter 91, HRS.

(b) Rule Making Powers.

The Chief of Police is authorized to promulgate any rules or regulations not inconsistent with this ordinance, having the force and effect of law, as provided for in Chapter 91, HRS, in the administration and enforcement of this ordinance. (Sec. 12-1.2, R.O. 1969; Am. Ord. 4021)

Sec. 12-1.3. Prohibited Acts.

(a) Cruising. Taxicab drivers shall not engage in cruising except during periods of total stoppage of regular bus service provided by a public bus system. During periods of partial stoppage of such bus service, cruising shall be allowed only along the routes of the affected bus routes. Notwithstanding any provision contained in the Traffic Code to the contrary relative to prohibition against parking or standing in tow zone areas, taxicabs when cruising may load or unload passengers in tow zone areas; provided that such loading or unloading shall not exceed more than three (3) minutes. Periods of partial or total stoppage of regular public bus service shall be announced by public notice. (Sec. 12-1.3, R.O. 1969; Am. Ord. 3621, 4021)

Sec. 12-1.7. Taximeters.

(a) Installation. Each taxicab shall be equipped with a taximeter so that the current fare to be charged shall be visible at all times to passengers for hire. During all hours when vehicles are required to be lighted, the taximeter shall also be lighted so that the current fare to be charged is readily discernible to the passengers for hire. The figures showing the amount of fare and the specification of meter design shall be as prescribed by the State Division of Weights and Measures.

(b) Operation. When the taxicab is occupied by a passenger for hire, the taxicab driver shall set the meter into the employed position so as to record the mileage and the waiting time. (Sec. 12-1.7, R.O. 1969; Am. Ord. 3618, 4021)

Sec. 12-1.8. Taxicab Driver's Certificate.

(a) No driver of a taxicab shall use or cause to be used, for purpose of hire, a taxicab which does not have a taxicab driver's certificate mounted on the backrest of the front seat, facing the passenger, so that it is readily visible to a passenger. The taxicab driver's certificate shall be issued by the Chief of Police. It shall contain a photograph of the taxicab driver to be furnished by him, his name, driver's license number and any other information specified by the Chief of Police. The taxicab driver's certificate shall be laminated in plastic or so constructed so as to make alteration difficult. It shall be a violation of this ordinance for any person to alter such taxicab driver's certificate.

(b) The Chief of Police shall collect a fee of One Dollar (\$1.00) for the issuance of each original or duplicate taxicab driver's certificate.

(c) No taxicab driver's certificate shall be issued to any person unless he has:

(1) A valid State of Hawaii driver's license.

(2) One year of driving experience prior to operating a taxicab.

(3) Satisfactorily passed an examination showing:

(a) A sufficient understanding of the traffic laws or ordinances, and this ordinance.

(b) A sufficient understanding of the locations of streets, roads, highways, and significant landmarks within the City and County of Honolulu.

(c) A sufficient understanding of the English language.

(4) Showed that his principal occupation is driving a taxicab or a motor vehicle used for touring or sightseeing purposes. For the purpose of this Article, "principal occupation" is that occupation from which more than 50% of a person's total gross income is derived and in which he works a minimum of forty (40) hours per week.

(5) Complied with the standards promulgated by the Chief of Police relating to moral character and physical fitness of the applicant based on prior records or certified documents relative thereto.

(d) Every taxicab driver's certificate issued under this section shall expire, unless otherwise revoked, one (1) year after the issuance thereof and shall be renewed on or before its expiration date upon meeting the standards set in Section 12-1.8(c) hereinabove, to determine the fitness of the applicant to continue as a taxicab driver by the Chief of Police. A new set of photographs shall be furnished with each application for renewal.

(e) Whenever a driver's license of any taxicab driver is suspended or revoked, the Chief of Police shall require that the taxicab driver's certificate be surrendered to and be retained by the Chief of Police, except that at the end of the period of suspension, the certificate so surrendered shall be returned to the licensee. (Sec. 12-1.8, R.O. 1969; Am. Ord. 3725, 4021)

Sec. 12-1.9. Rates Of Fare And Baggage Charge.

(a) No driver, owner, or operator of a taxicab or fixed taxi stand shall charge or cause to be charged, fares for the use of a taxicab, for purposes of hire, other than as provided herein and all taximeters shall be adjusted accordingly.

(b) Fares.

(1) Mileage Rate. For the first 1/6 of a mile or fraction thereof \$00.70
 For each additional 1/6 mile or fraction thereof \$00.10

(2) Waiting Time. For each minute or fraction thereof \$00.10

(3) Baggage or Parcel Charge. For each piece of baggage or parcel, excluding items such as purses, brief cases, airline hand bags, cameras, grocery bags (less than 25 pound size), parcels less than four cubic feet in size, collapsible wheel chairs \$00.25
 (The collection of such baggage or parcel charge may at the option of the taxicab driver be waived.)

(4) Surfboards. For each surfboard too large to be carried within the rear passenger compartment or trunk of the taxicab \$ 3.00

(5) Additional passengers in excess of four passengers. For each additional passenger in excess of four, except children under two years of age \$00.25

(c) Fares are only applicable to the use of the taxicab when actually occupied by or standing at the direction of the passenger for hire or when occupied by parcels or baggage transported for hire. No other charges shall be made for the use of a taxicab for hire except as provided herein.

(d) The aforesaid schedule of fares shall be printed in bold type letters, not less than 3/8 of an inch in height, and shall be posted within 12 inches of the taximeter so as to be readily visible to all passengers for hire. (Sec. 12-1.9, R.O. 1969; Am. Ord. 3652)

Sec. 12-1.10. Special Operations.

(c) Notwithstanding any provision contained herein to the contrary, any taxicab operator may operate his taxicab as a jitney during a public bus system (Honolulu Rapid Transit Company, Limited)* total stoppage subject to the following:

(1) The fares shall be no more than \$.50 per passenger;

(2) The taxicab operator may operate the taxicab as a jitney only along public bus system's (HRT's)* Route 1 (Lunalilo Home Road to Umi Street), Route 2R (Waikiki to School-Middle Streets) and Route 2S (Waikiki to Puunui Street); provided that the Chief of Police is hereby authorized to add new jitney routes following existing public bus system (HRT)* routes in addition to the routes mentioned hereinabove whenever he has sufficient evidence that

*Revision Note
 "Public Bus System" added to conform to Sec. 12-1.3.

the public, utilizing the public transit systems, is desirous of having such additional jitney routes for their convenience;

(3) The taxicab operator shall record on his taximeter, the number of passengers picked up on his jitney route by turning the taximeter flag one complete revolution from the unemployed position each time a jitney passenger boards his taxicab;

(4) There shall be two placards, reading "jitney" and "\$.50 per passenger," affixed to the right-hand visor of the jitney, one of which shall be facing outward so it shall be visible by potential passengers and the other affixed to said right hand visor facing the passengers riding therein, and such placards shall be furnished by the Chief of Police;

(5) The loading or unloading of passengers shall take place only at established public bus system (HRT)* bus stops along the routes prescribed herein;

(6) When a taxicab operator has taken on passengers as a jitney, he shall not be permitted to cruise as a taxi thereafter until he has taken all the jitney passengers to their respective destinations, which may include destinations on another jitney route prescribed herein; and

(7) No baggage fee shall be assessed during jitney operations.

The foregoing jitney operation is an addition to cruising and the provisions of subsection (e) of Section 12-1.3 hereof during total stoppage. (Sec. 12-1.10, R.O. 1969; Am. Ord. 3621)

Article 2. U-Drive Motor Vehicles.

Sec. 12-2.4. Fixed Stands.

(c) Sign required. A fixed stand shall have in front of it a sign easily visible from the sidewalk area, permanently installed and publicly displayed, which sign shall include the name or trade name of the licensee and the words "U-Drive," "automobile(s) for rent" or "car(s) for rent," except that the visibility of such a sign from the sidewalk area is not required when such a fixed stand is operated from a hotel lobby, as the term "hotel" is defined in Chapter 21, R.O. 1969, as amended. (Sec. 12-2.4, R.O. 1969; Am. Ord. 3550)

Sec. 12-2.7. Evidence Of Financial Responsibility.

(a) The Director of Finance shall require evidence of financial responsibility in one of the following manners before issuing a license to engage in the U-Drive Rental Business:

(1) Insurance Policy. The Director of Finance shall require the original insurance policy duly countersigned by its authorized

*Revision Note

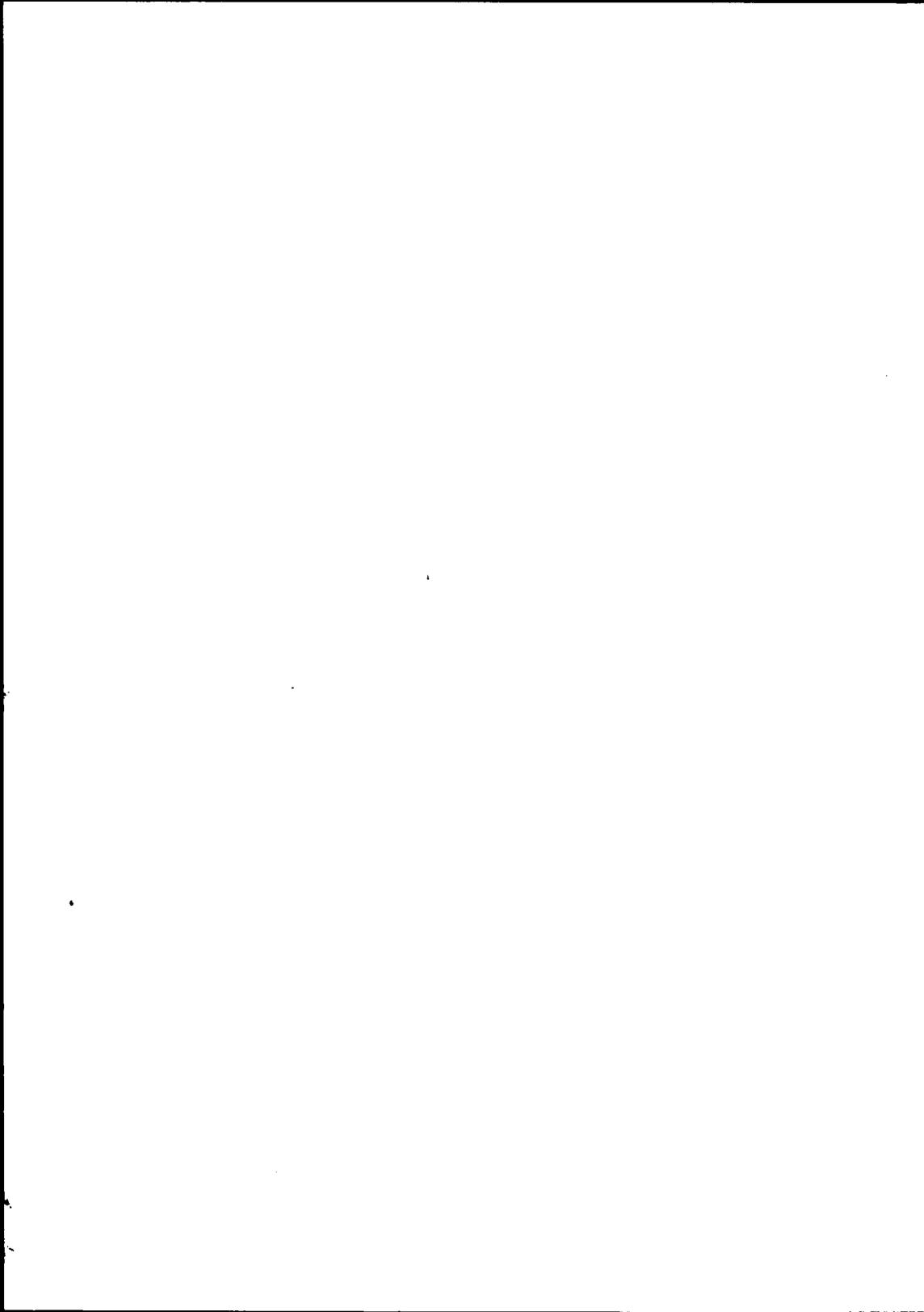
"Public Bus System" added to conform to Sec. 12-1.3.

Hawaii agent complete with all endorsements and attachments or a certified copy thereof before a license as provided for herein shall be issued. Such policy shall provide for primary liability insurance covering the licensee, customer and any person driving the vehicle with express implied permission of the licensee or customer in the amount of \$50,000.00 because of bodily injury to or death of one person in any accident, and in the amount of \$100,000.00 because of bodily injury to or death of two or more persons in any one accident, and property damage insurance in the amount of \$10,000.00 because of damage to or destruction of property of others in any one accident, for each U-Drive vehicle. Such insurance shall provide primary liability coverage, and the insurer shall be absolutely liable thereon up to the policy limits under the same conditions as the insured would be liable to claimants, notwithstanding any provision in the policy, in the contract for rental or lease of the U-Drive vehicle, or in any other agreement to the contrary. No policy will be accepted from any insurance carrier unless the said carrier shall designate the Commissioner of Insurance of the State of Hawaii, or his duly authorized representative, as an agent for the purpose of accepting service of legal process on behalf of said carrier. Said carrier shall also agree that the policy shall not be cancelled, except in compliance with the provisions herein.

(2) Bond. One or more bonds of one or more surety companies duly authorized to engage in the surety business in the State and approved by the Director of Finance. The total amount of such bonds shall be \$100,000.00. The bond shall be subject to the same conditions of liability as specified for the policy of insurance. If there is more than one surety company, the surety companies shall be jointly and severally liable to any claimant.

(3) Legal tender or other securities. A deposit with the Director of Finance of legal tender, cashier's check, bank draft, irrevocable letter of credit, certified check, or other security determined to be satisfactory by the Director of Finance in the total amount of \$100,000.00. Such security shall be held by and made payable to the Director of Finance and shall not expire for a period of two years after the termination of the U-Drive Rental license. The licensee shall not receive interest for such deposit. Upon expiration of such two-year period, the licensee shall be refunded the deposit or balance thereof, provided no suits against the proceeds of such security has been commenced during such period. The conditions of liability for the security in this subsection shall be the same as specified for policy of insurance. The Director of Finance shall satisfy from the proceeds of such security any judgment against the licensee, customer or any person driving the vehicle with express or

implied permission of the licensee or customer, arising from the operation of a U-Drive vehicle. Neither the City, its officers, employees, agents, or appointees shall be liable to the licensee for any payments made pursuant to such judgment. (Sec. 12-2.7, R.O. 1969; Am. Ord. 3597)



CHAPTER 13.**Regulations Promoting General Welfare.****Article 10. Fireworks Control.****Sec. 13-10.12. Sales Prohibited.**

No person shall sell or offer for sale any pyrotechnic articles except during the following periods:

- 1) For July 4 holiday from June 27 until 9 p.m. July 4;
- 2) For New Year's holiday from December 26 until 9 p.m. December 31; and
- 3) For Chinese New Year's festivities commencing seven (7) days prior to Chinese New Year's Day and until 9 p.m. Chinese New Year's Eve;

provided that this Section shall not apply to sale or offer for sale or delivery of pyrotechnic articles by wholesalers to retailers licensed as provided hereinabove; and provided further that this Section also shall not apply to an authorized sale of pyrotechnic articles to a person possessing a permit issued by the Chief of Police under Sections 13-10.4 and 13-10.5. (Sec. 13-10.12, R.O. 1969; Am. Ord. 4009)

Article 12. (Repealed) (Am. Ord. 3609)**Article 13. (Repealed) (Am. Ord. 3609)****Article 17. (Repealed) (Am. Ord. 3609)****Article 18. Rules and Regulations
Relative To The
Use Of Public Parks, Playgrounds,
Beaches And Other Public Areas.****Sec. 13-18.1. "Public Park" Defined.**

"Public park" shall include any park, park roadway, playground, athletic field, beach, beach right-of-way, tennis court, golf course, swimming pool, and other recreation areas and facilities under the control, maintenance and management of the Department of Parks and Recreation. (Sec. 13-18.1, R.O. 1969; Am. Ord. 3920)

Sec. 13-18.2. Park Rules And Regulations.

(a) Within the limits of any public park, it shall be unlawful for any person to:

(1) Wilfully or intentionally destroy, damage or injure any property.

(2) Climb onto any tree, except those designated for climbing, or to climb onto any wall, fence, shelter, building, statue, monument or other structure, excluding play apparatus.

(3) Swim, bathe, wade in, or pollute the water of any ornamental pool or fountain.

(4) Throw or dispose of any refuse or waste material, except in receptacles placed therein.

(5) Kindle, build, maintain or use any fire, other than in a grill or brazier.

(6) Annoy, molest, kill, wound, chase, shoot or throw missiles at any animal or bird.

(7) Distribute, post or place any commercial handbill or circular, notice, or other advertising device or matter, except as permitted by the terms of any agreement relating to the use of park property.

(8) Use any surfboard or devices or materials with jagged or rough ends and edges, which are dangerous to surfers, swimmers or bathers.

(9) Construct or fabricate surfboards.

(10) Permit any animal, except dogs as hereinafter provided, to enter and remain within the confines of any park area.

(aa) Depending upon the size of the park, location of the park, frequency of use by other than dog handlers or the primary use of a specific area within a park, the Director is hereby authorized to set aside areas within such parks for dog shows, obedience classes and trials by a permit which may contain terms and conditions necessary for the safety, health and welfare of the users of the park other than the users connected with the dog shows, obedience classes or trials.

(bb) Depending upon the size of the park, location of the park, frequency of use by other than dog handlers or the primary use of a specific area within a park, the Director is hereby authorized to set aside an area within such parks for use by handlers of dogs on a leash; provided that the Director is hereby authorized to promulgate rules and regulations covering the use of such areas which shall provide for the sanitary use of the area, protection of shrubbery, trees, turf, and other property, and the safety, health and welfare of users other than dog handlers or dogs.

(11) Feed any animal or bird when signs are posted prohibiting such feeding.

(12) Wash, polish or repair cars or other vehicles.

(b) Except as authorized by permits, and subject to the terms and conditions imposed by the Department of Parks and Recreation, it shall be unlawful for any person, within the limits of any public park, to:

(1) Cut or remove any wood, plant, grass, soil, rock, sand or gravel.

(2) Sell or offer for sale any merchandise, article, or thing, whatsoever.

(3) Moor, tie up, store, repair or condition any boat, canoe, raft or other vessel.

(4) Repair or condition any surfboard.

(5) Park any vehicle on grassed areas.

(6) Amplify music or use battery operated loudspeakers (bull horns).

(7) Ride or drive any horse or any other animal.

(c) Within the limits of any public park, it shall be unlawful for any person, wherever signs are posted prohibiting such activities, to:

(1) Throw, cast, catch, kick or strike any baseball, tennis ball, football, basketball, croquet ball or other object.

(2) Ride upon roller skates, skate boards or bicycles.

(3) Engage in kite flying.

(4) Operate or park any vehicle.

(d) Except in park areas specifically designated for such purposes, it shall be unlawful for any person to:

(1) Throw, cast, roll or strike any bowling ball or golf ball.

(2) Engage in model airplane flying.

(3) Engage in model boat sailing.

(4) Kindle, build or maintain any campfire.

(5) Discharge firearms for target practice only.

(6) Engage in archery for target practice and tournament only.

(7) Launch model rockets.

(e) In addition to the requirements of subsection (b) above, the repair or conditioning of any surfboard shall be performed only by a concessionaire of the Department of Parks and Recreation who has a surfboard concession. Such repair work shall be conducted only in an enclosed building or structure, approved by the Department of Parks and Recreation, Building Department, and the State Department of Health. The terms and conditions to be imposed by the Department of Parks and Recreation shall include, together with the requirements necessary to safeguard the health and safety of the public, the securing

of adequate insurance to protect the City from any liability resulting from such repair work.

(f) It shall be unlawful for any person, other than authorized personnel of the Department of Parks and Recreation, or a person then golfing on the course, or his caddy, to gather or pick up golf balls within the boundaries of a public golf course. (Sec. 13-18.2, R.O. 1969; Am. Ord. 3920)

Sec. 13-18.3. Permits.

(a) Permits Required.

Any person using the recreational and other areas and facilities under the control, maintenance, management and operation of the Department of Parks and Recreation shall first obtain a permit from the Department for the following uses:

- (1) Picnic groups, consisting of 50 or more persons;
- (2) Camping;
- (3) Sports activities conducted by either a league, organization, association, group or individual;
- (4) Recreational activities, including fund raising activities, sponsored by community organizations, associations, groups or individuals;
- (5) Meetings or gatherings or other similar activity held by organizations, associations or groups;
- (6) Non recreational, public service activities, meetings and gatherings held by organizations, communities, or groups; and
- (7) Right of entry into parks for installation of utilities or construction work.

(b) Director to Promulgate Rules and Regulations.

The Director shall promulgate rules and regulations pursuant to Chapter 91, HRS, to govern the use of said areas and facilities which will:

- (1) Insure maximum permissible use of said areas and facilities by appropriate distribution of users;
- (2) Insure proper, orderly and equitable use of areas and facilities through scheduling and user controls;
- (3) Insure protection and preservation of areas and facilities by not overtaxing facilities;
- (4) Promote the health, safety and welfare of the users of said areas and facilities; or
- (5) Establish procedures for obtaining permits and revocation therefor.

(c) Conditions of Permit.

Permits shall be issued pursuant to the provisions contained in this Article and to the rules and regulations promulgated by the Director,

and they shall be subject to the conditions in this Article and to any rules and regulations promulgated by the Director. Any violation of the provisions contained in this Article, or of any rules and regulations promulgated by the Director which implement said provisions, or of any conditions contained in this Article, or of any rules and regulations promulgated by the Director which implement said conditions, or of the terms or conditions contained in the permit which violation is caused by the permittee, members of his group, officers, employees or his agents shall constitute ground for revocation of the permit by the Director of Parks and Recreation. Any permittee whose permit has been revoked by the Director may appeal to the City Council pursuant to the rules and regulations hereby authorized, and said appeal must be filed by the permittee within 30 days of the mailing of a notice of said revocation to the last known address of the permittee. (Sec. 13-18.3, R.O. 1969; Am. Ord. 3738)

Sec. 13-18.4. Rules And Regulations Pertaining To Street Trees, Hedges And Shrubs.

The Director shall promulgate rules and regulations pursuant to Chapter 91, HRS, relative to the planting, trimming and maintenance of all shade trees, hedges and shrubs within the public right of way on public streets of the City, and relative to the issuance of permits for the replacement, removal, planting, spraying, trimming or pruning of street trees by private citizens. (Sec. 13-18.4, R.O. 1969; Am. Ord. 3738)

Sec. 13-18.5. Penalty.

(a) Procedure on Arrest. Any authorized police officer, upon making an arrest for a violation of this Chapter, shall take the name and address of the alleged violator and shall issue to him in writing a summons or citation hereinafter described, notifying him to answer to the complaint to be entered against him at a place and at a time provided in said summons or citation.

(b) Summons or Citation.

(1) There shall be provided for use by authorized police officers, a form of summons or citation for use in citing violators of this Chapter which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.

(2) In every case when a citation is issued, the original of the same shall be given to the violator; provided that the administrative judge of the district court may prescribe by giving to the violator a carbon copy of the citation and provide for the disposition of the original and any other copies.

(3) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

(c) Severability. If any Section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(d) Penalty. Any person convicted of a violation of any Section or provision of this Article shall be punished by a fine of not more than Two Hundred Fifty and No/100 Dollars (\$250.00) or by imprisonment in the Honolulu Jail for not more than 30 days, or by both such fine and imprisonment. (Sec. 13-18.5, R.O. 1969; Am. Ord. 3920)

Article 21. Obnoxious Substances.

Sec. 13-21.1. Declaration Of Legislative Intent.

The Council of the City and County of Honolulu finds that the use and possession of devices capable of emitting gases or obnoxious substances, as hereinafter defined, by unauthorized persons creates a potential danger to the peace and well being of the community at large; but, nevertheless, such devices when properly used, serve a useful purpose. Therefore, pursuant to the power granted in Section 2-101 of the City Charter and Section 70-70 of the Hawaii Revised Statutes to protect health, life and property and to protect the general welfare and safety of the inhabitants of the City, this Article regulating the sale, purchase, possession, transportation and use of obnoxious substances and granting the Chief of Police of the City and County of Honolulu authority to supervise the sale, purchase, possession, transportation and use thereof according to the standards hereinafter stated, is enacted to insure that the dissemination of devices emitting obnoxious substances is limited to those agencies and their employees who have a legitimate need thereof. The terms of this Article shall be liberally construed to effectuate the purpose stated herein. (Sec. 13-21.1, R.O. 1969; Am. Ord. 3540, 3692)

Sec. 13-21.2. Definitions.

As used in this Article, unless the context clearly requires otherwise:

(a) "Agency" means all such organizations, public and private, whose operations are determined by the Chief of Police to require the use of one or more of the devices enumerated in Section 13-21.3 to accomplish a proper purpose.

(b) "Chief of Police" means the Chief of Police of the City and County of Honolulu or his authorized subordinate.

(c) "Devices" means all shells, cartridges, bombs, guns or aerosol capable of emitting obnoxious substances in gas, vapor form, liquid or solid form.

(d) "Employee" means all officers, agents and employees of an agency whether or not such officer, agent or employee has been issued a permit.

(e) "Gun" means all revolvers, pistols, rifles, fount in pen guns, riot guns, shot guns, and cannons portable or fixed except those regularly manufactured, and used with firearm ammunition.

(f) "Obnoxious substances" means those substances or the derivatives thereof enumerated in Section 13-21.3.

(g) "Shell, cartridge, or bomb" means all shells, cartridges, or bombs capable of being discharged or exploded by the use of percussion caps, fuse, electricity or other means to cause or permit the release or emission of the substance enumerated in Section 13-21.3. (Sec. 13-21.1, R.O. 1969; Am. Ord. 3540, 3692)

Sec. 13-21.3. Prohibitions, Except As Otherwise Provided In Section 13-21.4.

(a) No person shall use any shell, cartridge, bomb, gun or other device capable of emitting any liquid, gaseous or solid substance or any combination thereof, which is injurious to person or property, or which is nauseous, sickening, irritating or offensive to any of the senses; to injure, molest, discomfort, discommode, or coerce another in the use or control of his person or property.

(b) No person shall possess, discharge, use, transport, sell or offer to sell any shell, cartridge, bomb, gun or other device capable of emitting chloroacetophenone (CN), o-chlorobenzalmalononitrile (CS) or any derivatives thereof in any form.

(c) No person shall possess, discharge, use, transport, sell or offer to sell any shell, cartridge, bomb, gun or other device capable of emitting Oleo Resin Capsicum or any derivative thereof used to repel animals. (Sec. 13-21.1, R.O. 1969; Am. Ord. 3540, 3692)

Sec. 13-21.4. Exceptions.

(a) City police department authorized to use all devices. Notwithstanding the prohibitions prescribed in Section 13-21.3, the Chief of Police or his subordinates may purchase, possess, discharge, use or transport such shells, cartridges, bombs, guns or other devices emitting the obnoxious substances enumerated in Section 13-21.3 in carrying out their duties.

(b) Private security agencies authorized to use items (a) and (b) devices. Notwithstanding the prohibitions prescribed in Section 13-21.3 specifically relating to items (a) and (b) thereof, private security officers who are employees of private police or security agencies may purchase, possess, discharge, use or transport such shells, cartridges, bombs, guns or other devices emitting the obnoxious substances in items (a) and (b) of Section 13-21.3 in carrying out their duties, subject, however, to the conditions prescribed in Section 13-21.6.

(c) Other organizations authorized to use item (c) device. Notwithstanding the prohibitions prescribed in Section 13-21.3 specifically relating to item (c) thereof, employees of government and private organizations who, by necessity of their employment, are required to go on private property to carry out their duties may possess, discharge, use or transport such shells, cartridges, bombs, guns or other devices emitting the obnoxious substances enumerated in item (c) or animal repellents of Section 13-21.3 subject, however, to the conditions prescribed in Section 13-21.6. (Sec. 13-21.1, R.O. 1969; Am. Ord. 3540, 3692)

Sec 13-21.5. Permit To Be Obtained By Agency.

(a) Application. Any agency desiring to purchase, possess, discharge, use or transport obnoxious substances authorized herein shall first file an application on forms furnished by the Chief of Police for a permit.

(b) Additional requirements:

(1) The application shall include the name of the officer or employee who has been authorized to purchase said devices from vendors.

(2) Each agency is authorized to purchase only such devices emitting obnoxious substances as are listed on its permit.

(c) The agency shall submit the names of its employees who are to possess, discharge, use or transport such devices together with its application for permit so that the Chief of Police may issue separate permits to the named employees submitted by the agency.

(d) To defray the cost of processing the permit and to administer the provisions of this Article, each agency authorized hereunder,

except for government agencies and except in the case of agencies desiring to use the obnoxious substances enumerated in Section 13-21.3(c), shall pay to the Director of Finance a sum of \$50.00 for its permit and a sum of \$5.00 for each permit issued to its employees. (Sec. 13-21.1, R.O. 1969; Am. Ord. 3540, 3692)

Sec. 13-21.6. Conditions.

Government and private agencies described in items (b) and (c) in Section 13-21.4 shall be subject to the following conditions, relative to the purchase, use, storage, possession, transportation, and other requirements in connection with obnoxious substances.

(a) The Chief of Police, upon application by an agency, shall determine that the possession, discharge, use and transportation of said devices are necessary due to the nature of the services performed by the agency. The Chief of Police shall have the sole authority to designate the specific service or services for which there is a necessity for the use of such devices. The devices shall be used only in connection with the performance of the service or services designated.

(b) After said determination and designation, the agency shall submit a list of names of employees whom the agency intends shall possess, discharge, use and transport the devices. The Chief of Police shall issue a permit to the individual employee upon finding that the employee:

- (1) Is of good moral character;
- (2) Is of the age of twenty years or more;
- (3) Has not been convicted in this state or elsewhere of a crime of violence or of the illegal use, possession or sale of narcotics; and
- (4) Has not been adjudged insane.

The agency shall cooperate in providing all such evidence as to fitness of the employee as may be required by the Chief of Police in making the foregoing findings.

The permit furnished by the Chief of Police shall be carried on the employee's person whenever he has in his possession any of said devices.

(c) Upon making the determination in subparagraphs (a) and (b) of this Section favorable to the requesting agency, the Chief of Police shall issue to said agency a permit authorizing it to purchase, own and control the specified device or devices capable of emitting obnoxious substances listed thereon which devices shall at all times remain subject to the exclusive ownership and control of the agency. A copy of all permits shall be retained on file at the Honolulu Police Department.

(d) All devices emitting obnoxious substances owned by an agency except those enumerated in Section 13-21.3(c), which may be secured in a locked compartment in the agency vehicle, shall be stored at a

single location which is under the exclusive control of the agency and approved by the Chief of Police. The issuance and reissuance of said devices shall be only to employees authorized pursuant to subsection (b) hereof according to controls approved by the Chief of Police. In addition, an accurate record of the issuance and turn in of all said devices as well as the number of such devices in the possession of each employee and the number in possession of the agency will be kept by the agency.

(e) The possession and transportation of said devices by an employee shall be, unless otherwise provided, restricted to:

(1) Transportation between the place of storage and the place of performance of the approved service;

(2) The location where the services for which the use of such devices was approved and are being performed; and

(3) Transportation from one place of performance of an approved service to another, if during the course of the employee's duties he is required to provide services at more than one place.

(f) The employee shall discharge or use said devices only in the scope of his employment and only when reasonably necessary to perform the same.

(g) The agency will be liable for the negligent use or misuse of all devices under its control whether or not such devices are being used by its employees within the scope of their employment; provided, however, that the penalty provision of Section 13-21.9 shall not apply to the agency for the unlawful acts of its employees unless the same are permitted or induced by the actions of the agency.

(h) The records and procedures for the possession, use and transportation of such devices shall be subject to inspection by the Chief of Police from time to time. (Sec. 13-21.1, R.O. 1969; Am. Ord. 3540, 3692)

Sec. 13-21.7. Vendor To Obtain License.

(a) Any person, corporation, partnership or association vending the obnoxious substances enumerated herein shall first obtain a license from the Director of Finance.

(b) The vendor shall keep accurate records of the sale of said obnoxious substances including monthly inventories showing the quantity and type of devices received, inventories showing the quantity of devices on hand, accurate records of the sale of such devices including the name of the purchasing agency, date of purchase, type of obnoxious substances sold and the number of each type and such other records as the Chief of Police may require.

(c) The Chief of Police shall have access to the vendor's books and records pertaining to the purchase and sale of obnoxious substances at

reasonable times during business hours.

(d) The sale of obnoxious substances shall be made in case sized units as packaged at the factory and unopened except that the unopened case may be placed in a container provided by the local vendor prior to the sale. Sales of such obnoxious substances shall be made only to the duly authorized representative of the purchasing agency as provided in Sections 13-21.5(b)(1) and 13-21.6 or in the case of delivery to the said agency, such delivery shall be only to the location specified in the agency's permit. Deliveries as provided for herein shall be made only by the personnel of the vendor or the delivery service in both cases which are listed on the vendor's permit required by this Section. No permit shall be required for the personnel or delivery service making such deliveries.

(e) The annual fee for a license under this Section shall be \$25.00, which shall be payable to the Director of Finance. (Am. Ord. 3692)

Sec. 13-21.8. Licenses, Permits Renewability.

All licenses and permits issued pursuant to this Article shall be renewed every year on or before July 1, provided, however, that all licenses or permits issued prior to July 1, 1971, shall remain valid until July 1, 1972. (Am. Ord. 3692)

Sec. 13-21.9. Penalty.

Any person violating any provision of this Article shall upon conviction be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding one year or both; and upon such conviction, any license or permit issued to any person hereunder shall be revoked. (Sec. 13-21.2, R.O. 1969; Am. Ord. 3692)

Sec. 13-21.10. Severability.

If any Section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions. (Am. Ord. 3692)

Article 23. (Repealed) (Am. Ord. 3609)

Article 25. (Repealed) (Am. Ord. 3609)

Article 26. (Repealed) (Am. Ord. 3534)

**Article 32. The Sale To, Possession Of Or Use By
Minors Of Chemical Substances Containing
Volatile Organic Solvents.**

Sec. 13-32.1. Definitions.

(a) A minor shall mean any person below the age of 20 years.

(b) Toxic chemical substance shall mean any substance, not a "food" as defined in Section 328-1(3), HRS, which substance includes in its composition volatile organic solvents including amyl acetate, trichlorethylene, or acetone, or any other chemical substance, capable of producing upon inhalation any degree of intoxication. (Sec. 13-32.1, R.O. 1969; Am. Ord. 3535)

Sec. 13-32.2. Use As Inhalants Prohibited.

No person shall use toxic chemicals as an inhalant at any time; provided that this Section shall not apply to any person using as an inhalant any such toxic chemical substance pursuant to the direction of a physician. (Am. Ord. 3535)

Sec. 13-32.3. Possession Or Transfer For Unlawful Purpose Prohibited.

No person shall for the purpose of violating or aiding another to violate any provision of this Article, intentionally possess, buy, sell, transfer possession, or receive possession of any toxic chemical substance. (Am. Ord. 3535)

Sec. 13-32.4. Use By Minors Other Than As An Inhalant, Regulated.

(a) Except as provided in subsection (c) hereof and Section 13-32.5, no minor shall possess or buy any toxic chemical substance.

(b) Except as provided in subsection (c) hereof and Section 13-32.5, no person shall sell, give, lend or transfer possession of any toxic chemical substance to a minor.

(c) Provided, however, a person may sell, give, lend, or transfer possession of a toxic chemical substance to a minor for model building or other lawful use where said minor has in his possession and exhibits the written consent of his parent or guardian. (Am. Ord. 3535)

Sec. 13-32.5. Record Of Sales Required.

A person making a sale of toxic chemical substances to a minor who exhibits the written consent of his parent or guardian shall record the name, address, sex, and age of the minor and the name and address of the consenting parent or guardian. All data required by this Section

shall be kept in a permanent type register available for inspection by the Chief of Police or his authorized representative for a period of at least six months. (Am. Ord. 3535)

Sec. 13-32.6. Penalty.

Any person who violates any provision of this ordinance shall, upon conviction, be punished by a fine not exceeding \$100.00 or by imprisonment not exceeding three months, or by both. (Sec. 13-32.2, R.O. 1969; Am. Ord. 3535)

Article 35. (Repealed) (Am. Ord. 3609)

Article 36. (Repealed) (Am. Ord. 3609)

Article 38. (Functus)*

**Article 40. Disposal Of Weeds, Garbage, Trash
And Waste From Property.**

Sec. 13-40.1. Declaration Of Legislative Intent.

The following is the declaration of legislative intent of the Council:

(a) The provisions which are set forth hereinafter are authorized pursuant to the provisions of Section 70-67, HRS, prevention and removal of nuisances.

(b) Any weeds, garbage, trash or waste which are more specifically defined hereinafter are declared to be nuisances to the health, safety and welfare of the residents of the City and, therefore, cutting and removal thereof shall be accomplished pursuant to the provisions set forth hereinafter.

(c) The provisions set forth hereinafter are intended to remove and control such weeds, garbage, trash and waste and to provide the necessary power and authority to an administrative agency of the City to effectuate said purpose. (Am. Ord. 3623)

Sec. 13-40.2. Definitions.

(a) "Chief Engineer" shall mean the Chief Engineer of the Department of Public Works of the City.

*Functions transferred to the State by Act 203, SLH 1970.

(b) "Cut" shall mean to clear, trim, shape, separate, divide, sever, shorten, reduce, curtail, slash, or to otherwise control and dispose of weeds on property; provided, however, that weeds may be disposed of by incineration as provided for in Chapter I, Section 18.2 of the State Fire Marshall's Rules and Regulations.

(c) "Owner" shall mean the fee simple owner, lessee of record, administrator, administratrix, executor, executrix, receiver, trustee, property management agent, or any other individual who has control or possession of privately owned real property.

(d) "Property" shall mean real property and only apply to the first tier of privately or government owned vacant lots abutting both sides of all public thoroughfares or privately owned thoroughfares open to the public; provided that the depth in connection with the first tier of lots shall not exceed 150 feet from the property line abutting said public streets; and provided further that this ordinance shall not apply to real property zoned as agricultural and preservation under the Comprehensive Zoning Code.

(e) "Remove" shall mean to move, displace, shift, take away, haul or otherwise transfer garbage, trash and waste from property; provided, however, that trash may be disposed of by incineration as provided for in Chapter I, Section 18.2 of the State Fire Marshal's Rules and Regulations.

(f) "Vacant" shall mean unimproved and unoccupied.

(g) "Weeds" means vegetation of such nature, which has reached such growth, and is present in such quantity, that it constitutes a substantial risk of one or more of the following hazards:

(1) The vegetation, when dry, is or will be a fire hazard.

(2) The vegetation is, or is naturally suited as a sheltering or breeding place for rats, mice, mosquitoes or other vermin or noxious insects.

(3) The vegetation overgrows or spreads upon or over any road, alley, path, or sidewalk owned or open to the public to such extent as to obstruct, impede or interfere with the safe or convenient use or maintenance thereof.

(4) The vegetation has grown or spread, or has fallen or may fall into any privately owned or controlled stream, ditch, sewer, canal or other waterway and obstruct or narrow the channel thereof or impede the flow of water therein.

(h) "Garbage" shall mean all animal and vegetable matter, such as waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, drugstores, hotels, and rooming and boarding houses, and other deleterious substances.

(i) "Trash" shall mean rubbish such as feathers, ashes, tin cans, paper, rags, boxes and glass.

(j) "Waste" shall mean any object, substance or thing, of whatever kind of character, which, for any reason, may be or may have been thrown away, discarded, or abandoned such as, but not limiting the generality of the foregoing:

(1) refrigerators, ranges, furniture, fixtures and other similar household items;

(2) vehicles, machinery, farm equipment, construction equipment, scrap iron of all kinds or any other similar item;

(3) debris from demolished structures or buildings;

(4) bulky wastes discharged by mercantile, industrial and other establishments; and

(5) all garbage and trash other than defined in (h) and (i) above.

(Am. Ord. 3623)

Sec. 13-40.3. Premises To Be Free Of Weeds, Garbage, Trash And Waste.

The owner of vacant property shall at all times maintain the premises free of weeds, garbage, trash and waste. (Am. Ord. 3623)

Sec. 13-40.4. Clearing Of Weeds, Garbage, Trash And Waste From Property.

(a) Notice to remove. The Chief Engineer is hereby authorized and empowered to notify the owner of property within the City to properly cut and remove weeds, garbage, trash and waste located on such owner's property. Such notice shall be by certified mail, addressed to said owner at his last known address. A copy of said notice shall be posted on the property.

(b) Period during which owner shall commence cutting and removing weeds, garbage, trash or waste. The owner of such property shall be given thirty (30) calendar days within which to commence the cutting and removal of said weeds, garbage, trash or waste as described in the notice.

(c) Form of notice. The notice shall describe the work to be done and shall state that if the work is not commenced within thirty (30) calendar days after notice is given and diligently prosecuted to completion without interruption, the Chief Engineer shall cut and remove the weeds, garbage, trash or waste and the cost thereof shall be a lien on the property.

(d) Chief Engineer to keep record. The Chief Engineer shall cause to be kept in his office a permanent record containing:

(1) A description of each parcel of property for which notice to cut and remove weeds, garbage, trash and waste has been given;

(2) The name of the owner, if known;

(3) The date on which such notice was mailed and posted;

(4) The charges incurred by the City in cutting and removing the weeds, garbage, trash or waste and all incidental expenses in connection therewith; and

(5) A brief summary of the work performed.

Each such entry shall be made as soon as practicable after completion of such act.

(e) Action upon noncompliance. Upon the failure, neglect or refusal of any owner so notified to commence cutting and removing the weeds, garbage, trash or waste within thirty (30) days after notice has been given as hereinbefore provided, or within thirty (30) days after the date of mailing such notice in the event the Post Office Department is unable to make delivery thereof, provided that same was properly addressed to the last known address, of such owner, the Chief Engineer is hereby authorized and empowered to pay for cutting and removing such weeds, garbage, trash or waste out of City funds or to order its disposal by City employees. The Chief Engineer and his authorized representatives, including any contractor with whom he contracts hereunder, and assistants, employees, or agents of such contractor, are hereby authorized to enter upon said property for the purposes of cutting and removing the weeds, garbage, trash or waste described in the notice. Before the Chief Engineer or his authorized representative or contractor arrives, any property owner may cut and remove the weeds, garbage, trash or waste at his own expense.

(f) Charge to owner. When the City has cut and removed such weeds, garbage, trash or waste or has paid for their removal, the cost thereof, including overhead costs, plus accrued interest at the rate of seven per cent (7%) per annum shall be charged to the owner of such property and the owner shall be billed therefor by mail. The bill shall apprise the owner that failure to pay the bill will result in a lien. Interest at the rate of seven per cent (7%) per annum shall accrue from the thirty-first (31st) calendar day after the bill has been mailed to the owner for payment in the event the same has not been paid prior thereto.

(g) Statement of Chief Engineer. Where the full amount due the City is not paid by such owner within thirty (30) calendar days after the bill has been mailed for payment, the Chief Engineer shall cause to be recorded with the City Director of Finance a statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done and file the same with the Director of Finance who shall refer the collection thereof to the Corporation Counsel.

(h) Mechanic's and materialman's lien procedure. Any work done by the City hereunder is deemed to be done pursuant to quasicontract or constructive contract between the City and the owner. Based on the

foregoing contractual relationship, if the owner fails to pay the amount duly noted on the statement filed by the Chief Engineer, the Corporation Counsel may proceed to file a mechanic's and materialman's lien pursuant to the provisions of Part II of Chapter 507, HRS, or any other appropriate lien procedures. (Am. Ord. 3623)

Article 41. Control Of And Evacuation From Disaster Areas During Potential Disasters.

Sec. 13-41.1. Legislative Findings.

The Council finds that:

(a) Because of the possibility of disaster of great destructiveness resulting from flood, tidal waves, storm waves, fire or other natural causes or from enemy attack, sabotage or other hostile enemy action; and

(b) In order to insure the orderly evacuation of persons and property; and

(c) To protect the public peace, health, safety and welfare; and

(d) To preserve the lives and property of the people of the City and County of Honolulu;

it is in the public interest to make unlawful certain activities as provided herein. (Am. Ord. 3684)

Sec. 13-41.2. Definitions.

The meaning of the terms used in this ordinance shall be as follows:

(a) "Authorized personnel" shall mean any:

(1) City or State employee assigned to disaster duty during an impending disaster or disasters;

(2) National Guardsmen;

(3) United States Armed Forces personnel; and

(4) Civil Defense Agency personnel or volunteers.

(b) "Impending Disaster" shall mean any situation where a catastrophe threatens an inhabited area and the Civil Defense Agency has issued a warning that the inhabitants thereof should evacuate the threatened area.

(c) "Disaster" shall mean any situation, usually catastrophic in nature, where numbers of persons are plunged into helplessness and suffering and, as a result, may be in need of food, clothing, shelter, medical care or other necessities of life, and the Governor of the State or Mayor of the City and County of Honolulu has declared a state of disaster or emergency.

(d) "Impending Disaster Area" shall mean the area which is threatened by a catastrophe such as a flood, tidal waves, storm waves,

fire or other natural causes or from enemy attack, sabotage or other hostile enemy action.

(e) "Disaster Area" shall mean the area in which a disaster occurs.

(f) "Highway" shall mean any primary or secondary road, street, alley, pedestrian walkway, and trail. (Am. Ord. 3684)

Sec. 13-41.3. Prohibitions.

No person shall commit the following acts during an impending disaster or disasters:

(a) Loiter, loaf, or idle upon any public or private highway, place, sidewalk or beach, on foot or on any vehicle, in or close to an impending disaster or disaster area.

(b) Disobey any direction or command of any authorized person directing traffic.

(c) Refuse or fail to evacuate any area, public or private, upon order of any authorized person, which action impedes or tends to impede the effectiveness and orderly handling of the evacuation of persons from an impending disaster or disaster area.

(d) Refuse or fail to leave any area public or private upon order of any authorized person, which action impedes or tends to impede the effective and orderly handling of the disaster; provided, however, nothing herein shall be construed to prevent any authorized person from lawfully preserving, protecting or salvaging any property, real or personal, or to prevent any other authorized person from performing any other lawful duty within a disaster area after the danger to life and property from natural causes or enemy action has passed.

For the purposes of this subsection, the administrator of the Oahu Civil Defense Agency shall determine when the danger to life and property has subsided. (Am. Ord. 3684)

Sec. 13-41.4. Declaration By Mayor.

The power to declare a state of disaster or emergency is hereby conferred on the Mayor of the City and County of Honolulu. (Am. Ord. 3684)

Sec. 13-41.5. Violations.

Any person violating the provisions of this ordinance shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment in the City and County jail for a term not to exceed 30 days, or both. (Am. Ord. 3684)

Article 42. Bicycles.*

Sec. 13-42.1. Definitions.

As used in this Article, unless the context clearly requires otherwise:

- (a) "Child" shall mean a minor under the age of 18 years.
- (b) "Director" shall mean the Director of Finance and includes his authorized deputies and subordinates.
- (c) "New bicycle" shall mean a new bicycle or a bicycle previously unregistered under this Article which is sold by a retail dealer.
- (d) "Parent" shall mean either one of the parents of the child, or any legal guardian.
- (e) "Retail dealer" shall mean any person who sells bicycles in the regular course of business primarily for the use and enjoyment of the purchaser and not for resale.
- (f) "Transferee" shall mean the person to whom and in whose name a bicycle will be transferred including retail dealers or in the case of a child his parent. (Am. Ord. 3798)

Sec. 13-42.2. Retail Bicycle Dealers, Records Required.

All retail dealers shall keep a record for four years after the sale of a new bicycle of the name of the purchaser, and the serial number, description, and make of the bicycle sold to the purchaser. This record may be inspected by the chief of police or his representative during reasonable business hours. (Am. Ord. 3798)

Sec. 13-42.3. Proof Of Ownership.

Upon initial registration of a new bicycle with the City by an owner within five days of the purchase thereof and as required by Section 249-14, HRS, the Director shall require the owner to furnish proof of ownership in the form or nature of a bill of sale executed by a retail dealer, in the name of the purchaser. The bill of sale shall include the name and address of the retail dealer, a written statement executed by the purchaser that he has examined the bicycle to verify the correct serial number and description as written in the bill of sale. If the purchaser is a child, the bill of sale shall be issued in the name of the parent. The Director may verify the bill of sale presented at the registration of bicycle from the records of the retail dealer. (Am. Ord. 3798)

Sec. 13-42.4. Certificates Of Registration.

Upon the presentation of satisfactory evidence of proof of ownership as required by Section 13-42.3, the Director shall assign to such

*This ordinance takes effect January 1, 1972.

bicycle a number plate and issue to the owner whose name appears on the bill of sale, a certificate of registration. In the event of loss, mutilation or destruction of any certificates of registration, the owner of the registered bicycle shall file such statement of facts and provide such other information as the Director shall require and unless the Director shall otherwise direct, a duplicate certificate of registration shall be issued.

The certificate of registration shall contain upon the face thereof, the date of issue, the number plate assigned to the bicycle, the name and address of the owner, the serial number, description, make of the bicycle and such other information as may be deemed necessary by the Director. The reverse side of the certificate of registration shall contain a form for notice to the Director of a transfer of registration by the owner. (Am. Ord. 3798)

Sec. 13-42.5. Procedure When Owner Transfers Registration Of Bicycle.

Upon a transfer of the registration of a bicycle registered under this part the person named on the face of the registration and the transferee shall endorse the certificate of registration to the intended transferee, or his parent if such transferee is a child.

Within 20 days thereafter, the transferee shall forward the certificate of registration so endorsed to the Director. Upon receipt of the certificate properly endorsed, the Director shall examine and determine the genuineness and regularity of the transfer of registration of the bicycle, and he shall prevent the transfer of registration of a bicycle by any person not entitled thereto. Upon being satisfied as to the regularity of the application for transfer of registration the Director shall re-register the bicycle in the name of the transferee and shall issue to the transferee a new certificate of registration. No bicycle registration under the provisions of this Article shall be transferred except as provided in this Section (Am. Ord. 3798)

Sec. 13-42.6. Evidence Of Ownership.

Under no circumstances shall any certificate of registration issued under this part be deemed to be a guaranty as to the validity of the title to the bicycle by the Director, nor shall the certificate of registration be used as collateral for a loan or the recordation of liens. (Am. Ord. 3798)

Sec. 13-42.7. Defacing Serial Numbers, Etc., Of Bicycles.

No person shall willfully deface, destroy, or alter the serial number, a component part number, or any other identification mark of any bicycle so placed or stamped on a bicycle by the manufacturer for the purpose of identifying the bicycle or its component parts.

This Section does not prohibit the restoration by an owner of an original mark or number, when the restoration is authorized in writing by the Director. (Am. Ord. 3798)

Sec. 13-42.8. Applicability.

The provisions of this Article shall not apply to any new bicycle sold prior to the effective date of this ordinance. (Am. Ord. 3798)

Sec. 13-42.9. Penalty.

Any person violating the provisions of Sections 13-42.2 and 13-42.7 shall, upon conviction, be fined not more than \$500.00 or imprisoned not more than six months, or both. (Am. Ord. 3798)

Article 43. Aerial Advertising.

Sec. 13-43.1. Aerial Advertising Prohibited.

No person shall use an aircraft to display in any manner whatsoever:

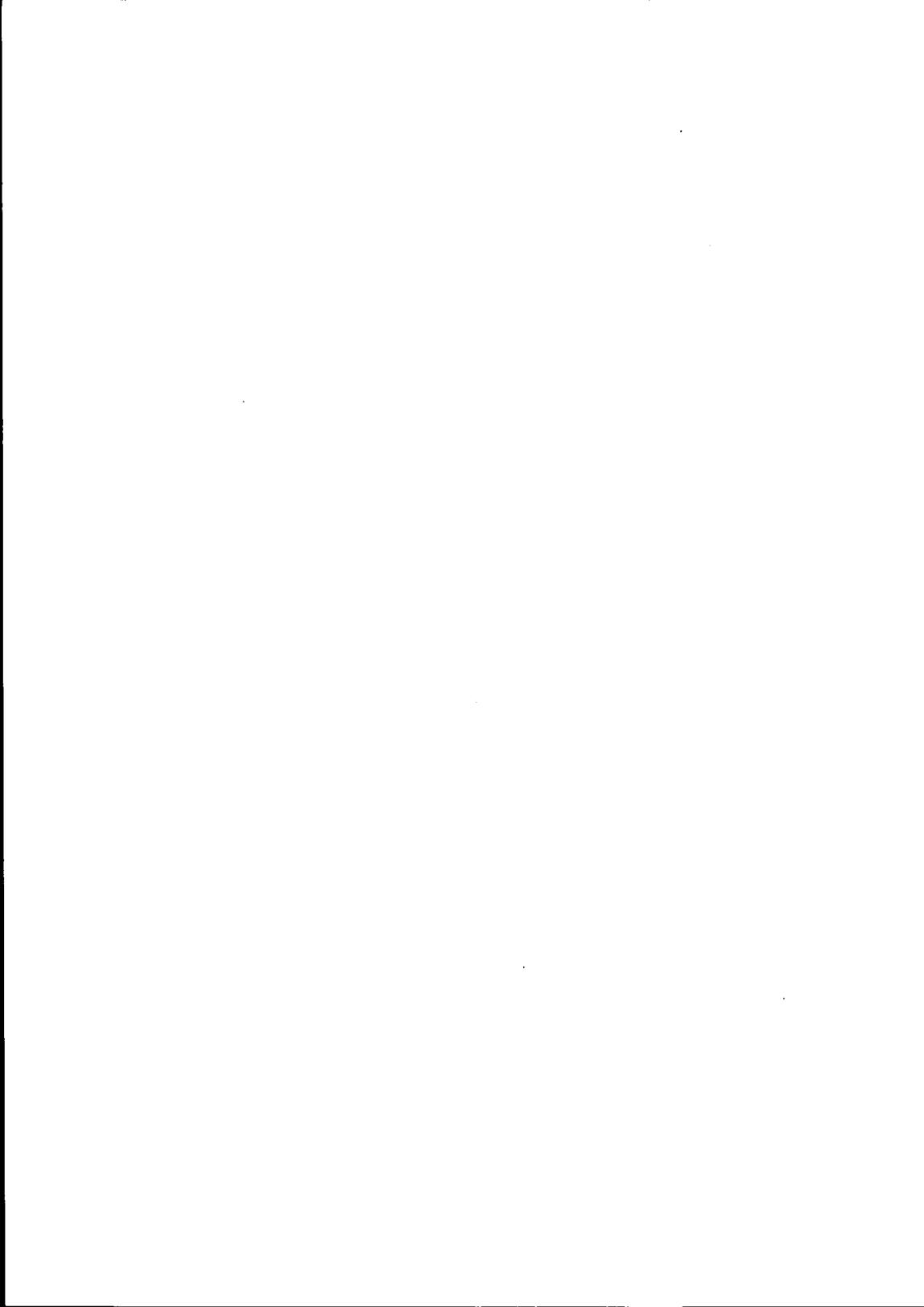
(a) Any political sign or advertising device, including but not limiting the generality of the foregoing, poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol and any other form of advertising sign or device.

(b) Any sign or advertising device which indicates or relates to places of natural beauty or of historical or cultural interest, including but not limiting the generality of the foregoing, poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol or any other forms of advertising sign or device.

(c) **Exceptions.** Identifying marks, trade names, trade insignia, and trade marks placed upon the fuselage or wings of the commercial or private plane are not deemed to be aerial advertising signs as defined herein. (Am. Ord. 3549, 3793)

Sec. 13-43.2. Penalty.

Any person who violates any provision of this Article shall, upon conviction, be punished by a fine not less than \$25.00 nor more than \$500.00, or by imprisonment not exceeding three months, or by both. (Am. Ord. 3549)



CHAPTER 16.**Building Code.****Article 1. Adoption Of The Uniform Building Code.****Sec. 16-1.1. The Uniform Building Code.**

The "Uniform Building Code, 1970 Edition, Volume 1" as copyrighted and published in 1970 by the International Conference of Building Officials, 50 South Los Robles, Pasadena, California, is by reference incorporated herein and made a part hereof, subject to the following amendments.

(1) Amending Section 103.

Section 103 is amended by adding thereto a fifth paragraph to read:

"Wherever in this Code reference is made to the Mechanical Code, the provisions in the Mechanical Code shall be deemed only guides and not mandatory."

(2) Amending Section 104(a).

Section 104(a) is amended to read:

"(a) General. Buildings or structures to which additions, alterations, or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this Section; provided, however, that when any portion of a building is cut or altered by necessity because of taking for public use, through condemnation proceedings or otherwise, it shall be lawful to repair the remaining portion with the same class of materials as had been previously used therein, provided, further, that such repairs shall serve only to make the remaining portion of the building whole and not to add thereto."

(3) Amending Section 203.

Section 203 is amended to read:

"Sec. 203. Unsafe Buildings. (a) General. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life; or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment, as specified in this Code or any other effective ordinance, are, for the purpose of this Section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal

in accordance with the procedure specified in subsections (b), (c), (d), and (e) of this Section.

“(b) Notice to Owner. The Building Official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be unsafe building as defined in this Section, the Building Official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the Building Official. If necessary, such notice also shall require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the Building Official.

“Proper service of such notice shall be by personal service upon the owner of record, if he shall be found within the city limits. If he is not found within the city limits such service may be made upon said owner by registered mail or certified mail, provided, that if such notice is by registered mail or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the Building Official shall begin as of the date he receives such notice.

“(c) Posting of Signs. The Building Official shall cause to be posted at each entrance to such building a notice to read: “DO NOT ENTER, UNSAFE to OCCUPY. BUILDING DEPARTMENT, CITY & COUNTY OF HONOLULU.” Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the Building Official and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

“(d) Right to Demolish. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the City Council may order the owner of the building prosecuted as a violator of the provisions of this Code and may order the Building Official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the City Council, who shall cause the same to be paid and levied as a special assessment against the property.

“(e) Costs. Costs incurred under subsection (d) shall be paid out of the City Treasury. Such costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located, and shall be collected in the manner provided for special assessments.

“(f) Nothing contained herein shall be construed to limit or restrict the Building Official from instituting, on behalf of the City, any other legal or equitable proceedings, in addition to those specified herein, to obtain compliance with the notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof.”

(4) Amending Section 204.

Section 204 is amended to read:

“Sec. 204. Board of Appeals.

“(a) Creation. There shall be and is hereby created a Board of Appeals, hereinafter called the Board, constituting of nine members who shall be qualified by experience and training to pass upon matters pertaining to building construction and who shall be appointed by the Mayor with the approval of the City Council. Four members shall be currently registered as engineers or architects with the State of Hawaii Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects. One member shall be qualified by experience and training to pass upon matters pertaining to electrical work. One member shall be qualified by experience and training to pass upon matters pertaining to plumbing work. The members of the Board shall serve for a term of five years and until their successors have been appointed and qualified; provided that of the members originally appointed, one shall serve for a term of one year, one for a term of two years, one for a term of three years, two for a term of four years and two for a term of five years, and provided further that after the effective date of this Ordinance (Ordinance 3875), one member shall be appointed to a term to expire on December 23, 1974 and one member shall be appointed to a term to expire on December 31, 1973. Any vacancy occurring other than by expiration of a term of office shall be filled for the remainder of such unexpired term in the same manner as for an original appointment. The Board shall select a chairman and vice chairman annually.

“(b) Status of Existing Building Board of Appeals' Members. The term of office of the seven members on the existing Board of Appeals shall remain unchanged.

“(c) Quorum. A majority of the entire membership shall constitute a quorum and the affirmative vote of a majority of the entire membership shall be necessary to take any action.

“(d) Powers and Duties. The Board shall:

(aa) Hear and determine appeals from the decisions of the Building Official in the administration of the City and County of Honolulu Building Code, Electrical Code and Plumbing Code, involving any denial of the use of new or alternate materials, types of construction, equipment, devices, or appliances.

In the case of any denial of the use of new or alternate materials, types of construction, equipment, devices, or appliances, an appeal may be sustained if the record shows (i) that such new or alternate materials, types of construction, equipment, devices, or appliances meet the required standards established by the Codes being appealed from, (ii) that permitting the use thereof will not jeopardize life, limb or property, and (iii) that such use will not be contrary to the intent and purpose of the Code being appealed from. In such appeals the appellant shall pay all expenses necessary for tests which may be ordered by the Board.

The Board may reverse, affirm or modify, wholly or partly, the decision appealed from.

(bb) Hear and determine petitions for varying the application of the Building Code, Electrical Code and Plumbing Code. A variance may be granted if the Board finds (i) that the strict application, operation or enforcement of the Code being appealed from would result in practical difficulty or unnecessary hardship, (ii) that safety to life, limb and property will not be jeopardized, and (iii) that the granting of a variance would not be injurious to the adjoining lots and the buildings thereon, would not create additional fire hazards, and would not be contrary to the purpose of the Code and the public interest. In making its determination, the Board shall take into account the character, use and type of occupancy and construction of adjoining buildings, buildings on adjoining lots and the building involved.

“(e) Compensation. Each member of the Board shall be compensated at the rate of \$20.00 per day for each day’s actual attendance at a meeting, but such compensation shall not exceed, in the aggregate, \$60.00 in any one month.

“(f) Procedure. The proceedings of the Board shall be subject to the provisions of Chapter 91, Hawaii Revised Statutes, as amended. The Board shall adopt reasonable rules and regulations for conducting its meetings, hearings, and investigations in conformity therewith and may impose reasonable fees to cover the costs of such proceedings.”

(5) Adding Section 206.

Section 206 is added to read:

“Sec. 206. Any provisions of this Code to the contrary notwithstanding, the following shall be at all times in full force and effect,

and in case of conflicting requirements, the stricter shall be complied with:

“Hawaii Revised Statutes;

“Ordinance of the City and County of Honolulu;

“Subdivision rules and regulations adopted pursuant to the subdivision ordinance;

“Rules and regulations of the Board of Water Supply, City and County of Honolulu;

“Public Health regulations, Department of Health, State of Hawaii;

“Rules and regulations of the Fire Marshal, State of Hawaii;

“Airport Zoning Regulations of the Director of Transportation, State of Hawaii.”

(6) Deleting Sections 301, 302 and 303.

(7) Add a new Section 301 to read:

“Sec. 301. Permits Required. A building permit is required to perform work covered by this Code as provided under Chapter 18, R.O. 1969.

(8) (Deleted).

(9) (Deleted).

(10) (Deleted).

(11) (Deleted).

(12) (Deleted).

(13) Amending Section 304.

Section 304 is amended to read:

“Sec. 304. (a) Lot Survey. A survey of the lot may be required by the Building Official to verify compliance of the structure with approved plans.

“(b) Building Official’s Right to Enter Building. The Building Official, so far as may be necessary for the performance of his duties, shall have the right to enter upon and inspect, at any reasonable time, any new or unoccupied building or structure under construction, repair, alteration or removal, or any building or structure alleged to be unsafe.”

(14) Amending Section 403.

The sixth paragraph of Section 403 is amended by adding the following sentence:

“This shall not include water heater as defined in this Chapter.”

The eighth paragraph of Section 403 is amended to read:

“BUILDING. A building is any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The term shall include, without limiting the generality of the foregoing, any structure mounted on wheels or otherwise, such as a trailer, wagon or powered vehicle, which is parked and stationary

and used for business or living purposes, provided, however, that the term shall not include a mobile trailer, push cart, wagon, or powered vehicle which is used exclusively for the purpose of selling any commercial products and which actually travels on public or private streets.”

The last paragraph of Section 403 is amended to read:

“BUILDING OFFICIAL shall mean the Director and Building Superintendent of the City or his authorized deputy.”

(15) Amending Section 404.

The following paragraph is added before the definition “CAST STONE”.

“CARPORT is a private garage which is at least 100 per cent open on one side and with 50 per cent net openings on another side or which is provided with an equivalent of such openings on two or more sides.”

The definition of “CITY” is amended to read:

“CITY shall mean the City and County of Honolulu.”

A new paragraph is added after the definition of “CITY” to read:

“CITY COUNCIL shall mean the City Council of the City.”

(16) Amending Section 407.

Section 407 is amended by changing the definition of “FAMILY” to read:

“FAMILY shall be as defined in the Comprehensive Zoning Code of the City and County of Honolulu.”

(17) Amending Section 417.

Section 417 is amended by changing the definition of “PLATFORM, ENCLOSED,” to read:

“PLATFORM, ENCLOSED, is a partially enclosed portion of an assembly room more than 1,000 square feet in area (including dressing rooms, toilet facilities and storage rooms) and the ceiling of which is not more than 5 feet above the proscenium opening and which is designed or used for the presentation of plays, demonstrations, or other entertainment wherein scenery, drops, decorations, or other effects may be installed or used.”

(18) Amending Section 420.

The following paragraph is added before the definition of “STORY”:

“STATE shall mean the State of Hawaii.”

(19) Amending Section 504(a).

Section 504(a) is amended to read:

“(a) General. Buildings shall adjoin or have access to a public space, yard, or street on not less than one side. Required yards shall be permanently maintained.

“For the purpose of this Section, the center line of an adjoining street or alley shall be considered an adjacent property line, and the center line of an adjoining private right of way not less than 10 feet in width shall be considered an adjacent property line if the owner of the premises for which the building permit application is filed owns a portion thereof. With the exception of an arcade, bridge or ramp used for thoroughfare purposes only, such private rights of way shall be unobstructed from the ground to the sky and permanently maintained as such.

“Eaves over required windows shall not be less than 30 inches from side and rear property lines. For eaves, see Section 1710.

“No building or structure or any portion thereof shall be located on or over a property line except an arcade, bridge or ramp used for thoroughfare purposes only, or as otherwise permitted in this Code and in Comprehensive Zoning Code.”

(20) Amending Section 504(b).

Section 504(b) is amended by adding an exception after the first paragraph to read:

“Exception: Lot lines established within a cluster development under the Comprehensive Zoning Code shall not be considered as property lines for the purpose of this Section.”

(21) Adding Section 510.

Section 510 is added to read:

“Sec. 510. Ceiling Height.

“Minimum ceiling heights in all occupancies customarily used by human beings shall be as specified in Part III; provided that where no minimum height is specified, the ceiling height shall be not less than 7 feet measured to the lowest projection from the ceiling.”

(22) Amending Table No. 5-A.

Table No. 5-A is amended as follows:

The descriptions for Group J Occupancies are amended to read:

“1. Private garages, carports, sheds, agricultural buildings, greenhouses and lath houses. (See Section 1502.)

“2. Fences¹, retaining walls, swimming pools, tanks and towers.”

Footnote is added to read:

“¹In all fire zones fences 6 feet or less in height may be of any materials allowed by this Code.”

(23) Amending Section 605.

The first paragraph of Section 605 is amended to read:

“Sec. 605. All portions of Group A Occupancies customarily used by human beings and all dressing rooms shall be provided with light and ventilation by means of windows or skylights with an area

not less than one-eighth of the total floor area, one-half of which shall be openable, or shall be provided with artificial light and a mechanically operated ventilating system. The mechanically operated ventilating system shall comply with the requirements of the 'Public Health Regulations, Department of Health, State of Hawaii'."

The fourth paragraph of Section 605 is amended to read:

"There shall be provided in an approved location at least one drinking fountain for each floor level. Toilet facilities shall be provided as specified in the 'Public Health Regulations, Department of Health, State of Hawaii'."

(24) Amending Section 802(b).

Section 802(b) is amended as follows:

a. The first paragraph is amended by adding an exception to read:

"EXCEPTION: In a Building of Type I, II, III-One-Hour, III-Heavy Timber, IV-One-Hour, or V-One-Hour construction, rooms for second grade pupils may be permitted on the second story above grade, provided the building is provided with an alarm system that is actuated by detectors conforming to UBC Standard 43-6."

b. The second paragraph is amended to read:

"Laboratories, woodworking and metal-working shops, machine shops, paint shops, rooms for storage of flammable materials, and similar areas shall be separated from each other and from classrooms by not less than a One-Hour Fire-Resistive Occupancy Separation as defined in Chapter 5; provided, however, that such separation shall not be required where visual communication is required between such areas and classrooms."

(25) Amending Section 805.

Section 805 is amended to read:

"Sec. 805. All portions of Group C Occupancies shall be provided with light and ventilation, either natural or artificial, as specified in Section 605.

"For requirements in schools, 'Public Health Regulations, Department of Health, State of Hawaii' shall be complied with.

"For requirements for floors and walls of toilet compartments, see Section 1711."

(26) Adding Section 811.

Section 811 is amended to read:

"Sec. 811. Fire Alarms. Fire alarm system shall comply with the 'Rules and Regulations of the State Fire Marshal' and be approved by the Fire Chief."

(27) Amending Section 909.

Section 909 is amended to read:

“Sec. 909. Fire Alarms. Fire alarm systems shall comply with the ‘Rules and Regulations of the State Fire Marshal’ and be approved by the Fire Chief.”

(28) Amending Section 1005.

Section 1005 is amended to read:

“Sec. 1005. Light, Ventilation and Sanitation. All working places in a building or any portion thereof shall be provided with light, ventilation and toilet facilities as specified in the ‘Public Health Regulations, Department of Health, State of Hawaii’.”

(29) Amending Section 1105.

Section 1105 is amended to read:

“Sec. 1105. Light, Ventilation and Sanitation. All working places in a building or any portion thereof shall be provided with light, ventilation and toilet facilities as specified in the ‘Public Health Regulations, Department of Health, State of Hawaii’.”

(30) Amending Section 1109(b).

Section 1109(b) is amended by adding an exception after the first paragraph to read:

“EXCEPTION: In buildings housing Group B, F, G and H Occupancies, open parking garages are permitted when all of the following conditions are met:

“1. The garage portion of the building is of Type I construction.

“2. There is a Three-Hour Occupancy Separation between the open parking garage and all portions of the Group B, Group F, Group G or Group H Occupancy.”

(31) Amending Section 1109(k).

Section 1109(k) is amended to read:

“(k) Ventilation. Ventilation shall comply with the requirements as specified in the ‘Public Health Regulations, Department of Health, State of Hawaii’.”

(32) Amending Section 1205.

Section 1205 is amended to read:

“Sec. 1205. Light, Ventilation and Sanitation. All working places in a building or any portion thereof shall be provided with light, ventilation and toilet facilities as specified in the ‘Public Health Regulations, Department of Health, State of Hawaii’.”

(33) Amending Section 1303.

Section 1303 is amended to read:

“Sec. 1303. For fire-resistive protection of exterior walls and openings, as determined by location on property, see Section 504 and Part V; provided that openings in exterior walls of buildings of Type I, II, or III construction and housing Group H Occupancies situated in Fire Zone 3 which are 10 feet or more but less than 20 feet from the adjacent interior property line shall only be required to

have windows or doors constructed of approved incombustible material, but any glass used for windows and doors shall be wire glass of a minimum thickness of ¼", except where the building is so designed to prevent the glass from falling below the story on which it is installed; and provided that for fire-resistive requirements of exterior exit balconies, the exceptions provided hereinabove, for opening protection shall not apply. Nothing contained herein, however, shall constitute a waiver of the requirements of Section 3305(k) of this Code, relating to stairways."

(34) Amending Section 1304.

Section 1304 is amended by amending the third paragraph to read:

"When ventilation openings are provided from guest rooms to public corridors in buildings more than one story in height, they shall be equipped with automatic fire shutters in accordance with Section 3304. Floors with such openings shall be equipped with alarm systems which are activated by both detectors of heat and detectors of smoke or by detectors of products of combustion. Such fire protective signalling systems shall either meet the requirements of UBC Standard No. 43-6 or be labelled by an independent testing agency."

(35) Amending Section 1305.

Section 1305 is amended to read:

"Sec. 1305. Light, Ventilation and Sanitation. Light, ventilation and sanitation requirements shall be as specified in the Housing Code.

"For requirements for floors and walls of toilet compartments, see Section 1711."

(36) Amending Section 1306.

Section 1306 is amended to read:

"Sec. 1306. Yards and Courts. Requirements for yards and courts shall be as specified in the Housing Code."

(37) Amending Section 1307.

Section 1307 is amended to read:

"Sec. 1307. Room Dimensions. Requirements for minimum ceiling heights, floor areas, and widths of rooms shall be as specified in the Housing Code."

(38) Amending Section 1308.

Section 1308 is amended to read:

"Sec. 1308. Efficiency Dwelling Units. Efficiency dwelling units shall conform to the requirements of the Housing Code."

(39) Deleting Section 1311.

Section 1311 is deleted.

(40) Amending Section 1313.

Section 1313 is amended to read:

“Sec. 1313. Existing Buildings.

“(a) Purpose. The purpose of this Section is to provide a reasonable degree of safety to persons living and sleeping in Group H Occupancies by requiring alterations to such existing buildings as do not conform with the minimum safety requirements of this Code.

“(b) Scope. The provisions of this Section shall apply exclusively to existing non-conforming Group H Occupancies more than two stories in height.

“(c) Number of exits shall be as required by Section 3302(a).

“(d) Stair Construction. All stairs shall have a minimum run of 9 inches and a maximum rise of 8 inches and a minimum width exclusive of handrails of 30 inches. Every stairway shall have at least one handrail. A landing having a minimum horizontal dimension of 30 inches shall be provided at each point of access to the stairway.

“(e) Interior Stairways. Every interior stairway shall be enclosed with walls of not less than one-hour fire-resistive construction.

“Where existing partitions form part of a stairwell enclosure, wood lath and plaster in good condition will be acceptable in lieu of one-hour fire-resistive construction. Doors to such enclosures shall be protected by a self-closing door equivalent to a solid wood door not less than 1¾ inches thick. Enclosures shall include landings between flights and any corridors, passageways, or public rooms necessary for continuous exit to the exterior of the building.

“The stairway need not be enclosed in a continuous shaft if cut off at each story by the fire-resistive construction required by this subsection for stairwell enclosures.

“Enclosures shall not be required if an automatic fire-extinguishing system is provided for all portions of the building except bedrooms, apartments, and rooms accessory thereto.

“(f) Exterior Stairways. Exterior stairs shall be incombustible or of wood of not less than two-inch nominal thickness with solid treads and risers.

“(g) Fire Escapes. Fire escapes may be used as one means of egress, if the pitch does not exceed 60 degrees, the width is not less than 18 inches, the treads are not less than 4 inches wide, and they extend to the ground or are provided with counter-balanced stairs reaching to the ground. Access shall be by an opening having a minimum dimension of 29 inches when open. The sill shall be not more than 30 inches above the floor and landing.

“(h) Doors and Openings. Exit doors shall swing in the direction of exit travel, shall be self-closing, and shall be openable from the inside without the use of key or any special knowledge or effort.

Doors shall not reduce the required width of stairway more than 6 inches when open. Transoms, and openings other than doors, from corridors to rooms shall be fixed closed and shall be covered with a minimum of three-fourths inch plywood.

“(i) Exit Signs. Every exit doorway or change of direction of a corridor shall be marked with a well-lighted exit sign having letters at least five inches (5”) high.

“(j) Enclosure of Vertical Openings. Elevators, shafts, ducts, and other vertical openings shall be enclosed as required for stairways in subsection (e) or by wired glass set in metal frames. Doors shall be incombustible, or as regulated in subsection (3).

“(k) Separation of Occupancies. Occupancy separations shall be provided as specified in Section 503. Lobbies, and public dining rooms not including cocktail lounges, shall not require a separation if the kitchen is so separated from the dining room. Boiler rooms or heater rooms containing a central heating plant using solid or liquid fuel shall be separated from the rest of the building by a One-Hour Occupancy Separation.”

(41) Amending Section 1405.

Section 1405 is amended to read:

“Sec. 1405. Light, Ventilation and Sanitation. Light, ventilation and sanitation requirements shall be as specified in the Housing Code.”

(42) Amending Section 1406.

Section 1406 is amended to read:

“Sec. 1406. Yards and Courts. Requirements for yards and courts shall be as specified in the Comprehensive Zoning Code and the Housing Code.”

(43) Amending Section 1407.

Section 1407 is amended to read:

“Sec. 1407. Room Dimensions. Requirements for minimum ceiling heights, floor areas, and widths of rooms shall be as specified in the Housing Code.”

(44) Deleting Section 1410.

Section 1410 is deleted.

(45) Amending Section 1412.

Section 1412 is amended to read:

“Sec. 1412. A carport need not have a fire separation between the carport and the dwelling.”

(46) Amending Section 1501.

Section 1501 is amended to read:

Sec. 1501. Group J Occupancies shall be:

“Division 1. Private garages, carports, sheds, agricultural buildings, greenhouses and lath houses.

“Division 2. Fences, retaining walls, swimming pools, tanks and towers.

“For occupancy separations see Table No. 5-B.

“For occupant load see Section 3301.”

(47) Amending Section 1502.

Section 1502 is amended as follows:

a. By adding an exception to the first paragraph to read:

“EXCEPTION: A carport constructed on a hillside may exceed one story in height provided only the garage floor level is used or occupied.”

b. By adding exceptions to the second paragraph to read:

“EXCEPTIONS: 1. Greenhouses and lath houses used for the cultivation of plants shall not be over 12,000 square feet in area and shall be at least 5 feet from interior property lines. The basic allowable area may be increased in accordance with Section 506(a).

“2. Buildings and structures for horticultural use in agricultural districts with covering of wire screen, cheesecloth or nonrigid self-extinguishing plastic sheets are not required to conform to the requirements of Part III, IV, V, VI, VIII, X and XI of this Code.”

(48) Adding an exception to Section 1503.

An exception is added to Section 1503 to read:

“EXCEPTION: Joint garages or joint carports which are constructed in conjunction with any Group I Occupancy and on a common boundary line between two lots with the mutual consent of the lot owners may be constructed without any fire-resistive protection at the common boundary line.”

(49) Amending Section 1504.

Section 1504 is amended by adding an exception to read:

“EXCEPTION: A carport may have an opening into a room used for sleeping purposes provided such opening is not a required window.”

(50) Amending Section 1506.

Section 1506 is amended by adding an exception to read:

“EXCEPTION: A carport on a hillside lot may have wood floor planking at least two inches (2”) in nominal thickness laid with at least one-fourth inch (¼”) spacing between the planks.”

(51) Adding Section 1507.

Section 1507 is added to read:

“Sec. 1507. Fences. In the City, fences within required yard space shall be constructed in accordance with the Comprehensive Zoning Code. In areas where fence height is not regulated by the Comprehensive Zoning Code, fences over 6 feet in height will be subject to approval of the Fire Department as to access.

“No barbed wire shall be used for the construction of any fence,

except in enclosing premises of any 'public utility' as defined in Section 269-1, Hawaii Revised Statutes, or premises used for industrial and noxious industry purposes, or a zoo for keeping animals and birds for public view or exhibition, in which cases not more than three strands of barbed wire may be used if placed along or above the height of 6 feet from the ground; provided further, that the provisions of the immediately preceding proviso shall not apply to fences enclosing premises used for pasturing cattle or raising swine.

"Provided further, that no provision of this Section shall supersede Section 15-24.10 of Ordinance No. 3744 (Traffic Code).

"For fences allowed during construction or demolition, see Chapter 44."

(52) Adding Section 1508.

Section 1508 is added to read:

"Sec. 1508. Joint Garages or Joint Carports. Joint garages or joint carports may be erected in conjunction with any Group I Occupancy over a common property line between two lots with the mutual consent of the owners thereof, provided that:

"1. Each portion of the joint garage or carport located on each lot shall be structurally independent of the other portion;

"2. The distance between that portion of the joint garage or joint carport and the nearest building located on the same lot shall be not less than 10 feet; however, the joint garage or joint carport may be connected to a building on the same lot by an arcade or covered passageway with open sides, provided such arcade or covered passageway is constructed of heavy timber, or of noncombustible or one-hour fire-resistive materials; and

"3. The floor area of each portion of the joint garage or joint carport located on each lot shall not exceed 500 square feet and such garage or carport shall not exceed one story in height."

(53) Amending Section 1601(a).

Section 1601(a) is amended to read:

"Sec. 1601. (a) Fire Limits. The fire limits of the City shall consist of Fire Districts Nos. 1, 2 and 3.

"For purposes of this Code, 'Fire District' shall mean the same as 'Fire Zone'.

"1. Fire District No. 1 shall include that portion of the City within the following boundaries: commencing at a point where the Waikiki property line of that property identified by Tax Map Key 2-1-15: 10 when extended intersects the waterfront; thence mauka along the waikiki boundary of said parcel 10 to a point on the makai boundary line of Ala Moana to the ewa boundary extended of Kakaako Street; thence mauka along the ewa boundary of Kakaako

Street to a point on the makai boundary of Halekauwila Street; thence waikiki along the makai boundary of Halekauwila Street to a point 100 feet waikiki of the waikiki boundary extended of Punchbowl Street; thence mauka along a line parallel to and 100 feet waikiki of the waikiki boundary of Punchbowl Street to a point on the makai boundary of Vineyard Boulevard to a point 100 feet ewa of the ewa boundary of River Street; thence makai along a line parallel to and 100 feet ewa of the ewa boundary extended of River Street to the waterfront; thence waikiki along the waterfront to the point of beginning.

“2. Fire District No. 2 shall include those portions of the City within the following boundaries; commencing at the most southerly point of Fire District No. 1 on the waterfront; thence mauka along the waikiki boundary of Fire District No. 1 to a point 100 feet mauka of the mauka boundary of Ala Moana; thence waikiki along a line parallel to and 100 feet mauka of the mauka boundary of Ala Moana to a point 100 feet waikiki of the waikiki boundary of South Street and 100 feet mauka of the mauka boundary of Ala Moana; thence makai along a line parallel to and 100 feet waikiki of the waikiki boundary extended of South Street to a point on the makai boundary of Ala Moana; thence waikiki along the makai boundary line of Ala Moana to the ewa boundary of Keawe Street; thence makai along the ewa boundary extended of Keawe Street to the point of its intersection with the waterfront; thence ewa along the waterfront to the point of beginning.

“Again commencing at a point on the makai boundary of Halekauwila Street and 100 feet waikiki of the waikiki boundary extended of Punchbowl Street; thence mauka 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 along a line parallel to and 100 feet mauka of Beretania Street to a point 100 feet waikiki of the waikiki boundary of Alapai Street; thence makai along a line parallel to and 100 feet waikiki of Alapai Street to a point 100 feet makai of the makai boundary of King Street; thence ewa along a line parallel to and 100 feet makai of the makai boundary of King Street to a point 100 feet waikiki of the waikiki boundary of South Street; thence makai along a line parallel to and 100 feet waikiki of the waikiki boundary of South Street to the makai boundary of Halekauwila Street to the point of beginning.

“Again commencing at a point 100 feet ewa of the ewa boundary of River Street and 100 feet makai of the makai boundary of King Street; thence ewa along a line parallel to and 100 feet makai of the makai boundary of King Street to the center line extended of

Palama Street; thence mauka along the center line of Palama Street to a point 100 feet mauka of the mauka boundary extended of King Street; thence waikiki along a line parallel to and 100 feet mauka of the mauka boundary of King Street to a point 100 feet ewa of the ewa boundary of Liliha Street; thence mauka along a line parallel to and 100 feet ewa of the ewa boundary of Liliha Street to a point on the makai boundary of Vineyard Boulevard; thence waikiki along the makai boundary of Vineyard Boulevard to a point 100 feet ewa of the ewa boundary of River Street; thence makai parallel to River Street along the ewa boundary of Fire District No. 1 to the point of beginning.

“Fire District No. 2 shall also include those areas outside of Fire District No. 1 which are zoned as business districts.

“3. Fire District No. 3 shall include all those portions of the City not within Fire District No. 1 or Fire District No. 2.”

(54) Amending Section 1601(d).

Section 1601(d) is amended by adding thereto a second paragraph and third paragraph to read:

“Model homes for display purposes only may have a floor area not to exceed 1,500 square feet when of single-story and 3,000 square feet for two-stories. Exterior walls of model homes are not required to be fire-resistive when located at least 5 feet from the property line in Fire District No. 1 or No. 2 and at least 3 feet from the property line in Fire District No. 3.

“In Fire District No. 1 or 2, roof covering shall be fire-retardant.”

(55) Amending Section 1706(a).

Section 1706(a) is amended as follows:

a. Exception No. 1 is amended to read:

“EXCEPTIONS: 1. In other than Group D Occupancies, an enclosure will not be required for an escalator, chute, conveyor or vehicular ramp serving only one adjacent floor and not connected with any other openings serving other floors.”

b. Exception No. 2 is amended to read:

“2. In buildings housing Group B, F, G or H Occupancies, enclosures shall not be required for escalators or ramps used solely for vehicular passage provided the following conditions are met:

“(aa) The top of the escalator or ramp opening at each story is provided with a draft curtain and automatic fire sprinklers are installed around the perimeter of the opening within 2 feet of the draft curtain.

“(bb) All floors with escalator or ramp openings are equipped with automatic fire-extinguishing systems.

“(cc) There is provided a three-hour fire-resistive separation from floors not equipped with fire-extinguishing systems.

“(dd) In mixed occupancies housing Group B or H Occupancy, the entire building is of Type I construction.”

c. Exception No. 6 is added to read:

“6. In Group F, Division 2, Group H and Group I Occupancies, a vertical opening intended to serve as a visual architectural connection between any two adjacent floors of a building need not be enclosed; provided that the areas so connected are occupied by a single tenant.”

(56) Deleted. (Am. Ord. 4011)

(57) Amending Section 1712.

Section 1712 is amended to read:

“Sec. 1712. (a) Minimum Vertical Clearance. There shall be a minimum vertical clearance of not less than 30 inches between the cooking top of oil, gas and electric ranges and hot plates and the underside of cabinets or shelving above such ranges or hot plates.

“EXCEPTIONS:

“1. If the underside of such cabinets or shelving is protected with a metal ventilating hood or asbestos millboard at least $\frac{1}{4}$ inch thick covered with sheet metal of not less than No. 28 U.S. Gauge, stainless steel of a thickness of not less than .015, aluminum of a thickness not less than 0.024 or copper of a thickness not less than 0.020, the minimum vertical clearance shall be not less than 24 inches.

“2. If the underside of such cabinets or shelving is protected with No. 28 gauge sheet metal spaced out one inch or No. 28 gauge sheet metal on one-eighth inch asbestos millboard spaced out one inch or one-fourth inch asbestos millboard on one inch mineral wool bats reinforced with wire mesh or equivalent, or No. 22 gauge sheet metal on one inch mineral wool bats reinforced with wire or equivalent, the minimum vertical clearance shall be not less than 18 inches. This protection shall extend 12 inches beyond the sides of the range or hot plate. Spacers shall be of noncombustible material.

“(b) Minimum Horizontal Clearance. The minimum horizontal clearance from the burner head(s) of a top (or surface) cooking unit to combustible walls extending above the cooking surface shall be not less than 12 inches.

“EXCEPTION: Wooden surfaces to be installed within 12 inches of a cooking unit shall be protected with asbestos millboard at least one-fourth inch thick covered with sheet metal of not less than No. 28 U.S. gauge, stainless steel of a thickness not less than .015 inch, aluminum of a thickness not less than .024

inch, or copper of a thickness not less than .020 inch.

“No wooden surface protected or otherwise shall be installed with horizontal clearance of less than 5 inches from a cooking unit.

“(c) Where alternate materials other than as specified in exceptions 1 and 2 of Section 1712(a) and the exception to Section 1712(b) are used as approved by the Building Official, the surfaces of such materials shall have a smooth and nonabsorbent finish of at least Class II flame spread.”

(58) Amending Section 1714.

Section 1714 is amended to read:

“Sec. 1714. All unenclosed floor and roof openings; open and glazed sides of landings and stairs; balconies, landings or porches which are more than 30 inches above grade; and roofs used for other than service of the building shall be protected by a guardrail. Guardrails shall be not less than 42 inches in height. Open guardrails and stair railings shall have intermediate rails or an ornamental pattern such that no object 5 inches in diameter can pass through. Stair railings shall be not less than 30 inches above the nosing of treads.

“EXCEPTIONS: 1. Guardrails for Group I Occupancy may be 36 inches in height.

“2. Guardrail for industrial Occupancies shall comply with the regulations of the Department of Labor and Industrial Relations, State of Hawaii.

“Openings or portions of openings in exterior walls which are less than 30 inches above a floor shall be provided with at least one rail between 30 inches and 36 inches above the floor when such openings are on floors above the first floor, and are not provided with structurally adequate safety glass installations or other barriers to prevent a person from falling through the openings.”

(59) Adding Section 1715.

Section 1715 is added to read:

“Sec. 1715. Insulation. Insulations applied to the exterior surface of metal ducts and pipes located in buildings of Types I and II construction shall have a flame spread of not more than 25 and a smoke development rating of not more than 50 when tested as a composite installation, including installation, facing materials, tapes and adhesives as normally applied.”

(60) Amending Section 2007(e).

Section 2007(e) is amended to read:

“(e) Heavy Timber Floors. Floors shall be without concealed spaces. Heavy timber constructed floors shall be not less than 3 inches nominal splined or tongued and grooved plank or may be of laminated slab construction conforming to the provisions of Section

2007(h).”

(61) Amending Section 2103(b).

Section 2103(b) is amended by deleting the second and third paragraphs.

(62) Amending Section 2203(b).

Section 2203(b) is amended by deleting the second sentence of the first paragraph.

(63) Adding Section 2205.

Section 2205 is added to read:

“Sec. 2205. EXCEPTIONS. Any provision in this Code to the contrary notwithstanding, there shall be the following exceptions to Type V building requirements:

“1. Interior and exterior bearing walls in one-story buildings may be supported on piers.

“2. For Type V buildings, isolated piers of wood, solid masonry or concrete may be used for post and girder construction.

“3. One-story, wood frame, Type V buildings may be of single wall construction with one inch nominal thickness boards, without studs, when such walls have cross partitions at least every 30 feet.

“Two-story, wood frame, Type V buildings may be of single wall construction for the upper story, but shall be supported by studded walls on the lower story. Studding shall be not less than 2 inches by 4 inches and shall be so braced as to adequately support the loads imposed. Studding of not less than 2 inches by 3 inches shall be required on one-story buildings of double wall construction.

“When wood frame dwellings are supported by posts, bracing of sufficient strength to stabilize the structure against movement from wind pressure or earthquake shock shall be provided. Single wall construction shall be braced with not less than 2 inch by 6 inch belt course or other approved strengthening between the floor and ceiling on all exterior walls, except in the following cases:

“(1) Where such walls have a minimum thickness of 1½ inches net.

“(2) Where such walls have a minimum thickness of one inch net with the maximum lateral distance between approved stiffeners for any section of the wall not exceeding 10 feet and the unsupported height of the wall not exceeding 8 feet. Approved stiffeners shall be studs or posts, windows or door jambs, etc., or walls or partitions which are approximately at right angle to the section of wall under construction.

“(3) Where such walls are of post and beam construction.”

(64) Amending Table No. 23-E

Table No. 23-E is amended to read:
 "TABLE NO. 23-E — WIND PRESSURES FOR VARIOUS
 HEIGHT ZONES ABOVE GROUND¹

HEIGHT ZONES (in feet)	WIND PRESSURES (Pounds per square foot)
Less than 30	15
30 to 49	20
50 to 99	25
100 to 499	30
500 to 1,199	35
1,200 and over	40

¹The figures given shall be the minimum requirements"

(64A) Amending Section 2302.

Section 2302 is amended by adding a subsection (d) to read:

"(d) Elevators. All moving elevator loads, including live loads, shall be increased 100 per cent for impact."

(65) Amending Section 2305(e).

The second paragraph of Section 2305(e) is amended to read:

"Greenhouses, agricultural buildings and carports, but not including lath houses, shall be designed for vertical live load of not less than 10 pounds per square foot."

(66) Amending Section 2308(h).

Section 2308(h) is amended to read:

"(h) Miscellaneous Structures. Greenhouses, agricultural buildings, and carports, but not including lath houses, shall be designed for wind pressures of 10 pounds per square foot and for pressures, acting upward normal to the roof surface equal to 10 pounds per square foot."

(67) Amending Section 2409(c).

Section 2409(c) is amended to read:

"(c) Minimum Thickness. Stone masonry walls shall in no case have a minimum thickness of less than 14 inches."

(68) Amending Table No. 24-H.

Table No. 24-H is amended by adding a superscript 5 to Shear Walls and adding a footnote to read:

⁵For Shear Walls, the shear force due to seismic load specified in Chapter 23 shall be doubled when computing shear stresses in buildings without a 100 per cent moment resisting space frame."

(69) Amending Section 2517(c) 2.

The first paragraph of Section 2517(c) 2 is amended to read:

"Minimum clearance between bottom of floor joists or bottom of floors without joists and the ground beneath shall be 20 inches.

"EXCEPTION: Open slat wood decks shall have ground clearance of at least 6 inches for any wood member."

(70) Adding Section 2519.

Section 2519 is added to read:

“Sec. 2519. (a) Walls without Studs. For Type V buildings single wall construction without studs may be used in accordance with Section 2205.

“(b) Interior Partitions. Interior partitions shall be constructed, framed and firestopped as specified for exterior walls, except that interior non-bearing partitions may have a single top plate. Single wall construction and non-bearing partitions of 2-inch by 3-inch studs spaced 16 inches on center may be used.”

(71) Amending Section 2605(e).

Section 2605(e) is amended by deleting the first paragraph and adding the following three paragraphs in lieu thereof:

“(e) Strength Tests of Concrete. Except for buildings for Group I Occupancy, concrete of an ultimate compressive strength higher than 2500 pounds per square inch, shall have tests made.

“For all concrete having an ultimate compressive strength of 2500 pounds per square inch or less, and for buildings for Group I Occupancy, the Building Official shall have the right to require the owner or his agent to make tests of the concrete and other materials from time to time to determine whether the materials and methods in use are such as to produce concrete or reinforced concrete of the quality specified and used in the design of the building or structure.

“When tests are required, each class of concrete shall be represented by at least five tests (10 specimens). Two specimens shall be made for each test at a given age, and not less than one test shall be made for each 150 cubic yards of structural concrete, but there shall be at least one test for each day’s concreting. The Building Official may modify the required number of tests for jobs involving less than 150 cubic yards. The Building Official may require a reasonable number of additional tests during the progress of the work. The tests shall be made when ordered by the Building Official, by the owner or his authorized representative and no responsibility for the expense of these tests shall attach to the Building Department. All such tests shall be made by an approved agency, and copies of the results shall be kept on file in the office of the responsible architect or engineer for a period of not less than five years after the acceptance of the structure. The Building Official may, at his discretion, during this period of time require the responsible architect or engineer to submit copies of such test results. Specimens for concrete cylinder tests shall be taken at the place where the concrete is being deposited and shall be taken and cured in accordance with the requirements set forth in UBC Standard No. 26-13 and tested in accordance with the requirements set forth in

UBC Standard No. 26-13. Samples from which compression test specimens are molded shall be secured in accordance with UBC Standard No. 26-13. Specimens made to check the adequacy of the proportions for strength of concrete or as a basis for acceptance of concrete shall be made and laboratory-cured in accordance with UBC Standard No. 26-13. Additional test specimens cured entirely under field conditions may be required by the Building Official to check the adequacy of curing and protection of the concrete. Strength tests shall be made in accordance with UBC Standard No. 26-13.”

(72) Amending Section 2908(a).

“(a) General. The allowable axial and lateral load on piles shall be determined by an approved formula, by load tests, or by a foundation investigation by an approved agency. A foundation investigation shall be made if required by the Building Official.

“A static load test shall be made on at least one pile when the allowable axial load for a single pile exceeds 40 tons. Where the allowable axial load for a single pile is 40 tons or less, static load tests shall be made upon request by the Building Official.”

(72A) Amending Section 3203(d) 7.

Section 3203(d) 7 is amended by amending the first paragraph to read:

“7. Wood shingles. Shingles may be applied to roofs with solid or spaced sheathing. The spaced sheathing shall be spaced not to exceed 6 inches clear, nor more than the width of the sheathing board. Sheathing boards shall be not less than one inch by four inches nominal dimensions.”

(72B) Amending Section 3203(d) 8.

Section 3203(d) 8 is amended by amending the first paragraph to read:

“8. Wood shakes. Shakes may be applied to roofs with solid or spaced sheathing. The spaced sheathing shall be spaced not to exceed 6 inches clear, nor more than the width of the sheathing board. Sheathing boards shall be not less than one inch by four inches nominal size.”

(73) Amending Section 3207(e).

Section 3207(e) is amended to read:

“(e) Over Public Sidewalk. The water from the roof of all buildings which would flow by gravity onto a public sidewalk shall be carried by means of conduits under the sidewalk and through the curb into the gutter.

“EXCEPTION: Buildings of Group I or J Occupancies, the walls of which are 10 feet or more from the street property line, need not comply with the above.”

(74) Amending Section 3302(a).

Section 3302(a) is amended by adding exceptions thereto to read:

“EXCEPTIONS: 1. In buildings containing apartment units which occupy portions of two floors (maisonettes), each such unit shall have direct access to an exterior exit balcony which shall have the required number of exits to grade, provided that all of the following conditions are met:

“a. The interior stairway between portions of each unit occupying two floors shall serve that unit only.

“b. Each apartment is equipped with alarm systems which are activated by both detectors of heat and smoke or by detectors of products of combustion. Such detectors shall meet the requirements of UBC Standard No. 43-6 or be labelled by an approved independent testing agency.

“2. Type I or Type II construction buildings in Group H Occupancy with not more than two living units on any floor may have a single exit that is immediately accessible to all apartments served thereby.

“3. Buildings of Group H Occupancy of at least one-hour fire-resistive construction, not exceeding three stories in height, may have a single exit serving not more than two units per floor, provided that such exit is an enclosed stairway or an exterior stairway, and provided further that such exit is immediately accessible to all units served.

“4. Except as provided in Table No. 33-A, only one exit shall be required for a basement or cellar of a Group I Occupancy. See Section 1404 for emergency exits from sleeping rooms.”

(75) Amending Section 3303(b).

Section 3303(b) is amended by adding an exception after the second paragraph to read:

“EXCEPTION: Double acting screen doors used in conjunction with exit doors having panic hardware in school cafeteriums.”

(76) Amending Section 3304(a).

Section 3304(a) is amended by amending the first paragraph to read:

“(a) General. This Section shall apply to every corridor serving as a required exit for an occupant load of 10 or more persons, except that regardless of occupant load no corridor shall be less than 3 feet in width. For the purposes of this Section the term ‘corridor’ shall include ‘exterior exit balcony’ and any covered or enclosed exit passageway including walkways, tunnels and malls.”

(77) Amending Section 3304(f).

Section 3304(f) is amended by adding an exception to read:

“EXCEPTION: Foyers, lobbies or reception areas which are constructed as required for corridors may have dead ends exceeding twenty feet, provided that the ratio of length of dead end to width does not exceed 2:1.”

(78) Amending Section 3304(g).

Section 3304(g) is amended to read:

“(g) Construction. Walls of corridors serving an occupant load of 30 or more shall be of not less than one-hour fire-resistive construction and the ceilings shall be not less than that required for a one-hour fire-resistive floor or roof system.

“EXCEPTIONS: 1. One-story buildings housing Group G Occupancies.

“2. Corridors more than 30 feet in width where occupancies served by such corridors have at least one exit independent from the corridor.

“3. Exterior sides of exterior exit balconies.

“When the ceiling of the entire story is an element of a one-hour fire-resistive floor or roof system, the corridor wall may terminate at the ceiling. When the room side fire-resistive membrane of the corridor wall is carried through to the underside of a fire-resistive floor or roof above, the corridor side of the ceiling may be protected by the use of ceiling materials as required for one-hour floor or roof system construction or the corridor ceiling may be of the same construction as the corridor walls.

“Ceilings of noncombustible construction may be suspended below the fire-resistive ceiling.

“Exterior exit balconies shall not project into an area where protected openings are required.”

(79) Amending Section 3304(h).

Section 3304(h) is amended by adding a superscript “1” to “20” in the fifth line and a footnote to read:

“¹1¾ inch solid wood door is equivalent to a 20-minute fire-resistive door.”

(80) Amending Section 3305(i).

Section 3305(i) is amended as follows:

a. By amending exception 1 to read:

“EXCEPTIONS: 1. Stairways 42 inches or less in width and stairways serving one individual dwelling unit in Group H or I Occupancies may have one handrail, except that such stairways open on one or both sides shall have handrails provided on the open side or sides.”

b. By adding a fourth paragraph to read:

“Handrails used on stairways shall be not over 3¾ inches wide.”

(81) Amending Section 3305(m).

Section 3305(m) is amended by amending the second paragraph to read:

“Exterior stairs shall be protected as required for exterior walls due to location on lot as set forth in Parts IV and V of this Code when the locations of stairs from property lines are such that if openings are at the same locations they would be required to be protected.”

(82) Amending Section 3309.

Section 3309 is amended by amending subsections (g) and (h) as follows:

a. Subsection (g) is amended to read:

“(g) Smokeproof Enclosures by Natural Ventilation. 1. Doors. Doors to both the vestibule and to the stairway shall have a one-hour fire-resistive rating and have closing devices as specified in Section 4306(b).

“2. Open Air Vestibule. The required vestibule opening to the outside shall be not more than 10 foot distance from the door opening into the stairshaft, shall be not less than 16 square feet in area with a minimum dimension of 36 inches, shall not be glazed or obstructed in any manner, and shall face a public way at least 20 feet in width or a yard at least 20 feet leading to a public way at least 20 feet in width.”

b. Subsection (h) is amended to read:

“(h) Smokeproof Enclosures By Mechanical Ventilation. 1. Doors. The door from the building into the vestibule shall have a one and one-half-hour fire-resistive rating and have closing devices as specified in Section 3309(h) 6.

“The door from the vestibule to the stairway shall be a tight-fitting door equal to not less than an exterior type solid wood door without voids, assembled with exterior type glue, 1¾-inch minimum thickness set in a steel frame. Wired glass, if provided, shall not exceed 100 square inches in area and shall be set in a steel frame. The door shall be provided with a drop sill or other provision to minimize air leakage.

“2. Dimensions and Layout of Vestibule. The minimum width of the vestibule shall be not less than 44 inches. The minimum distance between the nearest portions of the opening of the door into the vestibule and the opening of the door from the vestibule into the stairshaft shall not be less than 6 feet.

“3. Air Movement in Vestibule. Air change in each vestibule shall be not less than one and one-half times per minute. Supply air shall enter and exhaust air shall discharge from the vestibule through separate, tightly constructed metal ducts used only for that purpose. Supply air shall enter the vestibule within 6 inches of the

floor level close to the stairway door. Exhaust register shall be located entirely with the smoke trap area with the top of the register not more than 6 inches down from the top of the trap and close to the strike side of the entry door to the vestibule. Doors, when in the open position, shall not obstruct duct openings. Controlling dampers may be provided in duct openings, if needed, to meet the design requirements but are not otherwise required. Pressure in the vestibule shall be maintained at approximately atmospheric level.

“NOTE: For buildings where such air changes would result in excessively large duct and blower requirements, a specially engineered system may be used. Such an engineered system shall provide 2500 cfm exhaust from a vestibule when in emergency operation and shall be sized to handle three vestibules simultaneously and the smoke detector located outside each vestibule shall release to open the supply and exhaust duct dampers in that affected vestibule.”

“4. Smoke Trap. The vestibule ceiling shall be at least 20 inches higher than the door opening into the vestibule to serve as a smoke and heat trap and to provide an upward moving air column.

“5. Air Movement in Stairshaft. Stairshaft shall be provided with air from air supply ducts and fans at the bottom of the stairshaft and at other levels as necessary and shall maintain a positive air pressure of not less than 0.05 and not more than 0.10 inch of water in the air shaft and also provide a minimum air velocity of 200 feet per minute based on one-half the average horizontal cross-sectional area of the stairshaft.

“6. Smoke and Heat Activated Door Release. All vestibule and stair tower doors when left in open position shall close automatically upon activation or failure of a detector meeting the requirement of Section 4306(b) which operates on the detection of products of combustion. A detection device shall be installed in the corridor ceiling above the door to the vestibule. Buildings required to have fire alarm systems by governmental regulations shall have the detectors installed as described herein tied in with such alarm systems.

“7. Operation of Ventilating Equipment. Vestibule and stairshaft mechanical ventilation may be inactive or may operate at reduced levels for normal operations as approved by the Building Official; but when the detectors referred to in paragraph 6 either fail or are activated, the mechanical equipment shall operate at the levels specified in paragraphs 3 and 5. Failure of the mechanical ventilation equipment shall cause an alarm to be set off.

“8. Stand-by Power. Mechanical ventilation equipment and vestibule and stairwell lighting shall be provided with power from

an approved diesel engine-powered generator set to operate within 30 seconds whenever there is a loss of the normal electrical power to the building. The generator shall have a minimum fuel supply to operate the equipment for two hours. Should the stand-by power unit become inoperable at any time due to breakdown of equipment and cannot be repaired immediately, a portable emergency power unit shall be installed to take its place until the equipment is repaired and in operable condition.

“9. Testing. All equipment pertinent to this Section shall be tested during normal operation at weekly intervals by a registered engineer employed by the owner or by a firm which specializes in this type of service when approved by the Fire Department official. Test reports shall be submitted monthly to the Fire Department.

“10. Emergency Lighting. The stairshaft and the vestibule shall be provided with emergency lighting. The stand-by generator which is installed for the smokeproof enclosure mechanical ventilation equipment may be used for stand-by emergency lighting power supply.

“11. Air-conditioned Buildings. In buildings with air conditioning systems or pressure air supply, a product of combustion detector conforming to the requirements of Section 4306(b) shall be placed in the return air prior to exhausting from the building or being diluted by outside air and so located as to operate and shut off building system in case of smoke in the air stream, or such devices may be installed in each room or space served by a return air duct.”

(83) Amending Section 3317(a).

Section 3317(a) is amended by adding an exception after the first paragraph to read:

“EXCEPTION: Extension of an exterior exit balcony forming a dead end corridor need not be sprinklered, if such corridor does not exceed 20 feet in length and the wall at the dead end is at least 50 per cent open to the exterior.”

(84) Amending Section 3317(h).

Section 3317(h) is amended by adding an exception to read:

“EXCEPTION: Security gates may be permitted across corridors or passageways in school buildings if there is a readily visible durable sign on or adjacent to the gate, stating ‘THIS GATE TO REMAIN LOCKED IN THE OPEN POSITION WHENEVER THIS BUILDING IS IN USE’. The sign shall be in letters not less than one inch high on a contrasting background. The use of this Exception may be revoked by the Building Official for due cause.”

(85) Amending Section 3318(c).

Section 3318(c) is amended by adding a third paragraph to read:

"In Group D, Divisions 2 and 3 Occupancies, doors shall be self-closing or automatic-closing actuated by products of combustion."

(86) Amending Section 3401.

Section 3401 is amended by changing "4 feet" in the last sentence of the second paragraph to "4 square feet."

(87) Amending Section 3801(a).

Section 3801(a) is amended by adding a third paragraph to read:

"All buried galvanized steel and other ferrous piping used in connection with fire-extinguishing systems shall be wrapped or otherwise protected against corrosion in accordance with the Plumbing Code provisions for protection of galvanized ferrous piping for potable water."

(88) Amending Section 3802(b).

Section 3802(b) is amended as follows:

a. By amending the first paragraph of subsection 1 to read:

"1. In every story, basement or cellar of all buildings except Group I Occupancies when floor area exceeds 1500 square feet of and there is not provided at least 20 square feet of opening entirely above the adjoining ground level in each 50 lineal feet or fraction thereof of exterior wall in the story, basement or cellar on at least one side of the building.

"Each of the required twenty square feet of opening shall have at least one opening with minimum dimensions of 3 feet by 4 feet. Such required openings shall be unobstructed by sunshades, louvers, grillwork, or other construction on the exterior wall which will prevent or hinder access to the openings by the Fire Department personnel."

b. By amending subsection 5 by adding an exception to read:

"EXCEPTION: Surgery, recovery and intensive care rooms."

(89) Amending Section 3803(d).

Section 3803(d) is amended by amending subsection 5 to read:

"5. Outlets. Each standpipe shall be equipped with an approved 2½-inch outlet not less than 2 feet nor more than 4 feet above the floor level at each story above the first or ground floor. Outlets shall be provided at the first or ground floor only when specifically requested by the Fire Department. All dry standpipes shall be equipped with a two-way, 2½-inch outlet above the roof line of the building when the roof has a pitch of less than 4 inches in 12 inches. All outlets shall be installed so that a 12 inch long wrench may be used in connecting the hose with clearance for the wrench on all sides of the outlet. Standpipes located in smokeproof enclosures shall have outlets located in the stairway. Standpipe outlets in

stairway enclosures or smoke towers shall be so located that the exit doors do not interfere with the use of the outlet. All outlets shall be equipped with gate valves with substantial chains.”

(90) Amending Section 3804(d).

Section 3804(d) is amended by amending subsection 1 to read:

“1. Construction. Wet standpipes shall be of wrought iron, galvanized steel or copper pipe or tubing which together with fittings, valves and other appurtenances shall be of sufficient strength to withstand a test pressure of 300 pounds of water pressure to the square inch.

“Water pressure tests shall be conducted on completed wet standpipe systems by the owner or contractor whenever deemed necessary and ordered by the Building Official. The test shall be so conducted that no point in the wet standpipe system will be subject to less than the normal working pressure plus 25 pounds per square inch and in no case shall the test pressure at any point be less than 175 pounds per square inch. The owner or contractor shall be responsible for any damage caused by breakage or faulty installation while such tests are being conducted.”

(90A) Amending Section 3805(a).

Section 3805(a) is amended to read:

“Sec. 3805(a) General. Combination standpipes shall be installed in accordance with the provisions of this Section. Design and installation shall be in accordance with National Fire Protection Association Pamphlet No. 14. Where a combination standpipe is installed in accordance with this Section, a separate dry standpipe system need not be installed.”

(90B) Amending Section 3805(b).

Section 3805(b) is amended to read:

“(b) Where Required. A combination standpipe system may be installed in lieu of dry standpipes and wet standpipes required under Sections 3803 and 3804.”

(91) Amending Section 3805(d).

Section 3805(d) is amended by amending the fifth sentence of subsection 5 to read:

“Standpipes located in smokeproof enclosures shall have outlets in the stairway.”

(92) Amending Section 3806.

Section 3806 is amended to read:

“Sec. 3806. During the construction of a building and until the permanent fire-extinguishing system has been installed and is in service, fire protection shall be provided in accordance with the regulations of the Department of Labor and Industrial Relations, State of Hawaii and the ‘Rules and Regulations of the Fire Marshal,

State of Hawaii'."

(93) Amending Section 3906(b).

Section 3906(b) is amended by amending the second paragraph thereof to read:

"Where any usable space having headroom of 4 feet or more occurs under a raised platform of an assembly room such platform shall be of not less than one-hour fire-resistive construction or of heavy timber floor construction."

(94) Amending Section 4005.

Section 4005 is amended to read:

"Sec. 4005. Ventilation. Ventilation shall be provided as specified in the 'Public Health Regulations, State of Hawaii'."

(94A) Amending Section 4305.

Section 4305 is amended by adding a subsection (e) to read:

"(e) Ceiling Panels. Where the weight of lay-in ceiling panels, used as part of fire-resistive floor ceiling assemblies, is not adequate to resist an upward force of one pound per square foot, wire or other approved devices shall be installed above the panels to prevent vertical displacement."

(95) Adding Section 4400.

Section 4400 is added to read:

"Sec. 4400. Enforcement. Any provision of this Code to the contrary notwithstanding, the Director and Chief Engineer of the City shall administer and enforce the provisions of this Chapter."

(96) Section 4502 is deleted.

(97) Section 4503 is deleted.

(98) Amending Section 4504.

Section 4504 is amended to read:

"Sec. 4504. Roof eaves, cornices, belt courses, and appendages such as water tables, sills, capitals, bases and architectural projections which cannot be occupied or used may project over the public street of the building site a distance as determined by the clearance of the lowest point of the projection above the grade immediately below as follows:

"Clearance above grade less than 8 feet —

No projection is permitted.

"Clearance above grade over 8 feet —

One inch of projection is permitted for each additional inch of clearance provided that no such projection shall exceed a distance of 4 feet.

"Roof eaves shall be sloped to downspouts and/or gutters leading back to the building which shall conduct any drainage under the sidewalk area through the curb to the street gutter."

(99) Amending Section 4505.

Section 4505 is amended to read:

“Sec. 4505. (a) General. For the purpose of this Section, a marquee shall include any object or decoration attached to or a part of said marquee, except signs.

“(b) Projection and Clearance. The marquee shall project not more than three-fourths of the distance from the property line to the face of the curb but in no case reach within 2 feet 6 inches of the face of the curb.

“There shall be a minimum of 8 feet vertical clearance between the lowest point of any marquee to the sidewalk below.

“(c) Construction. A marquee shall be supported entirely from the building and shall be constructed entirely of noncombustible materials.

“EXCEPTION: Drop-roll curtains of canvas may be suspended below the exterior periphery, provided a minimum clearance of 7 feet from the sidewalk below is maintained.

“(d) Roof Construction. The roof or any part thereof may be a skylight, provided wire glass not less than ¼ inch thick with no single pane more than 18 inches wide is used.

“Every roof and skylight of a marquee shall be sloped to downspouts which shall conduct any drainage from the marquee under the sidewalk to the curb.

“(e) Location Prohibited. Every marquee shall be so located as not to interfere with the operation of any exterior standpipe or to obstruct the clear passage of stairways or exits from the building or the installation or maintenance of street lighting.”

(100) Amending Section 4506(b).

Section 4506(b) is amended by amending the exception to read:

“EXCEPTIONS: 1. A fixed awning not more than 10 feet in length may be erected over a doorway to the building.

“2. Fixed awnings projecting not more than 4 feet from the face of the building and of a total length not more than 50 per cent of the street frontage of the building may be erected over windows along the street.”

(101) Amending Section 4506(c).

Section 4506(c) is amended by amending “2 feet to the face of the nearest curb line” to read “2 feet 6 inches to the face of the nearest curb line.”

(102) Amending Section 4507.

Section 4507 is amended to read:

“Sec. 4507. No doors, either fully opened or when opening, shall project beyond the property line.”

(103) Adding Chapter 49.
Chapter 49 is added to read:

“Chapter 49—Patio Covers

“Sec. 4901. Patio covers are one-story roofed structures open on one or more sides and not more than 10 feet above grade. They may be provided with insect screening but such screening need not be considered as an enclosure. They may be attached or detached and are for use in conjunction with Group J, Group I or single dwelling units in Group H Occupancies but are not designed for use as habitable rooms. Carports and garages are excluded from this definition.

“Sec. 4902. Design Loads. Patio covers shall be designed and constructed to sustain, within the stress limits of this Code, all dead loads plus a minimum vertical live load of 10 pounds per square foot. Such covers shall be designed to resist the minimum horizontal wind load of 10 pounds per square foot. In addition, they shall be designed to support a minimum wind uplift of three-fourths of the horizontal wind load acting vertically upward normal to the roof surface. When enclosed with insect screening, wind loads shall be applied to the structure assuming it is fully enclosed.

“Sec. 4903. Light and Ventilation. Where required windows open into a patio cover, the requirements of Sections 1305 and 1405 shall apply.

“Sec. 4904. Construction. Construction shall be of noncombustible materials, except for buildings of Types III and V construction.

“Sec. 4905. Roof Covering. For roof covering see Section 1704.

“EXCEPTION: For patio covers attached to a building of Group I or Group J Occupancy, the roof covering may be of such plastic materials as may be approved by the Building Official. The use of such plastic roof covering when so approved is subject to the following limitations:

“1. Such structures shall project not more than 16 feet, including the overhang, from the face of the exterior wall of the building and shall not exceed 400 square feet in any single continuous area. Such area of plastic patio covering shall be separated from each other by at least 10 feet.

“2. Parking and storage of motor vehicles shall not be permitted under such structures.”

(104) Amending Section 5205(a).

Section 5205(a) is amended by amending subsection 1 to read:

“1. The plastic shall be mounted at least 4 inches above the plane of the roof on a curb constructed of, or clad with, a metal or noncombustible material, except for Type III or V buildings. The curb may be omitted where skylights are provided with a screen immediately below the skylight. The screen shall be substantially mounted and of wire not smaller than No. 12 U.S. gauge having openings not larger than 1 inch.”

(105) Amending Section 5304.

Section 5304 is amended to read:

“Sec. 5304. Ventilation. Mechanical ventilation shall be provided direct to the exterior of the building. Mechanical ventilation shall be as specified in the ‘Public Health Regulations, State of Hawaii’.”

(106) Amending Section 5402.

Section 5402 is amended to read:

“Section 5402. (a) General. Each light shall bear the manufacturer’s label designating the type and thickness of glass. Each light with special performance characteristics such as laminated, heat-strengthened, fully tempered, or insulated shall bear the manufacturer’s identification showing the special characteristic and thickness by etching or other permanent identification that shall be visible after the glass is glazed.

“EXCEPTION: When approved by the Building Official labels may be omitted provided an affidavit is furnished by the glazing contractor certifying that each light is glazed in accordance with approved plans and specifications.

“(b) Safety Glazing. Labels for safety glazing in hazardous locations as specified in Section 5406 shall comply with Section 321-132 of Part XII, Chapter 321, Hawaii Revised Statutes, as amended.”

(107) Amending Section 5405.

Section 5405 is amended to read:

“Sec. 5405. Regular plate, sheet, or patterned glass in jalousies and louvered windows shall be no thinner than nominal seven-thirty seconds inch and no longer than 36 inches. When other glass types are used, design shall be submitted to the Building Official for approval. Exposed glass edges shall be smooth. Wire glass used for jalousies may have wires in the long direction only and shall not have wires exposed on the long edges.”

(107A) Amending Section 5406.

Section 5406 is amended to read:

“Glazing in ‘hazardous locations’ shall be of ‘safety glazing material’. ‘Hazardous locations’ and ‘safety glazing material’ shall be as

defined in Part XII, Chapter 321, Hawaii Revised Statutes, as amended.”

(108) Amending Table No. 54-C.

Table No. 54-C is amended by amending the entries in the right hand column under “Over 50 Sq. Ft.” for “Minimum Frame Lap” and “Minimum Glass Frame Lap” to read: “ $\frac{3}{8}$ ”.

(108A) Table Nos. 54-D and 54-E are deleted.

(109) Adding Chapter 57.

Appendix, Chapter 57 — REGULATIONS GOVERNING FALL-OUT SHELTERS, Uniform Building Code, 1970 Edition, Volume I is by reference incorporated herein and made a part of this Code.

(110) Amending Section 6002.

Section 6002 is amended by adding a second paragraph to read:

“Wherever the Uniform Building Code Standards are referred to as the standard in this Code, compliance with the current codes and standards of the National Fire Protection Association will be equivalent to meeting the Uniform Building Code Standards.” (Sec. 16-1.1, R.O. 1969; Am. Ord. 3800, 3866, 3875, 3969, 4011)

Article 2. Relocation Of Buildings.

Sec. 16-2.1. Applicability.

The provisions of Chapter 18 of the R.O. 1969, as amended, to the contrary notwithstanding, no person shall move or cause to be moved any building or structure into or within the City without complying with the provisions of this Article and all other applicable provisions of Chapter 16, R.O. 1969, as amended; provided, however, any movement of a building or structure which is confined within the boundaries of a single lot shall not be subject to this Article, but shall be subject to Chapter 18 of the R.O. 1969 and all other applicable provisions of the Uniform Building Code as amended by Section 16-1.1, R.O. 1969, as amended. The transportation of factory built housing shall be governed by Article 4. (Sec. 16-2.1, R.O. 1969; Am. Ord. 3800, 3969)

Sec. 16-2.2. Application For A Relocation Permit.

Any person intending to move any building or structure shall apply to the Building Official, being the Building Superintendent of the City, for a relocation permit in writing upon a form furnished by the Building Official and shall set forth such information as the Building Official may reasonably require in order to carry out the purposes of this Article.

The application shall be signed by:

- (1) The owner or owners of the site upon which the building or

structure is to be moved, or by the person or persons having the right of legal possession of such site for at least a period of five years from the date of the application;

(2) By the owner or owners of the building or structure to be relocated; and

(3) By the person or persons hired to relocate such building or structure, and shall be accompanied by three sets of plans and specifications showing all work to be performed on the building or structure upon relocation to the new site; provided, however, if the building or structure is to be moved to and stored at locations specifically used as storage areas for buildings and structures and such storage of buildings or structures is permitted under the zoning ordinances, the application for a relocation permit may be signed by the person or persons having legal possession of such locations and by the person or persons required under (2) and (3) above, and the provisions for the submission of plans and specifications shall not be applicable. The plans and specifications shall be prepared, processed and inspected in the same manner as provided under Chapter 18, R.O. 1969, as amended. (Sec. 16-2.2, R.O. 1969; Am. Ord. 3800, 3969)

Sec. 16-2.3. Performance Security.

Upon the filing of an application for a relocation permit, the applicant shall further:

(a) File with the Director of Finance of the City a surety bond executed by a corporate surety licensed to do business in the State of Hawaii and satisfactory to the said Director of Finance. The bond shall be in favor of the City in an amount equal to the cost of restoring the building or structure to the condition contemplated under the terms and conditions of the permit and the plans and specifications. The bond shall be conditioned upon the faithful performance of all of the terms and conditions of the relocation permit and of all work described in the plans and specifications to the satisfaction of the Building Official. The bond shall contain the further condition that after any default or failure to perform the work, and notice thereof as provided in Section 16-2.10, the City may at its option cause all of such work to be done or completed in accordance with the terms and conditions of the permit and the plans and specifications therefor submitted to the Building Official or demolish the building or structure. In lieu of the bond above required, the applicant may deposit with the said Director of Finance either cash or an instrument such as but not limited to, a certified or cashier's check, a negotiable certificate of deposit, or an irrevocable letter of credit, drawn on, or issued by, a bank doing business in the State of Hawaii. Except for a negotiable certificate of

deposit, such instrument must be made payable to the order of said Director of Finance. In the case of a negotiable certificate of deposit, the same shall be specially endorsed to the order of the Director of Finance. Such security shall be subject to the same conditions that are applicable to the surety bond; and

(b) Deposit with the said Director of Finance the sum of \$500.00, either in cash or in certified or cashier's check, as security for the faithful performance by the applicant in repairing or in paying for any property owned by the City or by others which has been damaged in the process of moving such building or structure. Upon the faithful performance of such obligation by the applicant or by any person on behalf of the applicant, to the satisfaction of the Building Official, or if no such damage has resulted thereby, the sum so deposited shall be returned to the applicant. If the applicant fails or refuses to repair, or pay for, such damage within 30 days after written notification thereof by the Building Official, the Building Official shall use such sums deposited or any portion thereof to cause the repair of such property so damaged. Any money remaining after such repair has been completed shall be returned to applicant. In lieu of the aforementioned \$500.00 security deposit, the applicant may establish with the Director of Finance a revolving fund for the amount of \$2,000.00. (Sec. 16-2.3, R.O. 1969; Am. Ord. 3800)

Sec. 16-2.4. Issuance Of Permit.

If the work described in the application for permit and in the plans and specifications submitted therewith conform to the requirements of Chapter 18, R.O. 1969, as amended, and other pertinent laws and ordinances, and the bond, cash and/or checks as required under Section 16-2.3 have been filed or deposited, and the fee specified in Section 16-2.12 has been paid, and the permit or permits as required under the provisions of Section 15-21.12 of the City Traffic Code has or have been issued by the State Director of Transportation and/or the City Traffic Engineer, the Building Official shall issue a relocation permit. In issuing the permit, the Building Official shall impose therein such terms and conditions as he may deem reasonable and proper including, but not limited to:

(a) The designation of route to be followed as specified in the permit or permits issued pursuant to said Section 15-21.12 of the City Traffic Code;

(b) The presence of a police officer during the entire period that such building or structure is in the process of being moved from its original site to the new site designated in the permit;

(c) Height and width restrictions of the building or structure being relocated to provide adequate clearance from any and all obstructions

which may be encountered on the route so designated;

(d) The description of the site upon which the building or structure is to be moved;

(e) The condition to which such building or structure must be restored while in storage; and

(f) The repair of or payment for any damage done to any property owned by the City or others in the process of moving a building or structure, such terms and conditions to be written upon the permit or appended in writing thereto. The plans and specifications after approval by the Building Official shall not be changed, modified, or altered without authorization from the Building Official and all work shall be done in accordance with the approved plans and specifications. The Building Official shall retain one set of such plans and specifications. (Sec. 16-2.4, R.O. 1969; Am. Ord. 3800, 3969)

Sec. 16-2.5. Identification.

All buildings or structures which are to be relocated shall be identified with appropriate designations by the Building Official, after it has been determined by the Building Official that such buildings or structures may be relocated. No building or structure, or any portion thereof, shall be moved without such identification. (Sec. 16-2.5, R.O. 1969; Am. Ord. 3800)

Sec. 16-2.6. Police Escorts.

The applicant shall apply to the Police Department of the City for escort services of a police officer in conformity with the requirements of Section 16-2.4. The applicant shall bear the costs of such services.

In addition to any other requirement which may be provided by law for the submissions of reports in the event of any damage to property resulting from the moving of any building or structure, the police officer assigned to provide escort service shall submit a report to the Building Official of any such damage. (Sec. 16-2.6, R.O. 1969; Am. Ord. 3800)

Sec. 16-2.7. Effect Of Issuance.

This issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of law of the provisions of Chapter 16, R.O. 1969, as amended, or of any other law.

The issuance of a permit shall not prevent the Building Official from thereafter requiring the correction of errors in the plans and specifications or from halting building operations when in violation of the provisions of said Chapter or of any other law; nor shall it prevent the institution of criminal action and the imposition of penalty as

prescribed under Section 16-2.14 for violation of any of the provisions of this Article. (Sec. 16-2.7, R.O. 1969; Am. Ord. 3800)

Sec. 16-2.8. Duration And Extension Of Time.

All work for which a relocation permit is issued under the provisions of this Article shall be completed within 120 days of the date of issuance of the permit, unless extended for good cause by the Building Official. Any request for extension shall be made not less than 15 days prior to the date of expiration of the permit. (Sec. 16-2.8, R.O. 1969; Am. Ord. 3800)

Sec. 16-2.9. Denial Of Permit.

No permit shall be issued to move any building or structure:

(a) Which may result in more than one housing accommodation to be situated on any lot in areas determined and declared by resolution passed upon one reading by the City Council or the Board of Water Supply, as the case may be, to lack sufficient water supply for domestic use, fire protection and/or sanitation; or

(b) Which has deteriorated or been damaged to an extent greater than 50% of the cost of replacement (new) of such building or structure. (Sec. 16-2.9, R.O. 1969; Am. Ord. 3800)

Sec. 16-2.10. Default In Performance.

Whenever the Building Official finds that a default has occurred in the performance of any term or condition of a relocation permit, or upon the failure of the applicant to complete the work required thereby or as described in the plans and specifications therefor within the time prescribed, the Building Official shall give notice to the owner of the building and to the surety, if any, of such default and to correct the same forthwith. Such notice shall be served upon the owner and the surety, if any, by registered mail with request for a return receipt.

If the owner or the surety has not complied with such notice within 60 days, the Building Official shall cause the building or structure to be demolished or the work to be completed, whichever he shall determine is reasonable under the circumstances, without further notice. In determining whether to demolish the building or structure or whether to complete the work, the Building Official shall consider the condition of the building or structure at the time of the failure to comply with said notice, the cost to complete the work required, the sufficiency of the bond or deposit to cover such cost, and whether, in the interest of safeguarding the public health, safety or welfare, it is reasonable in light of all of the circumstances to complete the work. The cost of completing the work or demolishing the building or structure shall be paid for out of the money deposited with the Director of Finance of the

City, or out of the money recovered from the surety under the surety bond, as provided under Section 16-2.3(a). The owner shall be liable for any deficiency in the amount of money necessary for such purposes. (Sec. 16-2.10, R.O. 1969; Am. Ord. 3800)

Sec. 16-2.11. Entry Upon Premises.

The Building Official, the surety and the duly authorized representatives of either shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.

In the event of any default or failure to perform as provided under the provisions of Section 16-2.10 hereinabove, the surety, or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on its behalf, shall have the right to go upon the premises to complete the required work or to demolish and remove the building or structure.

It shall be unlawful for the owner, or any person in legal possession of the premises to interfere with or obstruct the ingress or egress to or from any such premises of any authorized representative or agent of any surety or of the City engaged in the work of completing or demolishing and removing any building or structure, for which a relocation permit has been issued, after a default has occurred as provided under the provisions of Section 16-2.10. (Sec. 16-2.11, R.O. 1969; Am. Ord. 3800)

Sec. 16-2.12. Fees For Permits.

The fees for the issuance of relocation permits shall be computed in accordance with Table No. 18-A of Chapter 18, R.O. 1969, as amended; provided, however, if a permit is issued after the commencement of the relocation of a building or structure for which a permit is required, the fee shall be increased by an additional amount of One Hundred Dollars (\$100.00). (Sec. 16-2.12, R.O. 1969; Am. Ord. 3800, 3969)

Sec. 16-2.13. Building Permit Not Required.

No building permit as provided under Chapter 18 of the R.O. 1969, as amended, shall be required for any work required under the relocation permit or for any work of completion or demolition undertaken pursuant to Section 16-2.10 hereinabove; provided, however, all other provisions in said Chapter shall be fully complied with when not in conflict or inconsistent with the provisions of this Article. (Sec. 16-2.13, R.O. 1969; Am. Ord. 3800, 3969)

Sec. 16-2.14. Penalty.

Any person violating any of the provisions of this Article shall, upon conviction, be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six (6) months, or by both.

The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance. (Sec. 16-2.14, R.O. 1969; Am. Ord. 3800)

Article 3. Lei Vendors' Stands.**Sec. 16-3.1. Applicability.**

Nothing in this Chapter shall apply to prohibit the construction, repair, alteration and maintenance of a "lei vendor's stand," as defined herein, which conforms to the provisions of this Article.

A "lei vendor's stand" is a building, as defined in this Chapter, situated in Fire Zone No. 2, which is used solely for lei vending purposes and which fronts on a street not less than 80 feet in width. (Sec. 16-3.1, R.O. 1969; Am. Ord. 3800)

Sec. 16-3.2. Permits Required.

No person shall construct, alter, repair, maintain or demolish a lei vendor's stand, or convert a building into a lei vendor's stand, or cause any of the foregoing to be done, without first obtaining a separate building permit for each such stand from the Director and Building Superintendent. (Sec. 16-3.2, R.O. 1969; Am. Ord. 3800)

Sec. 16-3.3. Permit Fees.

A fee for each building permit shall be paid to the Building Official as provided in Table No. 18-A of Chapter 18, R.O. 1969, as amended. (Sec. 16-3.3, R.O. 1969; Am. Ord. 3800, 3969)

Sec. 16-3.4. Minimum Requirements.

A lei vendor's stand shall conform to the following minimum requirements:

- (1) Floor Area. The floor area shall not exceed 50 square feet.
- (2) Height. The height shall not exceed 12 feet.
- (3) Location on Property and Spacing. The distance to an interior property line or a building on the same property, including a lei vendor's stand, shall not be less than 50 feet, provided that the distance to a building with exterior walls that are one-hour fire-resistive may be not less than 15 feet, the distance to a building with exterior walls that are two-hour fire-resistive or more may be not less than 10 feet, and provided further that when not more than

three lei vendors' stands are located together, the distance between the stands may be not less than 10 feet.

(4) Type of Construction. Construction may be of any material allowed by this Chapter, provided that thatched roofing and siding shall be provided with approved fire-retardant treatment and a thatched roof shall be protected by a manually operated sprinkler system when the distance to a wet standpipe system which conforms to the requirements of this Chapter is more than 75 feet. (Sec. 16-3.4, R.O. 1969; Am. Ord. 3800)

Sec. 16-3.5. Penalty For Violation.

Any violation of the provisions of this Article shall be punishable by a fine not exceeding \$300.00, or by imprisonment for not more than 90 days, or by both. (Sec. 16-3.5, R.O. 1969; Am. Ord. 3800)

Article 4. Factory Built Housing.

Sec. 16-4.1. Applicability.

Nothing in this Chapter shall apply to prohibit the installation of "factory built housing" as defined in the State of Hawaii Regulation XXXVII, Factory Built Housing, which conforms to the provisions of this Article. (Am. Ord. 3800)

Sec. 16-4.2. Permits Required.

No person shall install factory built housing, or cause the foregoing to be done, without first obtaining a separate building permit from the Building Official for each such factory built housing for each building where such building consists of more than one factory built housing unit. (Am. Ord. 3800)

Sec. 16-4.3. Permit Fees.

A fee for each building permit shall be paid to the Building Official as provided in Table No. 18-A of Chapter 18, R.O. 1969, as amended. The fee will be based on all cost of installing the factory built house on the site and the value of all additions or alterations to be made, including the cost of carport, fences, retaining walls, etc. (Am. Ord. 3800, 3969)

Sec. 16-4.4. Minimum Requirements.

(a) Factory built housing shall bear the insignia of approval of the State of Hawaii.

(b) For a building composed of more than one factory built housing unit, each unit shall bear the insignia of approval of the State of

Hawaii.

(c) To obtain a building permit for the installation of factory built housing or a building composed of more than one factory built housing unit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall be accompanied by plans as required by Chapter 18, R.O. 1969, as amended, and shall give the following information:

For Building Department

- (1) Model Number of house.
- (2) Address and tax map key.
- (3) Posting details.
- (4) If carport, fence or retaining wall is being built concurrently, location and details.

For Planning Department

- (5) All yard setback dimensions, including front yard.
- (6) Parking (2 spaces minimum).
- (7) Building height envelop sectional details and construction therein.
- (8) Percentage of lot coverage of all buildings and structures.
- (9) Grading.
- (10) If lot has beach frontage, setback from zone of wave action.
- (11) Any and all other data necessary to substantiate compliance with applicable provisions of the CZC.

For other Agencies

- (12) Location and details of drop driveway.
- (13) Where sewer services are unavailable, location of cesspool or septic tank. (Am. Ord. 3800, 3969)

Sec. 16-4.5. Penalty For Violation.

Any violation of the provisions of this Article shall be punishable by a fine not exceeding \$300.00 or by imprisonment for not more than 90 days, or by both. (Am. Ord. 3800)

Article 5. Thatched Material On Exterior Of Building; Protection Against Exposure Fires.

Sec. 16-5.1. Applicability.

Thatched material on the exterior of buildings shall be permitted only upon buildings located in areas zoned for resort uses which primarily service the tourist trade when approved by the Building Official.

The thatched material permitted in this Article shall be used for decorative purposes on the roof or wall of buildings. The building,

independent of the thatched material, shall comply with all applicable provisions of this Chapter.

When thatched material is used as permitted in this Article, and an appropriate permit is obtained therefor in accordance with Article I of this Chapter, outside sprinklers for protection against exposure fires shall be required as hereinafter provided. (Sec. 16-5.1, R.O. 1969; Am. Ord. 3800)

Sec. 16-5.2. General.

(a) Thatched materials used on the roof of a building shall be protected by manually operated sprinkler heads, with adequate water supply, pipe size and sprinkler head spacing in accordance with sprinkler system requirements set forth in this Article.

(b) Thatched materials used on the wall of a building shall be protected by manually operated outside sprinklers. Size and spacing of sprinklers and pipe size shall be in accordance with Chapter 6, Outside Sprinklers for Protection Against Exposure Fires, of the National Fire Codes of the National Fire Protection Association. Controls shall be as set forth in this Article. (Sec. 16-5.2, R.O. 1969; Am. Ord. 3800)

Sec. 16-5.3. Sprinkler Requirements.

(a) General. Sprinklers shall be located at the high point of the roof. Upright or pendant sprinklers shall be used for gable roofs. Sidewall sprinklers shall be used for shed roofs.

(b) Spacing of Sprinklers. The maximum width of roof with one row of sprinklers shall be as follows:

Roof Slope	Orifice Size	Width of Roof
1:3 or greater	3/8"	15'
"	1/2"	20'
"	17/32"	25'
Less than 1:3	3/8"	10'
"	1/2"	15'
"	17/32"	20'

Maximum spacing of sprinklers on branch lines (along ridge) shall be as follows: 3/8-inch orifice — 6 feet; 1/2-inch orifice — 8 feet; 17/32-inch orifice — 10 feet.

Conical roofs may be protected with one sprinkler at the apex if the diameter of the roof does not exceed the width of roof referred to above.

Where the width of a roof exceeds the width allowed for one row of sprinklers, as provided in the table above, two or more rows of sprinklers shall be required. The rows of sprinklers shall be placed such that the entire roof area is protected.

(c) Areas Protected. Each area (zone) of thatched material that is separated from another thatched area by an open space of twenty feet (20') or more or by incombustible construction of twenty feet (20') or more shall be considered a separate area (zone).

Risers to each separate zone shall not be less than that shown in subsection (e) below, except as modified as follows:

(1) More than one zone may be protected by one valve, if the supply is adequate.

(2) If one area (zone) is larger than can be protected with the existing supply, the zones can be subdivided into subzones if the following criteria are met; An area of at least eight hundred square feet (800 sq. ft.) is protected by a subzone control valve; there is at least a 10 per cent overlap in coverage of adjoining subzones; and operation of the manual control valves will automatically transmit an alarm to the Fire Department.

(d) Water Supply. The sprinkling system shall have a separate connection to the water main in the street, to an approved automatic fire-extinguishing system supply line, to a wet standpipe supply line, or to a domestic supply of adequate size. The water supply required shall be determined from either of the following:

(1) Flow per sprinkler for the largest zone, with residual pressure at the highest sprinkler at 15 pounds per square inch with all heads operating, shall be as follows:

Orifice Size	Gallons Per Minute
3/8"	15
1/2"	20
17/32"	25

(2) The flow shall be hydraulically calculated so as to discharge at least 0.11 gallons per minute per square foot of surface area to be sprinkled.

(e) Riser and Pipe Size. Pipe sizes shall be determined from the flow as calculated above. However, no pipe less than one inch in size shall be used. The following table may be used in conjunction with this flow calculation for the selection of pipe or riser sizes:

Orifice Size	Pipe or Riser Size							
	1"	1¼"	1½"	2"	2½"	3"	3½"	4"
3/8"	3	4	7	11	21	37	40	40
1/2"	2	3	5	8	15	27	40	40
17/32"	1	2	4	6	11	19	30	38

(f) Number of Sprinklers Served. The number of sprinklers on a branch line shall not exceed six. Center feed shall be used for six or more sprinklers. The number of sprinklers under control of each

control valve shall not exceed forty. At the location of each valve, there shall be a drain connection and a ¼-inch valve outlet test connection to accommodate pressure gauge.

(g) **Material Installed Above Grade.** Piping shall be galvanized steel schedule 40 with galvanized malleable iron fittings or hard drawn copper with silver solder fittings. Pipes shall be securely fastened to the structure.

Valves shall be the manual type approved and listed by the Underwriters' Laboratories or by other approved testing agencies. Valves shall be installed outdoors and so located as to be readily accessible in case of fire. Signs indicating the use of valves shall be conspicuously posted.

(h) **Local Alarm.** Any one system with 20 or more sprinklers under control of one valve shall be complemented with a local fire alarm, either electrically or mechanically operated. (Sec. 16-5.3, R.O. 1969; Am. Ord. 3800)

Sec. 16-5.4. Penalty For Violation.

Any violation of the provisions of this Article shall be punishable by a fine not exceeding \$300.00, or by imprisonment for not more than 90 days, or by both. (Sec. 16-5.4, R.O. 1969; Am. Ord. 3800)

Article 7. Drainage And Flood Control.

Sec. 16-7.2. Definitions.

As used herein, the following definitions shall apply unless the context indicates otherwise:

"Chief Engineer" shall mean the Chief Engineer of the City or his authorized representative.

"City" shall mean the City and County of Honolulu.

"City Standards" shall mean the storm drainage standards approved by the Chief Engineer, a copy of which shall be on file in the Division of Engineering, Department of Public Works. These standards are intended to be minimum standards only and are not to be construed as a guarantee to property owners adjacent to a drainage facility against flood or drainage damages.

"Developer" shall mean one who causes land to be developed.

"Drainage facility" shall mean any drainage structure, including stream structures, constructed principally for the conveyance of surface waters.

"Flood" or "Flooding" shall mean the inundation to a depth of three inches or more of any property not ordinarily covered by water. The terms shall not apply to inundation caused by tsunami wave action.

“Property owner” shall include one who has the use, control or occupation of land with claim of ownership, whether his interest be in absolute fee or a lesser estate.

“Relief drain” shall mean an additional drainage facility or an enlarged facility constructed in place of any existing drainage system.

“Remedial work” shall mean the construction or installation of catch basins or other devices to resolve localized drainage problems. (Sec. 16-7.2, R.O. 1969; Am. Ord. 3986)

Sec. 16-7.9. Subdivision Drainage Facilities.

(a) In the case of subdivisions, the owner shall dedicate and the City accept only easements for the drainage facilities which are constructed to City Standards and which are to be maintained and repaired (and operated as the case may be) by the City pursuant to Section 265-6, Hawaii Revised Statutes. The easement document for stream improvements shall include the following covenant:

“That the grantor shall include in all conveyances of its land in the vicinity of the easement area a statement that the drainage structure was designed and constructed by the grantor or his authorized agent or developer to at least meet the minimum criteria set forth in the Storm Drainage Standards of the City, dated March, 1969, but that the City does not guarantee that the drainage structure is adequate to confine all flood waters to the easement area.”

(b) In the case of subdivisions, drainage facilities which only serve private properties shall have easements in favor of the affected property owners. This includes interceptor ditches.

(c) Before the subdivision of any land is approved by the Chief Engineer, the Chief Engineer shall make a determination of the long range effects of all possible land development on all drainage facilities and streams in the watershed area and shall designate on maps kept on file in his office areas of possible inundation in the watershed area based on the possible flowage, and such areas are to be designated “Possible Flood Areas.” No subdivision shall be approved by the Chief Engineer unless all lots in a subdivision which are wholly or partially within the “Possible Flood Area” designation have been subjected to the following encumbrance and noted as a legend on the subdivision map to the effect that:

“This lot (Lots _____) is (are) in a ‘Possible Flood Area’. All existing drainage structures have been designed and have been or are being constructed to at least meet the minimum criteria set forth in the Storm Drainage Standards of the City; however, the City does not guarantee that the drainage structures will confine all flood waters to the drainage facilities at all times.”

Any "Possible Flood Area" may be enlarged upon further determination by the Chief Engineer; however, any reduction in such area must have the concurrence of the Council and can only be initiated upon a certification by the Chief Engineer that the area deleted will probably never flood.

(d) The developer shall pay the entire cost of the drainage facilities to satisfy the anticipated drainage requirements of all surface water which may flow through or over the proposed subdivision.

(e) Where City standards require drainage facilities of greater capacity than necessary to serve the land being subdivided or developed, in order to dispose of water diverted or concentrated by the City into such drainage system, the City may pay the differences in costs of materials and excavation, if any. The cost of materials to the City shall be based on the costs of the materials delivered at the site. Upon a determination by the Chief Engineer that such larger facilities are required, and if the provisions of Chapter 103, Hawaii Revised Statutes, or any amendatory act thereto, are applicable, the property owner shall deposit with the City an amount equal to the cost of construction of the drainage facilities allocable to his land, based upon current City cost data for comparable installations, but the amount paid by the property owner shall be adjusted, if necessary, on the basis of final costs. (Am. Ord. 3986)

Sec. 16-7.10. Open Drainways.

(a) Open drainways, such as streams, ravines, channels and ditches, shall not be covered or modified except when the Chief Engineer determines that such covering or modification of the open drainways will not be dangerous to the public health, safety, and welfare.

(b) If a property owner desires, at his own cost, that an open drainway be covered or modified, he shall submit all the pertinent data to substantiate the desirability of covering or modifying such a facility, including data showing that the function of the facility will not be hampered. The Chief Engineer may as a margin of extra precaution require that the carrying capacity of a covered or modified drain exceed the maximum anticipated flow of the drain. (Am. Ord. 3986)

Sec. 16-7.11. Fences Along Improved Channels.

(a) The Chief Engineer may require that fences be constructed as part of any channel improvement based upon a consideration of the height of the wall or bank, or shape of the channel, or the land use of the adjoining properties, or the depth of normal flow in the channel, or the location of the channel improvement and/or the possibility of people injuring themselves because of the channel improvement.

(b) Fences when required shall generally be erected on or immediately adjacent to the channel walls and they shall be maintained and repaired by the abutting property owner, except in those cases where the City designates and maintains and keeps open a roadway or pedestrian way between the said fence and the abutting property.

(c) The minimum height of such fences shall be 42 inches. (Am. Ord. 3986)

Sec. 16-7.12. Connection To City Drainage System.

A property owner may be allowed to connect his private drainage system to the City drainage system if the Chief Engineer determines that the existing system is adequate to accommodate the potential burden of both systems and if the property owner agrees to the following:

(a) That he shall bear the entire cost of engineering, construction and maintenance of the private drainage system.

(b) That he shall indemnify and hold the City free and harmless from all suits and actions caused by his acts or failure to act in connection to the City system.

(c) That the construction of the drain connection shall be made in accordance with plans and specifications approved by the Chief Engineer, and subject to compliance by the property owner with all applicable statutes, ordinances, and rules and regulations of Federal, State or City agencies having the effect of law.

(d) That no additions or alterations to the private drainage system will be made without the prior written consent of the City.

(e) That the private drainage system shall remain his property.

(f) That in the event the private drainage system within the public right of way shall at any time interfere with any public use, he shall relocate the private drainage system at his expense.

(g) That any time he or anyone using his property, discharges pollutants or other objectionable material into the City system or otherwise misuses the system, the City by written notice may terminate this license. (Am. Ord. 3986)

Sec. 16-7.13. Allocation Of Costs.

(a) Except as otherwise provided, the City may pay the entire cost for the following types of drainage facilities:

(1) Public stream improvements;

(2) Bridge to replace an existing bridge;

(3) Relief drains which will take care of the drainage requirements of the existing land use; provided, that if a property owner desires the construction of a larger facility to meet the drainage requirements attributable to a proposed higher land use of his

property, the City may construct such larger facility provided that the property owner bears the additional cost of such enlarged facility; and

(4) Remedial work for the disposal of water collected or accumulated on public streets and/or remedial work necessitated by the disposal of such water over land not heretofore subject to such disposal.

(b) Except as otherwise provided, the City may participate in remedial work to existing private drainage facilities, situated in or abutting on private properties, for the resolution of localized drainage problems to the extent of the cost of engineering and 50% of the cost of construction. Examples of such drainage facilities are:

(1) Stream walls to minimize erosion or to prevent flooding where such walls will show some public benefit; and

(2) Drainage facilities to resolve seepage problem in the sidewalk area. (Am. Ord. 3986)

Sec. 16-7.14. Improvements Under The Improvement District Assessment Ordinance.

Nothing contained in this Article shall be deemed to affect the initiation and construction of drainage improvements under the Improvement District Assessment Ordinance. (Am. Ord. 3986)

Sec. 16-7.15. Election By Property Owners To Pay Additional Amounts.

Notwithstanding any provision above mentioned as to apportionment of costs, owners of properties may pay more than the amounts required by such provisions relating to apportionment of costs. (Am. Ord. 3986)

Sec. 16-7.16. Land Requirements, Maintenance, Repair, Operation And Cleaning Of Drainage Facilities.

(a) Except as otherwise provided, the City shall acquire the land or any interest in land necessary for the construction, maintenance and repair (and operation as the case may be) of drainage facilities which are to be constructed by the City by way of easements or in fee simple. Nothing herein shall prevent the City from acquiring easements for other improvements or for utilities or other uses through the same land.

(b) The City shall maintain and repair (and operate as the case may be) only structures in improved drainage facilities which have been constructed to City standards and have been accepted or constructed by the City.

(c) The cleaning of debris from public or private drainways may be

performed as part of any general cleanup or beautification program of the City but shall not be performed as a part of maintenance and repair of drainage facilities; however, the Chief Engineer may cause to be removed any potential obstruction to the operation of any culvert, gate, bridge or drain opening, or similar drainage structure which has been accepted or constructed by the City. (Am. Ord. 3986, 4055)

Sec. 16-7.17. Exception.

This Article shall not apply to the construction of any drainage facility for subdivisions, the final subdivision map of which has been approved by the City Planning Department within 30 days of the approval date of this Article, nor to any drainage improvement where participation by the City has been approved by the Chief Engineer prior to the approval date. (Am. Ord. 3986)

Sec. 16-7.18. Inequities.

Whenever the Chief Engineer finds that the apportionment of costs, as proposed in this Article, would result in inequities, he is hereby authorized and directed to submit his recommendations to the Council as to how such inequities may be corrected. (Am. Ord. 3986)

Sec. 16-7.19. Subject To The Provisions Of Part II, Chapter 205, Hawaii Revised Statutes, As Amended.

(a) Any drainage facility, open drainway, or other similar facilities which extend to the shoreline may be subject to the provisions of Part II, Chapter 205, Hawaii Revised Statutes, as amended.

(b) In such case, approval of the appropriate agency is required before approval of any construction plans may be granted by the Chief Engineer. (Am. Ord. 3986)

Sec. 16-7.20. Federal-Aid Projects.

(a) The contents of this Article may be adjusted, modified or deleted to meet Federal requirements under a Federal-aid project.

(b) In the case of federal projects, the City may obtain the necessary channel right-of-way in such form as required by Federal regulations. (Am. Ord. 3986)

Sec. 16-7.21. Approval Denied.

The Chief Engineer shall disapprove any drainage facilities, open drainways and other similar facilities which do not conform with the provisions of this Article. (Am. Ord. 3986)

CHAPTER 17.

The Electrical Code

Article 2. Definitions.

Sec. 17-2.1. Definitions.

The following words and phrases when used in this Code shall have the meaning respectively ascribed to them in this Section, unless it is apparent from the context that a different meaning is intended:

Apprentice. A person who performs electrical work under the direct supervision and in the presence of a supervising electrician, supervising specialty electrician, journeyman electrician or journeyman specialty electrician.

City. The City and County of Honolulu.

Department. The Building Department of the City.

Electrical Work. The installation, alteration, reconstruction, or repair of electrical wiring.

Electrical Wiring. Any conductor, material, device, fitting, apparatus, appliance, fixture or equipment, constituting a part of or connected to any electrical installation, attached or fastened to any building, structure or premises and which installation or portion thereof is designed, intended or used to generate, transmit, transform or utilize electrical energy within the scope and purpose of the National Electrical Code referred to in Section 17-5.1 of this Code.

Emergency Electrical Work. Repair of electrical wiring to restore electrical service to a building following a fire, remedy a power failure and protect persons and property against short circuiting and open circuits.

Journeyman Electrician. Any person who has been certified by the Examining Board and is registered with the Department as a journeyman electrician to perform electrical work under the supervision of a supervising electrician.

Journeymen Specialty Electrician. Any person who has been certified by the Examining Board and is registered with the Department as a journeyman specialty electrician to perform electrical work related to installing, repairing, altering and maintaining, but not the attachment of lighting and power circuits to, the following:

- (1) electronic equipment, sound public address systems and communication systems, other than equipment and systems for a single family or two-family dwelling;
- (2) master or community radio and television receiving antenna systems;

- (3) sound recording systems, other than systems for a single family or two-family dwelling;
- (4) burglar and fire alarm systems;
- (5) low voltage remote control, other than a control for a single family or two-family dwelling; and
- (6) low voltage communication signal systems.

Maintenance Work. The keeping in repair and operation of any electrical installation, apparatus, fixtures, appliance or equipment.

Motion Picture Operator. Any person who has been certified by the Examining Board and is registered with the Department for the purpose of operating a movie projector using 35 mm film or larger for commercial purposes.

Person. Any individual, firm, partnership, association or corporation, provided that a firm, partnership, association or corporation are not included within the meaning of person found in the definitions for journeyman electrician, journeyman specialty electrician, supervising electrician, supervising specialty electrician, and motion picture operator.

Superintendent. The Building Superintendent of the City and County.

Supervising Electrician. Any person who has been certified by the Examining Board and is registered with the Department as a supervising electrician to direct and supervise the performance of electrical work and to perform electrical work.

Supervising Specialty Electrician. Any person who has been certified by the Examining Board and registered with the Department as a supervising specialty electrician to direct and supervise the performance of electrical work related to installing, repairing, altering and maintaining, but not the attachment of lighting and power circuits, to the following:

- (1) electronic equipment, sound public address systems and communication systems, other than equipment and systems for a single family or two-family dwelling;
- (2) master or community radio and television receiving antenna systems;
- (3) sound recording systems, other than systems for a single family or two-family dwelling;
- (4) burglar and fire alarm systems;
- (5) low voltage remote control, other than a control for a single family or two-family dwelling; and
- (6) low voltage communication signal systems.

(Sec. 17-2.1, R.O. 1969; Am. Ord. 3808)

Article 3. Administration And Enforcement.

Sec. 17-3.3. Appeals And Petitions.

Any appeal from the decision of the Superintendent in the administration of the City and County of Honolulu Electrical Code involving any denial of the use of new or alternate materials, types of construction, equipment, devices, or appliances, or any petition for varying the application of the Electrical Code may be submitted to the Board of Appeals for hearing and determination as specified in Uniform Building Code Section 204 as amended, under Article 1, Section 16-1.1, Chapter 16 (Building Code) of the R.O. 1969, as amended. (Sec. 17-3.3, R.O. 1969; Am. Ord. 3876)

Article 4. Permits And Inspection Fees.

Sec. 17-4.1. Permit Required.

A building permit is required to perform work covered by this Code as provided under Chapter 18, R.O. 1969. (Sec. 17-4.1, R.O. 1969; Am. Ord. 3808, 3970)

Sec. 17-4.2. Charges For Extra And Miscellaneous Inspection.

(a) Extra Inspections. If, after notice to a permit holder, more than one inspection is necessary to insure that deficient or defective electrical work under the permit has been corrected, the holder of the permit shall pay the Director of Finance three dollars (\$3.00) for each additional inspection.

(b) Miscellaneous Inspections. For the inspection of any electrical installation, not covered by a fee specified in this Code, the person requesting the inspection shall pay the Director of Finance three dollars (\$3.00) for each hour or portion thereof that is required to make the inspection and travel to and from the installation. (Sec. 17-4.11, R.O. 1969; Am. Ord. 3970)

Sec. 17-4.3. (Repealed) (Am. Ord. 3970)

Sec. 17-4.4. (Repealed) (Am. Ord. 3970)

Sec. 17-4.5. (Repealed) (Am. Ord. 3970)

Sec. 17-4.6. (Repealed) (Am. Ord. 3970)

Sec. 17-4.7. (Repealed) (Am. Ord. 3970)

Sec. 17-4.8. (Repealed) (Am. Ord. 3970)

Sec. 17-4.9. (Repealed) (Am. Ord. 3970)

Sec. 17-4.10. (Repealed) (Am. Ord. 3970)

Article 5. Standards.

Sec. 17-5.1. Standards For Electrical Work.

(a) Adoption of the National Electrical Code. The National Electrical Code, 1971, copyrighted 1971 by the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110, is hereby adopted by reference and made a part hereof. Three copies of said Code shall be kept on file and be available for public inspection in the City Clerk's office. The scope, technical specifications and exemptions set forth in the said Code are adopted as a standard for electrical work covered by Chapter 17, R.O. 1969, as amended, provided there are no specific provisions in any other Section of this Chapter covering the particular matter. (Sec. 17-5.1, R.O. 1969; Am. Ord. 3836)

Article 6. Certification And Registration.

Sec. 17-6.1. Examining Board.*

(a) Composition. There is hereby created a Board of Electrical Examiners consisting of two supervising electricians, one motion picture operator, one supervising specialty electrician, one person who is not in any of the foregoing classes and the Superintendent. The members of the board, other than the Superintendent, shall not be government employees and shall be appointed by the Mayor with the approval of the City Council. The Superintendent shall have a voice but no vote in the proceedings of the board.

The board shall elect a chairman, and a vice chairman to act in the temporary absence or disability of the chairman, from among its voting members.

The Superintendent shall provide a secretary for the board.

(b) Compensation. The members of the board, other than the Superintendent, shall be paid \$20.00 for each meeting attended, but not more than \$60.00 in any one month.

(c) Expenses. The board may incur such expenses as may be

*Functus as of January 1, 1972

necessary and proper in the performance of its duties and functions, for which appropriations have been made by the Council. Disbursements therefor shall be made by warrants issued on vouchers signed by the Chairman or Acting Chairman.

(d) Rules. The board shall adopt reasonable rules for the performance of its duties, provided that no action shall be taken by the board unless the action receives three or more votes.

(e) Duties and Powers.

(1) Examinations. The board shall examine applicants for certification as supervising electrician, supervising specialty electrician, journeyman electrician, journeyman specialty electrician and motion picture operator and shall submit to the department the names of applicants who have qualified for certification as supervising electrician, supervising specialty electrician, journeyman electrician, journeyman specialty electrician and motion picture operator by passing the examination therefor prescribed by the board with a grade of seventy (70) or more.

(2) (Deleted)

(3) Appeal from a Denial of Re-registration. The board shall hear all appeals from any denial of re-registration by the Superintendent under the provisions of Section 17-6.4(c) hereof. Pending and subject to the determination of an appeal, the board may authorize the appellant to be re-registered with the Department. A denial of re-registration shall be reversed on appeal only if the board finds that the appellant meets the requirements applicable to the class in which he has applied for re-registration. When a denial of re-registration is sustained, any re-registration granted pending the determination of the appeal shall be cancelled.

(4) Revocation or Suspension.

(aa) Revocation of Certificate. The board shall revoke the certificate and registration of any person whenever it finds that the certificate has been obtained by fraud or misrepresentation. Upon such revocation, no certification and registration of such person shall be allowed for a period of six months thereafter.

(bb) Suspension of Registration. The board shall suspend the registration of any supervising electrician or supervising specialty electrician who allows his certification or registration card to be used directly or indirectly for obtaining a permit for the performance of electrical work which is not under his supervision or connected with his electrical business. Such suspension shall be for a period of not more than six months.

(cc) Permissive Suspension or Revocation. The board may suspend for such period as it deems advisable or revoke the certificate and registration of any person for being principally

engaged in a vocation or business other than that for which the certificate or registration were issued, failing to comply with the applicable provisions of this Code after having received written notice of violation thereof from the Superintendent, making a misrepresentation in an application for a permit or obtaining the registration by fraud or misrepresentation. Upon such revocation or suspension, no certification and registration of such person shall be allowed for a period of six months thereafter.

(dd) Hearing before Revocation or Suspension of Certificate or Registration. Before any such certificate or registration is revoked or suspended, the board shall hold a hearing, at which time the person may appear before the board in defense of his certificate or registration. He shall be given at least 10 days' written notice of such hearing. If after careful consideration of all the facts in the case the board finds that the certificate or registration must be revoked or suspended or that it may revoke or suspend the certificate or registration and the certificate or registration should be revoked or suspended, the board shall so order and such order shall take effect immediately thereafter.

(f) Administration of Oaths and Issuance of Subpoenas. The board shall have the power to administer oaths and issue subpoenas, as prescribed in Section 92-12, HRS. (Sec. 17-6.1, R.O. 1969; Am. Ord. 3808)

Sec. 17-6.2. (Repealed) (Am. Ord. 3808)

Sec. 17-6.3. Electrician And Motion Picture Operator.

(c) Fees. An applicant shall pay a fee for each application to the Director of Finance as follows:

Supervising Electrician	\$20.00 each
Supervising Specialty Electrician	20.00 each
Journeyman Electrician	10.00 each
Journeyman Specialty Electrician	10.00 each
Motion Picture Operator	10.00 each

(Sec. 17-6.3, R.O. 1969; Am. Ord. 3649)

Sec. 17-6.4. Registration.

(a) Required. Each certificate issued by the Examining Board shall be registered by the Secretary of the Board with the Department. The Department shall thereupon issue to the recipient without cost the initial registration.

(c) Annual Registration. Every registered electrician and motion picture operator shall apply for re-registration with the Department during the month of June of each year. Re-registration shall be granted

by the Superintendent if the applicant meets the requirements applicable to the class in which he seeks to be registered. Any applicant who is denied re-registration may appeal to the Examining Board.

(d) Fees. Every registrant shall pay a fee for each re-registration card to the Director of Finance on or before June 30 of each year as follows:

- All Electricians and Specialty Electricians \$5.00 each
- Motion Picture Operators 5.00 each

(e) Failure to Re-register.

(1) Any journeyman electrician, journeyman specialty electrician, supervising electrician, supervising specialty electrician, or motion picture operator, other than one initially receiving a certificate of qualification, who fails to apply for re-registration on or before June 30 of each year shall submit to a re-examination, and be required to pay the examination fee therefor, except where the Superintendent grants an extension of time to re-register, based on good cause.

(2) (Repealed)

(Sec. 17-6.4, R.O. 1969; Am. Ord. 3649, 3808)



CHAPTER 18.

Fees And Permits For Building, Electrical And Plumbing Codes

Article 1. Purpose.

Sec. 18-1.1. Purpose And Intent.

The purpose of this Chapter is to consolidate the building, electrical and plumbing permits into a single permit and to assess fees based on the value of the work to be performed.

The foregoing consolidation is intended to expedite the issuance of a permit and for better administration of the building, electrical and plumbing codes by the Building Department. (Am. Ord. 3972)

Article 2. General Provisions.

Sec. 18-2.1. Definitions.

As used in this Chapter, unless the context otherwise requires:

- (a) "This Code" shall mean the Building, Electrical and Plumbing Codes;
- (b) "Building Official" shall mean the Director and Building Superintendent of the City or his authorized deputy; and
- (c) "Building permit" and "Permit" shall mean a consolidated permit governing work performed under the Building, Electrical and Plumbing Codes. (Am. Ord. 3972)

Article 3. When Permit Required.

Sec. 18-3.1. Permits Required.

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or perform any electrical work, or install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture, gas appliance, or water heating or treating equipment in the City, or cause the same to be done on or in any building or structure in the City without first obtaining a building permit therefor as prescribed herein.

EXCEPTIONS: PERMIT NOT REQUIRED FOR:

- (a) Work excepted from Building Code provisions under Section 103, Article 1, Chapter 16 (Building Code), R.O. 1969.
- (b) Temporary construction sheds and temporary construc-

tion fences.

(c) Reroofing work for Groups I and J Occupancies in Fire District No. 3. Group Occupancies and Fire District shall be as provided in the Building Code.

(d) Temporary tents or other coverings used for private family parties or for camping.

(e) Curbs, retaining walls, fences and planter boxes up to 18 inches in height.

(f) Home television and radio antennas supported on roofs.

(g) Awnings projecting up to 4 feet and attached to the exterior walls of buildings of Group I or J Occupancies, provided such awnings do not violate the provision for "yards" in the Comprehensive Zoning Code.

(h) Standard electroliers not over 35 feet in height above finish grade.

(i) Repairs which involve only the replacement of component parts or existing work with similar materials for the purpose of maintenance, and which do not aggregate over \$100 in valuation in any 12-month period, and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment. Specifically excepted from permit requirements without limit to valuation are:

(1) Painting and decorating.

(2) Installation of floor covering.

(3) Cabinet work.

(4) Outside paving.

(j) Work located in Federal property.

(k) Work performed for any State governmental agency, except where permits are specifically requested by said agency.

(l) The following electrical work:

(1) Electrical work and installation to which the provisions of the Electrical Code are expressly declared to be not applicable.

(2) Installation of any portable motor or other portable appliance energized by means of a cord or cable having an attachment plug and, if such cord or cable is permitted by the Electrical Code.

(3) Repair of any fixed motor or other appliance, or replacement of any fixed motor with another having the same horsepower rating and situated at the same location.

(4) Replacement of attachment plug receptacles, but not the outlet therefor.

(5) Maintenance work by a duly licensed electrician.

(6) Electronic equipment, sound public address systems and communication systems for a single-family or two-family dwelling.

(7) Radio and television receiving antenna systems other than master or community systems.

(8) Sound recording systems for a single-family or two-family dwelling.

(m) The following work by a public utility supplying gas:

(1) Disconnect defective gas piping or equipment when authorized under Chapter 19 (Plumbing Code), R.O. 1969.

(2) Disconnect or reconnect existing gas piping or equipment for repair, servicing, replacement or removal.

(n) Repair work in plumbing systems when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures. (Am. Ord. 3972)

Sec. 18-3.2. Separate Building Permit Required.

A separate building permit shall be required for each building or structure, provided that one permit may be obtained for:

(a) A dwelling and its accessories, such as fence, wall, pool and garage without living quarters.

(b) For Electrical Work Only — Electrical work for main building and electrical work for a private garage, shed, or accessory building located on the same premises as the main building, and supplied electrical power by a feeder or circuit from the main building.

(c) For Plumbing Work Only — Plumbing work for main building and plumbing work for a private garage, shed or accessory building located on the same premises as the main building and served by the same building water supply and building sewer as that serving the main building. (Am. Ord. 3972)

Sec. 18-3.3. Emergency Electrical Work.

Emergency electrical work may commence without a permit. However, a permit for the work shall be obtained on the working day immediately following the day work is commenced. (Am. Ord. 3972)

Sec. 18-3.4. Permit Requirement During Transition Period.

Any electrical, plumbing, gas or drainage work for any project for which a building permit has been issued prior to January 2, 1973 in accordance with Section 301, Article 1, Chapter 16 (Building Code), of the R.O. 1969, shall require separate permits in accordance with the

Electrical Code and Plumbing Code in effect prior to January 2, 1973.
(Am. Ord. 3972)

Sec. 18-3.5. Temporary Permit Required.

No person, firm or corporation shall erect any tent or similar structure which is to be used for commercial or religious purposes, such as rallies, festivals, amusements and sideshows, without first obtaining a temporary permit therefor from the Building Official. To secure such permit, approval must also be obtained from the Chief of the Fire Department. Such permits for tents and similar structures shall be limited to a period of not more than 30 consecutive days and may be cancelled for cause by the Building Official or the Fire Department at any time before expiration of the time stated in the permit. Upon such cancellation or upon the expiration of the time stated therein the structure or structures shall be promptly removed. Such tent of canvas, plastic or similar material shall not be used as residence. (Am. Ord. 3972)

Article 4. Application For Permit.

Sec. 18-4.1. Application.

To obtain a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

- (a) Identify and describe the work to be covered by the permit for which application is made;
- (b) Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
- (c) Indicate the use or occupancy for which the proposed work is intended;
- (d) Be accompanied by plans and specifications as required in Section 18-4.2;
- (e) State the valuation of the proposed work;
- (f) Be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate such authority;
- (g) Give such other information as reasonably may be required by the Building Official. (Am. Ord. 3972)

Sec. 18-4.2. Plans And Specifications.

With each application for a building permit, three sets of plans and specifications shall be submitted, one of which shall be submitted to

and left with the Department of Health, State of Hawaii.

No plans or specifications are required for repair or replacement work unless requested by the Building Official.

Plans for single or two-family dwellings are not required to show plumbing piping plans or diagrams unless requested by the Building Official.

All plans and specifications relating to work which affects the public safety or health and for which a building permit is required shall be prepared, designed or approved by a duly registered professional engineer or architect as required by Chapter 464 of the Hawaii Revised Statutes.

All plans for retaining walls 5 feet or more in height shall be prepared, designed or approved by a duly registered architect or engineer in the structural or civil branches.

Electrical plans and specifications shall bear the approval of either a duly registered electrical engineer, or a duly registered architect or engineer qualified in such work by experience, provided that if the demand load of the proposed installation is less than thirty (30) kilo-volt-amperes, the approval of an engineer or architect shall be applicable only if the Building Official so directs. (Am. Ord. 3972)

Sec. 18-4.3. Information On Plans And Specifications.

Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the house and street address of the work and the name and address of the owner and person who prepared them. Plans shall include a plot plan showing the location of the proposed building and of every existing building on the property. In lieu of detailed specifications, the Building Official may approve references on the plans to a specific section or part of this Code or other ordinances or laws.

Computations, stress diagrams, and other data sufficient to show the correctness of the plans, shall be submitted when required by the Building Official. (Am. Ord. 3972)

Article 5. Permit Issuance.

Sec. 18-5.1. Issuance.

The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Official. The Building Official shall cause such plans to be reviewed by any other appropriate de-

partment of the City and the State to check compliance with laws and ordinances under their jurisdiction. If the work described in an application for permit and the plans filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and the fee specified in Section 18-6.1 has been paid, the Building Official shall issue a permit therefor to the applicant; provided, however, that no permit shall be granted for the moving of any building or structure or portion thereof which has deteriorated or been damaged to an extent greater than 50 per cent of the cost of replacement (new) of such building or structure.

When the Building Official issues the permit, he shall affix an official stamp of approval to the specifications and each sheet of the Job Site Copy of the plans. Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

The building permit shall be posted in a conspicuous place on the site during the progress of work. (Am. Ord. 3972)

Sec. 18-5.2. Retention Of Plans.

One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than 90 days from date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress. (Am. Ord. 3972)

Sec. 18-5.3. Validity.

The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing

building operations being carried on thereunder when in violation of this Code, or of any other ordinance of the City. (Am. Ord. 3972)

Sec. 18-5.4. Expiration.

Every permit issued by the Building Official under the provisions of this Chapter shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 90 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 90 days, provided, however in the event of strikes or other causes beyond the control of the building contractor or owner, the Building Official may, in writing, extend the 90 days for such periods of time as he deems necessary.

Where permit expires, before such work can be recommenced, a new permit shall be first obtained and the fee therefor shall be one-half the amount required for the original permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year. (Am. Ord. 3972)

Sec. 18-5.5. Compliance With Hawaii Revised Statutes; Identity Of Licensees.

It shall be unlawful for any permittee to perform, or allow to be performed, any work covered by the permit issued under this Chapter in violation of those provisions of Chapter 444, Hawaii Revised Statutes, relating to the licensing of contractors and Chapter 448E, Hawaii Revised Statutes, relating to licensing of electricians and plumbers.

The Department shall be provided with the identity of the duly licensed contractor engaged to perform the respective electrical and plumbing work before commencement of such work. (Am. Ord. 3972)

Sec. 18-5.6. Suspension Or Revocation.

The Building Official may, in writing, suspend or revoke a permit issued under provisions of this Chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of the Building, Electrical or Plumbing Codes, any ordinance or regulation, or any of the provisions of this Chapter. (Am. Ord. 3972)

Article 6. Fees.

Sec. 18-6.1. Building Permit Fees.

A fee for each building permit shall be paid to the Building Official

as set forth in Table No. 18-A.

The determination of value or valuation under any of the provisions of this Code or this Chapter shall be made by the Building Official. The valuation to be used in computing the permit fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment.

Where work for which a permit is required by this Chapter is started or proceeded with prior to obtaining said permit, the fees specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code or this Chapter in the execution of the work nor from any other penalties prescribed in this Code or in this Chapter. (Am. Ord. 3972)

Sec. 18-6.2. Refund Of Fees.

(a) Building Official shall refund an amount equal to 50 per cent of the permit fee paid under the provisions of this Chapter where a permittee, due to a material change in circumstances or financial difficulties, is unable to commence work authorized by the permit issued therefor; provided that written application for refund shall be made on forms furnished by the Building Official not later than 15 days after the expiration date of such permit; and provided further that where the Building Official has extended the expiration date of the original permit pursuant to Section 18-5.4, application for refund shall be made not later than 15 days after the new expiration date.

Notwithstanding the foregoing provisions, no refund shall be made in any case where a new permit has been obtained under the provisions of Section 18-5.4, for the purpose of recommencing the same work, or where the amount to be refunded is less than five dollars (\$5.00).

All permits upon which refunds have been made in accordance with the foregoing provisions shall thereafter be null and void.

(b) Where more than one permit has been erroneously procured by the permittee and/or his agent for the same construction or work, the Building Official shall approve one permit and refund the total amount of fees paid for the other permits upon the surrender thereof; provided that no refund shall be made on any permit which has been surrendered after 90 days from the date of issuance of such permit, or where the amount to be refunded is less than five dollars (\$5.00). (Am. Ord. 3972)

Sec. 18-6.3. Exemptions.

The City, all agencies thereof and contractors therewith shall be exempt from the requirement of paying permit fees. (Am. Ord. 3972)

Article 7. Violation And Penalties.

Sec. 18-7.1. Violation And Penalty.

No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, or perform any electrical work, or install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture, gas appliance, or water heating or treating equipment in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Chapter.

Any person, firm, or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this Chapter is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

Table No. 18-A. FEES FOR PERMITS.

The fees for the issuance of building permits shall be computed in accordance with the following schedule:

TOTAL ESTIMATED VALUATION OF WORK	FEE TO BE CHARGED
From \$.01 to \$500.00	\$3.00
From \$500.01 to \$1,000.00	\$1.00 + \$.50 per \$100 or fraction thereof of the total estimated valuation of work.
From \$1,000.01 to \$20,000.00	\$2.00 + \$.40 per \$100 or fraction thereof of the total estimated valuation of work.
From \$20,000.01 to \$50,000.00	\$6.00 + \$3.80 per \$1,000 or fraction thereof of the total estimated valuation of work.
From \$50,000.01 to \$100,000.00	\$46.00 + \$3.00 per \$1,000 or fraction thereof of the total estimated valuation of work.

TOTAL ESTIMATED VALUATION OF WORK	FEE TO BE CHARGED
From \$100,000.01 to \$500,000.00	\$146.00 + \$2.00 per \$1,000 or fraction thereof of the total estimated valuation of work.
From \$500,000.01 to \$2,000,000.00	\$646.00 + \$1.00 per \$1,000 or fraction thereof of the total estimated valuation of work.
\$2,000,000.01 and above	\$1,246.00 + \$.70 per \$1,000 or fraction thereof of the total estimated valuation of work.

(Am. Ord. 3772)

CHAPTER 19. Plumbing Code.

Article 1. Adoption Of Uniform Plumbing Code And Amendments Thereto.

Sec. 19-1.1. Uniform Plumbing Code.

That certain plumbing code known and designated as "International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, 1970 Edition" as copyrighted and published in 1970 by the International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032, including Appendices A, B, C, D, F and G, is hereby adopted by reference, subject to the amendments hereinafter set forth and shall be the Plumbing Code of the City.

(1) Amending Section 1.1.

"Sec. 1.1. Administrative Authority.

"Whenever the term 'Administrative Authority' is used in this Code, it shall be construed to mean the Director and Building Superintendent, Building Department, or his authorized representative."

(2) Amending Section 1.2.

"Sec. 1.2. Assistants.

"Whenever the term 'assistants' is used in this Code, it shall be construed to mean the authorized representatives of the Administrative Authority."

(3) Amending Section 1.3.

"Sec. 1.3. Department Having Jurisdiction.

"Unless otherwise provided for by law, the Building Department shall have jurisdiction over and administer all matters covered by this Code."

(4) Amending Section 1.4 by deleting paragraph (10) thereof.

(5) Amending Section 1.7 to read:

"Sec. 1.7. Violations and Penalties.

"Any person violating any provisions of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed \$300.00 or by imprisonment not to exceed three months, or by both fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided."

(6) Deleting Section 1.8, Section 1.9, Section 1.10, Section 1.11 and Section 1.12.

(7) Adding a new Section 1.8 to read:

“Sec. 1.8. Permit Required.

“A building permit is required to perform work covered by this Code as provided under Chapter 18, hereof.”

(8) (Deleted).

(9) Amending Section 1.14.

“Sec. 1.14. Notification.

“It shall be the duty of the person doing the work authorized by the permit to notify the Administrative Authority, orally or in writing, that said work is ready for inspection. Such notification shall be given not less than forty-eight (48) hours before the work is to be inspected.

“It shall be the duty of the person doing the work authorized by the permit, to make sure that the work will stand the tests prescribed elsewhere in this Code, before giving the above notification.”

(10) Amending Part II, Qualification of Plumbers, to read as follows:

**“PART TWO
QUALIFICATION OF PERFORMERS OF
WORK UNDER PLUMBING CODE”**

Sec. 2.1. General Provisions.

“(a) It shall be unlawful for any person to perform any work covered by this Code in violation of those provisions of the Hawaii Revised Statutes relating to the licensing of electricians and plumbers.

“(b) Unlicensed persons may perform work covered by this Code providing such work performance is not in violation of Section 444, Hawaii Revised Statutes.”

(11) Amending Section 103(k), Building Drain, by deleting the words “two (2) feet” appearing in the last line and inserting in lieu thereof the words “five (5) feet”.

(12) Amending Section 109.

(a) By adding subsection (a 1) to read:

“(a 1) Health Officer — Health Officer shall mean the Director of Health of the Department of Health, State of Hawaii, or his authorized agent.”

(b) By adding subsection (f) to read:

“(f) Household Aerobic Sewage Treatment System — An aerobic process of treating sewage which produces a stabilized effluent, which effluent can be disposed of into seepage pits or

sub-surface disposal fields.”

(13) Amending Section 117(h), Private Sewage Disposal System, by adding the words “a cesspool used for an interim period, a septic tank or an individual household aerobic sewage treatment system” in lieu of the words “a septic tank” appearing in the second line thereof.

(14) Amending Section 120(b), Seepage Pit, by adding the words “or a household aerobic sewage treatment unit” between the words “tank” and “so” appearing in the second line thereof.

(15) Amending Section 124(e), Water Main, to read:

“(e) Water Main — The water main is the water supply or distribution pipe within the street for public or community use.”

(16) Amending Table A, at the end of Chapter 2.

(a) By deleting therefrom under Nonmetallic Piping the following words and numbers: “Homogeneous bituminized fiber drain and sewer pipe. (ASTM) D1861-69, (FS) SS-P-356 (1955), (Footnote) Notes 1 and 2.”

(b) By adding immediately below the words “Compression joints, vitrified clay pipe, bell and spigot pipe,” the following words and numbers: “Concrete sewer pipe, (ASTM) C-14-52 or 55.”

(17) Amending Section 304(b) by deleting the words “unless first approved by the Administrative Authority” appearing at the end of the paragraph thereof.

(18) Deleting the contents of Section 306 and adding the note: “Refer to Section 1.11.”

(19) Amending Section 310(a) by changing the comma after the word “fitting” appearing in the third line thereof to a period, and deleting the remainder of the sentence.

(20) Amending Section 315(d) by deleting the words “two (2) feet” appearing in the fourth line thereof and inserting in lieu thereof the words “five (5) feet”.

(21) Amending Section 316.

(a) By amending subsection (a) (6) to read:

“(6) ABS-DWV, PVC-DWV — ABS-DWV and PVC-DWV shall be maintained in a straight alignment.”

(b) By amending subsection (b) (7) to read:

“(7) ABS-DWV, PVC-DWV — ABS-DWV and PVC-DWV shall be supported at not to exceed four (4) feet.”

(22) Amending Section 317 by deleting subsection (a) therefrom.

(23) Amending Section 318(b).

“(b) Advance Notice. It shall be the duty of the person doing the work authorized by the permit to notify the Administrative Authority orally or in writing that said work will be ready for inspection. Such notification shall be given not less than forty-eight (48) hours before the work is to be inspected.”

(24) Amending Section 323.

“Sec. 323. Appeals and Petitions.

“Any appeal from the decision of the Administrative Authority in the administration of the City and County of Honolulu Plumbing Code involving any denial of the use of new or alternate materials, types of construction, equipment, fixtures, devices, or appliances, or any petition for varying the application of the Plumbing Code may be submitted to the Board of Appeals for hearing and determination as specified in Section 204, Uniform Building Code, as amended, under Article 1, Section 16-1.1, Chapter 16 (Building Code) of the R.O. of 1969, as amended.”

(25) Amending Section 406(a).

“(a) Each horizontal drainage pipe shall be provided with a cleanout at its upper terminal, and each run of piping which is more than fifty (50) feet in length shall be provided with a cleanout for each fifty (50) feet or fraction thereof, in length of such piping, and at each change in pipe size up to four (4) inches.

“EXCEPTIONS:

“1. Cleanouts may be omitted on each horizontal drainage pipe less than five (5) feet in length.

“2. Cleanouts may be omitted on each drainage pipe installed on a slope of seventy-two (72) degrees or less from the vertical (angle of 1/5 bend).

“3. Excepting the building drain and its horizontal branches, a cleanout shall not be required on any pipe or piping which is above the first floor of the building.”

(26) Amending Section 406(g).

“(g) Each cleanout shall be so installed so that there is a clearance of not less than eighteen (18) inches in front of the cleanout. When the floor of a building is within eighteen (18) inches off the ground, all cleanouts required in accordance with Section 406 shall be extended above the finished floor, or the cleanouts shall be extended outside of the building.”

(27) Amending Section 407 by adding at the end thereof:

“For provisions covering the grade of building sewers, see Section 1106(a).”

(28) Amending Section 604(a) by changing the “period” at the end thereof to a “semi-colon” and adding to the end thereof: “and except that installation of a funnel shaped receptacle as described in Section 609 or an air gap fitting connection to a specially provided fixture trap to receive drips or condensate from air conditioning units may be installed in toilet and bathroom areas.”

(29) Amending Section 615(a).

“(a) Combination waste and vent systems shall be permitted

where structural conditions preclude the installation of conventional systems as otherwise prescribed by this Code or where such systems are more practical than the conventional systems and approved by the Administrative Authority.”

(30) Amending Section 703(b).

“(b) No slip joint on any trap shall be located below the level of the trap weir. Every union joint for a trap shall be located in the water seal of the trap, and every such union joint shall be ground metal to metal contact without the use of any washer, packing or other material to make a tight joint. Tubing traps may be connected to their trap arms by means of approved type ground joint, slip joint, or sweat type hexagonal fittings.”

(31) Amending Section 704 to read:

“Sec. 704. Traps Prohibited.

“No form of trap which depends for its seal upon the action of movable parts or concealed interior partitions shall be used. Full ‘S’ traps are prohibited. Bell traps are prohibited. Crown vented traps are prohibited. No fixture shall be double trapped. Drum traps may be installed only when permitted by the Administrative Authority for special conditions. No drum trap shall be installed without a vent except when permitted in writing by the Administrative Authority.”

(32) Deleting Section 802(j).

(33) Amending Section 906 by adding a new subsection (d).

“(d) Built-on-the-job fixtures. No bathtub or combination tub and shower shall be constructed on the job unless designed to be a sanitary leakproof fixture adequately supported on its own foundation and when built above ground, to be provided with approved lining as noted in Section 909(e).”

(34) Amending Section 908(c) by adding an exception note immediately following the first paragraph.

“EXCEPTION: Washdown pipe controlled by a loose key valve and provided with a vacuum breaker not less than five and one half (5½) feet above the floor may be used in lieu of a flushing tank.”

(35) Amending Section 909 by amending the last sentence in the footnote to read:

“Joints in lead and copper pans or linings may be soldered, burned or silver brazed.”

(36) Amending Section 1002(d).

“(d) No water piping supplied by any private water supply system shall be connected to any other source of supply without the approval of the State Department of Health, the Board of Water Supply, or other department having jurisdiction.”

(37) Amending Section 1003 by adding a third paragraph at the end of **Approval of Devices** thereof to read:

“All installation treating, handling, manufacturing or using liquids, chemicals, or waste products which may be polluttional, dangerous to health or toxic, or having a non-potable auxiliary water supply shall obtain from the Board of Water Supply the requirements for an approval of the backflow prevention device to be installed between the building supply and the public water system. It shall be the duty of the person or persons having control of such devices to obtain from the Board of Water Supply the requirements for approved devices before preliminary plans, specifications, and drawings are prepared.”

(38) Amending Section 1004(a) by deleting therefrom the word “lead” appearing in the third line thereof and by adding at the end thereof:

“See Section 1008(c) for protective coating required on galvanized ferrous piping.”

(39) Amending Section 1005(b) by inserting after the word “meter” and before the word “and” in the second line the phrase “where no shutoff valve exists.”

(40) Amending Section 1006 by adding at the end thereof a new paragraph:

“No gravity tank shall be directly connected to the City water main, but shall be provided with an over-the-rim-filler; the orifice or outlet of which must be elevated a distance of six (6) inches above the overflow. A drain shall be provided at the bottom of the tank.”

(41) Amending Section 1007.

(a) By amending subsection (a) thereof by adding a new sentence at the end thereof:

“Such tank and pump installations shall be in accordance with provisions of Sections 1002 and 1006 of this Code and with pertinent rules and regulations of the Health Officer, the Board of Water Supply or other department having jurisdiction.”

(b) By amending subsection (b) thereof by deleting the words “one hundred (100)” appearing in the second and fifth lines thereof and inserting in lieu thereof the words “ninety (90)”, and by deleting the last sentence in the paragraph.

(42) Amending Section 1008.

(a) By adding at the end of subsection (b) thereof:

“For water supply systems requiring the installation of cast iron pipe four (4) inches and larger, materials and construction shall be in accordance with the applicable standards used in the construction of Board of Water Supply’s system.”

(b) By amending subsection (c) thereof:

“(c) Galvanized ferrous piping, when installed under any of the following conditions, shall have a protective coating which shall have been approved by the Administrative Authority as to type, as well as to the method of applying such protective coating; provided, however, for those fittings and short sections necessarily stripped for threading, a protective coating consisting of field wrapping similarly approved, as to type and application, shall be used:

“(1) When installed under a concrete floor slab which is resting on the ground; provided, however, the requirement for protective coating shall only apply to that section of the piping which lies directly under such concrete floor slab.

“(2) When installed underground at an elevation within five (5) feet above sea level.

“(3) When installed underground and the soil resistivity at the site of such installation measures less than 4500 ohm-cm.”

(43) Amending Section 1009.

(a) By amending item (4) of subsection (g) thereof:

“(4) Pressure in the street main or other source of supply at the locality where the installation is to be made. Calculations shall be based on not to exceed ninety (90) p.s.i. pressure in the system. If the pressure is reduced into the property, the reduced pressure shall be used.”

(b) By amending subsection (h) by adding at the end of the first paragraph thereof:

“Meter and water service sizes shall be subject to approval of the Board of Water Supply under their rules and regulations.”

(44) Amending Table 10-1 thereof by adding a footnote thereto reading:

“For supply outlets likely to impose continuous demands estimate continuous supply separately and add to total demand. For fixtures not listed, weights may be assumed by comparing the fixtures to a listed one using water in similar quantities at similar rates.”

(45) Amending Table 10-2 thereof by adding a triple asterisk (***) to the column heading “Meter and Street Service” and adding a triple asterisk (***) footnote to read:

“***Final sizes to be governed by rules and regulations of the Board of Water Supply.”

(46) Amending Section 1101.

(a) By deleting therefrom the paragraph headed “Exception:.”

(b) By adding thereto subsection (g):

“(g) It shall be unlawful for any person to connect to or to aid in, or to cause a connection to be made to, or to make use of, the

public sewer system of the City and County of Honolulu without first having filed an application in writing and having obtained the written approval of the Sewer Division, Department of Public Works and the Administrative Authority.”

(c) By adding thereto subsection (h):

“(h) Building sewer construction shall conform to the requirements for main line sewers as set forth in the Division of Sewers Standard Details, Department of Public Works, and the Sewer Ordinance of the City and County of Honolulu when either of the following conditions exist:

“1. Where the Administrative Authority requires such construction because of the character or quantity of the sewage, or industrial waste to be discharged.

“2. Where the sewer is designed to be, or is apparent that it may be dedicated to the City and County of Honolulu at this or any future time.”

(47) Amending Section 1102(b) to read:

“(b) No rain, surface or subsurface water shall be connected to or discharge into any drainage system.”

(48) Amending Section 1103(a) by deleting the words “two (2) feet” appearing in the first line and inserting in lieu thereof the words “five (5) feet”.

(49) Deleting Section 1104.

(50) Amending Section 1105.

“Sec. 1105. Size of Building Sewers.

“The minimum size of any building sewer shall be determined on the basis of the total number of fixture units drained by such sewer, in accordance with Table 4-3; except that collection sewers under applicable conditions may be sized by recognized engineering design practices when approved by the Administrative Authority.”

(51) Amending Section 1106.

(a) By amending subsection (a) to read:

“(a) Building sewers shall run in practical alignment and at a uniform slope of not less than one-fourth ($\frac{1}{4}$) of an inch per foot toward the point of disposal; provided, that where it is impractical, due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure, to obtain a slope of one-fourth ($\frac{1}{4}$) of an inch per foot, any such pipe or piping four (4) inches or larger may have a lesser slope when approved engineering methods have been used to design the system and when such a system has first been approved by the Administrative Authority.”

(b) By amending subsection (c) by deleting the words “two (2) feet” appearing in the fourth line and inserting in lieu thereof the

words "five (5) feet".

(52) Deleting Section 1109.

(53) Amending Section 1110.

"Sec. 1110. Location.

"No building sewer or private sewage disposal system or parts thereof shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private disposal system. Provided, however, a building sewer or private disposal system may be located on an abutting lot when specifically required by the Health Officer or other department having jurisdiction over sewage disposal and provided further that a legal easement over the abutting lot is first obtained and the plans are approved by the Administrative Authority."

(54) Amending Section 1111.

"Sec. 1111. Private Sewage Disposal (General).

"Where permitted by Section 1101, the building sewer or private sewer may be connected to a private sewage disposal system complying with the requirements of the Health Officer and all City regulations governing private sewage disposal systems."

(55) Deleting Sections 1112 to 1118.

(56) Amending Section 1119.

"Sec. 1119. Abandoned Sewers and Sewage Disposal Facilities.

"(a) Every abandoned building (house) sewer or part thereof shall be plugged or capped in an approved manner.

"(b) Every private sewage disposal system which has been abandoned or has been discontinued otherwise from further use or to which no waste or soil pipe from a plumbing fixture is connected shall be disposed of in accordance with regulations of the Department of Health, State of Hawaii."

(57) Deleting Tables 11-1, 11-2 and 11-3 appearing at the end of the Chapter.

(58) Amending Section 1202.

(a) By amending the first paragraph thereof by substituting the words "manufactured or LPG" for the word "natural" in the sixth line thereof.

(b) By adding subsection (f) to read:

"(f) Gas Appliances: All appliances in which gas is or may be used as a fuel."

(59) Deleting Section 1203.

(60) Amending Section 1206.

(a) By amending subsection (a) to read:

"(a) Upon completion of the installation, alteration or repair of any gas piping or the installation or connection of any gas

appliances, and prior to the use thereof, the Administrative Authority shall be notified that such gas piping or gas appliance installation is ready for inspection.”

(b) By adding at the end of subsection (c) item (2) thereof:

“The Administrative Authority may accept the use of any testing apparatus which has been approved by a nationally recognized testing laboratory in lieu of the foregoing air pressure test.”

(c) By adding at the end of subsection (c) a new item (3):

“(3) Gas Appliance Installation Inspection:

“This inspection shall be made after all gas piping in the system as authorized has been inspected and approved and the connections of such gas fixtures and appliances as authorized by permit have been made to the piping system. This inspection shall include a soap solution test or other approved testing method of detecting any gas leakage occurring in the connection or attachment and shall include a determination that the installation meets the requirements and intent of this Code.”

(61) Amending Section 1208(a).

“(a) It shall be unlawful for any person, except persons representing a public utility manufacturing and supplying gas to the public or an authorized distributor of LPG fuel to turn on gas at the gas meter.”

(62) Amending Section 1211(a).

“(a) All gas meter locations shall be approved by the supplier. All such locations shall conform to State and local fire regulations.”

(63) Amending Section 1212.

“Sec. 1212. Material for Gas Piping.

“(a) Pipe: All pipe used for the installation, extension, alteration, or repair of any gas piping shall be standard weight wrought iron or steel (galvanized or black), threaded copper or brass pipe. Threaded copper or brass pipe is restricted to above ground use only.

“(b) Tubing: Seamless copper, aluminium alloy, brass or steel tubing may be used in lieu of pipe listed in subsection (a) for above ground installations only and shall not be installed in concealed spaces. Copper tubing shall be of type K or L, or equivalent, having a minimum wall thickness of 0.032 inch. Aluminium alloy shall not be used in exterior locations or where it is in contact with masonry, plaster or building insulation or is subject to corrosive wettings.

“(c) All such pipe or tubing shall be either new, or shall previously have been used for no other purpose than conveying gas; it shall be in good condition and free from internal obstructions. Burred ends shall be reamed to the full bore of the pipe or tubing.

“(d) Fittings, except stopcocks or valves, shall be malleable iron or steel or wrought iron, and shall be copper or brass when used with copper or brass pipe or tubing and shall be aluminium alloy when used with aluminium alloy pipe or tubing.

“(e) Valves: All valves and appurtenances used in connection with the above piping shall be of the type designed and approved for use with fuel gas.”

(64) Amending Section 1213.

(a) By amending subsection (a) to read:

“(a) All pipe joints in the piping system, unless welded, shall be screwed joints, having approved standard threads. Such screwed joints shall be made up with approved pipe joint material, insoluble in the presence of fuel gas and applied to the male threads only. Tubing joints shall either be made with approved flared gas tubing fittings, or be soldered or brazed with a material having a melting point in excess of 1,000° F.”

(b) By deleting subsection (c).

(65) Amending Table 12-1.

“Table 12-1.

Demand of Typical Domestic Gas Appliances
In Cubic Feet Per Hour

	Demand	
	Mfg	Lpg
	Gas	Gas
Domestic Full Size Range	65	32
Domestic Apt. Size Range	60	29
Domestic Recessed Oven Section	22	8
Domestic Surface Unit	45	16
Domestic Storage Water Heater Up to 30 Gal.	39	14
Domestic Storage Water Heater 40 and 50 Gal.	50	18
Domestic Clothes Dryer	45	16
Domestic Barbecue	33	12
Gas Refrigerator	4	2
Gas Luau Torch	19	7"

(66) Amending Table 12-3 by adding at the bottom thereof the following:

“For manufactured gas multiply the capacity shown in the table by 0.85 and for liquefied petroleum gas (propane) multiply by 1.50.”

(67) Amending Section 1215(i) to read:

“(i) Discharge from relief valves shall conform to regulations of the State Public Utilities Commission.”

(68) Amending Section 1218.

(a) By amending subsection (a) thereof:

“(a) The following regulations as set forth in this Section and in Section 1219 ‘Required Gas Piping Size’ shall be the standard for the installation of gas piping in single domestic units. Gas piping size for commercial, industrial and multiple units must be checked and approved by the Administrative Authority. These regulations are based on the use of Manufactured Gas having a heating value of 975 BTU and specific gravity of 0.75 supplied at approximately nine (9) inches of water column pressure at the outlet of the meter or Liquefied Petroleum Gas having a heating value of 2500 BTU and specific gravity of 1.52 supplied at approximately eleven (11) inches water column pressure at the outlet of the meter.”

(b) By amending subsection (d) thereof:

“(d) The size of the supply pipe outlet for any gas appliance shall be not less than the size of the inlet connection of that appliance.

“The minimum size of any piping outlet shall be three-quarter ($\frac{3}{4}$) inch for a free standing gas range using manufactured gas and shall be one-half ($\frac{1}{2}$) inch for a recessed oven section, a recessed top section, or for a free standing range using LPG.”

(69) Amending Section 1219.

(a) By amending subsection (b) thereof:

“(b) To determine the size of each section of pipe in any system within the range of Tables 12-2, proceed as follows:

“(1) Calculate the gas demand in cubic feet per hour of the appliance to be attached to each outlet.

“(2) Measure the length of piping from the gas meter or service regulator when a meter is not provided, to the most remote outlet in the system.

“(3) In Table 12-2 select the column showing that distance, or the next longer distance if the Table does not give the exact length. This is the **ONLY** column used in determining the size of any section of gas piping in this system.

“(4) Use this vertical column to locate **ALL** gas demand figures for this particular system of gas piping.

“(5) Starting at the most remote outlet, find in the vertical column just selected, the gas demand for that outlet. If the exact figure of demand is not shown, choose the next larger figure below in the column.

“(6) To the extreme left of this demand figure in Table 12-2 will be found the correct size of pipe.

“(7) Proceed in a similar manner for each outlet and each section of pipe. For each section of pipe determine the total gas demand supplied by that section.”

(b) By amending subsection (c) thereof:

“(c) For conditions other than those covered by subsection (a) of this Section, such as commercial, industrial and multiple units which require longer runs or greater gas demands, the size of each gas piping system shall be determined by standard engineering methods acceptable to the Administrative Authority.”

(c) By amending subsection (d) thereof to read:

“(d) Where gas of a different specific gravity is to be delivered, or where the pressure may be higher than fourteen (14) inches or lower than four (4) inches of water column, or when diversity demand factors are used, the design, pipe sizing, materials, location and use of such systems first shall be approved by the Administrative Authority and the Gas Utility supplying the gas.”

(d) By amending the “Note” following subsection (d) by deleting the word “natural” appearing in the second line thereof and inserting in lieu thereof the words “manufactured or LPG”.

(e) By adding at the bottom of Table 12-2 thereof the following:

“This table may also be used in the sizing of gas piping carrying manufactured gas of 0.75 specific gravity.”

(70) Amending Section 1301 by adding at the end thereof:

“Provisions in NFPA (National Fire Protection Association) Standard No. 211-1970; Chimneys, Fireplaces, and Venting Systems, and Part V, Venting of Appliances in NFPA Standard No. 54-1969, Installation of Gas Appliances and Gas Piping, may be used in lieu of provisions in this Chapter covering the same subject and as guidelines for design, construction and workmanship.”

(71) Amending Section 1305 by adding subsection (d):

“(d) An approved method shall be provided to prevent siphoning in any water heater, hot water boiler, hot water tank and hot water system.”

(72) Amending Section 1306 by adding subsection (c):

“(c) An approved method shall be provided to prevent siphoning in any water heater, hot water boiler, hot water tank and hot water system.”

(73) Amending Section 1310(a).

“(a) Appliances generating a glow, spark or flame capable of igniting flammable vapors may be installed in a residential garage provided the pilots and burner, heating elements, or electrical motors and switches, are at least eighteen (18) inches above the

floor level.

“EXCEPTION: Carports, as defined by the Building Code of the City and County of Honolulu, having 100% opening on one side and 50% net opening on another side or the equivalent of such openings on two or more sides, provided the adjacent ground level is at or below the floor level of the carport.”

(74) Amending Section 1312 by adding new subsections (i) and (j) to read:

“(i) Listed gas fired water heaters need not be provided with a vent extended through the roof of the building (or enclosure) when installed outside the exterior walls of the building unenclosed, or in enclosures with adequate openings near the top, except that an approved vent cap shall be provided. Vents connected to such water heaters shall terminate no closer than a multiple of twelve (12) inches for each 50,000 BTU per hour, or less, input to the water heater up to a maximum required distance of four (4) feet to any building opening, nor closer than one (1) foot above such opening. Protection of such water heaters from the weather shall be provided either by the appliance design itself or by an approved enclosure, when climatic or safety conditions warrant.

“(j) Listed gas fired water heaters need not be provided with a vent to the exterior when installed in a parking garage under the following conditions:

“(1) Such a garage shall comply with the open parking garage provisions of the Building Code.

“(2) Floor mounted heaters shall be installed so that the bottom of the combustion chamber is at least eighteen (18) inches above the floor and outside grade level.

“(3) Heaters shall be protected against mechanical damage as provided in Section 1310(c).

“(4) An acceptable vent cap shall be provided.

“(5) When location of the heater may result in unsatisfactory dispersions of combustion products, venting by means of a mechanical draft system to the exterior wall line or to other approved point of termination shall be provided.

“(6) Installation of heaters under these provisions shall be approved by the Administrative Authority and Gas Utility.”

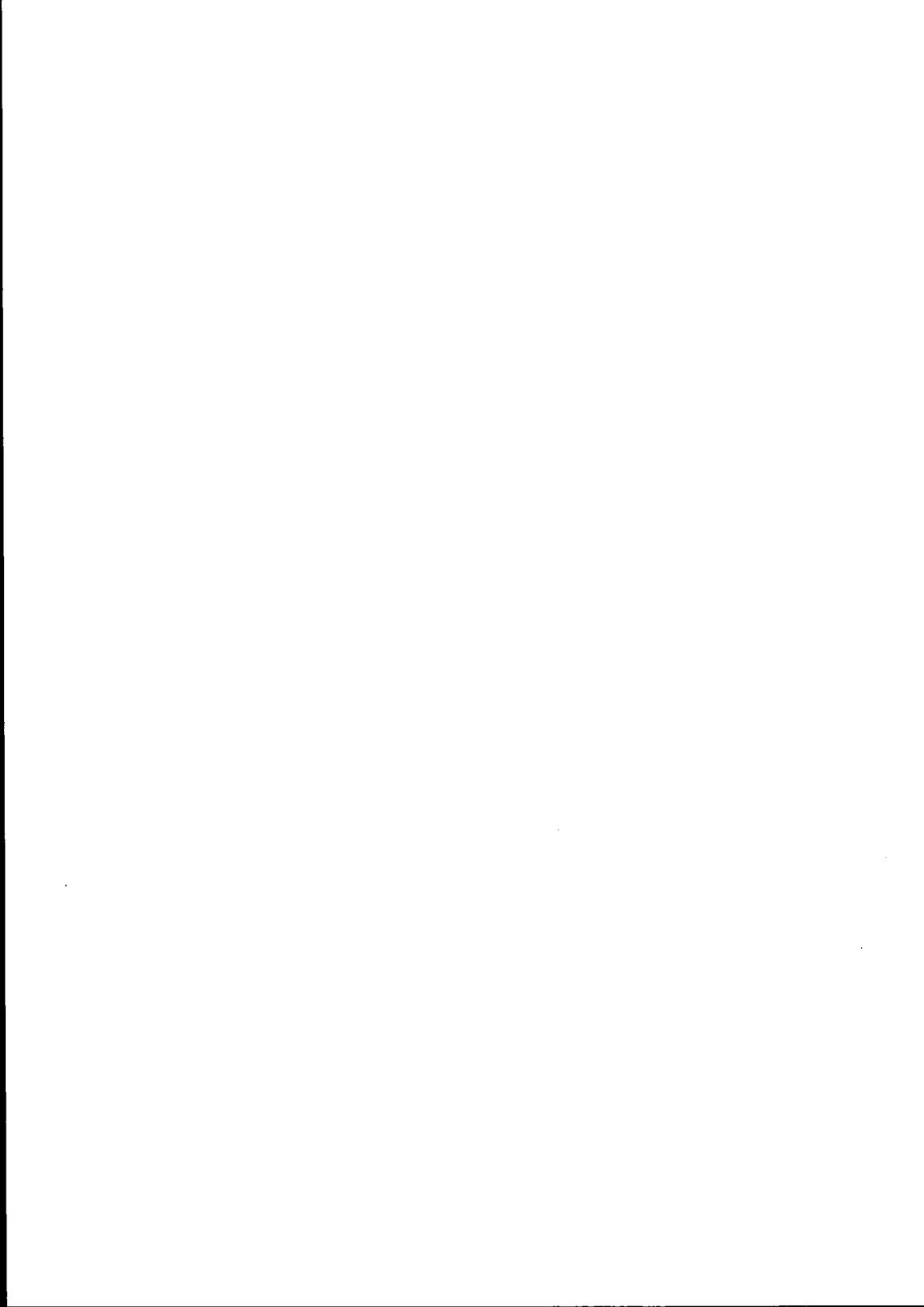
(75) Deleting Appendix E, Trailer Park Plumbing Standards.

(76) Amending Appendix F.

(a) By amending the first sentence of Section F6 to read:

“Approved engineering methods or Table F-1 and F-2, when corrected for the specific gravity of the gas utilized, may be used to size gas piping systems carrying three (3) or five (5) psig gas.”

(b) By amending Section F8 thereof by deleting the words “eighteen (18)” appearing in the third line thereof and inserting in lieu thereof the words “twelve (12)”. (Sec. 19-1.1, R.O. 1969; Am. Ord. 3648, 3809, 3877, 3971)



CHAPTER 20.

Streets, Sidewalks, Curbs And Driveways Construction Code.

Article 1. Excavation And Repairs Of Streets And Sidewalks.

Sec. 20-1.1. Permit To Dig Up Streets, Application, Insurance, Bond, Permit Fee.

(a) No person, including City officials and employees, shall, in any manner or for any purpose, break up, dig up, disturb, undermine or dig under, any public highway, street, thoroughfare, alley or sidewalk or any other public place, or cause the same to be done without having first obtained a permit therefor from the Chief Engineer provided that work to accomplish emergency repairs to utilities may be started without a permit. When such emergency work is performed, the Chief Engineer or his authorized representative shall be notified of the location and type of the emergency not later than the first work day following the emergency. A written permit covering the emergency work shall be obtained from the Chief Engineer not later than 10 working days following the emergency. The City Road Division shall not be required to obtain a permit for routine street maintenance, repair or resurfacing provided that such work does not require excavating below the sub-base course. City Departments shall not be required to obtain a permit for excavating single holes at any one location in sidewalk area for installation of pipe supported signs, markers, meters or planting of trees.

(b) Any person desiring the permit required under this Section shall make application therefor to the Chief Engineer on a form prescribed by the Chief Engineer. As a condition precedent to the issuance of any such permit, the Chief Engineer shall require:

(1) The securing of insurance, naming the City as an additional assured, to protect it against any and all claims or actions for injury to person or damage to property due to any act or omission of the holder of the permit arising out of any work done under said permit, said insurance to be in the amount of not less than \$50,000 for damages to property and in an amount not less than \$100,000 for injury to one person in one accident and \$300,000 for injury to more than one person in one accident. A public utility company performing work for installation of service connections, for the location of troubles in pipes or conduits, or for making repairs thereto may furnish a certificate of insurance listing the limits of liability which

shall equal or exceed the amounts specified above for each and every service connection, trouble location or repair work accomplished by the company's own forces during the term of the policy and certifying that the insurance company will not cancel or materially alter the coverage without giving the City 15 days advance notice; and

(2) When the work of restoration is not performed by the City, a bond shall be required in favor of the City, extending for a period not to exceed one (1) year after approval of any restored pavement, sidewalk or other public improvement, to insure the proper restoration thereof. The amount of the bond shall be not less than \$1,000 or the estimated cost of the excavation and restoration work whichever is higher. Utility companies shall be responsible for work and repairs in existing public streets performed by its employees, contractors or subcontractors. In lieu of furnishing a separate bond for each permit a utility company may furnish written guarantee to the City that the company will be responsible for the restoration work for a period not to exceed one (1) year after satisfactory completion of the restoration work.

(c) Before issuing a permit, the Chief Engineer shall:

(1) Require the presentation of a plan, drawn to scale, showing the location of each proposed excavation and the dimensions thereof including the surface area of said opening in paving, sidewalk and other structures the nature, size, length and purpose of the structure to be installed therein, and such other details and information as the Chief Engineer may require to be shown upon such plan. In lieu of the plan, a single line sketch, drawn to scale, may be submitted to show the location of each excavation for a service connection, for location of trouble or for repair to utilities.

(2) Obtain clearance from City Departments having underground installations and from the various utility companies prior to issuance of the permit.

(3) Collect a permit fee based on the schedule below. The permit fee shall not be refundable even if the applicant, after issuance of the permit, decides not to proceed with the construction.

(a) WORK	PERMIT FEE
Service connection	\$ 3.00
Repairs to utilities	\$ 3.00
Trench for installation of pipelines, underground cables, etc.	\$10.00
for the first 20 lineal feet or any fraction thereof plus \$1.00 for each additional 10 lineal feet or any fraction thereof.	

(b) When the work is performed by or on behalf of the City except the Board of Water Supply, the State or the Federal

Government, the Chief Engineer shall waive the collection of any permit fee.

All permit fees shall be deposited in the Highway Fund.

(d) Each permit shall be deemed to include the provision that all surplus excavated material, if desired by the Chief Engineer, shall be carted or hauled to and deposited upon such place as may be directed by the Chief Engineer at the expense of the permittee. The maximum distance such material is to be hauled shall not exceed the distance between the job site and the nearest City and County Corporation yard.

(e) Every trenching permit shall expire and become null and void one year after the date of issuance of the permit. Upon written application the Chief Engineer may grant extension to an expired permit. Permit fee for extension shall be the fee as specified above.

(f) The permittee shall also obtain a permit from the City Department of Traffic before any work on any portion of a public street may begin. (Sec. 20-1.1, R.O. 1969; Am. Ord. 3874)

Sec. 20-1.2. Notice Of Commencement, Prosecution Of Work And Inspection.

(a) Notice of Commencement of Work: At least three working days before the work is started, the permittee or his representative shall give notice of the time of commencement of the work to the Chief Engineer or his representative.

(b) Prosecution of Work: After the work has begun it shall be diligently and continuously prosecuted until completed. All work shall be completed within the time specified in the permit unless an extension of time for good cause shown is granted by the Chief Engineer.

(c) Inspection: All work authorized under this Chapter shall be subject to inspection by the Chief Engineer or his authorized representative. (Sec. 20-1.2, R.O. 1969; Am. Ord. 3874)

Sec. 20-1.3. Trench Excavation, Backfill And Pavement Restoration.

(a) Trench excavation and backfill shall be accomplished in accordance with the applicable provisions contained in the Standard Specifications for Public Works Construction of the Department of Public Works, City and County of Honolulu, dated November 1968.

(b) The permittee shall provide, in connection with the work covered by the permit, all necessary traffic control devices which shall conform to the requirements of the "Rules and Regulations Governing the Use of Traffic Control Devices at Work Sites or Adjacent to Public Streets and Public Highways" of the Highway Safety Coordinator, State of Hawaii. The permittee shall be responsible for all damages of

every kind or nature suffered because of the work done by him.

(c) In dewatering trenches, the discharge shall not be drained directly onto the street or gutter. In urban areas and areas where a storm drainage system has been installed, the discharge shall be drained to the nearest storm drain by the use of pipes or other suitable means acceptable to the Chief Engineer. If necessary the discharge shall be processed, filtered, ponded, or otherwise treated to comply with all applicable Federal, State, and City and County ordinances and regulations concerning water pollution prior to its release into waterways or City drainage systems.

(d) Concrete envelope or jacket for pipes or duct lines shall be not more than 6 inches wider than the width of the concrete envelope or jacket shown on the plan or drawings submitted by the applicant for a trenching permit. Whenever this tolerance is exceeded the sides of the concrete envelope or jacket shall be formed to maintain the dimensions shown on the plan or drawings.

(e) The permit holder shall, upon completion of the backfilling and compaction of any excavation and after inspection and approval by the Chief Engineer, immediately commence the necessary work to restore the foundation and surface, including any public structure appurtenant thereto, to its original or equally good condition. The Chief Engineer may require compaction tests be performed to assure that the backfill has been compacted to the required density. Backfill not conforming to the specified degree of compaction shall be recomacted or removed and replaced with suitable material. Restoration shall be accomplished in accordance with the applicable provisions contained in the Standard Specifications for Public Works Construction of the Department of Public Works, City and County of Honolulu, dated November 1968. Pavement restoration over the trench excavation shall be similar to that existing prior to the excavation, i.e., concrete base course shall be replaced with concrete of the same thickness.

(f) When trenching in concrete sidewalks or concrete pavement the concrete to be removed shall first be cut with a saw to a depth of not less than one-fourth the depth of the slab. The concrete shall be cut so as to leave a 6-inch wide undisturbed surface between the cut and the side of the trench. When any portion of a sidewalk block measuring 4 feet or less in dimension is cut, trenched, or damaged during construction, the entire block shall be removed and replaced. A sidewalk block greater than 4 feet in dimension which is cut, trenched or damaged shall be removed and replaced in such a manner that the replaced and remaining strip or block shall be not less than 4 feet wide. The replaced sidewalk block shall be scored, finished, and colored to match the finish and color of the adjacent blocks.

(g) All agencies having construction performed under a trenching permit shall submit as built drawings to the Chief Engineer showing the actual construction performed. (Sec. 20-1.3, R.O. 1969; Am. Ord. 3874)

Sec. 20-1.4. Restoration By The City.

In the case of any excavation which has not been backfilled or restored in accordance with the provisions of this Article, the Chief Engineer shall make or cause to be made, the necessary repairs and the expenses thereof shall be charged to and collected from the permit holder or any surety where a bond has been required. Such repairs shall include, but not be limited to, the restoration of the foundation and surface, re-excavation and backfilling of excavations, repairs to any public structure and replacement of any public structure not properly restored. (Sec. 20-1.4, R.O. 1969; Am. Ord. 3874)

Sec. 20-1.5. Charges To Be Levied And Disposition Thereof:

(a) For any work done by the City under the permit required by this Article, charges for restoring the foundation and surface to its original or equally good condition shall be made by the City against the holder of the permit.

(1) Charges for the patching of any trench shall be at the following rates:

Asphaltic concrete	\$.70 per square foot
Concrete	1.00 per square foot
Asphaltic concrete on concrete	1.50 per square foot

(2) For the patching of any trench, there shall be a flat minimum charge at the following rates:

Asphaltic concrete	\$20.00
Concrete	30.00
Asphaltic concrete on concrete	40.00

(b) All monies collected from charges herein levied shall be deposited into the Highway Fund and made available for purposes of that Fund. (Sec. 20-1.5, R.O. 1969; Am. Ord. 3874)

Sec. 20-1.6. Indemnification. Of City.

(a) The holder of a permit shall indemnify and save harmless the City, the officers and agents thereof, from all claims, demands, suits, actions or proceedings of every name, character and description which may be brought against the City for or on account of any injuries or damages to any person or property received or sustained by any person as a consequence of any act or acts of the holder of permit on work

done under the permit.

(b) The City while making repairs shall use every precaution required of the holder of permit as to barricades, lights, and watchmen for the safety of the public, but such action shall not relieve the holder of the permit from responsibility for accidents, should any occur. (Sec. 20-1.6, R.O. 1969; Am. Ord. 3874)

Sec. 20-1.7. Penalty.

Any person who violates any provision of this Article shall, upon conviction, be punished by a fine not exceeding \$250.00 or by imprisonment not exceeding three months, or by both. (Sec. 20-1.7, R.O. 1969; Am. Ord. 3874)

Article 2. Construction Requirements Of Sidewalks And Curbs.

Sec. 20-2.1. Sidewalks And/Or Curbs To Conform To Grade, Standards And Specifications.

All sidewalks and/or curbs hereafter constructed, reconstructed, improved or repaired in any public place or along any public street in the City and County shall conform to established grades and shall be built or repaired according to standards and specifications as herein provided. (Sec. 20-2.1, R.O. 1969; Am. Ord. 3984)

Sec. 20-2.2. Unlawful To Construct Sidewalk And/Or Curb Without A Permit.

No person shall construct, reconstruct, improve or repair any sidewalk and/or curb in any public place or along any public street in the City and County without first obtaining a written permit from the Chief Engineer to perform such work, and that permits shall also be required for the construction of sidewalks and/or curbs in the streets of any subdivision which are proposed to be dedicated to the City and County. The fees hereinafter prescribed in this Chapter shall be collected for all sidewalks and/or curbs constructed and dedicated to the City. (Sec. 20-2.2, R.O. 1969; Am. Ord. 3984)

Sec. 20-2.3A. Permit Fee.

(a) Except as hereinafter provided the following fees shall apply:

(1) The permit fee for the construction, reconstruction or improvement of sidewalks and/or curbs shall be \$3.00 for the first 10 feet, or fraction thereof, plus \$1.00 for each additional 10 feet, or fraction thereof, of the street frontage. The fee specified herein shall be inclusive for both sidewalks and curbs where sidewalks and

curbs are constructed simultaneously.

(2) The permit fee for the repair of sidewalks and/or curbs shall be \$2.00.

(b) No permit fee shall be required:

(1) For sidewalks and/or curbs constructed, reconstructed, improved or repaired pursuant to the provisions of Chapter 24, R.O. 1969, as amended, relating to improvement by assessment.

(2) For curbs covered by a driveway permit.

(3) Of any foreign consulate or any governmental subdivision or agency of the City, State or Federal government, or any contractor thereof. (Sec. 20-2.3A, R.O. 1969; Am. Ord. 3984)

Sec. 20-2.4. Construction And Repair Of Sidewalks Or Curbs.

(a) Whenever the Council finds that the construction or reconstruction of sidewalks or curbs along any street, the grade of which has been established, is necessary in the interest of public safety or welfare, it shall by resolution require and direct the owner or owners of land abutting such street to construct or reconstruct such sidewalks or curbs, pursuant to the applicable requirements of this Chapter. The resolution shall designate the location of such sidewalks or curbs to be constructed or reconstructed and shall provide that the Chief Engineer shall give notice thereof to the owner or owners of land abutting such sidewalks or curbs.

(b) Whenever the Chief Engineer finds that any sidewalk or curb is in need of repair in the interest of public safety or welfare, and such need for repair is caused by action or actions attributable to the owner or owners of land abutting such sidewalk or curb, the Chief Engineer is hereby authorized to give notice thereof to such owner or owners, and to require such owner or owners to repair the sidewalk or curb. (Sec. 20-2.4, R.O. 1969; Am. Ord. 3984)

Sec. 20-2.5. Notice To Abutting Owner Or Owners.

(a) The notices specified in Section 20-2.4 shall be given by the Chief Engineer, either by publication thereof in a daily newspaper of general circulation in the City and County of Honolulu once in each of three consecutive weeks, or by mailing a copy of such notice by certified mail to each of the abutting owners at their last known address, or by both such publication and certified mail.

(b) The notice shall set forth the nature of the improvement to be made, the location thereof, a specific direction to such abutting owner or owners to construct, reconstruct or repair such sidewalk or curb and notification that if such abutting owner or owners neglect or refuse to comply with the direction for 60 days after the last day of the publication of such notice or for 60 days after the date such notice was sent by

certified mail, where no publication of the notice has been made, the Chief Engineer shall cause the sidewalk or curb to be constructed, reconstructed or repaired and that the costs thereby incurred by the City shall be billed to each such owner and shall, if not paid to the City by such owner within thirty (30) days after such billing date, become a lien upon the property abutting such sidewalk or curb. (Sec. 20-2.5, R.O. 1969; Am. Ord. 3984)

Sec. 20-2.6. Failure To Construct Or Repair Sidewalks Or Curbs.

If any owner, after due and proper notice as in this Article provided, neglects or refuses to construct, reconstruct or repair any sidewalk or curb within the time mentioned in said notice, the Chief Engineer is hereby authorized to cause such sidewalk or curb to be constructed, reconstructed or repaired. The costs thereby incurred by the City shall be a lien upon the property abutting such sidewalk or curb from the date of certification by the Chief Engineer of completion of such construction, reconstruction or repairs, and the same shall be collected from the owner of such property in the name of the City. (Sec. 20-2.6, R.O. 1969; Am. Ord. 3984)

Sec. 20-2.7. Standards And Specifications For Sidewalks.

All sidewalks shall be constructed, reconstructed, improved or repaired in accordance with the Standard Details, Department of Public Works, City and County of Honolulu, dated July 1965, as amended up to and including June 16, 1972, and with the applicable sections of the Standard Specifications for Public Works Construction, Department of Public Works, City and County of Honolulu, dated November 1968, as amended up to and including June 16, 1972. Sidewalks shall be constructed adjacent to the property lines, provided, however, the Chief Engineer may authorize winding sidewalks and provided, further, that such sidewalks shall not cause additional hazards to the public as the Chief Engineer may determine. (Sec. 20-2.7, R.O. 1969; Am. Ord. 3984)

Sec. 20-2.8. Standard Details And Specifications For Curbs.

All curbs shall be constructed, reconstructed, improved or repaired in accordance with the Standard Details, Department of Public Works, City and County of Honolulu, dated July 1965, as amended up to and including June 16, 1972, and with the applicable sections of the Standard Specifications for Public Works Construction, Department of Public Works, City and County of Honolulu, dated November 1968, as amended up to and including June 16, 1972. (Sec. 20-2.8, R.O. 1969; Am. Ord. 3984)

Sec. 20-2.9. Penalty.

Any person who violates any provision of this Article shall upon conviction be punished by a fine not exceeding \$100.00. (Sec. 20-2.9, R.O. 1969; Am. Ord. 3984)

Article 3. Regulation Of Driveways.**Sec. 20-3.1. Definitions.**

For the purpose of this Article:

(1) "Driveway" means a facility constructed between the pavement of a street and any abutting property, which is used by motor vehicles for ingress or egress to the property.

(2) "Street" means a public highway, as defined by statutes, unless otherwise specified.

(3) "Abandoned driveway" means a driveway no longer used for egress and ingress purposes by motor vehicles.

(4) "Chief Engineer" means the Director and Chief Engineer of the Department of Public Works or his duly authorized representative.

(5) "Curb" means the raised border of concrete or stone along the edge of the pavement of a street.

(6) "Owner" means any person, firm, corporation, partnership or other legal entity holding title to any property adjoining any street in the City and County or any lessee thereof holding under a recorded lease. (Sec. 20-3.1, R.O. 1969; Am. Ord. 3984)

Sec. 20-3.3. Issuance Of Permit.

(a) Application for a permit to construct, reconstruct or repair a driveway shall be on forms prescribed by the Chief Engineer.

(b) The applicant for a permit to construct a driveway shall submit a plan, drawn to scale, showing the entire lot and improvements thereon, the location of the new and existing driveways, street trees, utility poles, fire hydrants, catchbasins, parking stalls and any other features in the sidewalk area which may affect the construction and/or use of the driveway. For repair and reconstruction of a driveway, the applicant may submit a sketch with dimensions showing the location of the driveway. If the plans submitted with the application comply with the provisions of this Article, the Chief Engineer shall issue a permit therefor upon payment of the permit fee set forth in Section 20-3.4, as amended. (Sec. 20-3.3, R.O. 1969; Am. Ord. 3984)

Sec. 20-3.4. Permit Fees.

(a) Except as hereinafter provided, the following fees shall apply:

(1) The permit fee for the construction or reconstruction of

driveways shall be \$5.00 for the first 10 feet or fraction thereof, plus \$2.00 for each additional 10 feet, or fraction thereof, of the street frontage.

(2) The permit fee for the repair of a driveway shall be \$2.00.

(3) The permit fee for the conversion of an abandoned driveway to a sidewalk shall be \$2.00 for each 10 feet, or fraction thereof, of the street frontage.

(b) No fee for a driveway permit shall be required of any foreign consulate or any governmental subdivision or agency of the City, State or Federal government, or any contractor thereof.

(c) The permit fee shall not be refundable if:

(1) After issuance of the permit, the permittee decides not to proceed with the construction.

(2) The permit has been issued in error on the basis of incorrect information supplied by the applicant or permittee.

(3) The permit is revoked as provided for in Section 20-3.7. (Sec. 20-3.4, R.O. 1969; Am. Ord. 3984)

Sec. 20-3.6. Expiration Of Permit.

(a) Every permit issued under the provisions of this Article shall expire sixty (60) days after completion of the building served by the driveway or sixty (60) days from the date of issuance where the permit is not issued in conjunction with the issuance of a building permit. The building shall be considered to be completed when it is occupied. The Chief Engineer may extend, in writing, the permit for such period of time not to exceed thirty (30) days for good cause shown, upon application in writing by the permit holder prior to the expiration date of the permit.

(b) When a driveway permit is issued in conjunction with the issuance of a building permit or relocation permit and the permittee fails to construct the driveway within 60 days after completion of the construction or relocation of the building, such failure shall be deemed to be a violation of the Chapter, and in addition to the penalty provided hereinafter, the City shall cause the driveway to be constructed and all costs thereby incurred by the City shall be billed to such owner and shall, if not paid to the City by such owner within thirty (30) days after such billing date, become a lien upon subject property. Completion of construction or relocation of a building shall be defined herein to be the date on which the building is occupied or the date of publication of the notice of completion, whichever occurs earlier.

(c) Upon expiration of a permit, no work shall be commenced unless a new permit is first obtained. The fee for a new permit shall be equal to the full amount of the fee for the original permit. (Sec. 20-3.6, R.O. 1969; Am. Ord. 3984)

Sec. 20-3.7. Field Investigation, Suspension Or Revocation Of Permit.

(a) The issuance of a permit is expressly conditioned upon field investigation by the Chief Engineer to verify the actual field conditions. The Chief Engineer or his authorized representative may make such field adjustment as may be deemed appropriate for construction of the driveway.

(b) The Chief Engineer may suspend or revoke a permit issued under the provisions of this Article whenever the permit is issued on the basis of incorrect information supplied by the applicant or the work to be performed will be in violation of any law.

(c) Any suspension or revocation shall be in writing. When a permit is revoked for any reason, there shall be no refund of any permit fees. (Sec. 20-3.7, R.O. 1969; Am. Ord. 3984)

Sec. 20-3.8. Standards And Specifications For Driveways; Exceptions.

(a) All driveways shall be constructed, reconstructed or repaired in accordance with the applicable Standard Driveway Apron and Layout Details of the Standard Details, Department of Public Works, City and County of Honolulu, dated July 1965, as amended up to and including June 16, 1972. All work shall further conform with the applicable sections of the Standard Specifications for Public Works Construction, Department of Public Works, City and County of Honolulu, dated November 1968, as amended up to and including June 16, 1972.

(b) Whenever a driveway is constructed or reconstructed in a location where the existing driveways are finished in conformance to standards adopted prior to approval of this Ordinance, the Chief Engineer may authorize the constructed or reconstructed driveway to be finished and scored to match the finish and scoring of the adjacent driveways.

(c) The Chief Engineer is further authorized to designate the location of a driveway in an area zoned for business, industrial or hotel-apartment use and to modify the driveway slope provided that such modification is based upon established engineering practice.

(d) Whenever a driveway is to be constructed or reconstructed in conjunction with any project undertaken by the City pursuant to the provisions of Chapter 24, R.O. 1969, relating to improvement by assessments, and the total width of the existing driveway or driveways exceeds the maximum width permitted by the Standard Driveway Layouts, the driveway or driveways may be constructed or reconstructed to the extent of the existing total width or to a total width not exceeding sixty per cent of the property frontage on a street, whichever width is the lesser, but in no event shall the width excluding

flares of any one driveway so constructed or reconstructed exceed fifty feet; provided however, whenever the curb-to-curb width of a street in an improvement district is 20 feet or less, where street parking is prohibited, the above reference to "sixty per cent of the property frontage" shall be changed to "eighty per cent of the property frontage."

(e) When an existing driveway having width or location which does not conform to the width or location prescribed in the Standard Driveway Layout is reconstructed, such driveway shall be exempted from the width and location provisions in the Standard Driveway Layout, provided that such driveway shall be reconstructed to conform to the Standard Driveway Apron Details. (Sec. 20-3.8, R.O. 1969; Am. Ord. 3984)

Sec. 20-3.9. Repair and Reconstruction Of Driveways.

(a) When a driveway is in need of repair or in need of partial or full reconstruction, the Chief Engineer shall give written notice thereof to the owner to repair or reconstruct the driveway.

(b) It shall be the responsibility of the owner to apply within twenty (20) days from the date of such notice for a permit to repair or reconstruct the driveway.

(c) If the owner fails to apply for a permit within twenty (20) days, or if the owner, after having obtained a permit, shall fail to repair or reconstruct said driveway before the expiration of such permit, the Chief Engineer shall perform the necessary work. The costs incurred by the City in so repairing or reconstructing such driveway, including the amount of the permit fee required by Section 20-3.4, shall be billed to such owner and shall, if not paid to the City by such owner within thirty (30) days after such billing date, become a lien upon the subject property.

(d) The construction or placing of a ramp in the gutter is prohibited. (Sec. 20-3.9, R.O. 1969; Am. Ord. 3984)

Sec. 20-3.10. Conversion Of Abandoned Driveway To A Sidewalk.

(a) Upon the abandonment of any driveway, except driveways in an area scheduled for improvement in the City's 6-Year Capital Improvement Program, the owner shall close such driveway by replacing the curb and by converting the area between the curb and the property line into a sidewalk which shall be so finished to conform to the adjacent sidewalk.

(b) If the owner fails to close such abandoned driveway and to convert it to a sidewalk, the Chief Engineer shall cause the City to perform the necessary work. Prior to commencement of any work, the Chief Engineer shall notify the owner that if such owner fails to obtain

a permit to convert the abandoned driveway to a sidewalk within twenty (20) days from the date of such notice or having obtained a permit, fails to convert such driveway to a sidewalk before the expiration of such permit, the City shall perform the necessary work and shall charge the costs thereof, including the amount of the permit fee required by Section 20-3.4, to the owner. (Sec. 20-3.10, R.O. 1969; Am. Ord. 3984)

Sec. 20-3.11. Inspection And Approval.

(a) The permittee shall notify the Chief Engineer at least 24 hours before the permittee, his agent, contractor, or subcontractor begins any work. All work authorized under the permit shall be subject to inspection by the Chief Engineer. Form work and placement of reinforcement shall be inspected and approved by the Chief Engineer prior to the placement of concrete.

(b) A driveway constructed or reconstructed without a permit or without inspection by the Chief Engineer shall be deemed a violation of the provisions of this Article. If the Chief Engineer finds that a driveway which is constructed without inspection does not conform to the requirements prescribed in this Article, he may require that the driveway be removed and reconstructed, and if the owner fails to remove and reconstruct as required, the City shall cause the driveway to be reconstructed and all costs thereby incurred by the City shall be billed to such owner and shall, if not paid to the City by such owner within 30 days after such billing date, become a lien upon the subject property.

(c) Upon completion and inspection of a driveway conforming to the requirements prescribed in this Article, the Chief Engineer shall indicate his approval thereof.

(d) The Chief Engineer shall keep a complete record of all applications made, of permits issued and of approvals given to completed work for a period of six years. (Sec. 20-3.11, R.O. 1969; Am. Ord. 3984)

Article 5. Cleaning And Maintaining Sidewalks.

Sec. 20-5.1. Cleaning Of Sidewalks.

Every property owner whose land abuts or adjoins a public street shall continually maintain, and keep clean, passable and free from weeds and noxious growths, the sidewalk area which abuts or adjoins his property. The term "sidewalk" as used herein, shall mean that portion of a street between a curb line or the pavement of a roadway, and the adjacent property line intended for the use of pedestrians,

including any setback area acquired by the City for road widening purposes. (Sec. 20-5.1, R.O. 1969; Am. Ord. 4051)

Sec. 20-5.3. Notice To Property Owners.

The notice specified in Section 20-5.2 shall be sent to such property owner by mailing it to his last known address. (Sec. 20-5.3, R.O. 1969; Am. Ord. 3984)

**Article 6. Construction Of Improvements
By Certain Property Owners.**

Sec. 20-6.3. Allocation Of Costs.

(a) If the improvements are to be installed in or along City-owned highways, the cost of relocating all utility lines except as hereafter provided shall be borne entirely by the owner thereof, and the City shall bear one-third of the cost of relocating or adjusting existing drainage, water, street lighting and sewer systems and one-third of the cost of constructing the gutters and roadway pavement; provided that the City shall bear the total cost of relocating or adjusting the traffic control system and the total cost of engineering, and provided that the City shall bear the total cost of acquiring any general plan or development plan street setback area, subject to the right of the City to assess such cost against the benefited properties when the acquired setback areas later become part of an improvement district and the provisions of Chapter 24, R.O. 1969, as amended, shall determine the proportionate share of the costs to be borne by the property owners or lessees and the City. (Sec. 20-6.3, R.O. 1969; Am. Ord. 3939)

Sec. 20-6.5. Exceptions.

Notwithstanding the foregoing provisions, the requirements of this Article shall not be applicable.

(1) Where the property in question is situated in an agricultural district established by the State Land Use Commission but a use other than agricultural is permitted under a special use permit granted by the Zoning Board of Appeals and approved by the State Land Use Commission;

(2) If the property in question is part of a subdivision tract in an industrial, or noxious industrial district where all lots in the tract are one acre or more in area and the land and buildings on all of said lots are in fact utilized for industrial or noxious industrial uses, as distinguished from business, semi-industrial or limited industrial uses;

(3) If the General Plan or development plans show deletion of

the street on which the property in question abuts;

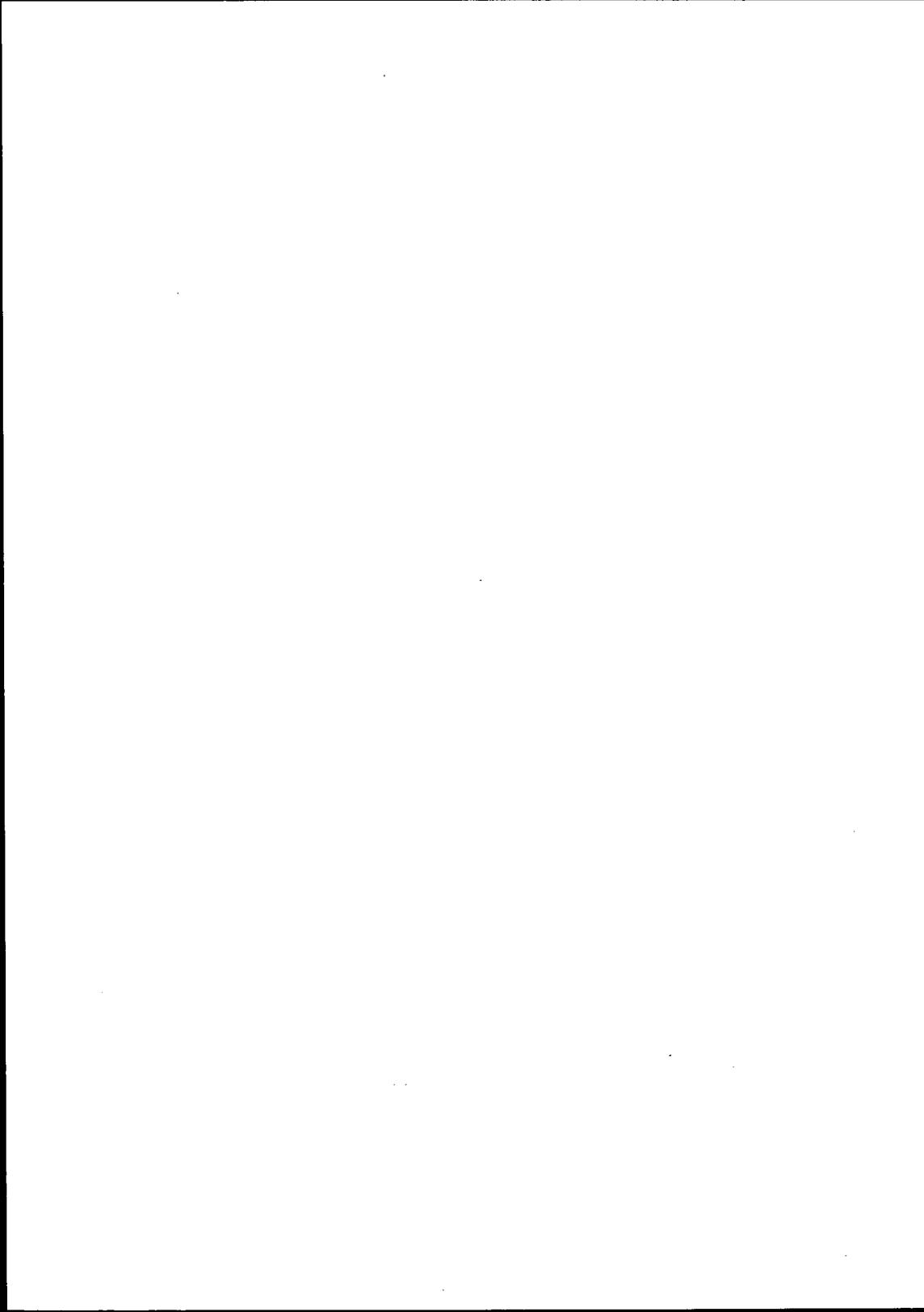
(4) If, in the judgment of the Chief Engineer with respect to City-owned highways or of the Director of the Department of Transportation with respect to State-owned highways, the construction of improvements which are required by this Article would create, rather than alleviate, drainage or traffic problems;

(5) In the case where improvements are to be installed in or along City-owned highways, if curb grades have not been established by the City or are not readily ascertainable by the Chief Engineer, or if the City does not provide funds for the acquisition of setback areas or for the City's share of the costs of improvements;

(6) In the case where improvements are to be installed in or along State-owned highways, if curb grades are not readily ascertainable by the Director of the Department of Transportation of the State of Hawaii, or if the State does not provide funds for the acquisition of setback areas or for the State's share of the costs of improvements;

(7) In the case of the granting of a building permit for the installation of signs, demolition work, fencing or building alterations with a cost of \$1,000.00 or less; or

(8) In the case of the granting of a building permit for building alteration when the affected property abuts a street proposed to be improved under an improvement district as set forth in the City's six-year capital improvement program. (Sec. 20-6.5, R.O. 1969; Am. Ord. 3521)



CHAPTER 23.

Grading, Grubbing And Stockpiling.

Article 1. General Provisions.

Sec. 23-1.1. Purposes.

The purposes of this Chapter are to provide standards to safeguard life and limb, to protect property and to promote the public health, safety and welfare by regulating and controlling grading, grubbing, and stockpiling operations within the City. The public health, safety and welfare require that environmental considerations contribute to the determination of these standards insofar as they relate to protecting against erosion and sediment production. (Sec. 23-1.1, R.O. 1969; Am. Ord. 3968)

Sec. 23-1.2. Scope.

This Chapter sets forth the rules and regulations to control grading, grubbing and stockpiling; establishes the administrative procedure and minimum requirements for issuance of permits and provides for the enforcement of such rules and regulations. (Am. Ord. 3968)

Sec. 23-1.3. Definitions.

Wherever used in this Chapter the following words shall have the meaning indicated:

(a) "Chief Engineer" shall mean the Director and Chief Engineer, Department of Public Works, City and County of Honolulu, or his duly authorized representative.

(b) "Planning Director" shall mean the Planning Director of the City and County of Honolulu or his duly authorized representative.

(c) "Engineer" shall mean a person duly registered as a professional engineer in the State of Hawaii.

(d) "Surveyor" shall mean a person duly registered as a professional land surveyor in the State of Hawaii.

(e) "Engineer's Soils Report" shall mean a report on soils conditions prepared by an engineer qualified in the practice of soils mechanics and foundations engineering.

(f) "Permittee" shall mean the person or party to whom the permit is issued and shall be the owner or developer of the property whether it is a person, firm, corporation, partnership or other legal entity responsible for the work.

(g) "Earth Material" shall mean any rock, coral, sand, gravel, soil or fill and/or any combination thereof.

(h) "Excavation" or "Cut" shall mean any act by which earth material is cut into, dug or moved, and shall include the conditions resulting therefrom.

(i) "Fill" shall mean any act by which earth materials are placed or deposited by artificial means, and shall include the resulting deposit of earth material.

(j) "Grading" shall mean any excavation or fill or any combination thereof.

(k) "Grubbing" shall mean any act by which vegetation, including tree, timber, shrubbery and plant, is dislodged or uprooted from the surface of the ground.

(l) "Stockpiling" shall mean the temporary open storage of earth materials in excess of 100 cubic yards upon any premises except the premise upon which a grading permit has been issued for the purpose of using the material as fill material at some other premises at a future time. (Sec. 23-1.2, R.O. 1969; Am. Ord. 3968)

Sec. 23-1.4. Hazardous Conditions.

Whenever the Chief Engineer determines that any existing grading, grubbing or stock piling is or will become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Chief Engineer shall abate the hazard and be in conformance with the requirements of this Chapter. When there are reasonable grounds to believe that such hazardous conditions may exist, the Chief Engineer or his authorized representatives may obtain a warrant and shall enter upon such property to investigate and/or to enforce the provisions stated herein. (Am. Ord. 3968)

Sec. 23-1.5. Exclusions.

This Chapter shall not apply to the following:

(a) Work in a public street, public sidewalk, public alley, public right-of-way or easement, airfield, or in an isolated, self-contained Government controlled area.

(b) Mining or quarrying operations regulated by other City Ordinances.

(c) Excavation and backfill for the construction of basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made outside the building lines or the placing of fill material obtained from said excavations on other premises.

(d) Grading and grubbing individual cemetery plots.

(e) Agricultural operations, including ranching and all work performed as an incident to or in conjunction with such operations for which a conservation plan has been developed with the technical assistance of the local Soil and Water Conservation District and provided such a plan is fully implemented and maintained; provided, however, that no grading which endangers abutting properties or which alters the general drainage pattern with respect to abutting properties shall be commenced or performed without a grading permit.

(f) Excavation which does not alter the general drainage pattern with respect to abutting properties, which does not exceed 50 cubic yards of material on any one site, and does not exceed 3 feet in vertical height at its deepest point; provided that the cut meets the cut slopes and the distance from property line requirements in Section 23-3.1.

(g) Fill which does not alter the general drainage pattern with respect to abutting properties, which does not exceed 50 cubic yards of material on any one site and does not exceed 3 feet in vertical depth at its deepest point; provided that the fill meets the fill slopes and distance from property line requirements in Section 23-3.1.

(h) Grubbing which does not alter the general drainage pattern with respect to abutting properties and does not exceed a total area of 15,000 square feet.

(i) Exploratory excavations not to exceed 50 cubic yards under the direction of an engineer for the purpose of subsurface investigation, provided that these excavations will be filled in if required by the Chief Engineer and provided that the Chief Engineer has been advised in writing prior to the start of such excavations. (Sec. 23-1.3, R.O. 1969; Am. Ord. 3968)

Article 2. Permits; Bond; Inspection.

Sec. 23-2.1. Permit.

Except as excluded in Section 23-1.5 of this Chapter:

(a) No person shall commence or perform any grading without a grading permit;

(b) No person shall commence or perform any grubbing without a grubbing permit except where grubbing concerns land for which a grading permit has been issued; and

(c) No person shall commence or perform any stockpiling without a stockpiling permit. (Sec. 23-2.1, R.O. 1969; Am. Ord. 3968)

Sec. 23-2.2. Application For Permit.

(a) An applicant for a grading permit shall file with the Chief

Engineer a written application which shall:

(1) Describe, by tax key or street address, the land on which the proposed work is to be done.

(2) State the estimated dates for the starting and completion of the proposed work.

(3) Show the names and addresses of the owner or owners of the property.

(4) Show the name of the permittee and the person who shall be responsible for the work to be performed by himself, his contractors and/or employees and for requesting the inspections required herein. A person signing the application for the permittee shall present evidence that he is authorized to act for the permittee.

(5) Include a vicinity sketch map or plan adequately indicating the site location; property lines, easements and setbacks of the property on which the work is to be performed; location of any buildings, structures and improvements on the property where the work is to be performed and location of any building or structure on adjacent property which is within 15 feet of the property to be graded when the grading may affect the buildings or structures; elevations, dimensions, location, extent and the slopes of all proposed grading shown by contours and/or other means; the area in square feet of the land to be graded; and the quantities of excavation and fill involved.

(6) In the event the area is 15,000 square feet or more:

(aa) State the purpose of the grading work.

(bb) Include a contour map, prepared by a surveyor or an engineer, which shall show the location and type of existing trees with a trunk diameter larger than 12 inches, prominent visible rock outcroppings, utility lines, structures, dimensions and azimuths of property lines, easements and setbacks, and name and location of streets, roadways, and rights-of-way.

(cc) Include a grading plan and specifications prepared by an engineer, which plan shall show: the contours of the land before grading and the finished conditions to be achieved by the proposed grading, to be shown by contours, cross sections, spot elevations or other means; upon request by the Chief Engineer, shall provide information regarding the location and source of imported fill material, the location where excess excavation material is to be disposed of, when the information becomes available; and where an area is proposed to be graded in increments, the plan for the future development of the area and the proposed grading work for the future increments. The Chief Engineer may also require submittal of a plan showing the location of proposed structures, buildings, streets, utilities, ease-

ments, and other improvements where the grading work is to be performed. One of the purposes of the plan is to show that only the minimum grading to develop the area will be performed, and hence the natural contours and topography will be retained wherever feasible, and exposed or finished cuts or fills will be rounded off in a natural manner and sharp angles will be avoided.

(7) In the event the area is more than one (1) acre or in the event a proposed cut or fill is greater than fifteen (15) feet in height, in addition to the foregoing, a drainage and erosion control plan prepared by an engineer, showing the general scheme for controlling erosion and disposal of run-off water, to include drainage devices such as terraces, berms, ditches, culverts, subsurface drains, sedimentation basins, and erosion control planting, mulching, sprigging, or sodding, the estimated run-off quantities of the areas served by each drain and drainage structure. The permittee shall submit temporary erosion control procedures for the Chief Engineer's approval prior to grading and including sequence of construction operations. Where construction equipment will make frequent crossing of a natural drainage course, plans shall provide for temporary culverts or bridge structures to be installed. Where any operations are delayed for any reason, a revised schedule shall be submitted to the Chief Engineer together with such modifications of the temporary drainage and erosion control plan as he may require. Plans shall provide that the area of bare soil exposed at any one time by construction operations be held to a minimum. No drainage structure shall discharge onto a fill slope in such a manner as to cause erosion or gulying.

(8) In the event a proposed cut or fill is greater than fifteen (15) feet in height or the proposed grading is on land with slopes exceeding fifteen (15) percent or in the event any fill is to be placed over a swamp, pond, gully, or lake or in the event the fill material will be a highly plastic clay, or whenever the fill is used to support foundations for residential or other buildings, submit an engineer's soils report, to include data regarding the nature, distribution and engineering characteristics of existing soils, the subsurface conditions at the site or the presence of ground water when detected, and recommending the limits for the proposed grading, the fill material to be used and the manner of placing it, including the height and slopes of cut and fill sections.

(9) The permittee shall submit to the Chief Engineer a copy of any environmental impact statement required by the United States or State agencies.

(b) An applicant for a grubbing permit shall file with the Chief Engineer a written application, which shall:

(1) Describe, by tax key or street address, the land on which the proposed work is to be done.

(2) State the estimated dates for the starting and completion of the proposed work.

(3) Show the names and addresses of the owner or owners of the property.

(4) Show the name of the permittee and the person who shall be responsible for the work to be performed by himself, his contractors and/or employees and for requesting the inspections required herein. A person signing the application for the permittee shall present evidence that he is authorized to act for the permittee.

(5) Contain a statement of the purpose for which the grubbing is required; a plot plan showing the location and property boundaries, easements, and setbacks; an erosion and sediment control plan; and other pertinent information as may be required by the Chief Engineer. Grubbing of land for the purpose of making topographic surveys shall not be permitted. This does not prohibit the cutting of trails for survey lines and access for soil exploration equipment.

(c) An applicant for a stockpiling permit shall file with the Chief Engineer a written application, which shall:

(1) Describe, by tax key or street address, the land on which the proposed work is to be done.

(2) State the estimated dates for the starting and completion of the proposed work.

(3) Show the names and addresses of the owner or owners of the property.

(4) Show the name of the permittee and the person who shall be responsible for the work to be performed by himself, his contractors and/or employees and for requesting the inspections required herein. A person signing the application for the permittee shall present evidence that he is authorized to act for the permittee.

(5) Furnish a plot plan showing the property lines, easements and setbacks and the location of the proposed stockpile, quantities, height of stockpile, life of stockpile, source of the material to be stockpiled and furnish any other information as may be required by the Chief Engineer to control the creation of dust, drainage or sedimentation problems. The plot plan for stockpiling shall be approved by the Chief Engineer. Where stockpiling is for the purpose of surcharging to stabilize or consolidate an area, the Chief Engineer shall require the permittee to submit an engineer's soil report which shall include data on the effect such surcharging will have on adjacent buildings or structures. (Sec. 23-2.2, R.O. 1969; Am. Ord. 3968)

Sec. 23-2.3. Permit Limitations.

(a) In the event the plan for the development of the area to be graded requires a conditional use permit, special permit, or a planned development zoning under the Comprehensive Zoning Code, approval of the permit or the development shall be obtained prior to approval of the grading application, and the grading application shall conform to the conditions of the approved permit or zoning.

(b) In the event the plan for the development of the area to be graded is to be subdivided, tentative approval of the subdivision pursuant to the subdivision rules and regulations shall be obtained prior to the approval of the grading application.

(c) The Chief Engineer may attach such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property, health or welfare. Such conditions may include, but shall not be limited to:

- (1) improvement of any existing grading to bring it up to the standards of this Chapter;
- (2) requirements for fencing of excavation or fills which otherwise would be hazardous;
- (3) the requirement of retaining walls adequate to prevent loss of support to, erosion of, and interference with natural drainage patterns on, adjacent properties;
- (4) cleaning up the area; and
- (5) days and hours of operation.

(d) The issuance of a grading permit shall constitute an authorization to do only that work which is described on the permit and in the plans and specifications approved by the Chief Engineer.

(e) Permits issued under the requirements of this Chapter shall not relieve the permittee of responsibility for securing required permits or approval for work to be done which is regulated by any other code, department or division of the governing agency.

(f) Prior to issuance of a grading permit, the permittee shall obtain a certification by the State Department of Health on the acceptability of the proposed erosion control. (Am. Ord. 3968)

Sec. 23-2.4. Permit Fees.

(a) Before issuing a grading permit, the Chief Engineer shall collect a permit fee for grading on the same site based on the volume of excavation or fill measured in place, whichever is greater, according to the following schedule:

Volume of Material	Permit Fee
1,000 cubic yards or less	\$5.00 for each 100 cubic yards or fraction thereof.

Volume of Material

Permit Fee

1,001-10,000 cubic yards	\$50.00 for the first 1,000 cubic yards plus \$5.00 for each additional 1,000 cubic yards or fraction thereof.
10,001 cubic yards or more	\$95.00 for the first 10,000 cubic yards plus \$3.00 per 1,000 cubic yards or fraction thereof.

The fee for a permit authorizing work additional to that under a valid permit shall be the difference between the fee paid for the original permit and the fee computed for the entire project.

(b) Before issuing a grubbing permit, the Chief Engineer shall collect a permit fee of \$10.00 for grubbing areas up to 15,000 square feet plus \$1.00 for each additional 1,000 square feet or fraction thereof.

(c) Before issuing a stockpiling permit the Chief Engineer shall collect a permit fee of \$5.00 for stockpiling in excess of the first 100 cubic yards plus \$1.00 for each additional 1,000 cubic yards or fraction thereof.

(d) Where work for which a permit is required by this Chapter has been commenced or has been accomplished without a permit, a permit shall be obtained, and double the fees specified above shall be assessed, provided that such work complies with or may be made to comply with the provisions of this Chapter. If the grading work accomplished or commenced cannot be made to comply with the provisions of this Chapter, the person or persons responsible for the initiation or accomplishment of such grading work shall restore the land to its original condition and shall obtain a certificate of completion therefor from the Chief Engineer. Notwithstanding the above, the person or persons responsible for such grading shall be deemed to have violated the provisions of this Chapter by grading without a permit.

Where the grading work accomplished or commenced cannot be made to comply with the provisions of this Chapter, the person or persons responsible shall post a performance bond in an amount sufficient, as determined by the Chief Engineer, to pay all costs of restoring the land to its original condition in the event that the person or persons responsible do not satisfactorily perform said restoration. Such performance bond shall be maintained in force for a period of one (1) year after the restoration work has been completed and no certificate of completion for said work shall be issued by the Chief Engineer until one (1) year has elapsed after the physical work of restoration has been completed.

(e) When grading, grubbing or stockpiling is performed by or on behalf of the City, State or Federal government, the Chief Engineer shall waive the collection of any permit fee required in subsections (a), (b), and (c) above.

(f) All permit fees shall be deposited in the Highway Fund. (Sec. 23-2.3, R.O. 1969; Am. Ord. 3968)

Sec. 23-2.5. Expiration Of Permit.

(a) Every grading or grubbing permit shall expire and become null and void by limitation unless the work permitted therein is started within 90 days after the date of issuance; if the work is suspended or abandoned at any time after the work is commenced for a period of 60 days; or one year after the date of issuance of the permit. Before such work can be recommenced, a new permit shall first be obtained to do so and the fee therefor shall be the fee as specified above. Permit fees for an expired permit even if no work has commenced shall not be refunded.

(b) Every stockpiling permit shall expire and become null and void one year after the date of issuance and all stockpiled material temporarily stored on the premises shall be removed from the premises or used on the premises as fill material under a grading permit for fill prior to the expiration date. Upon written application the Chief Engineer may grant extension or renewal for an expired stockpiling permit. In granting such extension or renewal the Chief Engineer may attach such conditions as deemed appropriate to prevent the creation and maintenance of a nuisance or hazard to individuals and property. Permit fee for extension or renewal shall be the fee as specified above. (Sec. 23-2.4, R.O. 1969; Am. Ord. 3968)

Sec. 23-2.6. Denial Of Permit.

If the Chief Engineer finds that the work as proposed by the applicant is likely to endanger any property or public way or structure or endanger the public health or welfare through environmental damage, he shall deny the grading, grubbing or stockpiling permit. Factors to be considered in determining probability of hazardous conditions shall include, but not be limited to, possible saturation of the ground by rains, earth movements, dangerous geological conditions or flood hazards, undesirable surface water run-off, subsurface conditions such as the stratification and faulting of rock, nature and type of soil or rock. Failure of the Chief Engineer to observe or recognize hazardous conditions or his failure to deny the grading, grubbing or stockpiling permit shall not relieve the permittee or his agent from being responsible, nor cause the City, its officers or agents, to be held responsible for the conditions or damages resulting therefrom. (Sec. 23-2.6, R.O. 1969; Am. Ord. 3968)

Sec. 23-2.7. Suspension Or Revocation Of Permit.

(a) All permittees shall be required to comply with all applicable laws, ordinances, rules or regulations of the State of Hawaii or of the City and County of Honolulu. The Chief Engineer shall, in writing, suspend or revoke a permit issued under the provisions of this Chapter whenever the permit has been issued on the basis of incorrect information supplied by the permittee; whenever the grading, grubbing or stockpiling is not being performed in accordance with the terms and provisions of the permit; whenever it is determined that the permittee has not complied with any provision of any other applicable law, ordinance, rule or regulation of the State of Hawaii or the City and County of Honolulu; or whenever the grading, grubbing or stockpiling discloses conditions that are objectionable or unsafe. Where a permit is revoked for any reason, there shall be no refund of any permit fees.

(b) When a permit has been suspended the permittee may submit detailed plans and proposals for compliance with the provisions of this Chapter, and any other applicable laws, ordinances, rules or regulations of the State of Hawaii or the City and County of Honolulu, and for correcting the objectionable or unsafe conditions. Upon approval of such plans and proposals by the Chief Engineer, he may authorize the permittee, in writing, to proceed with the work.

(c) When a permit has been suspended and the permittee fails to take corrective action specified above within 30 days following the suspension, the Chief Engineer may correct the objectionable or unsafe conditions and the permittee shall be liable for the cost thereof, or, where a bond required by Section 23-2.8 hereof has been filed with the City, from the surety executing such bond, or shall be deducted from the cash which has been deposited with the City in lieu of filing a bond. (Sec. 23-2.7, R.O. 1969; Am. Ord. 3968)

Sec. 23-2.8. Bond.

(a) Bond Required. A grading permit or stockpiling permit shall not be issued for any cut, fill or stockpiling involving quantities more than 500 cubic yards or for excavations or fills over 15 feet in vertical height unless the permittee shall first file a bond for the benefit of the City and County of Honolulu, provided that, if the proposed grading or stockpiling is to be performed under an approved subdivision final map and a subdivision agreement, or bond or other security has been approved and accepted by the City under the Subdivision Rules and Regulations of the City and County of Honolulu, or a contractor's performance bond accepted by the City and County of Honolulu, then the Chief Engineer shall not require a bond for grading or stockpiling. A copy of the approved and accepted subdivision bond or other security shall be presented as evidence by the applicant for a grading or stockpiling

permit. At the option of the applicant, he may either file a bond guaranteed by a surety company duly authorized to transact business within the State of Hawaii, or he may deposit cash or letter of credit in lieu of a bond. No interest shall be paid by the City on such cash deposit. The provisions herein relating to a surety bond shall be equally applicable to a cash deposit pledged as a bond.

(b) Amount of Bond. The amount of the bond shall be based upon the number of cubic yards of material in either excavation, fill or stockpiling, whichever is the greater volume. The amount of the bond shall be computed as set forth in the following table:

10,000 cubic yards or less	\$.50 per cubic yard;
Over 10,000 to 100,000 cubic yards	\$5,000 plus 25 cents per cubic yard for each additional cubic yard in excess of 10,000;
Over 100,000 cubic yards	\$27,500, plus 10 cents per cubic yard for each additional cubic yard in excess of 100,000.

(c) Conditions. Each bond shall provide that the surety shall be held and firmly bound unto the City and County of Honolulu for so long as the following conditions have not been met:

- (1) The Permittee shall comply with all of the terms and conditions of the permit to the satisfaction of the Chief Engineer.
- (2) The Permittee shall complete all of the work authorized under the permit within the time limit specified in the permit.
- (3) The surety company shall not terminate or cancel said bond until notified in writing by the Chief Engineer of any termination or cancellation.

(d) Period and termination of bond. The term of each bond shall begin upon the date of issuance of the permit and shall remain in effect for a period of one year after the date of completion of the work to the satisfaction of the Chief Engineer. Such completion shall be evidenced by a certificate signed by the Chief Engineer. In the event of failure to complete the work or failure to comply with all of the conditions and terms of the permit, the Chief Engineer may order the work to be completed as required by the permit and to the satisfaction of the Chief Engineer. The surety executing such bond or the cash depositor, shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the City and County of Honolulu, in causing any and all of such required work to be done, and said surety and the permittee assents to the completion of the work even though it is performed after the time allowed in the permit. Upon completion of such work by the City the bond shall be terminated. In the case of a cash deposit, such a deposit or any unused portion thereof not required

to complete the work authorized by the permit shall be refunded to the permittee. (Sec. 23-2.8, R.O. 1969; Am. Ord. 3968)

Sec. 23-2.9. Inspection.

(a) Each permit issued under this Chapter shall be deemed to include the right to the Chief Engineer or his authorized representatives to enter upon and to inspect the grading, grubbing or stockpiling operations.

(b) The permittee shall notify the Chief Engineer at least 2 days before the permittee or his agent begins any grading, grubbing or stockpiling. A copy of the permit, plans and specifications for grading, grubbing or stockpiling shall be maintained at the site during the progress of any work.

(c) If the Chief Engineer or his representative finds that the work is not being done in conformance with this Chapter; or the plans; or in accordance with accepted practices, he shall immediately notify the person in charge of the grading work of the non-conformity and of the corrective measures to be taken. Grading operations shall cease until corrective measures satisfactory to the Chief Engineer have been taken. (Sec. 23-2.9, R.O. 1969; Am. Ord. 3968)

Article 3. Grading, Grubbing And Stockpiling.

Sec. 23-3.1. Conditions Of Permit.

The requirements of paragraphs (a), (b), and (c) herein may be modified by the Chief Engineer based on the engineer's soils report.

(a) Height. Where a cut or fill is greater than 15 feet in height, terraces or benches shall be constructed at vertical intervals of 15 feet except that where only one bench is required, it shall be at the midpoint. The minimum width of such terraces or benches shall be at least 8 feet and provided with drainage provisions to control erosion on the slope face and bench surface.

(b) Cut slopes. Under the following soil conditions, no cut may be steeper in slope than the ratio of its horizontal to its vertical distance as shown below:

1/2 horizontal to 1 vertical in unweathered rock or mudrock

1 horizontal to 1 vertical in decomposed rock

1 1/2 horizontal to 1 vertical in soils of low plasticity, cuts of any height in highly plastic soils shall be as recommended in the engineer's soils report

(c) Fill slopes. Fills shall not be steeper than the ratio of 2 horizontal to 1 vertical except that fill using highly plastic clays shall have slopes as recommended in the engineer's soils report.

(d) Distance from property line. The horizontal distance from the top of a cut slope or the bottom of a fill slope to the adjoining property line shall not be less than as follows:

Height of cut or fill	Distance from property line (in feet)
Zero feet to 4 feet	2
More than 4 feet to 8 feet	4
More than 8 feet to 15 feet	6
More than 15 feet	8

These requirements may be modified by the Chief Engineer when cuts or fills are supported by retaining walls or when the permittee submits an engineer's soils report stating that the soil conditions will permit a lesser horizontal distance without causing damage or danger to the adjoining property.

(e) Area opened. The maximum-sized parcel of land that may be opened for grading or grubbing is 15 acres. Non-contiguous increments may be worked concurrently provided no single parcel exceeds 15 acres. The area of land that may be opened may be reduced by the Chief Engineer to control pollution and minimize storm damage. However, if soils, hydrologic, climatic and construction conditions warrant, and adequate erosion prevention measures have been taken, the Chief Engineer may authorize additional area to be opened. Additional area may not be opened for grading or grubbing until measures to prevent dust or erosion problems in the area already graded or grubbed have been undertaken to the satisfaction of the Chief Engineer.

(f) Fills. The requirements of subparagraphs 1, 2 and 3 below may be modified by the Chief Engineer if the permittee submits an engineer's soils report recommending criteria for the proposed fill for its intended use.

(1) Fill material shall be selected to meet the requirements and conditions of the particular fill for which it is to be used. The fill material shall not contain vegetation or organic matter. Where rocks, concrete, or similar materials of greater than 8 inches in diameter are incorporated into the fill, they shall be placed in accordance with the recommendation of a soils engineer.

(2) Preparation of ground surface. Before placing fill or stockpiling, the natural ground surface shall be prepared by removing the vegetation and, if required by the Chief Engineer, shall be notched by a series of benches and/or subsurface drains installed. No fill shall be placed over any water spring, marsh, refuse dump, nor upon a soft, soggy or springy foundation; provided, that this requirement may be waived by the Chief Engineer if the permittee submits an engineer's soils report recommending criteria for the fill.

(3) Placement and compaction. Fill materials shall be spread and compacted in a series of 8 inch to 10 inch layers when compacted, unless otherwise recommended by the soils engineer. Except for slopes, the fill shall be compacted to 90 per cent of maximum density as determined by the most recent ASTM Soil Compaction Test D1557 unless the engineer's soils report justifies a lesser degree of compaction, unless otherwise recommended by the soils engineer.

(g) Vegetation. Whenever feasible, natural vegetation should be retained. If it is necessary to be removed, trees, timber, plants, shrubbery and other woody vegetation, after being uprooted, displaced or dislodged from the ground by excavation, clearing or grubbing, shall not be stored or deposited along the banks of any stream, river or natural water course. After being uprooted, displaced or dislodged, such vegetation shall be disposed of by means approved in writing by the Chief Engineer or removed from the site within a reasonable time, but not to exceed three months.

(h) Drainage provisions. Adequate provisions shall be made to prevent surface waters from damaging the cut face of an excavation or the sloped surfaces of a fill. Positive drainage shall be provided to prevent the accumulation or retention of surface water in pits, gullies, holes or similar depressions. All drainage facilities shall be designed to carry surface waters to a street, storm drain or natural water course. The Chief Engineer may require such drainage structures and pipes to be constructed or installed, which in his opinion, are necessary to prevent erosion damage and to satisfactorily carry off surface waters. The flow of any existing and known natural underground drainage shall not be impeded or changed so as to cause damage to adjoining property.

(i) Debris prohibited. No person shall perform any grading operation so as to cause falling rocks, soil or debris in any form to fall, slide or flow onto adjoining properties.

(j) Work days. No grading work shall be done on Saturdays, Sundays and holidays at any time without prior notice to the Chief Engineer.

(k) Dust control. All work areas within and without the actual grading area shall be maintained free from dust which will cause a nuisance or hazard to others and in conformance with the air pollution control standards and regulations of the Department of Health, State of Hawaii.

(l) Water Quality Standards. All grading operations authorized under this Chapter shall be performed in conformance with the applicable provisions of the Water Pollution Control and Water Quality Standards contained in the Public Health Regulations, Department of

Health, State of Hawaii, on Water Pollution Control and Water Quality Standards.

(m) Notification of completion. The permittee or his agent shall notify the Chief Engineer or his representative when the grading operation is ready for final inspection. Final approval shall not be given until completion of all work including installation of all drainage structures and their protective devices, completion of all planting showing a healthy growth in conformance with the approved plans and specifications, and the required reports have been submitted.

(n) Report after grading. When grading involves cuts or fills for which an engineer's soils report is required, the permittee shall submit a report, prepared by an engineer, upon the completion of such work. This report shall contain:

(1) A description of materials used in the fill and its moisture content at the time of compaction, the procedure used in depositing and compacting the fill, the preparation of original ground surface before making the fill, but not limited to benching and subsurface drainage, and a plan or tabulation showing the general location and elevation of compaction tests made in the fill together with a tabulation of relative compaction densities obtained at each location, the location of subdrains and other pertinent features of the fill necessary for its stability.

(2) A certification that the work was done in conformity to this Chapter, the approved plans and specifications and the engineer's soils report.

(o) As Graded Plan. Upon completion of grading areas over one (1) acre or areas graded under Subdivision Rules and Regulations, an as-graded plan prepared by an engineer or land surveyor shall be submitted if required by the Chief Engineer. (Sec. 23-3.1, R.O. 1969; Am. Ord. 3968)

Sec. 23-3.2. Special Requirements.

(a) Any person performing or causing to be performed any excavation or fill shall, at his own expense, provide the necessary means to prevent the movement of earth of the adjoining properties, to protect the improvements thereon, and to maintain the existing natural grade of adjoining properties.

(b) Any person performing or causing to be performed, any excavation or fill shall be responsible for the maintenance or restoration of street pavements, sidewalks and curbs, and improvements of public utilities which may be affected. The maintenance or restoration of street pavements, sidewalks and curbs shall be performed in accordance with the requirements of the City and County of Honolulu and the maintenance and restoration of improvements of public utilities

shall be in conformity with the standards of the public utility companies affected. At cuts fronting any street, a suitable and adequate barrier shall be installed to provide protection to the public.

(c) Any person depositing or causing to be deposited, any silt or other debris in ditches, water courses, drainage facilities, and public roadways, shall remove such silt or other debris. In case such person shall fail, neglect or refuse to comply with the provisions of this section within 48 hours after written notice, served upon him, either by mail or by personal service, the Chief Engineer may proceed to remove the silt and other debris or to take any other action he deems appropriate. The costs incurred for any action taken by the Chief Engineer shall be payable by such person.

(d) At any stage of the grading, grubbing, or stockpiling work, if the Chief Engineer finds that further work as authorized by an existing permit is likely to create soil erosion problems or to endanger any life, limb or property, he may require safety precautions, which may include but shall not be limited to the construction of flatter exposed slopes, the construction of additional silting or sediment basins, drainage facilities or benches; the removal of rocks, boulders debris and other dangerous objects which, if dislodged, are likely to cause injury or damage; the construction of fences or other suitable protective barriers; or may refer to the local Soil and Water Conservation District for advice from the Soil Conservation Service or other appropriate agencies on the planting or sodding of slopes and bare areas. All planted or sodded areas shall be maintained. An irrigation system or watering facilities may be required by the Chief Engineer.

(e) At any stage of the grading, grubbing, or stockpiling operations, if the Chief Engineer finds that further work as authorized by an existing permit is likely to create dust problems which may jeopardize health, property or the public welfare, the Chief Engineer may require additional dust control precautions and, if these additional precautions are not effective in controlling dust, may stop all operations. These additional dust control measures may include such items as sprinkling water, applying mulch treated with bituminous material, or applying hydro mulch.

(f) Hillside lots shall be graded in such a manner that any parcels which may be created therefrom, including all separate building sites which may be contained within said parcels, can be satisfactorily graded and developed as individual building sites. (Sec. 23-3.2, R.O. 1969; Am. Ord. 3968)

Article 4. Violations And Penalties; Liabilities.

Sec. 23-4.1. Violations And Penalties.

(a) Violations. It shall be unlawful for any person to do any act forbidden, or to fail to perform any act required, by the provisions of this Chapter. Whenever a corporation violates any of the provisions of this Chapter, the violation shall be deemed to be also that of the individual directors, officers, or agents of the corporation who in their capacity as directors, officers, or agents of such corporation have authorized, ordered or done any of the acts constituting in whole or in part such violation. Any person violating any provision of this Chapter shall, upon conviction, be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 180 days, or by both, for each offense.

(b) Continuing violation. The failure to comply with the requirements set forth under the provisions of this Chapter shall be deemed a new offense for each day of such non-compliance, provided that no person shall be imprisoned for more than 180 days for a violation of a provision of this Chapter notwithstanding the fact that said violation may have continued for more than one day.

(c) In addition to the remedies set forth in (a) above, the Chief Engineer or his authorized representative shall have recourse to every remedy provided by law to enforce the provisions of this Chapter. (Sec. 23-4.1, R.O. 1969; Am. Ord. 3968)

Sec. 23-4.2. Liability.

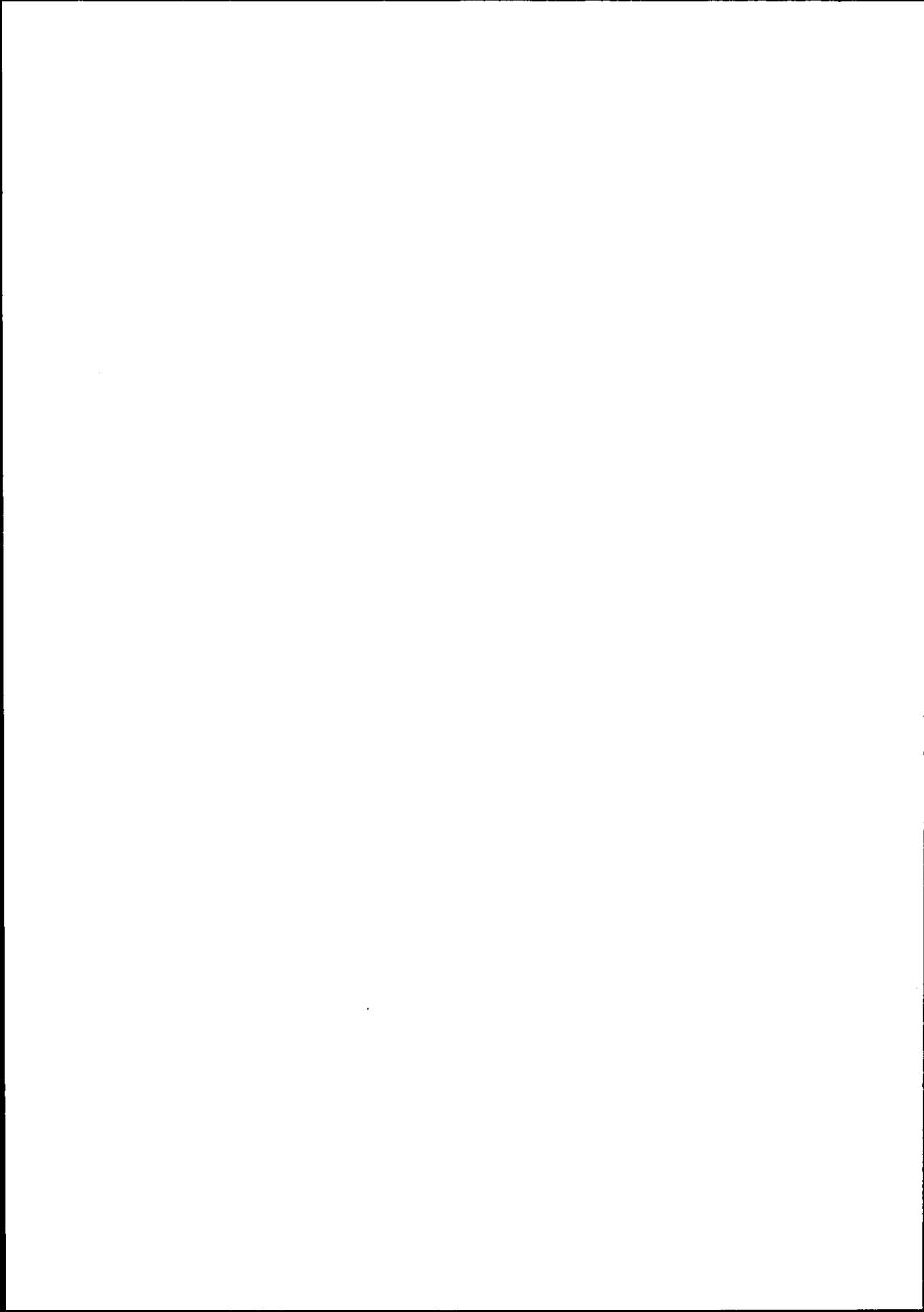
The provisions of this Chapter shall not be construed to relieve or alleviate the liability of any person for damages resulting from performing, or causing to be performed, any grading, grubbing or stockpiling operation. The City, its officers and employees shall be free from any liability, cost or damage which may accrue from any grading, grubbing or stockpiling or any work connected therewith, authorized by this Chapter. (Sec. 23-4.2, R.O. 1969; Am. Ord. 3968)

Sec. 23-4.3. Rule-Making Powers.

The Chief Engineer shall be empowered to promulgate rules and regulations pursuant to Chapter 91, Hawaii Revised Statutes for the implementation of the provisions of this ordinance. (Am. Ord. 3968)

Sec. 23-4.4. Decisions Of The Chief Engineer.

Decisions of the Chief Engineer made in accordance with the provisions of this Chapter, and/or decisions involving variations from the standards referred to herein shall be made a matter of record in the permit file. (Am. Ord. 3968)



CHAPTER 24.

Improvement By Assessments.

Article 1. General Provisions.

Sec. 24-1.1. Methods.

(a) Whenever in the opinion of the Council it is desirable to establish, open or construct any public highway, as defined by statute, including in connection therewith the construction of a sidewalk, storm drainage system, water system or street lighting system or to extend, widen, alter, grade, pave, curb, macadamize or otherwise improve, to an extent exceeding maintenance or repair thereof, the whole or any part of any existing public highway including in connection therewith the construction or improvement of a sidewalk, storm drainage system, water system or street lighting system, or to construct or improve a storm drainage system, street lighting system, or sidewalk independently of any other construction or improvement, or acquire property for or construct or improve pedestrian malls, or acquire property for or construct or improve off-street parking facilities as provided in Chapter 56, HRS, or acquire property for or construct or improve parks, playgrounds or public beaches as provided in Section 24-1.2A hereof, such acquisitions, betterments or improvements shall be made and done under the provisions of this Chapter, provided that in the case of a sidewalk, which is to be constructed independently of any other improvement, the highway along which the construction of such sidewalk is proposed shall have existing curbing and the right-of-way width of such highway shall be at least equal to the width indicated in the General Plan of the City and the cost thereof, including the cost (if not assumed by the City under the discretionary power contained in Section 24-2.1) of acquiring, whether prior to or after the commencement of the proceedings for such betterments or improvements, any new land therefor, shall be assessed against the land specially benefitted, either on the frontage basis or according to area of the land or real property tax assessment on the value of the land and improvements thereon within an improvement district or any combination of the aforesaid methods of assessment, provided that wherever the frontage or area basis assessment are mentioned in sections and provisions contained hereinafter said valuation method may be used, or in combination of one or more of the aforesaid methods of assessment; and provided further that the City may issue and sell bonds to provide the funds for such improvements, which bonds for an improvement or improvements initiated by the City pursuant to Section 24-3.1 only may in the

sole discretion of the Council be either general obligation bonds of the City (or the funds for such improvement or improvements may be provided from the special assessment revolving fund or from both the special assessment revolving fund and the issuance and sale of general obligation bonds) or bonds secured only by such assessments as a lien upon the lands assessed, and for an improvement or improvements initiated pursuant to Sections 24-3.2 and 24-3.3 shall be only bonds secured only by such assessments as a lien upon the lands assessed; and for such purposes the Council may create, define and establish improvement districts, all according to the provisions of this Chapter. (Sec. 24-1.1, R.O. 1969; Am. Ord. 3948)

Sec. 24-1.2A. Parks, Playgrounds And Beaches.

Whenever deemed desirable or necessary in the interests of the public, the Council may establish an improvement district for the purpose of acquiring property for, or constructing or improving a park, playground or public beach in conformity with the provisions of this Chapter; provided that nothing contained herein shall be construed to limit the power of the Council to provide for the acquisition of property or construction or improvement for the same purposes without levying assessments. (Sec. 24-1.2A, R.O. 1969; Am. Ord. 3948)

Article 4. Assessments.

Sec. 24-4.5. Payment Of Installments.

In case of an election to pay any assessment in installments, the assessment shall be payable in not more than twenty (20) annual installments; provided that in an improvement or improvements made pursuant to Section 24-3.1, with respect to which the required amount for the contract price and other costs involved is obtained through the sale of general obligation bonds or from the special assessment revolving fund or both pursuant to Section 24-5.1 (b), the assessments may be made payable in not more than two hundred forty (240) monthly installments. Interest shall be paid on the unpaid principal at a rate not exceeding eight per cent per annum. The number of such installments and period of payment and the rate of interest shall be as determined by the Council.

The owner of any land assessed may at any time after the expiration of the first thirty-day period pay the entire unpaid principal of an assessment, or any portion of the unpaid principal, together with interest on the amount so paid to the date for the payment of the next subsequent installment, and such owner shall no longer be liable for the interest which would otherwise have accrued after such date on the

amount of principal so prepaid. Any prepayment of the unpaid principal of an assessment shall be applied to reduce the unpaid principal of the assessment outstanding; shall be credited against the outstanding principal installments in inverse chronological order; and shall not relieve the owner of the land assessed from the payment of the amount of the installment of principal and interest next due. (Sec. 24-4.5, R.O. 1969; Am. Ord. 3524)

Sec. 24-4.12. Sale Of Land Bid In By Director Of Finance At Sale.

Whenever any land has been bid in by the Director of Finance at any sale for default of the owner thereof, the Director of Finance in making such sale thereof as may by law be authorized, may sell the same upon the following terms and conditions:

(a) A down payment at the sale of twenty per cent of the sale price;

(b) The balance payable in monthly installments of not less than one and one-third per cent of the total sale price, plus interest at the prevailing rate established by the Council for payment of the unpaid balance of the property owners' share of the cost of assessments within an improvement created and established under Section 24-3.1;

(c) Failure for thirty days to pay any installment due shall effect an entire forfeiture of the purchaser's right, title and interest in such land and in any payments previously made by him on account thereof;

(d) Such building restrictions as the Director of Finance may prescribe; and

(e) Such land when sold shall be subject to real property taxes. (Sec. 24-4.12, R.O. 1969; Am. Ord. 3629)

Article 5. Financing.

Sec. 24-5.1. Improvement District Bonds, General Obligation Bonds And Special Assessment Revolving Fund, And Advances From Available Funds.

(a) Improvement District Bonds. In the event of an election to pay all or any part of any such special assessment in installments, the unpaid amount of such special assessment required to pay the contract price of the improvement and any other cost involved in the undertaking of the improvement, including the cost of land acquisition, shall be obtained by the issuance of sufficient improvement district bonds of the City to raise such required amount; provided that if the aggregate

of the assessment installments for all property owners in the district is less than \$1,000.00 in each year, then improvement district bonds need not be issued; provided further that, in the discretion of the Council, the aggregate amount of such bonds may be rounded off either to that multiple of \$1,000.00, or to that multiple of the denomination of the bonds, next preceding the aggregate amount of the total of the unpaid assessments of all property owners in the district, so as to avoid the issuance of a bond in a denomination less than \$1,000.00 or the issuance of a bond in a denomination different from the other bonds of any issue.

Improvement district bonds shall be in such form as may be prescribed by the Council, shall bear the name of the benefited or improved district, shall be payable to bearer in a sufficient period of years to cover the outstanding installment payments determined pursuant to the provisions of this Chapter, and shall be subject to call after the second interest date thereof as hereinafter provided. The bonds of each issue shall bear serial numbers, shall be of such denomination as may be determined by the Council and shall bear interest at a rate as may be determined by the Council of not more than eight per cent per annum, payable semi-annually. They shall be executed by the Director of Finance and issued pursuant to and under the authority and requirements of resolutions of the Council. The bonds shall bear the lithographed or engraved facsimile signature of the Mayor and shall be sealed with the seal of the City, or a lithographed or engraved facsimile thereof. Interest coupons shall bear a lithographed or engraved facsimile of the signature of the Director of Finance. The Director of Finance shall preserve a record of the bonds in a suitable book kept for that purpose. The improvement district bonds shall be payable only out of the moneys collected on account of assessments made for the improvement or improvements for which they are issued and the City shall not otherwise guarantee payment of such bonds; provided, that interest payments may be advanced by the Director of Finance out of moneys available in the improvement district revolving fund. (Sec. 24-5.1, R.O. 1969; Am. Ord. 3524)

CHAPTER 25.

Housing Code.

Article 1. General Provisions.

Sec. 25-1.1. Findings And Declaration Of Intent Of The Council.

(a) Findings. The Council hereby finds that there are buildings, or structures, or portions thereof, used or designed or intended to be used for human habitation in the City and County of Honolulu, which are unfit for such habitation due to dilapidation; disrepair; structural defects; defects increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; uncleanliness; overcrowding; inadequate ingress and egress; inadequate drainage; violation of health and fire regulations; violation of building, zoning, plumbing and electrical ordinances; and violation of other laws, regulations and ordinances, relating to the use of land and the use and occupancy of buildings and improvements.

(b) Declaration of Intent. In view of the foregoing findings the Council declares that:

(1) The purpose of the provisions set forth hereinbelow is to provide minimum requirements for the protection of health, safety, and welfare of the general public and the owners and occupants of buildings in the City and County of Honolulu and for the protection of property from blighting influences; and

(2) The provisions prescribed hereinbelow are based on the standards contained in the Uniform Building Code, Volume III, Housing, 1970 Edition, as copyrighted and published in 1970 by the International Conference of Building Officials, 50 South Los Robles, Pasadena, California (Am. Ord. 3814)

Sec. 25-1.2. Short Title.

This ordinance shall be known as the "Housing Code", may be cited as such, and will be referred to herein as "this Code". (Am. Ord. 3814)

Sec. 25-1.3. Application And Compliance.

(a) Application. The provisions of this Code shall apply in the City and County of Honolulu to any building, as defined in this Code.

Where any building is used or intended to be used as a combination apartment house-hotel, the provisions of this Code relative to each part of such combination shall apply to such part as if it were a separate building.

Every rooming house or lodging house shall comply with all the requirements of this Code for dwellings.

(b) Alteration. When alterations, additions or repairs are made to an existing building, such alterations, additions or repairs shall conform to the provisions of this Code.

(c) Relocation. Existing buildings which are moved or relocated shall be considered new buildings and shall comply with the requirements of this Code. (Am. Ord. 3814)

Article 2. Definitions.

Sec. 25-2.1. Definitions.

For the purpose of this Code, the following words and phrases shall have the definitions prescribed in this Section, unless it is apparent from the context that a different meaning is intended. Words and phrases not defined in this Section shall have the definitions prescribed in the Building Code, unless it is apparent from the context that a different meaning is intended.

APARTMENT. Apartment shall mean a dwelling unit as defined in this Code.

APARTMENT HOUSE. A building or a portion thereof, designed or demised to be occupied, or occupied, by three or more families living independently of each other in dwelling units or efficiency living units.

BOARDING HOUSE. Boarding house is a lodging house in which meals are provided.

BUILDING. Building shall mean any building or structure, or portion thereof, which is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes or any combination thereof and includes any appurtenances belonging thereto or usually enjoyed therewith. The term shall include, without limiting the generality of the foregoing, any structure mounted on wheels or otherwise, such as a trailer, wagon or powered vehicle, which is parked and stationary and used for living purposes. The term shall not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home or other institution in which human beings are housed and detained under legal restraint.

BUILDING CODE. The Building Code of the City and County of Honolulu, as amended.

BUILDING, EXISTING. Existing building is a building erected prior to the adoption of this Code or one for which a legal building permit has been issued.

CEILING HEIGHT. Ceiling height shall be the clear vertical dis-

tance from the finished floor to the finished ceiling.

CITY. City and County of Honolulu.

COURT. Court is an open, unoccupied space extending not more than twenty-four inches (24") below finish grade and bounded on three or more sides by the walls of the building. An inner court is a court entirely within the exterior walls of a building. All other courts are outer courts.

DWELLING. Dwelling is any building or any portion thereof, which is not an "Apartment House," a "Lodging House", or a "Hotel" as defined in this Code, which contains one or two "Dwelling Units" or "Guest Rooms", used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which are occupied for living purposes.

DWELLING UNIT. Dwelling unit is a suite of two or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and dining.

EFFICIENCY LIVING UNIT. Efficiency living unit is any room having cooking facilities used for combined living, dining, and sleeping purposes and meeting the requirements of the exception to Section 25-4.3 (b).

EXIT. Exit is a continuous and unobstructed means of egress to a public way, and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts, and yards.

FAMILY. The term "family" shall be as defined in the Comprehensive Zoning Code, City and County of Honolulu.

GUEST. Guest is any person hiring or occupying a room or rooms for living or sleeping purposes.

GUEST ROOM. Guest room is any room or rooms used, or intended to be used, by a guest for living or sleeping purposes.

HABITABLE ROOM. Habitable room shall mean any room meeting the requirements of this Code for sleeping, living, cooking or dining purposes excluding closets, pantries, connecting corridors, unfinished attics, foyers, cellars, service rooms and similar spaces.

HEALTH OFFICER. The Director of Health of the Department of Health, State of Hawaii.

HOT WATER. Hot water shall be water at a temperature of not less than 120° F.

HOTEL. Hotel is any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise.

KITCHEN. The term "kitchen" shall be as defined in the Com-

prehensive Zoning Code, City and County of Honolulu.

LODGING HOUSE. Any building or portion thereof, containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise.

NUISANCE. The following shall be defined as nuisances:

(a) Any public nuisance known at common law or in equity jurisprudence.

(b) Any attractive nuisance which may prove detrimental to children whether in a building or on the premises of a building. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.

(c) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.

(d) Overcrowding a room with occupants.

(e) Insufficient ventilation or illumination.

(f) Inadequate or unsanitary sewerage or plumbing facilities.

(g) Uncleanliness, as determined by the health officer.

(h) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

ROOMING HOUSE. A lodging house.

SERVICE ROOM. Service room shall mean any room used for storage, bath or utility purposes, and not included in the definition of habitable rooms.

SUBSTANDARD BUILDING. A substandard building as defined in Section 25-9.1 of this Code.

SUPERFICIAL FLOOR AREA. Superficial floor area shall mean the net floor area within the enclosing walls of a room in which the ceiling height is not less than five feet (5'), excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures.

USED. Used shall mean used or designed or intended to be used.

VENT SHAFT. Vent shaft is a court used only to ventilate or light a water closet, bath, toilet, utility room, or other service room.

WINDOW. Window shall mean a glazed opening, including glazed doors, which open upon a yard, court, or recess from a court, or a vent shaft open and unobstructed to the sky.

YARD. The term "yard" shall be as defined in the Comprehensive Zoning Code, City and County of Honolulu. (Am. Ord. 3814)

Article 3. Inspections.

Sec. 25-3.1. Inspections.

All building and structures within the scope of this Code shall be

subject to inspection by the building official as provided in subsection (b) of Section 25-10.1 of this Code. (Am. Ord. 3814)

Article 4. Space And Occupancy Standards.

Sec. 25-4.1. Access To Public Property.

All buildings shall be located with respect to property lines and to other buildings on the same property as required by this Code, the Building Code and all statutes, regulations and ordinances applicable to buildings. Each dwelling unit and each guest room in a dwelling or a lodging house shall have access to a passageway, not less than three feet (3') in width, leading to a public street or alley. Each apartment house or hotel shall have access to a public street by means of a passageway not less than five feet (5') in width. (Am. Ord. 3814)

Sec. 25-4.2. External Space Requirements.

(a) Scope. This Section shall apply to all spacing between buildings or structures and lot boundaries, between buildings or structures on the same lot and between the walls of a court.

(b) Spacing. Minimum horizontal spacing shall be provided as follows:

(1) Between a wall of a building or structure and a vertical plane through a lot boundary. The spacing shall be as specified in the Comprehensive Zoning Code, City and County of Honolulu but not less than five feet (5') for a wall having required window(s).

(2) Between the walls of buildings or structures and between exterior walls of same building or structure on the same lot. Minimum horizontal spacing shall be provided from an assumed lot boundary located between but not necessarily equidistant from the walls if there is a required window in one or both of the walls as follows:

(aa) For a building or structure one story in height, not less than five feet (5') for the first story and the basement or cellar.

(bb) For a building or structure more than one story in height, not less than five feet (5') for the first story and basement or cellar, ten feet (10') for all portions of the building above one story, but not more than thirty-five feet (35') in height, and ten feet (10') plus one foot (1') for each story or portion thereof more than thirty-five feet (35') in height.

(3) If the spacing required by items (1) and (2) of this subsection, or any other provisions of law, is reduced, through a change or establishment of a boundary line, said building shall be moved and/or altered to meet all requirements of said items or provisions.

(c) Courts. Adequate access shall be provided to the bottom of all courts for cleaning purposes.

For a court bounded by walls not more than twenty feet (20') in height, the space between a wall having a required window and the opposite wall shall be not less than ten feet (10') or the height of the walls, whichever is greater. For a court bounded by walls more than twenty feet (20') in height, the space between a wall having a required window and the opposite wall shall be not less than twenty feet (20') plus two feet (2') for each ten feet (10') or position thereof above twenty feet (20'). If the walls of the court vary in height, the average of their height shall be considered the height of the walls, and if a court is irregular or gore-shaped, the average of the space between opposite walls shall be considered the space between opposite walls.

If a court is an inner court more than two stories in height, a horizontal air intake not less than twenty-one square feet (21 sq. ft.) in area and leading to the exterior of the building shall be provided at the bottom. The construction of such air intake shall conform to the requirements for court walls, but shall not be less than one-hour fire-resistive.

(d) Projection Into Spacing. Projection into spacing shall conform to yard spacing requirements of the Comprehensive Zoning Code, City and County of Honolulu. (Am. Ord. 3814)

Sec. 25-4.3. Internal Space Requirements.

(a) Ceiling Heights. Habitable rooms shall have a ceiling height of not less than seven feet six inches (7'6"). Hallways, corridors and service rooms shall have a ceiling height of not less than seven feet (7'). If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than five feet (5') from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds of the area thereof, but in no case shall the height of the furred ceiling be less than seven feet (7').

Projections may be permitted to project below the ceiling provided the clearance is not less than six feet six inches (6'6").

(b) Superficial Floor Area. Every dwelling unit shall have a room, other than a room used for sleeping purposes, with not less than one hundred and twenty square feet (120 sq. ft.) of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than one hundred and fifty square feet (150 sq. ft.) of superficial floor area. Every dwelling unit shall have a room used for sleeping purposes with a floor area, exclu-

sive of the floor area of any closet, of not less than one hundred and twenty square feet (120 sq. ft.). Every other room used for sleeping purposes shall have a floor area, exclusive of the floor area of any closet, of not less than eighty square feet (80 sq. ft.). Guest rooms in a lodging house or hotel shall have not less than eighty square feet (80 sq. ft.) of superficial floor area. Every room used for sleeping purposes shall have a floor area, exclusive of the floor area of any closet, of not less than fifty square feet (50 sq. ft.) for each occupant. Every kitchen shall have not less than sixty square feet (60 sq. ft.) of floor area.

“EXCEPTION: Nothing in this Section shall prohibit the use of an efficiency living unit meeting the following requirements:

(1) Such efficiency living unit shall have a living room of not less than two hundred and twenty square feet (220 sq. ft.) of superficial floor area. An additional one hundred square feet (100 sq. ft.) of superficial floor area shall be provided for each occupant of such unit in excess of two.

(2) Such efficiency living unit shall be provided with a separate dressing closet of such size as to provide for adequate circulation and storage.

(3) Such efficiency living unit shall be provided with a kitchenette not less than three feet by five feet (3' x 5') in size. Such kitchenette shall be accessible from the living room or foyer only, shall be equipped with a tenant-operated electric exhaust fan of not less than 90 CFM connected to the outside air, and shall be equipped and arranged for complete kitchen use.

(4) Such efficiency living unit shall be provided with a separate bathroom meeting the requirements of this Code. Such bathroom shall be accessible from the foyer or dressing closet only.

(c) Width. Habitable rooms, other than kitchens, shall not be less than seven feet (7') in any dimension. No water closet space shall be less than thirty inches (30") in width. There shall be not less than one foot nine inches (1'9") of clear space in front of each water closet, and when sliding doors are not used, a door swing of not less than ninety degrees (90°) shall be provided for, in front of each water closet. (Am. Ord. 3814)

Sec. 25-4.4. Ventilation Requirements.

(a) Habitable Rooms. A habitable room shall have an aggregate window area of not less than one-tenth of the gross floor area or twelve square feet (12 sq. ft.), whichever is greater.

For the purpose of providing light and ventilation, any room may be considered as a portion of an adjoining room provided that one half of the area of the common wall between such rooms is open and unobstructed with a minimum area of 25 square feet or an area equal to

one-tenth of the area of the interior room served, whichever is greater.

(b) Service Room. Service rooms, except closets and other rooms which are not designed for occupancy by human beings, shall have an aggregate window area of not less than one-twelfth of the gross floor area or six square feet (6 sq. ft.), whichever is greater, provided that the aggregate window area of such rooms in dwellings and lodging houses may be not less than five per cent (5%) of the gross floor area or three square feet (3 sq. ft.), whichever is greater.

(c) Roofed Porch or Patio. Required windows shall open directly onto a street or public alley, or a yard or court located on the same lot as the building.

EXCEPTION: Required windows may open into a roofed porch or patio where the porch or patio:

(1) Abuts a street, yard or court; and

(2) Has a ceiling height of not less than seven feet (7'); and

(3) Has the longer side at least 65 per cent open and unobstructed.

(d) Public corridors shall have an aggregate window area of six square feet (6 sq. ft.).

(e) Openable Window Area. One-half of the required window area in all rooms shall be openable.

(f) Hallways. All public hallways, stairs, and other exitways shall be adequately lighted at all times in accordance with the Building Code.

(g) Mechanical Ventilation. An approved system of mechanical ventilation or air conditioning may be used in lieu of openable windows. Such system shall provide not less than four air changes per hour, except that in toilet compartments such system shall exhaust at least four (4) cubic feet per minute per square foot of floor space.

All bathrooms, lavatories and toilet compartments which are ventilated by mechanical ventilation shall have fixed openings, from adjacent rooms or corridors or from other approved sources, which are sufficient to provide an inflow of air necessary to make exhaust ventilation effective. The exhaust air from bathrooms, lavatories and toilet compartments shall not be recirculated. Exhaust duct systems for toilet compartments and bathrooms shall be separate from the exhaust duct systems for other portions of a building.

Toilet compartments, bathrooms and kitchens ventilated in accordance with this subsection may be provided with artificial light. When a water closet in a bathroom or toilet compartment is completely enclosed by partitions, such enclosure shall be separately lighted and ventilated.

Systems of mechanical ventilation installed to comply with the provisions of this Code shall be kept in good working order and in

continuous operation at all times during occupancy of the room served by such system. All openings to ventilators shall be rat-proofed. (Am. Ord. 3814)

Sec. 25-4.5. Occupancy Requirements.

(a) Dwelling Units. Every dwelling unit shall be provided with a water closet, a lavatory, and a bathtub or shower.

(b) Hotels. Where private water closets, lavatories and baths are not provided, there shall be provided on each floor for each sex at least one water closet and lavatory and one bath accessible from a public hallway. Additional water closets, lavatories, and baths shall be provided on each floor for each sex at the rate of one for every additional 10 guests, or fractional number thereof, in excess of 10. Such facilities shall be clearly marked to designate the sex.

(c) Kitchen. Each dwelling unit shall be provided with a kitchen. Each kitchen shall have accessible storage space for food and utensils, and space for such activities and equipment needed to use the kitchen for the preparation of food. Every kitchen shall be provided with a kitchen sink. No wooden sink or sink of similarly absorbent material shall be permitted.

(d) Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water, except water closets shall be provided with cold water only. All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

(e) Water Closet Compartments. Walls and floors of water closet compartments shall be finished in accordance with the Building Code, provided that such walls and floors in dwelling and lodging houses may be finished with approved nonabsorbent materials.

(f) Room Separations. Except in an efficiency living unit no room used for the preparation of food shall be used for sleeping purposes and no room housing a water closet shall open directly into any room used for the preparation of food.

(g) Installation and Maintenance. All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable laws. Every water closet, bathtub, or shower required by this Code shall be installed in a room which will afford privacy to the occupant.

(h) Access to Bathroom. No dwelling or dwelling unit containing two or more guest rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going

through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

(i) Cleanliness. Buildings shall be kept in a clean, sanitary and safe condition. Approved devices, equipment or facilities for the prevention of insect and rodent infestation and such sanitary facilities as may be required by the Public Health Regulations of the State of Hawaii or the health officer shall be furnished and maintained in all buildings. Rubbish, garbage and other organic waste shall be disposed of in a manner required by said Public Health Regulations and approved by the health officer. Without limiting the requirements of the above provisions, dwelling units and efficiency living units shall be kept in a clean, sanitary and safe condition by their occupants, and such occupants shall dispose of their rubbish, garbage and other organic waste in the manner prescribed above and shall furnish and maintain such approved devices, equipment or facilities as may be necessary and required by said Public Health Regulations or the health officer to keep their units safe and sanitary.

(j) Construction Upon Filled Land. No building shall be erected upon land which has been filled in with refuse or garbage or any substance dangerous to the public health, unless the site upon which such building is to be erected has been inspected by the health officer and found to be sanitary. (Am. Ord. 3814)

Article 5. Structural Requirements.

Sec. 25-5.1. Structural Requirements.

(a) General. Buildings or structures may be of any type of construction permitted by the Building Code. Roofs, floors, walls, foundations, and all other structural components of buildings shall be capable of resisting the forces and loads required by the Building Code. All structural elements shall be proportioned and joined in accordance with the stress limitations, and design criteria as specified in the appropriate Sections of the Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code.

(b) Shelter. Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness. (Am. Ord. 3814)

Article 6. Mechanical Requirements.

Sec. 25-6.1. Mechanical Requirements.

(a) Heating. When provided, heating facilities in dwelling units shall be installed and maintained in a safe manner in accordance with all applicable laws. No unvented or open flame gas heater shall be permitted. All heating devices or appliances shall be of an approved type.

(b) Electrical Equipment. All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type. Where there is electrical power available within three hundred feet (300') of the premises of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two supplied electric convenience outlets or one such convenience outlet and one supplied electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room, and public hallway shall contain at least one supplied electric light fixture.

(c) Ventilation. Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in accordance with all applicable laws and in this Code. Ventilating equipment shall be of approved types, installed and maintained in a safe manner and in accordance with all applicable laws. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 25-4.4 of this Code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof. (Am. Ord. 3814)

Article 7. Exits.

Sec. 25-7.1. Exits.

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways, and appurtenances as required by the Building Code. (Am. Ord. 3814)

Article 8. Fire Protection.

Sec. 25-8.1. Fire Protection.

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the Building Code for the

appropriate occupancy, type of construction, and location on property or in fire zone; and shall be provided with the appropriate fire-extinguishing systems or equipment required by the Building Code. (Am. Ord. 3814)

Article 9. Substandard Buildings.

Sec. 25-9.1. Substandard Buildings.

(a) General. Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building.

(b) Inadequate Sanitation, which shall include but not be limited to the following:

(1) Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit.

(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.

(3) Lack of, or improper kitchen sink.

(4) Lack of hot and cold running water to plumbing fixtures in a hotel.

(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit or efficiency living unit.

(6) Lack, or improper operation of required ventilating equipment.

(7) Lack of minimum amounts of natural light and ventilation required by this Code.

(8) Room and space dimensions less than required by this Code.

(9) Lack of required electrical lighting.

(10) Dampness of habitable rooms.

(11) Infestation of insects, vermin or rodents as determined by the health officer.

(12) General dilapidation or improper maintenance.

(13) Lack of connection to required sewage disposal system.

(14) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(c) Structural Hazards, which shall include but not be limited to the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(d) Nuisance. Any nuisance as defined in this Code.

(e) Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

(f) Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.

(g) Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

(h) Faulty Weather Protection, which shall include but not be limited to the following:

(1) Deteriorated, crumbling, or loose plaster.

(2) Deteriorated or ineffective water proofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(i) Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the Chief of the Fire Department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(j) Faulty Materials of Construction. All materials of construction,

other than those which (1) have been adequately maintained in a good and safe condition and (2) are specifically allowed or prescribed by this Code and the Building Code, or approved by the building official pursuant to the provisions of the Building Code, relating to approval of alternate materials and methods of construction.

(k) Hazardous or Unsanitary Premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(l) Inadequate Maintenance. Any building or portion thereof which is determined to be an unsafe building in accordance with the Building Code.

(m) Inadequate Exits. All buildings or portions thereof not provided with adequate exit facilities as required by this Code except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.

(n) Inadequate Fire-Protection or Fire-Fighting Equipment. All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this Code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition or any change in occupancy.

(o) Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies. (Am. Ord. 3814)

Sec. 25-9.2. Complaints On Substandard Building.

(a) Complaint. Whenever it appears to the building official that a building or portion thereof is substandard or whenever a petition is filed with such official by at least five residents of the City and County of Honolulu charging that a building or portion thereof is substandard and a preliminary investigation by such official discloses a basis for such charge, such official shall issue a complaint, stating the charges with respect to such building or portion, and cause it to be served upon the owner of record, every mortgagee of record and every party in interest, including persons in possession.

Such complaint shall contain a notice that a hearing will be held before the Housing Board of Appeals at a place and time therein fixed, which time shall be not less than 10 days nor more than 30 days after service of the complaint; that the owner, mortgagee or party in interest may each file an answer to the complaint and appear in person or otherwise at such hearing to give testimony; and that the rules of evidence prevailing in courts of law or equity are not controlling in such hearing.

(b) **Service of Complaint.** Service of such complaint shall be by personal service or by registered mail upon the owner of record, every mortgagee of record and every party in interest. Where service is by registered mail the date of service of such complaint shall be the date on which he actually receives such complaint.

If the whereabouts of any such person is unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence, and the building official makes an affidavit to that effect, service of such complaint may be made by publishing the same once each week for two consecutive weeks in a daily newspaper printed and published in the City.

A copy of such complaint shall be posted in a conspicuous place on the premises affected by the notice. A copy of such complaint shall also be filed with the registrar of conveyances or, in the case of registered land, with the assistant registrar of the Land Court as provided in Section 501-136, HRS.

(c) **Hearing and Orders.** After service of such complaint, a hearing shall be held before the Housing Board of Appeals. After the hearing, the Board shall state its findings of fact, conclusions of law, decision and order in writing. If the Board finds that the building or portion of a building is substandard, it shall order such building or portion to be vacated and repaired or rehabilitated in such manner and in such respects as to render such building or portion not substandard and may require that such repairs or rehabilitation be commenced within twelve (12) days and completed within ninety (90) days after service of such order, or within such further time as the Board may allow. If the cost of such repairs or rehabilitation exceeds 75% of the cost of replacement of the entire building or portion, the Board shall order such building or portion demolished and removed.

Such findings of fact, conclusions of law, decision and order and written findings shall be served, posted on the affected premises and filed with the registrar of conveyances or assistant registrar of the Land Court in the same manner as the complaint.

Such hearing shall be conducted in accordance with, and such findings of fact, conclusions of law, decision and order shall conform to, the provisions of Chapter 91, HRS, relating to administrative

procedure.

For the purposes hereof, the Board shall have the power to administer oaths, examine witnesses, receive evidence and issue subpoenas.

(d) Failure to Obey Order. If the owner fails to comply with an order of the Board to vacate and repair, rehabilitate or demolish and remove the building or portion of a building, and no injunction or restraining order enjoining or restraining the building official from carrying out provisions of the order has been issued by a Circuit Court pursuant to the provisions of Section 53-60 (e), HRS, the building official may cause such building or portion to be vacated and perform the work required by such order.

The cost of any such vacation, repairs, rehabilitation or demolition and removal shall be a lien against the real property upon which such cost was incurred. Where the building or portion of a building is demolished and removed, the building official shall sell the materials of such building or portion and shall credit the proceeds of such sale against the cost of the removal or demolition; any balance remaining, if such proceeds should exceed such cost, shall be deposited with the Clerk of the Circuit Court of the First Circuit, State of Hawaii and disbursed in accordance with the provisions of Section 53-60 (b) (6), HRS.

(e) Notwithstanding the provisions of subsection (d) above, the City and County of Honolulu by its Corporation Counsel may institute any legal or equitable proceeding to enjoin any violation of this Code, or abate any public nuisance, provided that nothing in this Code shall be construed to prohibit criminal prosecution of any violation of this Code. (Am. Ord. 3585, 3814)

Article 10. Enforcement.

Sec. 25-10.1. Enforcement.

(a) Authority. The building official is hereby authorized and directed to administer and enforce all of the provisions of this Code.

(b) Right of Entry. Upon presentation of proper credentials, the building official or his duly authorized representatives may enter at reasonable times any building, or premises in the City and County of Honolulu to perform any duty imposed upon him by this Code, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and provided further that an order of a court authorizing such entry shall be obtained in the event such entry is denied or resisted.

(c) Responsibilities Defined. The owner of a building shall be liable for violations of the requirements of this Code. The duty to comply

with such requirements may also be imposed on the occupants of his building by this Code or by agreement. Imposition of said duty on the occupants shall not relieve the owner from liability. (Am. Ord. 3585, 3814)

Sec. 25-10.2. Public Nuisances.

Buildings which are substandard, as defined by this Code, are hereby declared to be public nuisances. (Am. Ord. 3814)

Sec. 25-10.3. Housing Board Of Appeals.

(a) Creation. There shall be and is hereby created a Housing Board of Appeals, hereinafter called the Board, consisting of five members who shall be qualified by experience and training to pass upon matters pertaining to housing and who shall be appointed by the Mayor with the approval of the City Council. The members of the Board shall serve for a term of five years and until their successors have been appointed and qualified; provided that of the members originally appointed, one shall serve for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. Any vacancy occurring other than by expiration of term of office shall be filled for the remainder of such unexpired term in the same manner as for an original appointment. The Board shall select a chairman and vice-chairman annually.

(b) Meeting; Quorum. The Board shall meet at least once in every month. A majority of the entire membership shall constitute a quorum and the affirmative vote of a majority of the entire membership shall be necessary to take any action.

(c) Powers and Duties. The Board:

(1) Shall conduct hearings pursuant to Section 25-9.2 of this Code of such cases as provided by law; and

(2) May recommend such new legislation as is consistent with the purpose of this Code.

(d) Each member of the Board shall be compensated at the rate of \$20.00 per day for each day's actual attendance at a meeting, but such compensation shall not exceed, in the aggregate, \$60.00 in any one month.

(e) Procedure. The proceedings of the Board shall be subject to the provisions of Chapter 91, Hawaii Revised Statutes. The Board shall adopt reasonable rules and regulations for conducting its meetings, hearings, and investigations in conformity therewith. (Am. Ord. 3585, 3814)

Sec. 25-10.4. Penalty.

It shall be unlawful for any person to maintain a public nuisance as

declared or defined in this Code or to do anything, or permit anything to be done, or to use or occupy any building in the City and County of Honolulu, contrary to or in violation of any of the provisions of this Code. It shall further be unlawful to maintain and keep any building in the City and County of Honolulu to which anything has been done contrary to or in violation of any such provisions.

Any person violating any of the provisions of this Code shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$300.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. (Am. Ord. 3814)

Sec. 25-10.5. Severability.

If any part of this Code is for any reason declared unconstitutional or invalid, the other separable parts thereof shall not be affected thereby. (Am. Ord. 3814)

CHAPTER 26.

Streets, Sidewalks, Malls And Other Public Places.

Article 1. General Provisions.

Sec. 26-1.1. Definitions.

For the purposes of this Chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future. Words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Animal" shall include every living creature.

(b) "Building Superintendent" means the Building Superintendent of the City or his authorized representative.

(c) "Chief of Police" means the Chief of Police of the City or his authorized representative.

(d) "Curbside teller" means any structure that encroaches in whole or in part over or on a public sidewalk and is used to assist patrons of financial institutions to deposit funds or otherwise transact business with said institutions.

(e) "Director of Finance" means the Director of Finance of the City or his authorized representative.

(f) "Freight chute" means a shaft with or without an inclined plane extended downwards from the surface of a public sidewalk intended for the transportation of freight and goods.

(g) "Freight elevator" means an appliance or mechanism designed primarily for the transportation of freight and goods from the surface level of the sidewalk downwards and return.

(h) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(i) "Litter" is "garbage", "refuse", and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(j) "Mall" means any public thoroughfare other than a sidewalk as defined herein, which is under the control or jurisdiction of the City and is intended primarily for the use of pedestrians.

(k) "Newspaper of general circulation" means a newspaper of a state, county or city, published for the dissemination of local or telegraphic news and intelligence of a general character, having a subscription list of paying subscribers, and established, printed, and

published at regular intervals in such state or city, and reaching all classes of the public.

(l) "Newsstand" means any appliance, structure, instrument or stand used for the vending or distribution of newspapers.

(m) "Nonprofit organization" means a nonprofit corporation qualifying as such under Chapter 416, HRS, as amended, or any other society, association, corporation, or other organization engaged in religious, charitable, educational, scientific, literary, or other benevolent purposes whose charter or other enabling act contains provisions to the effect that such organization is not organized for profit; none of its stock or any part of its assets, income, or earnings will be issued or distributed to its members, directors, or officers, except for services actually rendered to the organization; and upon dissolution, its assets shall be distributed to another nonprofit corporation, society, association, or organization engaged in one or more of the benevolent purposes listed herein.

(n) "Park" is a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

(o) "Person" shall have the same meaning as defined by Section 1-19, HRS.

(p) "Private Premises" is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

(q) "Public Place" is any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, malls and buildings.

(r) "Public telephone enclosure" means any enclosure constructed or installed for the specific purpose of enclosing a telephone available for the general use of the public with or without charge and operated under franchise as provided by law. The term shall also include the contents of the enclosure and any appurtenant equipment or cables attached thereto.

(s) "Refuse" is all putrescible and nonputrescible solid wastes, including animal body wastes, garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

(t) "Rubbish" is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass bedding, crockery and similar materials.

(u) "Sidewalk" is that portion of a street between a curb line or the pavement of a roadway, and the adjacent private or public property line, whichever the case may be, intended for the use of pedestrians, including any setback areas acquired by the City for road widening purposes.

(v) "Street" means the entire width between the property lines of every way publicly owned and maintained when part thereof is open to the use of the public for purposes of vehicular travel or any private street, highway or thoroughfare which for more than five years has been continuously used by the general public.

(w) "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Am. Ord. 3609, 3912)

Sec. 26-1.2. Purpose.

The intent and purpose of this Chapter is to promote the public welfare by regulating the use of all public sidewalks and malls. (Am. Ord. 3609)

Article 2. Lei Selling.

Sec. 26-2.1. Regulations Affecting Lei Sellers.

(a) No person, under the age of 15 years, shall sell leis upon the streets, alleys, sidewalks, malls and other public places, including entrances at piers.

(b) No person, while engaged in the business of selling leis upon the streets, alleys, sidewalks, malls and at entrances to piers, shall obstruct traffic, or wilfully or negligently hold, touch, push, jostle, molest, or in any manner disturb any person, customer or another lei seller.

(c) All persons engaged in selling leis at the piers shall form not more than two straight single lines in the front of the pier, one line extending to the right and the other to the left from the main entrance, and the said lines shall run parallel to and within three feet of the front wall of the pier as follows:

(1) The positions in said lines shall be occupied by the lei sellers in the order of their arrival, the person first arriving being entitled to stand at the head of one line and the person arriving next, at the head of the other line; provided, that no person shall occupy the head position of any line more than one day within a period of 30 days, unless his or her turn arrives sooner by rotation. The "head" of a line shall be that position which is nearest to the main entrance to the pier.

(d) No lei seller arriving late shall break into a line or usurp the position of another. (Am. Ord. 3609)

Sec. 26-2.2. Penalty.

Any person violating any provision of this Article shall upon conviction be punished by a fine not exceeding \$25.00. (Am. Ord. 3609)

Article 3. Minors Engaged In Street Trade.

Sec. 26-3.1. Permit Required.

No minor shall carry on any trade or business or sell or offer for sale any goods, wares or merchandise upon any sidewalk, street, alley, mall or public place, without first having obtained a permit therefor from the Chief of Police. The permit shall be issued in accordance with the conditions enumerated in Section 26-3.2. Except as herein provided for suspension or revocation of permits issued to wards of the Juvenile Court, the Chief of Police may suspend the permit of any holder who violates any provision of this Article and may revoke the same upon the third violation of any provision of this Article. (Am. Ord. 3609)

Sec. 26-3.2. Conditions Of Permit.

(a) All permits to engage in street trades shall be subject to the following conditions:

(1) No boy under the age of 10 or girl under the age of 12 years shall be permitted to engage in street trades in public places.

(2) Permits to minors under the age of 16 years shall be issued only upon presentation of the written consent of a parent or guardian.

(3) Permits to wards of the Family Court shall be issued only upon the written permission of said Court. Permits to minors who are or become wards of the Family Court may be suspended or revoked only upon orders from said Court.

(4) Minors engaged in street trades are prohibited from working within 50 feet of the entrance of any billiard parlor, liquor dispensing establishment, or any other place which is likely to contribute to the delinquency of minors.

(5) The permit shall be in the form of a paste board card and shall contain the following: name, age, and residence of the permittee, type of street trade, date and number of permit. In the event a permit is lost, a duplicate permit shall be issued upon presentation of satisfactory proof of such loss by the applicant to the Chief of Police.

(6) The Chief of Police may refuse issuance of a new permit to a minor whose permit has been once revoked.

(7) A permit shall not be transferable. (Am. Ord. 3609)

Sec. 26-3.3. Minors Engaged In Street Trades Not To Molest Passers-By.

No minor, while engaged in any street trade, shall obstruct pedestrian traffic within the sidewalk or mall area, or hold, touch, push, jostle, molest or in any manner disturb any passer-by or customer. (Am. Ord. 3609)

Sec. 26-3.4. Minors Engaged In Street Trades Not To Deface Windows, Sidewalks And Malls.

No minor, while engaged in any street trade, shall smear any show windows or deface sidewalks or malls. (Am. Ord. 3609)

Sec. 26-3.5. Record Of Permits.

It shall be the duty of the Chief of Police to keep a record of all permits granted to minors engaged in street trades in a book provided for the purpose giving the number and date of each permit, type of street trade engaged in, the name, age, and residence of the person to whom the permit has been issued, the date of issuance of such permit and to keep a record of all permits suspended or revoked and grounds therefor including those effected by the Family Court. (Am. Ord. 3609)

Sec. 26-3.6. Prohibition.

(a) No permit shall be issued to minors in areas mentioned in Section 26-6.2 hereof.

(b) No permit shall be issued where street trades by minors are prohibited by Section 371-14, HRS, as amended, relating to child labor certificates. (Am. Ord. 3609)

Sec. 26-3.7. Penalties.

Any minor violating the provisions of this ordinance shall be subject to punishment according to the laws and procedures applicable to minors, provided that any adult violating any provision of this Article shall upon conviction be punished by a fine not exceeding \$100.00 or by imprisonment not exceeding three months; or by both. (Am. Ord. 3609)

Article 4. Litter Prohibited.

Sec. 26-4.1. Litter In Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles, in authorized private receptacles for collection, or in official City dumps. (Am. Ord. 3912)

Sec. 26-4.2. Placement Of Litter In Receptacles So As To Prevent Scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Am. Ord. 3912)

Sec. 26-4.3. Sweeping Litter Into Gutters Prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. (Am. Ord. 3912)

Sec. 26-4.4. Property Owners' Duty To Keep Sidewalks Free of Litter.

Persons owning or occupying property within the City shall keep the sidewalk in front of their premises free of litter. (Am. Ord. 3912)

Sec. 26-4.5. Litter Thrown by Persons In Vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property. (Am. Ord. 3912)

Sec. 26-4.6. Truck Loads Causing Litter.

No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, litter of any kind. In the event that litter is unavoidably dropped or tracked onto the highway, it shall be the duty of the operator of the offending vehicle to have said litter removed as quickly as possible. "Vehicle" shall include all motor vehicles owned or operated by the city and county, state or other governmental agency. (Am. Ord. 3912)

Sec. 26-4.7. Litter In Parks.

No person shall throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Am. Ord. 3912)

Sec. 26-4.8. Litter In Streams And Fountains.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the City. (Am Ord. 3912)

Sec. 26-4.9. Dropping Litter from Aircraft.

No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object. (Am. Ord. 3912)

Sec. 26-4.10. Posting Notices Prohibited.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building except as may be authorized or required by law. (Am. Ord. 3912)

Sec. 26-4.11. Litter On Occupied Private Property.

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (Am. Ord. 3912)

Sec. 26-4.12. Owner To Maintain Premises Free Of Litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection. (Am. Ord. 3912)

Sec. 26-4.13. Litter On Vacant Lots.

No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not. (Am. Ord. 3912)

Sec. 26-4.14. Clearing Of Litter From Open Private Property By City.

(a) Notice to Remove. The Chief Engineer is hereby authorized and empowered to notify the owner of any open or vacant private property within the City or the agent of such owner to properly dispose of litter located on such owner's property. Such notice shall be by Registered Mail, addressed to said owner at his last known address; and a copy thereof shall be posted on the property.

(b) Form of Notice. The notice shall describe the work to be done and shall state that if the work is not commenced within thirty (30) calendar days after notice is given and diligently prosecuted to completion without interruption, the Chief Engineer shall enter upon the property and cause the removal of the litter thereon, and the cost thereof shall be a lien on the property.

(c) Action upon Non-Compliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter, within thirty (30) days after receipt of written notice provided for in subsection (a) above or within thirty (30) days after the date of such notice in the event the same is returned to the City Post Office Department because of its inability to make delivery thereof, provided the same is properly addressed to the last known address of such owner or agent, the Chief Engineer is hereby authorized and empowered to dispose of such litter or to order its disposal by the City. The Chief Engineer and his authorized representatives, including any contractor with whom he contracts hereunder, and assistants, employees, or agents of such contractor are hereby authorized to enter upon said property for the purpose of removing the litter thereon. Before the Chief Engineer or his authorized representative or contractor arrives, any property owner may cut and remove the litter thereon at his own expense.

(d) Charge to be Paid by the Owner. When the City has effected the removal of such litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of seven percent (7%) per annum shall be charged to the owner of such property who shall be billed therefor by mail. The bill shall apprise the owner that failure to pay the bill will result in a lien. Interest at the rate of seven percent (7%) per annum shall accrue from the thirty-first calendar day after the bill has been mailed to the owner for payment in the event the same has not been paid prior thereto.

(e) Statement of Chief Engineer. Where the full amount due the City is not paid by such owner within thirty (30) calendar days after the bill has been mailed for payment, the Chief Engineer shall cause to be recorded with the City Director of Finance a statement showing the cost and expense incurred for the work, the date the work was done,

and the location of the property on which said work was done, and file the same with the Director of Finance, who shall refer the collection thereof to the Corporation Counsel.

(f) **Mechanic's and Materialman's Lien Procedure.** Any work done by the City hereunder is deemed to be done pursuant to quasi-contract or constructive contract between the City and the owner. Based on the foregoing contractual relationship, if the owner fails to pay the amount duly noted on the statement filed by the Chief Engineer, the Corporation Counsel may proceed to file a mechanic's and materialman's lien pursuant to the provisions of Part II of Chapter 507, HRS, or any other appropriate lien procedures.

(g) **Chief Engineer to Keep Record.** The Chief Engineer shall cause to be kept in his office a permanent record containing: (1) a description of each parcel of the property for which the notice to remove litter has been given; (2) the name of the owner if known; (3) the date on which such notice was mailed and posted; (4) the charges incurred by the City in removing the litter and all incidental expenses in connection therewith; and (5) a brief summary of the work performed. Each such entry shall be made as soon as possible after completion of such act. (Am. Ord. 3912)

Sec. 26-4.15. Animal Body Waste Prohibited.

No person shall permit an animal owned by him or while in his custody to excrete any solid waste in any public place or on any private premises not the property of such owner; provided, however, that nothing herein shall affect the duty of the property owner or occupier under Section 24-4.12 to keep his premises free of litter and provided further that no violation of this section shall occur if the owner of the offending animal promptly and voluntarily removes the animal waste. (Am. Ord. 3912)

Sec. 26-4.16. Penalties.

Any person violating any of the provisions of this Article shall upon conviction thereof be fined in an amount not exceeding TWO HUNDRED FIFTY DOLLARS (\$250.00) or be imprisoned for a period not exceeding thirty (30) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder; provided, however, that no violation of Sections 26-4.4 and 26-4.12 shall have occurred unless the property owner or occupant has been given a warning citation and given a reasonable time to remove the litter. (Am. Ord. 3912)

Article 5. Use Of Streets And Sidewalks By Solicitors And Canvassers.

Sec. 26-5.1. Unlawful To Use Public Streets And Sidewalks For Certain Business Purposes.

(a) It shall be unlawful for any solicitor or canvasser to engage in business on any public street, sidewalk or mall where his operation tends to, or does impede, or inconvenience the public or any person in the lawful use of such street, sidewalk or mall.

(b) "Solicitor or canvasser," as used in this Article, means any person, traveling by foot, or any other type of conveyance, or by wagon, automobile, motor truck, taking or attempting to take orders for sale of goods, wares, merchandise or other personal property for future delivery, or for services to be furnished or performed in the future, whether or not such person carries or exhibits any samples or collects advance payments on sales. The term shall also include any person who, for himself, or for another hires, leases, uses, or occupies any building, structure, tent, room, shop, vehicle or any other place for the sole purpose of exhibiting samples and taking orders for future delivery. (Am. Ord. 3609)

Sec. 26-5.2. Penalty.

Any person violating any provision of this Article shall upon conviction be punished by a fine not exceeding \$100.00 or by imprisonment not exceeding 30 days, or by both. (Am. Ord. 3609)

Article 6. Peddler's License.

Sec. 26-6.1. Annual Fee.

The annual fee for a peddler's license as provided by Section 445-141, HRS, shall be \$10.00, provided said fee is hereby waived for all peddlers of newspapers of general circulation effective June 30, 1971, as prescribed in Section 445-15, HRS, as amended. No license shall be required of persons peddling fish, fresh fruit, leis, flowers or vegetables, nor of any person who has reached the age of 60 years. (Am. Ord. 3609)

Sec. 26-6.2. Regulations Affecting Peddlers.

(a) It shall be unlawful for any person, whether exempt or licensed under Section 26-6.1, to sell or offer for sale goods, wares, merchandise, foodstuffs, refreshments or other kinds of property or services upon the streets, alleys, sidewalks, parks, beaches and other public

places, unless such person is also duly licensed under the provisions of Section 237-9, HRS, to engage in and conduct such business as required by said Section 237-9, HRS.

(b) Notwithstanding any ordinance to the contrary, it shall be unlawful for any person to sell or offer for sale goods, wares, merchandise, foodstuffs, refreshments or other kinds of property or services except newspapers of general circulation and by duly authorized concessions in public places, in the following areas:

(1) On the Pali Highway from the intersection of Nuuanu Pali Drive to Castle Junction including the Pali Lookout (improved observation area at the summit) and access road thereto.

(2) Makapuu Lookout (parking area overlooking Makapuu Beach) on Kalanianaʻole Highway.

(3) On Diamond Head Road from Poni Moi Road to Kulamānu Place.

(4) Tantalus Drive from Aaliamaṇu Place to Ualakaa Park.

(5) Waimea Bay—beginning at Maunawai to the Kupupolo Heiau on Kamehameha Highway.

(6) Within 300 feet of the easterly end of Naupaka Street on Laie Point.

(7) Waikiki Peninsula—upon the public streets, alleys, sidewalks, malls, parks, beaches and other public places in Waikiki commencing at the entrance to the Ala Wai Canal, thence along the Ala Wai Canal to Kapahulu Avenue, thence along the diamond head property line of Kapahulu Avenue to the ocean, thence along the ocean back to the entrance of the Ala Wai Canal.

(8) Fort Street and Union Malls—the length and width of those areas in downtown Honolulu designated as the Fort Street Mall and the Union Street Mall. (Am. Ord. 3609)

Sec. 26-6.3. Penalty.

Any person violating any provision of this Article shall upon conviction be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding one year, or by both. (Am. Ord. 3609)

Article 7. Structures On, Above, Or Below A Public Sidewalk.

Sec. 26-7.1. Permit Required.

No person shall establish, construct, maintain, keep or operate a newsstand, public telephone enclosure, curbside teller, freight elevator, freight chute or any other structure or appliance on, above, or

below a public sidewalk or mall without a permit as provided herein, or as may be provided by law. (Am. Ord. 3609)

Sec. 26-7.2. Newsstands.

(a) The Director of Finance shall issue permits authorizing newsstands on public sidewalks in accordance with the provisions and conditions contained herein.

(b) Each permit shall be valid for the period that fees are assessed and paid.

(c) A fee of \$5.00 per annum for each newsstand covered by the permit or added by an amendment thereto, shall be charged and collected by the Director of Finance at the time of the issuance, reissuance or amendment of the permit. Only one permit shall be issued to each applicant listing location and size of each newsstand. Decals bearing a number and the expiration date marked thereon shall be issued for each newsstand after payment of the permit fee. After receipt of the decal, the applicant shall affix the decal in plain sight on the front of the newsstand. The use of the decal is subject to the following conditions:

(1) Upon loss, defacement, or destruction of a decal, the applicant shall submit an application for a new decal giving such information as shall be required by the Director of Finance.

(2) Upon filing of such application, the Director of Finance shall issue a new decal and charge the applicant a fee of \$1.00 therefor.

(3) If the Director of Finance finds that an applicant's newsstand does not have the decal affixed thereto, he shall order the removal of such stand until such time an application for a permit is filed and a decal, issued therefor, is affixed to such stand.

(d) The permit shall be non-transferable.

(e) Upon the breach of any condition or violation of any provision herein, the Director of Finance shall suspend the permit until the breach of condition or violation is corrected.

(f) A written application shall be filed with the Director of Finance which shall include:

(1) The name of the applicant and the name under which the business is conducted.

(2) The address and telephone number of the applicant.

(3) The total number of newsstands and location of each newsstand to be covered by the permit.

(4) An authorization for the Chief of Police to remove and impound any newsstand located in violation of this Article and agreement to hold the City, its officers and employees free from any claim for damages or losses resulting from the removal or impounding of such newsstand.

(5) The signature of the applicant or of a person authorized to execute instruments on behalf of the applicant.

(6) The application shall be accompanied by a certificate of insurance or a copy of a public liability insurance policy issued by a carrier to be approved by the Director of Finance, and naming specifically the applicant, the City, and the State of Hawaii and such other parties designated by the applicant as assureds, and generally the owners, lessees, and occupants of property abutting the public sidewalk where each newsstand is located as assured, covering any claim or liability for damages, injuries, or deaths, resulting from the placement, condition or use of the newsstands or in any way connected with such newsstands. The policy shall also include automatic coverage for newsstands added or relocated after the application is filed. The minimum amount of coverage under such policy shall be \$100,000.00 for injuries or death to any one person, \$300,000.00 for injuries or deaths involving two or more persons arising from any one occurrence, and \$10,000.00 property damage for each occurrence. The policy shall be kept in force during the entire period of the permit. Neither the applicant nor the carrier shall cancel the policy, except upon 30 days prior written notice to the Director of Finance.

(g) Hazardous newsstands.

(1) The Chief of Police shall send written notice to the permittee whenever he determines that the condition or location of a newsstand constitutes a hazard to the public.

(2) Within 24 hours of receipt of such notice, the permittee shall remove or correct the condition of the newsstand. The Chief of Police shall send written notice to the Director of Finance at the end of such period stating what action, if any, the permittee has taken. If the permittee has failed to take the necessary action, the Chief of Police shall remove and impound said newsstand and shall so notify the permittee. Any impounded newsstand may be recovered by the permittee upon the payment of \$5.00 to cover the cost of removal. Failure of the permittee to pay such charge and claim such newsstand within thirty days after notification of the removal shall be deemed an authorization by the permittee to destroy or otherwise dispose of such newsstand.

(3) Upon receipt of notification that the permittee has failed to remove or correct the condition of the newsstand, the Director of Finance shall forthwith suspend the permit and notify the Council of such suspension.

(h) Conditions of Permit.

The permit shall be issued subject to the following conditions:

(1) The permittee shall maintain a current public liability insur-

ance policy, required by this Article, at all times during the effective period of the permit.

(2) The permittee shall not add any newsstand after the filing of the application, without amending the permit to specify the number of additional newsstands.

(3) The permittee shall not install any newsstand that exceeds the following dimensions in its normal operating position: 22 inches in width, 44 inches in height, and 24 inches in depth.

(4) No newsstand shall be permanently attached or affixed to a public sidewalk or mall.

(5) The permittee shall give written notice to the Director of Finance whenever a newsstand is permanently removed without replacement. (Am. Ord. 3609, 3705)

Sec. 26-7.3. Public Telephone Enclosures.

(a) The Director of Finance shall issue permits authorizing public telephone enclosures on or over public sidewalks and malls in accordance with the provisions and conditions contained herein.

(b) Each permit shall be valid for the period that fees are assessed and paid.

(c) A fee of 10% of the gross income from each public telephone enclosure covered by the permit, or added by amendment thereto, shall be collected by the Director of Finance each and every month. Only one permit shall be issued to each applicant.

(d) The permit shall be non-transferable, except to the mortgagee of a duly recorded mortgage or to a purchaser at a foreclosure sale conducted pursuant to the terms and conditions of said mortgage. The transferee shall have all of the rights granted by the permit and shall be subject to all of the requirements contained herein.

(e) Upon the breach of any condition or violation of any provision herein, the Director of Finance shall suspend the permit until the breach of condition or violation is corrected.

(f) The permittee shall surrender his permit to the Director of Finance upon the removal of all public telephone enclosures authorized by said permit.

(g) A written application shall be filed with the Director of Finance which shall include:

(1) The name of the applicant and the name under which the business is conducted.

(2) The address and telephone number of the applicant.

(3) The total number of public telephone enclosures to be covered by the permit.

(4) The location of each public telephone enclosure.

(5) The name and address of any mortgagee under a duly re-

corded mortgage to which the public telephone enclosures would be subject.

(6) An authorization for the Chief of Police to remove and impound any public telephone enclosure located in violation of the ordinance and an agreement to hold the City, its officers and employees free from claim for damages or losses resulting from the removal or impounding of such enclosure.

(7) The signature of the applicant or of a person authorized to execute instruments on behalf of the applicant.

(h) The following documents shall be filed with each application:

(1) A certificate of insurance or a copy of a public liability insurance policy, issued by a carrier, to be approved by the Director of Finance, and naming specifically the applicant, the City, and the State of Hawaii, and such other parties designated by the applicant as assureds, and generally the owners, lessees, and occupants of property abutting the public sidewalk or mall where each public telephone enclosure is located as assureds, covering any claim or liability for damages, injuries, or deaths, resulting from the placement, condition or use of the public telephone enclosure or in any way connected with such enclosure. The policy shall also include automatic coverage for public telephone enclosures added or relocated after the application is filed. The minimum amount of coverage under such policy shall be \$100,000.00 for injuries or death to any one person, \$300,000.00 for injuries or deaths involving two or more persons arising from any one occurrence, and \$10,000.00 property damage to each occurrence. The policy shall be kept in force during the entire period of the permit. Neither the applicant nor the carrier shall cancel the policy, except upon 30 days prior written notice to the Director of Finance.

(2) Written approval from the Chief of Police that the requested location and size of each public telephone enclosure does not constitute a hazard to or impede the traffic of pedestrians or vehicles.

(3) Written approval from the Building Superintendent that the size, design, construction, and specification of each particular type of public telephone enclosure is satisfactory for public safety.

(4) Written authorization required by Section 26-7.3 (g) (6) signed by the mortgagees under a duly recorded mortgage to which the public telephone enclosures are subject.

(i) Hazardous enclosures.

(1) The Chief of Police shall send written notice to the permittee and the mortgagees mentioned herein whenever he determines that the condition or location of a public telephone enclosure constitutes a hazard to the public or is impeding traffic. A copy of such notice shall be sent to the Director of Finance.

(2) Within 24 hours of receipt of such notice, the permittee and/or mortgagee shall remove, or correct the condition of the public telephone enclosure. The Chief of Police shall send written notice to the Director of Finance at the end of such period stating what action, if any, the permittee has taken. If the permittee and/or mortgagee has failed to take the necessary action, the Chief of Police shall remove and impound said enclosure. Upon the payment of a \$25.00 charge for the removal and impounding of each of such enclosures, the permittee and/or mortgagee may reclaim said enclosure. Failure to pay such charge and to claim said enclosure within 30 days after notification of such impounding shall be deemed an authorization by the permittee and/or mortgagee to destroy or otherwise dispose of such enclosure.

(3) Upon receipt of notification that the permittee and/or mortgagee has failed to take the necessary action, the Director of Finance shall forthwith suspend the permit and notify the Council of suspension.

(j) Conditions of Permit.

The permit shall be issued subject to the following conditions:

(1) The permittee shall maintain a current public liability insurance policy, required by this ordinance, at all times during the effective period of the permit.

(2) The permittee shall not add or relocate any public telephone enclosure after the filing of the application, without amending the permit to specify the number and locations of additional public telephone enclosures and the new locations of relocated public telephone enclosures and without the approval of the Chief of Police and the Building Superintendent mentioned in Section 26-7.3 (h), for such additional or relocated enclosures. The approval of the Building Superintendent shall not be necessary if the public telephone enclosure is of a type previously approved.

(3) The permittee shall give written notice to the Director of Finance whenever a public telephone enclosure site is permanently vacated. (Am. Ord. 3609)

Sec. 26-7.4. Curbside Tellers.

(a) All provisions contained in Section 26-7.3 shall be applicable to curbside tellers, except as obviously limited to public telephone enclosures and except as otherwise provided herein.

(b) The applicant need not be franchised, however, only applicants who are authorized to do business in Hawaii as a bank, savings and loan association, credit union, or industrial loan company shall be eligible for such permit.

(c) A fee of \$120.00 per annum for each curbside teller covered by the permit, or added by amendment thereto, shall be charged and collected by the Director of Finance at the time of issuance, reissuance or amendment of the permit. Only one permit shall be issued to each applicant.

(d) The provisions regarding removal, impounding, and reclaiming of public telephone enclosures shall not be applicable to curbside tellers. (Am. Ord. 3609)

Sec. 26-7.5. Freight Elevators And Freight Chutes.

(a) All provisions contained in Section 26-7.3 shall be applicable to freight elevators and freight chutes, except as obviously limited to public telephone enclosures and except as otherwise provided herein.

(b) The applicant need not be franchised, however, the applicant must either own, lease, or be doing business on the property abutting the public sidewalk or mall at the location of the freight elevator or freight chute.

(c) A fee of \$120.00 per annum for each freight elevator and freight chute covered by the permit, shall be charged and collected by the Director of Finance at the time of issuance, reissuance, or amendment of the permit. Only one permit shall be issued to each applicant.

(d) The provisions regarding removal, impounding, and reclaiming of public telephone enclosures shall not be applicable to freight elevators and freight chutes.

(e) The provisions contained in Section 26-7.3 (h) pertaining to the approval of the Building Superintendent shall be applicable to freight elevators.

(f) The provisions contained in Section 26-7.3 (h) pertaining to automatic coverage for additional enclosures shall not be applicable to freight elevators and freight chutes.

(g) Freight chutes shall be covered by two equal size doors each hinged to the side of the chute perpendicular to length of the sidewalk or mall. The doors shall be flush to the sidewalk or mall when closed and shall be locked. The outside surface shall be of a non-skid finish and contain no openings except as necessary for the locking mechanism. The doors shall be capable of supporting 300 pounds per square foot evenly distributed. Each door shall be locked into a ninety degree position when open. Prior to opening, an attendant shall be stationed on the sidewalk at the side of the chute until the doors are locked into the ninety degree position. At no time shall the doors and goods completely block the flow of pedestrians on the sidewalk or mall. The doors shall not remain open nor shall goods remain on the sidewalk or mall for more than fifteen minutes during any period of use.

(h) The applicant shall submit written approval of the Department of Public Works of the City that the freight chute and doors are in compliance with the provisions of this Article when applying for a permit.

(i) Nothing contained in this Section shall be construed to permit the installation of freight elevators and chutes other than those in existence at the effective date of this Article. (Am. Ord. 3609)

Sec. 26-7.6. Public Convenience And Necessity.

The permits provided herein shall be issued subject to a finding by the Director of Finance, upon evidence submitted by the applicant, that the public convenience and necessity require the issuance thereof. (Am. Ord. 3609)

Sec. 26-7.7. Non-Waiver Of Other Requirements.

No provision contained in this Article shall be interpreted to modify any State or City law or regulation pertaining to fees, licenses, permits, standards and specifications of the equipment and structures covered by this Article. (Am. Ord. 3609)

Sec. 26-7.8. Payment Of Fees.

All fees shall be paid in advance on a yearly basis computed from the 1st of July to the 30th of June. The fees for any structure placed on the sidewalk or mall after the 1st of July shall be prorated on a monthly basis. No refund of fees shall be made. (Am. Ord. 3609)

Sec. 26-7.9. Revocation Of Permits.

Notwithstanding any other provision herein to the contrary, any permit may be revoked at any time by the Council. (Am. Ord. 3609)

Sec. 26-7.10. Unlawful To Erect Gasoline Pumps Upon Sidewalks; Penalty.

(1) It shall be unlawful for any person to erect or place or permit or cause to be erected or placed any gasoline pumps upon any sidewalk or mall in the City.

(2) Any person violating this provision shall, upon conviction, be punished by a fine not to exceed \$5.00 for each day of violation. (Am. Ord. 3912)

Sec. 26-7.11. Penalty.

Any person establishing, constructing, maintaining, keeping or operating a newsstand, public telephone enclosure, curbside teller, freight elevator, freight chute or any other structure or appliance on, above, or below a public sidewalk or mall without a valid permit as

provided herein, shall upon conviction be deemed guilty of a misdemeanor and punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding one year, or by both. (Am. Ord. 3609, 3912)

Article 8. Procedure On Arrest.

Sec. 26-8.1 Procedure Upon Arrest.

Any authorized police officer, upon making an arrest for a violation of this Chapter, shall take the name and address of the alleged violator and shall issue to him in writing a summons or citation hereinafter described, notifying him to answer to the complaint to be entered against him at a place and at a time provided in said summons or citation. (Am. Ord. 3912)

Sec. 26-8.2. Summons Or Citation.

(1) There shall be provided for use by authorized police officers, a form of summons or citation for use in citing violators of this Chapter where the circumstances do not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.

(2) In every case when a citation is issued, the original of the same shall be given to the violator; provided that the administrative judge of the district court may prescribe by giving to the violator a carbon copy of the citation and provide for the disposition of the original and any other copies.

(3) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original. (Am. Ord. 3912)

Article 9. Use Of Malls.

Section 26-9.1. Declaration Of Intent.

The Council of the City and County of Honolulu finds that:

(a) Indiscriminate and uncontrolled use of the malls by individuals, commercial establishments fronting the malls and other organizations and deterioration of the aesthetic aspects of the malls are detrimental

to the public interest; and

(b) The Department Of Parks and Recreation is able to provide effective control and coordination of permittees' use of the malls, and to preserve or upgrade the aesthetic aspects of the malls; the Council therefore delegates to the Department the authority to control and coordinate permittees' use of the malls in accordance with the terms of this Article. (Am. Ord. 3951)

Sec. 26-9.2. Definitions.

(a) "Council" shall mean the City Council;

(b) "Department" shall mean the Department of Parks and Recreation;

(c) "Events" shall mean the use of the malls (1) for membership drives sponsored by any person; and/or (2) for organized activities sponsored by any person on any portion of the malls, whether for profit or not; and/or (3) for meetings, which are hereby defined to mean any gatherings on the malls sponsored by any person; and/or (4) for speeches or other communications made by any person and addressed to other users of the mall for the purpose of influencing their views on any subject;

(d) "Malls" shall mean any pedestrian promenade which is or has been established and is under the control, management, or ownership of the City;

(e) "Malls District" shall mean the area from a private property line to a private property line as to the width of the mall, and physical demarcation indicating the length of the mall; and

(f) "Merchant" shall mean any property owner who has been assessed for the malls improvement district, including lessees or tenants of such property. (Am. Ord. 3951)

Sec. 26-9.3. Powers And Duties Of The Department.

(a) Applications. The Department shall receive and review applications for permits for the use of the malls by any person where required by Sec. 26-9.3(b), on forms approved by the Department. The filing of applications shall be pursuant to rules and regulations adopted by the Department. Said applications for permits shall be filed not fewer than 10 working days prior to the date of the proposed event. There shall be no charge for the filing of an application. The Department shall inform the applicant in writing of any approval or denial of an application by delivering or mailing to the last known address of the applicant a copy of the Department's decision within 5 working days before the proposed event.

(b) Permits. The Department shall issue permits for the use of a particular area of a mall or malls for events, together with any activities

reasonably related thereto, whenever such events promote: the safety, health, and welfare of the public; the use of the malls for which they were established; the interest of the malls district; or any other community endeavors sponsored, undertaken or promoted by duly established organizations. The Department shall determine and establish by rules as prescribed herein the number and boundaries of areas within each mall which shall reasonably promote the safety, health, and welfare of the public; the use of the malls for which they were established; the interest of the malls district; or any other community endeavors sponsored, undertaken or promoted by duly established organizations.

All permits may be issued subject to the following restrictions:

(1) That such events do not impair the health, safety, and welfare of the users of the malls and of the merchants and the property owners in the malls, and do not violate any statutes, ordinances, or rules or regulations having the effect of law;

(2) No permit shall be granted for more than seven consecutive calendar days in any calendar year;

(3) No permit shall be issued for more than one event in a particular area of a mall during a given period, provided that several areas of a mall or malls may be used concurrently for such event;

(4) No permit shall be issued to any person for an event in a particular area of a particular mall more than once during a calendar year; provided that any events sponsored by merchants shall be done collectively as an association of merchants and not individually; and provided further that any person who has the privilege of using a particular mall during a calendar year as provided herein, may submit another application, and the Department may issue a permit to such person if there are no conflicts in the use of the malls granted to other permittees, or no applicant has submitted a request for the use of the malls for the date or period requested by such prior user of the mall; and

(5) A security deposit for each day of use for the purpose of cleaning up the malls if a permittee fails so to do, or as reimbursement for any damage to plants or other property of the City or to any private property fronting or situated alongside the malls. Such deposit shall be returned to the applicant if the foregoing situations have not occurred; provided that if such deposit has been held for more than a month, interest at the prevailing rate on a month-to-month basis shall be paid by the City.

The Department shall establish monetary deposit schedules based on the number of people utilizing a specific area for which a permit has been issued, the term of the permit, and the type of activity; if a permittee charges admission to his functions or activities, the Director

shall require that he obtain a public liability insurance policy which names the City and County of Honolulu as an insured party.

(c) Advisory Function of the Department. The Department shall recommend to the merchants or the property owners as the case may be: (1) appropriate renovations or repairs to facades of buildings fronting the malls; (2) appropriate renovations or repairs to overhanging signs and permanent marquees fronting the malls; and (3) recommend proposals to preserve or upgrade the aesthetic aspects of the malls to the appropriate city agency or merchants.

(d) Department to Control Repairs and Traffic. The Department shall (1) control timing of repair or removal of public utility services; and (2) recommend controls relative to pedestrian and vehicular traffic on the malls to the appropriate city agency.

(e) Newsstands, Public Telephone Enclosures, and so forth. The Department shall confer with the Director of Finance relative to permits and placement of newsstands, public telephone enclosures, freight elevators, freight chutes, and curb-side tellers, all of which are under the jurisdiction of the Director of Finance as provided in Article 7, Chapter 26, R.O. 1969, as amended.

(f) Rules and Regulations. To promulgate and adopt rules and regulations, including rules of procedure for the suspension or revocation of permits and such other adjudicatory functions, all pursuant to Chapter 91, HRS, as amended which are not inconsistent with the provisions contained herein.

(g) Hearings.

(1) For revocation or suspension of permit: To conduct hearings pursuant to the provisions of Chapter 91, HRS, as amended before revoking or suspending any permit. No hearing shall be required as a prerequisite to the issuance of any permit.

(2) Notice of Determination. If after the hearing it is determined that a permit shall be revoked or suspended, the applicant shall be informed in writing and in the form as provided in Chapter 91, HRS, as amended. (Am. Ord. 3951)

Sec. 26-9.4. Appeals.

An applicant whose permit for the use of the malls has been denied, revoked or suspended by the Department may file within thirty days after receipt of said revocation, suspension or denial an appeal for a hearing with the City Council. (Am. Ord. 3951)

Sec. 26-9.5. Penalty, Procedure On Arrest, And Summons Or Citation.

(a) Penalty. Any person violating the provisions of this Article shall be, upon conviction, subject to a fine of \$250.00 or 30 days in the City

jail, or both.

(b) Procedure on Arrest. Any authorized police officer, or authorized special police officer, upon making an arrest for a violation of this Article, shall take the name and address of the alleged violator and shall issue to him in writing a summons or citation hereinafter described, notifying him to answer to the complaint to be entered against him at a place and at a time provided in said summons or citation.

(c) Summons or Citation.

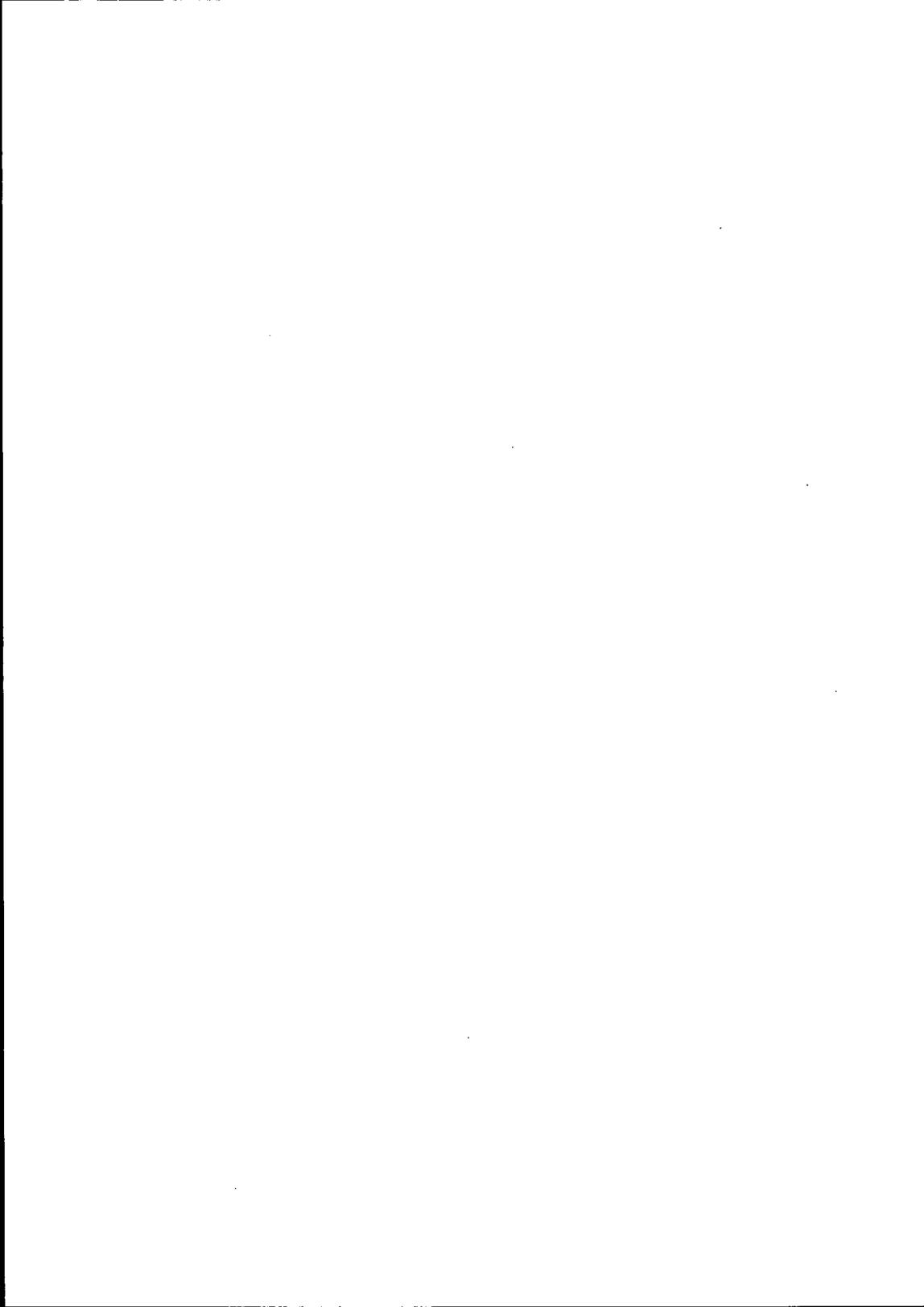
(1) There shall be provided for use by authorized police officers or authorized special police officers, a form of summons or citation for use in citing violators of this Article which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.

(2) In every case when a citation is issued, the original of the same shall be given to the violator; provided that the administrative judge of the district court may prescribe by giving to the violator a carbon copy of the citation and provide for the disposition of the original and any other copies.

(3) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original. (Am. Ord. 3951)

Sec. 26-9.6. Severability.

The provisions of this Article as enacted by this ordinance are hereby declared to be severable. In accordance therewith, if any portion of said Article is held invalid for any reason, the validity of any other portion of this Article shall not be affected and if the application of any portion of this Article to any person, property or circumstance is held invalid, the application hereof to any other person, property or circumstance shall not be affected. (Am. Ord. 3951)



CHAPTER 27.*

Green Fees For Municipal Golf Courses.

Article 1. General Provisions.

Sec. 27-1.1. Definitions.

Definitions as used in this Chapter:

- (a) "senior citizen" means any person who is 65 years of age or older;
- (b) "student" means any person 18 years of age or under and attending a recognized educational institution;
- (c) "twilight hours" means the hours after 4:30 p.m. and before midnight during the months October through April, and the hours after 4:00 p.m. and before midnight during the months May through September;
- (d) "Ala Wai and Pali" means Ala Wai and Pali Golf Courses; and
- (e) "Kahuku" means Kahuku Golf Course. (Am. Ord. 3574)

Sec. 27-1.2. Green Fees.

The following green fees shall be collected by the Department of Parks and Recreation for the use of the City's golf courses:

- (a) Weekday Rates (Monday through Friday):
 - (1) Ala Wai and Pali:
 - (a) \$1.50 per person per 18 holes;
 - (b) \$.75 per person during the twilight hours;
 - (2) Kahuku:
 - (a) \$.75 per person per 18 holes;
 - (b) Week-end and holiday rates:
 - (1) Ala Wai and Pali:
 - (a) \$2.50 per person per 18 holes;
 - (b) \$1.25 per person during the twilight hours;
 - (2) Kahuku:
 - (a) \$1.00 per person per 18 holes;
 - (c) Monthly Rates:
 - (1) Ala Wai and Pali:
 - (a) \$10.00 per month;
 - (2) Kahuku:
 - (a) \$3.50 per month.
- (Am. Ord. 3574)

*See Op. No. 70-3 dated April 14, 1970 of the Office of the Corporation Counsel.

Sec. 27-1.3. Rates For Senior Citizens And Students.

The Department of Parks and Recreation shall charge senior citizens and students 50% of the rates contained in Section 27-1.2 above. (Am. Ord. 3574)

**CHAPTER 28
PUBLIC TRANSIT SYSTEM**

Article 1. Fees For Advertising On Buses

Sec. 28-1.1. Advertising Space Defined.

“Standard advertising space” is defined as a space 11 inches wide and 28 inches long in the interior of the bus. (Am. Ord. 3900)

Sec. 28-1.2. Authorization To Rent Or Let.

A. The Director of Finance is hereby authorized to rent or let advertising space inside City transit coaches in standard or larger sizes as hereinafter provided, subject to the following limitations: (1) six standard advertising spaces on the interior of each 49- or 51-passenger coach shall be made available for announcements and advertising of a public service, civic, or charitable nature, with priority given to City sponsored announcements for which no fee shall be charged; (2) no advertising which contains political advertising, or which bears the name, signature, picture or likeness of any elected Federal, State or County official, shall be displayed in a City transit coach; (3) no advertising shall be accepted which by reason of design, format or subject matter promotes or appeals to racial, religious or ethnic prejudice or violence; and (4) no advertising which contains pictures, words or symbols of an obscene, lewd, lascivious or indecent character and no advertising for the promotion of any illegal, indecent or immoral purpose shall be accepted.

B. The Director of Finance shall administer the provisions of this article and be authorized to promulgate rules and regulations which are not inconsistent herewith, pursuant to the provisions of Chapter 91, HRS. (Am. Ord. 3900)

Sec. 28-1.3. Fees.

Each standard advertising space for commercial advertising shall be rented or let at the following rates:

A. MONTHLY RATE SCHEDULE PER CARD

Size	Amt. Purchased Spaces	Contract Period				
		1 Mo per	3 Mo's per	6 Mo's per	9 Mo's per	12 Mo's per
11" x 28"	(50)	\$2.80	\$2.60	\$2.40	\$2.20	\$2.00
	(100)	2.10	1.95	1.80	1.65	1.50
	(200)	1.75	1.63	1.50	1.38	1.25

11" x 42" 1½ x 11" x 28" rates quoted above
 11" x 56" 2 x 11" x 28" rates quoted above.
 22" x 21" (Tentative-subject to availability)
 \$4.00 per showing, full fleet coverage on a
 minimum 12-month contract.

B. Advertising Commission. The foregoing rates may, when the interests of the City require, include a 15 per cent advertising agency commission fee.

C. Schedule for Charging of Advertising Card. Where space is rented or let for six months or more, the advertiser shall be permitted to request the City to change his display free of charge once during the first six months, and once during each three-month period thereafter. For each additional display change, the City shall charge a rate of 40 cents per card. Nothing herein shall prohibit reciprocal advertising agreements with other advertising media when such arrangements are in the best interests of the City.

D. Bus Transportation Revolving Fund. All fees collected under this Article shall be paid into the Bus Transportation Revolving Fund. (Am. Ord. 3900)

Article 2. Island-Wide Fare Structure

Sec. 28-2.1. Fare Structure.

(a) The following fares shall be collected from every person using the public transit system owned or controlled by the City and County of Honolulu:

	Fare-1st Zone (local)	Fare-2nd Zone (through)
Adult	\$.25	\$.50
Student (Ages 6 through high school, however not to exceed age 19)	.10	.25
Child* (Infant through age 5)	.10	.25

*No fare shall be charged when accompanied by a fare-paying passenger; however, a child riding free shall not occupy a seat at the exclusion of a fare-paying passenger.

Transfers will be permitted under regulations as prescribed by management.

(b) The Mass Transit Division, Department of Traffic is hereby authorized to establish appropriate zones and to promulgate rules and regulations which are not inconsistent herewith, pursuant to the provisions of Chapter 91, HRS. (Am. Ord. 3944, 3980)

Sec. 28-2.2. Blind Passengers.

No blind person, carrying a white cane or an authorized identification card issued by the Department of Social Services nor his guide shall pay any fare. (Am. Ord. 3944, 3980)

Sec. 28-2.3. Senior Citizens.

Under regulations prescribed by the Mass Transit Division, Department of Traffic, senior citizens over 65 years of age shall pay no fare during periods of non-peak ridership as determined by the Mass Transit Division, provided however that when adequate buses and equipment become available, senior citizens shall pay no fare at any time. (Am. Ord. 3944)

Sec. 28-2.4. Baggage.

A passenger with baggage that cannot be placed on the passenger's lap or placed under a seat will be charged an additional 25 cents per piece of baggage. Restrictions on baggage will be:

Glass or sharp objects (not properly sheathed), bags, bundles, packages or other articles which, because of their size, bulk, or nature of their contents, may cause discomfort or be dangerous or offensive to passengers. (Am. Ord. 3944)

Sec. 28-2.5. Special Instructions.

(a) Passengers shall deposit exact fare in coin(s) in fare boxes of buses owned or controlled by the City.

(b) All fares collected under this Article shall be paid into the bus transportation revolving fund. (Am. Ord. 3944, 3949)

Sec. 28-2.6. Suspension Of Fares For Promotional Purposes.

The Council shall have the authority to suspend by resolution passed on one reading the fare structure or any part thereof in Section 28-2.1 for a period not exceeding one week; provided that any such suspension of the fare structure shall not decrease the total average monthly fare collection when full fares are collected by more than 5%, and provided further that such suspension shall be for the purpose of promoting the public ridership of the City's Mass Transit System. (Am. Ord. 3980)

Article 3. Smoking On Public Conveyances.

Sec. 28-3.1. Smoking Prohibited On Public Conveyances.

No person shall smoke or carry a lighted cigar, cigarette, pipe or match or other fire producing device on any transit bus owned and operated by the City or operated by a private carrier under contract with the City for the regularly scheduled carriage of passengers within the City and County of Honolulu; provided, however, that this section shall not apply to taxicabs, jitneys, or buses used for tour or charter work. (Am. Ord. 3949)

Sec. 28-3.2. "No Smoking" Signs Required.

The City or every person or his agent having control of vehicles upon which smoking or the carrying of lighted objects is prohibited by or under the authority of this Article, shall conspicuously display upon the vehicle a sign reading "Smoking Prohibited by Law". (Am. Ord. 3949)

Sec. 28-3.3. Violation Of Sign.

No person shall smoke where "No Smoking" signs are posted, nor shall any person remove such sign required to be erected by or under the authority of this Article. (Am. Ord. 3949)

Sec. 28-3.4. Placing Lighted Objects Close To Combustible Matter.

No person shall throw or place hot or burning substances or objects such as cigars, cigarettes or the contents of a burning pipe in, upon or in close proximity to any object or structure in a public conveyance whether publicly or privately owned where there is any material or condition which is combustible or liable to damage by heat, fire, or explosion. (Am. Ord. 3949)

Sec. 28-3.5. Penalty.

Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding \$25.00 or be imprisoned for a period not exceeding 10 days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Am. Ord. 3949)

APPENDICES

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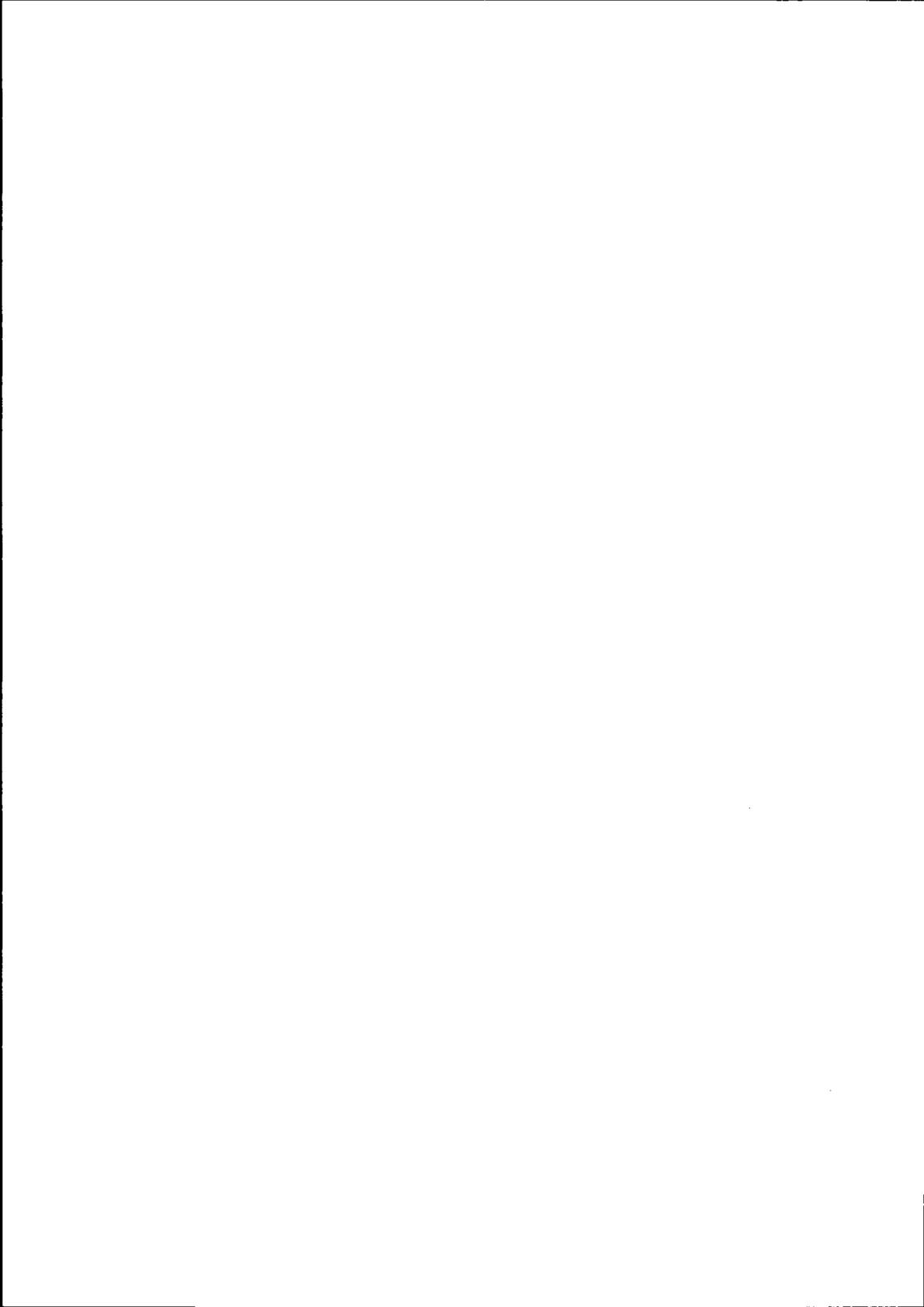
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APPENDIX "A"

Lease Or Rental Of Property Of The City And County of Honolulu

IV. Procedure

Sec. 14. Bidding not required, when.

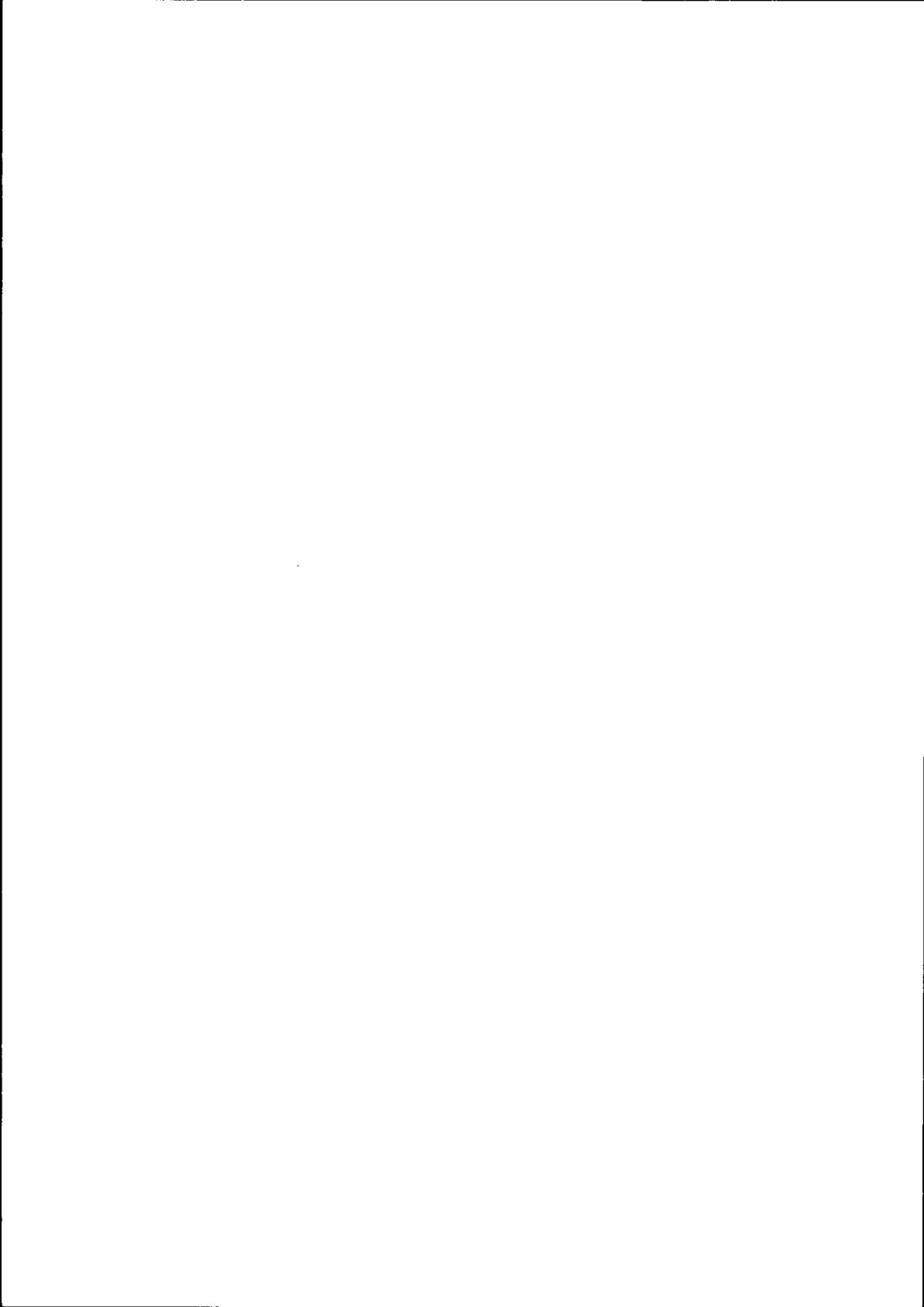
(m) Real property and improvements thereon may be leased, rented, or let to a private developer for the purpose of constructing housing, commercial, parking and other facilities or uses in implementing the housing program of the City and County; provided that development proposals shall have been evaluated for selection in terms of criteria as set forth in the Workable Program for Community Improvement. Subsequent to selection the Finance Director shall issue to the developer a letter of intent which shall indicate to the developer that he may proceed at his own expense and risk to initiate and undertake such studies as he may wish. At the earliest feasible date a development contract shall be submitted to the Council for approval by resolution which shall set forth in detail all covenants, obligations, restrictions, requirements, and conditions to govern the proposed development and subsequent operation of said project; provided that such development contract shall indicate the studies and design work which must be satisfactorily carried out and approved as a condition to the execution of a lease for said property. After approval by the Council of said development contract and satisfactory completion by the developer of such preliminary work as is required and set forth therein, a lease for a period necessary to obtain financing shall be submitted to the Council for approval by resolution. (Res. No. 70, 1971)

(n) Real property and/or office spaces that are leased, rented or let to any Federal Credit Union of City and County employees or employees of City and County-affiliate groups or organizations. (Res. No. 277, 1971)

AMENDMENTS APPROVED BY THE CITY COUNCIL:

Resolution No. 70 dated 3/23/71 (IV, 14m)

Resolution No. 277 dated 11/16/71 (IV, 14n)

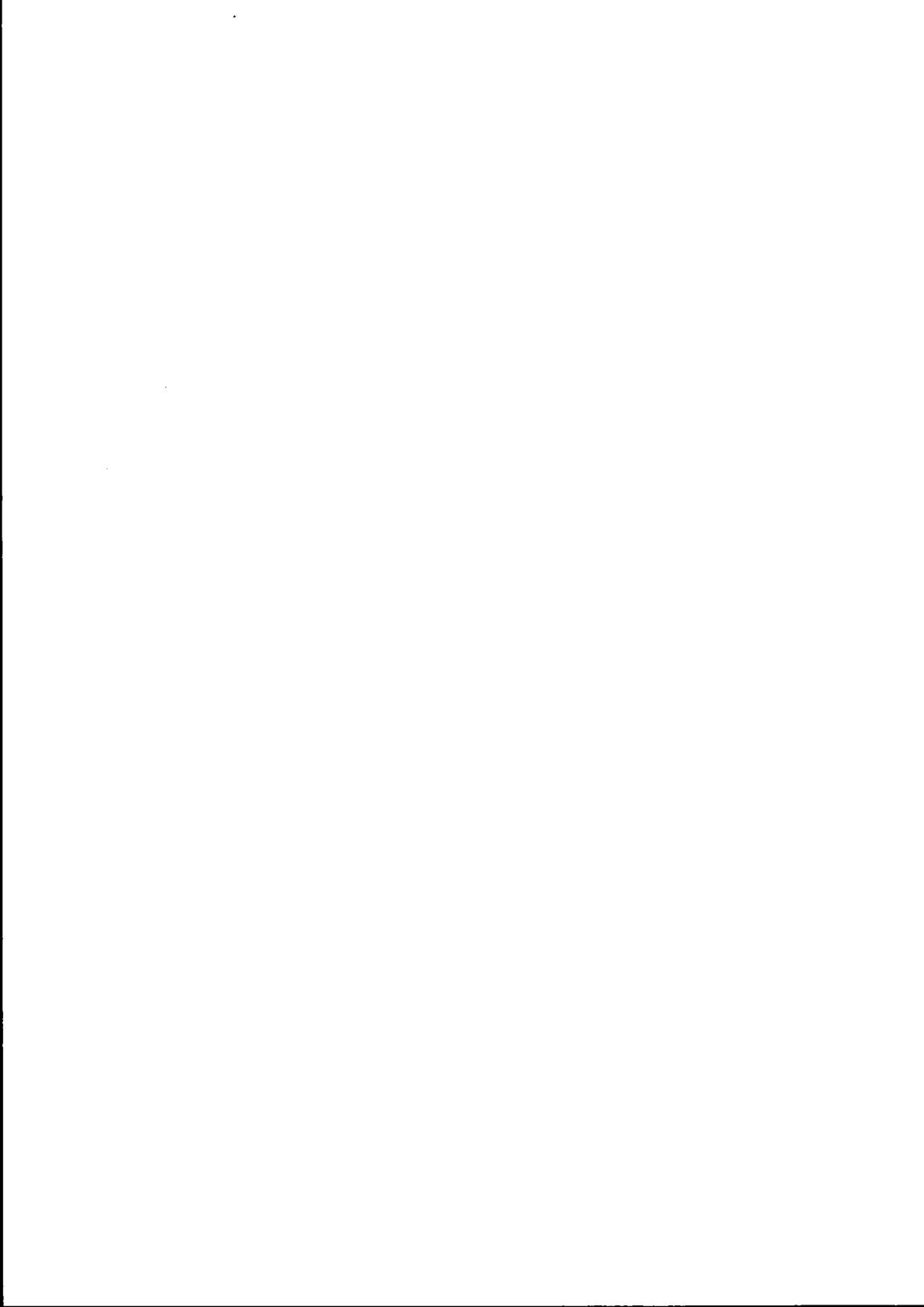


APPENDIX "B"
Ordinances Creating Funds.

Ord. No. 1970	R.O.	Subject
3637		Honolulu Redevelopment Agency Rehabilitation Loan Fund. November 19, 1970.
1971		
3707	8-35	Bus Transportation Revolving Fund. March 11, 1971.

APPENDIX "D"
Curb And Grade Lines.

Ord. No. 1970	Dist. No.	Subject
3561	221	PENSACOLA STREET, from South King Street to Kapiolani Boulevard. June 3, 1970.
3565	211	SHERIDAN TRACT, bounded by South King Street, Keeaumoku Street, Kapiolani Boulevard and Pensacola Street. June 12, 1970.
3566	225	PUNAHOU STREET, from South King Street to Wilder Avenue. June 18, 1970.
3567	216	SOUTH KING STREET, from South Street to Pensacola Street. June 24, 1970.
3577	224	THE STREETS IN WAIPIO ACRES, the area generally bounded by Waihonu Street, Waimakua Drive and Wailawa Street. July 1, 1970.



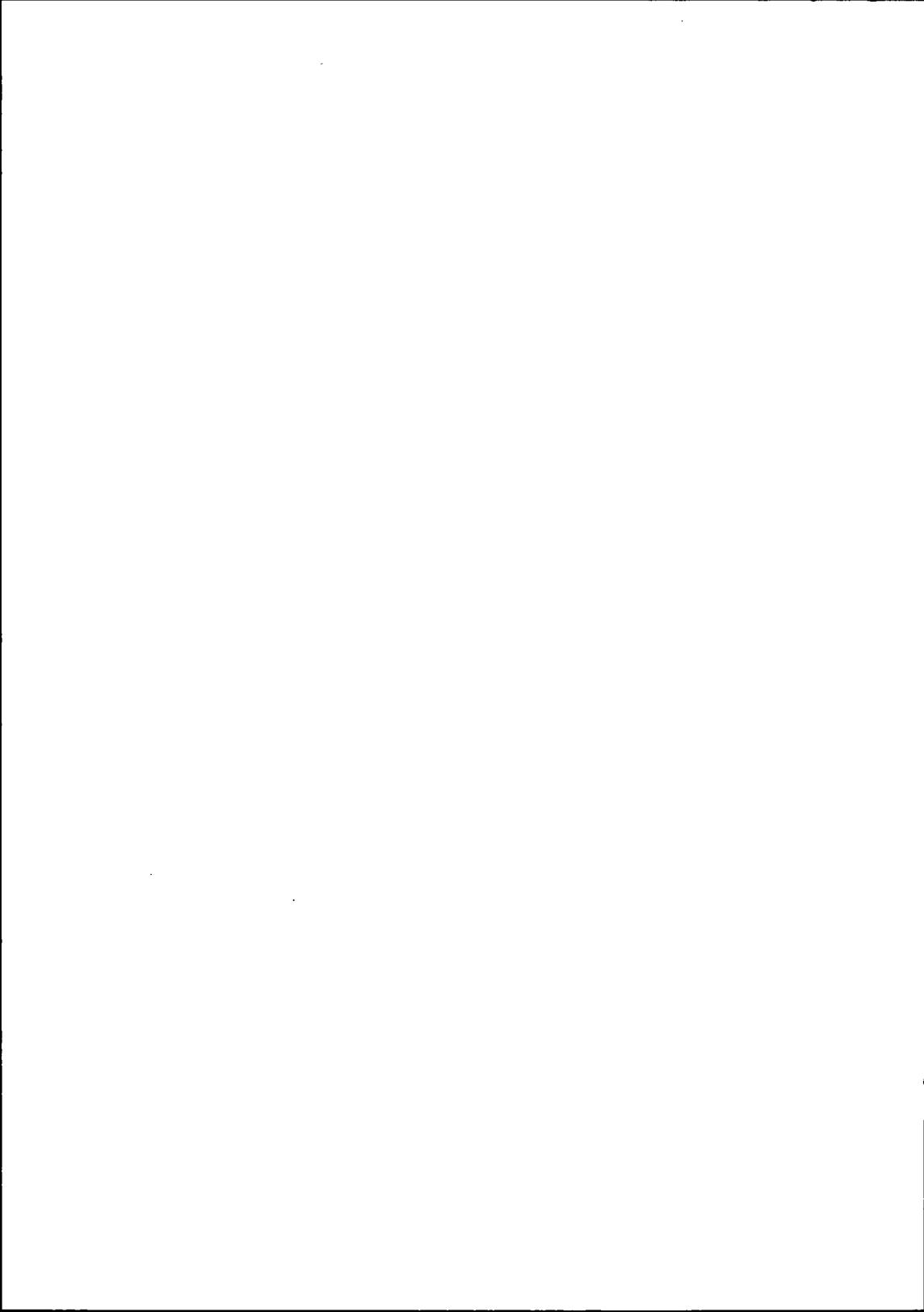
APPENDIX "E"

Improvement Districts (Creating And Assessing).

Ord. No. 1970	Dist. No.	
3514	214	AIEA HEIGHTS SEWERS, SECTION 2. Costs. January 28, 1970.
3515	183	KALIHI-KAI. Amending Ordinance No. 2725. January 28, 1970.
3522	217	KAILUA SEWERS, SECTION 4. Costs. March 5, 1970.
3544	214	AIEA HEIGHTS SEWERS, SECTION 2. Amending Ordinance No. 3514. April 22, 1970.
3568	219	WAHIAWA SEWERS, SECTION 5. Costs. June 24, 1970.
3569	218	KALAHEO HILLSIDE SEWERS. Costs. June 24, 1970.
3578	215	MANOA ACRES SUBDIVISION, UNIT 3. Costs. July 1, 1970.
3579	191	WAHIAWA SEWERS, SECTION 4. Costs. July 1, 1970.
3580	220	WAHIAWA SEWERS, SECTION 6. Costs. July 15, 1970.
3584	162	KAHALUU CUT-OFF ROAD, from Likelike Highway to the northerly boundary of Ahuimanu. Amending Ordinance No. 2434. July 22, 1970.
3602	110	KAILUA BUSINESS DISTRICT AND ITS OFF-STREET PARKING FACILITIES. Amending Ordinance No. 1655. September 21, 1970.
3604	152	PALOLO VALLEY. Amending Ordinance No. 2415. September 21, 1970.
3606	222	WAIPAHAU SEWERS, SECTION 1. Costs. September 23, 1970.
3635	221	PENSACOLA STREET, from South King Street to Kapiolani Boulevard. Costs. November 11, 1970.
3660	202	KEOLU DRIVE, from the vicinity of the Shopping Center to Kalaniana'ole Highway. Amending Ordinance No. 3257. December 31, 1970.

Ord. No.	Dist. No.	
1971 3669	207	MOANALUA ROAD, from the vicinity of Pono Street to Kaluaao Stream. Amending Ordinance No. 3227. January 13, 1971.
3670	183	KALIHI-KAI, bounded by Nimitz Highway, Libby Street, Auiki Street and Puuhale Road. Amending Ordinance No. 2725. January 13, 1971.
3671	198	SOUTH KING STREET, from Pensacola Street to Punahou Street. Amending Ordinance No. 3047. January 13, 1971.
3685	225	PUNAHOU STREET, from South King Street to Wilder Avenue. Costs. January 28, 1971.
3693	211	SHERIDAN TRACT, area generally bounded by South King Street, Keeaumoku Street, Kapiolani Boulevard and Pensacola Street. Costs. February 17, 1971.
3696	224	WAIPIO ACRES, area generally bounded by Waihonu Street, Waimakua Drive and Wailawa Street. Costs. February 24, 1971.
3706	152	PALOLO VALLEY. Amending Ordinance No. 2415. March 11, 1971.
3713	227	WAIPAHU SEWERS, SECTION 2. Costs. March 19, 1971.
3723	199	MANOA SEWERS, SECTION 2. Amending Ordinance No. 3210. April 22, 1971.
3749	228	AIEA HEIGHTS SEWERS, SECTION 3. Costs. July 8, 1971.
3750	226	KAILUA SEWERS, SECTION 6. Costs. July 8, 1971.
3768	200	ALAKEA STREET, from South King Street to South Beretania Street. Amending Ordinance No. 3232. July 22, 1971.
3783	216	SOUTH KING STREET, from South Street to Pensacola Street. Costs. September 7, 1971.
3795	229	KANEOHE SEWERS, SECTION 7. Costs. September 15, 1971.

Ord. No. 1972	Dist. No.	
3864	185	KULIOUOU VALLEY. Amending Ordinance No. 2964. January 13, 1972.
3935	153	PAWAA KAI. Amending Ordinance No. 2157. May 22, 1972.
3966	162	KAHALUU CUTOFF ROAD. Amending Ordinance No. 2434. July 17, 1972.
4003	215	MANOA ACRES SUBDIVISION, UNIT 3. Amending Ordinance No. 3578. September 12, 1972.
4010	168	MOKULEIA BEACH SUBDIVISION. Amending Ordinance No. 2373. October 3, 1972.



TABLES OF DISPOSITION

**Table I. Disposition Of Sections In Revised Ordinances
Of 1969.**

**Table II. Disposition Of Ordinances From January 1, 1970
To December 31, 1972.**

Tables Of Disposition

The following symbols are used in this Table:

A—Appropriation And Supplementary Appropriation Ordinances

B—Bond Ordinances

C—Curb, Grade, Curblin And Setback Ordinances

I—Improvement District And Frontage Improvement Ordinances

F—Functus

GP—General Plan Ordinances

PUD—Planned Unit Development Ordinances

R—Repealed

S—Salary Ordinances

T—Traffic Code

Z—Zoning Ordinances

TABLE I.
DISPOSITION OF SECTIONS IN REVISED
ORDINANCES OF 1969

1969	1970-71-72	1969	1970-71-72
1-1.1	1-1.1	7-14.6	Am. Ord. 4050
1-2.1 to 1-2.4	1-2.1 to 1-2.4	7-14.7	7-14.7
1-3.1	1-3.1	7-15.1 to 7-15.2	7-15.1 to 7-15.2
1-4.1 to 1-4.3	1-4.1 to 1-4.3	7-15.3	Am. Ord. 4005
1-5.1	1-5.1	7-15.4	7-15.4
1-6.1	1-6.1	8-1.1	Am. Ord. 3601, 3983
1-7.1 to 1-7.9	1-7.1 to 1-7.9	8-1.2	8-1.2
Chapter 2	Chapter 2	8-2 (Reserved)	8-2 (Reserved)
(Reserved)	(Reserved)	8-3.1	8-3.1
3-1.1 and 3-1.2	3-1.1 and 3-1.2	8-4 (Reserved)	8-4 (Reserved)
3-2.1 and 3-2.2	3-2.1 and 3-2.2	8-5.1 and 8-5.2	8-5.1 and 8-5.2
3-3.1 and 3-3.2	3-3.1 and 3-3.2	8-6.1 and 8-6.2	8-6.1 and 8-6.2
3-4.1 and 3-4.2	3-4.1 and 3-4.2	8-7.1 and 8-7.3	Am. Ord. 3586
3-5.1 and 3-5.2	3-5.1 and 3-5.2	8-7.4	Am. Ord. 3959
3-6 (Reserved)	3-6 (Reserved)	8-8.1	8-8.1
3-7.1 to 3-7.7	3-7.1 to 3-7.7	8-9 (Reserved)	8-9 (Reserved)
4-1.1	Am. Ord. 3902	8-10.1	Am. Ord. 3600, 3982
4-2.1 to 4-2.10	4-2.1 to 4-2.10	8-10.2	8-10.2
4-3.1 to 4-3.5	Am. Ord. 4002	8-10.3	Am. Ord. 3600, 3982,
5-1.1	5-1.1		4058
5-1.2	Am. Ord. 3704	8-11.1 to 8-11.3	8-11.1 to 8-11.3
5-2.1 to 5-2.6	5-2.1 to 5-2.6	8-12 (Reserved)	8-12 (Reserved)
5-3.1 to 5-3.7	5-3.1 to 5-3.7	8-13.1 to 8-13.4	8-13.1 to 8-13.4
5-4.1 to 5-4.4	5-4.1 to 5-4.4	8-14.1 to 8-14.4	8-14.1 to 8-14.4
5-5.1 to 5-5.4	5-5.1 to 5-5.4	8-15 (Reserved)	8-15 (Reserved)
6-1.1 to 6-1.4	Am. Ord. 3981	8-16.1 and 8-16.2	8-16.1 to 8-16.2
6-2.1 to 6-2.3	6-2.1 to 6-2.3	8-17.1 to 8-17.4	8-17.1 to 8-17.4
6-3.1 to 6-3.4	6-3.1 to 6-3.4	8-18.1 and 8-18.2	8-18.1 and 8-18.2
6-4.1 to 6-4.3	6-4.1 to 6-4.3	8-19.1 and 8-19.2	R
6-5.1 and 6-5.2	6.5.1 and 6-5.2	8-20.1 and 8-20.2	8-20.1 and 8-20.2
6-6.1 to 6-6.4	6-6.1 to 6-6.4	8-21.1	8-21.1
6-7.1 to 6-7.4	6-7.1 to 6-7.4	8-22.1 and 8-22.2	8-22.1 and 8-22.2
6-8.1 to 6-8.5	6-8.1 to 6-8.5	8-23.1 and 8-23.2	R
6-9.1 to 6-9.8	6-9.1 to 6-9.8	8-24.1 and 8-24.2	8-24.1 and 8-24.2
6-10.1 to 6-10.3	6-10.1 to 6-10.3	8-25.1 to 8-25.5	8-25.1 to 8-25.5
7-1.1	7-1.1	8-26 (Reserved)	8-26 (Reserved)
7-2.1 to 7-2.3	7-2.1 to 7-2.3	8-27 (Reserved)	8-27 (Reserved)
7-2.4	Am. Ord. 3509	8-28.1 and 8-28.2	8-28.1 and 8-28.2
7-3.1	7-3.1	8-29.1 and 8-29.2	8-29.1 and 8-29.2
7-4.1	7-4.1	8-30.1 to 8-30.5	8-30.1 to 8-30.5
7-5.1	7-5.1	8-31.1 to 8-31.3	8-31.1 to 8-31.3
7-6.1 to 7-6.4	Repealed by Ord. 3902	8-32.1 to 8-32.3	8-32.1 to 8-32.3
7-7 (Reserved)	7-7 (Reserved)	8-33.1 to 8-33.3	8-33.1 to 8-33.3
7-8.1	7-8.1	8-34.1 to 8-34.3	8-34.1 to 8-34.3
7-9.1 and 7-9.2	7-9.1 and 7-9.2	9-1.1 to 9-1.9	9-1.1 to 9-1.9
7-9.3	Am. Ord. 3751	9-2.1 to 9-2.7	9-2.1 to 9-2.7
7-9.4 to 7-9.7	7-9.4 to 7-9.7	9-3.1 to 9-3.10	9-3.1 to 9-3.10
7-10.1	7-10.1	9-4.1 to 9-4.4	9-4.1 to 9-4.4
7-11.1	7-11.1	10-1.1	Am. Ord. 3613
7-12.1 to 7-12.4	7-12.1 to 7-12.4	10-2.1	Am. Ord. 3613
7-13.1 to 7-13.9	7-13.1 to 7-13.9	11-1.1 to 11-1.6	11-1.1 to 11-1.6
7-14.1	7-14.1	11-2.1 to 11-2.4	11-2.1 to 11-2.4
7-14.2 to 7-14.4	Am. Ord. 4050	11-3.1 to 11-3.3	11-3.1 to 11-3.3
7-14.5	7-14.5	11-4.1	11-4.1

1969	1970-71-72	1969	1970-71-72
11-4.2 and 11-4.3	Am. Ord. 3691	13-31.1 to 13-31.11	13-31.1 to 13-31.11
12-1.1	Am. Ord. 3587, 3725, 4021	13-32.1 and 13-32.2	Am. Ord. 3535
12-1.2	Am. Ord. 4021	13-33.1 to 13-33.5	13-33.1 to 13-33.5
12-1.3	Am. Ord. 3621, 4021	13-34.1 and 13-34.2	Functus
12-1.4 to 12-1.6	12-1.4 to 12-1.6	13-35.1 to 13-35.11	(See Chapter 26)R
12-1.7	Am. Ord. 3618, 4021	13-36.1 to 13-36.6	Repealed by Ord. 3609
12-1.8	Am. Ord. 3725, 4021		(See Chapter 26)R
12-1.9	Am. Ord. 3652	13-37.1 to 13-37.8	Repealed by Ord. 3609
12-1.10	Am. Ord. 3621	13-38.1 to 13-38.8	13-37.1 to 13-37.8
12-1.11 to 12-1.15	12-1.11 to 12-1.15	13-39.1 to 13-39.3	Functus
12-2.1 to 12-2.3	12-2.1 to 12-2.3	Chapter 14 (Reserved)	13-39.1 to 13-39.3
12-2.4	Am. Ord. 3550	Chapter 15	Chapter 14 (Reserved)
12-2.5 and 12-2.6	12-2.5 and 12-2.6	Chapter 15	Chapter 15
12-2.7	Am. Ord. 3597	(Traffic Code)	(Traffic Code)
12-2.8	12-2.8	16-1.1	Am. Ord. 3800, 3866, 3875, 3969, 4011
12-3.1 to 12-3.4	12-3.1 to 12-3.4	16-2.1 to 16-2.14	Am. Ord. 3800, 3969
12-4.1 to 12-4.6	12-4.1 to 12-4.6	16-3.1 to 16-3.5	Am. Ord. 3800, 3969
13-1.1 to 13-1.9	13-1.1 to 13-1.9	16-4.1 to 16-4.8	Am. Ord. 3800, 3969
13-2.1 to 13-2.4	13-2.1 to 13-2.4	16-5.1 to 16-5.4	Am. Ord. 3800
13-3.1 to 13-3.3	13-3.1 to 13-3.3	16-6 (Repealed by Ord. 3337)	16-6 (Repealed by Ord. 3337) R
13-3A.1 to 13-3A.3	13-3A.1 to 13-3A.3	16-7.1	16-7.1
13-4.1 to 13-4.3	13-4.1 to 13-4.3	16-7.2	Am. Ord. 3986
13-5.1 to 13-5.4	13-5.1 to 13-5.4	16-7.3 to 16-7.8	16-7.3 to 16-7.8
13-6.1 to 13-6.8	13-6.1 to 13-6.8	17-1.1 and 17-1.2	17-1.1 and 17-1.2
13-7.1 to 13-7.7	13-7.1 to 13-7.7	17-2.1	Am. Ord. 3808
13-8.1 to 13-8.7	13-8.1 to 13-8.7	17-3.1 to 17-3.2	17-3.1 to 17-3.2
13-9.1 to 13-9.8	13-9.1 to 13-9.8	17-3.3	Am. Ord. 3876
13-10.1 to 13-10.11	13-10.1 to 13-10.11	17-4.1	Am. Ord. 3808, 3970
13-10.12	Am. Ord. 4009	17-4.2	Am. Ord. 3970
13-10.13	13-10.13	17-4.3 to 17-4.10	Repealed by Ord. 3970 R
13-11.1 to 13-11.3	13-11.1 to 13-11.3	17-14.11	17-4.11
13-12.1 and 13-12.2	(See Chapter 26)R	17-5.1	Am. Ord. 3836
13-13.1 to 13-13.5	Repealed by Ord. 3609	17-5.2	17-5.2
	(See Chapter 26)R	17-6.1	Am. Ord. 3808
13-14.1 and 13-14.2	Repealed by Ord. 3609	17-6.2	Repealed by Ord. 3808 R
13-14.1 and 13-14.2	13-14.1 and 13-14.2	17-6.3	Am. Ord. 3649
13-15.1 and 13-15.2	13-15.1 and 13-15.2	17-6.4	Am. Ord. 3649, 3808
13-16.1 to 13-16.3	13-16.1 to 13-16.3	17-6.5 and 17-6.6	17-6.5 and 17-6.6
13-17.1 to 13-17.5	(See Chapter 26)R	Chapter 18 (Reserved)	Am. Ord. 3972
	Repealed by Ord. 3609	19-1.1	Am. Ord. 3648, 3809
13-18.1 and 13-18.2	Am. Ord. 3920	20-1.1 to 20-1.7	3877, 3971
13-18.3 and 13-18.4	Am. Ord. 3738	20-2.1 to 20-2.10	Am. Ord. 3874
13-18.5	Am. Ord. 3920	20-3.1	Am. Ord. 3984
13-19.1 to 13-19.8	13-19.1 to 13-19.8	20-3.2	20-3.2
13-20.1 to 13-20.4	13-20.1 to 13-20.4	20-3.3 and 20-3.4	Am. Ord. 3984
13-21.1 and 13-21.2	Am. Ord. 3540, 3692	20-3.5	20-3.5
13-22.1 to 13-22.5	13-22.1 to 13-22.5	20-3.6 to 20-3.11	Am. Ord. 3984
13-23.1 and 13-23.2	(See Chapter 26)R	20-3.12 and 20-3.13	20-3.12 and 20-3.13
	Repealed by Ord. 3609	20-4.1 and 20-4.2	20-4.1 and 20-4.2
13-24.1 and 13-24.2	13-24.1 and 13-24.2	20-5.1	Am. Ord. 4051
13-25.1 to 13-25.3	(See Chapter 26)R	20-5.2	20-5.2
	Repealed by Ord. 3609	20-5.3	Am. Ord. 3984
13-26.1 to 13-26.10	(See CZC)	20-6.1 to 20-6.2	20-6.1 to 20-6.2
	Repealed by Ord. 3534 R	20-6.3	Am. Ord. 3939
13-27.1 to 13-27.6	13-27.1 to 13-27.6		
13-28.1 to 13-28.6	13-28.1 to 13-28.6		
13-29.1 to 13-29.4	13-29.1 to 13-29.4		
13-30.1 to 13-30.3	13-30.1 to 13-30.3		

1969	1970-71-72	1969	1970-71-72
20-6.4	20-6.4	24-1.1 to 24-1.2A	Am. Ord. 3948
20-6.5	Am. Ord. 3521	24-2.1 and 24-2.2	24-2.1 and 24-2.2
20-6.6	20-6.6	24-3.1 to 24-3.8	24-3.1 to 24-3.8
20-7.1	20-7.1	24-4.1 to 24-4.4	24-4.1 to 24-4.4
Chapter 21 (CZC)	Chapter 21 (CZC)	24-4.5	Am. Ord. 3524
22-1.1 to 22-1.4	22-1.1 to 22-1.4	24-4.6 to 24-4.11	24-4.6 to 24-4.11
22-2.1 to 22-2.6	22-2.1 to 22-2.6	24-4.12	Am. Ord. 3629
22-3.1 to 22-3.12	22-3.1 to 22-3.12	24-5.1	Am. Ord. 3524
22-4.1 to 22-4.2	22-4.1 and 22-4.2	24-5.2 to 24-5.7	24-5.2 to 24-5.7
22-5.1 to 22-5.7	22-5.1 to 22-5.7	24-6.1 to 24-6.9	24-6.1 to 24-6.9
23-1.1 to 23-1.3	Am. Ord. 3968	24-7.1	24-7.1
23-2.1 to 23-2.8	Am. Ord. 3968	24-8.1	24-8.1
23-3.1 to 23-3.2	Am. Ord. 3968	25-1.1	Am. Ord. 3814
23-3.3 and 23-3.4	23-3.3 and 23-3.4	25-2.1	Am. Ord. 3585, 3814
23-4.1 and 23-4.2	Am. Ord. 3968		

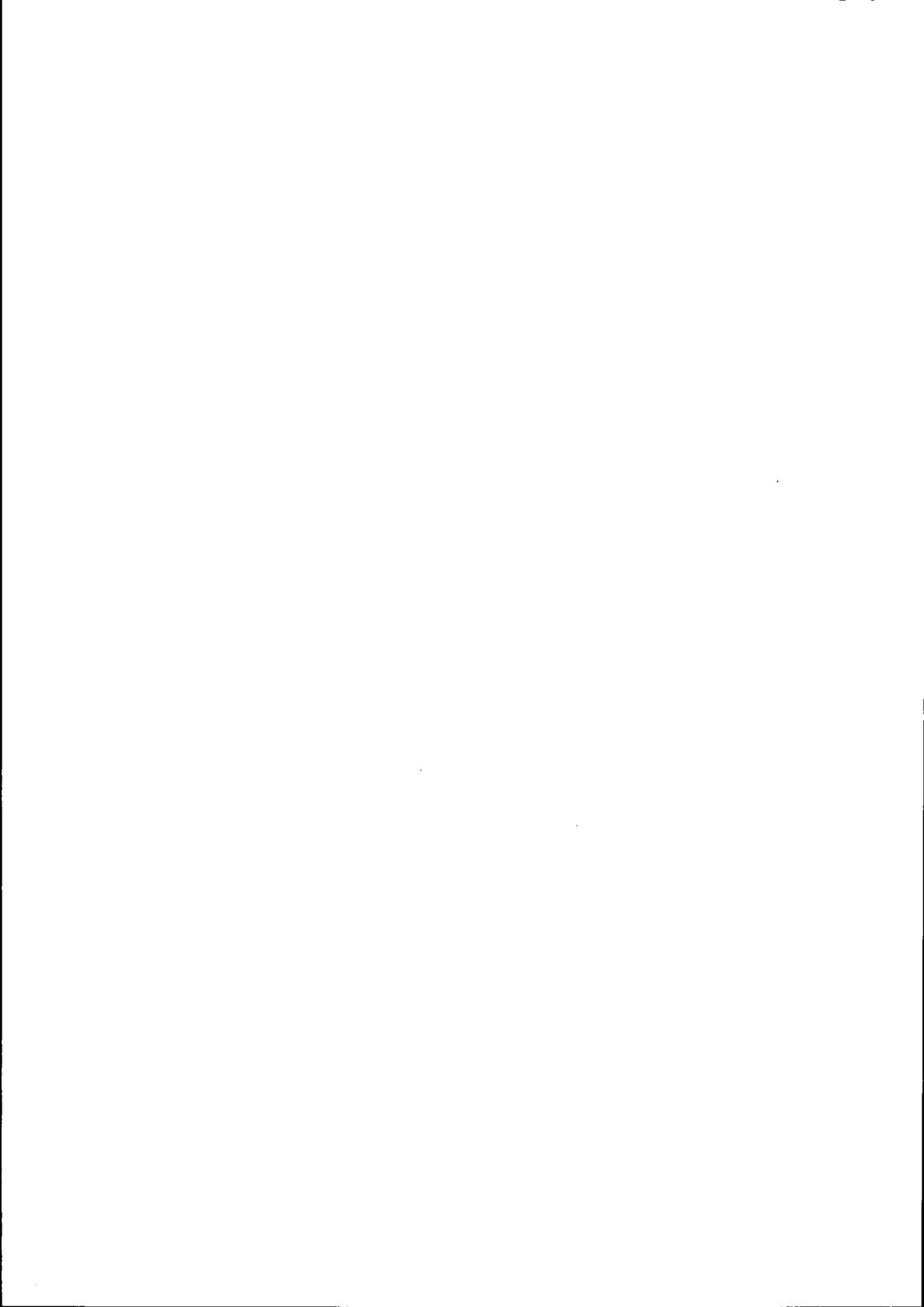


TABLE II.
DISPOSITION OF ORDINANCES FROM
JANUARY 1, 1970 TO DECEMBER 31, 1972

1970				
3508	R.O. 21-224(f)	3545		Z
09	R.O. 7-2.4	46		T
3510	Z	47		A
11	T	48		T
12	T	49	R.O. 13-43.1, 43.2	
13	Z	3550	R.O. 12-2.4(c)	
14	I	51	R.O. 21-901(a) (2)	
15	I	52		A
16	A	53		Z
17	Z	54		Z
18	A	55		Z
19	T	56		Z
3520	Abolishing the Public Improvement Fund, Act 97, Clearance Fund, School Construction Fund (Federal), and Public Off-Street Parking Facilities Revenue Bond and Interest Redemption Fund R	57 58 59 3560		T Z Z T
		61		C
		62		Z
21	R.O. 20-6.5	63		T
22	I	64		A
23	R.O. 21-701(b) (1), 711(b), 815(e), 835(e)	65 66		C C
24	R.O. 24-4.5, 5.1(a)	67		C
25	R.O. 21-202(d)	68		I
26	A	69		I
27	Designating an authorized emergency vehicle	3570 71		A A
28	T	72		A
3529	A	73		A
3530	Z	74	R.O. Chapter 27	
31	Z	75		Z
32	Z	76		Z
33	Z	77		C
34	R.O. 21-110, 200, 221(h), 221(i), 223(f), 224(a), 224(e), 224(f), 226, 227, 228, 504, 604, 706, 716, 804(a), 804(b), 804(c), 814(a), 814(b), 814(c), 834(a), 834(b), 834(c), 844(a), 844(b), 844(c), 905(a), 905(b), 905(c)	78 79 3580 81 82 83		I I I T T
	Repealing Article 26 of Chapter 13	84 85	R.O. 21-402(a), 402(g)	
35	R.O. 13-32.1 to 13-32.6	86	Repealed by Ord. 3814 R	
36	Z	87	R.O. 8-8.1 to 8-8.4	
37	T	88	R.O. 12-1.1(f)	
38	PUD	89	Z	
39	Z	3590	PUD	
3540	R.O. 13-21.1		Temporarily closing Wanaao Road	
41	Designating an authorized emergency vehicle	91	Temporarily closing Amoomoo Street	
42	Designating an authorized emergency vehicle	92 93		A A
43	Z	94		T
44	I	95		T

3596	R.O. 21-206 repealing	3629	R.O. 24-4.12
	21-202(f)	3630	GP
97	R.O. 12-2.7(a)	31	GP
98	A	32	Z
99	T	33	GP
3600	R.O. 8-11.1, 11.3 S	34	GP
01	R.O. 8-1.1 S	35	I
02	I	36	T
03	Z	37	Honolulu Redevelopment Agency
04	I		Rehabilitation Loan Fund
05	Purchase of HRT	38	T
06	I	39	PUD
07	B	3640	A
08	A	41	R.O. 5-2.7
09	R.O. Chapter 26	42	GP
	repealing 13-12, 13,	43	GP
	17, 23, 25, 35, 36	44	Z
3610	GP	45	Z
11	GP	46	A
12	GP	47	A
13	R.O. 10-1.1(b), 2.1	48	Repealed by Ord. 3809 R
14	Designating authorized	49	R.O. 17-6.3(c), 6.4(a),
	emergency vehicle		6.4(d), 6.4(e) (2)
15	R.O. 21-602(a), 612(a),	3650	Z
	633(a)	51	Z
16	PUD	52	R.O. 12-1.9(b) (1)
17	T	53	T
18	R.O. 12-1.7(b)	54	R.O. 21-501(a) (8)
19	Adopting R.O. 1969,	55	GP
	repealing R.O. 1961	56	GP
3620	GP	57	GP
21	R.O. 12-1.3(a), 1.10(e)	58	Z
22	PUD	59	T
23	R.O. 13-40.1 to 13-40.4	3660	I
24	A	61	Z
25	A	62	Z
26	Z	63	Z
27	Designating an autho-	64	Z
	rized emergency vehicle	65	Z
28	PUD	66	Z

1971

3667	A	3718	GP
68	T	19	Amending ordinance
69	Amending ordinance		no. 3622 PUD
	no. 3227 I	3720	Z
3670	Amending ordinance	21	Repealed by Ord. 3894 R
	no. 2725 I	22	T
71	Amending ordinance	23	Amending ordinance
	no. 3047 I		no. 3210 I
72	GP	24	B
73	GP	25	R.O. 12-1.1(g), 1.8
74	GP	26	GP
75	T	27	GP
76	Z	28	GP
77	Z	29	GP
78	A	3730	GP
79	Amending ordinance	31	PUD
	no. 3633 GP	32	Amending ordinance
3680	Amending ordinance		no. 3697
	no. 3634 GP		Repealed by Ord. 3944
81	Z		(Fare Structure) R
82	Z	33	Z
83	T	34	GP
84	R.O. 13-41.1 to 41.5	35	GP
85	I	36	Amending ordinance
86	A		no. 3700 Z
87	A	37	A
88	GP	38	R.O. 13-18.3, 18.4
89	GP	39	T
3690	GP	3740	Temporarily closing Kona,
91	R.O. 11-4.2(a), 11-4.3		Kopaka, and Waimanu Streets
92	R.O. 13-21.1 to 13-21.10	41	R.O. 21-201(a), 201(c), 202(a), 204(a),
93	I		212(b) (2), 255(b), 280(a), 513(a),
94	GP		523(a), 523(b), 533(a), 533(b), 543(a),
95	GP		543(b), 553(a), 553(b), 563(a), 563(b),
96	I		605(e), 1011, 1013, 1014,
97	Repealed by Ord. 3944		deleting 21-107(e) (5)
	(Fare Structure) R	42	A
98	T	43	A
99	A	44	1969 Traffic Code T
3700	Z	45	Z
01	Z	46	Amending ordinance
02	PUD		no. 3697
03	T		Repealed by Ord. 3944
04	R.O. 5-1.2(e), (j)		(Fare Structure) R
05	R.O. 26-7.2(c)	47	A
06	Amending ordinance	48	A
	no. 2415 I	49	I
07	Bus Transportation Revolv-	3750	I
	ing Fund R.O. 8-35	51	R.O. 7-9.3
08	A	52	Z
09	T	53	Z
3710	PUD	54	Z
11	A	55	Z
12	Z	56	Z
13	I	57	Z
14	T	58	Z
15	T	59	GP
16	A	3760	Z
17	GP	61	Z

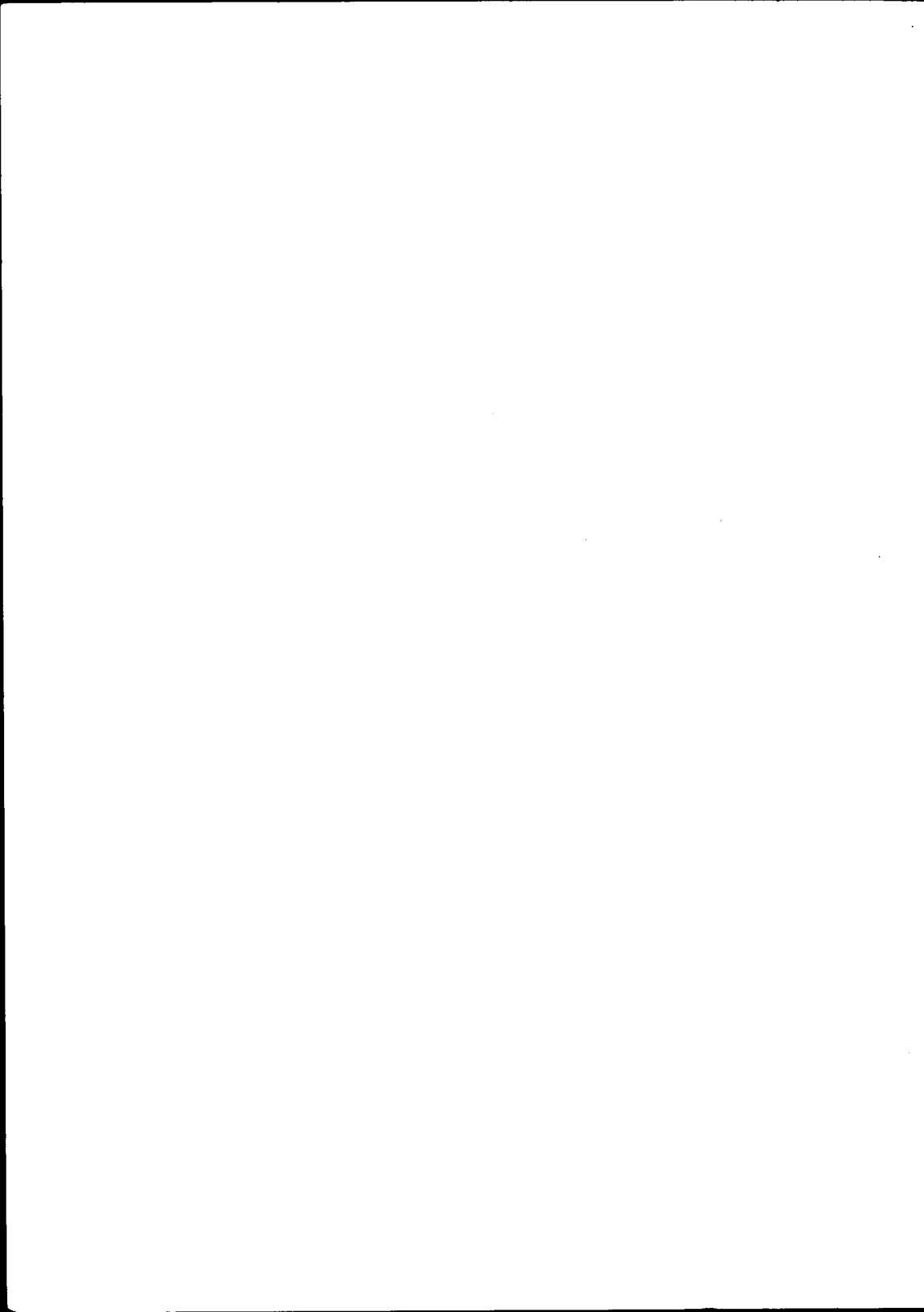
3762	T	3809	R.O. Chapter 19
63	GP	3810	Designating an authorized emergency vehicle
64	T		Z
65	Amending ordinance no. 3636 T	11	Z
		12	Z
66	Designating an authorized emergency vehicle	13	PUD
		14	R.O. Chapter 25
67	T	15	Z
68	Amending ordinance no. 3232 I	16	GP
		17	GP
69	Temporarily closing Uuku Street between California Avenue and Nakula Street	18	R.O. 21-605(e)
		19	A
3770	GP	3820	Z
71	GP	21	GP
72	Z	22	GP
73	Z	23	B
74	Z	24	T
75	Amending ordinance no. 3741 R.O. Chapter 21	25	Z
		26	Z
76	PUD	27	Z
77	Traffic Code Supplement 1970 T	28	Z
		29	
78	Designating an authorized emergency vehicle		Designating an authorized emergency vehicle
79	Z	3830	Designating an authorized emergency vehicle
3780	GP	31	A
81	GP	32	Z
82	Z	33	Z
83	I	34	
84	Z		Designating an authorized emergency vehicle
85	Z	35	Amending ordinance nos. 3636 and 3765 T
86	Z		R.O. 17-5.1(a)
87	Z	36	A
88	Z	37	
89	R.O. 21-204(a) (8)	38	PUD
3790	GP	39	GP
91	GP		
92	GP	3840	Z
93	Amending ordinance no. 3549 R.O. 13-43.1(c)	41	GP
		42	GP
94	A	43	GP
95	I	44	GP
96	GP	45	Z
97	GP	46	GP
98	R.O. 13-42	47	GP
99	R.O. 21-553(a) (2)	48	Z
3800	R.O. Chapter 16	49	Temporarily closing Waianae Valley Road
01	GP		
02	GP	3850	Z
03	Z	51	Z
04	T	52	Z
05	Designating an authorized emergency vehicle	53	Z
		54	Z
06	GP	55	Z
07	GP	56	Z
08	R.O. 17-2.1, 4.1(a) (5), 4.6, 6.1(e) (4) (bb), 6.4(c), 6.4(d), deleting 17-6.1(e) (2), 6.2, 6.4(e) (2)	57	T
		58	Z
		59	Z

1972

3860		GP	3910		GP
61		Z	11		GP
62		Z	12		R.O. 26-1.1, 4.1 to 4.16, 7.10, 8.1, 8.2
63		A			Renumbering 26-7.10 to 26-7.11
64	Amending ordinance no. 2964 I				A
65	Amending ordinance nos. 3636 and 3765 (Central Honolulu Traffic Plan) T	13 14 15			A A Amending ordinance no. 3776 to A-1 Apt. PUD
66	R.O. 16-1.1(52), (64A), (72A), (72B), (74), (78), (84), (90A), (90B), (94A)	16			Z
67		Z	17		Z
68		Z	18		GP
69		T	19		Z
3870		A	3920		R.O. 13-18.1, 18.2, 18.5
71		Z	21		R.O. 21-110, 212(b)
72		Z			(vii) (viii)
73		Z	22		R.O. 21-506
74	R.O. 20-1.1 to 20-1.7	23			GP
75	R.O. 16-1.1(4)	24			GP
76	R.O. 17-3.3	25			T
77	R.O. 19-1.1(24)	26			PUD
78	Repealed by Ord. 3970 R	27			Z
79	Designating an autho- rized emergency vehicle	28 29			GP GP
3880		GP	3930		A
81		Z	31		GP
82		T	32		GP
83		PUD	33		1970-71 Traffic Code Supplement T
84		GP			A
85		GP	34		Amending ordinance no. 2157 I
86		A	35		PUD
87		A			GP
88	Designating an autho- rized emergency vehicle	36 37			Z
89		A	38		R.O. 20-6.3(a)
3890	R.O. 21-701(c)	39			Z
91		PUD	3940		T
92		Z	41		GP
93		A	42		GP
94		T	43		R.O. 28-2.1 to 2.5
95	R.O. repealing 26-8	GP	44		Repealing ordinance nos. 3697, 3732, 3746
96		GP			Z
97		Z			Z
98		Z	45		Establishing the Hawaii Capital Dis- trict
99		Z	46		R.O. 21-1203, 1204, 1205
3900	R.O. 28-1.1 to 28-1.3	47			R.O. 24-1.1(a), 1.2A
01		A			R.O. 28-2.5, 3.1, 3.2, 3.3, 3.4, 3.5
02	R.O. 4-1.1(c) repealing R.O. 7-6		48		A
03		A	49		R.O. 26-9.1
04		A			GP
05	Abolishing the Urban Re- newal Coordinator Fund R		3950		GP
06	R.O. 21-301(c), 401(c), 501(c), 601(c), 701(c), 801(c), 811(c)	51 52 53			GP
07		PUD	54		GP
08		PUD	55		GP
09		T	56		GP

3957	Z	3989	GP
58	PUD	3990	GP
59	R.O. 8-7.4	91	GP
	Redesignating 8-7.4	92	Z
	to 8-7.5	93	Z
3960	A	94	Z
61	Amending ordinance no. 3912	95	Z
	R.O. Chapter 26	96	Z
62	Designating an authorized emergency vehicle	97	Z
	Designating an authorized emergency vehicle	98	Z
63	Designating an authorized emergency vehicle	99	Z
64	T	4000	Z
65	Z	01	PUD
66	Amending ordinance no. 2434	02	R.O. repealing 4-3 substituting 4-3
	1	03	Amending ordinance no. 3578
67	A		1
68	R.O. Chapter 23	04	T
69	R.O. 16-1.1, 2.1, 2.2, 2.4, 2.12, 2.13, 3.3, 4.3, 4.4(c)	05	R.O. 7-15.3(d)
	Deleting 16-1.1(8), (9), (10), (11), (12)	06	GP
3970	R.O. repealing 17-4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10	07	A
	Adding new item 17-4.1	08	T
	Redesignating 17-4.11 to 17-4.2	09	R.O. 13-10.12
		4010	Amending ordinance no. 2373
71	R.O. 19-1.1(5), (52) and (59)	11	R.O. 16-1.1(106), (107A), (108A)
	Deleting items (6), (7) and (8)	12	Deleting 16-1.1(56)
	Adding new items (6) and (7)	13	Z
	Effective January 2, 1973	14	GP
		15	GP
		16	GP
		17	GP
72	R.O. Chapter 18	18	GP
73	PUD	19	GP
74	Z	4020	R.O. 21-257, 501(c) (16)
75	Z	21	R.O. 12-1.1(e), (g), (i), (j), 1.2, 1.3(a), 1.7(a), 1.8(c), (d), (e)
76	Z		Repealing 12-1.8(f), (g), (h), (i), (j)
77	GP		T
78	GP	22	
79	T	23	Amending ordinance no. 3456
3980	R.O. 28-2.1, 2.2, 2.6		B
81	R.O. 6-1.4(b)	24	Amending ordinance no. 3607
82	R.O. 8-10.1, 10.3		B
83	R.O. 8-1.1	25	Amending ordinance no. 3823
84	R.O. 20-2.1, 2.2, 2.3A, 2.4, 2.5, 3.1, 3.3, 3.4, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 5.3	26	B
	Deleting 20-2.6	27	PUD
	Renumbering 20-2.7 to 2.6; 20-2.8 to 2.7; 20-2.9 to 2.8; 20-2.10 to 2.9	28	T
		29	T
		4030	A
85	B		Designating an authorized emergency vehicle
86	R.O. 16-7.2	31	Designating an authorized emergency vehicle
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'Garbage,' defined, § 13-40.2(h).

'Trash,' defined, § 13-40.2(i).

'Waste,' defined, § 13-40.2(j).

Legislative intent, § 13-40.1.

Premises to be free of weeds, garbage, trash and waste, § 13-40.3.

Z

ZONING

See COMPREHENSIVE ZONING CODE incorporated herein by reference

