



A BILL FOR AN ORDINANCE

A BILL FOR AN ORDINANCE RELATING TO PUBLIC PARKS.

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

SECTION 1. Purpose. The purpose of this ordinance is to establish procedures governing the disposition of abandoned and unattended property on park land.

SECTION 2. Chapter 10 of the Revised Ordinances of Honolulu 1990, as amended, is further amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

“Article ___ Abandoned property

Sec. 10-____.1 Definitions.

For purposes of this article:

“Abandoned property” means any and all tangible personal property, including items, materials, equipment, fixtures, that has been left unattended on land owned or controlled by the department for a continuous period of more than twenty-four hours without the written permission of the department or its authorized representative. Anything herein to the contrary notwithstanding, personal property carried into the park and left after park hours will be considered abandoned property.

“Department” means the department of parks and recreation.

Sec. 10-____.2 Abandoned and unattended property; impoundment.

No person shall abandon property in a public park. All abandoned property may be impounded by the department or its authorized representative. In the event property left unattended interferes with the safe or orderly management of the premises, it may be impounded by the department or its authorized representative at any time.

Sec. 10-____.3 Storage, notice, disposition.

- (a) Storage and related costs. Impounded property shall be moved to a place of storage, and the owner shall be assessed moving, storage, and other related costs. Additionally, the owner of impounded property shall bear the responsibility for the risk of any loss or damage to their property.



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- (b) Shopping carts. The department shall notify the Retail Merchants Association or its successor organization, of the location where the shopping cart may be claimed. The Retail Merchants Association or its successor organization shall notify the owner or owner's agent of the location where the shopping cart may be claimed. The owner or owner's agent shall have three business days from the date the department notifies the Retail Merchants Association or its successor organization to retrieve the shopping cart without charge. If the owner or owner's agent fails to retrieve the shopping cart within three business days, the shopping cart shall become impounded property as provided in subsection (a), written notice shall be provided as in subsection (c), and the owner shall be subject to any applicable fees and costs imposed pursuant to subsection (a). Any shopping cart not reclaimed by the owner or owner's agent within thirty days after the date of written notice may be disposed of as property without commercial value.

- (c) Written notice. The department shall send notice by certified mail at least thirty days prior to disposition of impounded property, to the last known address of the owner of the property if the owner is known or can be determined. The notice shall apprise the owner of the identity and location of the property impounded and of the intent of the department to sell, donate, or otherwise dispose of the property. Where the identity or the address of the owner is unknown or cannot be determined, the notice shall be posted on the premises where the property is impounded. If the impounded property has an estimated value of \$1,000 or more, the department shall also give public notice of the disposition, including a brief description of the property, at least once either statewide or in a publication of local circulation where the property was impounded; provided that the disposition shall not take place less than five days after the notice of intent to dispose of the property.

- (d) Disposition. Following proper notice as provided in subsection (c), impounded property having an estimated value of \$1,000 or more shall be sold by public auction through oral tenders. The requirement for public auction shall not apply when the value of the impounded property is less than \$1,000. Property may be disposed of as property without commercial value if it was publicly auctioned but no bid was received, or if the value is less than \$1,000.

- (e) Disposition of property without commercial value and perishable property. If the department determines that any impounded property has no apparent commercial value or is of a perishable nature, the department at any time thereafter may destroy the impounded property or the property may be sold by negotiation, disposed of or sold as junk, kept by the department or donated to any other government agency or charitable organization.



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Sec. 10-___4 Proceeds of sale.

All charges and fines and all expenses of handling, storage, appraisal, advertising, and other sale expenses accruing to the owner of impounded property shall be deducted from the proceeds of any sale of impounded property. Any amount remaining shall be held in trust for the owner of the property for thirty days after sale, after which time the proceeds shall be paid into the general fund.

Sec. 10-___5 Repossession.

The owner or any other person entitled to abandoned or impounded property may repossess the property prior to its disposition upon proof of ownership or entitlement and payment of all unpaid rent, debts, charges, and fines owing and all handling, storage, appraisal, advertising, and any other expenses incurred in connection with the proposed disposition of impounded property.

Sec. 10-___6 City not liable.

The City and County of Honolulu, its officers, employees, and agents shall not be liable to the owner of impounded property because of any disposition of the property made pursuant to this section. The remedies available to the owner of impounded property are limited to those provided in this article.”



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SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Barbara Marshall (BR)

DATE OF INTRODUCTION:

May 27, 2008
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

David M. ...
Deputy Corporation Counsel

APPROVED this 4th day of September, 2008.

Mufi Hannemann
MUFU HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 08 - 23

BILL 43 (2008), CD2

Introduced: 05/27/08 By: BARBARA MARSHALL (BR)

Committee: PUBLIC HEALTH,
SAFETY AND WELFARE

Title: A BILL FOR AN ORDINANCE RELATING TO PUBLIC PARKS.

Links: [BILL 43 \(2008\)](#)
[BILL 43 \(2008\), CD1](#)
[BILL 43 \(2008\), CD2](#)
[CR-213](#)

COUNCIL	06/04/08	BILL PASSED FIRST READING AND REFERRED TO THE COMMITTEE ON PUBLIC HEALTH, SAFETY AND WELFARE.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
PUBLIC HEALTH, SAFETY & WELFARE	06/26/08	CR-213 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM				
PUBLISH	07/12/08	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
COUNCIL/PUBLIC HEARING	07/23/08	CR-213 ADOPTED. BILL PASSED SECOND READING AS AMENDED (BILL 43 (2008), CD1), PUBLIC HEARING CLOSED AND REFERRED TO PUBLIC HEALTH, SAFETY AND WELFARE COMMITTEE.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
PUBLISH	07/30/08	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
PUBLIC HEALTH, SAFETY & WELFARE	07/31/08	CR-252 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.				
COUNCIL	08/20/08	CR-252 ADOPTED AND BILL PASSED THIRD READING AS AMENDED (BILL 43 (2008), CD2)				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL E	OKINO Y	TAM Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BENISE C. DE COSTA, CITY CLERK


BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER