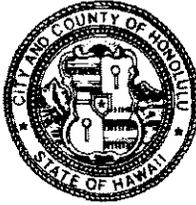


DEPARTMENT OF FACILITY MAINTENANCE  
CITY AND COUNTY OF HONOLULU

1000 Uluohia Street, Suite 215, Kapolei, Hawaii 96707  
Phone: (808) 692-5054 • Fax: (808) 692-5857  
Website: www.co.honolulu.hi.us

MUFI HANNEMANN  
MAYOR



LAVERNE HIGA, P.E.  
DIRECTOR AND CHIEF ENGINEER

GEORGE "KEOKI" MIYAMOTO  
DEPUTY DIRECTOR

IN REPLY REFER TO:

February 21, 2006

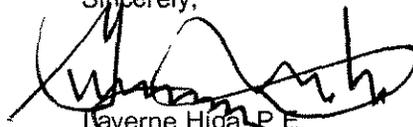
The Honorable Rod Tam, Chair  
and Members  
Public Works & Economic Development Committee  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

Dear Chair Tam and Members:

Subject: Resolution 06-036 Maintenance of Round Top and Tantalus Drives

The Department of Facility Maintenance does not believe that a maintenance agreement with the State Department of Land and Natural Resources is necessary or required. We believe that the Revised Ordinances of Honolulu (ROH) are clear in this regard. According to the ROH, the roadside maintenance responsibilities rest with the property owner, and since the State is a property owner with property abutting Round Top and Tantalus Drives, the State has a responsibility to perform the required maintenance. A copy of the applicable ROH is attached.

Sincerely,

  
Laverne Higa, P.E.  
for Director and Chief Engineer

LH:mi  
Attachment

APPROVED:

  
Wayne Hashiro  
Acting Managing Director

Dept. Com. No. 0208

RECEIVED

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CITY CLERK  
HONOLULU, HAWAII

## Article 20. Cleaning and Maintaining Sidewalks

### Sections:

- |         |                                      |
|---------|--------------------------------------|
| 14-20.1 | Cleaning of sidewalks.               |
| 14-20.2 | Procedure on owner failing to clean. |
| 14-20.3 | Notice to property owners.           |

### Sec. 14-20.1 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 and gutter area which abuts or adjoins the property owner's property; provided, however, that this requirement shall not apply where maintenance of an abutting sidewalk and gutter may be hazardous to the owner, or where a sidewalk and gutter, although abutting the owner's residential property, are so situated that there is no reasonable access from the property to the sidewalk and gutter. 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. The term "gutter" as used herein, shall mean that paved portion of a roadway immediately adjacent to the curb or that portion of a roadway in concrete and 12 to 14 inches wide immediately adjacent to the curb. (Sec. 20-4.1, R.O. 1978 (1983 Ed.))

### Sec. 14-20.2 Procedure on owner failing to clean.

If any such owner or such owner's agent, which shall include but not be limited to a lessee, tenant, property manager or trustee, after receiving notice from the city, fails, within 20 days after such notice, to clean such sidewalk, or fails and neglects to keep such sidewalk clean and free from weeds and noxious growths, then and thereupon the city may proceed to clean such sidewalk, as may be reasonably required, and the cost thereof shall be charged to and against such property owner and shall be collected from such property owner or the property owner's agent, if not immediately paid, by action in the district court. (Sec. 20-4.2, R.O. 1978 (1983 Ed.))

### Sec. 14-20.3 Notice to property owners.

The notice specified in Section 14-20.2 shall be sent to such property owner by mailing it to the property owner's last known address in the State of Hawaii, or to the property owner's agent at the property owner's agent's last known address. (Sec. 20-4.3, R.O. 1978 (1983 Ed.))