



A BILL FOR AN ORDINANCE

RELATING TO PUBLICATION DISPENSING RACKS.

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

SECTION 1. Purpose. The purpose of this ordinance is to prohibit certain uses of publication dispensing racks.

SECTION 2. Section 29-11.11, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 29-11.11 Prohibitions.

- (a) The following prohibitions shall apply to a publication dispensing device:
- (1) There shall be no publication dispensing device allowed and no person may install or direct another person to install any publication dispensing device on any sidewalk within the Waikiki special district.
 - (2) Any publication dispensing device installed in violation of this article shall be subject to removal by, and forfeiture to, the director if not removed within five days of demand for removal thereof by the director.
 - (3) The director or a person or agency designated by the director shall be responsible for the removal and forfeiture of the publication dispensing device.
- (b) The following prohibitions shall apply to publication dispensing rack spaces, publication dispensing rack inserts and publication dispensing rack enclosures:
- (1) No person may move, remove, destroy, deface or detach any publication dispensing rack enclosure unless directed to do so by the director.
 - (2) No advertising, signage or lettering of any kind shall appear on the exterior of, or be otherwise visible from the exterior of, any publication dispensing rack insert, any publication dispensing rack enclosure, or any space within a publication dispensing rack enclosure. For the purposes of this section, the display of a copy of the publication being dispensed, the designation assigned to a space by the director, and/or instructions on the dispensing of the publication from the publication dispensing rack insert shall not be deemed advertising, signage or lettering, provided that the dispensing



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instructions, if any, shall not protrude beyond two rectangles with dimensions of 3 1/2 inches by 4 inches.

- (3) No publication dispensing rack insert may be inserted within a space in a publication dispensing rack enclosure, except pursuant to a current and valid permit issued under this article. Any publication dispensing rack insert so inserted without a current and valid permit shall be subject to removal by and forfeiture to the director or a person or agency designated by the director.
 - (4) No person may place any trash, rubbish or, without the approval of the director, any other material, other than a permitted publication dispensing rack insert and copies of the permitted publication, in a space in a publication dispensing rack enclosure.
 - (5) No person may move, remove, deface or detach any publication dispensing rack insert that has been inserted into a publication dispensing rack enclosure under a current and valid permit without authorization of the permittee or the city.
 - (6) No person may climb, sit, stand, or lay on top of, inside of, or under any publication dispensing rack enclosure, any space within a publication dispensing rack enclosure, or any publication dispensing rack insert without authorization of the city.
- (c) The director shall adopt rules, pursuant to Section 29-11.15, to establish procedures for giving notice of violations, and for the removal and forfeiture of publication dispensing devices in accordance with subsection (a), or of publication dispensing rack inserts in accordance with subsection (b)."

SECTION 3. Section 29-11.13, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 29-11.13 Enforcement.

The director and any person or agency designated by the director may enforce and administer the provisions of this article. Notwithstanding the foregoing, any authorized police officer has the authority to enforce Section 29-11.11(b)(6) as follows:

- (a) Powers of Arrest or Citation. Police officers and any other officer so authorized shall issue a citation for any violation of the provisions of this article or of any rule



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adopted by the director to administer, implement or enforce the provisions of this article, except they may arrest for instances when:

- (1) The alleged violator refuses to provide the officer with such person's name and address and any proof thereof as may be reasonably available to the alleged violator.
- (2) When the alleged violator refuses to cease such person's illegal activity after being issued a citation.

(b) Citation.

- (1) There shall be provided for use by authorized police officers, a form of citation for use in citing violators for this article for instances which do not mandate the physical arrest of such violators. The form and content of such 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 citations used in modern methods of arrest, so designated to include all necessary information to make the same valid within the laws and rules of the State of Hawaii and the City and County of Honolulu.
- (2) In every case when a citation is issued, a copy of the same shall be given to the violator; provided, that the administrative judge of the district court may prescribe by giving the violator a 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."

SECTION 4. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring.



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SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

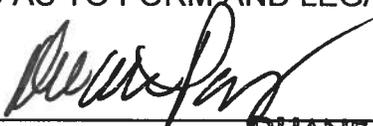
Stanley Chang

DATE OF INTRODUCTION:

September 5, 2013
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel **DUANE W.H. PANG**

APPROVED this 23rd day of March, 2014.



KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 14-2

BILL 60 (2013), CD1, FD1

Introduced: 09/05/13 By: STANLEY CHANG

Committee: PUBLIC SAFETY AND
ECONOMIC
DEVELOPMENT

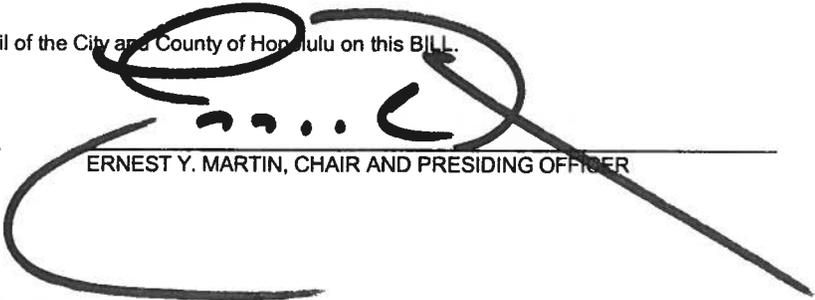
Title: A BILL FOR AN ORDINANCE RELATING TO PUBLICATION DISPENSING RACKS.

Voting Legend: * = Aye w/Reservations

09/11/13	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PUBLIC SAFETY AND ECONOMIC DEVELOPMENT. 9 AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE.
09/28/13	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
10/03/13	PUBLIC SAFETY AND ECONOMIC DEVELOPMENT	CR-311 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
10/09/13	COUNCIL/PUBLIC HEARING	CR-311 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC SAFETY AND ECONOMIC DEVELOPMENT. 9 AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE.
10/29/13	PUBLIC SAFETY AND ECONOMIC DEVELOPMENT	BILL DEFERRED IN COMMITTEE.
10/31/13	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/25/14	PUBLIC SAFETY AND ECONOMIC DEVELOPMENT	CR-47(14) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM.
03/12/14	COUNCIL	BILL AMENDED TO FD1. 9 AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE. CR-47(14) ADOPTED AND BILL 60 (2013), CD1, FD1 PASSED THIRD READING. 9 AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE.

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.


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER