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THE REVISED ORDINANCES OF HONOLULU 1978

As Amended

1982 CUMULATIVE SUPPLEMENT

Comprising the Ordinances of the
CITY AND COUNTY OF HONOLULU,
Ordinance No. 79-1 through Ordinance No. 82-70
January 1, 1979-December 31, 1982



PUBLISHED BY AUTHORITY

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Municipal Reference Library Cataloging-in-Publication:

Honolulu. Ordinances, etc.

Revised Ordinances of Honolulu, 1978.

I. Ordinances, Municipal—Honolulu.

KFX1512.A35 1978 Suppl.

PREFACE

This Supplement was prepared in compliance with the Revised City Charter of Honolulu 1973, Section 3-205 and the Hawaii Revised Statutes, Sections 46-2.1 and 46-2.2.

This Cumulative Supplement contains all of the ordinances of a general and permanent nature enacted subsequent to December 31, 1978 through the 1982 calendar year up to December 31, 1982. The Ordinances have been classified, arranged, and numbered in the same manner as the Revised Ordinances of Honolulu 1978; repealed sections carry appropriate references, new sections appear in appropriate places, amended sections generally appear in their amended form.

GARY M. SLOVIN
Corporation Counsel

Honolulu, Hawaii

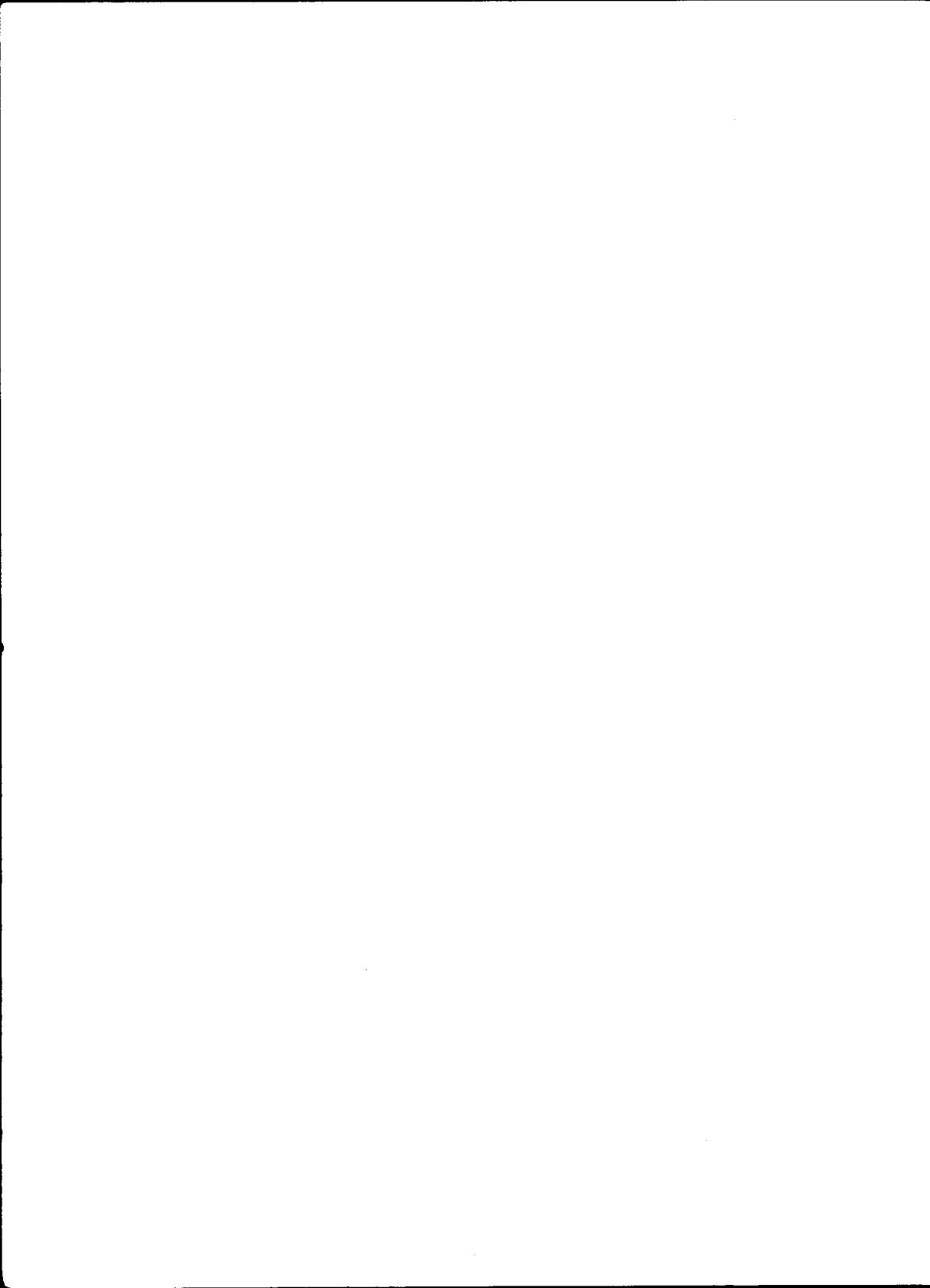


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CHAPTER 1.
GENERAL PROVISIONS.

Article 2. Construction Of Ordinances.

Sec. 1-2.1. Construction Of Revised Ordinances Of Honolulu 1978.

In the construction of ordinances, resolutions having the effect of law, or rules and regulations having the effect of law, the following rules shall be observed unless it shall be apparent from the context that a different construction is intended:

(1) General rule. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(2) Construction of ambiguous words. Where the words are ambiguous:

(A) The meaning of the ambiguous words may be sought by examining the context, with which the ambiguous words, phrases, and sentences may be compared, in order to ascertain their true meaning.

(B) The reason and spirit of the ordinance, resolution, rules and regulations, and the cause which induced enactment or promulgation may be considered to discover its true meaning.

(C) Every construction which leads to an absurdity shall be rejected.

(3) Ordinances in pari materia. Ordinances in pari materia, or upon the same subject matter, shall be construed with reference to each other. What is clear in one ordinance may be called in aid to explain what is doubtful in another.

(4) Number and gender. Words in the masculine gender signify both the masculine and feminine gender, those in the singular or plural number signify both the singular and plural number, and words importing adults include youths or children.

(5) Tenses. Every word used in the present tense shall include the future.

(6) Acts by subordinate officer. When any provision herein requires an act to be done, which may by law as well be done by a subordinate officer as by the superior officer, such requirement shall be construed to include all such acts when done by an authorized subordinate officer.

(7) Ordinance, resolution, or rules and regulations not retrospective. No ordinance, resolution, or rules and regulations has any retrospective operation, unless otherwise expressed or obviously intended.

(8) Persons and property subject to ordinance, resolution, or rules and regulations. The ordinances, resolutions, and rules and regulations are obligatory upon all persons and property within the jurisdiction of the City.

(9) Prohibitory ordinance, effect. Whatever is done in contravention of a prohibitory ordinance is void, although the nullity be not formally directed.

(10) References apply to amendments. Whenever reference is made to any portion of the Revised Ordinances or of any other law of the City or State, the reference applies to all amendments thereto.

(11) References inclusive. Whenever reference is made to a series of sections in the Revised Ordinances by citing only the numbers of the first and last sections connected by the word "to," the reference includes both the first and last sections.

(12) Citations of ordinance or resolution included in supplements. Any act of the Council may be cited in any subsequent enactment of ordinances or in any other proceeding by reference to the chapter or section numbers as set forth in the supplement published pursuant to Section 3-205 of the Revised Charter of Honolulu 1973.

(13) Service of notice by mail. Wherever an ordinance provides for the giving of notice or service of legal process by registered mail, the sending of such notice or service of such legal process may be made by means of certified mail, return receipt requested and deliver to addressee only.

(14) Computation of time. The time, in which any act is to be done, is computed by excluding the first day and including the last, unless the last day is a Sunday or holiday and then it is also excluded. When so provided by the rules of court, the last day also shall be excluded if it is a Saturday.

(15) Acts to be done on holidays. Whenever any act of a secular nature other than a work of necessity or mercy is appointed by law or contract to be performed upon a particular day, which day falls upon a Saturday, Sunday or holiday, the act may be performed upon the next business day with the same effect as if it had been performed upon the appointed day. (Sec. 1-2.1, R.O. 1978; Am. Ord. 79-75)

Sec. 1-2.2. When These Rules Of Construction Shall Apply.

(a) All provisions of this article relating to construction of ordinances, resolutions, and rules and regulations shall apply not merely to those now in force but to all hereafter enacted, unless otherwise expressed or obviously intended.

(b) The rules of construction set forth in Section 1-2.1 shall not be applied to any provision of the Revised Ordinances which shall contain any express provision excluding such construction, or when the subject matter or context of a provision of the Revised Ordinances may be repugnant thereto. (Sec. 1-2.2, R.O. 1978; Am. Ord. 79-75)

Sec. 1-2.3. Reference To Articles, Chapters, Or Sections—Conflicting Provisions.

In addition to the rules of construction specified in Section 1-2.1, the following rules shall be observed in the construction of the provisions of the Revised Ordinances:

(1) All references to chapters, articles or sections are to the chapters, articles and sections of the Revised Ordinances unless otherwise specified.

(2) If the provisions of different chapters of the Revised Ordinances conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

(3) If conflicting provisions are found in different sections of the same chapter, the provisions of the section which are enacted later in time shall prevail unless such construction is inconsistent with the meaning of such chapter. (Sec. 1-2.3, R.O. 1978; Am. Ord. 79-75)

Article 3. Penalties.

Sec. 1-3.1. Penalty Where No Penalty Provided.

In any case where there shall be a violation of any of the provisions of the Charter or ordinances or rules and regulations for which no criminal penalty or sanction is provided, the person violating the same, upon conviction, shall be subject to a fine of not more than one thousand dollars for each offense or by imprisonment of not more than one year, or to both such fine and imprisonment; provided that if such offense by the same person shall continue after due notice each day's continuance of the same shall constitute a separate offense. (Sec. 1-3.1, R.O. 1978; Am. Ord. 79-75)

Sec. 1-3.2. (Repealed) (Am. Ord. 79-75)

Sec. 1-3.3. Refusal To Provide Identification.

In any case where the Revised Ordinances provide for the issuance of a summons or citation, a person so summoned or cited shall not wilfully refuse to provide his name, address and any proof thereof upon the lawful order or direction of any police officer, or other officer lawfully empowered to issue said summons or citation, in the course and scope of his duties pursuant to said ordinances. (Am. Ord. 79-5)

Article 4. Definitions.

Sec. 1-4.1. Words.

For the purposes of the Revised Ordinances the following words and their derivations shall have the meaning given herein, unless it shall be apparent from the context that a different meaning was intended:

(1) The word "agency" shall mean any office, department, board, commission or other governmental unit of the City.

(2) The words "executive agency" shall mean any agency of the executive branch of the City government, excluding the Board of Water Supply.

(3) The word "employee" shall mean any person, except an officer, employed by the City or any agency thereof but shall not include an independent contractor.

(4) The word "officer" shall include the following:

(A) Mayor, members of the Council, Managing Director, Budget Director, and the Director of Information and Complaint.

(B) Any person appointed as administrative head of any agency of the City or as a member of any board or commission provided for in the Charter.

(C) Any person appointed by a board or commission as the administrative head of such agency.

(D) The first deputy or a division chief appointed by the administrative head of any agency of the City.

(E) Deputies of the Corporation Counsel and the Prosecuting Attorney.

(5) The word "City" shall mean the City and County of Honolulu.

(6) The word "County" includes the City and County of Honolulu.

(7) The word "Council" shall mean the Council of the City and County of Honolulu.

(8) The word "Charter" shall mean the Revised Charter of the City and County of Honolulu 1973.

(9) The word "person," or words importing persons, for instance, "another," "others," "any," "anyone," "anybody," and the like, signify not only individuals, but corporations, firms, associations, societies, communities, assemblies, inhabitants of a district, or neighborhood, or persons known or unknown, and the public generally, where it appears, from the subject matter, the sense and connection in which such words are used, that such construction is intended.

(10) Each of the words "or" and "and," may be construed to mean the other.

(11) The word "month" means a calendar month; and the word "year," a calendar year.

(12) The word "oath" includes a solemn affirmation. (Sec. 1-4.1, R.O. 1978; Am. Ord. 79-75)

Article 5. Repeal Of Resolutions Or Ordinances.

Sec. 1-5.1. Repeal Of Ordinances.

Ordinances may be repealed either entirely or partially by other ordinances. (Am. Ord. 79-75)

Sec. 1-5.2. Repeal Of Resolutions.

Resolutions may be repealed either entirely or partially by other resolutions. (Am. Ord. 79-75)

Sec. 1-5.3. No Revivor On Repeal; Exception.

The repeal of any resolution or ordinance shall not be construed to revive any other resolution or ordinance which has been repealed, unless it is clearly expressed. (Sec. 1-5.1, R.O. 1978; Am. Ord. 79-75)

Sec. 1-5.4. Express Or Implied Repeal.

The repeal of a resolution or ordinance is either express or implied. It is express when it is literally declared by a subsequent resolution or ordinance; it is implied when the new resolution or ordinance contains provisions contrary to, or irreconcilable with, those of the former resolution or ordinance. (Am. Ord. 79-75)

Sec. 1-5.5. Effect Of Repeal On Accrued Rights.

The repeal of any resolution or ordinance shall in no case affect any act done, or any right accruing, accrued, acquired, or established, or any suit or proceedings had or commenced in any civil case, before the time when the repeal takes effect. (Sec. 1-5.2, R.O. 1978; Am. Ord. 79-75)

Sec. 1-5.6. Effect Of Repeal On Pending Suit Or Prosecution.

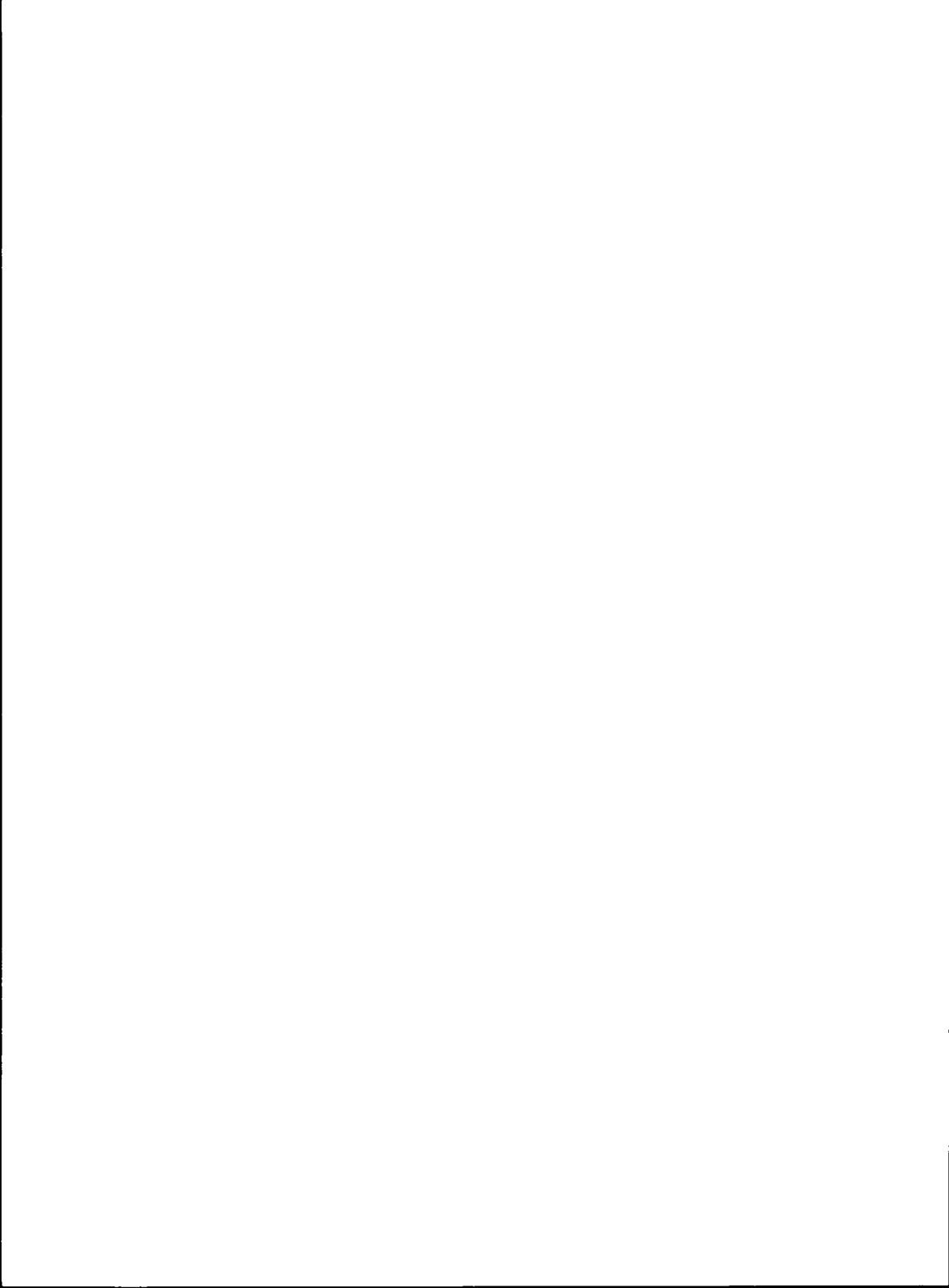
No suit or prosecution pending at the time of the repeal of any resolution or ordinance, for any offense committed, or for the recovery of any penalty or forfeiture incurred under the resolution or ordinance so repealed, shall in any case be affected by such repeal. (Sec. 1-5.3, R.O. 1978; Am. Ord. 79-75)

Article 6. Severability.**Sec. 1-6.1. General Provisions.**

If any provision of the Revised Ordinances, or the application thereof to any person or circumstances, is held invalid, the remainder of the Revised Ordinances, or the application of the provision to other persons or circumstances, shall not be affected thereby. (Sec. 1-6.1, R.O. 1978; Am. Ord. 79-75)

Article 10. Authority Of Executive Agency To Adopt Rules And Regulations.**Sec. 1-10.1. Adoption Of Rules And Regulations.**

The head of any executive agency whose power or function as prescribed by law directly affects the public, may promulgate rules and regulations having force and effect of law pursuant to HRS Chapter 91, setting forth procedures that are necessary for such agency in dealing with the public concerning such power or function. (Am. Ord. 79-21)



CHAPTER 2.
EXECUTIVE AGENCIES.

Article 3. Corporation Counsel.

Sec. 2-3.1. Additional Powers, Duties And Functions.

The Corporation Counsel shall:

(4) Settlement of Claims.

(A) By Corporation Counsel. 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 \$5,000, 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.

(B) Outstanding Claims For Or Debts Owed To The City. The Corporation Counsel shall determine whether or not any claim for the City or any debt owed to the City not in excess of \$1,000 is collectible. If he determines that any claim for the City or any debt owed to the City is not collectible, the Corporation Counsel is authorized to advise the Director of Finance that any claim for the City or any debt owed to the City shall be stricken from his records and such claim for the City or such debt owed to the City is extinguished.

(C) Private Claims Adjustment Service. Any private claims adjustment service which has been awarded a contract to provide coverage for liability by established bid procedures and where the deductible amount of any insurance is to be paid out of City funds, has the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes and matters against the City for any injury or death to a person or damage to property; provided that before such service can commit the payment of any claim in excess of \$5,000, it shall be first presented to the Corporation Counsel for his approval. (Sec. 2-3.1, R.O. 1978; Am. Ord. 80-97)

Article 4. Department Of Finance.

Sec. 2-4.2. Additional Powers, Duties And Functions.

The Director of Finance shall be the chief accounting officer of the City and shall:

(1) Collect and receive moneys due to or receivable by the City and issue receipts therefor, or authorize other executive agencies to do so under conditions prescribed by him.

(2) Have the responsibility of writing off uncollectible debts or accounts of \$100 or less for moneys due the City upon recommendation of or with the concurrence of the Corporation Counsel.

In all instances where money due the City is paid by check and the check subsequently is dishonored by a bank when presented for collection, a service fee of \$5 per check will be assessed against the maker of the dishonored check. Personal checks will not be accepted by the City in payments of moneys due the City of less than \$1. (Am. Ord. 79-86, 80-96)

Article 5. Purchase Of Insurance.

Sec. 2-5.2. Property Insurance.

(3) Aircraft.

(A) All aircraft owned and operated by the City shall be protected against loss or damage by an appropriate coverage available and sold by insurance companies. (Sec. 2-5.2, R.O. 1978; Am. Ord. 79-72)

Sec. 2-5.5. Insurance For Emergency Medical Services Personnel.

The Director of Finance shall procure any insurance and in such amounts as may be necessary for tort actions on claims against the City and/or State of Hawaii from operation of the emergency medical services. (Am. Ord. 81-54)

Sec. 2-5.6. Conditions.

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

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

(2) 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.

(3) That such insurance shall be procured by competitive bidding pursuant to Section 9-301 of the Revised 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. 2-5.5, R.O. 1978; Am. Ord. 81-54)

Article 15. Royal Hawaiian Band.

Sec. 2-15.2. Fees For Services.

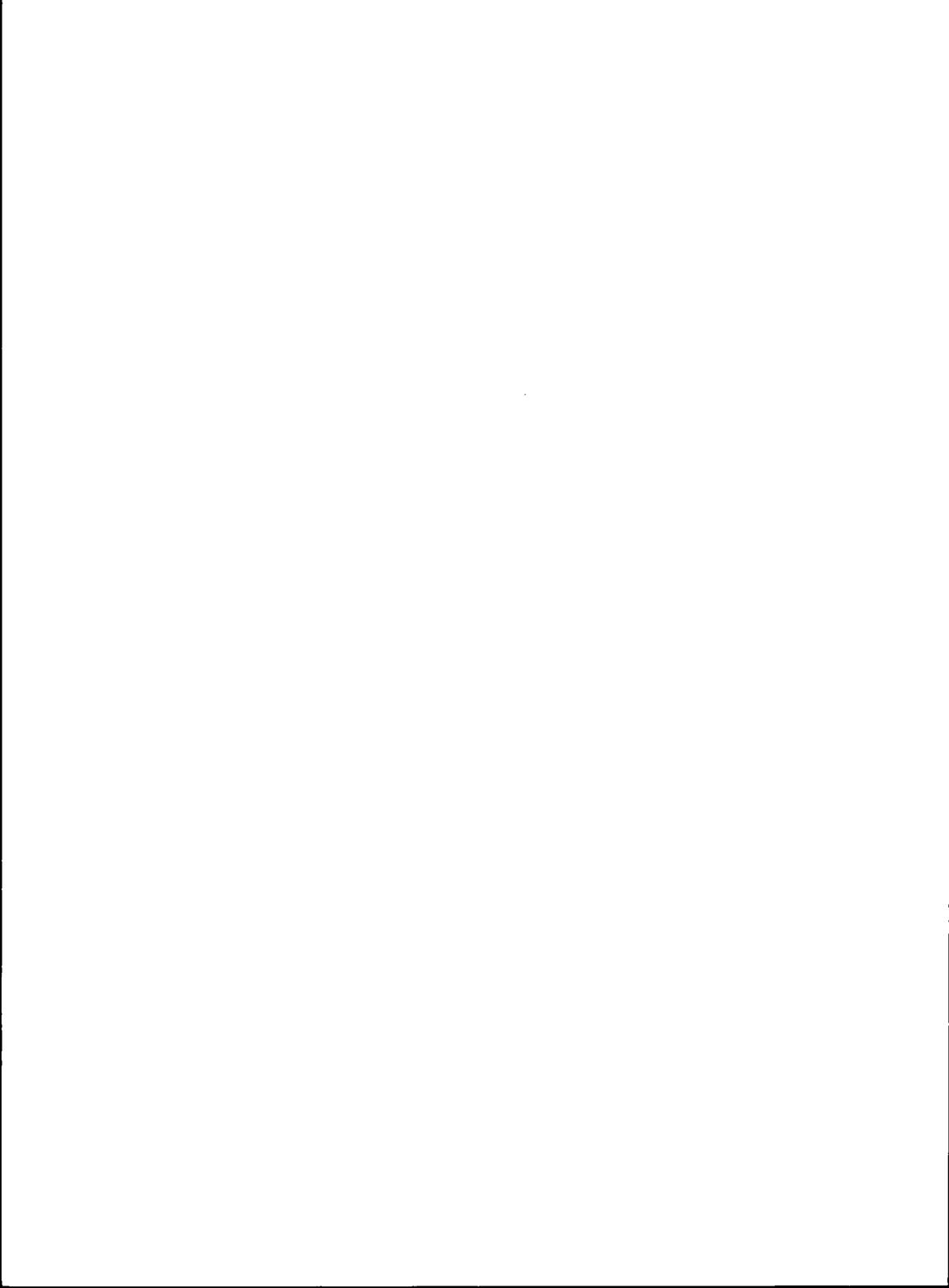
The following are the fees to be assessed for any performance by the Royal Hawaiian Band of the City:

Occasion	Fees
(1) Vessel arrival or departure.	\$200.00 for each performance.
(2) Private function.	\$750.00 per hour.
(3) Television, radio, movies or recordings.	\$100.00 per fifteen minutes or fraction thereof, plus royalties and residuals.
(4) Public or Semi-public function.	No fee.

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. 2-15.2, R.O. 1978; Am. Ord. 79-13)

MUNICIPAL REFERENCE & RECORDS CENTER
 City & County of Honolulu
 City Hall Annex, 558 S. King Street
 Honolulu, Hawaii 96813



CHAPTER 3.

BOARDS, COMMISSIONS AND OTHERS.

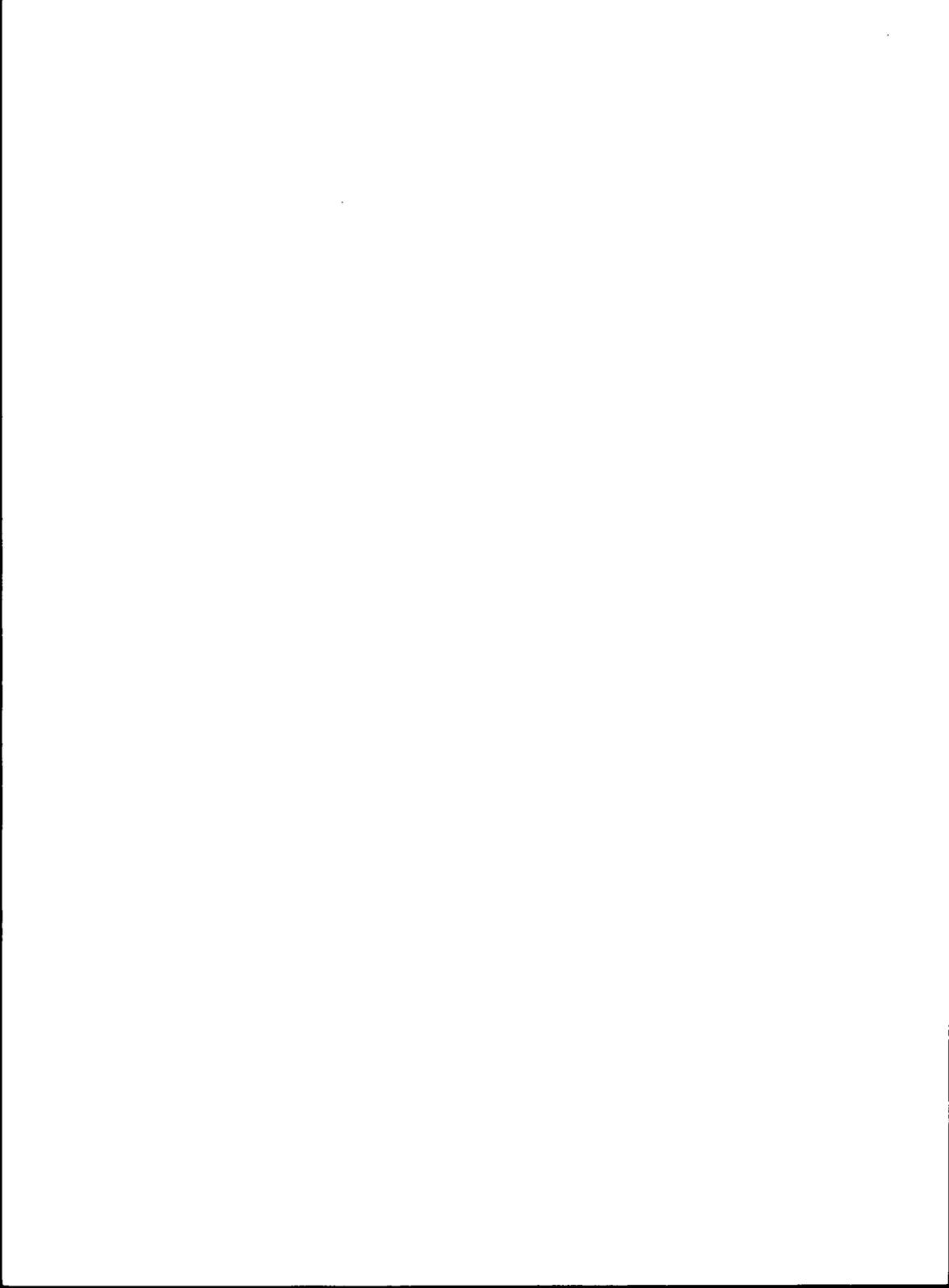
Article 2. Ethics Commission.

Sec. 3-2.9. Prohibiting Political Management Or Activity Or Candidacy To An Elective Political Office.

(a) Except for exercising the right to vote, no member of the Ethics Commission shall support, advocate or aid in, or manage, the election or defeat of any candidate for public office; except that political campaign contributions may be made to a candidate running for elective political office.

(b) No member of the Ethics Commission shall be a partisan candidate for any elective political office nor engage in campaigning for such office.

(c) Any member of the Ethics Commission who violates the provisions of this section shall be removed by the Mayor forthwith since he serves at the pleasure of the Mayor. (Am. Ord. 80-88)



CHAPTER 4.
LEGISLATIVE AGENCIES.

Article 4. Legislative Hearings And Procedures.

Sec. 4-4.1. Purpose.

The purpose of this article is to establish procedures governing legislative investigating committees to provide for the creation and operation of legislative investigating committees in a manner which will enable them to perform properly the powers and duties vested in them, including the conduct of hearings, in a fair and impartial manner, consistent with protection of the constitutional rights of persons called to testify at such hearings and preservation of the public good. (Am. Ord. 80-29)

Sec. 4-4.2. Definitions.

As used in this article:

(1) "Investigating committee" means any of the following which are authorized to compel the attendance and testimony of witnesses or the production of books, records, papers, and documents for the purpose of securing information on a specific subject for the use of the City Council:

(A) A standing committee;

(B) A special committee; or

(C) A committee of the whole of the City Council.

(2) "Hearing" means any meeting in the course of an investigatory proceeding, other than a preliminary conference or interview at which no testimony is taken under oath, conducted by an investigating committee for the purpose of taking testimony or receiving other evidence. A hearing may be open to the public or closed to the public in conformance with Section 92-5 of the Hawaii Revised Statutes.

(3) "Public hearing" means any hearing open to the public, or the proceedings of which are made available to the public. (Am. Ord. 80-29)

Sec. 4-4.3. Establishment Of Investigating Committees.

(a) An investigating committee may exercise its powers pursuant to Section 3-121 of the Revised Charter of Honolulu or by Council resolution by which the committee was established or from which it derives its investigatory powers.

(b) The resolution establishing an investigating committee shall state the committee's purposes, powers, duties and duration (when ascertainable), the subject matter and scope of its investigatory authority, and the number of its members. (Am. Ord. 80-29)

Sec. 4-4.4. Finances And Staff.

Each investigating committee may employ such professional, technical, clerical, or other personnel as necessary for the proper performance of its duties, to the extent of funds made available to it for such purpose and

subject to such restrictions and procedures relating thereto as may be provided by law or any applicable rules or procedures of the City Council. (Am. Ord. 80-29)

Sec. 4-4.5. Membership, Quorum, Voting.

(a) An investigating committee shall consist of not less than five members.

(b) A quorum shall consist of a majority of the total authorized membership of the committee.

(c) No action shall be taken by a committee at any meeting unless a quorum is present. The committee may act by a majority vote of the members present and voting at a meeting at which there is a quorum. (Am. Ord. 80-29)

Sec. 4-4.6. Hearings.

(a) An investigating committee may hold hearings appropriate for the performance of its duties, at such times and places as the committee determines.

(b) Each member of the committee shall be given at least three days written notice of any hearing to be held. The notices shall include a statement of the subject matter of the hearing. A hearing, and any action taken at a hearing, shall not be deemed invalid solely because notice of the hearing was not given in accordance with this requirement.

(c) Any investigating committee shall not conduct a hearing unless a quorum is present. (Am. Ord. 80-29)

Sec. 4-4.7. Issuance Of Subpoenas.

(a) The presiding officer of either the City Council or any committee of the Council, as the case may be, may issue subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books, documents, or other evidence, in any matter pending before either the Council or committee, as the case may be.

(b) Every investigating committee may issue, by majority vote of all its members, subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books, documents, or other evidence, in any matter pending before the committee.

(c) Any subpoena issued under the authority of the City Council or its authorized committee shall run in the name of the City and County of Honolulu and shall be addressed to any or all of the following officers: the sergeant-at-arms or bailiff of the City Council; the sheriff or his deputies; the chief of police of any county or his deputies; any police officer of the State or any county. The subpoena shall be signed by the officer authorized to issue it, shall set forth his official title, shall contain a reference to Revised Charter of Honolulu Section 3-121 or resolution, or other means, by which the taking of testimony or other evidence was authorized, and shall, in the case of a summons or subpoena, set forth in general terms the matter or question with reference to which the testimony or other evidence is to be taken.

(d) Any officer to whom such process is directed, if within his territorial jurisdiction, shall forthwith serve or execute the same upon delivery thereof to him without charge or compensation, except in the case of the sheriff or his deputies where the Council shall pay the customary service fee plus the mileage expenses. (Am. Ord. 80-29)

Sec. 4-4.8. Notice To Witnesses.

(a) Service of a subpoena requiring the attendance of a person at a hearing of an investigating committee shall be made at least five days prior to the date of the hearing unless a shorter period of time is authorized by majority vote of all the members of the committee in a particular instance when, in their opinion, the giving of five days notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(b) Any person who is served with a subpoena to attend a hearing of an investigating committee also shall be served with a copy of the resolution or the Charter provision establishing the committee, a copy of the ordinance under which the committee functions, a general statement informing him of the subject matter of the committee's investigation or inquiry, and a notice that he may be accompanied at the hearing by counsel of his own choosing. (Am. Ord. 80-29)

Sec. 4-4.9. Conduct Of Hearing.

(a) All hearings of an investigating committee shall be public unless the committee, by two-thirds vote of all its members, determines that a hearing should not be open to the public in a particular instance.

(b) The chairperson of an investigating committee, if present and able to act, shall preside at all hearings of the committee and shall conduct the examination of witnesses himself or supervise examination by other members of the committee, the committee's counsel, or members of the committee's staff who are so authorized. In the chairperson's absence or disability, the vice-chairperson shall serve as presiding officer. In the absence or disability of both the chairperson and the vice-chairperson, an acting chairperson shall be selected from among the remaining members of the committee. (Am. Ord. 80-29)

Sec. 4-4.10. Right To Counsel And Submission Of Questions.

(a) Every witness at a hearing of an investigating committee may be accompanied by counsel of his own choosing, who may advise the witness as to his rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(b) Any witness at a hearing, or his counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as are appropriate to the subject matter of the hearing. (Am. Ord. 80-29)

Sec. 4-4.11. Testimony.

(a) An investigating committee shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced, which record shall include rulings of the chair, questions of the committee and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee, and such other matters as the committee or its chairperson may direct.

(b) All testimony given or adduced at a hearing shall be under oath or affirmation unless the requirement is dispensed within a particular instance by majority vote of the committee members present at the hearing.

(c) The presiding officer of either the City Council or of an investigating committee may administer an oath or affirmation to a witness at a hearing of such committee.

(d) The presiding officer at a hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by majority vote of the committee members present, disobedience shall constitute a contempt. The proper court, upon request of the Council, shall have power to compel obedience to any process of the Council and require such witness to answer questions put to him as aforesaid and to punish as contempt of the court, any refusal to comply therewith without good cause shown therefor.

(e) A witness at a hearing or his counsel, with the consent of a majority of the committee members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(f) A witness at a hearing, upon his advance request and at his own expense, shall be furnished a certified transcript of his testimony at the hearing.

(g) Testimony and other evidence given or adduced at a hearing closed to the public shall not be made public unless authorized by majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(h) All information of a defamatory or highly prejudicial nature received by or for the committee other than in an open or closed hearing shall be deemed to be confidential. No such information shall be made public unless authorized by majority vote of all of the members of the committee for legislative purposes, or unless its use is required for judicial purposes. (Am. Ord. 80-29)

Sec. 4-4.12. Interested Persons.

(a) Any person whose name is mentioned or who is otherwise identified during a hearing of an investigating committee and who, in the opinion of the committee, may be adversely affected thereby, may, upon his request or upon the request of any member of the committee, appear personally before the committee and testify in his own behalf, or with the committee's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing.

(b) Upon the consent of a majority of its members, an investigating committee may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance, or submission of evidence shall limit in any way the investigating committee's power of subpoena.

(c) Any person who appears before an investigating committee pursuant to this section shall have all the rights, privileges and responsibilities of a witness provided by this article. (Am. Ord. 80-29)

Sec. 4-4.13. Contempt.

(a) A person shall be in contempt if he:

(1) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify or, having appeared, fails or refuses to testify under oath or affirmation;

(2) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of an investigating committee; or

(3) Commits any other act or offense against an investigating committee which, if committed against the City Council, would constitute a contempt. (Am. Ord. 80-29)

Sec. 4-4.14. Penalties.

(a) A person guilty of contempt under this article shall be fined not more than \$1,000 or imprisoned not more than one year or both. Prosecutions in such cases shall be as provided by law for the prosecution of misdemeanors.

(b) If any investigating committee fails in any material respect to comply with the requirements of this article, any person subject to a subpoena or a subpoena duces tecum who is injured by the failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and the failure shall be a complete defense in any proceeding against the person for contempt or other punishment.

(c) Any person other than the witness concerned or his counsel who violates Section 4-4.11(g) or (h) shall be fined not more than \$500 or imprisoned not more than six months, or both. The Corporation Counsel or special counsel for the City Council, depending upon the discretionary judgment of the City Council on his own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for trial of the issue and imposition of the penalties provided herein. Nothing in this subsection shall limit any power which the City Council may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court. (Am. Ord. 80-29)

Sec. 4-4.15. Government Officers And Employees To Cooperate.

The officers and the employees of the State and of each county shall cooperate with any investigating committee or committees or with their representatives and furnish to them or to their representatives such information as may be called for in connection with the investigative and research activities of the committees. (Am. Ord. 80-29)

Sec. 4-4.16. Limitation.

Nothing contained in this article shall be construed to limit or prohibit the acquisition of evidence or information by an investigating committee by any lawful means not provided for herein. (Am. Ord. 80-29)

CHAPTER 5.
FUNDS AND FEES.

Article 1. (Repealed) (Am. Ord. 80-19)

Article 15. Fee Schedule For Public Records.

Sec. 5-15.1. Charges For Extracts And Certified Copies Of Public Records.

Except as otherwise provided in this article, a copy or extract of any public document or record which is open to inspection of the public shall be furnished to any person applying for the same by the public officer having custody or control thereof pursuant to the following schedule of fees:

(12) Use of motion picture film for the purpose of producing a copy, subject to the terms, conditions and covenants contained in an agreement between the City and the party seeking to use the film for the purpose stated herein.

Per minute of film \$2.00
(Sec. 5-15.1, R. O. 1978; Am. Ord. 81-5)

Article 19. Furnishing Of Electronic Data Processing Services.

Sec. 5-19.1. Definitions.

(a) As used in this article "public data" shall mean information stored by the Department of Data Systems which may be released to the public pursuant to Section 13-105, Revised Charter, City and County of Honolulu, and accessibility of which is in accordance with rules and regulations promulgated by the Managing Director to implement Ordinance 78-21 (Article 16, Chapter 5, Revised Ordinances of Honolulu 1978).

(b) As used in this article, an invasion of "the right of privacy of individuals" shall be deemed to result from, but shall not be limited to, the granting of access to:

- (1) Criminal history records and investigatory files compiled for law enforcement purposes;
- (2) Applications for licenses or permits required by law;
- (3) Personnel and employment records, employment examinations and personal references of applicants for employment. However, an examinee shall have the right to review his own completed examination;
- (4) Medical records;
- (5) Credit histories; and
- (6) Information of a personal nature when disclosure would result in economic or personal hardship to the subject party which outweighs the public's fundamental right of access to information concerning the conduct of City agencies. (Sec. 5-19.1, R.O. 1978; Am. Ord. 79-99)

Sec. 5-19.2. Policy And Conditions Governing Availability Of Public Data.

The following policy shall govern the availability of public data:

(1) Public data may be obtained by governmental agencies and the general public from the Department of Data Systems in the form of duplicate tapes.

(2) The following conditions shall apply to the release, sale, or rent of public data:

(A) The applicant must obtain written permission from the head of the agency which controls the data, which permission shall be withheld in circumstances where release of the data would result in the invasion of the right of privacy of individuals.

(B) The agency which controls the data may place restrictions on the use of that data in any circumstances where it deems such restrictions are necessary to protect the right of privacy of individuals.

(C) All Federal, State and County statutes and rules and regulations regarding accessibility, privacy and security shall apply.

(D) The Director of Data Systems may decline the request if special programming or operating procedures must be developed to meet the needs of the applicant.

(E) The responsible officer of the agency shall review the request with the Department of Data Systems.

(F) The request shall be processed by the Department of Data Systems on a "not to interfere" basis with respect to other jobs being processed for governmental agencies.

(G) In the case of a duplicate tape reel rented by the City, the applicant shall agree in writing to return the tape no later than the date specified by the City.

(3) This article shall not apply to data under the control of the Honolulu Police Department or the Prosecutor's Office of the City and County of Honolulu or other agencies making up the Criminal Justice System. (Sec. 5-19.2, R.O. 1978; Am. Ord. 79-99)

Sec. 5-19.3. Charges For Furnishing Electronic Data Processing Services.

Charges for data processing services shall be computed on the basis of the cost of equipment, time, labor, and materials used in connection with processing the request for data. The Director of Data Systems shall promulgate rules and regulations prescribing the method of computing said charges. (Sec. 5-19.3, R.O. 1978; Am. Ord. 79-99)

Sec. 5-19.4. Exemption From Payment Of Charges.

Government agencies requiring data for public purposes may be exempt from all or a portion of the cost of services provided by the Department of Data Systems. (Sec. 5-19.4, R.O. 1978; Am. Ord. 79-99)

Sec. 5-19.5. Director Of Finance To Administer.

The provisions of this article shall be administered by the Director of Finance and he shall be authorized to determine when government agencies may be exempt from payment of charges. (Sec. 5-19.5, R.O. 1978; Am. Ord. 79-99)

Sec. 5-19.6. Penalty.

It shall be unlawful for any person to use data in violation of restrictions placed upon its use in accordance with Section 5-19.2(2)(B), or to fail to return a duplicate tape reel on the date specified pursuant to Section 5-19.2(2)(G), and violation of said provisions shall be punishable by a fine not to exceed \$1,000, or imprisonment not to exceed thirty days, or both. (Am. Ord. 79-99)

Article 22. Special Assessment Revolving Fund.**Sec. 5-22.2. Deposit.**

There shall be deposited into the "Special Assessment Revolving Fund":

(3) The amounts collected on account of assessments and interest for any improvements paid or financed from the "Special Assessment Revolving Fund";

(4) The amounts collected on account of assessments and interest for any improvement, the cost of which is assessed against the properties benefited or improved thereby and which cost is financed from general obligation bonds of the City and County, to the extent such assessments and interest:

(A) Are not directed by the Council to be applied to the reimbursement of the general fund of the City and County to the extent of amounts paid for interest on and principal of such general obligation bonds; or

(B) Are in excess of the amounts required for such reimbursement; and

(5) Payments of principal and interest of assessments which have been deferred and for which the deferment has been terminated. (Sec. 5-22.2, R. O. 1978; Am. Ord. 82-67)

Sec. 5-22.3. Source Of Payment.

There shall be paid from the "Special Assessment Revolving Fund":

(1) The interest on and principal of general obligation bonds of the City and County, the proceeds of which bonds are used to establish, maintain, or replenish the "Special Assessment Revolving Fund," provided that the proceeds of the general obligation bonds shall not be applied to pay such interest and principal;

(2) The costs of public improvements assessed or assessable in whole or [in]* part against properties benefited or improved by such improvements, provided such improvements shall be limited to special improvements initiated by the City and the payment of such costs from the "Special Assessment Revolving Fund" shall be directed by the Council; and

(3) The unpaid amounts of special assessments resulting from the granting of deferrals, required for the payment of an improvement, which shall be advanced subject to repayment upon termination of the deferral. (Sec. 5-22.3, R. O. 1978; Am. Ord. 82-67)

Article 23. Bus Transportation Fund.

Sec. 5-23.1. Creation.

There is hereby created and established a special fund to be known as the "Bus Transportation Fund." (Sec. 5-23.1, R. O. 1978; Am. Ord. 81-12)

Article 28. Housing And Community Development Trust Fund.

(REPEALED by Ord. No. 81-29)

Article 30. Farmers Home Administration Loan Fund.

Sec. 5-30.1. Creation.

There is hereby created and established a special fund to be known as the "Farmers Home Administration Loan Fund." (Sec. 5-30.1, R.O. 1978; Am. Ord. 79-22)

Sec. 5-30.2. Purpose.

All proceeds from the issuance and sale of bonds to the United States of America, Farmers Home Administration, shall be deposited into the Farmers Home Administration Loan Fund for the purpose of financing portions of the cost of such projects as are approved by the Farmers Home Administration for undertaking by the City. (Sec. 5-30.2, R.O. 1978; Am. Ord. 79-22)

Sec. 5-30.3. Administration.

The Director of Finance shall be responsible for the administration of this fund in accordance with prescribed laws and procedures applicable to expenditure of City funds. (Sec. 5-30.3, R.O. 1978; Am. Ord. 79-22)

*Revision note: Bracketed word which was inadvertently omitted from Ordinance No. 82-67 added.

**Article 31. Housing Buy-Back Revolving Fund.
(REPEALED by Ord. No. 81-29)**

Article 32. Parks And Playgrounds Fund.

Sec. 5-32.1. Creation.

There is hereby created and established a special fund to be known as the "Parks and Playgrounds Fund." (Sec. 5-32.1, R. O. 1978; Am. Ord. 81-25)

Sec. 5-32.2. Purpose.

All moneys received by the City pursuant to Section 22-7.6, R. O. 1978, shall be deposited into the Parks and Playgrounds Fund to be expended for the purposes prescribed in said Section 22-7.6. (Sec. 5-32.2, R. O. 1978; Am. Ord. 81-25)

Sec. 5-32.3. Administration.

The Director of Finance and the Chief Budget Officer shall be responsible for the administration of this fund in accordance with prescribed laws and procedures applicable to expenditures of City funds. (Sec. 5-32.4, R. O. 1978; Am. Ord. 81-25)

**Article 33. Housing And Community Development
Rehabilitation Loan Revolving Fund.**

Sec. 5-33.1. Definitions.

(a) "Rehabilitation" means the necessary and required improvement of a property in accordance with project standards or local code requirements.

(b) "Project Standards" means code requirements of a concentrated code enforcement project and a rehabilitation project, and provisions of the Urban Renewal Plan for the urban renewal project.

(c) "General Property Improvement" means the general renovation, improvement, alteration, expansion and enhancement of a property.

(d) "Urban Renewal Project Area" means a slum or blighted, deteriorated or deteriorating area as defined by Section 53-51, Hawaii Revised Statutes.

(e) "Concentrated Code Enforcement Project Area" means a deteriorated or deteriorating area as described by Section 105(a)(3) of the Housing and Community Development Act of 1974.

(f) "Rehabilitation Project Area" means an area designated by the Administering Department, with the consent of the City Council, for a voluntary property rehabilitation program.

(g) "Department" means the Department of Housing and Community Development.

(h) "Local Code Requirements" means requirements of fire, health, safety, sanitation, building and other requirements as cited in various laws, ordinances, codes and regulations of the City and County of Honolulu.

(i) "Eligible Applicant" means one or more persons who own or lease a parcel of land and who has been an owner or lessee of said parcel of land for a period of one year or more immediately prior to application for said loan. (Sec. 5-33.1, R.O. 1978; Am. Ord. 80-7)

Sec. 5-33.3. Purpose.

The purpose of this revolving fund is to make loan money available primarily to low- and moderate-income applicants who are owners or lessees of parcels of land within urban renewal, concentrated code enforcement or rehabilitation project areas or are owners or lessees of a parcel of land in the City and County of Honolulu that have been cited for local code violations from departments of the City and County of Honolulu or are owners or lessees of parcels of land who have need of rehabilitation or general property improvement as determined by the Department. Applicants eligible for financing under this loan program must be unable to secure funds under the Rehabilitation Loan Program, Section 312 of the Housing Act of 1964, as amended, or from other sources under comparable terms and conditions, to finance rehabilitation of their properties.

There is authorized sufficient sums to be appropriated for each fiscal year which shall constitute a revolving fund to be used by the Department in carrying out this loan program. All moneys in such revolving fund may be available for servicing loans made pursuant to this article. (Sec. 5-33.3, R.O. 1978; Am. Ord. 80-7)

Sec. 5-33.4. Limitations.

(a) Loans shall be made in the name of the City and County of Honolulu to an eligible applicant who is an owner or lessee of a parcel of land containing one or more structures which is situated in an approved urban renewal, concentrated code enforcement or rehabilitation project area or are owners or lessees of a parcel of land that have been cited for local code violations from departments of the City and County of Honolulu or has need of rehabilitation or general property improvements.

(b) The amount of each loan, together with other existing liens, shall not exceed ninety percent of the appraised value of the fee property or leasehold property after rehabilitation.

(c) If there are rental units situated on properties under this loan program, priority shall be given by the property owner or lessee to low- and moderate-income families.

(d) All loans shall be adequately secured as determined by the Department.

(e) All loans shall bear interest on the outstanding balance thereof at an annual interest rate to be determined by the Department provided that the Department may forego interest for loan leveraging purposes or if such interest poses a hardship on a low-income applicant.

(f) Monthly payments shall be made on all loans. The Department may defer said payments for such periods as deemed appropriate and necessary upon its determination that the applicant is unable to meet these payments because of limited income, unemployment or for any other valid reason.

(g) The term of each loan shall not exceed three-fourths* of the remaining economic life of the structure after rehabilitation or the remaining fixed rental period of a leasehold property less two years, whichever is the least.

(h) The Department may require that the loan be paid in full should the owner-occupant or lessee-occupant borrower cease to be an occupant of the property or if title or lease to the property is transferred prior to the maturity date, unless the succeeding titleholder(s) or** leaseholder(s) meets the eligibility requirements established by the Department for said loan.

(i) If there are rental units on the subject parcel of land, the loan shall be paid in full if it is found that the property owner is in violation of the loan agreements as set by the Department.

(j) The Department may prescribe such charges, fees and other costs as may be related to each loan.

(k) All loans shall be periodically reviewed to assure compliance with the above limitations. (Sec. 5-33.4, R. O. 1978; Am. Ord. 80-7, 82-46)

Article 34. State Special Use Permit.

Sec. 5-34.1. Fees For State Special Use Permits.

The following fee shall be charged for a State Special Use Permit:

An application fee of \$100 plus \$50 per acre or major fraction thereof, up to a maximum of \$1,000, shall be charged for a State Special Use Permit. In the event of a joint application (Conditional Use Permit and State Special Use Permit), only one fee shall apply. (Am. Ord. 79-19)

Article 35. Special Trust Fund.

Sec. 5-35.1. Creation.

There is hereby created and established a special trust fund to be known as the "Kukui Plaza Trust Fund." (Am. Ord. 79-41)

Sec. 5-35.2. Purpose.

There shall be deposited into the "Kukui Plaza Trust Fund" the sum of \$5,000 deposited by Oceanside Properties, Inc., a Hawaii Corporation, Lessee under the Master Sublease dated March 28, 1973, by and between the Honolulu Redevelopment Agency (now known as the Department of Housing and Community Development), Lessor, and Oceanside Properties, Inc., Lessee, to be invested in a bank or savings institution as defined under Chapter 38, HRS. The investment shall be for a term of 75 years with the interest to be compounded at 6% per annum until the total of both principal and interest approximates the sum of \$400,000 at the time of expiration of said lease. The proceeds in the Trust Fund shall be used in accordance with the terms of the lease agreement. (Am. Ord. 79-41)

*Revision note: Clerical error corrected. Changed "three-fourth" to "three-fourths."

**Revision note: Clerical error corrected. Changed "of" to "or."

Sec. 5-35.3. Administration.

The Director of Finance shall be responsible for the administration of the Kukui Plaza Trust Fund until such time when the proceeds shall be made available to the Department of Housing and Community Development for expenditure as provided under the terms of the aforesaid lease agreement. (Am. Ord. 79-41)

Article 36. Standards For The Appropriation Of Funds To Private Organizations.**Sec. 5-36.1. Legislative Intent.**

The purpose of this article is to establish standards for the appropriation of funds to private organizations providing programs and services which the City and County of Honolulu has determined to be in the public interest. (Am. Ord. 80-89)

Sec. 5-36.2. Appropriation Of Funds.

All grants of public funds made by the City and County of Honolulu to private organizations are to be made in accordance with the standard that the private programs and services so funded shall result in a direct benefit to the public and accomplish public purposes. No grant, subsidy or purchase of services contract to a private organization shall be made or allotted unless the private organization meets the following criteria:

(1) The private organization is a not-for-profit organization or association chartered or otherwise authorized to do business in the State of Hawaii for charitable purposes.

(2) The purposes for which the private not-for-profit corporation or association is organized provides direct benefits to the people of the City and County of Honolulu.

(3) The purposes for which the not-for-profit corporation or association is organized includes one of the following categories:

(A) Social services for the poor, the aged, and the youth of the City and County of Honolulu;

(B) Health services including services for those with physical and/or emotional/mental disabilities;

(C) Educational, manpower and/or training services;

(D) Services to meet a definitive cultural, social or economic need within the City and County of Honolulu not being met by any other private organization. (Am. Ord. 80-89)

Sec. 5-36.3. Organizations Applying/Granted Funds.

No grant, subsidy or purchase of services contract to a private organization shall be made or allotted by the City and County of Honolulu unless a private organization so funded agrees to the following conditions:

(1) To comply with all applicable federal and State laws prohibiting discrimination against any person, on the grounds of race, color, national

origin, religion, creed, sex, handicap, or age, in employment and any condition of employment with the recipient or in participation in the benefits of any program or activity funded in whole or in part by the State;

(2) To comply with all applicable licensing requirements of the county, State and federal governments, and with all applicable accreditation and other standards of quality generally accepted in the field of the recipient's activities;

(3) To have in its employ or under contract such persons as are professionally qualified to engage in the activity funded in whole or in part by the State;

(4) To comply with such other requirements as the Director of Finance may prescribe to ensure adherence by the provider or recipient with county, federal and State laws and to ensure quality in the service or activity rendered by the recipient; and

(5) To allow the expending or related county agency, or a committee of the Council, or the Council full access to records, reports, files, and other related documents in order that they may monitor and evaluate the management and fiscal practices of the recipient organization to assure proper and effective expenditure of City and County funds. (Am. Ord. 80-89)

Sec. 5-36.4. Reports.

All organizations granted funds must keep these funds financially separate in their book of accounts and submit quarterly program and financial reports on the use of these funds, due on or before the 15th of the month following the close of the quarter; and a year-end report on the same within ninety days following the close of the fiscal year in which the money is appropriated. The reports shall contain, but are not limited to:

- (1) Program status summary;
- (2) Program data summary;
- (3) Summary of participant characteristics;
- (4) Financial status report of the City and County funds used;
- (5) Financial status report of the remaining balance of City and County funds, if any; and
- (6) A narrative report. (Am. Ord. 80-89)

Article 37. Liquor Commission Fund.

Sec. 5-37.1. Creation.

There is hereby created and established a special fund to be known as the "Liquor Commission Fund." (Am. Ord. 80-91)

Sec. 5-37.2. Purpose.

All fees collected and received by as well as all other monies received on behalf of the Liquor Commission shall be deposited into the Liquor Commission Fund and used for the operational and administrative costs of the Liquor Commission. (Am. Ord. 80-91)

Sec. 5-37.3. Administration.

The moneys in the Liquor Commission Fund shall be administered in accordance with the procedures prescribed by the Director of Finance and as provided by law. (Am. Ord. 80-91)

Article 38. Housing Assistance Fund.**Sec. 5-38.1. Creation.**

There is hereby created and established a fund to be known as the Housing Assistance Fund. (Am. Ord. 81-29)

Sec. 5-38.2. Purpose.

This fund has been established for the following purposes:

(1) To act as a depository for any monies received by the City from federal, State, County or private grants for housing purposes.

(2) To exercise the buy-back option running in favor of the City contained in a conveyance document.

(3) To provide housing subsidies which are not eligible forms of assistance under the provisions of the federal and state housing programs including, but not limited to, mortgage interest subsidies and short-term notes for use as down payments.

(4) To provide financial assistance to developers for housing projects which would primarily benefit low- and moderate-income families.

(5) To purchase existing housing units or land for development of low- and moderate-income housing.

(6) To provide any other purpose which has been approved by the Council and which would provide low- and moderate-income housing. (Am. Ord. 81-29)

Sec. 5-38.3. Restrictions.

The use of this fund is restricted to providing housing assistance to low- and moderate-income families as defined by the housing programs of the federal Department of Housing and Urban Development. Any loan exceeding \$250,000 or any grant made from this fund shall be ratified by the Council in the form of a resolution prior to the loan or grant becoming effective. (Am. Ord. 81-29)

Sec. 5-38.4. Administration.

The administrative head of the Department of Housing and Community Development shall be responsible for the administration of the Housing Assistance Fund under such procedures as may be prescribed by the Director of Finance. The Department shall, pursuant to HRS Chapter 91, adopt uniform rules and regulations for the administration of this fund, including but not limited to establishing policies for loans and grants, establishment of interest rates, repayment schedules and establishment of standards for ac-

cepting collateral and security. The Department shall submit a quarterly report to the Chairman of the Council detailing all transactions involving the fund including but not limited to the names of the recipients of loans, and any special conditions attached to said loans and grants. (Am. Ord. 81-29)

Article 39. Establishing Maximum Interest Rate For Urban Renewal Project Notes.

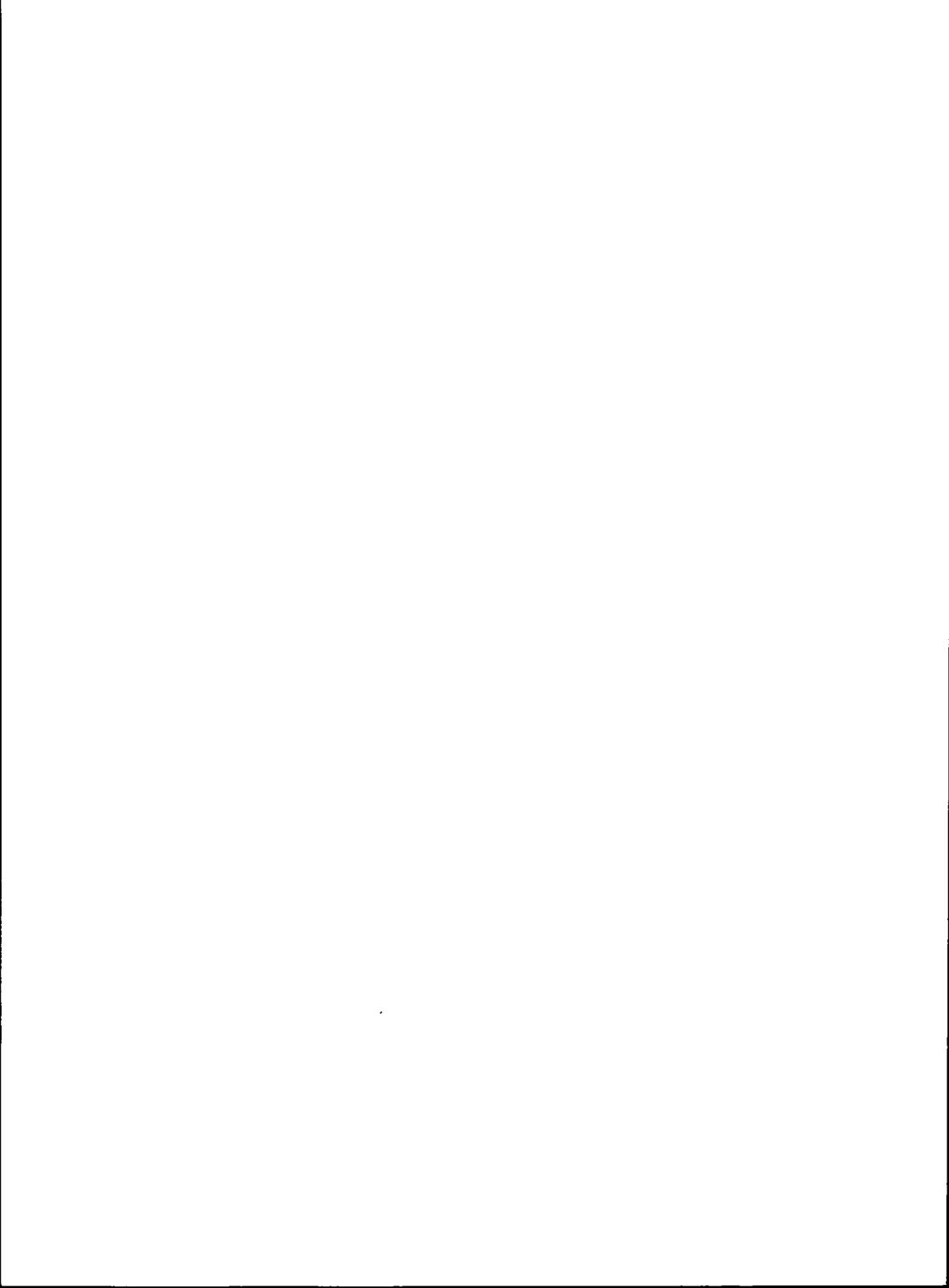
Sec. 5-39.1. Maximum Interest Rate.

Any ordinance to the contrary notwithstanding, project notes to aid in financing urban renewal projects of the City hereafter to be authorized for issuance and sale under Chapter 53, Hawaii Revised Statutes, shall bear interest at a coupon or stated rate or rates not exceeding 10 percent a year. (Am. Ord. 81-35)

Article 40. Establishing Maximum Interest For General Obligation Bonds.

Sec. 5-40.1. Maximum Interest Rate.

Except as may be otherwise provided in an ordinance authorizing the issuance of general obligation bonds, all general obligation bonds of the City and County of Honolulu shall bear interest at a rate or rates not exceeding thirteen percentum per annum. (Am. Ord. 81-68)



CHAPTER 6.

SPECIAL PROVISIONS AFFECTING CITY OFFICERS AND EMPLOYEES.

Article 1. Additional Standards Of Conduct.

Sec. 6-1.4. Financial Disclosures.

(a) Definitions. The following words used in this section shall have the respective meanings in this subsection:

(1) "Business" includes a corporation, a partnership, a sole proprietorship, a trust or foundation, or other individual organization carrying on a business, whether or not operated for profit;

(2) "Candidate" has the meaning given it by Section 11-191(3) of the Hawaii Revised Statutes;

(3) "Elective" means all elective offices of the City and County of Honolulu;

(4) "Employee" means all full-time employees of the Executive and Legislative Branches of the City and County of Honolulu who are exempt from Civil Service pursuant to Sections 6-303 and 6-304 of the Revised Charter, but excluding all persons hired under the Comprehensive Employment and Training Act and under subsections (f), (g), (h), and (i) of Section 6-303 of the Revised Charter;

(5) "Income" means gross income as defined by Section 61 of the Internal Revenue Code of 1954;

(6) "Officer" has the same meaning as in Section 13-101.4 of the Revised Charter.

(b) Filing of Financial Disclosures.

(1) Candidates to office. Any candidate for nomination or elective office for the City and County of Honolulu shall file within ten working days after the deadline for filing as a candidate for office, a financial disclosure as provided herein.

(2) Officers. Any officer of the Executive or Legislative Branch shall file a financial disclosure as prescribed herein within twenty working days after taking the oath of office and annually thereafter on or before January 31 of each year until the end of the term of office.

If an officer is reelected to office or reappointed to office for a new term, the foregoing prescription of filing financial disclosures shall be observed.

(3) Employees. Employees of the Executive or Legislative Branches shall file financial disclosures as prescribed herein within twenty working days after the effective date of this section and file financial disclosures annually thereafter on or before January 31 of each year.

(c) The disclosure of financial interests shall state, in addition to the financial interests of the person disclosing, the financial interests of the person's spouse and dependent children, and shall include:

(1) The source and amount of all income of \$1,000 or more received, for services rendered, by the person in his own name or by any other person for his use or benefit during the preceding calendar year and the nature of the services rendered; provided that information that may be

privileged by law or individual items of compensation that constitute a portion of the gross income of the business or profession from which the person derives income need not be disclosed.

(2) The name of each creditor to whom the value of \$3,000 or more was owed during the preceding calendar year and the original amount and amount outstanding; provided that debts arising out of retail installment transactions for the purchase of consumer goods need not be disclosed.

(3) The amount and identity of every ownership or beneficial interests held during the disclosure period in any business incorporated, regulated, or licensed to carry on business in the State having a value of \$5,000 or more or equal to 10% of the ownership of the business and, if the interest was transferred during the preceding calendar year, the date of the transfer; provided that an interest in the form of an account in a federal or State regulated financial institution, an interest in the form of a policy in a mutual insurance company, or individual items in a mutual fund or a blind trust, if the mutual fund or blind trust has been disclosed pursuant to this paragraph, need not be disclosed.

(4) Every officership, directorship, trusteeship, or other fiduciary relationship held in a business during the preceding calendar year, the term of office and the annual compensation.

(5) The tax map key number and street address, if any, and the value of any real property in the City and County of Honolulu in which the person holds an interest whose value is \$10,000 or more, and, if the interest was transferred or obtained during the preceding calendar year, a statement of the amount and nature of the consideration received or paid in exchange for such interest, and the name of the person furnishing or receiving the consideration.

(6) The amount and identity of every creditor interests in an insolvent business held during the preceding calendar year having a value of \$5,000 or more.

(7) The names of clients personally represented before City agencies, except in ministerial matters, for a fee or compensation during the preceding calendar year and the names of the City agencies involved.

(d) Filing Requirements.

(1) All public financial disclosures shall be filed with the Office of the City Clerk. All confidential disclosures shall be filed with the City Ethics Commission.

(2) The form for all public financial disclosures shall be as prescribed by the City Clerk. The forms for confidential disclosures shall be as prescribed by the City Ethics Commission.

(3) When leaving office or employment with the City. Any officer or employee of the City shall file a financial disclosure as prescribed herein ten working days before an officer is to leave his office or an employee is to terminate his employment with the City. This requirement will also include transfer of an officer or employee from the City to either the State or federal governments.

(e) The financial disclosure statements of the following persons shall be public record and may be opened for inspection by the public during office hours of the City Clerk:

- (1) All candidates for elective office.
- (2) All elected officers.
- (3) The directors of the City agencies and their first deputies.

All other financial disclosure statements required to be filed under this section shall be confidential.

(f) Penalty.

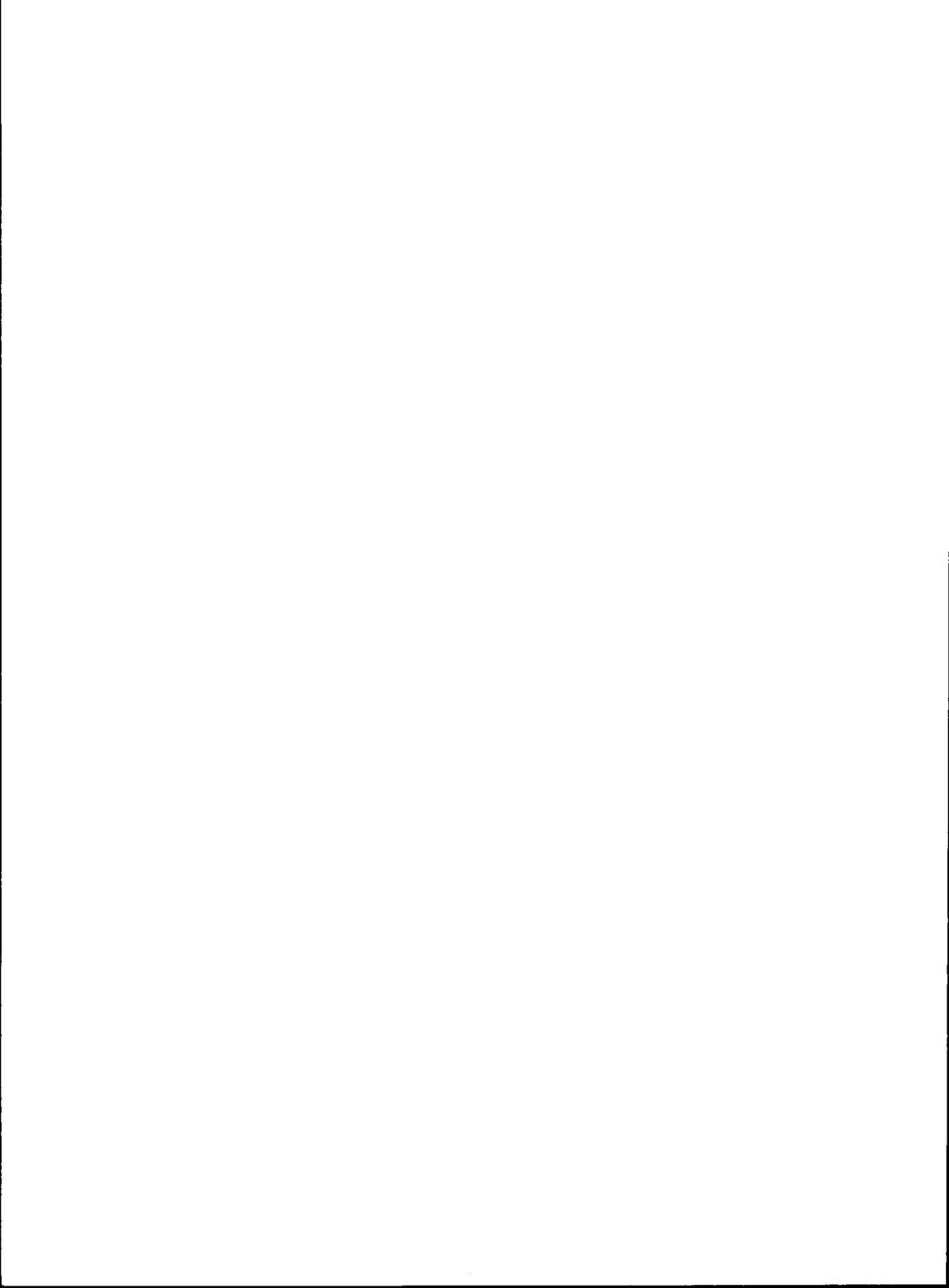
(1) Officers and employees subject to Section 6-1.5. Any officer or employee of the City who fails to file a financial disclosure as required in this section shall be subject to the provisions of Section 6-1.5 hereof relating to non-compliance or the provisions of Section 1-3.1 hereof, as amended, or both.

(2) Candidates. Any candidate who fails to file a financial disclosure as prescribed herein shall be guilty of a misdemeanor and subject to the provisions of Section 1-3.1 hereof, as amended. (Am. Ord. 80-87)

Sec. 6-1.5. Penalties And Disciplinary Action For Violations.

(a) The failure to comply with or any violation of the standards of conduct established by this article shall be grounds for impeachment of elected officers and for the removal from office or from employment of all other officers and employees. The appointing authority may, upon the recommendation of the Ethics Commission, reprimand, put on probation, demote, suspend or discharge an employee found to have violated the standards of conduct established by this article. Nothing contained herein shall preclude any other remedy available against such officer or employee.

(b) In addition to any other penalty provided by law, any contract entered into by the City in violation of Sections 11-101 through 11-105 of the Revised Charter or of this article is voidable on behalf of the City; provided that in any action to void a contract pursuant to this article the interest of third parties who may be damaged thereby shall be taken into account, and the action to void the official act or action is initiated within ninety days after the matter is referred to the Ethics Commission. (Sec. 6-1.4, R.O. 1978; Am. Ord. 80-87)



CHAPTER 8. REAL PROPERTY TAX.

Legislative Intent.

The purpose of this chapter is to implement the authority granted to the City and County of Honolulu to assess, impose, and collect real property taxes based on an amendment to the Constitution of the State of Hawaii which was adopted on November 7, 1978, by the electorate. (Am. Ord. 80-72)

Article 1. Administration.

Sec. 8-1.1. Definitions.

Wherever used in this chapter:

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

“Director” shall mean the Director of Finance of the City and County of Honolulu or his authorized subordinate.

“Property” or “real property” shall mean and include all land and appurtenances thereof and the buildings, structures, fences, and improvements erected on or affixed to the same, and any fixture which is erected on or affixed to such land, building structures, fences, and improvements, including all machinery and other mechanical or other allied equipment and the foundations thereof, whose use thereof is necessary to the utility of such land, buildings, structures, fences, and improvements, of whose removal therefrom cannot be accomplished without substantial damage to such land, buildings, structures, fences, and improvements, excluding, however, any growing crops. (Am. Ord. 80-72)

Sec. 8-1.2. Duties And Responsibilities Of The Director.

The director shall have the following duties and powers, in addition to any others prescribed or granted by this chapter:

(1) Assessment: To assess, pursuant to law, all real property situated within the geographic boundary of the City and County of Honolulu for taxation of real property and to make any other assessment by law required to be made by the director.

(2) Collections: To be responsible for the collection of all taxes imposed by this chapter and for such other duties as are provided by law.

(3) Construction of revenue laws: To construe the provisions of this chapter, the administration of which is within the scope of the director's duties, whenever requested by any officer or employee of the City, or by any taxpayer.

(4) Enforcement of penalties: To see that penalties are enforced when prescribed by this chapter (the administration of which is within the scope of the director's duties) for disobedience or evasion of its provisions, and to see that complaint is made against persons violating any provisions of this chapter; in the execution of these powers and duties, the director may call upon the Corporation Counsel or Prosecuting Attorney,

whose duties it shall be to assist in the institution and conduct of all proceedings or prosecutions for penalties and forfeitures, liabilities and punishments for violation of the provisions of this chapter in respect to the assessment and taxation of real property.

(5) Forms: To prescribe forms to be used in or in connection with the provisions of this chapter, including forms to be used in the making of returns by taxpayers or in any other proceedings connected with the provisions of this chapter and to change the same from time to time as deemed necessary.

(6) Maps: The director shall provide for the City and County of Honolulu, maps drawn to appropriate scale, showing all parcels, blocks, lots, or other divisions of land based upon ownership, and their areas or dimensions, numbered or otherwise designated in a systematic manner for convenience of identification, valuation, and assessment. The maps, as far as possible, shall show the names of owners of each division of land, and shall be revised from time to time as ownership change and as further divisions of parcels occur. The director shall also maintain, as and when such information is available, maps showing present use, zoning, and physical use capabilities of land located within the City and County of Honolulu for the guidance of assessors and the information of various tax review tribunals and the general public.

The director shall charge fees for the use and other disposition of tracings of these maps, including copies or prints made therefrom, by private persons or firms as provided for by ordinance.

(7) Inspection, examination of records and property: The director shall have the authority to inspect and examine the records and property of all public officers without charge, and to examine the books and papers of account of any person for the purpose of enabling the director to obtain all information that could in any manner aid him in discharging his duties under this chapter.

(8) Inspection, examination of real property: To inspect and examine the real property of any person for the purpose of enabling the director to attain all information that could in any manner aid him in discharging his duties under this chapter.

(9) Recommendations for legislation: To recommend to the Mayor such amendments, changes or modifications of the provisions of this chapter or any applicable State statutes as may seem proper or necessary to remedy injustice or irregularity, or to facilitate the assessment of property under this chapter.

(10) Report to Mayor: To report to the Mayor annually, and at such other times and in such manner as the Mayor may require, concerning the acts and doings and the administration of his department, and such other matters of information concerning real property taxation as may be deemed of general interest; the Mayor shall transmit copies of such reports to the Council within 30 days of receipt.

(11) Rules and regulations: To promulgate such rules and regulations as he may deem proper, and to effectuate the purposes for which his department is constituted, and to regulate matters of procedure by or before him pursuant to the provisions of HRS Chapter 91.

(12) **Compromises:** With the approval of the Corporation Counsel, to compromise any claim arising under this chapter not exceeding \$500 and if a claim exceeds \$500, the director shall obtain the approval of the City Council, the administration of which is within the scope of his duties; and in any such case, there shall be placed on file and in his department's office a statement of (A) the amount of tax assessed, or proposed to be assessed, (B) the amount of penalties and interest imposed or proposed to be assessed, (C) the amount of penalties and interest imposed or which could have been imposed by law with respect to the item (A) as computed by him, (D) the total amount of liability as determined by the terms of the compromise, and the actual payments made thereon with the dates thereof, and (E) the reasons for the compromise.

(13) **Retroactivity of rulings:** To prescribe the extent, if any, to which any ruling, regulations, or construction of the provisions of this chapter shall be applied without retroactive effect.

(14) **Remission of delinquency penalties and interest:** Except in cases of fraud or wilful violation of the provisions of this chapter or wilful refusal to make a return setting forth the information required by this chapter (but inclusion in a return of a claim of nonliability for the tax shall not be deemed a refusal to make a return), he may remit any amount of penalties or interest added, under this chapter, to any tax that is delinquent for not more than ninety days, in a case of excusable failure to file a return or pay a tax within the time required by this chapter, or in a case of uncollectibility of the whole amount due; and in any such case there shall be placed on file in his office a statement showing the names of the person receiving such remission, the principal amount of the tax, and the year or period involved.

(15) **Closing agreements:** To enter into an agreement in writing with any taxpayer or other person relating to the liability of such taxpayer or other person, under this chapter, the administration of which is within the scope of his duties, in respect of any taxable period, or in respect of one or more separate items affecting the liability for any taxable period; such agreement, signed by or on behalf of the taxpayer or other person concerned, and by or on behalf of the City, shall be final and conclusive, and except upon a showing of fraud or malfeasance, or misrepresentation of a material fact, (A) the matters agreed upon shall not be reopened, and the agreement shall not be modified, by any officer or employee of the City, and (B) in any suit, action or proceeding, such agreement, or any determination, assessment, collection, payment, refund or credit made in accordance therewith, shall not be annulled, modified, set aside or disregarded.

(16) **Other powers and duties:** In addition to the powers and duties contained in this section, the assessing, collecting, receiving, and enforcing payments of the tax imposed hereunder, and otherwise relating thereto, shall be severally and respectively conferred, granted, practiced, and exercised for levying, assessing, collecting, and receiving and enforcing payment of the taxes imposed under the authority of this chapter. (Am. Ord. 80-72)

Sec. 8-1.3. Oaths.

The director may administer all oaths or affirmations required to be taken or be administered under this chapter. (Am. Ord. 80-72)

Sec. 8-1.4. Hearings And Subpoenas.

The director may conduct any inquiry, investigation, or hearing, relating to any assessment, or the amount of any tax, or the collection of any delinquent tax, including any inquiry or investigation into the financial resources of any delinquent taxpayer or the collectibility of any delinquent tax. The director may administer oaths and take testimony under oath relating to the matter of inquiry or investigation, and subpoena witnesses and require the production of books, papers, documents and records pertinent to such inquiry. If any person disobeys such process, or, having appeared in obedience thereto, refuses to answer pertinent questions put to him by the director or to produce any books, papers, documents or records, pursuant thereto, the director may apply to the First Circuit Court setting forth such disobedience to process or refusal to answer, and such court or judge shall cite such person to appear before such court or judge to answer such questions or to produce such books, papers, documents, or records, and upon his refusal to do so, commit such person to jail until he testifies but not for a longer period than sixty days. Notwithstanding the serving of the term of commitment by any person, the director may proceed in all respects as if the witness had not previously been called upon to testify. Witnesses (other than the taxpayer or his or its officers, directors, agents and employees) shall be allowed their fees and mileage as in cases in the circuit courts to be paid on vouchers of the City, from any moneys available for expenses of the director. (Am. Ord. 80-72)

Sec. 8-1.5. Timely Mailing Treated As Timely Filing And Paying.

(a) General Rule. Any report, claim, tax return, statement, or other document required or authorized to be filed with or any payment made to the City which is:

(1) Transmitted through the United States mail, shall be deemed filed and received by the City on the date shown by the post office cancellation mark stamped upon the envelope or other appropriate wrapper containing it.

(2) Mailed but not received by the City or where received and the cancellation mark is illegible, erroneous, or omitted, shall be deemed filed and received on the date it was mailed if the sender establishes by competent evidence that the report, claim, tax return, statement, remittance, or other document was deposited in the United States mail on or before the date due for filing; and in cases of the nonreceipt of a report, tax return, statement, remittance, or other document required by law to be filed, the sender files with the City a duplicate within thirty days after written notification is given to the sender by the City of its nonreceipt of the report, tax return, statement, remittance, or other document.

(b) Registered mail, certified mail, certificate of mailing. If any report, claim, tax return, statement, remittance, or other document is sent by United

States registered mail, certified mail, or certificate of mailing, a record authenticated by the United States Postal Service of the registration, certification, or certificate shall be considered competent evidence that the report, claim, tax return, statement, remittance, or other document was delivered to the director or department of finance, and the date of registration, certification, or certificate shall be deemed the postmarked date. (Am. Ord. 80-72)

Sec. 8-1.6. Tax Collection; General Duties, Powers Of Director.

The director shall collect all taxes under this chapter according to the assessments and shall be liable and responsible for the full amount of the taxes assessed, unless he shall under oath account for the noncollection of the same. The Corporation Counsel shall assist the director in the collection of all taxes under this chapter. (Am. Ord. 80-72)

Sec. 8-1.7. District Court Judges; Misdemeanors And Actions For Tax Collections.

Except as otherwise provided in this chapter, the District Court judges for the First Circuit Court for the State of Hawaii as authorized in HRS Section 231-12, shall have jurisdiction to try misdemeanors arising under this chapter and all complaints for the violation of this chapter and to impose any of the penalties therein prescribed and shall also have the jurisdiction to hear and determine all civil actions and proceedings for the collection and enforcement of collection and payment of all taxes assessed thereunder, and all actions or judgments obtained in tax actions and proceedings, notwithstanding the amount claimed. (Am. Ord. 80-72)

Sec. 8-1.8. Director; Collection.

The director shall be responsible for the collection and general administration of all delinquent taxes. He shall duly and accurately account for all delinquent taxes collected. (Am. Ord. 80-72)

Sec. 8-1.9. Legal Representative.

The Corporation Counsel or the Prosecuting Attorney shall assign one of his deputies as attorney and legal advisor and representative of the director. The Corporation Counsel or the Prosecuting Attorney may proceed to enforce payment of any delinquent taxes by any means provided by law. Any legal proceedings may be instituted in the name of the director or his deputy. (Am. Ord. 80-72)

Sec. 8-1.10. Abstracts Of Registered Conveyances, Copies Of Corporation Exhibits, Etc., Furnished To Director.

The director may request abstract of titles. For the purpose of assisting the director in arriving at a correct valuation of the property within each district, the registrar of conveyances, or any other agency so requested by the department, shall furnish to the department, monthly, quarterly, or as otherwise as required by the department, an abstract of the conveyances of, or other documents affecting title to, or assessment of, real property in each

district, which have been entered for record at the Bureau of Conveyances, executed, or filed, as the case may be, during the period covered by such abstract. The Director of Regulatory Agencies shall each year furnish the department as requested, copies of the annual corporation exhibits of any or all corporations owning real property in any district or any information contained in such exhibits. (Am. Ord. 80-72)

Sec. 8-1.11. Returns, Made When; Form; Open To Public; Failure To File.

Whenever the director finds that the filing of returns under this section is advisable for the making of assessments and so orders, the director shall give, to the taxpayers during the month of December, of the year such order is made, public notice (by publication thereof, in English, at least three times on different days during the month, in a newspaper of general circulation in the City and County of Honolulu, published in the English language) requiring such taxpayers to file with the director, on or before January 15 of the succeeding year, returns in the manner and form required by this section. After such publication of notice, every person owning, or having possession, custody or control of, real property whether entitled to exemption or not, shall, during the month of January, file upon forms prescribed by the director and in the manner required by such forms, a return signed as provided in Section 8-1.12 setting forth the description and location of all real property belonging to such person or of which he had possession, custody or control on January 1, and setting forth the taxpayer's opinion of the fair market value thereof as of January 1. It shall be sufficient to describe his real property by setting forth the location and a brief description in sufficient detail to identify the real property.

Whenever the director shall determine that there are not sufficient evidences of value to form the basis of a sound appraisal for assessment purposes of the value of the real property or real properties or portions thereof, of any taxpayer, it may, upon notice of not less than thirty days, require the taxpayer to file a return as described in the foregoing paragraph.

All returns made under this section shall be open to inspection by the public, and shall be admissible in evidence against the person making the return, in any State court in any action wherein the value of the real property, or portion thereof, covered by the return may be in dispute.

Returns made under this section shall be taken into consideration by the director in making appraisals for assessment purposes; the opinion of any taxpayer as to fair market value shall not be binding upon the director but no taxpayer shall be deemed to be aggrieved by any assessment made to his property which is based upon the opinion of value set forth in return unless he shows lack of uniformity or inequality as set forth in Section 8-12.3. The opinion of value shall constitute a rebuttable presumption that the fair market value of the real property on the date of the return was not greater than the value stated in such return in any subsequent proceeding brought to condemn the property or any part thereof for public purposes.

Failure to file a return required under this section, shall render the taxpayer liable for payment of an added tax as follows: In case of failure to

file any tax return required to be filed on a day described therefor (determined with regard to any extension of time for filing), unless it is shown that the failure is due to reasonable cause and not due to neglect, there shall be added to the amount required to be shown as tax on the return, five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which the failure continues, not exceeding 25 percent in the aggregate. For the purposes of this section, the amount of tax required to be shown on the return shall be reduced by the amount of any part of a tax which was paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return. (Am. Ord. 80-72)

Sec. 8-1.12. Returns To Be Signed.

Every return required to be made for real property taxation purposes shall be signed by the person required to make the return or by some duly authorized person in the taxpayers' behalf.

The director may require that, if any person or persons actually prepare or sign a return for another person, such form of statement of such facts and of authority to sign such return as may be prescribed by the director shall be signed by the person so preparing or signing the return, and the director may by regulation define the classes of persons to whom this provision shall apply.

No oath shall be required upon any real property tax return. (Am. Ord. 80-72)

Sec. 8-1.13. Returns By Fiduciaries.

Every executor, administrator, trustee, guardian, or other fiduciary shall make a return of the real property represented by him in such capacity in the City and County of Honolulu in which returns shall be required to be made pursuant to the provisions of this chapter. (Am. Ord. 80-72)

Sec. 8-1.14. Returns Of Corporations And Copartnerships.

The returns, statements or answers required by this chapter shall, in the case of a corporation, be made by any officer thereof, or, in a case of a copartnership, by any member thereof. (Am. Ord. 80-72)

Sec. 8-1.15. Notices, How Given.

Unless otherwise provided, every notice, the giving of which by the director is required or authorized, shall be deemed to have been given on the date when the notice was mailed properly addressed to the addressee at his last known address or place of business. (Am. Ord. 80-72)

Sec. 8-1.16. Federal Or Other Tax Officials Permitted To Inspect Returns; Reciprocal Provisions.

Notwithstanding the provisions of any law making it unlawful for any person, officer, or employee of the City to make known information im-

parted by any tax return or permit any tax return to be seen or examined by any person, it shall be lawful to permit a duly accredited tax official of the United States or of any state or territory or the Multistate Tax Commission to inspect any tax return of any taxpayer, or to furnish to such official, commission, or the authorized representative thereof an abstract of the return or supply him with information concerning any item contained in the return or disclosed by the report of any investigation of the return or of the subject matter of the return for tax purposes only. The Multistate Tax Commission may make such information available to a duly accredited tax official of the United States or to a duly accredited tax official of any state or territory, or the authorized representative thereof, for tax purposes only. (Am. Ord. 80-72)

Sec. 8-1.17. Records Open To Public.

All maps and records compiled, made, obtained or received by the director or any of his subordinates, shall be public records, and in case of the death, removal or resignation of any such officers, shall immediately pass to the care and custody of their respective successors. The information and all maps and records connected with the assessment and collection of taxes under this chapter shall, during business hours, be open to the inspection of the public. (Am. Ord. 80-72)

Sec. 8-1.18. Evidence, Tax Records As.

In respect of any tax imposed or assessed under this chapter, the administration of which is within the scope of the director's duties and except as otherwise specifically provided in the law imposing the tax, the notices of assessments, records of assessments, and lists or other records of payments and amounts unpaid prepared by or under the authority of the director, or copies thereof, shall be prima facie proof of the assessment of the property or person assessed, the amount due and unpaid, and the delinquency in payment and that all requirements of law in relation thereto have been complied with. (Am. Ord. 80-72)

Sec. 8-1.19. Due Date On Saturday, Sunday Or Holiday.

When the due date for any remittance or document required by any ordinance imposing a tax falls on a Saturday, Sunday or legal holiday, the remittance or document shall not be due until the next succeeding day which is not a Saturday, Sunday or legal holiday. (Am. Ord. 80-72)

Sec. 8-1.20. Changes, Etc., In Assessment Lists.

Except as specifically provided in this chapter, no changes in, additions to or deductions from, the real property tax assessments on the assessment lists prepared as provided in Section 8-2.2 shall be made except to add thereto property or assessments which may have been omitted therefrom, or to deduct therefrom adjustments on account of duplicate assessments and clerical errors, such as transposition in figures, typographical errors and errors in calculation. (Am. Ord. 80-72)

Sec. 8-1.21. Adjustments And Refunds.

(a) This subsection shall apply to taxes assessed and collected under this chapter.

(1) In the event of adjustments on account of duplicate assessments and clerical errors, such as transposition in figures, typographical errors and errors in calculations, the adjustments may be entered upon the records although the full amount appearing on the records prior to such adjustment has been paid.

(2) There may be refunded in the manner provided in subsection (b) of this section any amount collected in excess of the amount appearing on the records as adjusted, or any amount constituting a duplication of payment in whole or in part.

(3) Whenever any real property is deemed by the director to be exempt from taxation under Section 8-10.20, if there shall have been paid prior to the effective date of the exemption any real property taxes applicable to the period following the effective date of the exemption, there shall be refunded to the nonprofit or limited distribution mortgagor owning the property in the manner provided in subsection (b) all amounts representing the real property taxes which have been paid on account of the property and attributable to the period following the effective date of the exemption.

(4) No such adjustment shall be entered on the records nor refund made except within two years after the end of the tax year in which the amount to be refunded was due and payable,* unless a written application for the adjustment** or refund has been filed within such period.

(b) This subsection shall apply to all real property taxes.

(1) All refunds and adjustments shall be paid by voucher approved by the director, setting forth the details of each transaction. Payment of such refund or adjustment shall be made out of the Real Property Tax Trust Fund hereinafter created; provided, that if the person entitled to a refund or adjustment is delinquent in the payment of the tax, the director, after notice to the delinquent taxpayer, shall withhold the amount of the delinquent taxes together with penalties and interest thereon from the amount of the refund or adjustment and apply the same to the amount owed.

(2) There is hereby created and established a fund known as the Real Property Tax Trust Fund to be used for the purpose of making refunds and adjustments of taxes collected under this chapter. The director may, from time to time, deposit taxes collected under this chapter to the credit of the Real Property Tax Trust Fund so that there may be maintained at all times a fund not exceeding \$50,000.

(c) This subsection shall apply to a refund for an overpayment of a tax.

(1) If the amount already paid, exceeds the amount determined to be the correct amount of the tax due, and the taxpayer requests a refund of

*Revision note: Clerical error corrected. Changed "taxable" to "payable."

**Revision note: Clerical error corrected. Changed "adjustments" to "adjustment."

the overpayment, the amount of overpayment together with interest, if any, shall be refunded in the manner provided in subsection (b) above. The interest shall be allowed and paid at a rate of two-thirds of one percent for each calendar month or fraction hereof, beginning with the first month after the due date of the return and continuing until the date that the director approves the refund voucher. If the director approves the refund voucher within ninety days from the due date or the date the return is received, whichever is later, no interest on the overpayment will be allowed [or paid. However, if the director exceeds the time allowed]* herein, interest will be computed from the due date of the return until the date that the director sends the refund warrant to the taxpayer.

(2) If any overpayment of taxes results or arises from (A) the taxpayer filing an amended return, or from (B) a determination made by the director and such overpayment is not shown on the original return as filed by the taxpayer, interest on the overpayment shall be allowed and paid from the first month after the due date of the original return to the date that the director signs the refund voucher. If the director does not send the refund warrant to the taxpayer within forty-five days after his approval, interest will continue until the date that the director sends the refund warrant to the taxpayer. (Am. Ord. 80-72, 81-71)

Sec. 8-1.22. Partial Payment Of Taxes.

Whenever a taxpayer makes a partial payment of a particular assessment of taxes, the amount received by the director shall first be credited to interest, then to penalties, and then to principal. (Am. Ord. 80-72)

Sec. 8-1.23. (Reserved.) (Am. Ord. 80-72)

Sec. 8-1.24. Abetting, Etc., Misdemeanor.

All persons wilfully aiding, abetting or assisting in any manner whatsoever any person to commit any act constituted a misdemeanor by this chapter, shall be deemed guilty of a misdemeanor. (Am. Ord. 80-72)

Sec. 8-1.25. Neglect Of Duty; Etc., Misdemeanor.

Any officer or employee of the Department of Finance, any person duly authorized by the director, or any police officer, on whom duties are imposed under this chapter, who wilfully fails or refuses or neglects to perform faithfully any duty or duties of him required by this chapter, shall be deemed guilty of a misdemeanor. (Am. Ord. 80-72)

Sec. 8-1.26. Penalty For Misdemeanors.

Any person convicted of any misdemeanor under this chapter, for which no punishment is otherwise prescribed, shall be fined not more than \$500 or (if a natural person) imprisoned for not more than one year or both. (Am. Ord. 80-72)

*Revision note: Bracketed sentence which was inadvertently omitted from Ordinance No. 81-71 added.

Article 2. Notice Of Assessments And Lists.

Sec. 8-2.1. Notice Of Assessments; Addresses Of Persons Entitled To Notice.

On or before March 15 preceding the tax year, the director shall give notice of the assessment for the tax year against each known owner, by personal delivery to the owner of or by mailing to him on or before such date postage prepaid and addressed to him at his last known place of residence or address a written notice identifying the property involved by the tax key and the general class established in accordance with Section 8-7.1(d)* and setting forth separately the valuation placed upon buildings, and the valuation placed upon all other real property, exclusive of buildings, determined pursuant to Section 8-7.1(a),* the exemption, if any, allowed or denied, as the case may be, and the amount of the exemption applied to the buildings and the amount applied to all other real property, exclusive of buildings, and the net taxable value of the buildings and the net taxable value of all other real property, exclusive of the buildings.

In addition to the foregoing, the director shall in each year, give notice of the assessments for the year by public notice (by publication thereof at least three times on different days during the month of March of such year in a newspaper of general circulation, published in the English language) of a time when (which shall be not less than a period of ten days prior to March 31 preceding the tax year) and of a place where the records of taxable properties maintained for the district may be inspected by any person for the purpose of enabling him to ascertain what assessments have been made against him or his property and to confer with the director so that any errors may be corrected before the filing of the assessment list. (Am. Ord. 80-72)

Sec. 8-2.2. Assessment Lists.

On or before April 19 preceding the tax year the director shall have prepared from the records of taxable properties a list in duplicate of all assessments made, which list shall be signed and sworn to by the person preparing it. The assessment list shall identify the property assessed by its tax key and shall set forth the general class of the property established in accordance with Section 8-7.1(d),** the valuation of buildings and the valuation of all other real property, exclusive of buildings, the amount of exemption allowed on buildings and the amount of exemption allowed on all other real property, exclusive of the buildings, and the net taxable value of the buildings and the net taxable value of all other real property, exclusive of the buildings. The assessment list shall be the lists in accordance with which taxes shall be collected, subject only to change made by any court or other tribunal having jurisdiction, where appeals from assessments have been duly taken and prosecuted to final determination, and subject to Section 8-1.19.

*Revision note: Subsections 8-7.1(d) and 8-7.1(a) substituted for Subsections 8.8-1(d) and 8-8.1(a), respectively, to correct apparent clerical error.

**Revision note: Section 8-7.1(d) substituted for Section 8-8.1(d) to correct apparent clerical error.

There shall be noted upon such lists all appeals taken for the year and the amount involved in each case. The original of the assessment lists shall be retained by the person preparing it, and one copy shall be held by the City Clerk. The lists may be made up of a separate sheet or card for each property. (Am. Ord. 80-72)

Sec. 8-2.3. Informalities Not To Invalidate Assessments, Mistakes In Names Or Notices, Etc.

No assessment or act relating to the assessment or collection of taxes under this chapter shall be illegal or invalidate such assessment, levy, or collection on account of mere informality, nor because the same was not completed within the time required by law, nor, if the notice by publication provided for by Section 8-2.1 has been given, on account of a mistake in the name of the owner or supposed owner of the property assessed, or failure to name the owner, or failure to give the notice of assessment by personal delivery or mail provided for by Section 8-2.1. (Am. Ord. 80-72)

Article 3. Tax Bills, Payments And Penalties.

Sec. 8-3.1. Tax Rolls; Tax Bills.

The director shall prepare tax rolls from the assessment lists provided for by* Section 8-2.2, showing thereon, in each case, names and addresses of the assessed and the amount of taxes which shall be not less than \$7 as provided in Section 8-11.1(g).

The director shall mail, postage prepaid, or deliver, each year on or before the billing dates as provided for by Section 8-3.2,** to all known persons assessed for real property taxes for such year, respectively, or to their agents, tax bills demanding payment of taxes due from each such person respectively, but no person shall be excused from the payment of any tax or delinquent penalties thereon by reason of failure on his part to receive, or failure on the part of the director so to mail or deliver such bill. The bill, if mailed, shall be addressed to the person concerned at his last known address or place of residence. Whenever any bill covers taxes for any real property owned, as joint tenants or as tenants in common or otherwise, by more than one person, the bill may be sent to any one co-owner and upon written request shall be sent to each known co-owner but shall, in any event, demand the full amount of the taxes due upon such real property. (Am. Ord. 80-72, 81-71)

*Revision note: Clerical error corrected. Changed "any" to "by."

**Revision note: Section 8-3.2 substituted for Section 5-3.2 to correct apparent clerical error.

Sec. 8-3.2. Taxes; Due When; Installment Payments; Billing And Delinquent Dates.

All real property taxes shall be due and payable on and after July 1 of each tax year and the payment thereof shall be determined in the following manner:

All known persons assessed for real property taxes shall be billed not later than the billing date designated in the schedule listed herein; subject however, to the limitations heretofore provided in Section 8-3.1. Each taxpayer shall pay the real property taxes due from him for the year in which the taxes are assessed, in two equal installments on or before the dates designated in the following schedule:

	Fiscal Year Schedule	
(Billing Date)	(1st Payment)	(2nd Payment)
July 20	August 20	February 20

All such taxes due on the first payment date of such year from each taxpayer, which remain unpaid after the date, shall thereupon become delinquent, and the balance of such taxes due on the second payment date of such year from each taxpayer, which remain unpaid after the date, shall thereupon become delinquent. (Am. Ord. 80-72)

Sec. 8-3.3. Penalty For Delinquency.

There shall be added to the amount of all delinquent taxes, a penalty of up to ten percent of such delinquent taxes as determined by the director, which penalty shall be and become* a part of the tax and be collected as a part thereof.

All delinquent taxes and penalties shall bear interest at the rate of two-thirds of one percent for each month or fraction thereof until paid, beginning with the first calendar month following the calendar month designated for payment in Section 8-3.2. The interest shall be and become a part of the tax and be collected as a part hereof.

No taxpayer shall be exempt from delinquent penalties by reason of having made an appeal on his assessment, but the tax paid, covered by an appeal duly taken, shall be held in a trust account as provided in Section 8-12.12. (Am. Ord. 80-72)

Sec. 8-3.4. Assessment Of Unreturned Or Omitted Property; Review; Penalty.

If, when returns are required under this chapter, any person refuses or neglects to make such returns, or declines to authenticate the accuracy thereof as provided in Section 8-1.11, or omits any property from a return, the director shall make the assessment according to the best information available and shall add to the assessment or tax lists for the year or years during which it was not taxed, the property unreturned or omitted. Likewise, if for any other reason any real property has been omitted from the assessment lists for any year or years, the director shall add to the lists the omitted

*Revision note: Clerical error corrected. Changed "come" to "become."

property. Notice of the action shall be given the owner, if known, within ten days after the assessment or addition, by mailing the same addressed to him at last known place of residence. Any owner desiring a review of the assessment or the addition may appeal to the board by filing with the director a written notice thereof in the manner prescribed in Section 8-12.9 at any time within thirty days after the date of mailing such notice, or may appeal to the tax appeal court by filing written notice of appeal with, and paying the necessary costs to, such court within the period and in the manner prescribed in Section 8-12.8.

A penalty of ten percent shall be added by the director to the amount of any assessment made by him pursuant to this section, which penalty shall be and become a part of the assessment so made; but no such penalty shall be imposed where the failure to assess or tax the property was not due to the refusal or neglect of the owner to return the property or authenticate the accuracy of his return.

For the purpose of determining the date of delinquency of taxes pursuant to assessments under this section, such taxes shall be deemed delinquent if not paid within thirty days after the date of mailing of notice of assessment, or if assessed for the current assessment year, within thirty days after the date of mailing the notice or on or before the next installment payment date, if any, for such taxes, whichever is later. (Am. Ord. 80-72)

Sec. 8-3.5. Reassessments.

Any property assessed to a person or persons who did not have the record title upon January 1 preceding the tax year in which the assessment was made, may be, and in any case where the attempted assessment of property is void or so defective as to create no real property tax lien on the property and the taxes have not been fully collected, the property shall be assessed as omitted property in the manner provided in Section 8-3.4. (Am. Ord. 80-72)

Article 4. Remissions.

Sec. 8-4.1. Remission Of Taxes On Acquisition By Government.

Whenever any real property is acquired for public purposes by the United States, the State or the City, and whenever any government lease or other tenancy shall terminate, the director is authorized to remit the taxes due thereon for the balance of the taxation period or year from and after the date of acquisition of the property, or the termination of the government lease or other tenancy, as the case may be.

In case the State or the City takes possession of real property which is the subject of eminent domain proceedings commenced for the acquisition of the fee simple estate in such land by the State or the City, taxes are authorized to be remitted as provided in HRS Sections 101-35 to -39, subject to HRS Section 101-39(1).

In case the owner of real property grants to the State or the City a right of entry with respect to such real property and the State or the City enters into

possession under the authority of the right of entry with intention to acquire the fee simple estate therein and to devote the real property to public use, the State or the City shall certify to the director the date upon which it took possession, and upon receipt of the certificate, the director is authorized to remit the real property tax on the parcel of land or portion of a parcel of land so coming into the possession of the State or the City for the balance of the taxation period which is subsequent to the date of possession.

In case the United States takes possession of real property which is the subject of eminent domain proceedings commenced for the acquisition of the fee simple estate in such land, taxes are authorized to be remitted for the balance of the taxation period or year after such taking, as provided in this paragraph. The remission shall be allowed conditionally upon the presentation to the director of a written notice and agreement, signed by the person, or one or more of the persons, owning the land, stating the date of such taking of possession by the United States, and agreeing that out of the first funds received by such owner or owners from such condemnation there shall be paid sufficient moneys to discharge the lien for any real property taxes existing upon the land prorated up to and including the date of such taking possession of the property; provided that the notice may be accompanied by payment of the prorated amount of taxes in lieu of such agreement. HRS Section 101-39 is hereby made applicable to such land and the owner or owners thereof and to the conditional remission authorized by this paragraph. It is further provided that in the event the prorated taxes up to the time of such taking possession shall not be paid by the owner or by one or more of the owners of the land within ten days after receipt by such owner or owners of the compensation for the condemnation, or within such additional time as shall be allowed by the director, then the conditional remission of taxes shall be void, and such owner or owners shall be liable for all taxes, penalties, and interest which would have accrued had no such conditional remission been allowed. (Am. Ord. 80-72)

Sec. 8-4.2. Remission Of Taxes In Cases Of Certain Disasters.

In any case of the damage or destruction of real property as the result of a tidal wave, earthquake, or volcanic eruption, or as the result of flood waters overflowing the banks or walls of a river or stream, the director is authorized to remit taxes due on such property, to the extent and in the manner hereinafter set forth:

(1) The director shall determine whether the property was wholly destroyed, or was partially destroyed or damaged, and in the latter event shall determine what percentage of the value of the whole property was destroyed or otherwise lost by reason of the disaster.

(2) If the property was wholly destroyed, the amount remitted shall be such portion of the total tax on the property for the tax year in which such destruction occurred as shall constitute the portion of the tax year remaining after such destruction.

(3) If the property was partially destroyed or was damaged, the percentage of the value destroyed or otherwise lost, determined as provided in paragraph (1), shall be applied to the total tax on the property,

and of the amount of tax so determined there shall be remitted such portion as shall constitute the portion of the tax year remaining after such partial destruction or damage.

(4) Application for a remission of taxes pursuant to this section shall be filed with the director on or before June 30 of the tax year involved, or within sixty days after the occurrence of the disaster, whichever is the later. Any amount of taxes authorized to be remitted by this section, which has been paid, shall be refunded upon proper application therefor out of real property tax collections. (Am. Ord. 80-72)

Article 5. Liens, Foreclosure.

Sec. 8-5.1. Tax Liens; Co-owners' Rights; Foreclosure; Limitation.

Every tax due upon real property, as defined by Section 8-1.1, shall be a paramount lien upon the property assessed, which lien shall attach as of July 1 in each tax year and shall continue for six years. If proceedings for the enforcement or foreclosure of the lien are brought within the applicable period hereinabove designated, the lien shall continue until the termination of said proceedings or the completion of such sale.

In case of cotenancy, if one cotenant pays, within the period of the aforesaid government lien, all of the real property taxes, interest, penalties, and other additions to the tax, due and delinquent at the time of payment, he shall have, pro tanto, a lien on the interest of any noncontributing cotenant upon recording in the Bureau of Conveyances, within ninety days after the payment so made by the cotenant, a sworn notice setting forth the amount claimed, a brief description of the land affected by tax key or otherwise, sufficient to identify it, the tax year or years, and the name of the cotenant upon whose interest such lien is asserted. When a notice of such tax lien is recorded by a cotenant, the registrar shall forthwith cause the same to be indexed in the general indexes of the Bureau of Conveyances. In case the land affected is registered in the Land Court, the notice shall also contain a reference to the number of the certificate of title of such land and shall be filed and registered in the Office of the Assistant Registrar of the Land Court, and the Registrar, in his capacity as Assistant Registrar of the Land Court, shall make a notation of the filing thereof on each Land Court Certificate of Title so specified.

The cotenant's lien shall have the same priority as the lien or liens of the government for the taxes paid by him, and may be enforced by an action in the nature of a suit in equity. The lien shall continue for three years after recording or registering, or until termination of the proceedings for enforcement thereof if such proceedings are begun, and notice of the pendency thereof is recorded or filed and registered as provided by law, within the period.

The director or his subordinate, in case of a government lien, and the creditor cotenant, in a case of a cotenant's lien, shall, at the expense of the debtor, upon payment of the amount of the lien, execute and deliver to the debtor a sworn satisfaction thereof, including a reference to the name of the

person assessed or cotenant affected as shown in the original notice, the date of filing of the original notice, a description of the land involved, and the number of the certificate of title of such land if registered in the Land Court, which, when recorded in the Bureau of Conveyances or filed and registered in the Office of the Assistant Registrar of the Land Court, shall, in the case of a cotenant's lien which contains the reference to the book and page of the original lien, be entered in the general indexes of the Bureau of Conveyances, and if a notation of the original notice was made on any Land Court Certificate of Title, the filing of such satisfaction shall also be noted on the certificate.

This section as to cotenancy shall apply, as well, in any case of ownership by more than one assessable person.

Upon enforcement or foreclosure by the government in any manner whatsoever, of any such real property tax lien, all taxes of whatsoever nature and howsoever accruing, due at the time of the foreclosure sale from the taxpayer against whose property such tax lien is so enforced or foreclosed, shall be satisfied as far as possible out of the proceeds of the sale remaining after payment of (1) the costs and expenses of the enforcement and foreclosure including a title search, if any, (2) the amount of subsisting real property tax liens, and (3) the amount of any recorded liens against the property, in the order of their priority.

The liens may be enforced by action of the director in the Circuit Court of the First Circuit, and the proceedings had before the Circuit Court shall be conducted in the same manner and form as ordinary foreclosure proceedings as provided for in HRS Chapter 634. If the owners or claimants of the property against which a lien is sought to be foreclosed, are at the time out of the City or cannot be served within the City, or if the owners are unknown, and the fact shall be made to appear by affidavit to the satisfaction of the court, and it shall in like manner appear prima facie that a cause of action exists against such owners or claimants or against the property described in the complaint, or that such owners or claimants are necessary or proper parties to the action, the director may request the court that service be made in the manner provided by HRS Sections 634-23 through 634-29.

In any such case, it shall not be necessary to obtain judgment and have execution issued and returned unsatisfied, before proceeding to foreclose the lien for taxes in the manner herein provided. (Am. Ord. 80-72)

Sec. 8-5.2. Tax Liens; Foreclosure Without Suit, Notice.

All real property on which a lien for taxes exists may be sold by way of foreclosure without suit by the director, and in case any lien, or any part thereof, has existed thereon for three years, shall be sold by the director at public auction to the highest bidder, for cash, to satisfy the lien, together with all interest, penalties, costs, and expenses due or incurred on account of the tax, lien, and sale, the surplus, if any, to be rendered to the person thereto entitled. The sale shall be held at any public place proper for sales on execution, after notice published at least once a week for at least four successive weeks immediately prior thereto in any newspaper with a general circulation of at least 60,000 published in the State and any newspaper of

general circulation published and distributed in the county. If the address of the owner is known or can be ascertained by due diligence, including an abstract of title or title search, the director shall send to each owner notice of the proposed sale by registered mail, with request for return receipt. If the address of the owner is unknown, the director shall send a notice to the owner at his last known address as shown on the records of the Department of Finance. The notice shall be deposited in the mail at least forty-five days prior to the date set for the sale. The notice shall also be posted for a like period in at least three conspicuous public places within the City, and if the land is improved, one of the three postings shall be on the land. (Am. Ord. 80-72)

Sec. 8-5.3. Same; Registered Land.

If the land has been registered in the Land Court, the director shall also send by registered mail a notice of the proposed sale to any person holding a mortgage or other lien registered in the Office of the Assistant Registrar of the Land Court. The notice shall be sent to any such person at his last address as shown by the records in the Office of the Registrar, and shall be deposited in the mail at least forty-five days prior to the date set for the sale. (Am. Ord. 80-72)

Sec. 8-5.4. Same; Notice, Form Of.

The notice of sale shall contain the names of the persons assessed, the names of the present owners (so far as shown by the records of the director and the records, if any, in the Office of the Assistant Registrar of the Land Court) the character and amount of the tax, and the tax year or years, with interest, penalties, costs, expenses, and charges accrued or to accrue to the date appointed for the sale, a brief description of the property to be sold, and the time and place of sale, and shall warn the persons assessed, and all persons having or claiming to have any mortgage or other lien thereon or any legal or equitable right, title, or other interest in the property, that unless the tax, with all interest, penalties, costs, expenses, and charges accrued to the date of payment, is paid before the time of sale appointed, the property advertised for sale will be sold as advertised. The director may include in one advertisement of notice of sale notice of foreclosure upon more than one parcel of real property, whether or not owned by the same person and whether or not the liens are for the same tax year or years. (Am. Ord. 80-72)

Sec. 8-5.5. Same; Postponement Of Sale, Etc.

If at the time appointed for the sale, the director shall deem it expedient and for the interest of all persons concerned therein to postpone the sale of any property or properties for want of purchasers, or for other sufficient cause, he may postpone it from time to time, until the sale shall be completed, giving notice of every such adjournment by a public declaration thereof at the time and place last appointed for the sale; provided, that the sale of any property may be abandoned at the time first appointed or any adjourned date, if no proper bid is received sufficient to satisfy the lien, together with all interest, penalties, costs, expenses, and charges. (Am. Ord. 80-72)

Sec. 8-5.6. Same; Tax Deed; Redemption.

The director or his subordinate shall, on payment of the purchase price, make, execute, and deliver all proper conveyances necessary in the premises and the delivery of the conveyances shall vest in the purchaser the title to the property sold; provided, that the deed to the premises shall be recorded within sixty days after the sale; provided, further, that the taxpayer may redeem the property sold by payment to the purchaser at the sale, within one year from the date thereof, or if the deed shall not have been recorded within sixty days after the sale, then within one year from the date of recording of the deed, of the amount paid by the purchaser, together with all costs and expenses which the purchaser was required to pay, including the fee for recording the deed, and in addition thereto, interest on such amount at the rate of twelve percent a year, but in a case of redemption more than one year after the date of sale by reason of extension of the redemption period on account of late recording of the tax deed, interest shall not be added for the extended redemption period. (Am. Ord. 80-72)

Sec. 8-5.7. Same; Costs.

The director by rules or regulations may prescribe a schedule of costs, expenses, and charges and the manner in which they shall be apportioned between the various properties offered for sale and the time at which each cost, expense, or charge shall be deemed to accrue; and such costs, expenses, and charges shall be added to and become a part of the lien on the property for the last year involved in the sale or proposed sale, the tax for which is delinquent. Such costs, expenses, and charges may include provision for the making of and the securing of certificates of searches of any records to furnish information to be used in or in connection with the notice of sale or tax deed, or in any case where the director shall deem such advisable; provided that the director shall not be required to make such searches or to cause them to be made except as provided by Section 8-5.3 with respect to mortgages or other liens registered in the Office of the Assistant Registrar of the Land Court. (Am. Ord. 80-72)

Sec. 8-5.8. Tax Deed As Evidence.

The tax deed referred to in Section 8-5.6 is prima facie evidence that:

- (1) The property described by the deed was duly assessed for taxes in the years stated in the deed and to the persons therein named;
- (2) The property described by the deed was subject on the date of the sale to a lien or liens for real property taxes, penalties, and interest in the amount stated in the deed, for the tax years therein stated, and that the taxes, penalties, and interest were due and unpaid on the date of sale;
- (3) Costs, expenses, and charges due or incurred on account of the taxes, liens, and sale had accrued at the date of the sale in the amount stated in the deed;
- (4) The person who executed the deed was the proper officer;
- (5) At a proper time and place the property was sold at public auction as prescribed by law, and by the proper officer;

(6) The sale was made upon full compliance with Sections 8-5.2 to 8-5.7 and all laws relating thereto, and after giving notice as required by law;

(7) The grantee named in the deed was the person entitled to receive the conveyance. (Am. Ord. 80-72)

Sec. 8-5.9. Disposition Of Surplus Moneys.

The director shall pay from the surplus all taxes, including interest and penalties, of whatsoever nature and howsoever accruing, as provided in Section 8-5.1, and further he may pay from the surplus the cost of a search of any records where such search is deemed advisable by him to ascertain the person or persons entitled to the surplus; provided, nothing herein contained shall be construed to require the director to make or cause any such search to be made. If the director is in doubt as to the person or persons entitled to the balance of the fund, he may refuse to distribute the surplus and any claimant may sue the director in the First Circuit Court. The director may require the claimants to interplead, in which event he shall state the names of all claimants known to him, and shall cause them to be made parties to the action. If in his opinion there may be other claimants who are unknown, the director may apply for an order or orders joining all persons unknown having or claiming to have any legal or equitable right, title, or interest in the moneys or any part thereof or any lien or other claim with respect thereto.

Any orders of the court or summons in the matter may be served as provided by law or the rules of court, and all persons having any interest in the moneys who are known, including the guardians of such of them as are under legal age or under any other legal disability (and if any one or more of them is under legal age or under other legal disability and without a guardian, the court shall appoint a guardian ad litem to represent them therein) shall have notice of the action by personal service upon them. All persons having any interest in the moneys whose names are unknown or who if known do not reside within the State or for any reason cannot be served with process within the State shall have notice of the action as provided by HRS Sections 634-23 to -29, except that any publication of summons shall be in at least one newspaper of general circulation published in the State and having a general circulation in the City, and the form of notice to be published shall provide a brief description of the property which was sold.

All expenses incurred by the director shall be met out of the surplus moneys realized from the sale. (Am. Ord. 80-72)

Article 6. Rate; Levy.

Sec. 8-6.1. Tax Base And Rate.

Except as exempted or otherwise taxed, all real property shall be subject to a tax upon one hundred percent of its fair market value determined in the manner provided by ordinance, at such rate as shall be determined in the manner provided in Section 8-11.1. No taxpayer shall be deemed aggrieved

by an assessment, nor shall an assessment be lowered, except as the result of a decision on an appeal as provided by law. (Am. Ord. 80-14, 80-72, 82-18)

Sec. 8-6.2. Tax Year; Time As Of Which Levy And Assessment Made.

For real property tax purposes, "tax year" shall mean the fiscal year beginning July 1 of each calendar year and ending June 30 of the following calendar year. Real property shall be assessed, and taxes shall be levied thereon, as of January 1 preceding each tax year upon the basis of valuations determined in the manner and at the time provided in this chapter. (Am. Ord. 80-14, 80-72)

Sec. 8-6.3. Assessment Of Property; To Whom In General.

Real property shall be assessed in its entirety to the owner thereof; provided that where improved residential land has been leased for a term of fifteen years or more, the real property shall be assessed in its entirety to the lessee or his successor in interest holding the land for such term under such lease and the lessee or successor in interest shall be deemed the owner of the real property in its entirety for the purpose of this chapter; provided, however, that the lease and any extension, renewal, assignment, or agreement to assign the lease (1) shall have been duly entered into and recorded in the Bureau of Conveyances or filed in the Office of the Assistant Registrar of the Land Court prior to January 1 preceding the tax year for which the assessment is made, and (2) shall provide that the lessee shall pay all taxes levied on the property during the term of the lease.

"Improved residential land" as used herein means land improved with a single family dwelling on it.

For the purposes of this chapter, life tenants, personal representatives, trustees, guardians, or other fiduciaries may be, and persons holding government property under an agreement for the conveyance of the same to such persons shall be considered as owners during the time any real property is held or controlled by them as such. Lessees holding under any government lease shall be considered as owners during the time any real property is held or controlled by them as such, as more fully provided in Section 8-10.17 and further, notwithstanding any provisions to the contrary in this chapter, any tenant occupying government land, whether such occupancy has continued for a period of one year or more, as more fully provided in Section 8-10.17. Persons holding any real property under an agreement to purchase the same, shall be considered as owners during the time the real property is held or controlled by them as such; provided the agreement to purchase (1) shall have been recorded in the Bureau of Conveyances, and (2) shall provide that the purchasers shall pay the real property taxes levied on the property. Persons holding any real property under a lease for a term to last during the lifetime of the lessee, shall be considered as owners during the time the real property is held or controlled by them as such; provided that the lease (1) shall have been duly entered into and recorded in the Bureau of Conveyances or filed in the Office of the Assistant Registrar of the Land Court prior to January 1 preceding the tax year for which the assessment is made, and (2)

shall provide that the lessee shall pay all taxes levied on the property during the term of the lease. (Am. Ord. 80-14, 80-72)

Sec. 8-6.4. Imposition Of Real Property Taxes On Reclassification.

A portion of real property taxes shall be imposed upon and paid by the owner or owners thereof when:

(1) The property of the owner has been leased for a term of fifteen years or more; and

(2) The classification of the property has been changed to a classification of a higher use during the life of the lease; and

(3) The classification to a higher use has occurred without the lessee, who occupies the property, petitioning for such higher classification.

Taxes which are imposed upon the owners of property under this section shall be paid by the owner of such property without being transferred to the lessee who occupies the property and such tax shall be the difference between the assessed valuation of the property after the classification change times the applicable tax rate less the assessed valuation of the property as it existed prior to the classification change times the applicable tax rate. (Am. Ord. 80-14, 80-72)

Sec. 8-6.5. Assessment Of Property Of Corporations Or Copartnerships.

Property of a corporation or copartnership shall be assessed to it under its corporate or firm name. (Am. Ord. 80-14, 80-72)

Sec. 8-6.6. Fiduciaries, Liability.

Every personal representative, trustee, guardian, or other fiduciary shall be answerable as such for the performance of all such acts, matters, or things as are required to be done by this chapter in respect to the assessment of the real property he represents in his fiduciary capacity, and he shall be liable as such fiduciary for the payment of taxes thereon up to the amount of the available property held by him in such capacity, but he shall not be personally liable. He may retain, out of the money or other property which he may hold or which may come to him in his fiduciary capacity, so much as may be necessary to pay the taxes or to recoup himself for the payment thereof, or he may recover the amount thereof paid by him from the beneficiary to whom the property shall have been distributed. (Am. Ord. 80-14, 80-72)

Sec. 8-6.7. Assessment Of Property Of Unknown Owners.

The taxable property of persons unknown, or some of whom are unknown, shall be assessed to "unknown owners," or to named persons and "unknown owners," as the case may be. The taxable property of persons not having record title thereto on January 1, preceding the tax year for which the assessment is made, may be assessed to "unknown owners," or to named persons and "unknown owners," as the case may be. Such property may be levied upon for unpaid taxes. (Am. Ord. 80-14, 80-72)

Article 7. Valuations.

Sec. 8-7.1. Valuation; Considerations In Fixing.

(a) The Director of Finance shall cause the fair market value of all taxable real property to be determined and annually assessed by the market data and cost approaches to value using appropriate systematic methods suitable for mass valuation of properties for taxation purposes, so selected and applied to obtain, as far as possible, uniform and equalized assessments throughout the county; provided, that the value of land classified and used for agriculture, whether such lands are dedicated pursuant to Section 8-7.3 or not, shall, for real property tax purposes, be the value of such land for agricultural use without regard to any value that such land might have for other purposes or uses, or to neighboring land uses, and determined as provided in subsection (e)(1) of this section. In making such determination and assessment, the director shall separately value and assess, within each class established in accordance with subsection (c) of this section: (1) buildings, and (2) all other real property, exclusive of buildings.

(b) So far as practicable, records shall be compiled and kept which shall show the methods established by or under the authority of the director, for the determination of values.

(c) (1) Land shall be classified, upon consideration of its highest and best use, into the following general classes:

- (A) Improved Residential,
- (B) Unimproved Residential,
- (C) Apartment,
- (D) Hotel and Resort,
- (E) Commercial,
- (F) Industrial,
- (G) Agricultural, and
- (H) Conservation.

(2) In assigning land to one of the general classes, the Director of Finance shall give major consideration to the districting established by the land use commission pursuant to Chapter 205, Hawaii Revised Statutes, the districting established by the county in its general plan and zoning ordinance, use classifications established in the general plan of the State, and such other factors which influence highest and best use.

(3) When property is subdivided into condominium units, each unit shall be classified upon consideration of its actual use into one of the general classes in the same manner as land except that units which have been allowed a home exemption for the tax year shall be classified Improved Residential.

(4) "Improved Residential" shall mean land which is classified as residential by the department of finance upon consideration of its highest and best use, and is property which fulfills the provisions of at least one of the following sub-paragraphs:

- (A) land which has been subdivided prior to any assessment year

as a lot for single or two-family residential use in conformity with the then existing county zoning ordinances, and has been approved for sale or approved as being in conformity with all of the subdivision requirements of the city and county, or

(B) land which is in actual single or two-family residential use at a density of at least a single or a two-family residential building per acre, or

(C) land which is sufficiently developed with necessary land improvements to support a use density of at least a single or a two-family residential building per acre.

(5) "Unimproved Residential" shall mean all residential class lands not classified as "Improved Residential."

(d) Whenever land has been divided into lots or parcels as provided by law, each such lot or parcel shall be separately assessed.

(e) (1) In determining the value of lands which are classified and used for agriculture, whether such lands are dedicated pursuant to Section 8-7.3 or not, consideration shall be given to rent, productivity, nature of actual agricultural use, the advantage or disadvantage of factors such as location, accessibility, transportation facilities, size, shape, topography, quality of soil, water privileges, availability of water and its cost, easements and appurtenances, and to the opinions of persons who may be considered to have special knowledge of land values.

(2) A deferred or roll-back tax shall be imposed on the owner of agricultural lands assessed according to their agricultural use as provided in subsection (a) of this section in the event of a change in land use classification by the authorized State agency to urban or rural districts or upon the subdivision of the land into parcels of five acres or less, provided that the tax shall not apply if the owner dedicates his land as provided in Section 8-7.3 within three years from the date of the change in land use classification and fulfills all of the requirements of the dedication. The deferred tax shall be due and payable at the end of the third year following the change in land use classification provided that the land shall continue to be used for agriculture during this period. The total amount of deferred taxes shall be computed commencing at the end of the third year following the change in classification where the land has continuously been used for agriculture, provided, however, that where the land has been put to a higher urban or rural use prior to the expiration of the three-year period, the amount of deferred taxes shall be computed commencing at the end of the year in which the land has been put to such higher urban or rural use, and shall be retroactive to the date the assessment was made pursuant to subsection (a) of this section provided the retroactive period shall not exceed ten years. Where the owner has subdivided his land into parcels of five acres or less, the deferred tax shall commence from the date the conversion was made retroactive to the date the assessment was made pursuant to section (a) of this subsection but for not more than ten years. Any other provisions to the contrary notwithstanding, the deferred or roll-back tax shall apply only if a change in land use classification has been made as a result of a petition by any

property owner or lessee and shall apply only upon lands owned by the owner or lessee who has petitioned for the change in classification. The deferred or roll-back tax shall not apply to lands owned by any owner or lessee who has not petitioned for the change in classification provided the owner or lessee shall continue to use the land in its agricultural use for a period of three years after the change in land use classification is made, or where the change in classification is initiated by any governmental agency or instrumentality. The deferred or roll-back tax shall be based on the difference in assessed value between the highest and best use and the agricultural use of the land at the tax rate applicable for the respective years.

(A) Where the owner subdivides his land into parcels of five acres or less, the deferred tax shall be due and payable within sixty days of such conversion, subject to a ten percent per annum penalty.

(B) Where the owner changes the land use classification, the deferred tax shall be due and payable within three years of such conversion except that where the land has been put to its higher urban or rural use, the tax shall be due and payable at the end of the year in which the land has been put to such higher use, subject to a ten percent per annum penalty.

Any other provision to the contrary notwithstanding, the land shall continue to be assessed in its agricultural use as provided in subsection (a) of this section until the land is put to its higher urban or rural use for a period of three years following the change in classification, whichever is shorter, provided that for purposes of determining the amount of deferred taxes to be assessed to the owner or lessee, the retroactive period shall include the period during which the land is continued to be assessed in its agricultural use following the change in classification. Any tax due and owing shall attach to the land as a paramount lien in favor of the county as provided for by ordinance.

(3) Where lands located within agricultural districts are put to agricultural uses, that portion of such lands not usable or suitable for any agricultural use, whether dedicated pursuant to Section 8-7.3 or not, the tax upon such unusable or unsuitable land shall be deferred and shall be payable upon conversion as provided under this section.

(f) In determining the value of buildings, consideration shall be given to any additions, alterations, remodeling, modifications or other new construction, improvement or repair work undertaken upon or made to existing buildings as the same may result in a higher assessable valuation of said buildings, provided, however, that any increase in value resulting from any additions, alterations, modifications or other new construction, improvement or repair work to buildings undertaken or made by the owner-occupant thereof pursuant to the requirements of any urban redevelopment, rehabilitation or conservation project under the provisions of Part II of Chapter 53, Hawaii Revised Statutes, shall not increase the assessable valuation of any building for a period of seven years from the date of certification as hereinafter provided.

It is further provided that the owner-occupant shall file with the Director of Finance, in the manner and place which the director may designate, a statement of the details of the improvements certified in the following manner:

(1) In the case of additions, alterations, modifications or other new construction, improvement or repair work to a building that are undertaken pursuant to any urban redevelopment, rehabilitation or conservation project as hereinabove mentioned, the statement shall be certified by the Mayor or any governmental official designated by him and approved by the Council, that the additions, alterations, modifications, or other new construction, improvement or repair work to the buildings were made and satisfactorily comply with the particular urban redevelopment, rehabilitation or conservation act provision, or

(2) In the case of maintenance or repairs to a residential building undertaken pursuant to any health, safety, sanitation or other governmental code provision, the statement shall be certified by the Mayor or any governmental official designated by him and approved by the Council, that (A) the building was inspected by them and found to be substandard when the owner-occupant made his claim, and (B) the maintenance or repairs to the buildings were made and satisfactorily comply with the particular code provision. (Am. Ord. 80-14, 80-72, 82-66)

Sec. 8-7.2. Water Tanks.

Any provision to the contrary notwithstanding, any tank or other storage receptacle required by any government agency to be constructed or installed on any taxable real property before water for home and farm use is supplied, and any other water tank, owned and used by a real property taxpayer for storing water solely for his own domestic use, shall be exempted in determining and assessing the value of such taxable real property. (Am. Ord. 80-14, 80-72)

Sec. 8-7.3. Dedicated Lands.

(a) A special land reserve is established to enable the owner of any parcel of land within an agricultural district, a rural district, a conservation district, or any urban district to dedicate his land for a specific ranching or other agricultural use and to have his land assessed at its value in such use provided, that if the land is located within an urban district, (1) a lessee of the land with a term of ten or more years remaining from the date of the petition shall also be deemed an owner of the land within these provisos; (2) the land dedicated must be used for the cultivation of crops such as sugar cane, pineapple, truck crops, orchard crops, ornamental crops, or the like; (3) the land dedicated must have been substantially and continuously used for the cultivation of crops such as sugar cane, pineapple, truck crops, orchard crops, ornamental crops, or the like for the five-year period immediately preceding the dedication request; provided further, that land situated within an agricultural district may be dedicated for a period of twenty years and shall be taxed at fifty percent of its assessed value in such use.

(b) If any owner desires to use his land for a specific ranching or other agricultural use and to have his land taxed at its assessed value in this use or fifty percent of its assessed value as the case may be, he shall so petition the Director of Finance and declare in his petition that his land can best be used for the purpose for which he requests permission to dedicate his land and that if his petition is approved he will use his land for this purpose.

Upon receipt of any such petition, the director shall make a finding of fact as to whether the land in the petition area is reasonably well suited for the intended use. The finding shall include and be based upon the productivity ratings of the land in those uses for which it is best suited, a study of the ownership, size of operating unit, the present use of surrounding similar lands and other criteria as may be appropriate.

The director shall also make a finding of fact as to whether the intended use is in conflict with the overall development plan of the State.

If both findings are favorable to the owner, the director shall approve the petition and declare that the owner's land is dedicated land; provided, that for lands in urban districts, the director shall make further findings respecting the economic feasibility of the intended use of the land. If all three findings are favorable, the director shall approve the petition and declare the land to be dedicated. A change in the dedicated use may be made by petition as provided in this subsection.

(c) The approval by the director of the petition to dedicate shall constitute a forfeiture on the part of the owner of any right to change the use of his land to a use other than agriculture for a minimum period of ten years or twenty years as the case may be, automatically renewable indefinitely, subject to cancellation as follows:

(1) In the case of a ten-year dedication, the owner may after the ninth year and years thereafter, give notice of cancellation by filing with the director, a written notice of cancellation, on or before April 9, to be effective as of January 1 of the following tax year;

(2) In the case of a twenty-year dedication, the owner may during the nineteenth year and years thereafter give notice of cancellation as provided by this subsection;

(3) In the case of a change in a major land use classification not as a result of a petition by any property owner or lessee such that the owner's land is placed within an urban district, the dedication may be cancelled within sixty days of the change by the owner. Upon any conveyance or any change in ownership during the period of dedication, the land shall continue to be subject to the terms and conditions of the dedication unless a release has been issued by the director.

(d) Failure of the owner to observe the restrictions on the use of his land shall cancel the dedication and special tax assessment privilege retroactive to the date of the dedication, but in any event, shall not exceed the term of the original dedication, and all differences in the amount of taxes that were paid and those that would have been due from assessment in the higher use shall be payable with a ten percent a year penalty from the respective dates that these payments would have been due. The additional taxes and penalties, due and owing as a result of a breach of the dedication, shall be a paramount

lien upon the property as provided for by this chapter. Failure to observe the restrictions on the use means failure for a period of twelve consecutive months to use the land in that manner requested in the petition or the overt act of changing the use for any period, provided that a change in land use classification upon petition by the owner of such dedicated lands shall not be deemed to constitute an overt act of changing the use of the land. Any other provisions to the contrary notwithstanding, when a portion of the dedicated land is subsequently applied to a use other than the use set forth in the original petition, only such portion as is withdrawn from the dedicated use and applied to a use other than ranching or other agricultural use shall be taxed as provided by this subsection.

(e) The director shall prescribe the form of the petition. The petition shall be filed with the Director of Finance by September 1 of any calendar year and shall be approved or disapproved by December 15. If approved, the assessment based upon the use requested in the dedication shall be effective on January 1, next.

(f) The owner may appeal any disapproved petition as in the case of an appeal from an assessment.

(g) The term "owner" as used in this section includes lessees of real property whose lease term extends at least ten years from the date of the petition in the case of a ten-year dedication or lessees of real property whose lease term extends at least twenty years from the date of the petition in the case of a twenty-year dedication.

(h) A special land reserve is established to enable the owner of any parcel of land within an urban district to dedicate his land for a specific livestock use such as feed lots, calf-raising and like operations in dairy, beef, swine, poultry and aquaculture, but excluding grazing or pasturing, and to have his land assessed at its value in such use; provided, that (1) a lessee of the land with a term of ten or more years remaining from the date of the petition shall also be deemed an owner of the land within these provisos; (2) the land dedicated must be used for livestock uses such as feed lots, calf-raising, and like operations in dairy, beef, swine, poultry and aquaculture but excluding grazing or pasturing; (3) the land dedicated must have been substantially and continuously used in the livestock uses enumerated in (2) hereinabove; (4) and such livestock use must be compatible with the surrounding uses. (Am. Ord. 80-14, 80-72)

Sec. 8-7.4. Golf Course Assessment.

Property operated and used as a golf course shall be assessed for property tax purposes on the following basis:

The value to be assessed by the director shall be on the basis of its actual use as a golf course rather than on the valuation based on the highest and best use of the land.

In determining the value of actual use, the factors to be considered shall include, among others, rental income, cost of development, sales price and the effect of the value of the golf course on the value of the surrounding lands. (Am. Ord. 80-14, 80-72)

Sec. 8-7.5. Conditions Precedent To Special Assessment Of Land As Golf Course.

In order to qualify in having land assessed in valuation as a golf course the owner of any parcel of land desiring or presently using his land for a golf course shall as a condition precedent qualify as follows:

(1) Dedication of land.

(A) The owner of any parcel of land for a golf course shall petition the Director of Finance and declare in his petition that he will dedicate his parcel of land for a golf course.

(B) The approval by the Director of Finance of the petition to dedicate the land shall constitute a forfeiture on the part of the owner of any right to change the use of the land for a minimum period of ten years, automatically renewable indefinitely, subject to cancellation by either the owner or the Director of Finance upon five years' notice at any time.

(C) The failure of the owner to observe the restrictions on the use of his land to that of a golf course shall cancel the special tax assessment privilege retroactive to the date of the dedication but not more than ten years prior to the tax year in which the exemption is disallowed; and all differences in the amount of taxes that were paid and those that would have been due from assessment in the higher use shall be payable with a six percent a year penalty from the respective dates that these payments would have been due. Failure to observe the restrictions on the use means failure for a period of over twelve consecutive months to use the land in that manner requested in the petition as a golf course by the overt act of changing the use for any period. Nothing in this paragraph shall preclude the county from pursuing any other remedy to enforce the covenant on the use of the land as a golf course.

(D) The Director of Finance shall prescribe the form of the petition. The petition shall be filed by September 1 of any calendar year and shall be approved or disapproved by December 15 of such year. If approved, the assessment based upon the use requested in the dedication shall be effective on January 1 of the succeeding year.

(E) The owner may appeal any disapproved petition as in the case of an appeal from an assessment.

(F) The term "owner" as used in this section includes lessees of real property whose lease term extends at least ten years effective from the date of the petition.

(G) The amount of additional taxes due and owing where the owner has failed to observe the restriction on the use shall attach to the property as a paramount lien in favor of the county, as provided for by this chapter.

(2) Covenant not to engage in discrimination. The owner shall covenant in his petition with the Director of Finance that he will not discriminate against any individual in the use of the golf course facilities because of the individual's race, sex, religion, color or ancestry. (Am. Ord. 80-14, 80-72)

Sec. 8-7.6. Certain Lands Dedicated For Residential Use.

(a) The term "owner" as used in this section means a person who is the fee simple owner of real property, or who is the lessee of real property whose

lease term extends at least ten years from the date of the petition.

(b) A special land reserve is established to enable the owner of any parcel of land within a hotel, apartment, resort, commercial, or industrial district to dedicate his land for residential use and to have his land assessed at its value in residential use; provided that (1) the land dedicated shall be limited to a parcel used only for single family dwelling residential use; (2) the owner of the land dedicated shall use it as his home; and (3) not more than one parcel of land shall be dedicated for residential use by any owner.

(c) If any owner desires to use his land for residential use and to have his land assessed at its value in this use, he shall so petition the Director of Finance and declare in his petition that if his petition is approved, he will use his land for single family dwelling residential use only and that his land so dedicated will be used as his home.

Upon receipt of any such petition, the Director of Finance shall make a finding of fact as to whether the land described in the petition is being used by the owner for single family dwelling residential use only and as his home. If the finding is favorable to the owner, the Director of Finance shall approve the petition and declare the land to be dedicated.

(d) The approval of the petition by the Director of Finance to dedicate shall constitute a forfeiture on the part of the owner of any right to change the use of his land for a minimum period of ten years, automatically renewable thereafter for additional periods of ten years subject to cancellation by either the owner or the Director of Finance.

(e) Failure of the owner to observe the restrictions on the use of his land or the sale of the property shall cancel the special tax assessment privilege retroactive to the date of the dedication, or the latest renewal-ten-year period, and all differences in the amount of taxes that were paid and those that would have been due from assessment in the higher use shall be payable with* a ten percent per year penalty from the respective dates that these payments would have been due. Failure to observe the restrictions on the use means failure for a period of over twelve consecutive months to use the land in the manner requested in the petition or the overt act of changing the use for any period, or the sale of the real property. Nothing in this subsection shall preclude the county from pursuing any other remedy to enforce the covenant on the use of the land.

The additional taxes and penalties, due and owing as a result of failure to use or any other breach of the dedication shall be a paramount lien upon the property as provided for by this chapter.

(f) The Director of Finance shall prescribe the form of the petition. The petition shall be filed with the Director of Finance by September 1 of any calendar year and shall be approved or disapproved by December 15. If approved, the assessment based upon the use requested in the dedication shall be effective on January 1 of the next calendar year.

(g) The owner may appeal any disapproved petition as in the case of an appeal from an assessment. (Am. Ord. 80-14, 80-72)

*Revision note: Clerical error corrected. Changed "within" to "with."

Article 8. Wasteland Development.

Sec. 8-8.1. Definitions.

When used in Sections 8-8.1 to 8-8.8:

- (1) "Department" means the Department of Finance;
- (2) "Director" means the director of the Department of Finance;
- (3) "Wasteland" means land which is classified as such by the director of the Department of Finance; and
- (4) The term "owner" shall include any person leasing the real property of another under a lease having a stated term of not less than thirty years. (Am. Ord. 80-14, 80-72)

Sec. 8-8.2. Eligibility.

Any property of not less than twenty-five acres in area is eligible for classification as wasteland development property if it meets the classification requirements of wasteland property as established by the Director of Finance. No real property under a lease having an unexpired term of less than thirty years shall be eligible for classification as wasteland development property. (Am. Ord. 80-14, 80-72)

Sec. 8-8.3. Application.

The owner of any property may apply to the Director of Finance for classification of his land as wasteland development property. The application shall include a description of the property, the manner in which the property will be developed, and such additional information as may be required by the director. The application shall state that all persons having any interest in or holding any encumbrance upon the property have joined in making the application and that all of them will comply with the laws and regulations relating to the use, building requirements, and development of real property. (Am. Ord. 80-14, 80-72)

Sec. 8-8.4. Classification.

Within four months after the filing of the application with the Director of Finance, the director shall make a finding of fact as to the eligibility of such land for classification as wasteland development property, whether it can be developed in the manner specified by the owner, whether the development will add to the development of the economy of the State, and whether the development will broaden the tax base of the State. The determination shall be based upon all available information on soils, climate, land use trends, watershed values, present use of surrounding similar lands, and other criteria as may be appropriate.

Upon the finding by the director that the property is eligible for classification as wasteland development property, that it can be developed in the manner specified by the owner, that the development will add to the economy of the State, and that it will broaden the tax base of the State, the property shall be classified as wasteland development property. If the direc-

tor finds it otherwise for any one of the above criteria, the application shall be disapproved.

The applicant may appeal any disapproved application as in the case of an appeal from an assessment.

Land classified as wasteland development property shall be administered by the Department of Finance and the department may from time to time make rules and regulations for their administration pursuant to Chapter 91, Hawaii Revised Statutes. (Am. Ord. 80-14, 80-72)

Sec. 8-8.5. Development And Maintenance Of Wasteland Development Property.

Within one year following the approval of the application, the owner shall develop that portion of his land as specified in his application and as approved by the Director of Finance. Additional areas shall be developed each year as prescribed by the director. (Am. Ord. 80-14, 80-72)

Sec. 8-8.6. Special Tax Assessment.

Any property classified as wasteland development property by the Director of Finance shall be, for a period of five years, assessed for real property tax purposes at its value as wasteland. The five year period shall commence from January 1 of the year following the approval of the application. (Am. Ord. 80-14, 80-72)

Sec. 8-8.7. Declassification.

Thirty days after notification to the owner by the Department of Finance for noncompliance of any law, ordinance, rule, or regulation, the Director of Finance may declassify any land classified as wasteland development property. The department shall notify the owner of the declassification and in that event, the director shall cancel the special tax assessment provided in Section 8-8.6 retroactive to the date that the property qualified for special tax assessment and the difference between the real property taxes that would have become due and payable but for such classification for all the years the land was classified as wasteland development property and the real property taxes paid by the owner during such period shall become immediately due and payable together with a five percent a year penalty from the respective dates that such additional tax would otherwise have been due. (Am. Ord. 80-14, 80-72)

Sec. 8-8.8. Appeals.

Any person aggrieved by the additional assessment for any year may appeal from such assessment in the manner provided in the case of real property tax appeals. (Am. Ord. 80-14, 80-72)

Article 9. Nontaxable Property; Assessment.

Sec. 8-9.1. Nontaxable Property.

For purposes of accountability, the Director of Finance shall assess at the nominal sum of \$7 each parcel of real property which is completely exempt from taxation. (Am. Ord. 80-14, 80-72)

Article 10. Exemptions.

Sec. 8-10.1. Claims For Certain Exemptions.

(a) None of the exemptions from taxation granted in Sections 8-10.4 and 8-10.6 to 8-10.11 shall be allowed in any case, unless the claimant shall have filed with the Department of Finance, on or before December 31 preceding the tax year for which such exemption is claimed, a claim for exemption in such form as shall be prescribed by the department.

(b) A claim for exemption once allowed shall have continuing effect until:

(1) The exemption is disallowed;

(2) The assessor voids the claim after first giving notice (either to the claimant or to all claimants in the manner provided for by this chapter) that the claim or claims on file will be voided on a certain date, not less than thirty days after such notice;

(3) The five-year period for exemption, as allowed in Section 8-10.11, expires; or

(4) The claimant makes the report required by subsection (d).

(c) A claimant may file a claim for exemption even though there is on file and in effect a claim covering the same premises, or a claim previously filed and disallowed or otherwise voided. However, no such claim shall be filed if it is identical with one already on file and having continuing effect. The report required by subsection (d) may be accompanied by or combined with a new claim.

(d) Any person who has been allowed an exemption under Sections 8-10.4 or 8-10.5 to 8-10.11 has a duty to report to the assessor within thirty days after he ceases to qualify for such an exemption for one of, but not limited to, the following reasons:

(1) He ceases to be the owner, lessee, or purchaser of the exempt premise;

(2) A change in the facts previously reported has occurred concerning the occupation, use, or renting of the premises, buildings or other improvements thereon; or

(3) Some other change in status has occurred which affects his exemption.

Such report shall have the effect of voiding the claim for exemption previously filed, as provided in subsection (b)(4). The report shall be sufficient if it identifies the property involved, states the change in facts or status, and requests that the claim for exemption previously filed be voided.

In the event the property comes into the hands of a fiduciary who is answerable as provided for by this chapter, the fiduciary shall make the report required by this subsection within thirty days after his assumption of his fiduciary duties or within the time otherwise required, whichever is later.

Any person who has a duty of making a report as required by this subsection, who within the time required fails to make a report, shall be liable for a civil penalty. The amount of the penalty shall be \$100 or the amount of the taxes on the property computed without the claim for exemption as of January 1 of the year in which the report was due, whichever is lesser. The penalty shall be recovered as provided for by this chapter. In addition to this penalty, the taxes due on the property plus any additional penalties and interest thereon shall be collected as property taxes and shall be a lien on the property as provided for by this chapter.

(e) If the assessor is of the view that, for any tax year, the exemption should not be allowed, in whole or in part, he may at any time within five years of January 1 of that year disallow the exemption for that year, in whole or in part, and may add to the assessment list for that year the amount of value involved, in the manner provided for by this chapter for the assessment of omitted property; provided that if an assessment or addition under this subsection is made after April 9 preceding the tax year, the taxes on the amount of value involved in the assessment or addition so made shall be made a lien as provided for by this chapter recording a certificate setting forth the amount of tax involved, penalties, and interest.

(f) In any case of recordation of a certificate for the amount of the civil penalty under subsection (d), or for the amount of tax, penalties, and interest assessed or added under subsection (e), a person shall be deemed to have an interest arising before the recordation of the certificate only if and to the extent that he acquired his interest in good faith and for a valuable consideration without notice of a violation of the requirements of subsection (d) having occurred. (Am. Ord. 80-14, 80-72, 81-71)

Sec. 8-10.2. Rules And Regulations.

The Director of Finance may promulgate rules and regulations as may be necessary to administer Sections 8-10.4 to 8-10.17. (Am. Ord. 80-14, 80-72)

Sec. 8-10.3. Assignment Of Partial Exemptions.

Unless otherwise specifically provided, allowable exemptions shall be applied first to the value of the buildings on the land and the remainder of the unused exemption, if any, to the value of the land. (Am. Ord. 80-72)

Sec. 8-10.4. Homes.

(a) Real property owned and occupied only as his or their principal home as of the date of assessment by an individual or individuals, shall be exempt only to the following extent from property taxes:

(1) Totally exempt where the value of a property is not in excess of \$20,000;

(2) Where the value of the property is in excess of \$20,000, the exemption shall be the amount of \$20,000.

Provided:

(A) That no such exemption shall be allowed to any corporation, co-partnership, or company;

(B) That the exemption shall not be allowed on more than one home for any one taxpayer;

(C) That where the taxpayer has acquired his home by a deed made on or after July 1, 1951, the deed shall have been recorded on or before December 31 immediately preceding the year for which the exemption is claimed;

(D) That a husband and wife shall not be permitted exemption of separate homes owned by each of them, unless they are living separate and apart, in which case they shall be entitled to one exemption, to be apportioned between each of their respective homes in proportion to the value thereof; and

(E) That person living on premises, a portion of which is used for commercial purposes, shall not be entitled to an exemption with respect to such portion, but shall be entitled to an exemption with respect to the portion thereof used exclusively as a home.

(b) The use of a portion of any building or structure for the purpose of drying coffee and the use of a portion of real property, including structures, in connection with the planting and growing for commercial purposes, or the packing and processing for such purposes, of flowers, plants, or foliage, shall not affect the exemptions provided for by this section.

(c) Where two or more individuals jointly, by the entirety, or in common own or lease land on which their homes are located, each home, if otherwise qualified for the exemption granted by this section, shall receive the exemption. If a portion of land held jointly, by the entirety, or in common by two or more individuals is not qualified to receive an exemption, such disqualification shall not affect the eligibility for an exemption or exemptions of the remaining portion.

(d) A taxpayer who is sixty years of age or over and who qualifies under subsection (a) shall be entitled to one of the following multiples of home exemption:

Age of Taxpayer	Multiple To Be Used In Computing Home Exemption Amount
60 years of age or over but not 70 years of age or over	2.0
70 years of age or over	2.5

For the purpose of this subsection, a husband and wife who own property jointly, by the entirety, or in common, on which a home exemption under the provisions of subsection (a) has been granted shall be entitled to the applicable multiple of home exemption set forth above when at least one of the spouses qualifies each year for the applicable multiple of home exemption. (Am. Ord. 80-14, 80-72, 82-18)

Sec. 8-10.5. Home, Lease, Lessees Defined.

For the purpose of Section 8-10.4, the word "home" includes:

(1) The entire homestead when it is occupied by the taxpayer as such;

(2) A residential building on land held by the lessee or his successor in interest under a lease for a term of five years or more for residential purposes and owned and used as a residence by the lessee or his successor in interest, where the lease and any extension, renewal, assignment, or agreement to assign the lease, have been duly entered into and recorded prior to January 1 preceding the tax year for which the exemption is claimed, and whereby the lessee agrees to pay all taxes during the term of the lease;

(3) An apartment which is a living unit (held under a proprietary lease by the tenant thereof) in a multi-unit residential building on land held by a cooperative apartment corporation (of which the proprietary lessee of such living unit is a stockholder) under a lease for a term of five years or more for residential purposes and which apartment is used as a residence by the lessee-stockholder, where the lease and any extension or renewal have been duly entered into and recorded prior to January 1 preceding the tax year for which the exemption is claimed, and whereby the lessee-stockholder agrees to pay all taxes during the term of the lease provided that:

(A) The exemption shall not be allowed in respect to any cooperative apartment unit where the owner of the cooperative apartment unit claims exemption on a home or other cooperative apartment unit; and

(B) The owner or owners of a cooperative apartment building or premises shall not be permitted exemptions where a husband and wife owner of a cooperative apartment unit own separate cooperative apartment units or separate homes owned by each of them, unless they are living separate and apart, in which case the owner of the cooperative apartment or premises shall be entitled to one-half of one exemption;

(4) An apartment in a multi-unit apartment building which is occupied by the owner of the entire apartment building as his residence, provided that:

(A) The exemption shall not be allowed in respect to any apartment owner who claims any other home exemption; and

(B) A husband or wife owner of the aforementioned type of apartment shall not be allowed a full exemption where the husband and wife are living separate and apart and each is maintaining an apartment or home entitled to an exemption, in which case they shall be entitled to one exemption to be apportioned between each of their respective homes in proportion to the value thereof;

(5) That portion of a residential duplex and that portion of land appurtenant to the duplex which are occupied by the owner of the duplex and land as his residence, provided that:

(A) The exemption shall not be allowed in respect to any duplex owner who claims any other home exemption;

(B) The portion of the appurtenant land shall not be exempt unless owned in fee by the duplex owner; and

(C) A husband or wife owner of the duplex shall not be allowed a full exemption where the husband and wife are living separate and apart and each is maintaining a duplex or home entitled to an exemption, in which case they shall be entitled to one exemption to be apportioned between each of their respective homes in proportion to the value thereof;

(6) Premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to January 1 preceding the tax year for which the exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises; and

(7) An apartment which is a living unit (held under a lease by the tenant thereof) in a multi-unit residential building used for retirement purposes under a lease for a term to last during the lifetime of the lessee and his or her surviving spouse and which apartment is used as a residence by the lessee and his or her surviving spouse, and where the apartment unit reverts back to the lessor upon the death of the lessee and his or her surviving spouse, and where the lease* has been duly entered into and recorded prior to January 1 preceding the tax year for which the exemption is claimed, and whereby the lessee agrees to pay all taxes during the term of the lease.

The subletting of the taxpayer of not more than one to a tenant shall not affect the exemption provided for by Section 8-10.4.

As used in Section 8-10.4, in the first paragraph of Section 8-6.3 and in Section 8-10.1, the word "lease" shall be deemed to include a sublease, and the word "lessee" shall be deemed to include a sublessee. (Am. Ord. 80-14, 80-72)

Sec. 8-10.6. Homes Of Totally Disabled Veterans.

Real property owned and occupied as a home by any person who is totally disabled due to injuries received while on duty with the armed forces of the United States, or owned by any such person together with his or her spouse and occupied by either or both spouses as a home, or owned and occupied by a widow or widower of such totally disabled veteran who shall remain unmarried and who shall continue to own and occupy the premises as a home, is hereby exempted from all property taxes, other than special assessments, provided:

(1) That such total disability was incurred while on duty as a member of the armed forces of the United States, and that the Department of Finance may require proof of total disability;

(2) That the home exemption shall be granted only as long as the veteran claiming exemption remains totally disabled;

(3) That the exemption shall not be allowed on more than one house for any one person;

*Revision note: "Lease" substituted for "lessee" to correct apparent clerical error.

(4) That a person living on premises, a portion of which is used for commercial purposes, shall not be entitled to an exemption with respect to such portion, but shall be entitled to an exemption with respect to the portion used exclusively as a home; provided, that this exemption shall not apply to any structure, including the land thereunder, which is used for commercial purposes.

For the purposes of this section, the word "home" includes the entire homestead when it is occupied by a qualified totally disabled veteran as a home; houses where the disabled veteran owner sublets not more than one room to a tenant; and premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to January 1 preceding the tax year for which exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises. (Am. Ord. 80-14, 80-72)

Sec. 8-10.7. Persons Affected With Leprosy.

Any person who has been declared by authority of law to be a person affected with leprosy in the communicable stage and is admitted to a hospital for isolation treatment, shall, so long as he is so hospitalized, and thereafter for so long as such person has been so declared to be therefrom temporarily released, shall, so long as he remains or continues under temporary release, be exempted from real property taxes on all real property owned by him on the date when he was declared to be a person so affected with leprosy, up to, but not exceeding, a taxable value of \$25,000. (Am. Ord. 80-14, 80-72, 82-18)

Sec. 8-10.8. Exemption, Persons With Impaired Sight Or Hearing And Persons Totally Disabled.

(a) Any person who is blind or deaf, as defined in Section 235-1, Hawaii Revised Statutes, shall, so long as his sight or hearing is so impaired, be exempt from real property taxes on all real property owned by him up to, but not exceeding a taxable value of \$25,000. The impairment of sight or hearing shall be certified to by the State Department of Health or by any State or county medical officer duly authorized by the State Department of Health for this purpose.

(b) Any person who is totally disabled, as defined in Section 235-1, Hawaii Revised Statutes, shall, as long as he is totally disabled, be exempt from real property taxes on all real property owned by him up to, but not exceeding a taxable value of \$25,000. The disability shall be certified to by the State Department of Health or by any State or county medical officer duly authorized by the State Department of Health for this purpose. (Am. Ord. 80-14, 80-72, 82-18)

Sec. 8-10.9. Non-Profit Medical, Hospital Indemnity Association; Tax Exemption.

Every association or society organized and operating under HRS Chapter 433 solely as a non-profit medical indemnity or hospital service association or society or both shall be from the time of such organization, exempt from real property taxes on all real property owned by it. (Am. Ord. 80-72)

Sec. 8-10.10. Charitable, Etc., Purposes.

(a) There shall be exempt from real property taxes real property designated in subsection (b) or (c) and meeting the requirements stated therein, actually and (except as otherwise specifically provided) exclusively used for nonprofit purposes. If an exemption is claimed under one of these subsections (b) and (c), an exemption for the same property may not also be claimed under the other of these subsections.

(b) This subsection applies to property owned in fee simple, leased, or rented for a period of one year or more, by the person using the property for the exempt purposes, hereinafter referred to as the person claiming the exemption. If the property for which exemption is claimed is leased or rented, the lease or rental agreement shall be in force and recorded in the Bureau of Conveyances.

Exemption is allowed by this subsection to the following property:

(1) Property used for school purposes including:

(A) Kindergartens, grade schools, junior high schools, and high schools, which carry on a program of instruction meeting the requirements of the compulsory school attendance law, Section 298-9, Hawaii Revised Statutes, or which are for preschool children who have attained or will attain the age of five years on or before December 31 of the school year, provided that any claim for exemption based on any of the foregoing uses shall be accompanied by a certificate issued by or under the authority of the Department of Education stating that the foregoing requirements are met;

(B) Junior colleges or colleges carrying on a general program of instruction of college level. The property exempt from taxation under this paragraph is limited to buildings for educational purposes (including dormitories), housing owned by the school or college and used as residence for personnel employed at the school or college, campus and athletic grounds, and realty used for vocational purposes incident to the school or college.

(2) Property used for hospital and nursing home purposes, including housing for personnel employed at the hospital; in order to qualify under this paragraph the person claiming the exemption shall present with the claim a certificate issued by or under the authority of the State Department of Health that the property for which the exemption is claimed consists in, or is a part of, hospital or nursing home facilities which are properly constituted under the law and maintained to serve, and which do serve the public.

(3) Property used for church purposes, including incidental activities, parsonages, and church grounds, the property exempt from taxation being limited to realty exclusive of burying grounds (exemption for which may be claimed under paragraph (4)).

(4) Property used as cemeteries (excluding, however, property used for cremation purposes) maintained by a religious society, or by a corporation, association or trust organized for such purpose.

(5) Property dedicated to public use by the owner, which dedication has been accepted by the State or county, reduced to writing, and

recorded in the Bureau of Conveyances; and property which has been set aside for public use and actually used therefor for a period not less than five years.

(6) Property owned by any nonprofit corporation, admission to membership of which is restricted by the corporate charter to members of a labor union; property owned by any government employees' association or organization, one of the primary purposes of which is to improve employment conditions of its members; property owned by any trust, the beneficiaries of which are restricted to members of a labor union; property owned by any association or league of federal credit unions chartered by the United States, the sole purpose of which is to promote the development of federal credit unions in the State. Notwithstanding any provision in this section to the contrary, the exemption shall apply to property or any portion thereof which is leased, rented, or otherwise let to another, if such leasing, renting, or letting is to a nonprofit association, organization, or corporation.

(c) This subsection shall apply to property owned in fee simple or leased or rented for a period of one year or more, the lease or rental agreement being in force and recorded in the Bureau of Conveyances at the time the exemption is claimed, by either:

(1) A corporation, society, association, or trust having a charter or other enabling act or governing instrument which contains a provision or has been construed by a court of competent jurisdiction as providing that in the event of dissolution or termination of the corporation, society, association, or trust, or other cessation of use of the property for the exempt purpose, the real property shall be applied for another charitable purpose or shall be dedicated to the public, or

(2) A corporation chartered by the United States under Title 36, United States Code, as a patriotic society. Exemption is allowed by this subsection for property used for charitable purposes which are of a community, character building, social service, or educational nature, including museums, libraries, art academies, and senior citizen housing facilities qualifying for a loan under the laws of the United States as authorized by Section 202 of the Housing Act of 1959 as amended by the Housing Act of 1961, the Senior Citizens Housing Act of 1962, the Housing Act of 1964, and the Housing and Urban Development Act of 1965.

(d) If any portion of the property which might otherwise be exempted under this section is used for commercial or other purposes not within the conditions necessary for exemption (including any use the primary purpose of which is to produce income even though such income is to be used for or in furtherance of the exempt purposes) that portion of the premises shall not be exempt but the remaining portion of the premises shall not be deprived of the exemption if the remaining portion is used exclusively for purposes within the conditions necessary for exemption. In the event of an exemption of a portion of a building, the tax shall be assessed upon so much of the value of the building (including the land thereunder and the appurtenant premises) as the proportion of the floor space of the nonexempt portion bears to the total floor space of the building.

(e) The term "for nonprofit purposes," as used in this section requires that no monetary gain or economic benefit inure to the person claiming the exemption, or any private shareholder, member, or trust beneficiary. "Monetary gain" includes without limitation any gain in the form of money or money's worth. "Economic benefit" includes without limitation any benefit to a person in the course of his business, trade, occupation, or employment. (Am. Ord. 80-14, 80-72)

Sec. 8-10.11. Property Used In Manufacture Of Pulp And Paper.

All property in the State, both real and personal, actually and solely used or to be used, whether by the owner or lessee thereof, in connection with the manufacture of pulp and paper from bagasse fibre, shall be exempt from property taxes for a period of five years from the first day of January following commencement of construction of a plant or plants on the property for such purpose. (Am. Ord. 80-14, 80-72)

Sec. 8-10.12. Crop Shelters.

Any other law to the contrary notwithstanding, any permanent structure constructed or installed on any taxable real property consisting of frames or supports and covered by rigid plastic, fiber glass, or other rigid and semi-rigid transparent or translucent material, and including wooden laths, used primarily for the protection of crops shall be exempted in determining and assessing the value of such taxable real property for ten years or for a period of ten years from the first day of January following commencement of construction or installation of the structure on the property for such purpose; provided that any temporary structure so constructed or installed and covered by flexible plastic or other flexible transparent or translucent material, used for such purpose, shall be so exempted not subject to the ten year limitation; provided further, that such exemption shall continue only so long as the structure is maintained in good condition. Only structures used for commercial agricultural or horticultural purposes shall be included in the exemption. (Am. Ord. 80-14, 80-72)

Sec. 8-10.13. Exemption, Dedicated Lands In Urban Districts.

(a) Portions of taxable real property which are dedicated and approved by the Director of Finance as provided for by this section shall be exempted in determining and assessing the value of such taxable real property.

(b) Any owner of taxable real property in an urban district desiring to dedicate a portion or portions thereof for landscaping, open spaces, public recreation, and other similar uses shall petition the Director of Finance stating the exact area of the land to be dedicated and that the land is not within the setback and open space requirements of applicable zoning and building code laws and ordinances, and that the land shall be used, improved, and maintained in accordance with and for the sole purpose for which it was dedicated, except that land within a historic district may be so dedicated without regard to the setback and open space requirements of applicable zoning and building code laws and ordinances.

The director shall make a finding as to whether the use to which such land will be dedicated has a benefit to the public at least equal to the value of the real property taxes for such land. Such finding shall be measured by the cost of improvements, the continuing maintenance thereof, and such other factors as the director may deem pertinent. If the director finds that the public benefit is at least equal to the value of real property taxes for such land, he shall approve the petition and declare such land to be dedicated land.

(c) The approval of the petition by the director shall constitute a forfeiture on the part of the owner of any right to change the use of his land for a minimum period of ten years, automatically renewable indefinitely, subject to cancellation by either the owner or the director upon five years' notice at any time after the end of the fifth year.

(d) Failure of the owner to observe the restrictions on the use, improvement, and maintenance of his land shall cancel the special tax exemption privilege retroactive to the date of the original dedication, and all differences in the amount of taxes that were paid and those that would have been due from the assessment of the tax exempted portion of his land shall be payable together with interest of five percent a year from the respective dates that these payments would have been due. Failure to observe the restrictions on the use means failure for a period of over twelve consecutive months to use, improve, and maintain the land in the manner requested in the petition or any overt act changing the use for any period. Nothing in this paragraph shall preclude the county from pursuing any other remedy to enforce the covenant on the use of the land.

(e) The director shall prescribe the form of the petition. The petition shall be filed with the director by September 1 of any calendar year and shall be approved or disapproved by December 15 of such year. If approved, the exemption based upon the use requested in the dedication shall be effective January 1, next.

(f) The owner may appeal any disapproved petition as in the case of an appeal from an assessment.

(g) The director shall make and adopt necessary rules and regulations including such rules and regulations governing minimum areas which may be dedicated for the improvement and maintenance of such areas.

(h) "Landscaping" means lands which are improved by landscape architecture, cultivated plantings, or gardening.

(i) "Open spaces" means lands which are open to the public for pedestrian use and momentary repose, relaxation, and contemplation.

(j) "Public recreation" refers to lands which may be used by the public as parks, playgrounds, historical sites, camp grounds, wild life refuges, scenic sites, and other similar uses.

(k) "Owner" includes lessees of real property whose lease term extends at least ten years from the date of the petition. (Am. Ord. 80-14, 80-72)

Sec. 8-10.14. Exemptions For Air Pollution Control Facility.

The value of all property in the county (not including a building and its structural components, other than a building which is exclusively a treatment facility) actually and solely used or to be used as an air pollution control

facility as the term is defined in Chapter 237, Hawaii Revised Statutes, shall be exempted from the measure of the taxes imposed by this chapter; provided, however, the property exemption shall be applicable only with respect to a certified facility which is property (1) the construction, reconstruction or erection of which is completed by the taxpayer after June 30, 1969, or, (2) acquired by the taxpayer after June 30, 1969, if the original use of the property commences with the taxpayer after June 30, 1969; provided, further, the facility is placed in service by the taxpayer before July 1, 1975.

Application for the exemption provided herein shall first be made with the State Director of Health who shall, if satisfied that the facility meets the pollution emission criteria established by the State Department of Health, certify to that fact. Upon receipt of the certification from the Department of Health, the Director of Finance shall exempt the facility from the tax imposed by this chapter. A new certificate shall be obtained from the Director of Health and filed with the Director of Finance every two years certifying that the pollution control facility complies with the pollutant emission criteria established by the Department of Health. The Director of Finance shall furnish all forms required by this section.

The Director of Finance shall promulgate rules and regulations necessary to administer this section. (Am. Ord. 80-14, 80-72)

Sec. 8-10.15. Alternate Energy Improvements, Exemption.

(a) The value of all property in the county (not including a building or its structural components, except where alternate energy improvements are incorporated into the building, and then only that part of the building necessary to such improvement) actually used for an alternate energy improvement shall be exempted from the measure of the taxes imposed by this article.

The claim for the exemption provided by this section shall be made with the director of finance on or before December 31 preceding the tax year for which the exemption is claimed.

The director of finance may require the taxpayer to furnish reasonable information in order that he may ascertain the validity of the claim for exemption made under this section and may adopt rules and regulations to implement this section.

(b) As used in this section "alternate energy improvement" means any construction or addition, alteration, modification, improvement, or repair work undertaken upon or made to any building which results in:

(1) The production of energy from a source, or uses a process which does not use fossil fuels or nuclear fuels. Such energy source may include, but shall not be limited to, solid wastes, wind, geothermal, solar, or ocean waves, tides, or currents. Such energy process may include, but shall not be limited to, bio-conversion, hydro-electric power, thermal conversion, or osmosis; provided that nuclear fission shall be excluded from the provisions of this section; or

(2) An increased level of efficiency in the utilization of energy produced by fossil fuels or in the utilization of secondary forms of energy dependent upon fossil fuels for its generation. (Am. Ord. 80-14, 80-72, 82-43)

Sec. 8-10.16. Fixtures Used In Manufacturing Or Producing Tangible Personal Products.

There shall be exempted and excluded from the measure of the taxes imposed by this chapter, all fixtures which are categorized as machinery and other mechanical or other allied equipment which are primarily and substantially used in manufacturing or producing tangible personal products. (Am. Ord. 80-14, 80-72)

Sec. 8-10.17. Public Property, Etc.

The following real property shall be exempt from taxation:

(1) Real property belonging to the United States, to the State, or to the county; provided, that real property belonging to the United States shall be taxed upon the use or occupancy thereof as provided in Section 8-10.18, and there shall be a tax upon the property itself if and when the Congress of the United States so permits, to the extent so permitted and in accordance with any conditions or provisions prescribed in such act of Congress; provided, further, that real property belonging to the State or the county, or belonging to the United States and in the possession, use, and control of the State, shall be taxed on the fee simple value thereof, and private persons shall pay the taxes thereon and shall be deemed the "owners" thereof for the purposes of this chapter, in the following cases:

(A) Property held on January 1 preceding the tax year under an agreement for its conveyance by the government to private persons shall be deemed fully taxable, the same as if the conveyance had been made;

(B) Property held on January 1 preceding the tax year under a government lease shall be entered in the assessment lists and such tax rolls for that year as fully taxable for the entire tax year, but adjustments of the taxes so assessed may be made as provided for by this chapter so that such tenants are required to pay only so much of the taxes as is proportionate to the portion of the tax year during which the real property is held or controlled by them;

(C) Property held under a government lease commencing after January 1 preceding the tax year or under an agreement for its conveyance or a conveyance by the government, made after January 1 preceding the tax year, shall be assessed as omitted property as provided for by this chapter, but the taxes thereon shall be prorated so as to require the payment of only so much of the taxes as is proportionate to the remainder of the tax year;

(D) Property where the occupancy by the tenant for commercial purposes has continued for a period of one year or more, whether the occupancy has been on a permit, license, month-to-month tenancy, or otherwise, shall be fully taxable to the tenant after the first year of occupancy, and the property shall be assessed in the manner provided in subdivisions (B) and (C) of this paragraph for the assessment of properties held under a government lease; provided that the property occupied by the tenant solely for residential purposes on a month-to-month tenancy shall be excluded from this paragraph;

(E) In any case of occupancy of a building or structure by two or more tenants, or by the government and a tenant, under a lease for a term of one year or more, the tax shall be assessed to the tenant upon so much of the value of the entire real property as the floor space occupied by the tenant proportionately bears to the total floor space of the structure or building.

For the purposes of subdivisions (B) and (C) of this subsection: "Lease" means any lease for a term of one year or more or which is renewable for such period as to constitute a total term of one year or more. A lease having a stated term shall, if it otherwise comes within the meaning of the term "lease," be deemed a lease notwithstanding any right of revocation, cancellation, or termination reserved therein or provided for thereby. Whenever a lease is such that the highest and best use cannot be made of the property by the lessee, the measure of the tax imposed on such property pursuant to subdivisions (B) and (C) shall be its fee simple value upon consideration of the highest and best use which can be made of the property by the lessee.

Provided, further, that real property belonging to the United States, even though not in the possession, use, and control of the State, shall be taxed on the fee simple value thereof, and private persons shall pay the taxes thereon and shall be deemed the "owners" thereof for the purposes of this chapter, in the following cases:

(i) Property held on January 1 preceding the tax year under an agreement for the conveyance of the same by the government to private persons shall be deemed fully taxable, the same as if the conveyance had been made, but the assessment thereof shall not impair and shall be so made as to not impair, any right, title, lien, or interest of the United States.

(ii) Property held under an agreement for the conveyance of the same or a conveyance of the same by the government, made after January 1 preceding the tax year, shall be assessed as omitted property as provided for by this chapter, but the taxes thereon shall be prorated so as to require the payment of only so much of such taxes as is proportionate to the remainder of the tax year, and in the case of, property held under an agreement for the conveyance of the same but not yet conveyed, the assessment thereof shall not impair, and shall be so made as to not impair, any right, title, lien, or interest of the United States.

(2) Real property under lease to the State or the county under which lease the lessee is required to pay the taxes upon such property;

(3) Subject to Section 101-39(B), Hawaii Revised Statutes, any real property in the possession of the State or county which is the subject of eminent domain proceedings commenced for the acquisition of the fee simple estate in such land by the State or county; provided the fact of such possession has been certified to the director as provided by Section 101-36 or 101-38, Hawaii Revised Statutes, or is certified not later than December 31 preceding the tax year for which such exemption is claimed;

(4) Real property with respect to which the owner has granted to the State or county a right of entry and upon which the State or county has

entered and taken possession under the authority of the right of entry with intention to acquire the fee simple estate therein and to devote the real property to public use; provided the State or county shall have, prior to December 31 preceding the tax year for which the exemption is claimed, certified to the director the date upon which it took possession;

(5) Any portion of real property within the area upon which construction of buildings is restricted or prohibited and which is actually rendered useless and of no value to the owners thereof by virtue of any ordinance establishing setback lines thereon; provided, that in order to secure the exemption the person claiming it shall annually file between December 15 and December 31 preceding the applicable tax year a sworn written statement with the director describing the real property in detail and setting forth the facts upon which exemption is claimed, together with a written agreement that in consideration of the exemption from taxes he will not make use of the land in any way whatsoever during the ensuing year. Any person who has secured such exemption who violates the terms of the agreement shall be fined twice the amount of the tax which would be assessed upon the land but for such exemption;

(6) Real property exempted by any laws of the United States which exemption is not subject to repeal by the Council;

(7) Any other real property exempt by law. (Am. Ord. 80-14, 80-72)

Sec. 8-10.18. Lessees Of Exempt Real Property.

(a) When any real property which for any reason is exempt from taxation is leased to and used or occupied by a private person in connection with any business conducted for profit, such use or occupancy shall be assessed and taxed in the same amount and to the same extent as though the lessee were the owner of the property and as provided in subsection (b), provided, that:

(1) The foregoing shall not apply to the following:

(A) Federal property for which payments are made in lieu of taxes in amounts equivalent to taxes which might otherwise be lawfully assessed;

(B) Any property or portion thereof taxed under any other provision of this chapter to the extent and for the period so taxed.

(2) The term "lease" shall mean any lease for a term of one year or more, or which is renewable for such period as to constitute a total term of one year or more. A lease having a stated term shall, if it otherwise comes within the meaning of the term "lease," be deemed a lease notwithstanding any right of revocation, cancellation, or termination reserved therein or provided for thereby.

(3) The assessment of the use or occupancy shall be made in accordance with the highest and best use permitted under the terms and conditions of the lease.

(b) The tax shall be assessed to and collected from such lessee as nearly as possible in the same manner and time as the tax assessed to owners of real property, except that the tax shall not become a lien against the property. In case the use or occupancy is in effect on January 1 preceding the tax year, the lessee shall be assessed for the entire year but adjustments of the tax so

assessed shall be made in the event of the termination of the use or occupancy during the year so that the lessee is required to pay only so much of the tax as is proportionate to the portion of the tax year during which the use or occupancy is in effect, and the director is hereby authorized to remit the tax due for the balance of the tax year. In case the use or occupancy commences after January 1 preceding the tax year, the lessee shall be assessed for only so much of the tax as is proportionate to the period that the use or occupancy bears to the tax year.

The assessment of the use or occupancy of real property made under this section shall not be included in the aggregate value of taxable realty for the purposes of Section 8-11.1 but the Council, at the time that it is furnished with information as to the value of taxable real property, shall also be furnished with information as to the assessments made under this section, similarly determined but separately stated.

If a use or occupancy is in effect on January 1 preceding the tax year, the assessment shall be made and listed for that year and the notice of assessment shall be given to the taxpayer in the manner and at the time prescribed as provided for by this chapter, and when so given, the taxpayer, if he deems himself grieved, may appeal as provided for by this chapter, if a use or occupancy commences after January 1 preceding the tax year or if for any reason an assessment is omitted for any tax year, the assessment shall be made and listed and notice thereof shall be given in the manner and at the time prescribed as provided for by this chapter and an appeal from an assessment so made may be taken as provided for by this chapter. (Am. Ord. 80-14, 80-72)

Sec. 8-10.19. Property Of The United States Leased Under The National Housing Act.

Real property belonging to the United States leased pursuant to Title VIII of the National Housing Act, as amended or supplemented from time to time:

(1) Shall not be taxed under this chapter upon the lessee's interest or any other interest therein, except as provided in paragraph (2).

(2) Shall be taxed under this chapter to the extent of and measured by the value of the lessee's interest in any portion of the real property (including land and appurtenances thereof and the buildings and other improvements erected on or affixed on the same) used* for, or in connection with, or consisting in, shops, restaurants, cleaning establishments, taxi stands, insurance offices, or other business or commercial facilities. The tax shall be assessed to and collected from the lessee. The assessment of such property shall not impair, and shall be so made as to not impair, any right, title, lien, or interest of the United States. (Am. Ord. 80-14, 80-72)

*Revision note: Clerical error corrected. Changed "use" to "used."

Sec. 8-10.20. Exemption For Low And Moderate-Income Housing.

(a) For the purposes of this section, "nonprofit or limited distribution mortgagor" means a mortgagor who qualifies for and obtains mortgage insurance under Sections 202, 221(d)(3), or 236 of the National Housing Act as a nonprofit or limited distribution mortgagor.

(b) Real property used for a housing project which is owned and operated by a nonprofit or limited distribution mortgagor or which is owned and operated by a person, corporation or association regulated by federal or State laws or by a political subdivision of the State or agency thereof as to rents, charges, profits, dividends, development costs and methods of operation, shall be exempt from property taxes.

(c) Exemptions claimed under this section shall disqualify the same property from receiving an exemption under Section 53-38, Hawaii Revised Statutes.

(d) The Director of Finance shall promulgate rules and regulations necessary to administer this section. (Am. Ord. 80-14, 80-72)

Sec. 8-10.21. Claim For Exemption.

(a) Notwithstanding any provision in this chapter to the contrary, any real property exempt from property taxes under Section 8-10.20 shall be exempt from property taxes from the date the property is qualified for the exemption; provided that a claim for exemption is filed with the director within sixty days of the qualification. As used herein, the date of the qualification shall be the date when the mortgage made by a nonprofit or limited distribution mortgagor and insured under Sections 202, 221(d)(3) or 236 of the National Housing Act is filed for recording with the Registrar of the Bureau of Conveyances or the Assistant Registrar of the Land Court of the State, whichever is applicable.

(b) After the initial year of the qualification, the claim for exemption shall be filed in the manner provided by applicable law or rule or regulation.

(c) In the event property taxes have been paid to the county in advance for real property subsequently becoming qualified for the exemption, the Director of Finance shall refund to the nonprofit or limited distribution mortgagor owning the property that portion of the taxes attributable to and paid for the period after the qualification. (Am. Ord. 80-14, 80-72)

Sec. 8-10.22. Historic Residential Real Property Dedicated For Preservation, Exemption.

(a) Portions of residential real property which are dedicated and approved by the Director of Finance as provided for by this section, shall be exempt from real property taxation except as provided by Section 8-9.1.

(b) An owner of taxable real property, that is the site of a historic residential property that has been placed on the Hawaii Register of Historic Places after January 1, 1977, desiring to dedicate a portion or portions thereof for historic preservation, shall petition the Director of Finance.

(c) The Director of Finance shall review the petition and determine what portion or portions of the real property shall be exempted from real property taxes. The Director shall consult with the State Historic Preservation Office in making this determination. The Director may take into consideration whether the current level of taxation is a material factor which threatens the continued existence of the historic property.

(d) The approval of the petition by the Director shall constitute a forfeiture on the part of the owner of any right to change the use of his exempted property indefinitely, subject to cancellation by either the owner or the Director upon five years' notice at any time after the end of the fifth year.

(e) Failure of the owner to observe the restrictions of subsection (d) shall cancel the tax exemption and privilege retroactive to the date of the dedication, and all differences in the amount of taxes that were paid and those that would have been due but for the exemption allowed by this section shall be payable together with interest at 8 percent per annum from the respective dates that these payments would have been due, provided the provision in this paragraph shall not preclude the County from pursuing any other remedy to enforce the covenant on the use of the land.

(f) Any person who becomes an owner of real property that is permitted an exemption under this section shall be subject to the restrictions and duties imposed under this section.

(g) The Director shall prescribe the form of the petition. The petition shall be filed with the Director by September 1 of any calendar year and shall be approved or disapproved by December 15 of such year. The exemption provided for by this section shall be effective January 1 of the next calendar year.

(h) An owner applicant may appeal any determination as in the case of an appeal from an assessment.

(i) Subject to Chapter 91, Hawaii Revised Statutes, the Director shall adopt rules and regulations decreed necessary to accomplish the foregoing. (Am. Ord. 82-42)

Sec. 8-10.23. Other Exemptions.

Exemptions to real property taxes as set forth in Chapter 53, Chapter 154, Chapter 183, Chapter 186, Chapter 234, Chapter 239 and Chapter 514, Hawaii Revised Statutes, and in Section 208 of the Hawaiian Homes Commission Act, and which were enacted prior to November 7, 1978, shall remain in effect and be recognized by this county in its administration of the real property tax system, provided, that all references to the Director of Taxation or the Department of Taxation shall now be deemed to refer to the designated representative of the Mayor who shall also be subject to approval by the county Council. (Am. Ord. 80-14, 80-72, 82-42)

Article 11. Determination Of Rates.

Sec. 8-11.1. Real Property Tax; Determination Of Rates.

(a) Unless a different meaning is clearly indicated by the context, as used in this section:

(1) "Net taxable lands" means all other real property exclusive of buildings.

(2) "Net taxable real property" or "net taxable buildings" or "net taxable lands" means, as indicated by the context, the percentage of the fair market value of property determined under Section 8-6.1, which the Director of Finance certifies as the tax base as provided by ordinance less exemptions as provided by ordinance and, in all cases where appeals from the director's assessment are then unsettled, less fifty percent of the value in dispute.

(b) The Council may increase or decrease the tax rate for buildings and for all other real property, exclusive of buildings for net taxable land and net taxable buildings of each class of property established in accordance with subsection 8-7.1(d). A resolution setting the tax rates shall be adopted on or before June 20 preceding the tax year for which property tax revenues are to be raised according to the following procedures:

(1) The Council shall advertise its intention to increase or decrease tax rates and the date, time, and place of a public hearing in a newspaper of general circulation. The date of the public hearing shall be not less than ten days after the advertisement is first published and shall set forth the tax rates to be considered by the Council.

(2) After the public hearing provided for in paragraph (1), the Council shall readvertise and reconvene within three weeks to adopt a resolution fixing the tax rates for the tax year for which property tax revenues are to be raised. The advertisement shall state the new rates to be fixed and the date, time and place of the meeting scheduled for fixing such rates. The date, time, and place of the meeting shall also be announced at the public hearing required by paragraph (1). If the resolution fixing the tax rates is not adopted within three weeks from the public hearing required by paragraph (1), the Council shall again advertise and meet as required by paragraph (1).

(3) If after adopting an increase or decrease in the tax rates as provided by paragraphs (1) and (2), the Council determines that it requires a further increase or decrease in tax rates or fails to act in any specified period, the Council shall readvertise and follow the requirements of paragraphs (1) and (2).

(c) The Council shall set the tax rates for each class of property using the following method:

(1) Net taxable lands and net taxable buildings within each class of property shall be assigned a percentage of the total revenue to be derived from real property.

(2) The percentage of revenue to be raised from net taxable lands and net taxable buildings within each class shall be multiplied by the total revenue to be raised from real property in order to determine the amount of revenue to be derived.

(3) The amount of revenue to be raised from net taxable buildings within each class shall be divided by the net taxable value of buildings in that class to determine the tax rate which shall be expressed in terms of tax per \$1,000 of net taxable buildings computed to the nearest cent.

(4) The amount of revenue to be raised from net taxable lands within each class shall be divided by the net taxable value of lands in that class to determine the tax rate which shall be expressed in terms of tax per \$1,000 of net taxable lands computed to the nearest cent.

(d) If the tax rates for the tax year are increased or decreased, the Council shall notify the Director of Finance of the increased or decreased rates, and the director shall employ such rates in the levying of property taxes as provided by this chapter.

(e) The Director of Finance shall on or before May 1 preceding the tax year furnish the Council with a calculation certified by him as being as nearly accurate as may be, of the net taxable real property within the county, separately stated for each category established in accordance with subsection 8-7.1(d) for net taxable lands and for net taxable buildings plus such additional data relating to the property tax base as may be necessary.

(f) Insofar as the validity of any tax rate is concerned, the provisions of subsections (b) and (e) of this section as to dates, shall be deemed directory; provided that all other provisions of subsections (b) and (e) and all provisions of subsections (c) and (d) shall be deemed mandatory.

(g) Notwithstanding any provision to the contrary, there shall be levied upon each individual parcel of real property taxable under this chapter a minimum real property tax of \$7 a year. (Am. Ord. 80-14, 80-72)

Article 12. Appeals.

Sec. 8-12.1. Appeals.

Any taxpayer, who may deem himself aggrieved by an assessment made by the director or by the director's refusal to allow any exemption, may appeal from the assessment or from such refusal to the Board of Review or the Tax Appeal Court pursuant to HRS Section 232-16 on or before April 9 preceding the tax year, as provided in this article. Where such an appeal is based upon the ground that the assessed value of the real property for tax purposes is excessive, the valuation claimed by the taxpayer in the appeal shall be admissible in evidence, in any subsequent condemnation action involving the property, as an admission that the fair market value of the real property as of the date of assessment is no more than the value arrived at when the assessed value from which the taxpayer appealed is adjusted to one hundred percent fair market value; provided, that such evidence shall not in any way affect the right of the taxpayer to any severance damages to which he may be entitled. (Am. Ord. 80-72)

Sec. 8-12.2. Appeals By Persons Under Contractual Obligations.

Whenever any person is under a contractual obligation to pay a tax assessed against another, the person shall have the same rights of appeal to

the Board of Review and the Tax Appeal Court and the Supreme Court, in his own name, as if the tax were assessed against him. The person against whom the tax is assessed shall also have a right to appear and be heard on any such application or appeal. (Am. Ord. 80-72)

Sec. 8-12.3. Grounds Of Appeal, Real Property Taxes.

In the case of a real property tax appeal, no taxpayer shall be deemed aggrieved by an assessment, nor shall an assessment be lowered or an exemption allowed, unless there is shown (1) assessment of the property exceeds by more than twenty percent the assessment of market value used by the director as the real property tax base, or (2) lack of uniformity or inequality, brought about by illegality of the methods used or error in the application of the methods to the property involved, or (3) denial of an exemption to which the taxpayer is entitled and for which he has qualified, or (4) illegality, on any ground arising under the Constitution or laws of the United States or the laws of the State or the ordinances of the City in addition to the ground of illegality of the methods used, mentioned in clause (2). (Am. Ord. 80-72, 82-18)

Sec. 8-12.4. Second Appeal.

In every case in which a taxpayer appeals a real property tax assessment to the Board of Review or to a Tax Appeal Court and there is pending an appeal of the assessment, the taxpayer shall not be required to file a notice of the second appeal; provided the first appeal has not been decided prior to April 9 preceding the tax year of the second appeal; and provided further the director gives notice that the tax assessment has not been changed from the assessment which is the subject of the appeal. (Am. Ord. 80-72)

Sec. 8-12.5. Small Claims.

Any protesting taxpayer who would incur a total tax liability, not including penalties and interest, of less than \$1,000 by reason of the protested assessment or payment in question, may elect to employ the Small Claims procedures of the Tax Appeal Court as set out in HRS Section 232-5. (Am. Ord. 80-72)

Sec. 8-12.6. Appointment, Removal, Compensation.

There is created a Board of Review for the City and County of Honolulu which shall consist of five members who shall be citizens of the State and residents of the City, shall have resided at the time of appointment for at least three years in the State, and shall be appointed by the Mayor and confirmed by the City Council as provided by Charter. A chairman shall be elected annually by members from the membership. The vice-chairman shall serve as the chairman of the board during the temporary absence from the City, illness or disqualification of the chairman. Any vacancy in the board shall be filled for the unexpired term as provided for in the Charter. Each member may receive and be paid out of the treasury compensation for his services for each day's actual attendance and his actual traveling expenses. No officer or employee of the City shall be eligible for appointment to any such board. (Am. Ord. 80-72)

Sec. 8-12.7. Board Of Review; Duties, Powers, Procedure Before.

(a) The Board of Review for the City and County of Honolulu shall hear all disputes between the director and any taxpayer in all cases in which appeals have been duly taken and the fact that a notice of appeal has been duly filed by a taxpayer shall be conclusive evidence of the existence of a dispute; provided that this provision shall not be construed to permit a taxpayer to dispute an assessment to the extent that it is in accordance with his return unless he shows lack of uniformity or inequality as set forth in Section 8-12.3.

(b) The board shall hold public meetings at some central location in the City commencing not later than April 9 of each year and shall hear, as speedily as possible, all appeals presented for each year. The board shall have the power and authority to decide all questions of fact and all questions of law, excepting questions involving the Constitution or laws of the United States, necessary to the determination of the objections raised by the taxpayer or the county in the notice of appeal; provided, that the board shall not have power to determine or declare an assessment illegal or void. Without prejudice to the generality of the foregoing, the board shall have power to allow or disallow exemptions pursuant to law whether or not previously allowed or disallowed by the director and to increase or lower any assessment.

(c) The board shall base its decision on the evidence before it, and, as provided in Section 8-1.18, the assessment made by the director shall be deemed prima facie correct. Assessments for the year upon other similar property situated in the City shall be received in evidence upon the hearing. In increasing or lowering any real property assessment, the board shall be governed by this chapter. The board shall file with the director its decision in writing on each appeal decided by it, and a certified copy thereof shall be furnished by the director forthwith to the taxpayer concerned by delivery thereof to him, or by mailing the copy addressed to his last known place of residence or business.

(d) Upon completion of its review of the property tax appeals for the current year, the board shall compile and submit to the Mayor and the Council, and shall file with the director for the use of the public, a copy of a report covering such features of its work as, in the opinion of the board, will be useful in attaining the objectives set forth in this chapter. In this report the board shall additionally note instances in which, in the opinion of the board, the director, in the application of the methods selected by him, erred as to a particular property or particular properties not brought before the board by any appeal, whether the error is deemed to have been by way of under-assessment or overassessment. Before commencing this phase of its work the board shall publish, during the first week of September a notice specifying a period of at least ten days within which complaints may be filed by any taxpayer. Each complaint shall be in writing, shall identify the particular property involved, shall state the valuation claimed by the taxpayer and the grounds of objection to the assessment, and shall be filed with the director who shall transmit the same to the board. Not earlier than one week after the close of the period allowed for filing complaints, the board shall hear the same, after first giving reasonable notice of the hearing to all interested

taxpayers and the director. Like notice and hearing shall be given in order for the board to include in its report any other property not brought before it by an appeal. The board may proceed by districts designated by their tax map designation, and may from time to time publish the notice above provided for as the work proceeds by districts.

(e) The director, in the making of assessments for the succeeding year, shall give due consideration to the report of the board made pursuant to subsection (d).

(f) The board and each member thereof in addition to all other powers shall also have the power to subpoena witnesses, administer oaths, examine books and records, and hear and take evidence in relation to any subject pending before the board. It may request the Tax Appeal Court, to order the attendance of witnesses and the giving of testimony by them, and the production of books, records and papers at the hearings of the board. (Am. Ord. 80-72)

Sec. 8-12.8. Appeal To Tax Appeal Court.

An appeal to the Tax Appeal Court may be filed by a taxpayer or the director as provided in HRS Sections 232-8 through 232-14 and Sections 232-16 through 232-18.

Appeals to the State Supreme Court shall conform to HRS Sections 232-19 through 232-21. (Am. Ord. 80-72)

Sec. 8-12.9. Appeal To Board Of Review.

The notice of appeal of a real property assessment must be lodged with the director on or before the date fixed by law for the taking of the appeal. An appeal to the Board of Review shall be deemed to have been taken in time if the notice thereof shall have been deposited in the mail, postage prepaid, properly addressed to the director, on or before such date.

The notice of appeal must be in writing and any such notice, however informal it may be, identifying the assessment involved in the appeal, stating the valuation claimed by the taxpayer and the grounds of objection to the assessment shall be sufficient. Upon the necessary information being furnished by the taxpayer to the director, the director shall prepare the notice of appeal upon request of the taxpayer or county and any notice so prepared by the director shall be deemed sufficient as to its form.

The appeal shall be considered and treated for all purposes as a general appeal and shall bring up for determination all questions of fact and all questions of law, excepting questions involving the Constitution or laws of the United States, necessary for the determination of the objections raised by the taxpayer in the notice of appeal. Any objection involving the Constitution or laws of the United States may be included by the taxpayer in the notice of appeal and in such case the objections may be heard and determined by the tax appeal from a decision of the Board of Review; but this provision shall not be construed to confer upon the Board of Review the power to hear or determine such objections. Any notice of appeal may be amended at any time prior to the board's decision; provided the amendment does not substantially change the dispute or lower the valuation claimed. (Am. Ord. 80-72)

Sec. 8-12.10. Costs; Deposit For An Appeal.

The costs to be deposited by the taxpayer on appeal to the Board of Review shall be \$3 for each real property tax appeal.

The cost to be deposited by the taxpayer on any appeal to the Tax Appeal Court or the State Supreme Court shall be as provided in HRS Sections 232-22 and 232-23. (Am. Ord. 80-72)

Sec. 8-12.11. Costs, Taxation.

In the event of an appeal by a taxpayer to the Board of Review, if the appeal is compromised, or sustained as to fifty percent or more of the valuation in dispute, the costs deposited shall be returned to the appellant. Otherwise the entire amount of costs deposited shall be retained by the City. (Am. Ord. 80-72)

Sec. 8-12.12. Taxes Paid Pending Appeal.

The tax paid upon the amount of any assessment, actually in dispute and in excess of that admitted by the taxpayer, and covered by an appeal to the Tax Appeal Court duly taken, shall, pending the final determination of the appeal, be paid by the director into the "litigated claims account." If the final determination is in whole or in part in favor of the appealing taxpayer, the director shall repay to him out of the account, or if investment of the account should result in a deficit therein, out of the general fund of the City, the amount of the tax paid upon the amount held by the court to have been excessive or nontaxable, together with interest at the rate of eight percent a year from the date of each payment into the litigated claims account, the interest to be paid from the general fund of the City. The balance, if any, of the payment made by the appealing taxpayer, or the whole of the payment, in case the decision is wholly in favor of the assessor, shall, upon the final determination become a realization of the general fund.

In a case of an appeal to a Board of Review, the tax paid upon the amount of the assessment actually in dispute and in excess of that admitted by the taxpayer, shall during the pendency of the appeal and until and unless an appeal is taken to the Tax Appeal Court, be held by the director in a special deposit. In the event of final determination of the appeal in the Board of Review, the director shall repay to the appealing taxpayer out of the deposit the amount of the tax paid upon the amount held by the board to have been excessive or nontaxable, if any, the balance, if any, or the whole of the deposit, in case the decision is wholly in favor of the director to become a realization of the general fund. (Am. Ord. 80-72)

Sec. 8-12.13. Amendment Of Assessment List To Conform To Decision.

The director shall alter or amend the assessment and the assessment list in conformity with the decision or judgment of the last board or court to which an appeal may have been taken. (Am. Ord. 80-72)

Article 13. Severability.

Sec. 8-13.1. Severability.

The provisions of this chapter are hereby declared to be severable. In accordance therewith, if any portion of said chapter is held invalid for any reason, the validity of any other portion of this chapter shall not be affected and if the application of any portion of this chapter 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. 80-72)

CHAPTER 9.

COLLECTION AND DISPOSAL OF REFUSE.

Article 1. General Provisions.

Sec. 9-1.1. Definitions.

(10) "Disposal Facilities" shall mean all the facilities controlled by the City for the disposal of solid waste, including but not limited to incinerators, composting plants, landfills, shredding plants, transfer stations and resource recovery systems.

(13) "Resource Recovery System" shall mean a facility which recovers energy and/or useful materials from solid wastes.

(14) "Agricultural Solid Waste" shall mean the solid waste that results from the rearing of animals and the harvesting of crops.

(15) "Source Separated Waste" shall mean recyclable waste materials which are set aside at their point of generation for segregated collection and transport to specialized waste processing sites or final manufacturing markets. (Sec. 9-1.1, R.O. 1978; Am. Ord. 79-32)

Sec. 9-1.6. Refuse Acceptable And Not Acceptable By Disposal Facilities.

(e) The Chief may require that all solid waste, whether transported by the Division, licensed collectors, businesses or individuals be disposed of at disposal facilities or in areas designated by him if it is found to be in the best public interest; provided that agricultural solid waste and source separated waste transported for recycling purposes shall not be subject to the provisions of this section; and provided further that, if regional transfer stations are designated, transportation to the stations shall be considered so as to minimize the operating costs of the collector. The best public interest shall be found if disposal at the designated disposal facility will:

- (1) Result in reusable materials being recovered from solid wastes;
- or
- (2) Achieve the solid waste volumes necessary to meet a resource recovery system's minimum operating requirement; or
- (3) Lessen the demand for landfill sites; or
- (4) Conserve natural resources. (Sec. 9-1.6, R.O. 1978; Am. Ord. 79-32)

Article 2. Collection License.

Sec. 9-2.2. Licenses.

(a) Application. No license to engage in said business shall be issued until the applicant secures from the Chief Engineer of the Department of Public Works and presents to the Director of Finance an approved application. Such application shall include, but not be limited to, the following information:

- (1) Name and home address of the applicant.

(2) Business address and the address where all trucks, other vehicles and operating equipment will be kept (if other than the business address), and the zoning code classification of each said address.

(3) State of Hawaii General Excise Tax License Number of the applicant.

(4) If applicant is a firm, association, organization, partnership, joint venture, corporation, business trust, company or cooperative, the names and addresses of all owners and officers and their respective percentage of ownership.

(5) For each truck, vehicle and equipment that the applicant owns or has under his control or intends to use for collection or transportation of refuse, applicant shall provide:

(A) Registration number;

(B) Valid Registration Number assigned by the Public Utilities Commission of the State of Hawaii; and

(C) Copy of a valid Safety Inspection Certificate issued by the Public Utilities Commission of the State of Hawaii.

(6) Facts demonstrating that the applicant owns or has access to suitable facilities for keeping equipment clean and in good repair and that he owns or has access to reasonable office facilities.

(7) Facts demonstrating that the applicant owns or has the legally enforceable right to use at least two trucks or has made documented arrangements for continued service to customers in case of truck breakdown.

(c) Vehicular Public Liability and Damage Insurance. The licensee shall secure and present to the Director of Finance at the time of application a standard automobile liability insurance policy covering the licensee, or any person driving any vehicle belonging to the licensee with his permission in the amount of \$100,000 for bodily injury to or death of one person in any accident and in the amount of \$300,000 for bodily injury to or death of two or more persons in any one accident respectively, and property damage insurance in the amount of \$50,000 because of damage to or destruction of property of others in any one accident.

(e) Term of License. Such refuse collection license shall be issued for a term of one year commencing July 1 through June 30 of the next succeeding year. Such license may be renewed annually on or before July 1 upon application by a licensee, if the Chief Engineer of the Department of Public Works determines that the licensee remains in compliance with the provisions of this chapter.

(f) License Fee. The fee for an annual license to collect refuse shall be \$500 payable in advance to the Director of Finance on or before July 1 of each year. The fee for any annual license issued to an applicant after July 1 shall be prorated according to the remaining months of each fiscal year. No license fee shall be refundable.

(g) Determination of Eligibility for License. Upon receipt of a completed application for a license to collect or transport refuse, the Chief Engineer of the Department of Public Works shall determine if the applicant meets all the requirements of this chapter applicable to collectors and transporters of refuse.

After such determination the Chief Engineer shall either approve the application by proper endorsement or deny the application specifying in writing the cause or causes for such disapproval. (Sec. 9-2.2, R.O. 1978; Am. Ord. 79-16)

Sec. 9-2.3. Conditions Of Licenses.

Every license issued under this article shall be subject to the following conditions:

(1) All vehicles used by the licensee for the collection of refuse shall be so designed and constructed as to prevent the spilling or scattering of its contents upon the public streets. All such vehicles and equipment shall be kept in a clean, inoffensive and sanitary condition. Such vehicles shall carry at all times: a shovel, broom and fire extinguisher. The name and phone number of the licensee shall be marked on each side and across the back of all such vehicles and containers in letters not less than 2 inches in height. Trucks with a rated capacity of more than one and one-half tons used in the transportation or collection of refuse which contains garbage shall be closed, leakproof and constructed for the purpose of refuse collection. Vehicles shall not be loaded in excess of the gross vehicle weight.

(3) All refuse collected by the licensee shall be disposed of at a municipal disposal site or in a private disposal site established under the Comprehensive Zoning Code. Disposal charges incurred by the licensee shall be paid when due.

(5) All vehicles and other equipment used by a licensee in the collection and transportation of refuse shall be inspected at least once per year by the Chief Engineer of the Department of Public Works to determine use in conformance with this article and such rules and regulations as said Chief Engineer may duly promulgate pursuant hereto.

The Chief Engineer shall provide for each truck or equipment found to be in compliance herewith a durable tag or decal, at cost, and upon payment of the Freight Vehicle License fee to the Director of Finance by the licensee. Such tag or decal shall be securely fastened and maintained by the licensee on each vehicle or equipment so as to be clearly visible. The Chief Engineer may suspend the tag or decal of any vehicle that fails to meet the requirements of this chapter or of any rule or regulation promulgated pursuant hereto, and such vehicle shall not be used for the collection or transportation of refuse until the tag or decal has been reinstated by the Chief Engineer. (Sec. 9-2.3, R.O. 1978; Am. Ord. 79-16)

Sec. 9-2.5. Initial Compliance.

Licenses are hereby granted until June 30, 1979, to bring vehicles used by them into compliance with the provisions of Section 9-2.3(1) and (5). (Am. Ord. 79-16)

Article 4. Collection And Disposal Charges.

Sec. 9-4.1. Collection Charges For Businesses.

(a) Unit Charge for Collection. For all refuse collected and removed by the division on regularly scheduled collection days from places of business there shall be a unit service charge equal to \$0.17 per cubic foot, provided that a minimum service charge of \$5 per month or fraction thereof shall be assessed against each business served by the Division.

(b) Volumes of refuse shall be based on monthly averages determined by periodic measurements. New accounts shall be charged the minimum service charge of \$5 per month during the period that the monthly average volume is being determined, provided that after the average monthly volume is determined retroactive adjustment of charges over the minimum may be made, if deemed to be warranted, such determination to be made by the Director of Finance.

(c) Service charges under this section shall be billed monthly or bi-monthly by the Director of Finance, such determination to be made by said Director, and shall be payable within 30 days after the date of billing. (Sec. 9-4.1, R.O. 1978; Am. Ord. 80-1)

Sec. 9-4.2. Disposal Charges For Businesses, Federal And State Agencies.

(a) Unit Charges for Disposal. For the receipt and disposal of refuse and other solid wastes delivered to disposal facilities by any business, and Federal or State agency, the following unit charges shall apply:

(1) For refuse delivered to municipal incinerators, \$0.70 per 100 pounds or fraction thereof. In the event of a breakdown or unavailability of weighing equipment, unit charges shall be \$4 per cubic yard or fraction thereof. The minimum charge per truckload shall be \$4.

(2) For refuse delivered to transfer stations, \$0.73 per 100 pounds or fraction thereof. In the event of a breakdown or unavailability of weighing equipment, unit charges shall be \$4.30 per cubic yard or fraction thereof. The minimum charge per truckload shall be \$4.30.

(3) For refuse delivered to landfills, \$0.24 per 100 pounds or fraction thereof upon the effective date of this section, \$0.32 per 100 pounds or fraction thereof effective January 1, 1981, and \$0.35 per 100 pounds or fraction thereof effective January 1, 1982. In the event of a breakdown or unavailability of weighing equipment, unit charges shall be \$2 per cubic yard or fraction thereof. The minimum charge per truckload shall be \$2.

(4) For special wastes requiring special handling or arrangements by City employees for proper disposal at landfills, \$5 per truckload in addition to the unit charge above.

(5) For derelict vehicles as defined in HRS Chapter 290, \$20 each.

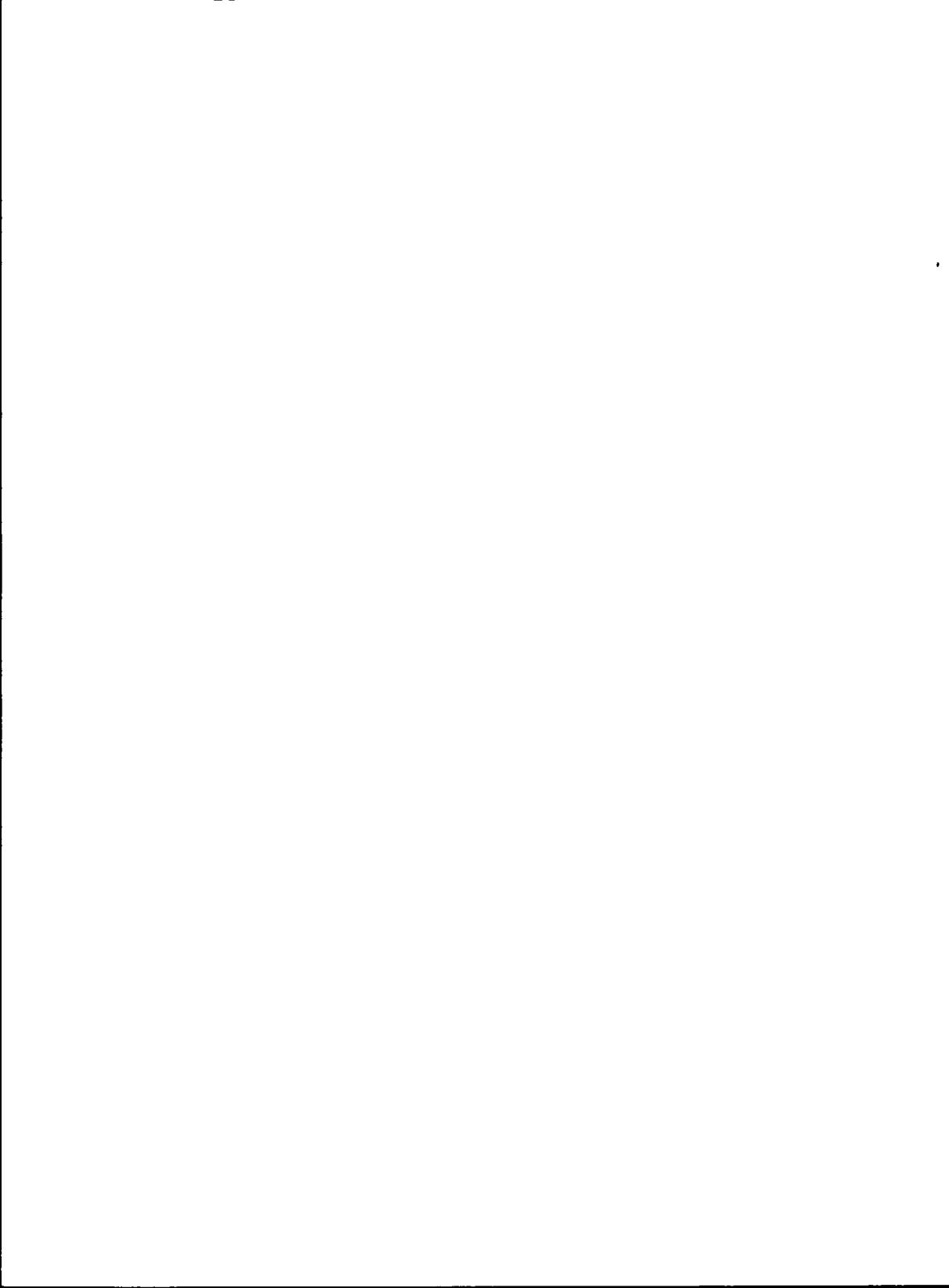
(b) All charges under this section shall be collected by the Director of Finance under such procedures as shall be prescribed by him. (Sec. 9-4.2, R.O. 1978; Am. Ord. 80-1)

CHAPTER 10.
INSPECTION COSTS.

Article 1. General Provisions.

Sec. 10-1.1. Definitions.

(2) "Cost" shall mean the amount to be charged by the City for overtime inspections at a rate to be recomputed annually by the Director of Finance based on current salaries and applicable fringe benefits for inspectors. (Sec. 10-1.1, R.O. 1978; Am. Ord. 82-5)



CHAPTER 11.

SEWERS.

Article 1. General Provisions.

Sec. 11-1.6. Restrictions Relating To Use Of Public Sewers.

(f) Except as hereinafter provided in this section, no person shall discharge or cause to be discharged any of the following described substances, waters or wastes into any public sewers:

(1) Liquid or vapor having a temperature higher than 150°F or a temperature which will inhibit or disrupt biological activity or other treatment plant processes or operations, but in no case wastewater with a temperature at the introduction into the treatment plant which exceeds 40°C (104°F) unless the treatment plant is designed to accommodate such temperature;

(13) Unreasonably large amounts of dissolved solids;

(15) Water or wastes with concentrations exceeding National Categorical Pretreatment Standards promulgated by the U.S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Federal Water Pollution Control Act, as amended. Upon promulgation, National Categorical Pretreatment Standards, if more stringent than limitations imposed under this section, shall immediately supersede the limitations imposed under this section;

(16) Any substance which may cause a City sewage treatment plant's effluent or any other products thereof, such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to a City sewage treatment plant cause it to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Federal Water Pollution Control Act (P.L. 92-500) as amended; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act; or State criteria applicable to the sludge management method being used; and

(17) Any substance which will cause a City sewage treatment plant to violate its National Pollutant Discharge Elimination System Permit or State Water Quality Standards. (Sec. 11-1.6, R.O. 1978; Am. Ord. 82-3)

Sec. 11-1.7. Right-Of-Entry And Inspection.

(a) Existing Systems

The Department may, during reasonable hours and upon notification to the person with a right to possession, enter any building or premises in the discharge of his official duties to examine or copy records or inspect, investigate, measure or test the wastes discharged or the private sewer connected, directly or indirectly, to the public system. (Sec. 11-1.7, R.O. 1978; Am. Ord. 82-3)

Article 5. Industrial Wastewaters.

Sec. 11-5.1. Industrial Wastewater Discharge Certificate.

(b) This certificate may require pretreatment of industrial wastewaters before discharge, a compliance schedule containing commencement and completion dates of events leading to the construction and operation of pretreatment systems, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers, relocation of point of discharge, prohibition of discharge of certain wastewaters components, restriction of discharge to certain hours of the day, self-monitoring programs and submission of self-monitoring reports, and such other conditions as may be required to effectuate the purpose of this article. (Sec. 11-5.1, R.O. 1978; Am. Ord. 82-3)

Sec. 11-5.6. Pretreatment Of Industrial Wastewaters.

(c) The City shall annually publish in the largest daily newspaper a list of Users, which during the previous 12 months, were significantly violating Federal Pretreatment Standards or other Pretreatment Requirements. A significant violation is a violation which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve month period; which involves a failure to accurately report noncompliance; or which resulted in the Department suspending an Industrial Wastewater Discharge Certificate. (Sec. 11-5.6, R.O. 1978; Am. Ord. 82-3)

Article 6. Sewer Service Charges.

Sec. 11-6.7. Industrial Cost Recovery. (Repealed by Ord. No. 82-3)

Article 7. Pumping Or Treating Of Cesspools.

Sec. 11-7.3. Cesspool Service Charge.

(a) Pumping

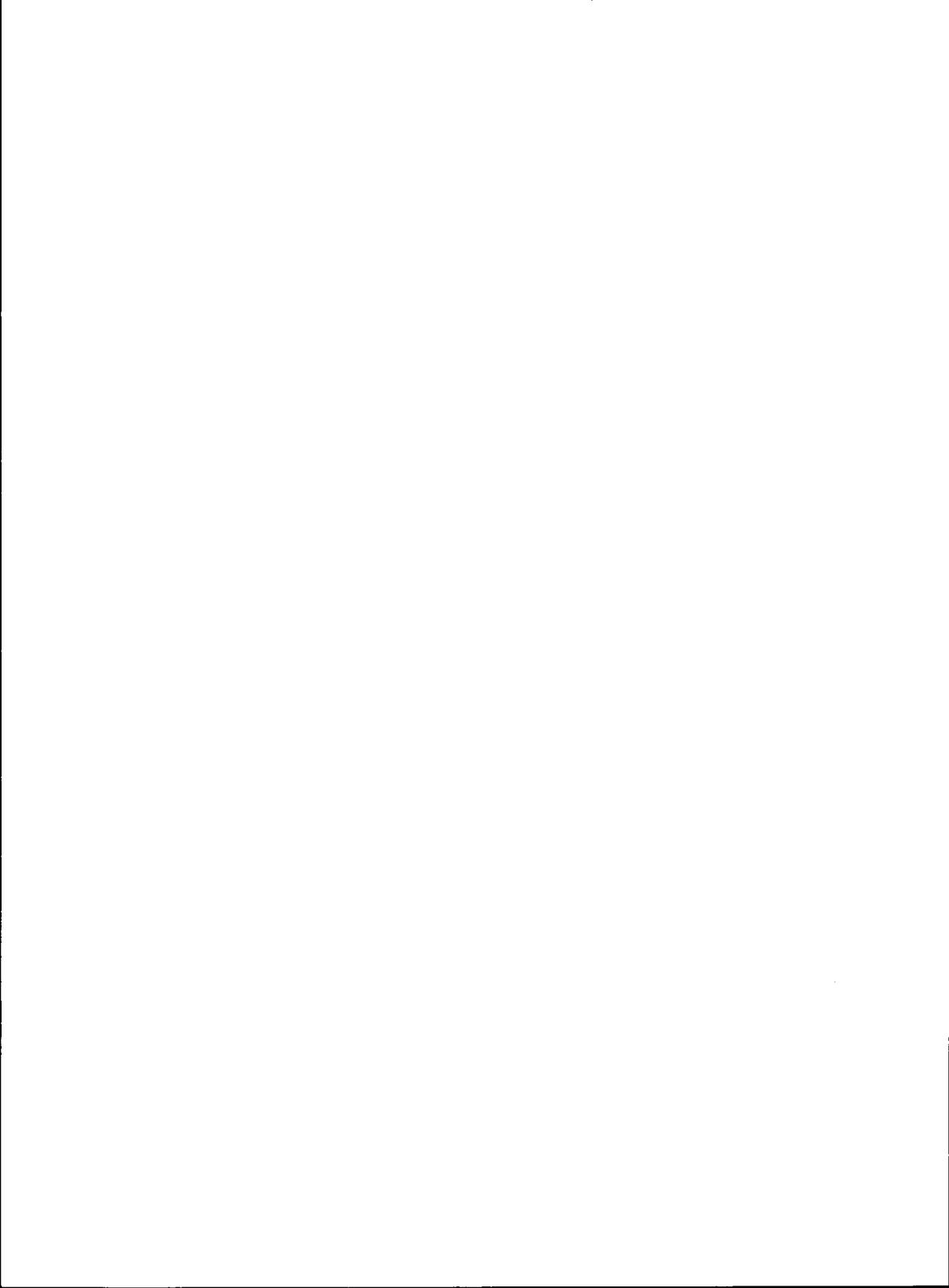
A charge shall be made for pumping cesspools. The person requesting the service shall have the choice of either paying on a per call basis or contract basis. A person who elects to be serviced on a contract basis must apply to the Department.

No charge shall be made for pumping a cesspool which is being chemically treated by the City and payment is being made for the service. (Sec. 11-7.3, R.O. 1978; Am. Ord. 82-3)

Article 8. Sewer Fund.

Sec. 11-8.3. Accounts.

(a) A separate account shall be established to account for all revenues derived from any sewer service charges except from Industrial Cost Recovery and all funds expended from it. Expenditures from this fund shall be limited for the purpose of carrying out the operation and maintenance of the sewer system, including replacement, and for the purpose of paying any sewer bond debt service. (Sec. 11-8.3, R.O. 1978; Am. Ord. 80-41)



CHAPTER 12.
REGULATIONS OF COMMON CARRIERS.

Article 1. Taxicabs.

Sec. 12-1.1. Definitions.

As used in this article, unless the context otherwise requires:

(1) "Director of Finance" shall mean the Director of Finance of the City, or his duly authorized subordinates. (Sec. 12-1.1, R. O. 1978; Am. Ord. 81-60)

Sec. 12-1.3. Establishment Of Road Taxi Stands.

The City Council shall establish road taxi stands on public streets and City-controlled facilities upon recommendation of the Department of Transportation Services. The Department of Transportation Services shall study and recommend to the City Council the site placement of such stands. The Department of Finance shall issue, upon application therefor on forms furnished by the Department and upon the payment of annual fees as hereinafter provided, permits for the parking of taxicabs. A permit, deemed granted upon approval of the application, shall expire on June 30 of the year issued. However, an application for the renewal of such permit for the following year may be made on and after the first day of June and approval thereof may be granted upon the payment of the permit fee. The permit shall be evidenced by an appropriate decal which shall be placed as near as practicable on the upper right corner of the front bumper.

The Division of Motor Vehicles and Licensing of the Department of Finance shall charge and collect an annual fee of TWENTY FOUR DOLLARS for each permit, and a fee of ONE DOLLAR for each decal, for a total charge of TWENTY FIVE DOLLARS; provided that, where the application for such permit is made in any month other than July, the permit fee of TWENTY FOUR DOLLARS shall be reduced by TWO DOLLARS for each full month of the then permit year which shall have elapsed at time of the application; provided that, when an annual permit fee has already been paid on the vehicle and that vehicle is, within the year replaced by another vehicle, the unexpired portion of the permit fee paid on the vehicle so replaced shall be credited to the permit fee payable for the substitute vehicle and for the purpose hereof, the unexpired portion of the permit fee shall be reduced by TWO DOLLARS for each full month remaining of the current permit year; and provided further that, where a decal is mutilated, defaced or lost, a replacement decal shall be issued upon payment of ONE DOLLAR. The sums collected shall be deposited in the Highway Fund. (Sec. 12-1.3, R. O. 1978; Am. Ord. 81-60)

Sec. 12-1.4. Authority Of Director Of Finance.

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

The Director of Finance 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 12-1.10(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 Director of Finance pursuant to the provisions of Chapter 91, HRS.

(b) Rule-Making Powers.

The Director of Finance is authorized to promulgate any rules or regulations not inconsistent with this chapter, having the force and effect of law, as provided for in Chapter 91, HRS, in the administration and enforcement of this chapter. (Sec. 12-1.4, R. O. 1978; Am. Ord. 81-60)

Sec. 12-1.10. 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 within 12 inches of the taximeter so that it is readily visible to all passengers (the certificate shall not be mounted on the sunvisor of the taxicab). The taxicab driver's certificate shall be issued by the Director of Finance. 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 Director of Finance. 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 section for any person to alter such taxicab driver's certificate.

(b) The Director of Finance shall collect a fee of One Dollar 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:

(5) Complied with the standards promulgated by the Director of Finance 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 year after the issuance thereof and shall be renewed on or before its expiration date upon meeting the standards set in Section 12-1.10(c) hereinabove, to determine the fitness of the applicant to continue as a taxicab driver by the Director of Finance. 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 Director of Finance shall require that the taxicab driver's certificate be surrendered to and be retained by the Director of Finance, except that at the end of the period of suspension, the certificate so surrendered shall be returned to the licensee. (Sec. 12-1.10, R. O. 1978; Am. Ord. 81-60)

Sec. 12-1.11. Rate Of Fare And Baggage Charge, Exceptions And Conditions.

(a) No driver, owner or lessee who owns, operates or controls a taxicab shall assess a passenger above and beyond the following rates, fares or charges:

(1) Mileage Rate.

For the first 1/6 of a mile or fraction thereof \$ 1.40

For each additional 1/6 mile or fraction thereof \$00.20

(2) Waiting Charge.

For each minute or fraction thereof \$00.20

(3) Regular Size Baggage, Parcel or Object Charge.

A charge of \$0.25 may be assessed for each piece of regular size baggage, parcel or object, excluding but limited to such items as purses, briefcases, airline handbags, cameras, grocery bags (less than 25 pound size), parcels less than four cubic feet in size, collapsible wheelchairs; provided that this charge may be waived by the driver, owner or lessee of the taxicab.

(4) Extra Large Size Baggage, Parcel or Object.

The driver, owner or lessee of the taxicab may assess a fee of \$3 for each piece of such extra large size baggage, parcel or object, including but not limited to the following: surfboard or bicycle.

(5) Charge for Additional Passengers.

The driver, owner or lessee of the taxicab may assess a fee of \$0.25 for each additional passenger in excess of three, except children under two years of age.

(b) The foregoing rates or charges shall be subject to the following exceptions or conditions, whichever the case may be:

(1) When Fares or Charges Permitted. 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; provided that no other charges shall be made for the use of a taxicab for hire except as provided herein.

(2) Posting of Fares and Charges. The schedule of fares and charges prescribed in subsection (a) hereof shall be printed in bold type letters, not less than $\frac{3}{8}$ of an inch in height, and shall be posted within 12 inches of the taximeters and be readily visible to all passengers for hire.

(3) Exceptions and Conditions for Use of Fares and Charges Lower than those Prescribed in Subsection (a) Hereof. A driver, owner or lessee who owns, operates or controls a taxicab may adjust the meters on a taxicab so that a lower fare or charge may be assessed than those prescribed in subsection (a) hereof; provided that if a driver, owner or lessee who owns, operates or controls more than one taxicab, all of the taxicabs under the operation or control of such driver, owner or lessee shall have its taximeters adjusted to the lower rate or charge; and provided further that such lower rate or charge shall be posted as prescribed in subsection (b)(2) hereof. (Sec. 12-1.11, R.O. 1978; Am. Ord. 79-68, 80-109)

Sec. 12-1.12. Special Operations.

(2) The taxicab operator may operate the taxicab as a jitney only along public bus service'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 Director of Finance is hereby authorized to add new jitney routes following existing public bus service routes in addition to the routes mentioned hereinabove whenever he has sufficient evidence that the public, utilizing the public transit service, is desirous of having such additional jitney routes for their convenience;

(3) 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 Director of Finance. (Sec. 12-1.12, R. O. 1978; Am. Ord. 81-60)

Sec. 12-1.13. Trip Records.

(b) The Trip Record shall be open to inspection by the Director of Finance during regular business hours. (Sec. 12-1.13, R. O. 1978; Am. Ord. 81-60)

Sec. 12-1.17. Taxi Sign.

A taxicab shall be identified with a sign (which may be a dome light sign) on the roof of the taxicab. The name of the individual owning or operating the taxicab or the name of the firm shall be shown on the front of the sign and it will be optional to place either the name or telephone number of such individual or firm on the rear of the sign. Such sign may have flashing actuator. A taxicab driver may actuate such sign to call for police or other assistance in cases when a robbery is in progress. The use of a flashing dome light, except to signal when a robbery is in progress, shall be in violation of Section 15-19.22, Traffic Code of the City and County of Honolulu. Except as provided herein, the type, design, and placement of the sign shall be as specified by the Director of Finance. The sign may be a detachable type so that it may be removed when the vehicle is not used for taxicab purposes. (Sec. 12-1.17, R. O. 1978; Am. Ord. 81-60)

Article 2. U-Drive Motor Vehicles.**Sec. 12-2.2. Definitions.**

As used in this article, unless the context otherwise requires:

(1) "Director of Finance" shall mean the Director of Finance of the City and County of Honolulu.

(2) "Customer" shall mean any person, persons, partnership, corporation or association renting or leasing a motor vehicle from an operator of a U-Drive Rental Business; provided, however that this term shall not include the transactions between an operator of a U-Drive Rental Business and a wholesale supplier of motor vehicles who is solely in the

business of providing vehicles to such licensee and provided that there is no contractual relationship between the member of the general public ("customer") and the wholesale supplier providing the vehicle to the licensee.

(4) "Licensee" shall mean any person, partnership, corporation or association obtaining a license to operate a U-Drive Rental Business. This term shall exclude a wholesale supplier of motor vehicles who is solely in the business of providing motor vehicles to such "licensee" and who does not engage in renting or leasing motor vehicles to a "customer" as defined in Section 12-2.2(2) hereinabove.

(5) "U-Drive Rental Business" shall mean the business of renting or leasing to a customer, as defined hereinabove, a motor vehicle for a period of six months or less notwithstanding the terms of the rental or lease if in fact the motor vehicle is rented or leased for a period of six months or less.

(6) "U-Drive Vehicle" shall mean a motor vehicle which is rented or leased or offered for rent or lease to a customer. (Sec. 12-2.2, R. O. 1978; Am. Ord. 79-78, 81-59)

Sec. 12-2.5. Inspection And Permit.

The duties of the Director of Finance shall be as follows:

(1) Issuance of Permits. The Director of Finance shall semi-annually inspect each U-Drive vehicle and after any accident wherein damages to the U-Drive vehicle exceeds one hundred dollars. A permit will be issued only after inspection has determined that the vehicle is in a safe mechanical condition and the licensee shall have produced evidence of his financial ability to respond in damages as provided in Section 12-2.7. A permit shall be withdrawn at any time when an unsafe mechanical condition is discovered in the vehicle for which the permit is issued or shall be withdrawn at any time when the licensee shall fail to maintain said financial ability to respond in damages as herein provided.

(2) Violations reported to Director of Finance. Reports shall be made to the Director of Finance of any violations of this article by a licensee. (Sec. 12-2.5, R. O. 1978; Am. Ord. 81-59)

Sec. 12-2.6. Duty Of Licensee.

The duties of the licensee shall be as follows:

(6) Vehicles must have permits. To rent or lease only those U-Drive vehicles for which the Director of Finance has issued a permit. (Sec. 12-2.6, R. O. 1978; Am. Ord. 81-59)

Article 4. General Provisions.

Sec. 12-4.2. Vehicles At Docks.

The Director of Finance shall prescribe and may change from time to time rules for the regulation of carriages or vehicles carrying passengers for hire, and of their drivers on steamer day on streets in the vicinity of docks or

wharves. Any such driver failing to observe said rules shall have his permit cancelled by the Director of Finance. (Sec. 12-4.2, R. O. 1978; Am. Ord. 81-61)

Sec. 12-4.5. Permanent Stands To Be Registered.

The person driving, owning or controlling any carriage or vehicle carrying passengers for hire shall have a permanent stand for the same, which stand shall be registered with the Director of Finance. Such stand shall not be changed without first registering the change. (Sec. 12-4.5, R. O. 1978; Am. Ord. 81-61)

Article 5. Pedicab.

Sec. 12-5.1. Definitions.

(10) "Waiting Time" shall mean and include the period during which a pedicab 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. (Sec. 12-5.1, R.O. 1978; Am. Ord. 80-26)

Sec. 12-5.5. Evidence Of Financial Responsibility.

The Director of Finance shall require evidence of financial responsibility from the owner and/or operator of the pedicab for hire before issuing a business license and decal to engage in a pedicab for hire. The owner and/or operator shall have insurance in force or other evidence of financial responsibility so long as the pedicab is used in business.

Such evidence of financial responsibility may be in one of the following two methods:

(1) **Insurance Policy.**

The Director of Finance shall retain the original insurance policy issued by a company licensed to do business in the State of Hawaii. The policy shall be duly countersigned by its authorized Hawaii agent complete with all endorsements and attachments or a certified copy thereof. Such policy shall provide for primary public liability insurance coverage in the amount of ONE HUNDRED THOUSAND DOLLARS because of bodily injury to or death of one person in any accident, and in the amount of TWO HUNDRED THOUSAND DOLLARS because of bodily injury to or death of two or more persons in any one accident, and property damage insurance in the amount of TWENTY THOUSAND DOLLARS because of damage to or destruction of property of others in any one accident for each pedicab for hire. All policies shall be on a fiscal year basis ending on June 30 of each year. Insurance policies on vehicles regulated under this article shall contain a provision that the policy will not be reduced in coverage or cancelled without thirty calendar days' prior written notice to the Director of Finance by the authorized Hawaii agent for the insurance company.

(2) **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, bond or other security determined to be satisfactory by the Director of Finance in the total amount of TWO HUNDRED THOUSAND DOLLARS. 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 business license for the secured pedicab carrying passengers or property for hire. 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 suit 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 contained hereinabove. The Director of Finance shall satisfy from the proceeds of such security any judgment against the licensee and/or operator arising from the operation of a pedicab for hire. Neither the City, its officers, employees, agents or appointees shall be liable to the licensee and/or operator for any payments made pursuant to such judgment.

(3) Revocation of Business License and License Decal.

If at any time after the issuance of the business license and license decal:

(A) The required insurance coverage is reduced or cancelled and the licensee fails to immediately replace such coverage with the securities described in (2); or

(B) The security deposited with the Director of Finance falls below the required amount as a result of claims satisfied against the licensee and said licensee fails to immediately replenish the proceeds of such security to the required amount.

the Director of Finance shall revoke or suspend the business license and license decal. Such revocation shall be done in accordance with the provisions of Section 12-5.13(a) hereof. (Sec. 12-5.5, R.O. 1978; Am. Ord. 80-26)

Sec. 12-5.6. Certificate For Pedicab Operator For Hire.

(a) No operator of a pedicab shall use or cause to be used, for purpose of hire, a pedicab which does not have an operator's certificate visible from within and from outside the cab. The certificate for operator of a pedicab for hire shall be issued by the Director of Finance. It shall contain a photograph of the operator to be furnished by the operator, the operator's name, social security number, alien registration number and any other information specified by the Director of Finance. The operator's certificate shall be laminated in plastic or so constructed so as to make alteration difficult. The photograph shall be unretouched and must show a reasonable likeness of the operator. It shall be a violation of this article for any person to alter such operator's certificate.

(b) The Director of Finance shall collect a fee of TEN DOLLARS for the issuance of each original operator's certificate and ONE DOLLAR for each duplicate operator's certificate which will authorize the parking of one pedicab in one authorized sidewalk pedicab stand and in one road pedicab stand. The sums collected shall be deposited in the General Fund.

(c) No certificate for an operator of a pedicab shall be issued to any person unless he has:

(1) Satisfactorily passed an examination showing:

(A) A sufficient understanding of the traffic laws or ordinances of the City and County of Honolulu, and this article.

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

(C) A sufficient understanding of the English language by successfully completing this examination.

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

The Director of Finance shall furnish every pedicab operator a copy of this article and any other pertinent laws, rules and regulations for information and guidance. The cost shall be included in the Ten Dollars operator's certificate fee.

(d) Every pedicab operator's certificate issued under this section shall expire, unless otherwise revoked, one year after the issuance thereof and shall be renewed on or before its expiration date upon meeting the standards set in Section 12-5.6(c) hereinabove, to determine the fitness of the applicant to continue as a pedicab operator for hire by the Director of Finance. A new set of unretouched photographs showing a reasonable likeness of the operator shall be furnished with each application for renewal.

(e) Whenever the operator's certificate of any pedicab operator is suspended or revoked, the Director of Finance shall require that the pedicab operator's certificate be surrendered to and be retained by the Director of Finance except that at the end of the period of suspension the certificate so surrendered shall be returned to the licensee. (Sec. 12-5.6, R.O. 1978; Am. Ord. 80-26)

Sec. 12-5.8. Prohibited Acts.

(7) Pedicabs shall not be operated side by side to or abreast of each other at any time, except when passing. (Sec. 12-5.8, R.O. 1978; Am. Ord. 80-26)

Sec. 12-5.9. Fares.

(a) Time Charges.

Any driver, owner, or operator of a pedicab or pedicab stand may charge or cause to be charged, any fare for the use of a pedicab, for purposes of hire on an elapsed time basis provided that all fares shall be posted and be visible from within and from outside the cab for hire in order that any potential passenger for hire may be aware of the fares before a commitment is made to hire the pedicab. Specific information on the subject matter is contained hereinbelow.

(b) Flat Fees and Tours.

As an alternative, a passenger for hire may be given a choice of tours instead of time charges but the passenger shall be informed of which alternative the passenger will be charged for, before the trip is started.

A scale map showing the exact route or itinerary of each tour shall be provided to each potential passenger for hire by the pedicab operator. The

pedicab operator may demand the return of the map at the end of the tour.

Signs indicating the current fare to be charged for time and optional tours shall be in English and Japanese and shall be posted and be visible from within and from outside the cab. At the top of each sign showing fares shall be the statement: "These fares are **not** regulated by the Government" in bold type letters not less than ½ of an inch in height in a contrasting color from that used in the fares schedule. During all hours when vehicles are required to be lighted, the signs shall also be readily discernible to the passengers for hire. The aforesaid schedule of fares shall be printed in bold type letters, not less than ⅜ inch in height.

Fares are only applicable to the use of the pedicab 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 pedicab for hire except as provided herein.

The collection of any charge may, at the option of the pedicab operator, be reduced or waived. (Sec. 12-5.9, R.O. 1978; Am. Ord. 80-26)

Sec. 12-5.10. Establishment Of Road Pedicab Stands.

The City Council shall establish road pedicab stands on public streets and City-controlled facilities upon recommendation of the Director of Transportation Services. The Director of Transportation Services shall study and recommend to the City Council the site placement of such stands. The Director of Finance shall issue pedicab operator certificates under another section of this article which will automatically include pedicab stand permits. The fees for such pedicab stand permits shall be established pursuant to law. (Sec. 12-5.10, R.O. 1978; Am. Ord. 80-26)

Sec. 12-5.12. Condition Of Pedicabs For Hire.

No vehicle shall be operated as a pedicab for hire unless it is in a reasonably clean and safe condition inside, as well as externally, so as not to injure or damage the person, clothing or possessions of a passenger. The vehicle's exterior shall be reasonably clean and shall be essentially free from cracks, breaks and major dents. It shall be painted to provide adequate protection and a neat and clean appearance. Repairs done to comply with this section shall be done within a reasonable time based on availability of parts and labor. Every pedicab while on a public street shall carry a battery or generator operated headlight and taillight and shall carry spoke reflectors placed on each wheel and tape type reflectors showing the front and the back width of the vehicle. (Sec. 12-5.12, R.O. 1978; Am. Ord. 80-26)

Sec. 12-5.13. Authority Of Director Of Finance.

(a) Denial, Suspension or Revocation of Pedicab Operator's Certificate or Business License and License Decal.

The Director of Finance is authorized to deny initial issuance or renewal or suspend or revoke any certificate for a pedicab operator for hire and to suspend or revoke any business license and license decal if an applicant cannot meet the requirements set forth in this article, or an operator violates any of the provisions contained in this article. In the case of suspension or

revocation of a certificate or business license and license decal by the Director of Finance, the pedicab operator shall be afforded notice and an opportunity for a hearing prior to the suspension or revocation, pursuant to the provisions of Chapter 91, Hawaii Revised Statutes.

(b) Rule Making Powers.

The Director of Finance is authorized to promulgate any rules or regulations not inconsistent with this article, having the force and effect of law, as provided for in Chapter 91, HRS, in the administration and enforcement of this article. (Sec. 12-5.13, R.O. 1978; Am. Ord. 80-26)

Sec. 12-5.18. Notice Of Suspension, Revocation Or Denial Of Business License Or Operator's Certificate Or Denial Of An Application.

(a) Notice of intent to suspend or revoke pedicab operator's certificate or business license and license decal and denial of application for same. The Director of Finance shall issue and personally serve upon a licensee, permittee or applicant (hereinafter referred to as "appropriate party") if he is a resident of this City, a notice of intent to suspend, revoke or deny a business license or operator's certificate and license decal (hereinafter referred to as "business documents") before he shall take any of the foregoing action until and unless the appropriate party has been granted a hearing unless the appropriate party waives such hearing. If the appropriate party waives his right or privilege for a hearing, the Director of Finance may issue in writing an appropriate decision and order.

(b) Service of notice. The foregoing notice will be personally served upon the appropriate party if he is a resident of this City or upon his designated subordinate or agent. If the appropriate party is not a resident of this City, the Director of Finance shall deliver such notice by certified mail to the appropriate party's last known address.

(c) Request for hearing. The appropriate party who has received a notice of intent as prescribed in subsection (a) hereof shall, if he desires a hearing, affix his signature as designated on the copy and have same returned to the Director of Finance either through the process server or by certified mail.

(d) Notice of date of hearing. Whenever the appropriate party requests a hearing, the Director of Finance shall issue a notice of the date of such hearing to the appropriate party, and such hearing shall be held no later than twenty working days after the Director of Finance has received the request for hearing from the appropriate party.

(e) Procedure for hearing. Any hearing conducted hereunder shall be pursuant to rules and regulations promulgated under HRS Chapter 91. Such hearing may be conducted by and before a panel consisting of three officers of the executive branch who shall be appointed by the Mayor.

(f) Panel to suspend, revoke or deny business documents. After the panel has conducted a hearing, it may rule either in favor or against the action to be taken by the Director of Finance and if its decision is adverse to the appropriate party, it shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law.

(g) Judicial review. Any person aggrieved by the final decision and order of the panel may appeal same to the Circuit Court as provided in HRS Section 91-14. (Sec. 12-5.18, R.O. 1978; Am. Ord. 80-26)

CHAPTER 13.

REGULATIONS PROMOTING GENERAL WELFARE.

Article 6. Dance Houses.

Sec. 13-6.4. Conditions Of Permit.

(a) All permits shall be subject to all applicable laws and ordinances, and to the following conditions, which shall be set forth in the permit:

(1) The dance house and the premises in the vicinity thereof used in connection therewith shall be brightly lighted during all the time it is in use.

(2) No undue familiarity between partners, and no profanity, or vulgar or obscene language, dancing or conduct shall be permitted at any dance. No violation of law shall be allowed or countenanced in any dance house.

(3) No person under the influence of intoxicating liquor shall be permitted to be or remain in said dance house or upon the premises used in connection therewith, and the possession or use of intoxicating liquor shall not be permitted in or around the premises of any dance house where female persons receive any remuneration, either directly or indirectly, for acting as dancing partners or instructors to the male patrons of such dance house.

(4) Dancing shall be permitted daily (including Sundays); provided, however, that dancing shall be prohibited for public dance houses:

(A) Between the hours of 1:00 a.m. and 8:00 a.m. Mondays through Fridays;

(B) Between the hours of 2:00 a.m. and 8:00 a.m. on Saturdays and legal holidays; and

(C) Between the hours of 2:00 a.m. and 1:00 p.m. on Sundays, including any legal holiday which falls on a Sunday; provided, further, that dancing shall be prohibited for establishments designated and licensed as cabarets under said Sections 281-31, -32, HRS:

(D) Between the hours of 3:00 a.m. and 8:00 a.m. Mondays through Saturdays and on legal holidays; and

(E) Between the hours of 3:00 a.m. and 1:00 p.m. on Sundays, including any legal holiday which falls on a Sunday.

(5) It shall be unlawful to employ any person in connection with the operation of any public dance house, who has been convicted of any felony or any offense involving immorality or moral turpitude.

(6) No female under the age of 18 years shall be employed as a dancing partner or instructor. No woman shall be employed as a dancing partner or instructor unless and until she presents a certificate of birth or other documentary proof showing that she has reached the required age. Women employed as dancing partners or instructors shall not be permitted to leave the dance house before the close of the dance without the permission of the manager and after so leaving, shall not be permitted to return to said dance house the same night. Such women so employed shall

not be permitted to wear dresses of a suggestive or immodest design nor to smoke while dancing. Every permittee shall furnish to the Chief of Police, whenever required by him, information with respect to the name, date and place of birth (accompanied by a birth certificate or other documentary proof), place of employment and the marital status of each woman so employed by him.

(7) Clean, sanitary, and well-lighted rest room must be provided and maintained in the dance house.

(8) No private rooms or booths other than necessary rest rooms shall be permitted to be accessible from the dance house. For the purpose of this section the term "private room or booth" shall include any room, booth, alcove or enclosure, any part of which is not clearly visible at all times from the main dance floor located upon the same floor upon which private room or booth is located.

(9) During all times when the dance house is in use, there shall be kept open at least two doorways, each with an opening not less than four feet, remote from each other and leading to exits. An attendant shall be stationed at each such doorway during such times.

(10) A copy of this article shall be posted in a conspicuous location in each place where a dance is being conducted.

(11) The use of loudspeaker shall be confined to the interior of the dance hall. No loudspeaker shall be installed on the exterior of the dance hall.

(b) The Chief of Police or any of his subordinates or any health, fire or law enforcement officers of the City, the State of Hawaii or of the United States may at any time enter any public dance house for the purpose of inspecting the same and the conditions therein. (Sec. 13-6.4, R.O. 1978; Am. Ord. 79-87)

Article 8. Fire Alarms And Hydrants.

(REPEALED by Ord. No. 81-17)

Article 9. Fire Extinguishers.

(REPEALED by Ord. No. 81-17)

Article 10. Fireworks Control.

Sec. 13-10.0. Legislative Intent.

(a) The purpose of this article is to regulate the use of fireworks by permitting the use of fireworks only by permit issued by the Fire Chief or his designated representative(s).

(b) To protect the public from the risks of danger created by the use of fireworks by limiting the use of such fireworks to those persons who have been issued a permit from the Fire Chief for:

- (1) Religious and/or ceremonial purposes; or
- (2) Public display; or

(3) Private use on privately owned premises under special restrictive conditions as more specifically designated in Section 13-10.6. (Am. Ord. 81-84)

Sec. 13-10.1. Definitions.

(a) The term "aerial fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or auditory effect by combustion, explosive, deflagration, or detonation, which is self-propelled, or which propels a missile, and which travels, or propels a missile which travels, more than eight feet in a vertical direction or more than five feet in a horizontal direction, and shall include, but not be limited to, torpedoes, sky rockets, aerial shells, Roman candles, or other similar articles containing any explosive or combustible substance, which, when ignited, is self-propelled or propels a missile, and which travels, or propels a missile which travels, more than eight feet in a vertical direction or more than five feet in a horizontal direction. For purposes of determining whether any such article travels, or propels a missile which travels, more than five feet in a horizontal direction, the distance shall be measured from the point of firing to the point at which the article, or the missile propelled by such article, is fully expended. The Fire Chief shall compile a list of articles that he has determined to be aerial fireworks. Subject to Chapter 91, HRS, the Fire Chief shall adopt such regulations as he deems necessary to accomplish the foregoing.

(b) The term "fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or auditory effect by combustion, explosion, deflagration or detonation, including blank cartridges, toy pistols, toy cannons, toy canes and toy guns in which explosives are used, firecrackers, and any articles containing any explosive or flammable compound, or any tablets or other device containing any explosive substances, except that the term "fireworks" shall not include sparklers, nor shall such term be construed to include toy pistols, toy cannons, toy guns or other devices in which toy paper caps, containing twenty-five hundredths (.25) of a grain or less of explosive substance are used. The Fire Chief shall compile a list of articles that he has determined to be fireworks. Subject to Chapter 91, HRS, the Fire Chief shall adopt such regulations as he deems necessary to accomplish the foregoing.

(c) The term "firecracker" means fireworks intended to produce audible effects, including but not limited to cherry bombs, M-80 salutes and silver salutes.

(d) The term "banned fireworks" means:

(1) Firecrackers which produce audible effects by a charge of more than 50 milligrams of pyrotechnic composition; and

(2) Other fireworks which the Fire Chief finds may cause substantial property damage by fire as a result of any customary or reasonably foreseeable handling or use. "Substantial property damage" means any damage to property, real or personal, of a significant nature. It need not

be severe or serious. What is excluded by the word "substantial" is wholly insignificant or negligible damage.

The Fire Chief shall compile a list of articles that he has determined to be banned fireworks. Subject to Chapter 91, HRS, the Fire Chief shall adopt such regulations as he deems necessary to accomplish the foregoing.

(e) The term "dealer" includes any person storing, selling, or offering for sale fireworks, including firecrackers, or aerial fireworks. A dealer shall submit to the Fire Chief samples of each type of fireworks or aerial fireworks that such dealer intends to sell or offer for sale. Until the Fire Chief makes a determination as to whether submitted samples are fireworks, banned fireworks, or aerial fireworks, the dealer shall not sell or offer for sale such articles. (Sec. 13-10.1, R.O. 1978; Am. Ord. 81-84, 82-21)

Sec. 13-10.2. Prohibitions; Permitted Uses.

It shall be unlawful for any person to possess, store, sell, keep or offer for sale, expose for sale, use, explode, or cause to explode any fireworks or aerial fireworks within the City, except as follows:

(1) Sales by wholesalers for direct shipment out of the City or to retailers licensed as provided in Section 13-10.3.

(2) Store, sell or offer for sale or for use in the City fireworks or aerial fireworks as hereinafter permitted by a person having obtained a license therefor in accordance with Section 13-10.3.

(3) Sale to and use by a person having obtained a permit for a public display in accordance with Section 13-10.4.

(4) Sale to and use of fireworks, other than aerial fireworks and other than banned fireworks by a person having obtained a permit for a bona fide religious or ceremonial occasion in accordance with Section 13-10.5.

(5) Private use of fireworks, other than aerial fireworks and other than banned fireworks, on privately owned premises in accordance with Section 13-10.7.

(6) Use by transportation agencies for signal, warning or illumination purposes in connection with their business. Sale and use by any person of flares commonly used for signal or warning.

(7) Sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports.

(8) Sale or use of shells, cartridges, gunpowder or explosives for legally permitted firearms.

(9) Use by defense organizations for defense purposes.

(10) Possession, storage, sale or use of explosives and combustibles in accordance with Chapter 396, HRS, as amended.

(11) Sale and use for certain agricultural purposes. Persons desiring to use fireworks other than aerial fireworks and other than banned fireworks, for agricultural purposes, such as use in a system to ward off predatory birds from crops, shall apply in writing for a permit therefor to the Fire Chief, setting forth the type and quantity of fireworks to be used, the place of use, the person controlling the firing and the nature of the use. The Fire Chief, after being satisfied that the use will be for a

legitimate agricultural purpose, shall issue a permit. He shall note thereon the expiration date thereof, which shall not be more than one year from the date of its issuance. Said permit shall not be transferable.

(12) Possession, storage, sale or use of model rocket propellant devices designed to be ignited by electrical means and kits intended for construction of recoverable and reflyable model rockets ignited by electrical means. (Sec. 13-10.2, R.O. 1978; Am. Ord. 81-84, 82-21)

Sec. 13-10.3. License For Storage And Sale.

(a) License required. It shall be unlawful for any person to possess or store for sale, at wholesale or retail, or offer for sale for use in the City any fireworks or aerial fireworks, unless such person shall first secure a license.

(b) Application for license. Said license shall be issued by the Director of Finance of the City. Application for license shall be made on a form setting forth the address or addresses where it is proposed to establish or to conduct the storage or sale of fireworks or aerial fireworks; the name of the proprietor; or if a partnership, the name of the partnership and the names of all partners; or if a corporation, the name of the corporation and the names of all officers.

(c) Sale to persons presenting permit. Except as otherwise provided in Section 13-10.2, it shall be unlawful for any person to sell or offer for sale or for use in the City any fireworks or aerial fireworks. Where a permit is required for use of fireworks or aerial fireworks, it shall be unlawful for any person to sell or transfer fireworks or aerial fireworks unless such permit is first presented. Such permit, which shall be in triplicate, shall be signed by the seller or transferor at the time of sale or transfer of the fireworks or aerial fireworks, and the seller or transferor shall indicate the amount and type of fireworks or aerial fireworks sold or transferred to said permittee. The original shall be given to the permittee. The first carbon copy shall be retained by the seller; the second carbon copy shall be transmitted to the Fire Chief within 24 hours after the date of sale. No person shall sell or deliver fireworks or aerial fireworks to any permittee in an amount in excess of the amount specified in the permit.

(d) Wholesaling only to dealers with license. It shall be unlawful to send or supply fireworks or aerial fireworks to a dealer who has not obtained a license as required by this section.

(e) Fee and term. The fee for such license shall be \$100 for each sale location or site, due and payable in advance on July 1 of each year or before commencement of an activity or business for which such license is required. Said license shall expire on June 30 next following issuance. There shall be no proration of fees for any licenses issued after July 1 of any year. Any issued license shall be prominently displayed for public view in each fireworks or aerial fireworks sale location or site.

(f) Nontransferable. Such license shall not be transferable in any form or manner. (Sec. 13-10.3, R.O. 1978; Am. Ord. 81-84, 82-21)

Sec. 13-10.4. Permit For Public Display Of Fireworks Or Aerial Fireworks.

(a) Permit required. All persons desiring to discharge, fire, or explode fireworks or aerial fireworks for a public display, shall apply in writing for a permit to the Fire Chief at least five days before the proposed date of the display. The application shall state the name, age and address of the applicant; name, age and address of the person who shall operate the display; the time, date, and place of the display; the type and quantity of fireworks or aerial fireworks to be displayed; and the purposes or occasion for which the display is to be presented.

(b) Liability coverage required. No permit shall be issued under this section unless the applicant shall present, at his option, either

(1) A written certificate of an insurance carrier which has been issued for the benefit of the applicant or a policy providing for the payment of damages in the amount of at least \$10,000 for injury to, or death of, any one person; and subject to the said limitation for one person, in the amount of at least \$20,000 for injury to, or death of, two or more persons; and in the amount of at least \$5,000 for damage to property; caused by reason of the authorized display and arising from any tortious acts or negligence of the permittee, his agents, employees, or subcontractors; and that the policy is in full force and effect at the date of the certificate and will so continue until at least 10 days after date of public display; or

(2) The bond of a surety company duly authorized to transact business within the State, or bond with at least two individual sureties who together have assets in the State equal in value to at least twice the amount of the bond, or a deposit of cash in the amount of at least \$10,000 conditioned for the payment of all damages which may be caused to any person or property by reason of the authorized display and arising out of any tortious acts or negligence of the permittee, his agents, employees, or subcontractor. The security shall continue in full force and effect until at least 10 days after the date of public display.

The Fire Chief may require coverage in amounts larger than the minimum amounts set forth in paragraph (1) or (2) if he deems it necessary or desirable in consideration of such factors as the location and scale of the display, the type of fireworks or aerial fireworks to be used, and the number of spectators expected.

(c) Issuance of permit. The Fire Chief, after being satisfied that the requirements of subsection (b) have been met and that the display will be handled by a competent operator, shall issue a permit for the public display. Such permit shall authorize the holder to display fireworks or aerial fireworks only at the place and only during the time set forth and to purchase or acquire and possess the specified fireworks or aerial fireworks between the date of the issuance of said permit and the time during which the display of said fireworks or aerial fireworks is authorized.

(d) Permitted areas. Notwithstanding the provisions of Section 13-10.7, a permit to use fireworks or aerial fireworks for a public display may be issued for properties in the Waikiki Special Design District and in areas

zoned A-2, A-3, A-4, B-2, B-3, B-4, and Resort Hotel. (Sec. 13-10.4, R.O. 1978; Am. Ord. 81-84, 82-21)

Sec. 13-10.5. Permit For Bona Fide Religious Or Ceremonial Use Of Fireworks.

(a) Permits for single use. All persons desiring to discharge, fire or explode fireworks for a bona fide religious or ceremonial occasion shall apply in writing for a permit to the Fire Chief. The application shall state the name, age, and address of the applicant and of the person controlling the firing, if the two are not the same person; the time, date, and address at which the fireworks are to be used; the type and quantity of fireworks to be used; and the occasion for which the fireworks is to be used. Each permit shall relate to only one occasion.

(b) Permits for certain establishments. The proprietor or officers of any temple, cemetery, restaurant or other establishment desiring to discharge, fire or explode fireworks for bona fide religious or ceremonial occasions at the site of such establishments, or desiring to provide for the discharging, firing or exploding of fireworks by members of their congregation, clients, patrons or customers for bona fide religious or ceremonial occasions at the site of such establishment, shall apply in writing for a permit to the Fire Chief. The application shall state the name and address of the applicant establishment; the name or names of the proprietor or officers thereof; the name, age and address of the person who shall actually supervise the use of the fireworks; the types and quantity of fireworks to be used; and the type or types of occasion for which the fireworks are to be used. Application may be made for a supply of fireworks sufficient for a six-month period, and for use on more than one occasion, either actual or reasonably anticipated, during said period.

(c) Ceremonial occasion. The term "ceremonial occasion" shall include, but not be limited to, birthdays, anniversaries, weddings and housewarming celebrations. Such term shall not include celebration of a New Year, Chinese New Year, or the Fourth of July.

(d) Issuance of permit. The Fire Chief, after being satisfied that the fireworks will be used for bona fide religious or ceremonial occasions shall issue a permit for such use. The Fire Chief shall note on the permit the expiration date, which shall not be more than six months from the date of its issuance and the types and quantity of fireworks to be used. No fee shall be charged for said permit. The permit shall not be transferable. The Fire Chief shall not issue any permits for the purchase or use of banned fireworks or of aerial fireworks for religious or ceremonial occasions.

(e) Violation. If fireworks are used contrary to, or not in conformity with, the terms of any permit issued under this section, the permittee, including the persons named as proprietor or officers of any applicant establishment, and the person designated in the application to supervise the use of the fireworks shall be subject to penalty.

(f) Permitted areas. Notwithstanding the provisions of Section 13-10.7, a permit to use fireworks, other than aerial fireworks, for a bona fide religious or ceremonial occasion may be issued for properties in the Waikiki

Special Design District and in areas zoned A-2, A-3, A-4, B-2, B-3, B-4, and Resort Hotel. (Sec. 13-10.5, R.O. 1978; Am. Ord. 81-84, 82-21)

Sec. 13-10.6. Sales Permitted.

Fireworks, other than banned fireworks and other than aerial fireworks may be sold or offered for sale during the following periods:

- (1) For July 4 holiday from June 27 until 9 p.m. July 2; and
- (2) For New Year's holiday from December 26 until 9 p.m. December 29; and
- (3) For Chinese New Year's festivities commencing seven (7) days prior to Chinese New Year's Day and until 9 p.m. two (2) days prior to Chinese New Year's Eve;

provided that this section shall not apply to sale or offer for sale or delivery of fireworks or aerial fireworks by wholesalers to retailers licensed as provided in Section 13-10.3; and provided further that this section also shall not apply to an authorized sale of fireworks, other than banned fireworks and aerial fireworks, to a person possessing a permit issued by the Fire Chief under Section 13-10.5 or to an authorized sale of fireworks or aerial fireworks to a person possessing a permit issued by the Fire Chief under Section 13-10.4. (Sec. 13-10.12, R.O. 1978, Am. Ord. 81-84, 82-21)

**Sec. 13-10.7. Time And Place For Permitted Use Of Fireworks
Other Than Aerial Fireworks.**

Unless otherwise permitted, fireworks, other than banned fireworks and other than aerial fireworks, may be burned, fired or exploded on the three holidays listed below only during the following hours:

- (1) Fourth of July: 2 p.m. to 8 p.m.
- (2) New Year's Eve and Chinese New Year's Eve: 9 p.m. to 12 midnight of each of these days.
- (3) New Year's Day and Chinese New Year's Day: 12 a.m. (midnight) to 1:00 a.m. of each of these days.

Use of any fireworks is prohibited on properties in the Waikiki Special Design District and in areas zoned A-2, A-3, A-4, B-2, B-3, B-4, and Resort Hotel. (Sec. 13-10.11, R.O. 1978; Am. Ord. 81-84, 82-21)

**Sec. 13-10.8. Unlawful To Set Off Fireworks Or Aerial Fireworks
From Or Into Motor Vehicles.**

It shall be unlawful for any person to throw, set off, fire or cause to be exploded any fireworks or aerial fireworks from or into any motor vehicle. (Sec. 13-10.6, R.O. 1978; Am. Ord. 81-84, 82-21)

**Sec. 13-10.9. Unlawful To Set Off Fireworks Or Aerial Fireworks
In Vicinity Of Hospitals.**

It shall be unlawful for any person to throw, set off, fire or cause to be exploded any fireworks or aerial fireworks, in any place within 1,000 feet of any building occupied by patients at any hospital, convalescent home, home

for the aged, or facility established for the exhibition, protection, or care of animals. (Sec. 13-10.7, R.O. 1978; Am. Ord. 81-84, 82-21)

Sec. 13-10.10. Unlawful To Set Off Fireworks Or Aerial Fireworks On Public Ways, In Parks, Public Beaches, Schools Or Places Of Worship During Services; Exception.

It shall be unlawful for any person to throw, set off, fire or cause to be exploded any fireworks or aerial fireworks on or in any highway, alley, street or other public way, sidewalk, park, public beach, school, school yard, or within 1,000 feet of any building used for public worship while services are being held unless permission is obtained in accordance with Section 13-10.4 or 13-10.5. (Sec. 13-10.8, R.O. 1978; Am. Ord. 81-84, 82-21)

Sec. 13-10.11. Unlawful To Remove Contents From Commercially Manufactured Fireworks Or Aerial Fireworks And To Make Homemade Fireworks Or Aerial Fireworks.

It shall be unlawful for any person to remove or extract the contents from any commercially manufactured fireworks or aerial fireworks and to use the same in making homemade fireworks or aerial fireworks. It shall be unlawful for any adult to permit any minor to remove or extract the contents from any commercially manufactured fireworks or aerial fireworks and to use the same in making homemade fireworks or aerial fireworks. (Sec. 13-10.9, R.O. 1978; Am. Ord. 81-84, 82-21)

Sec. 13-10.12. Prohibitions Relating To Minors Below Age 18 Years.

(a) It shall be unlawful for any person to offer for sale, sell or give any fireworks or aerial fireworks to minors below the age of 18 years, and for any minor below said age to possess, purchase or fire any fireworks or aerial fireworks.

(b) The parents, guardians and other persons having the custody and control of any minor under the age of 18 years, who knowingly permit such minor to possess, purchase or fire any fireworks or aerial fireworks shall be deemed to be in violation of the article and shall be subject to penalty. (Sec. 13-10.10, R.O. 1978; Am. Ord. 81-84, 82-21)

Sec. 13-10.13. Penalty.

Any person violating any provision of this article shall upon conviction be punished by a fine not exceeding \$500 or imprisonment not exceeding 30 days, or by both; and if the person so convicted is a person licensed to sell fireworks or aerial fireworks, the court may, in addition to the foregoing penalties, revoke or suspend such license. No license shall be issued to any person whose license has been so revoked until the expiration of one year after such revocation. (Sec. 13-10.13, R.O. 1978; Am. Ord. 81-84, 82-21)

Sec. 13-10.14. Regulations.

The provisions of this article shall be administered by the Fire Chief. Pursuant to Chapter 91, HRS, the Fire Chief shall promulgate such regulations as he deems necessary to accomplish the foregoing. (Am. Ord. 82-21)

Article 13. Sound Vehicles.

(REPEALED by Ord. No. 79-74. See Traffic Code of the City and County of Honolulu 1976, Sec. 15-19.43)

Article 14. Rules And Regulations Relative To The Use Of Public Parks, Playgrounds, Beaches And Other Public Areas.**Sec. 13-14.2. Park Rules And Regulations.**

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

(13) Enter or remain in any public park enclosed by a fence, wall or similar structure during the night hours that the park is closed, provided that signs are posted at the entrance(s) thereto indicating the hours that the park is closed.

(14) Camp at any park not designated as a campground.

(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:

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

(8) Engage in or conduct any activity which creates any sound, noise or music exceeding 80 dBA sound pressure level taken at a point ten feet in front of the source for a cumulative time period of at least five minutes when measured with a calibrated American National Standard Institute (ANSI) Type I or Type II sound level meter with weighting set at "A" and response set at "slow" except any activity which is sponsored [either]* by the City or the Department of Parks and Recreation or authorized by permit issued by the City.

(g) Within the limits of any public park, it shall be unlawful for any person, where signs are posted prohibiting or restricting such activities, to operate, park or stand a motor vehicle in violation of such prohibitions or restrictions. Such signs may impose any prohibition or restriction upon the operation, parking or standing of motor vehicles which the Director of Parks and Recreation shall determine will maximize the enjoyment and use of any

*Revision note: Bracketed word which was inadvertently omitted from Ordinance No. 82-28 added.

park by park users. Such restrictions may include the installation of parking meters in regional parks.

(1) **Parking Meter Charges.** Meters at the Honolulu Zoo parking lot shall have a four-hour time limit at the rate of twenty-five cents per hour. (Sec. 13-14.2, R.O. 1978; Am. Ord. 80-36, 80-90, 80-103, 81-78, 82-28)

Sec. 13-14.3. 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:

(4) **Recreational activities, including nonprofit fund raising activities, sponsored by community organizations, associations, groups or individuals;**

(6) **Nonrecreational, public service activities, meetings and gatherings held by organizations, communities, or groups;**

(7) **Right of entry into parks for installation of utilities or construction work;**

(8) **The playing of musical instruments which falls within the standards described in subparagraphs (A), (B) and (C) hereof:**

(A) **Musical instruments which are limited to two octaves or less when played at a moderate level, including but not limited to the following musical instruments such as (1) percussion instruments in which a human hand or drumsticks are used to create sounds therefrom, (2) tuba, (3) tympani, (4) tambourine, (5) castanets, (6) maracas, or (7) uliuli; and**

(B) **Musical instruments which do not exceed the standard established in Section 13-14.2 (b) (8) hereof when played at a moderate level; and**

(C) **Musical instruments which musicologists can attest are noisy and irritating when used or played continuously without a regular break, or played for more than six hours within a day as solo instruments, or with two or more of the same instruments, or two or more instruments which are limited to two octaves or less.**

The use or the playing of a musical instrument which requires a permit as provided hereunder shall be subject to the following restrictions, in addition to any other conditions imposed by the rules and regulations promulgated by the Director:

(A) **Place.** The playing of such instruments shall be restricted to the facility especially constructed for such purpose, such as the bandstand at Kapiolani Park or in the absence of such specialty structure, or when there is a conflict in schedules for the use of the specialty structure, or in the absence of such specialty structure, then other areas within the park may be permitted and such areas shall be clearly designated in the permit; and

(B) Time. Only between the hours commencing as of 9:00 a.m. to 5:00 p.m. daily; and

(C) Required Breaks In Play Period. During the hours mentioned in paragraph (B) hereof, for every half-hour of playing period, there shall be a fifteen minute break or for every one hour of playing period, there shall be a half-hour break; provided, that at no time shall there be any continuous playing exceeding an hour.

No permit will be required for the use of any musical instruments which are: (A) subject to Section 13-14.3(a)(8) if they are used or played in any activity which is sponsored either by the City or the Department of Parks and Recreation; or (B) such musical instruments are a part of a marching band which is participating in a parade authorized by the City; or (C) such musical instruments which are not limited to two octaves and are generally used to provide the basic rhythm when singing, including but limited to any string instrument without electronic amplifiers.

(9) Hang gliding;

(10) Commercial activities designed for profit, which include but are not limited to the exchange or buying and selling of commodities, or the providing of services relating to or connected with trade, traffic or commerce in general. Provided, that the use of land for utilities shall not be considered a commercial activity; and further provided, that the proposed commercial activities are consistent with the use of the park under consideration, subject to reasonable limitations on the size of the groups, and the time and area within which the event is permitted.

(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:

(4) Promote the health, safety and welfare of the users of said areas and facilities;

(5) Establish procedures for obtaining permits and revocation therefor; or

(6) Recommend to Council fee schedules, based upon the cost of administration for each activity authorized under Section 13-14.3 (10), ROH. (Sec. 13-14.3, R.O. 1978; Am. Ord. 80-103, 81-67, 82-28)

Sec. 13-14.5. Public Beaches.

(a) No person shall operate, park, or store or otherwise exert control over any unauthorized motor vehicle on any public beach with the exception of areas specifically designed to accommodate motor vehicles such as paved roads for boat launchings.

(b) For purposes of this section, the following definitions shall apply:

(1) The term "motor vehicle" shall include automobiles, trucks, dune buggies, motorcycles, mopeds, motor scooters, or any other vehicles which are mechanically propelled.

(2) The term "unauthorized motor vehicle" shall include all motor vehicles except vehicles of the United States Government, the State of Hawaii, the City and County of Honolulu, or contractors thereof, engaged in the care or maintenance of the beach area; any vehicles

operated by Water Safety Officers and other emergency and law enforcement vehicles, while carrying out their duties; and any vehicle with a valid permit issued by the Department of Parks and Recreation for the purposes specified upon said permit.

(3) The term "public beach" shall include all beach areas owned or controlled by City, State of Hawaii or United States of America seaward of the highest wash of the waves as evidenced by the line of vegetation. (Am. Ord. 81-40)

Sec. 13-14.6. Penalty.

(a) Procedure on Arrest.

Any authorized 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.

(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 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.

(c) If the alleged violator refuses to provide the officer with his name and address and any proof thereof as may be reasonably available to the alleged violator, as provided in Chapter 1, Article 3, R.O. 1978, Sections 1-3.1 and 1-3.2, the officer may make physical arrest as may be authorized by law.

(d) 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 hereof.

(e) 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 or by imprisonment in the Honolulu Jail for not more than 30 days, or by both such fine and imprisonment. (Sec. 13-14.5, R.O. 1978; Am. Ord. 79-66, 81-40)

Article 20. Swimming Pools.

Sec. 13-20.5. Exception.

The provisions of this article shall not apply to any public swimming pool as defined in Chapter I-B-Public Swimming Pools of the rules and regulations of the Department of Health of the State of Hawaii. (Sec. 13-20.5, R.O. 1978; Am. Ord. 80-86)

Article 28. Motor Vehicles Drivers' Licenses.

Sec. 13-28.1. Definitions.

As used in this article, unless the context otherwise requires:

(1) "Act 214" means Act 214 of the Session Laws of Hawaii, Regular Session 1967.

(2) "Part VI" means Part VI of Act 214 of the Session Laws of Hawaii, Regular Session 1967.

(3) "Driver's license" means a license authorizing a person to operate the category of motor vehicles specified in Section 286-102, HRS.

(4) "Reissuance of a driver's license" means the first license issued pursuant to Act 214 to a person who holds, as of the effective date of Act 214, a driver's license issued pursuant to Part VI of Chapter 286, HRS, as amended.

(5) "Original license" means the first driver's license, other than a reissuance of a driver's license, issued to a person pursuant to Act 214.

(6) "Renewal" means any driver's license issued to the same person subsequent to an original license or to the same person subsequent to the reissuance of a driver's license.

(7) "Instruction permit" means the permit referred to in Section 286-110, HRS.

(8) "Four-year license" means an original driver's license or renewal thereof, which upon issuance is effective for a period of four years, unless sooner revoked or suspended.

(9) "Two-year license" means an original driver's license or renewal thereof, which upon issuance is effective for a period of two years, unless sooner revoked or suspended.

(10) "Duplicate" means an instruction permit or driver's license issued to replace one that is lost, destroyed or illegible. (Sec. 13-28.1, R.O. 1978; Am. Ord. 80-38)

Sec. 13-28.2. License And Permit Fees.

(a) Driver's license fees. The issuance, reissuance or renewal of a driver's license shall be subject to the payment of a fee by the licensee in accordance with the following schedule:

(1) Reissuance of four-year driver's license: Eight Dollars and Fifty Cents.

(2) Original four-year driver's license: Eight Dollars and Fifty Cents.

(3) Renewal of four-year driver's license: Eight Dollars and Fifty Cents.

(4) Reissuance of two-year driver's license: Five Dollars and Fifty Cents.

(5) Original two-year driver's license: Five Dollars and Fifty Cents.

(6) Renewal of two-year driver's license: Five Dollars and Fifty Cents.

(b) The issuance of an instruction permit or any renewal thereof shall be subject to the payment of a fee of Three Dollars.

(c) The issuance of a duplicate permit or license shall be subject to the payment of a fee of Three Dollars. (Sec. 13-28.2, R.O. 1978; Am. Ord. 80-38)

Article 29. Disposal Of Weeds, Garbage, Trash And Waste From Property.

Sec. 13-29.2. Definitions.

(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 streets or privately owned streets 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. (Sec. 13-29.2, R.O. 1978; Am. Ord. 82-4)

Article 33. Dog License.

Sec. 13-33.1. License Fee For Dogs.

The biennial license fee for dogs over four months through seven months of age and for neutered dogs eight months of age and over with veterinary certificate shall be four dollars; fifteen dollars for unneutered dogs eight months of age or over. Upon receipt of the license fee the Director of Finance shall issue a metal tag of such form and design he may designate with a serial number and the year for which it is issued inscribed thereon, charging therefor the sum of twenty-five cents, which tag shall be attached to a collar of the dog for* which the license has been issued.

If the license fee is not paid when due, a penalty of ten percent thereof shall be added to and become part** of the fee.

The full amount of the fee shall be paid for any fraction of any year for which a license is issued. (Sec. 13-33.1, R. O. 1978; Am. Ord. 81-73)

*Revision note: Clerical error corrected. Word "for" added.

**Revision note: Clerical error corrected. Word "part" added.

Article 36. Protective Regulations For Exceptional Trees.

Sec. 13-36.1. Declaration Of Legislative Intent.

The Council of the City and County of Honolulu desires to provide for better environmental control in order to improve the quality of life of its citizens by enacting protective regulations to safeguard exceptional trees within the City and County of Honolulu. The Council finds that not only are trees of value for their beauty, but that they perform an important ecological function in that they prevent soil erosion, purify the air, as well as retard flooding. The Council also finds that inasmuch as trees contribute to the beauty of the island, they are an important element in achieving the objectives of the New General Plan "to protect and preserve the natural environment of Oahu" and "to maintain the viability of Oahu's resort industry."

While the Council recognizes the limitations inherent in the enforcement of this article on Federal and State property, exceptional trees located on such property are included herein, as a statement of this Council's firm resolve to protect those unique assets to our environment, wherever they might be located on Oahu. Further, it is hoped that this statement of resolve will encourage these Federal and State officials entrusted with the care of designated exceptional trees, to take appropriate steps for their protection.

In the belief that protective regulations to safeguard exceptional trees will promote the health, safety and general welfare of the citizens of the City and County of Honolulu, the City Council enacts this article as a means of preserving the environmental character of the City and County within the provisions of Act 105, Session Laws of Hawaii, 1975. The terms of this article shall be liberally construed to effectuate the purpose stated herein. (Sec. 13-36.1, R. O. 1978; Am. Ord. 81-32)

Sec. 13-36.7. Register Of Exceptional Trees.

(66) *Agathis robusta*, Australian Kauri, Queensland Kauri (Judiciary Building Ewa Courtyard, TMK: 2-1-25: 3).

(96) *Hibiscus tiliaceus*, Hau Tree (Hawaiian), (Halekulani Hotel, sea side of the dining room, TMK: 2-6-04: 8).

(97) *Pseudobombax ellipticum*, Pink Bombax (Queens Medical Center, Front lawn, TMK: 2-1-35: 3).

(98) *Canarium vulgare*, Pili Nut Tree (two trees) (Washington Place, TMK: 2-1-18: 1).

(99) *Kigelia pinnata*, Sausage Tree (Coast Guard Station on Kalaniana'ole Highway, Aina Haina, TMK: 3-5-46: 13).

(100) *Santalum freycinetianum*; Sandalwood Tree (behind Tripler Hospital, TMK: 1-1-12: 15).

(101) *Samanea saman*, Monkeypod Tree (Lanikai, TMK: 4-3-06: 102).

(102) *Ficus benghalensis*; Indian Banyan (Kuhio Beach Park, TMK: 2-6-01: 4). (Sec. 13-36.7, R. O. 1978; Am. Ord. 81-32)

Sec. 13-36.8. Regulations.

(a) Tree removal or destruction:

It shall be unlawful for any person, corporation, public agency or other

entity to remove or otherwise destroy any tree in the City and County of Honolulu which has been designated "exceptional" without approval from the City Council.

(b) Tree maintenance:

(1) It shall be unlawful for any person, corporation, public agency or other entity to alter the characteristic shape of any "exceptional" tree or remove any branch without first obtaining a permit issued by the Department of Parks and Recreation.

(2) The Department of Parks and Recreation shall have the necessary powers to make rules and regulations, pursuant to Chapter 91 of the Hawaii Revised Statutes, to establish the criteria, standards, and conditions under which a permit may be issued. (Sec. 13-36.8, R. O. 1978; Am. Ord. 81-32)

Sec. 13-36.9. Violation, Penalty And Injunctive Enforcement.

(a) Any person who violates Section 13-36.8 shall be subject to a fine of not more than \$1,000.

(b) In addition, any threatened violation of the provisions of this article, or of any rule or regulation promulgated pursuant to Section 13-36.8(b), is declared to be a public nuisance [and the Corporation Counsel shall institute]* such proceedings for injunctive or other civil relief as may be necessary to carry out the intent of this article. (Sec. 13-36.9, R. O. 1978; Am. Ord. 81-32)

Article 37. Vehicular Advertising.

Sec. 13-37.1. Definitions.

The term "consideration" shall mean any of the three or any combination thereof:

- (1) any money; or
- (2) thing of value; or
- (3) economic benefit conferred on or received by any person in return for advertising services rendered or to be rendered.

The term "vehicle" shall mean every device in, upon, or by which any person or property, which would include signs, is or may be transported or drawn upon a roadway or highway. This definition shall include a vehicle, whether it is propelled by motor or moved by human power.

The term "pole trailer" shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as pipes, poles, or structural members capable, generally of sustaining themselves as beams between the supporting connections.

The term "semi-trailer" shall mean every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property

*The bracketed material was inadvertently deleted upon passage of Ordinance No. 81-32.

and for being drawn by a vehicle whether propelled by motor or human power and so constructed that some part of its weight including that of its load rests upon or is carried by another vehicle.

The term "trailer" shall mean every vehicle with or without motive power, other than a pole trailer, drawn by a vehicle whether propelled by motor or human power and designed to carry persons or property, and so constructed that no appreciable part of its weight rests upon the towing vehicle.

The term "person" shall mean as defined in Section 1-4.1(9) hereof.

The term "business identification sign" shall mean any sign, graphics, or lettering upon a vehicle, relating to the company name, trade insignia, trade marks, products distributed, manufactured or sold or services performed by the business enterprise owning or leasing the vehicle. Vehicular business identification sign shall not include any poster, banner, light, model, or any other device separately attached to the vehicle. (Am. Ord. 79-23)

Sec. 13-37.2. Vehicular Advertising Prohibited.

No person shall use a vehicle and/or trailer as defined herein, whether it is in operable or non-operable condition, to display in any manner whatsoever, on any highway, street, or private property, any advertising device for consideration as defined herein, including, but not limiting the generality of the foregoing to any poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol and any other form of advertising sign or device. (Am. Ord. 79-23)

Sec. 13-37.3. Business Identification Permitted.

(a) Nothing in this article shall prohibit the identification of a business enterprise, as defined in Section 13-37.1, upon a vehicle and/or trailer, provided however:

(1) The vehicle is registered in the name of the business entity; and provided that such identification will not constitute a hazard to motorists or will impair the operation of the vehicle.

(2) The vehicle and/or trailer is primarily used for the purpose of and in the ordinary conduct of the business of the owner or lessee of the vehicle. The vehicle and/or trailer, however, cannot be used only for the purpose of advertising. Any subterfuge of the owner or lessee of the vehicle or trailer to promote the sale of its product, material, supplies or services by siting its vehicle and/or trailer in a strategic location on any highway, street or private property calculated to attract the attention of motorists and/or pedestrians to its advertisement in circumvention of State and County billboard advertising or sign laws shall not be permitted under this section. (Am. Ord. 79-23)

Sec. 13-37.4. Penalty.

(a) Summons or Citation.

(1) There shall be provided for use by 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 dispositions 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.

(b) Penalty.

Any person who violates any provision of this article shall, upon conviction, be punished by a fine not less than \$25 nor more than \$500, or by imprisonment not exceeding three months, or by both.

Every day any violation of this article shall continue shall constitute a separate offense. (Am. Ord. 79-23)

Article 38. Regulations Governing Public Shows.

Sec. 13-38.1. Definitions.

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

(1) "Public show" shall mean any exhibition, show or performance produced, presented, staged, shown, displayed, exhibited or performed to which an admission fee is charged or for which a fee is collected in any permanent or temporary structure designed to accommodate more than one person to observe, view, watch or witness such public shows and which is subject to licensing under HRS Sections 445-161 to -164. A permanent structure shall include but is not limited to auditoriums, theaters, concert halls, arenas, convention halls, meeting rooms and restaurants with stages, while a temporary structure shall include but is not limited to tents consisting of canvas or plastic materials. Exempted hereunder are public shows which are subject to the control and supervision of any board, commission, department or agency of the State or the City and any of the aforementioned permanent or temporary structures owned and controlled by the State or City.

(2) "Owner" or "licensee" (the latter term will apply when a license is issued) shall mean an individual, partnership, corporation, association or any other business or commercial entity whether or not established for profit, who or which owns, leases or rents any permanent or temporary structure as defined hereinabove which is used to accommodate more than one person to observe, view, watch or witness public shows; or any exhibitor, promoter or producer of a public show provided that an exhibitor, promoter or producer shall not be deemed an owner if the owner, lessee or tenant of the permanent or temporary structure for public shows has a license therefor. (Am. Ord. 79-26)

Sec. 13-38.2. License Required; Applications Therefor.

(a) License required. No owner of a permanent or temporary structure designed to accommodate more than one person to observe, view, watch or witness a public show shall utilize same for public shows without first obtaining a license therefor as provided in HRS Sections 445-161 to -165.

(b) Application for license. Any owner seeking an original license or a renewal shall file a written application with the Director of Finance which shall contain such information and shall be in such form as the Director of Finance may prescribe.

(c) Verification. All applicants shall certify on the application that the statements, information and data contained in the application in support of the application are true and correct.

(d) Term and fee for license. The term and fee for such license shall be as prescribed in HRS Sections 445-161 and -162, respectively. (Am. Ord. 79-26)

Sec. 13-38.3. Conditions Of Licenses.

Every license issued hereunder shall be subject to the following conditions:

(1) License nontransferable; close out of business. No license issued hereunder shall be transferable or assignable. If a licensee voluntarily or involuntarily terminates the business for whatever reason or reasons during the term for which the license was issued, he shall, within five days from the date of such termination, give the Director of Finance written notice thereof and surrender his license for cancellation.

(2) Posting. Any license issued hereunder shall be posted in a conspicuous place on the licensed premises where any person may examine same.

(3) Obscene, indecent or immoral public show prohibited; applicable standard. No licensee shall present or permit the presentation of an obscene, indecent or immoral public show on or within the licensed premises. To determine whether or not a public show is obscene, indecent or immoral, the following standard which was established by the United States Supreme Court in **Miller v. California**,¹ shall be applied:

(A) Whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest;

(B) Whether the work depicts or describes, in a patently offensive way, sexual conduct such as:

(i) Representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Representations or descriptions of masturbation, excretory functions, and lewd exhibitions of the genitals; and

(C) Whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value. (Am. Ord. 79-26)

¹413 U.S. 15 (1973).

Sec. 13-38.4. Rejection Of Application, Or Suspension Or Revocation Of License.

(a) Authorization. The Director of Finance is hereby authorized to reject any application for an original license or renewal or suspend or revoke any license based on the grounds set forth herein.

(b) Grounds for rejection of application for an original license or renewal:

(1) The applicant has failed to fill out an application as prescribed.

(2) There was deliberate falsification or misrepresentation in the application for license or renewal.

(c) Grounds for suspension or revocation of license:

(1) The licensee has presented or permitted the presentation of an obscene, indecent or immoral public show on the licensed premises based on the standards prescribed hereinbefore.

(2) During the term of the existing license, the licensee or his employee(s) has been convicted of promoting pornography on the licensed premises in violation of HRS Sections 712-1214 and -1215; or

(3) The licensee has violated any of the provisions of this article, HRS Sections 445-161 to -165, or any rules and regulations promulgated by the Director of Finance as authorized herein.

(d) Period of revocation. No owner whose license is revoked shall be eligible to apply for a new license until the expiration of a twelve-month period commencing from the effective date of revocation. (Am. Ord. 79-26)

Sec. 13-38.5. Promulgation Of Rules And Regulations.

The Director of Finance is authorized to promulgate such additional rules and regulations as prescribed in HRS Chapter 91 as he may deem necessary to implement or administer the provisions of this article and HRS Sections 445-161 to -165. (Am. Ord. 79-26)

Sec. 13-38.6. Notice; Appeal; Hearings Board.

(a) Notice and hearing. In every case where it is proposed to refuse to issue a license or to suspend or revoke a license, the Director of Finance shall give the party concerned notice and hearing in conformity with HRS Chapter 91.

(1) The Director of Finance shall notify in writing the applicant or licensee of any adverse decision based on the provisions of this article, together with the reasons therefor. The notice shall also include a statement that the applicant or licensee may appeal the decision of the Director of Finance and provide space on the notice so that the applicant or licensee may indicate that he desires to exercise the appeal and request a hearing. Such notice may be personally served upon the applicant or licensee or sent by certified mail, return receipt requested;

(2) The written notice of the Director of Finance shall contain specific reasons for its adverse decision; provided such notice shall not act as a stay upon the continued showing of the particular show until the appeal panel has made its decision, pursuant to subsection (b) herein-

below. It shall also contain a statement that the applicant or licensee has the right to appeal an adverse decision of the Director of Finance within ten working days as stated herein; and

(3) Upon receipt of such notice of appeal and request for hearing, the Director of Finance shall forthwith request the Mayor to appoint a hearings panel so that the appeal can be heard.

(b) Hearings panel.

(1) The Mayor is hereby authorized to appoint three officers of the executive branch, excluding the Prosecutor and Corporation Counsel and their subordinates, who shall be members of the hearings panel so an appeal can be heard;

(2) The hearings panel shall conduct such hearing as prescribed in HRS Chapter 91;

(3) The hearings panel is authorized to establish procedures for its hearings and promulgate rules and regulations therefor, as prescribed in HRS Chapter 91;

(4) Whenever its decisions are adverse to the applicant or licensee, the panel shall issue written findings of fact, conclusions of law, decision and order; and

(5) If the decision of the panel is to suspend or revoke any license, it shall orally order the licensee to cease and desist forthwith any public show for which the license herein had been issued unless otherwise ordered by a court of competent jurisdiction.

(c) Judicial review. Any owner or licensee aggrieved by the decision and order of the hearings panel may seek judicial review of such decision and order in any court of competent jurisdiction as provided in HRS Section 91-14. (Am. Ord. 79-26, 79-97)

Sec. 13-38.7. Penalty.

Any person, owner or licensee violating any of the provisions of this article shall be subject to the penalties prescribed in HRS Section 445-165, and upon such conviction, the court is authorized to declare that any license issued by the Director of Finance is either suspended or revoked. (Am. Ord. 79-26)

Sec. 13-38.8. Injunction Upon Violation Of Laws And Ordinances.

Notwithstanding any law to the contrary, the Prosecuting Attorney, in addition to or while in the course of, or having instituted prosecution against a person, owner or licensee hereunder, may seek injunctive relief, pursuant to HRS Section 603-23, to enjoin or prohibit any act or practice in violation of this article, HRS Sections 445-161 to -165 or any rules and regulations promulgated by the Director of Finance as authorized herein. (Am. Ord. 79-26)

CHAPTER 14.

TAXES AND OTHER RELATED COSTS OR FEES.

Article 1. Motor Vehicle Weight Tax.

Sec. 14-1.1. Vehicle Weight Tax.

The rate and the minimum tax at which all vehicles and motor vehicles shall be taxed as provided by Hawaii Revised Statutes, Section 249-2, as amended, shall be as follows:

(3) Trucks or commercial vehicles. The rate for trucks, commercial vehicles and other vehicles designed for carrying property or for purposes other than the carrying of passengers shall be one and one-half cents per pound of the net weight of such vehicles. This category shall include, but is not limited to, trucks, truck tractors and road tractors, trailers and semi-trailers; provided that trucks and noncommercial vehicles that qualify under subparagraph (2) above are exempted* from this category. (Sec. 14-1.1, R.O. 1978; Am. Ord. 82-33)

Sec. 14-1.2. Delinquent Penalties.

Any vehicle weight tax imposed by this article for any year and not paid when due, shall become delinquent and a penalty of twenty per cent of the vehicle weight tax assessed shall be added to, and become part of, the tax collected. (Am. Ord. 82-33)

Article 2. Fees For Motor Vehicle Registration.

Sec. 14-2.1. Fee For Registration Of Motor Vehicle.

The fee for the registration of a motor vehicle shall be as follows:

(1) Fees for the 1980 registration of a motor vehicle involving the issuance of a number plate and/or tag or emblem shall be:

- (A) Number Plate \$3.50
- (B) Tag or Emblem25

(2) Fees for the 1981 registration of a motor vehicle involving the issuance of a number plate and/or tag or emblem shall be:

- (A) Number Plate \$4.50
- (B) Tag or Emblem50

(3) Fees for the registration of a motor vehicle involving the issuance of number plates and/or tags or emblems applicable to 1982 and subsequent years shall be:

- (A) Number Plate \$5.00
- (B) Tag or Emblem50

(4) For a registration involving a reassignment of number plates, pursuant to a request therefor, from a motor vehicle registered in the State and owned by the owner to another motor vehicle subsequently acquired by him, Five Dollars. (Sec. 14-2.1, R.O. 1978; Am. Ord. 80-39)

*Revision note: Clerical error corrected. Changed "exempt" to "exempted."

Sec. 14-2.2. (Repealed) (Am. Ord. 80-39)

Sec. 14-2.4. Fees For The Issuance Of A New Series Of Number Plates Or Replacement Of Lost Or Mutilated Number Plates, Tags, Or Emblems.

The fees for the issuance of a new series of number plates, tags, or emblems shall be the same as the fees charged in Section 14-2.1 above. (Sec. 14-2.4, R.O. 1978; Am. Ord. 80-39)

Sec. 14-2.5. (Repealed) (Am. Ord. 80-39; 81-21)

Sec. 14-2.6. Fee For Dealer Correction.

The fee for each instance of correction of the registration records shall be Three Dollars. (Am. Ord. 81-89)

Sec. 14-2.7. Fee For Transfer Of Ownership.

The fee charged to issue a new certificate of ownership shall be Three Dollars. (Am. Ord. 81-89)

Sec. 14-2.8. Fee For Duplicate Certificates.

The fee for duplicate certificate of registration or certificate of ownership shall be Three Dollars. (Am. Ord. 81-89)

CHAPTER 16.

BUILDING CODE.

Article 1. Adoption Of The Uniform Building Code.

Sec. 16-1.1. The Uniform Building Code.

The "Uniform Building Code, 1979 Edition" as copyrighted and published in 1979 by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, is by reference incorporated herein and made a part hereof, subject to the following amendments.

(1) Amending Section 103.

Section 103 is amended as follows:

(A) By amending the first paragraph to read:

"Sec. 103. The provisions of this Code shall apply to the construction, alteration, moving, demolition, repair, and use of any building or structure within the city inland of the shoreline highwater line, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this Code, and hydraulic flood control structures."

(B) 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. See Section 1210 for provisions requiring installation of smoke detectors in existing Group R, Division 3 Occupancies."

(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 an 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, registered mail or certified mail upon the owner of record, 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) Action Upon Noncompliance. 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 Building Official may order the owner of the building prosecuted as a violator of the provisions of this Code.

“(e) 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, consisting of nine members who shall be qualified by experience and training to pass upon matters pertaining to building construction and fire safety 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. Three members shall be qualified by experience or training to pass upon matters pertaining to fire safety. The members of the Board shall serve for a term of five years and until their successors have been appointed and qualified. 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) Board Action. All Board action requires an affirmative vote of five or more Board members.

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

“1. 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, Plumbing Code, Section 18-5.4 (Fees and Permits), or Section 25-9.2 (Housing Code), including, but not limited to, matters involving any denial of the use of new or alternate materials, types of construction, equipment, devices or appliances; and suspension or revocation of permits issued under Chapter 18, Fees and Permits.

“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 (A) that such new or alternate materials, types of construction, equipment, devices, or appliances meet the required standards established by the Codes being appealed from, (B) that permitting the use thereof will not jeopardize life, limb or property, (C) 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.

“2. Hear and determine appeals from the decision of the Fire Official in the administration of the City and County of Honolulu Fire Code, including the suspension or revocation of permits issued pursuant to the Fire Code; and any denial in the use of new or alternate materials, types of construction, equipment, devices or appliances.

“The criteria for the use of new or alternate materials, types of construction, equipment, devices or appliances shall be the same as for (1) above.

“3. Hear and determine petitions for varying the application of the Building Code, Electrical Code, Plumbing Code and Fire Code. A variance may be granted if the Board finds (A) that the strict application, operation or enforcement of the Code provision or provisions being appealed from would result in practical difficulty or unnecessary hardship to the applicant, (B) that safety to life, limb and property will not be jeopardized, and (C) 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 purposes 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.

"(d) 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.

"(e) 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) Amending Section 205.

Section 205 is amended to read:

"Sec. 205. Violations and Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code.

"Any person, firm, or corporation violating any of the provisions of this Code 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 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 \$1000 or by imprisonment for not more than one year, or by both such fine and imprisonment."

(6) 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;

"Ordinances of the City and County of Honolulu;

"Rules and Regulations of the Department of Land Utilization;

"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 Department of Labor and Industrial Relations, State of Hawaii;

"Fire Code of the City and County of Honolulu;

"Airport Zoning Regulations of the Director of Transportation, State of Hawaii;

"Provided, however, that for public buildings and facilities covered

by Section 103-50, HRS, the following provisions contained herein shall not apply:

"1. Section 1711 (b) and (c).

"2. Section 1712.

"3. Section 1713.

"4. Requirements under column heading 'Access by means of a Ramp or an Elevator must Be Provided for the Physically Handicapped as Indicated' in Table No. 33-A."

(7) Amending Section 301.

Section 301 is amended 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. 1978."

(8) Deleting Sections 302, 303 and 304.

Sections 302, 303 and 304 are deleted.

(9) Amending Section 305.

Section 305 is amended to read:

"Sec. 305. Lot Survey and Inspection. A survey of the lot may be required by the building official to verify compliance of the structure with approved plans. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection."

(10) Amending Section 306.

Section 306 is amended to read:

"Sec. 306. Special Inspections. (a) General. When the higher stresses of masonry construction in Table No. 24-H is used; when footings and foundations are to be constructed of wood; or when required by the Building Department, the owner or his agent shall employ a special inspector who shall be present at all times on special construction or work involving unusual hazards or requiring constant inspection.

"(b) Special Inspector. The special inspector shall be a qualified person approved by the Building Official. An engineer registered in the State of Hawaii and performing inspection in the branches of engineering in which he is registered shall be deemed to be a qualified person.

"The special inspector shall furnish continuous inspection on the construction and work requiring his employment. He shall keep a record of the special inspection made and report any Code violations in writing to the Building Official.

"(c) Approved Fabricators. Special inspections required by this Section and elsewhere in this Code shall not be required where the work is done on the premises of a fabricator approved by the Building Official to perform such work without special inspection. The certificate of approval shall be subject to revocation by the Building Official if it is found that any work done pursuant to the approval is in violation of this Code."

(11) Amending Section 403.

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

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

The seventh 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 eighth paragraph of Section 403 is amended to read:

“BUILDING, EXISTING, is a building for which a legal building permit has been issued, or one which complied with the Building Code in effect at the time the building was erected.”

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 representative.”

(12) 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.”

“A private garage which is 100 per cent open on one side and 25 per cent open on another side with the latter opening so located to provide adequate cross ventilation may be considered a carport when approved by the Building Official.”

The following paragraphs are added after the definition of “CHIEF OF THE FIRE DEPARTMENT:”

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

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

(13) 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.”

The following paragraph is added before the definition of “FIRE CODE” to read:

“FIRE CHIEF and FIRE OFFICIAL may be used synonymously and shall mean the Chief of the Fire Department of this City or his regularly authorized representative.”

The definition of Fire Code is amended to read:

“FIRE CODE is the FIRE CODE of the City and County of Honolulu.”

(14) 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.”

(15) Amending Section 420.

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

“STATE shall mean the State of Hawaii.”

(16) 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 the Comprehensive Zoning Code.”

(17) 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 joint development under the Comprehensive Zoning Code and boundary lines established for condominium ownership purpose only shall not be considered as property lines for the purpose of this Section.”

(18) Amending Section 510.

Section 510 is amended 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. Projections below the ceiling may be permitted provided the clearance is not less than 6 feet 6 inches.”

(19) Amending Table No. 5-A.

Table No. 5-A is amended as follows:

(a) In Group A-3 Occupancy under the column Exterior Walls, fire resistance of exterior walls is amended to read: “2 hours less than 5 feet, 1 hour less than 20 feet”³ and a footnote is added to read:

³“Groups A-3 and B-2 Occupancies not located on lots zoned as business districts: planned development-shopping centers; and those

precincts within Special Design Districts or Historic, Cultural and Scenic Districts which allow commercial uses may have unprotected exterior walls if located 10 feet or more from the property line.”

(b) In Group B-2 Occupancy under the column Exterior Walls, a superscript “3” is added after the word “feet.”

(c) The descriptions for Group M Occupancies are amended to read:

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

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

“3. Agricultural buildings and structures more than 1,000 square feet in area, including buildings for storage, livestock and poultry; milking barns; shade and horticultural structures.”

(d) Footnote “2” is amended to read:

“²For agricultural buildings see also Section 1108.”

(20) Amending Table No. 5-B.

Table No. 5-B is amended by amending footnote “2” to read:

“²For agricultural buildings, see also Section 1108.”

(21) Amending Table No. 5-C

Table No. 5-C is amended by amending footnote “4” to read:

“⁴For agricultural buildings, see also Section 1108.”

(22) Amending Table No. 5-D.

Table No. 5-D is amended by amending footnote “4” to read:

“⁴For agricultural buildings, see also Section 1108.”

(23) Amending Section 605.

The first paragraph of Section 605 is amended to read:

“Sec. 605. All enclosed portions of Group A, Occupancies customarily used by human beings and all dressing rooms shall be provided with natural light by means of exterior glazed openings with an area not less than one-tenth of the total floor area, and natural ventilation by means of openable exterior openings with an area of not less than one-twentieth of the total floor area or shall be provided with artificial light and mechanically operated ventilating system. The mechanically operated ventilating system shall comply with requirements of the ‘Public Health Regulations, Department of Health, State of Hawaii’.”

The fourth paragraph of Section 605 is amended to read:

“Toilet facilities shall be provided as specified in the ‘Public Health Regulations, Department of Health, State of Hawaii’.”

(24) Amending Section 702 (a).

Section 702 (a) is amended by amending the second paragraph to read:

“Other provisions of this Code notwithstanding, a parking garage (Group B, Division 1 or Division 3 Occupancy) located in the basement or first story of a building housing a Group B, Division 2 or a Group R, Division 1 Occupancy may be classed as a separate and distinct building for the purpose of area limitation, limitation of number of stories and type of construction, when all of the following conditions are met:

“1. The Group B, Division 1 or Division 3 Occupancy is of Type 1 construction.

“2. There is a Three-hour Occupancy Separation between the Group B, Division 1 or Division 3 Occupancy and all portions of the Group B, Division 2 or Group R, Division 1 Occupancy.

"3. The basement or first story is restricted to the storage of passenger vehicles (having a capacity of not more than nine persons per vehicle), but may contain laundry rooms and mechanical equipment rooms incidental to the operation of the building.

"4. The maximum building height in feet shall not exceed the limits set forth in Table No. 5-D for the least type of construction involved."

(25) Amending Section 705.

Section 705 is amended to read:

"Sec. 705. Light, Ventilation and Sanitation. All buildings 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'.

"For other requirements on water closets, see Section 1711."

(26) Amending Section 709 (b).

Section 709 (b) is amended by amending the exception after the first paragraph to read:

"EXCEPTIONS: 1. The grade level tier may contain an office, waiting and toilet rooms having a total area of not more than 1,000 square feet and such area need not be separated from the open parking garage.

"2. In buildings housing Groups A-2, -2.1, -3 and -4; B; and R-1 Occupancies, open parking garages are permitted when all of the following conditions are met:

"a. The garage portion of the building is of Type I construction.

"b. There is a Three-hour Occupancy Separation between the open parking garage and all portions of Group A-2, -2.1, -3 and -4; Group B; or Group R-1 Occupancy."

(27) Amending Section 709 (d).

Section 709 (d) is amended by adding an exception after the third paragraph to read:

"EXCEPTION: Projections below the ceiling may be permitted provided the clearance is not less than 6 feet 6 inches."

(28) Amending Section 709 (k).

Section 709 (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'."

(29) Amending Section 802 (c).

Section 802 (c) is amended by adding an exception to the first paragraph to read:

"EXCEPTION: In a building of Type I, II-F.R., III-One-Hour, IV-Heavy Timber, II-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."

(30) Amending Section 802 (d).

Section 802 (d) is amended by adding an exception after the first paragraph to read:

“EXCEPTION: Laboratories, woodworking and metalworking shops, machine shops, paint shops, rooms for storage of flammable materials and similar areas where visual communication is required between such areas and classrooms.”

(31) Amending Section 805.

Section 805 is amended to read:

“Sec. 805. All portions of Group E 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.”

(32) Amending Section 809.

Section 809 is amended to read:

“Sec. 809. Fire Alarms. Fire alarm systems shall comply with the ‘Fire Code’ and be approved by the Fire Chief.”

(33) Amending Section 905.

Section 905 is amended to read:

“Sec. 905. Light, Ventilation and Sanitation. All buildings 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’.

“For other requirements on water closets, see Section 1711.”

(34) Amending Section 1009.

Section 1009 is amended to read:

“Sec. 1009. Fire Alarms. Fire alarm systems shall comply with the ‘Fire Code’ and be approved by the Fire Chief.”

(35) Amending Section 1101.

Section 1101 is amended to read:

“Sec. 1101. Group M Occupancies shall be:

“Division 1. Private garages, carports, sheds, agricultural buildings, greenhouses and lath houses used as accessories only when not over 1,000 square feet in area. See Division 3 for larger agricultural buildings.

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

“Division 3. Agricultural buildings and structures more than 1,000 square feet in area, including buildings for storage, livestock and poultry; milking barns; shade and horticultural structures.

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

“For occupant load see Section 3301.”

(36) Amending Section 1102 (a).

Section 1102 (a) is amended by adding an exception to the first paragraph to read:

“EXCEPTION: A carport constructed on a hillside may exceed one story in height provided the space below the carport floor is unused or used for Group M Occupancy only.”

(37) Section 1102 (b) is amended by adding a second paragraph to read:

"Building and structures of Group M, Division 1 Occupancies for horticultural use with covering of wire screen, cheesecloth or nonrigid plastic sheets are not required to conform to the requirements of Parts III, IV, V, VII, IX, X and XI of this Code."

(38) Adding exception to Section 1103.

An exception is added to Section 1103 to read:

"EXCEPTION: See Section 1106 for joint garages or joint carports constructed in conjunction with Group R-3 Occupancy."

(39) Amending Section 1104.

Section 1104 is amended by adding an exception to the second paragraph to read:

"EXCEPTION: Where a fire separation is not required, a one-story carport may have an opening into a room used for sleeping purposes provided such opening is not a required window."

(40) Amending Section 1105.

Section 1105 is amended by adding an exception to read:

"EXCEPTION: A carport on a hillside lot may have wood floor planking at least 2 inches in nominal thickness laid with at least ¼ inch spacing between the planks."

(41) Amending Section 1106.

Section 1106 is amended to read:

"Sec. 1106. Joint Garages or Joint Carports. Joint garages or joint carports may be erected in conjunction with any Group R-3 Occupancy over a common property line between two lots without any fire-resistive protection at the common property line 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. Where the distance between a portion of the joint garage or joint carport and the nearest building located on the same lot is less than 6 feet, a one-hour fire-resistive wall without opening shall be provided on one of the buildings;

"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."

(42) Adding Section 1107.

Section 1107 is added to read:

"Sec. 1107. 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, or the premises of jails, prisons, reformatories and other institutions where personal liberties of inmates are similarly restrained, or the premises of governmental institutions which are in-

involved in law enforcement or military activities where security against entry is an important factor, 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."

(43) Adding Section 1108.

Section 1108 is added to read:

"Sec. 1108. Agricultural Buildings. (a) Scope. The provisions of this Section shall apply exclusively to agricultural buildings. Such buildings shall be classified as a Group M, Division 3 Occupancy and shall include the following uses.

"1. Storage, livestock and poultry.

"2. Milking barns.

"3. Shade structures.

"4. Horticultural structures (greenhouses and crop protection).

"(b) Construction, Height and Allowable Area.

"1. General. Buildings classed as Group M, Division 3 Occupancy shall be of one of the types of construction specified in this Code and shall not exceed the area or height limits specified in Sections 505, 506 and 507 and Table No. 11-A.

"2. Special provisions. The area of a Group M, Division 3 Occupancy in a one-story building shall not be limited if the building is entirely surrounded and adjoined by public space, street, or yards not less than 60 feet in width, regardless of the type of construction.

"The area of a two-story Group M, Division 3 Occupancy shall not be limited if the building is entirely surrounded and adjoined by public space, streets or yards not less than 60 feet in width and is provided with an approved automatic fire-extinguishing system throughout, conforming to U.B.C. Standard No. 38-1.

"Buildings using plastics shall comply with Type V-N construction. Plastics shall be approved plastics regulated by Chapter 52. For foam plastic, see Section 1717.

"EXCEPTIONS: 1. When used as skylights or roofs, the areas of plastic skylights shall not be limited.

"2. Except where design must consider snow loads, plastic less than 20 mils thick may be used without regard to structural considerations. The structural frame of the building, however, shall comply.

"Buildings and structures for horticultural use in agricultural districts with covering of wire screen, cheesecloth or nonrigid plastic sheets are not required to conform to the requirements to Parts III, IV, V, VII, IX, X and XI of this Code.

"(c) Occupancy Separations. Occupancy separations shall be as specified in Section 503 and Table No. 11-B.

“(d) Exterior Walls and Openings. Except where Table No. 17-A requires greater protection, exterior walls of agricultural buildings shall be not less than one-hour fire-resistive construction when less than 20 feet from property line.

“Openings in exterior walls of agricultural buildings which are less than 20 feet from property lines shall be protected by fire assemblies having a fire-protection rating of not less than three-fourths-hour.

“EXCEPTION: One-story greenhouses and lath houses not exceeding 12,000 square feet in floor area located not less than 5 feet from interior property lines may be constructed without fire-resistive exterior walls.

“(e) Exit Facilities. Exit facilities shall be as specified in Chapter 33.

“EXCEPTIONS: 1. The maximum distance of travel from any point in the building to an exterior exit door, horizontal exit, exit passageway or an enclosed stairway shall not exceed 200 feet.

“2. One exit is required for each 15,000 square feet of floor area and fraction thereof.

“3. Exit openings shall be not less than 2 feet 6 inches by 6 feet 8 inches.

TABLE NO. 11-A—BASIC ALLOWABLE AREA FOR A GROUP M, DIVISION 3 OCCUPANCY, ONE STORY IN HEIGHT AND MAXIMUM HEIGHT OF SUCH OCCUPANCY

I	II		III & IV			V	
	F-R	1-Hour	N	1-Hour or Type IV	N	1-Hour	N
ALLOWABLE AREA¹							
Unlimited	60,000	27,000	18,000	27,100	18,000	21,100	12,000 ¹
MAXIMUM HEIGHT IN STORIES²							
Unlimited	12	4	2	4	2	3	2

¹See Section 1108, for unlimited area under certain conditions.

²For maximum height in feet, see Chapter 5 Table No. 5-D.

TABLE NO. 11-B—REQUIRED SEPARATIONS BETWEEN GROUP M, DIVISION 3 AND OTHER OCCUPANCIES

Occupancy	A	E	I	H	B-1	B-2	B-3	B-4	R-1	R-3	M
Rating	4	4	4	4	4	1	1	1	1	1	N

(44) Amending Section 1202 (b).

Section 1202 (b) is amended by amending the third paragraph to read:

“For Group R, Division 1 Occupancies with a Group B, Division 1 or Division 3 parking garage in the basement or first floor, see Section 702 (a).”

(45) Amending Section 1203.

Section 1203 is amended to read:

"Sec. 1203. For fire-resistive protection of exterior walls or openings, as determined by location on property, see Section 504 and Part IV.

"EXCEPTION: In residential, apartment and hotel districts and apartment and resort hotel precincts, openings in exterior walls of buildings of Type I, II-F.R., III or IV-H.T. construction and housing Group R-1 Occupancies 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 noncombustible material, but any glass used for windows and doors shall be wire glass of a minimum thickness of ¼-inch, except where the building is so designed to prevent the glass from falling below the story on which it is installed; provided that this exception shall not apply to opening protection of exterior exit balconies and as a waiver of the requirements of Section 3305 (1) of this Code, relating to stairways."

(46) Amending Section 1204.

Section 1204 is amended by adding an exception to the third paragraph to read:

"EXCEPTION: Glass jalousie bladed windows may be used for emergency exit or rescue."

(47) Amending Section 1205.

Section 1205 is amended to read:

"Sec. 1205. 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."

(48) Amending Section 1206.

Section 1206 is amended to read:

"Sec. 1206. Yards and Courts. Requirements for yards and courts shall be as specified in the Housing Code and the Comprehensive Zoning Code."

(49) Amending Section 1207.

Section 1207 is amended to read:

"Sec. 1207. Room Dimensions. Requirements for minimum ceiling heights, floor areas, and widths of rooms shall be as specified in the Housing Code."

(50) Amending Section 1208.

Section 1208 is amended to read:

"Sec. 1208. Efficiency dwelling units shall conform to the requirements of the Housing Code."

(51) Deleting Section 1211.

Section 1211 is deleted.

(52) Amending Section 1213.

Section 1213 is amended to read:

"Sec. 1213. Access to Buildings and Facilities.

"Buildings containing more than 20 dwelling units or 20 guest rooms shall be accessible to the physically handicapped by a level entry, ramp or elevator. The number of dwelling units or guest rooms accessible to the physically handicapped shall be not less than the following:

Dwelling Units: one for each 50 units or fraction thereof
 Guest rooms: one for each 50 units or fraction thereof
 up to 200
 over 200 four, plus one for each additional 25
 units or fraction thereof over 200

“To determine the total number of accessible units, more than one structure on a building site shall be considered as one building.

“Toilet facilities in accessible units shall comply with Section 1711.”
 (53) Amending Section 1214.

Section 1214 is amended to read:

“Sec. 1214. Where a carport is separated from a dwelling by walls only, a fire separation is not required between the carport and the dwelling.

“Where a garage is constructed over any portion of a dwelling, the floor of the garage shall be of noncombustible one-hour fire-resistive construction.”

(54) Amending Section 1215.

Section 1215 is amended to read:

“Sec. 1215. Existing Buildings.

“(a) Purpose. The purpose of this Section is to provide a reasonable degree of safety to persons living and sleeping in Group R, Division 1 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 R, Division 1 Occupancies more than two stories in height.

“(c) 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.

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

“(e) Doors and Openings. Exit doors shall meet the requirements of Sections 3303 (b), (c), (e) and 3304 (h). Doors shall not reduce the required width of stairways more than (7) 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 ¾-inch plywood or ½-inch gypsum wallboard or equivalent material.

“EXCEPTIONS: 1. Existing solid bonded wood core doors 1¾ inches thick or their equivalent may be continued in use.

“2. Where the existing frame will not accommodate a door complying with Section 3304 (h), a 1 ¾-inch-thick solid-bonded wood core door may be used.

“(f) 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.

"Every room containing a boiler or central heating plant shall be separated from the rest of the building by not less than one-hour fire-resistive occupancy separation.

"EXCEPTION: A separation shall not be required for such rooms with equipment serving only one dwelling unit."

(55) Amending Section 1706 (a).

Section 1706 (a) is amended by amending Exception No. 2 to read:

"2. In buildings housing Group A-2, -2.1, -3, -4; B or R-1 Occupancies, enclosures shall not be required for escalators or ramps used solely for vehicular passage provided the following conditions are met:

"a. 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. The draft curtain shall enclose the perimeter of the unenclosed opening and extend from the ceiling downward at least 12 inches on all sides. The spacing between sprinklers shall not exceed 6 feet.

"b. All floors with escalator or ramp openings are equipped with automatic sprinkler systems.

"c. There is provided a three-hour fire-resistive separation from floors not equipped with automatic sprinkler systems.

"d. In mixed occupancies housing Group A-2, -2.1, -3, -4 or R-1 Occupancy, the entire building is of Type I construction."

(56) Adding Section 1707 (d).

Section 1707 (d) is added to read:

"Sec. 1707 (d). Exterior Foundation Walls Enclosing Basements. Exterior foundation walls of masonry construction enclosing basements and habitable rooms located below grade shall be dampproofed or waterproofed as necessary and drains shall be provided around foundations which are subjected to ground water conditions."

(57) Amending Section 1711 (a).

Section 1711 (a) is amended to read:

"Sec. 1711. (a) Floors and Walls. Toilet room floors shall have a smooth, hard, nonabsorbent surface such as portland cement concrete, ceramic tile or other approved material which extends upward unto the walls at least 5 inches. Walls within water closet compartments and walls within 2 feet of the front and sides of urinals shall be similarly finished to a height of 4 feet and, except for structural elements, the materials used in such walls shall be of a type which is not adversely affected by moisture.

"EXCEPTIONS: 1. Dwelling units.

"2. Private toilets for an office, shop, or rooms that are not accessible to the general public and do not exceed an occupant load of 3."

(58) Amending Section 1711 (b).

Section 1711 (b) is amended to read:

"(b) Toilet Facilities. Each water closet stool shall be located in a clear space not less than 30 inches in width and have a clear space in front of the water closet stool of not less than 24 inches.

“Where toilet facilities are provided on any floor where access by the physically disabled is required by Table No. 33-A, at least one such facility for each sex shall meet the requirement of this Section. These facilities must be accessible to all occupants. For required facilities in Group R, Division 1 Occupancies, see Section 1213. All doorways leading to such toilet rooms shall have not less than a 32-inch door. Each such toilet room shall have the following:

“1. A clear space of not less than 42 inches on each side of doors providing access to toilet rooms. This distance shall be measured at right angles to the face of the door when in the closed position. Not more than one door may encroach into the 42-inch space.

“2. Except in dwelling units and guest rooms, a clear space within the toilet room of sufficient size to inscribe a circle with a diameter not less than 60 inches. Doors in any position may encroach into this space by not more than 12 inches.

“3. A clear space not less than 42 inches wide and 48 inches long in front of at least one water closet stool for the use of the handicapped. When such water closet stool is within a compartment, entry to the compartment shall have a clear width of 30 inches when located at the end and a clear width of 34 inches when located at the side. A door, if provided, shall not encroach into the required space in front of the water closet. Except for door swing, a clear unobstructed access not less than 42 inches in width shall be provided to toilet compartments designed for use by the handicapped.

“4. Grab bars near each side or one side and the back of the toilet stool securely attached 32 inches to 34 inches above and parallel to the floor. Grab bars at the side shall be 42 inches long with the front end positioned 24 inches in front of the water closet stool. Grab bars at the back shall be not less than 30 inches long. Grab bars shall have an outside diameter of not less than 1 ¼ inches nor more than 1 ½ inches and shall provide a clearance of 1 ½ inches between the grab bar and adjacent surface. Grab bars need not be provided in Group R, Division 1 apartment houses.

“5. When it can be established that the facilities are usable by a person in a wheelchair, dimensions other than those above shall be acceptable.”

(59) Amending Section 1711 (c).

Section 1711 (c) is amended by adding exceptions to read:

“EXCEPTIONS: 1. Group R, Division 1 hotel rooms exempted by Section 1213.

“2. Where access by means of ramp or elevator is not required by Table 33-A.”

(60) Adding Section 1711 (h).

Section 1711 (h) is added to read:

“(h) Built-up Shower Receptors. In addition to the provisions hereinabove, built-up shower receptors shall also conform to Chapter 19 (Plumbing Code) of the Revised Ordinances of Honolulu, 1978, as amended.”

(61) Amending Section 1712.

Section 1712 is amended to read:

"Sec. 1712. Where water fountains are provided on any floor in buildings required to provide access to the handicapped in Table No. 33-A, at least one on that floor shall have a spout within 33 inches of the floor and shall have up-front, hand-operated controls. When fountains are located in an alcove, the alcove shall not be less than 32 inches in width."

(62) Amending Section 1713.

Section 1713 is amended to read:

"Sec. 1713. Where public telephones are provided on any floor in buildings required to provide access to the handicapped in Table No. 33-A, at least one on that floor shall be installed so that the headset, dial and coin receiver are within 54 inches of the floor. Unobstructed access within 12 inches of the telephone shall be provided. Such access shall be not less than 30 inches in width."

(63) Amending Section 1714.

Section 1714 is amended to read:

"Sec. 1714. (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 the underside of cabinets or shelving above such ranges.

"EXCEPTIONS: 1. If the underside of such cabinets or shelving is protected with a metal ventilating hood or asbestos millboard at least ¼-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 0.20 inch, 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 ¼-inch asbestos millboard on one inch mineral wool batts reinforced with wire mesh or equivalent; or No. 22 gauge sheet metal on one inch mineral wool batts 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 non-combustible 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: Walls of combustible materials to be installed within 12 inches of a cooking unit shall be provided with protection equivalent to ½-inch gypsum wallboard covered with laminated plastic.

"(c) Surface Finish. Where alternate materials other than as specified in Exceptions 1 and 2 of Section 1714 (a) and the Exception to Section 1714 (b) are used as approved by the Building Official, the surfaces of such materials shall have a smooth and non-absorbent finish."

(64) Amending Section 1716.

Section 1716 is amended to read:

"Sec. 1716. Guardrails. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than 30 inches above grade or floor below, 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 guardrail and stair railings shall have intermediate rails or an ornamental pattern such that no object 9 inches in diameter can pass through; provided that the dimensions shall be such that no object 5 inches in diameter can pass through for the following occupancies:

"1. Group R, Divisions 1 and 3 Occupancies.

"2. Group E, Division 3 for buildings for day care purposes.

"3. Group I, Division 1 for nurseries for children under kindergarten age.

"4. Group A, Divisions 1, 2, 2.1 and 3 Occupancies.

"The height of stair railings on open sides may be as specified in Section 3305 (j) in lieu of providing a guardrail. Ramps shall, in addition, have handrails when required by Section 3306.

"EXCEPTIONS: 1. Guardrails need not be provided on the loading side of loading docks.

"2. Guardrails for Group R, Division 3 and Group M, Division 1 Occupancies may be 36 inches in height.

"3. Interior guardrails within individual dwelling units or guest rooms of Group R, Division 1 Occupancies may be 36 inches in height.

"4. The open space between the intermediate rails or ornamental pattern of guardrails in areas of commercial and industrial type occupancies which are not accessible to the public shall comply with the regulations of the Department of Labor and Industrial Relations, State of Hawaii.

"5. Guardrails on a balcony immediately in front of the first row of fixed seats and which are not at the end of an aisle may be 26 inches in height.

"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."

(65) Amending Section 1717.

Section 1717 is amended to read:

"Sec. 1717. Foam Plastics. (a) General. The provisions of this section shall govern the requirements and uses of foam plastic in buildings and structures. For trim, see Section 1705 (e).

"Except where otherwise noted in this section, all foam* plastics used in building construction shall have a flame-spread rating of not more than

*Revision note: "Foam" substituted for "foam" to correct apparent clerical error.

75 and shall have a smoke-developed rating of not more than 450 when tested in the maximum thickness intended for use in accordance with U.B.C. Standard No. 42-1. The interior of the building shall be separated from the foam plastic by an approved thermal barrier having an index of 15 when tested over calcium silicate board in accordance with U.B.C. Standard No. 17-3. The thermal barrier shall be installed in such a manner that it will remain in place for the time of its index classification based upon approved diversified tests.

"(b) Specific Requirements. Unless otherwise specifically approved as provided by Section 1717 (c) or by other sections of this code, foam plastics may be used as follows:

"1. Masonry or concrete construction. Foam plastics may be used without the thermal barrier described above, regardless of the type of construction, when the foam plastic is covered by a minimum of 1-inch thickness of masonry or concrete in a wall, floor or roof system.

"2. Attics and crawl spaces. Within an attic or crawl space where entry is made only for service of utilities, foam plastics shall be protected against ignition by 1 ½-inch thick mineral fiber insulation, ¼-inch thick plywood, hardboard or gypsum wallboard, corrosion-resistant sheet metal having a base metal thickness not less than 0.0179 inch, or other approved material installed in such a manner that the foam plastic is not exposed.

"3. Cold storage construction. Foam plastic installed and meeting the requirements of (a) above when tested in a thickness of 4 inches may be used in a thickness up to 10 inches in cold storage buildings, ice plants, food processing rooms, and similar areas. For rooms within a building, the foam plastic shall be protected by a thermal barrier on both sides.

"Foam plastic insulation may be used in coolers and freezers without the thermal barrier when the foam plastic has a flame-spread rating of 25 or less when tested in the thickness intended for use, is covered by not less than 0.032 inch of aluminum or corrosion-resistant steel having a base metal thickness not less than 0.0179 inch and is protected by an automatic sprinkler system. When such a cooler or freezer is freestanding within a building both the cooler or freezer and the part of the building in which the room is located shall be sprinklered.

"EXCEPTION: Walk-in coolers and freezer units having an aggregate floor area less than 400 square feet need meet only the flame-spread and smoke requirements of Section 1717 (a) above.

"4. Metal-clad building units. Foam plastic insulation having a flame spread of 25 or less may be used without the thermal barrier in or on walls in a thickness of not more than 4 inches when the foam plastic is covered by a thickness of not less than 0.032-inch aluminum or corrosion-resistant steel having a base metal thickness not less than 0.0179 inch and the area is protected with automatic sprinklers.

"Such walls shall not be used where noncombustible or fire-resistant construction is required.

"5. Roofing. Foam plastic installed and meeting the requirements of Section 1717 (a) above may be used as insulation beneath a roof covering when the roof covering has a Class A, B or C rating when tested by U.B.C. Standard No. 32-7.

"Any roof covering installed in accordance with this Code and the manufacturer's instructions may be applied over foam plastic when the foam is separated from the interior of the building by plywood sheathing not less than ½ inch in thickness bonded with exterior glue, with edges supported by blocking, tongue-and-groove joints or other approved type of edge support, or an equivalent material. The thermal barrier requirement is waived.

"Foam plastic which is a component of factory-made insulation board or a factory-made assembly which also complies with U.B.C. Standard No. 17-4 need not meet the requirements of Section 1717 (a) above.

"The thermal barrier is waived in field-assembled roof covering incorporating a foam plastic having a flame-spread rating of 75 or less and also meeting the requirements of U.B.C. Standard No. 17-4.

"For all roof applications the smoke-developed rating shall not be limited.

"6. Doors. Where doors are permitted without a fire-resistive rating, foam plastic having a flame-spread rating of 75 or less may be used as a core material when the door facing is metal having a minimum thickness of 0.032-inch aluminum or sheet steel having a base metal thickness not less than 0.0179 inch. The thermal barrier requirement is waived.

"7. Siding backer board. Foam plastic of not more than 2000 Btu per square foot as determined by U.B.C. Standard No. 17-2 may be used as siding backer board with a maximum thickness of ½ inch, provided it is separated from the interior of the building by not less than 2 inches of mineral fiber insulation or equivalent in lieu of the thermal barrier.

"(c) Specific Approval. Plastic foam or assemblies using foam plastics may be specifically approved based on approved diversified tests such as, but not limited to, tunnel tests conducted in accordance with U.B.C. Standard No. 42-1, fire tests related to actual end use such as a corner test and an ignition temperature test. The specific approval may be based on the end use, quantity, location and similar considerations where such tests would not be applicable or practical."

(66) Adding Section 1718.

Section 1718 is added to read:

"Sec. 1718. (a) General. Thermal and acoustical insulation located on or within floor-ceiling and roof-ceiling assemblies, crawl spaces, walls, partitions and insulation on pipes and tubing shall comply with this section. Materials installed within ducts and plenums for insulating, sound deadening or other purposes shall have a flame spread rating of not greater than 25 and a smoke developed rating of not greater than 50. For the purpose of this Section, DUCT is any tube or conduit for transmission

of air. This definition shall not include:

"1. A vent, a vent connector, or a chimney connector.

"2. Any tube or conduit wherein the pressure of the air exceeds one pound per square inch.

"3. The air passages of listed self-contained systems.

"EXCEPTION: 1. Insulation having a flame-spread rating of not over 50 and a smoke developed rating of not over 100 may be installed in dwellings or apartment houses where the duct system serves not more than one dwelling unit.

"2. Roof insulation shall comply with Section 3204.

"(b) Insulation and Covering on Pipe and Tubing. Insulation and covering on pipe and tubing shall have a flame spread rating not to exceed 25 and a smoke density not to exceed 450 when tested in accordance with U.B.C. Standard No. 42-1.

"EXCEPTIONS: 1. Foam plastic insulation shall comply with Section 1717.

"2. Installation in Group R-3 and Group M Occupancies.

"3. Insulation for condensate pipes one inch or less in size.

"(c) Insulation. All insulation materials including facings, such as vapor barriers or breather papers installed within floor-ceiling assemblies, roof-ceiling assemblies, walls, crawl spaces or attics shall have a flame-spread rating not to exceed 25 and a smoke density not to exceed 450 when tested in accordance with U.B.C. Standard No. 42-1.

"EXCEPTIONS: 1. Foam plastic insulation shall comply with Section 1717.

"2. When such materials are installed in concealed spaces of Types III, IV and V construction, the flame-spread and smoke-developed limitations do not apply to facings, provided that the facing is installed behind and in substantial contact with the unexposed surface of the ceiling or wall finish."

(67) Amending Section 1807.

Section 1807 is amended to read:

"Sec. 1807. Special Provisions for High Rise Group R-1 Occupancies and Group B, Division 2 Office Buildings.

"(a) Scope. These requirements apply to buildings housing Group B, Division 2 Occupancies used as offices and to buildings housing Group R-1 Occupancies.

"Such buildings having floors used for human occupancy located more than 75 feet above the highest grade shall conform to the special requirement of this Section in addition to other applicable requirements of this Code.

"(b) Automatic Sprinkler System. Automatic sprinkler system shall be provided throughout the building. The sprinkler system shall be designed using the parameters set forth in U.B.C. Standard No. 38-1 and the following:

"1. Shut off valves and water flow devices shall be provided for each floor.

"2. Fire pumps shall be approved or listed for fire service by a nationally recognized independent testing agency.

“EXCEPTION: Fire pumps of 250 gpm or less need not be listed for fire service but shall be approved by the Fire Chief.

“(c) Fire Alarm. A manual or automatic fire alarm system shall be provided and approved by the Fire Chief.

“(d) Smoke Detection Systems. At least one approved smoke detector suitable for the intended use shall be installed in:

“1. Every mechanical equipment, electrical, transformer, telephone equipment, elevator machine or similar room.

“2. In the main return and exhaust air plenum of each air-conditioning system and located in a serviceable area downstream of the last duct inlet.

“3. At each connection to a vertical duct or riser serving two or more stories from a return-air duct or plenum of an air-conditioning system. In Group R, Division 1 Occupancies, an approved smoke detector may be used in each return-air riser carrying not more than 5000 cfm and serving not more than 10 air inlet openings.

“Smoke detection system conforming to the provisions of Chapter 4 of NFPA Standard 90A will be accepted in lieu of the above, provided all detectors are approved smoke detectors and not thermostatic devices.

“This detection system shall be connected to the fire alarm system under the subsection above and shall place into operation all equipment necessary to prevent recirculation of smoke.

“(e) Smoke Control. Natural or mechanical ventilation for the removal of products of combustion shall be provided in every story and shall consist of one of the following:

“1. Panels or windows in the exterior walls which can be opened remotely from an approved location other than the fire floor. Such venting facilities shall be provided at the rate of 20 square feet per 50 lineal feet of exterior wall in each story and shall be distributed around the perimeter at not more than 50-foot intervals. Such windows or panels and their controls shall be clearly identified.

“EXCEPTION: When a complete automatic sprinkler system is installed, windows or panels manually openable from within the fire floor or approved fixed tempered glass may be used in lieu of the remotely operated openable panels and windows. Such windows shall be clearly identified and shall be of the size and spacing called for in Section 1807 (e) 1.

“2. When a complete and approved automatic sprinkler system is installed, the mechanical air-handling equipment may be designed to accomplish smoke removal. Under fire conditions, the return and exhaust air shall be moved directly to the outside without recirculation to other sections of the building. The air-handling system shall provide a minimum of one exhaust air change each 10 minutes for the area involved.

“3. Any other approved design which will produce equivalent results.

“(f) Standby Power and Light. An approved permanently installed standby power generating system shall be provided. The system shall be

equipped with suitable means for automatically starting the generator set upon failure of the normal electrical service and for automatic transfer and operation of all the required electrical functions at full power within 30 seconds of such normal service failure. An on-premise fuel supply sufficient for not less than 2 hours full demand operation of the system shall be provided. 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.

"The Building Official may approve other reliable sources of energy to power the standby power generation system.

"All power, lighting and signal facilities provided under the requirements of this Section shall be transferable to the standby power system. The power requirement shall be determined so as to provide service to, but not limited to the following:

- "1. Fire alarm system.
- "2. Exit and other emergency lighting.
- "3. Fire protection equipment.
- "4. Mechanical ventilation required by this Section and/or Section 3309 (h).
- "5. Elevator designated for fire service.
- "6. Electrically operated exit locks.

"The standby power generation system shall be tested regularly as required by the Fire Chief.

"(g) Exits.

"All stairway doors which are to be locked to prevent entry from the stairway side shall have electric strikes which will be automatically unlocked upon actuation of the fire alarm system. Controls for electric strikes may be provided with manual override of the automatic system.

"(h) Reductions from Code. When a complete approved automatic sprinkler system complying with this section is installed in a building, the following modifications of code requirements are permitted:

"1. The fire-resistive time periods set forth in Table No. 17-A may be reduced by one hour for interior bearing walls, exterior bearing and nonbearing walls, roofs and the beams supporting roofs, provided they do not frame into columns. Vertical shafts other than stairway enclosures and elevator shafts may be reduced to one hour when sprinklers are installed within the shafts at alternate floors.

"2. Except for corridors and partitions separating dwelling units or guest rooms, all interior nonbearing partitions required to be one-hour fire-resistive construction by Table No. 17-A may be of noncombustible construction without a fire-resistive time period.

"3. Fixed tempered glass may be used in lieu of openable panels for smoke control purposes.

"4. Travel distance from the most remote point in the floor area to a horizontal exit or to an enclosed stairway may be 300 feet.

"5. Smokeproof enclosures are not required but all required stairways shall be pressurized as provided in Section 3309 (h) to not less than .05 and not more than 0.10 inch of water column.

“6. Fire dampers, other than those needed to protect floor-ceiling assemblies to maintain the fire resistance of the assembly, are not required except for those which may be necessary to bypass smoke to outside, those provided to convert from recirculated air to 100 per cent outside air, and those which may be required to protect the fresh air supply intake against smoke which may be outside the building.

“7. Emergency windows required by Section 1204 are not required.”

(68) Amending Section 1904 (b).

Section 1904 (b) is amended by adding an exception to read:

“EXCEPTION: In a building of Type II-N construction, mezzanine floors, including supporting beams, girders and columns, may be of Type V, one-hour fire-resistive construction.”

(69) Amending Section 2106 (e).

Section 2106 (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 2106 (h).”

(70) Deleting Section 2304 (e).

Section 2304 (e) is deleted.

(71) Amending Section 2311 (h).

Section 2311 (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.”

(72) Amending Table No. 23-C.

Table No. 23-C is amended by amending item 5 in the left hand column to read:

“Carports, greenhouses and agricultural buildings, not including lath houses.⁴”

(73) Amending Table No. 23-F.

Table No. 23-F is amended to read:

“TABLE NO. 23-F—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.”

(74) 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.”

(75) Amending Section 2415 (a) 8.

Section 2415 (a) 8 is amended to read:

“8. Where the grout pour exceeds 8 feet in height, cleanouts shall be provided by suitable openings in the face shells in the bottom course of each cell to be grouted, or other approved locations. The cleanouts shall be sealed after inspection and before grouting.

“When total grout pour exceeds 8 feet in height the grout shall be placed in 4-foot lifts.”

(76) Deleting Sections 2415 (b) and (c).

Section 2415 (b) and (c) are deleted.

(77) Amending Section 2517 (c) 2.

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

“2. Minimum clearance between bottom of floor joists or bottom of floors without joists and the ground beneath shall be 20 inches; between bottom of girders and the ground shall be 12 inches.

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

(78) 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 this Section.

“(b) One-story and the uppermost story of wood frame Type V-N buildings may be of single wall construction with boards of thicknesses specified in this Section, without studs, when requirements of this Section are met. Floor to ceiling height shall not exceed 8 feet.

“When wood frame dwellings are supported by posts, bracing of sufficient strength to stabilize the structure against movement from wind pressure or earthquake shall be provided.

“(c) Boards for Single Wall Construction.

“1. One and One-Eighth Inch Boards. Single wall construction with boards of 1 1/8-inch net thickness are not required to have girts.

“2. One Inch Boards. Where single wall construction is with boards of one-inch net thickness, no girt is required provided approved stiffeners for any section of such wall is spaced not more than 10 feet along the wall.

“3. Three-Fourths Inch Boards. Single wall construction with boards of 3/4-inch net thickness shall have girts and cross partitions at least every 30 feet.

“4. Eleven-Sixteenths Inch Boards. Single wall construction with boards of 11/16-inch net thickness shall be limited to the following conditions: (A) the span between load bearing walls shall not exceed 24 feet; (B) the dead load on such walls shall not exceed 150 pounds per lineal foot; (C) girts shall be provided; (D) there shall be approved stiffeners at least every 10 feet along such wall; and (E) any openings in

such walls for windows and doors shall have full height jambs or studs where the girt is not continuous.

“(d) Approved Stiffeners. Approved stiffeners shall be studs at least 2 inches by 4 inches, full height window or door jambs, posts, walls or partitions at right angle to the section of wall under consideration.

“(e) Girts. Girts for single wall construction shall be not less than 2 inch by 6 inch belt course or other approved strengthening about mid-height between the floor and the ceiling on all exterior walls.”

(79) Amending Section 2604 (d).

Section 2604 (d) is amended as follows:

a. Subsection 1 is amended to read:

“1. Strength tests may be required by the Building Official. When tests are required, samples for strength tests of each class of concrete shall be taken not less than once a day nor less than once for each 150 cubic yards of concrete or for each 5,000 square feet of surface area placed. The samples for strength tests shall be taken in accordance with U.B.C. Standard No. 26-10. Cylinders for acceptance tests shall be molded, laboratory-cured and tested in accordance with U.B.C. Standard No. 26-10. Each strength test result shall be the average of two cylinders from the same sample tested at 28 days or the specified earlier age.”

b. Subsection 2 is amended to read:

“2. When the frequency of testing of the preceding paragraph will provide less than five tests for a given class of concrete, tests shall be made from at least five randomly selected batches or from each batch if fewer than five are used.”

(80) Amending Section 2901.

Section 2901 is amended by amending the second paragraph to read:

“Reference is made to Chapter 23, Revised Ordinances of Honolulu, for requirements governing excavation, grading and earthwork construction, including fills and embankments.”

(81) Deleting Section 2904 (b).

Section 2904 (b) is deleted.

(82) Amending Section 2908 (b).

Section 2908 (b) is amended to read:

“(b) Determination of Allowable Loads. The allowable axial and lateral loads on piles shall be determined by an approved formula, by load tests or by a foundation investigation.

“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.

“EXCEPTION: The load test may be waived by the Building Official if substantiated by the soils report.”

(83) Amending Section 3205 (b).

Section 3205 (b) is amended by amending the first paragraph to read:

“(b) Draft Stops. Enclosed attic spaces formed of combustible construction shall be divided into horizontal areas not exceeding 3000 square feet by partitions extending to the roof. In Group R, Division 1 Occupancies, draft stops shall be at tenant separation or in 1000 square foot

divisions, whichever gives the greater area.”

(84) Amending Section 3205 (c).

Section 3205 (c) is amended by deleting the second paragraph.

(85) 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 R-3 or M Occupancies, the walls of which are 10 feet or more from the street property line, need not comply with the above.”

(86) Amending Section 3302 (a).

Section 3302 (a) is amended by amending the Exception after the last paragraph thereto to read:

“EXCEPTIONS: 1. Except as provided in Table No. 33-A, only one exit shall be required for Group R, Division 3 Occupancy. See Section 1204 for emergency exits from sleeping rooms.

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

“Such units need not have direct access to an exterior exit balcony in buildings equipped with automatic fire-extinguishing systems throughout.

“3. Type I, or Type II F. R. buildings in Group R, Division 1 apartment house 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.

“4. Buildings of Group R, Division 1 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.”

(87) Amending Section 3302 (f).

Section 3302 (f) is amended to read:

“(f) Entrances to Buildings. Main entrances to building requiring access by the physically handicapped, as listed in Table No. 33-A, shall be usable by individuals in wheelchairs and be on a level that would make the elevators accessible where provided. Access for individuals in wheelchairs may be provided via other than the main entrance, provided such access is clearly identified and readily located in relation to the main entrance.”

(88) 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.”

(89) Amending Section 3303 (i).

Section 3303 (i) is amended by amending Exception 1 to read:

"1. Where the door opens into a stair or a smokeproof enclosure, the landing need not have a length of 5 feet."

(90) Amending Section 3304 (e).

Section 3304 (e) 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 20 feet, provided that the ratio of length of dead end to width does not exceed 2:1."

(91) Amending Section 3304 (h).

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

"1 ¾-inch solid wood door is equivalent to a 20 minute fire-resistive door, provided it is tight-fitting and smoke and draft stopping; constructed of not less than exterior type solid wood (without voids, assembled with exterior type glue). Hardware shall be capable of holding the door closed against fire for 20 minutes."

(92) Amending Section 3305 (j).

Section 3305 (j) is amended as follows:

a. By amending the Exceptions after the first paragraph to read:

"EXCEPTIONS: 1. Stairways less than 44 inches in width and stairways serving one individual dwelling unit in Group R 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.

"2. Stairways having less than four risers need not have handrails."

b. By amending the third paragraph to read:

"Handrails projecting from a wall shall have a space of not less than 1 ½ inches between the wall and the handrail. The handgrip portion of handrails shall be not less than 1 ¼ inches nor more than 3 ¾ inches in cross-sectional dimension and shall have a smooth surface with no sharp corners."

(93) Amending Section 3306 (d).

Section 3306 (d) is amended to read:

"(d) Landings. Ramps for the physically handicapped having slopes greater than one vertical to 15 horizontal shall have landings at the top and bottom and at least one intermediate landing shall be provided for each 5 feet of rise. Top landings and intermediate landings shall have a dimension measured in the direction of ramp run of not less than 5 feet. Landings at the bottom of ramps shall have a dimension in the direction of ramp run of not less than 6 feet.

"Other ramps with slope exceeding 1 foot in 10 feet shall have landings as required for stairways.

"Doors in any position shall not reduce the minimum dimension of the landing to less than 42 inches and shall not reduce the required width by more than 7 inches when fully open."

(94) Amending Section 3308 (a).

Section 3308 (a) is amended by amending Exception 3 to read:

"3. Stairs in open parking garages, as defined in Section 709, need not be enclosed, provided that such stairs are not a continuation of exits from upper floors which are required to be enclosed."

(95) 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 stairway shall have a one-hour fire-resistive rating and have closing devices as specified in Section 3309 (h) 6.

"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 in width 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 Subsection 6 hereunder.

"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, 1 3/4-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 the 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 within 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 engi-

neered system may be used. Such an engineered system shall provide 2,500 cfm exhaust from the 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 the 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. This dimension may be reduced when approved by the Building Official where the rate of air change is increased above the one and one-half times per minute air change required under item 3 above or when the engineered system noted under item 3 is used, but in no case shall be less than 12 inches.

"5. Stairshaft Air Movement System. The stairshaft shall be provided with mechanical supply and exhaust air. There shall be a minimum of 2,500 cfm discharge at the top of the shaft. The supply shall be sufficient to provide air pressure of not less than .05 inch and not more than .10-inch water column with respect to atmospheric pressure.

"6. Exit Doors and Detectors. The exit doors into the vestibule and into the stairshaft shall close automatically when released by activation of a detector meeting the requirements of Section 4306 (b) 2 or shall be a self-closing assembly. The door holding devices shall be of an approved type which will release the doors so that they will close in the event of a power failure. A detection device shall be installed in the corridor ceiling above the door to the vestibule. A detection device built into an approved automatic closing fire assembly with the fire assembly properly installed shall be acceptable. 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 stairwall lighting shall be provided with standby power conforming to the provisions of Section 1807 (e).

"9. Testing. All equipment pertinent to this Section shall be tested during normal operation at weekly intervals by a person knowledgeable and trained to perform such task when approved by the Fire Department official.

"Tests shall be logged in a log book for inspection by 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.

(96) Amending Section 3312 (a).

Section 3312 (a) is amended by amending the Exception after the first paragraph to read:

“EXCEPTIONS: 1. Group R-3 Occupancies.

“2. Auditoriums, theaters or other places of assembly during the projection of still or motion pictures by means of directed light.”

(97) Amending Section 3312 (c).

Section 3312 (c) is amended to read:

“(c) Illumination of Signs. Exit signs serving the occupant loads specified in this subsection shall be lighted with two electric lamps of not less than 15 watts each in the following manner:

“1. Two separate sources of supply shall be provided for the following occupancies:

“A. Group A, Division 1 Occupancies.

“B. Divisions 2 and 2.1 of Group A Occupancies with an occupant load over 500 persons, except churches with an occupant load of less than 750 persons.

“C. Group B Occupancies with an occupant load of over 300 persons.

“D. Group I Occupancies with an occupant load over 100 persons.

“E. Group R-1 Occupancies with more than 500 hotel guest rooms or 300 apartment units.

“2. Separate circuits, one of which shall be separated from all other circuits in the building and independently controlled, shall be required for the following occupancies:

“A. Groups A, Division 2, 2.1, 3 and 4, E and B Occupancies with an occupant load over 100 persons.

“B. Groups H and R, Division 1 Occupancies with an occupant load over 100 persons.

“C. Group I Occupancies with an occupant load over 50 persons.”

(98) Adding Section 3312 (d).

Section 3312 (d) is added to read:

“(d) Stairway Enclosure Illumination. Enclosed stairways of building more than 4 stories in height shall be illuminated by approved automatically charged battery power supply in addition to complying with the provisions of Subsections (a) and (c) above.”

(99) Amending Section 3317 (k).

Section 3317 (k) 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 SECURED 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.”

(100) Amending Table No. 33-A.
 Table No. 33-A is amended to read:

“TABLE NO. 33-A—MINIMUM EGRESS AND ACCESS REQUIREMENTS

Use ¹	Minimum of Two Exits Other than Elevators Are Required Where Number of Occupants is Over	Square Feet Per Occupant ⁸	Access by Means of a Ramp or an Elevator Must be Provided for the Physically Handicapped as Indicated
1. Aircraft Hangars (No Repair)	10	500	Yes
2. Auction Rooms	30	7	Yes
3. Assembly Areas, Concentrated Use (without fixed seats) Auditoriums Bowling Alleys (Assembly Areas) Churches and Chapels Dance Floors Lodge Rooms Reviewing Stands Stadiums	50	7	Yes ^{2 3}

¹Refer to Sections 3318 and 3319 for other specific requirements.

²Access to secondary areas on balconies or mezzanines may be by stairs only, except when such secondary areas contain the only available toilet facilities; and provided that not less than 25% of floor areas used for dining and drinking shall be accessible to the handicapped.

³Reviewing stands, grandstands and bleachers need not comply.

⁴Access to floors other than that closest to grade and to garages used in connection with apartment houses may be by stairs only.

⁵When the listed occupancy exceeds 3 stories.

⁶See Section 3302 for basement exit requirements.

⁷See Section 1213 for access to buildings and facilities in hotels and apartments.

⁸This table shall not be used to determine working space requirements per person.

4.	Assembly Areas, Less Concentrated Use	50	15	Yes ²
	Conference Rooms			
	Dining Rooms			
	Drinking Establishments			
	Exhibit Rooms			
	Gymnasiums			
	Lounges			
	Skating Rinks			
	Stages			
5.	Children's Homes and Homes for the Aged	5	80	Yes
6.	Classrooms	50	20	Yes
7.	Dormitories	10	50	Yes ⁷
8.	Dwellings	10	300	No
9.	Garage, Parking	30	200	Yes ⁴
10.	Hospitals and Sanitariums- Nursing Homes	5	80	Yes
11.	Hotels and Apartments	10	200	Yes ⁷
12.	Kitchen— Commercial	30	200	No
13.	Library Reading Room	50	50	Yes ²
14.	Locker Rooms	30	50	Yes
15.	Mechanical Equipment Room	30	300	No
16.	Nurseries for Children (Day-Care)	6	50	Yes
17.	Offices	30	100	Yes ⁵
18.	School Shops and Vocational Rooms	50	50	Yes
19.	Skating Rinks	50	50 on the Skating area; 15 on the deck	Yes ²
20.	Stores—Retail Sales Rooms Basement Ground Floor Upper Floors	X ⁶ 50 10	20 30 50	Yes Yes Yes
21.	Swimming Pools	50	50 for the pool area; 15 on deck	Yes ²
22.	Warehouses	30	300	No
23.	All Others	50	100	

See page 161 for footnotes.

(101) 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."

(102) Amending Section 3802 (b).

Section 3802 (b) is amended as follows:

a. The first paragraph of Subsection 1A is amended to read:

"A. In every story or basement of all buildings when floor area exceeds 1,500 square feet 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 or basement on at least one side of the building. Each of the required 20 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. Subsection 2D is amended by changing "500" to "1000" in the first sentence.

c. Subsection 2 is amended by adding a new subsection E to read:

"E. In restaurants, nightclubs, dining and drinking establishments with occupant load of 500 persons or more."

(103) Adding Section 3803 (f).

Section 3803 (f) is added to read:

"(f) Testing. After completion of installation, the following test procedures shall be followed to determine that the system as installed performs properly:

"1. Hydrostatic and Flow Test—Perform to comply with the test procedure for standpipe systems in the Fire Department's rules and regulations.

"2. Operate each outlet valve in the system to determine that it will function properly."

(104) Amending Section 3804.

Section 3804 is amended to read:

"Sec. 3804. 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 Fire Code."

(105) Amending Table No. 38-A.

Table No. 38-A is amended to read:

“TABLE NO. 38-A—STANDPIPE REQUIREMENTS

Occupancy ¹	NONSPRINKLERED BUILDING ²		SPRINKLERED BUILDING ^{3 4}	
	Standpipe Class	Hose Requirement	Standpipe Class	Hose Requirement
1. Occupancies 4 stories or more in height, except Group R, Div. 3	I and II (or III)	No Yes No	I and II (or III)	No No
2. Group A. Occupancies with occupant load exceeding 1000.	II	Yes	No requirement	No
3. Group A, Div. 2.1 Occupancies over 5000 square feet in area used for exhibition	II	Yes	II	Yes
4. Groups I, H, B, Div. 1, 2 or 3 Occupancies less than 4 stories in height but greater than 20,000 square feet per floor	II	Yes	No requirement	No

¹Class II standpipes need not be provided in assembly areas used solely for worship.

²Class II standpipes need not be provided in basements having an automatic fire-extinguishing system throughout such basements.

³Combined systems with their related water supplies may be used in sprinklered buildings.

⁴Portions of otherwise sprinklered buildings which are not protected by automatic sprinklers shall have Class II standpipes installed.”

(106) 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.”

(107) 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’.”

(108) Amending Section 4306 (e).

Section 4306 (e) is amended by amending Exception 2 to read:

“2. Swinging fire door assemblies shall be automatic closing by a smoke detector when installed in the following locations:

“A. Cross-corridor doors.

"B. Horizontal exit doors.

"C. Area separation walls other than doors serving as the entrance into hotel guest room or apartment dwelling units.

"D. Occupancy separation walls having a minimum two-hour fire-resistive time period.

"Hold-open devices shall be an approved type which will release the door in the event of power failure."

(109) Amending Section 4401.

Section 4401 is amended by amending the third paragraph to read:

"Any material or structure temporarily occupying public property, including fences and walkways, which creates a hazard to the public shall be adequately lighted between sunset and sunrise."

(110) Amending Section 4403.

Section 4403 is amended to read:

"Sec. 4403. Storage on Public Property. Material and equipment necessary for work to be done under a permit shall not be placed or stored on public property so as to obstruct free and convenient approach to and use of any fire hydrant, fire or police alarm box, utility box, catch basin or manhole or so as to interfere with the free flow of water in any street or alley gutter without permission from the agency having jurisdiction."

(111) Amending Section 4405.

Section 4405 is amended to read:

"Sec. 4405. Protection of Utilities. An adequate protective frame and boarding shall be built about every street lamp, utility box, fire or police alarm box, fire hydrant, catch basin, and manhole that may be damaged by any work being done under the permit. This protection shall be maintained while such work is being done and shall not obstruct the normal functioning of the device."

(112) Amending Section 4406.

Section 4406 is amended to read:

"Sec. 4406. Walkway. A walkway is not less than 4 feet wide or width of existing sidewalk when less than 4 feet shall be maintained on the sidewalk in front of the building site during construction, alteration or demolition unless the public agency having jurisdiction authorizes the sidewalk to be fenced and closed. Adequate signs and railings shall be provided to direct pedestrian traffic. Railings shall be provided when required by Section 4407.

"The walkway shall be capable of supporting a uniform live load of 150 pounds per square foot."

(113) Amending Section 4407.

Section 4407 is amended to read:

"Sec. 4407. Pedestrian Protection. (a) Protection Required. Pedestrian traffic shall be protected by a railing on the street side when the walkway extends into the roadway, by a railing adjacent to excavations and by such other protection as set forth in Table No. 44-A. The construction of such protective devices shall be in accordance with the provisions of this Chapter. In all cases, proper and reasonable devices shall be provided to eliminate hazards to the public.

“(b) Railings. Railings shall be substantially built and when of wood shall be constructed of new material having a nominal size of at least 2 inches by 4 inches. Railings shall be at least 3 feet 6 inches in height and when adjacent to excavations shall be provided with a mid-rail.

“(c) Fences. Fences shall be solid and substantially built, be not less than 6 feet in height above grade, and be placed on the side of the walkway nearest to the building site. Fences shall extend the entire length of the building site where practical and each end shall be returned to the building line.

“Openings in such fences shall be protected by doors which normally are kept closed.

“All fences shall be provided with 2-inch by 4-inch plate, top and bottom, and shall be well braced. The fence material shall be minimum of ¾-inch boards or ¼-inch plywood.

“(d) Canopies. The protective canopy shall have a clear height of 8 feet above the walkway. The roof shall be tightly sheathed.

“If materials are stored or work is done on the roof of the canopy, the street sides and ends of the canopy roof shall be protected by a tight curb board not less than 1 foot high and a railing not less than 3 feet 6 inches high.

“The entire structure shall be designed to carry the loads to be imposed on it.”

(114) Amending Table No. 44-A.

Table No. 44-A is amended by adding a superscript “1” to PROTECTION REQUIRED in the right-hand column and adding a footnote to read:

“1Not applicable to construction on Preservation, Agricultural and Residential Districts except when required by the Building Official.”

(115) Amending Section 4501.

Section 4501 is amended by deleting the fourth paragraph.

(116) Deleting Section 4502.

Section 4502 is deleted.

(117) Deleting Section 4503.

Section 4503 is deleted.

(118) 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.”

(119) 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 non-combustible 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.”

(120) 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.”

(121) 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.”

(122) 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.”

(123) Adding Chapter 49.

Chapter 49 is added to read:

“CHAPTER 49—PATIO COVERS

“Sec. 4901. Patio Covers Defined. Patio covers are one-story structures not exceeding 12 feet in height. Enclosure walls may have any configuration, provided the open area of the longer wall and one additional wall is equal to at least 65 per cent of the area below a minimum of 6

feet 8 inches of each wall, measured from the floor. Openings may be enclosed with insect screening or plastic.¹

"Patio covers may be detached or attached to other buildings as accessories to Group M, Group R, Division 3, or to single dwelling units in Group R, Division 1 Occupancies. Patio covers shall be used only for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms. For patio covers attached to a building of Group R-3 or Group M Occupancy, the roof covering may be of such plastic materials as may be approved by the Building Official. Such plastic roof covering when so approved 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 areas of plastic patio covering shall be separated from each other by at least 10 feet.

"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 loads set forth in this Code, except that where less than 12 feet high the horizontal wind load shall be 10 pounds per square foot. In addition, they shall be designed to support a minimum wind uplift equal to the horizontal wind load acting vertical upward normal to the roof surface, except that for structures not more than 10 feet above grade the uplift may be three-fourths of the horizontal wind load. When enclosed with insect screening or plastic,¹ wind loads shall be applied to the structure, assuming it is fully enclosed.

"Sec. 4903. Light and Ventilation. Windows required for light and ventilation may open into a patio structure conforming to Section 4901.

"Sec. 4904. Footings. A patio cover may be supported on a concrete slab on grade without footings, provided the slab is not less than 3 ½ inches thick and further provided that the columns do not support live and dead loads in excess of 750 pounds per column."

(123) Deleting Chapter 50.

Chapter 50 is deleted.

(124) Deleting Chapter 51.

Chapter 51 is deleted.

(125) Amending Section 5402.

Section 5402 is amended by amending the second paragraph to read:

"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."

(126) 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 7/32 inch and no longer

¹"The plastic referenced in Sections 4901 and 4902 is readily removable translucent or transparent plastic not more than 0.125 inch in thickness."

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. Wired-glass with wire exposed on longitudinal edges shall not be used in jalousies or louvered windows."

(127) Amending Section 5406.

Section 5406 is amended to read:

"Sec. 5406. Glazing in 'hazardous locations' shall be 'safety glazing material.' 'Hazardous locations' and 'safety glazing material' shall be as defined in Part XII, Chapter 431, Hawaii Revised Statutes, as amended."

(128) 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: " $\frac{3}{8}$ ".

(129) Adding Chapter 57.

Appendix, Chapter 57—REGULATIONS GOVERNING FALLOUT SHELTERS, Uniform Building Code, 1979 Edition, is by reference incorporated herein and made a part of this Code.

(130) Amending Section 6001.

Section 6001 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. 1978; Am. Ord. 79-65, 80-73)

Article 2. Relocation Of Buildings.

Sec. 16-2.1. Applicability.

The provisions of Chapter 18 of the R.O. 1978, 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. 1978, as amended; Chapter 17, R.O. 1978, as amended; and Chapter 19, R.O. 1978, 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. 1978 and all other applicable provisions of the Uniform Building Code as amended by Section 16-1.1, R.O. 1978, as amended; Electrical Code, Chapter 17, R.O. 1978, as amended; and the Uniform Plumbing Code as amended by Section 19-1.1, R.O. 1978, as amended. The transportation of factory built housing shall be governed by Article 4. (Sec. 16-2.1, R.O. 1978; Am. Ord. 80-73)

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 Director and 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. 1978, as amended. (Sec. 16-2.2, R.O. 1978; Am. Ord. 80-73)

Sec. 16-2.3. Performance Security.

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

(1) 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 structure. In lieu of the bond above required, the applicant may deposit with the said Director of Finance any of the following: cash; cashier's check issued by a bank or a savings and loan association doing business in the State of Hawaii; a certified 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. The check and letter of credit 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 said Director of Finance. Such security shall be subject to the same conditions that are applicable to the surety bond; and

(2) Deposit with the said Director of Finance the sum of \$500, 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 security deposit, the applicant may establish with the Director of Finance a revolving fund for the amount of \$2,000. (Sec. 16-2.3, R.O. 1978; Am. Ord. 80-73)

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. 1978, 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 Director of Transportation Services, 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, (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. 1978; Am. Ord. 80-73)

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. 1978; Am. Ord. 80-73)

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 submission 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. 1978; Am. Ord. 80-73)

Sec. 16-2.7. Effect Of Issuance.

The 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 any of the provisions of Chapter 16, R.O. 1978, as amended, Chapter 17, R.O. 1978, as amended; Chapter 19, R.O. 1978, 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. 1978; Am. Ord. 80-73)

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. 1978; Am. Ord. 80-73)

Sec. 16-2.9. Denial Of Permit.

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

(1) Which may result in more than one housing accommodation to be situated on any lot in areas determined by the Board of Water Supply to lack sufficient water supply for domestic use, fire protection and/or sanitation; or

(2) 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. 1978; Am. Ord. 80-73)

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 certified 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 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. 1978; Am. Ord. 80-73)

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 of 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. 1978; Am. Ord. 80-73)

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. 1978, 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. (Sec. 16-2.12, R.O. 1978; Am. Ord. 80-73)

Sec. 16-2.13. Building Permit Not Required.

No building permit as provided under Chapter 18 of the R. O. 1978, 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. 1978; Am. Ord. 80-73)

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 or by imprisonment not exceeding one year, 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. 1978; Am. Ord. 80-73)

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 Resort Commercial Precinct, Resort Hotel Precinct, or Public Precinct of the Waikiki Special Design District, 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. 1978; Am. Ord. 80-73)

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. 1978; Am. Ord. 80-73)

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. 1978, as amended. (Sec. 16-3.3, R.O. 1978; Am. Ord. 80-73)

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. 1978; Am. Ord. 80-73)

Sec. 16-3.5. Penalty For Violation.

Any violation of the provisions of this article shall be punishable by a fine not exceeding \$1,000, or by imprisonment for not more than one year, or by both. (Sec. 16-3.5, R.O. 1978; Am. Ord. 80-73)

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. (Sec. 16-4.1, R.O. 1978; Am. Ord. 80-73)

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. (Sec. 16-4.2, R.O. 1978; Am. Ord. 80-73)

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. 1978, 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. (Sec. 16-4.3, R.O. 1978; Am. Ord. 80-73)

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. 1978, 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.
- (5) All yard setback dimensions, including front yard.
- (6) Parking (2 spaces minimum).
- (7) Building height envelope 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 Comprehensive Zoning Code.
- (12) Location and details of drop driveway.

For Health Department

- (13) Where sewer services in unavailable location of cesspool or septic tank. (Sec. 16-4.4, R.O. 1978; Am. Ord. 80-73)

Sec. 16-4.5. Penalty For Violation.

Any violation of the provisions of this article shall be punishable by a fine not exceeding \$1,000 or by imprisonment of not more than one year, or by both. (Sec. 16-4.5, R.O. 1978; Am. Ord. 80-73)

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 use 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 1 of this chapter, outside sprinklers for protection against exposure fires shall be required as hereinafter provided. (Sec. 16-5.1, R.O. 1978; Am. Ord. 80-73)

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. 1978; Am. Ord. 80-73)

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 20 feet or more or by noncombustible construction of 20 feet 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 800 square feet 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
$\frac{3}{8}$ "	15
$\frac{1}{2}$ "	20
$\frac{17}{32}$ "	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 sprinklered.

(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"	1 1/4"	1 1/2"	2"	2 1/2"	3"	3 1/2"	4"
No. of Sprinklers								
$\frac{3}{8}$ "	3	4	7	11	21	37	40	40
$\frac{1}{2}$ "	2	3	5	8	15	27	40	40
$\frac{17}{32}$ "	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 1/4-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. 1978; Am. Ord. 80-73)

Sec. 16-5.4. Penalty For Violation.

Any violation of the provisions of this article shall be punishable by a fine not exceeding \$1,000 or by imprisonment for not more than one year, or by both. (Sec. 16-5.4, R.O. 1978; Am. Ord. 80-73)

Article 7. Regulations Within Flood Hazard Districts And Developments Adjacent To Drainage Facilities.**Sec. 16-7.1. Applicability.**

(a) General. The provisions contained herein are applicable to the construction of all new buildings and structures, relocation and major alterations, additions or reconstruction of existing buildings within the Flood Hazard Districts as delineated on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and any amendments by the Federal Emergency Management Agency, on file with the Department of Land Utilization, City and County of Honolulu.

These provisions shall also apply to developments adjacent to drainage facilities outside the Flood Hazard District which are determined to be within a floodway area or a flood fringe area in accordance with Section 21-11.11 of Article 11, Chapter 21, R.O. 1978, as amended.

(b) Nonconforming Buildings. Any building or structure which was previously lawful prior to the effective date of this article but which is not in conformity with this article may be continued subject to the provisions of Section 21-11.14 of Article 11, Chapter 21, R.O. 1978, as amended.

(c) Exemptions. The provisions contained herein shall not apply:

(1) To buildings and structures exempted from the Flood Hazard District provisions under Section 21-11.15, Article 11, Chapter 21, R.O. 1978, as amended.

(2) To buildings and structures which have been granted a Flood Hazard Variance under provisions of Section 21-11.13 of Article 11, Chapter 21, R.O. 1978, as amended. (Am. Ord. 80-63)

Sec. 16-7.2. Definitions.

(a) For the purpose of this article, the following terms shall be as defined in Article 11, Chapter 21, R.O. 1978, as amended:

- (1) Coastal High Hazard District
- (2) Flood Elevation
- (3) Flood Fringe
- (4) Flood Hazard District
- (5) Flood Proof
- (6) Floodway
- (7) Regulatory Flood (Am. Ord. 80-63)

Sec. 16-7.3. Flood Proofing Requirements In Flood Hazard Districts And Developments Adjacent To Drainage Facilities.

(a) General. Building Permit applications for structures which are required to be floodproofed under the provisions of Article 11, Chapter 21, R.O. 1978, as amended, and this article shall be accompanied by statement of a registered professional engineer or architect that to the best of his knowledge, information and belief, the floodproofing methods are adequate to resist the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the flood, including flood waters due to tsunamis in Coastal High Hazard Districts.

(b) Flood Proofing of Buildings Above Regulatory Flood Elevation. All buildings and structures which are required to be elevated above the regulatory flood elevation shall be flood proofed by building on natural terrain above the regulatory flood elevation on natural undisturbed ground, or by building on stilts, or by building on fill (unless fill is specifically prohibited by Article 11, Chapter 21, R.O. 1978, as amended, in the particular Flood Hazard District), or by other approved methods.

(c) Waterproofing of Buildings Below Regulatory Flood Elevation. Any building or portion thereof, not used for human habitation, and which is permitted to be below the regulatory flood elevation shall either have the space below the regulatory flood elevation free of obstructions or shall be designed and constructed so that below the regulatory flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy due to the regulatory flood. Compliance with the waterproofing provisions of the "Flood-Proofing Regulations," pamphlet No. EP1165 2 314 published for the Office of the Chief Engineers, U.S. Army, Washington, D.C., shall be deemed to be in compliance with this section. Within coastal high hazard district, however, any usable enclosed space below the regulatory flood elevation shall be constructed with breakaway walls intended to collapse under stress without jeopardizing the structural support of the building. Areas enclosed by such breakaway walls shall not be used for human habitation. (Am. Ord. 80-63)

Sec. 16-7.4. Flood Proofing Methods.

(a) Natural Terrain. The following shall be applicable to buildings on natural terrain:

(1) Foundation design shall take into consideration the effects of soil saturation on the performance of the foundation.

(2) The effects of flood waters on slope stability and erosion shall be investigated.

(3) All utility service lines shall be designed and constructed as provided in the Plumbing and Electrical Codes.

(b) Building on Stilts. Where a building is to be constructed so that the lowest floor is to be elevated above the regulatory flood elevation, the building may be supported on columnar type members, such as columns, piers, and in certain cases, walls. Clear spacing of support members,

measured perpendicular to the general direction of flood flow shall not be less than eight feet apart at the closest point. The stilts shall, as far as practicable, be compact and free from unnecessary appendages which would tend to trap or restrict free passage of debris during a flood. Solid walls, or walled-in columns are permissible if oriented with the longest dimension of the member parallel to the flow. Stilts shall be capable of resisting all applied loads as required by this Code and all applicable flood related loads as required herein. Bracing, where used to provide lateral stability, shall be of a type that causes the least obstruction to the flow and the least potential for trapping floating debris. Foundation supports for the stilts may be of any approved type capable of resisting all applied loads, such as spread footings, mats, piles and similar types. In all cases, the effect of submergence of the soil and additional flood water related loads shall be recognized. The potential of surface scour around the stilts shall be recognized and protective measures provided, as required.

(c) Building on Fill. Except in districts where fill is specifically prohibited as structural support for buildings by Article 11, Chapter 21, R.O. 1978, as amended, buildings may be constructed on fill material.

The fill shall not adversely affect the capacity of the floodway or any tributary or any other drainage facility or system, and shall be performed in accordance with Chapter 23, R.O. 1978, as amended. (Am. Ord. 80-63)

Sec. 16-7.5. Structural Requirements.

(a) General. All buildings and structures to be constructed under the provisions of this article shall be capable of resisting all loads required under Article 1 of this Code and, in addition, all loads prescribed in this section.

(b) Stability.

(1) Overturning or Sliding. All buildings and structures to be constructed under the provisions of this article shall be designed and constructed to provide a minimum factor of safety of 1.50 against failure by sliding or overturning when subjected to combined loads as specified in subsection (d) hereunder.

(2) Flotation. All buildings and structures to be constructed under the provisions of this article shall be designed and constructed to resist flotation from flood water at the regulatory flood elevation with a factor of safety of 1.33.

(c) Loads. The following loads shall be considered in the design and construction of buildings and structures subject to the provisions of this article:

(1) Hydrostatic Loads

(2) Hydrodynamic Loads

(3) Impact Loads. Assume concentrated load acting horizontally at the regulatory flood elevation or at any point below it, equal to the impact force produced by a 1000-pound mass traveling at the velocity of the flood water and acting on a one square foot surface of the structure.

(4) Soil Loads. Consideration shall be given to loads or pressures resulting from soils against or over structure. Computation shall be in accordance with accepted engineering practice with proper consideration

for effect of water on the soil. Special consideration shall be given in the design of structures when expansive soils are present.

(5) Tsunami. Structural design of buildings and structures subject to tsunamis shall be in accordance with subsection (f) Coastal Floodwater Design.

(d) Combined Loads. All loads stipulated in Article 1 of this Code and all flood related loads specified under subsection (c) above shall be applied on the structure and on structural components, alone and in combination, in such manner that the combined effect will result in maximum loads and stresses on the structure and members. Application of these loads shall be as follows:

(1) Dead Loads. Use at full intensity.

(2) Live Loads. Use at reduced intensity as provided in Article 1 of this Code for design of columns, piers, walls, foundation, trusses, beams, and flat slabs. Live loads on floors at or below the regulatory flood elevation and particularly on basement slabs, shall not be used if their omission results in greater loading or stresses on such floors. Similarly, for storage tanks, pools and other similar structures designed to contain and store materials, which may be full or empty when a flood occurs, both conditions shall be investigated in combination with flood related loads of the containing structure being full or empty.

(3) Wind Load. Use at full intensity as required in Article 1 of this Code on areas of the building and structure above the regulatory flood elevation.

(4) Earthquake Load. Combined earthquake and flood related loads need not be considered.

(e) Allowable Soil Pressures. Under flood conditions, the bearing capacity of submerged soils is affected and reduced by the buoyancy effect of the water on the soil. For foundations of buildings and structures covered by this article, the bearing capacity of soils shall be evaluated by a recognized acceptable method. Expansive soils should be investigated with special care. Soils which lose all bearing capacity when saturated, or become "liquefied" shall not be used for supporting foundations.

(f) Coastal Floodwater Design.*

(1) Buildings or structures shall be designed to resist the effects of coastal floodwaters due to tsunamis. The regulatory flood elevation due to tsunami is considered to result from a non-bore condition, except where a bore condition is shown on the flood level maps or in the flood study adopted for the County.

(2) Habitable space in building structures must be elevated above the regulatory flood elevation by such means as posts, piles, piers, or shear walls parallel to the expected direction of flow of the tsunami wave. The forces and effects of floodwaters on the structure shall be fully considered in the design.

*Reference is made to the January 31, 1980 report by Dames & Moore entitled "Design And Construction Standards For Residential Construction In Tsunami-Prone Areas In Hawaii" prepared for the Federal Emergency Management Agency for a more detailed study and analysis of tsunami wave forces.

(3) Allowable stresses (or load factors in the case of ultimate strength or limit design) for the building materials used shall be the same as the building code provides for wind or earthquake loads combined with gravity loads, i.e., treat loads and stresses due to tsunamis in the same fashion as for earthquake loadings.

(4) The main building structure shall be adequately anchored and connected to the elevating substructure system to resist all lateral, uplift and downward forces. In wood construction, toenailing is not allowed.

(5) Scour of soil from around individual piles and piers shall be provided for in the design in the coastal flood hazard district. Shallow foundation types are not permitted unless the natural supporting soils are protected on all sides against scour by a shore protection structure, preferably a bulkhead. Shallow foundations may be permitted beyond 300 feet from the shoreline provided they are founded on natural soil and at least two feet below the anticipated depth of scour and provided not more than 3 feet of scour is expected at the structure. The table below gives estimated minimum depths of soil scour below existing grade as a percentage of the depth (h) of water at the location.

ESTIMATED MINIMUM SCOUR

	Distance from Shoreline	
	Up to 300 Feet ¹	Greater than 300 Feet ²
Loose Sand	80% h	60% h
Dense Sand	50% h	35% h
Soft Silt	50% h	25% h
Stiff Silt	25% h	15% h
Soft Clay	25% h	15% h
Stiff Clay	10% h	5% h

¹Values may be reduced by 40% if a substantial dune or berm higher than the regulatory flood elevation protects the building site.

²Values may be reduced 50% if the entire region is essentially flat.

(6) Forces which must be considered in the design of structures elevated to resist floodwaters, include:

- (i) Buoyant Forces— uplift caused by partial or total submergence of a structure.
- (ii) Surge Forces— caused by the leading edge of a surge of water impinging on a structure.
- (iii) Drag Forces— caused by velocity of flow around an object.
- (iv) Impact Forces— caused by debris, such as driftwood, small boats, portions of houses, etc., carried in the flood currents and colliding with a structure.
- (v) Hydrostatic Forces— caused by an imbalance of pressure due to a differential water depth on opposite sides of a structure or structural member.

(7) *Buoyant Force:* The buoyant force on a structure or structural member subject to partial or total submergence will act vertically through the center of mass of the displaced volume and is calculated from the following equation:

$$F_B = \rho g V$$

where F_B = buoyant force acting vertically
 ρ = density of water (2.0 lb-s²/ft⁴ for salt water)
 g = gravitational acceleration (32.2 ft/s²)
 V = displaced volume of water (ft³)

(8) *Surge Force:* The total force on a vertical wall subjected to a surge from a tsunami bore or bore-like wave acts at a distance h above the base of the wall and is calculated from the equation below.

$$F_S = 4.5 \rho g h^2$$

where F_X = total force per unit width of wall
 ρ = density of water (2.0 lb-s²/ft⁴ for salt water)
 g = gravitational acceleration (32.2 ft/s²)
 h = surge height (ft)

(9) *Drag Force:*

$$F_D = \frac{\rho C_D A u^2}{2}$$

where F_D = total drag force (lbs) acting in the direction of flow
 ρ = density of water (2.0 lb-s²/ft⁴ for salt water)
 C_D = drag coefficient (nondimensional) (1.0 for circular piles, 2.0 for square piles, 1.5 for wall sections)
 A = projected area of the body normal to the direction of flow (ft²)
 u = velocity of flow relative to body (ft/s) (estimated as equal in magnitude to depth in feet of water at the structure)

The flow is assumed to be uniform, so the resultant force will act at the centroid of the projected area immersed in the flow.

(10) *Impact Force:*

$$F_I = \frac{m dU_b}{dt}$$

F_I = impact force (lb)
 m = mass of the water displaced by the body impacting the structure (slugs)

U_b = velocity of the body (ft/s) (estimated as equal in magnitude to depth in feet of water at the structure)

t = time (s)

$\frac{dU_b}{dt}$ = acceleration (deceleration) of the body (ft/s²)

This single concentrated load acts horizontally at the regulatory flood elevation or at any point below it and is equal to the impact force produced by a 1000 pound weight of debris traveling at the velocity of the flood water and acting on a one square foot surface of the structure. The impact force is to be applied to the structure at a most critical or vulnerable location determined by the designer. It is assumed that the velocity of the body goes from U_b to zero over some small finite time interval (Δt) so the following approximation can be made:

$$F_I = \frac{31 U_b}{\Delta t}$$

For light residential structures of wood construction, assume Δt , the time interval over which impact occurs, is 1 second. For larger or more rigid structures of reinforced concrete, use Δt of 0.1 second and for steel, use $\Delta t=0.5$ second.

(11) *Hydrostatic Force:*

$$F_H = \frac{1}{2} \rho g \left[h + \frac{u^2}{2g} \right]^2$$

F_H = hydrostatic force (lb/ft) on a wall, per unit width of wall

ρ = density of water (2.0 lb-s²/ft⁴ for salt water)

g = gravitational acceleration (32.2 ft/s²)

h = water depth (ft)

u = velocity of flood flow (ft/s) (estimated as equal in magnitude to depth in feet of water at the structure)

The resultant force will act horizontally at a distance of $\frac{1}{3} \left[h + \frac{u^2}{2g} \right]$ above the base of the wall. (Am. Ord. 80-63)

Article 8. Energy Conservation.

Sec. 16-8.1. General.

(a) Scope. The provisions of this article regulate the design and construction of the exterior envelopes and selection of heating, ventilating and air-conditioning, service water heating, electrical distribution and illuminating systems and equipment required for the purpose of effective conservation of energy within a building or structure governed by this Code. Compliance with applicable provisions of ASHRAE Standard 90-75 shall be deemed to meet the requirements of this article.

EXCEPTIONS: (1) Buildings and structures, or portions thereof, which are not heated or cooled shall be exempt from the provisions of Sections 16-8.3 through 16-8.6 regulating exterior envelope and heating, ventilating and air-conditioning systems.

(2) Buildings and structures whose peak design rate of energy usage is less than one watt per square foot or 3.4 Btuh per square foot of floor area for all purposes shall be exempt from all provisions of this article.

(3) Dwelling unit which is not heated or cooled, or where cooled with air-conditioning systems totaling less than 12,000 Btuh capacity, shall be exempt from all provisions of this article except Sections 16-8.8 and 16-8.9 pertaining to the conservation of hot water.

(4) For special applications such as hospitals, laboratories, thermally sensitive equipment, computer rooms, and manufacturing and industrial processes, the design concepts and parameters shall conform to the requirements of the application at minimum energy levels.

(b) Plans and Specifications. Plans, specifications and necessary computations shall be submitted to indicate conformance with this article. Plans and specifications for work to comply with the provisions of this article shall be prepared, designed or approved by a duly registered professional engineer or architect as required by Chapter 464 of the Hawaii Revised Statutes.

(c) Information on Plans and Specifications. The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems as herein governed including but not limited to: exterior envelope component materials, U values of the respective elements including insulation, R values of insulating materials, size and type of apparatus and equipment, equipment and system controls and other pertinent data to indicate conformance with the requirements of this article.

(d) Alternative Systems. Alternative building systems and equipment design shall be approved by the building official when it can be demonstrated that the proposed energy consumption will not exceed that of a similar building with similar forms of energy requirements designed in accordance with the provisions of this article.

When such alternative systems utilize solar, geothermal, wind or other nondepletable energy sources or utilize waste heat for all or part of its energy sources, such nondepletable energy or recovered waste heat supplied to the buildings may be excluded from the total energy chargeable to the proposed alternative design.

Proposed alternative designs submitted as requests for exception to the standard design criteria must be accompanied by an energy analysis prepared in accordance with established principles of environmental technologies (such as ASHRAE Standard 90). (Sec. 16-1.1, R.O. 1978; Am. Ord. 80-73)

Sec. 16-8.2. Definitions.

The following terms are defined for specialized use within this article.

ASHRAE. American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

COEFFICIENT OF PERFORMANCE (COP)—COOLING. (1) Electrically Operated HVAC Equipment. The ratio of the rate of net heat removal to the rate of total energy input expressed in consistent units and under designated rating conditions. The rate of net heat removal as used within this definition shall be the change in the enthalpies of the air entering and leaving the equipment (without reheat). The total energy inputs as used within this definition shall be determined by combining the energy inputs to all elements of the equipment, including, but not limited to, compressors, pumps, supply-air fans, return-air fans, condenser-air fans, cooling-tower fans and pumps, and the heating, ventilating and air-conditioning system equipment control circuit.

(2) Applied HVAC System Components. The ratio of the rate of net heat removal to the rate of total energy input expressed in consistent units and under designated rating conditions. The rate of net heat removal as used within this definition shall be the difference in enthalpies of the water or refrigerant entering and leaving the component. The total energy input as used within this system shall be determined by combining the energy inputs to all elements and accessories of the component, including, but not limited to, compressors, internal circulating pumps, condenser-air fans, evaporative-condenser cooling water pumps, purge, and the heating, ventilating and air-conditioning system components control circuit.

(3) Heat-operated HVAC System Equipment. The ratio of the net cooling output to the total heat input. The rate of net heat removal as used within this definition shall be the difference in enthalpies of the water or refrigerant entering and leaving the component. The total energy input as used within this system shall be determined by combining the energy inputs to all elements and accessories of the component, including, but not limited to, compressors, internal circulating pumps, condenser-air fans, evaporative-condenser cooling water pumps, purge, and the heating, ventilating and air-conditioning system components control circuit.

COEFFICIENT OF PERFORMANCE (COP)—HEAT PUMP, HEATING. The ratio of the rate of net heat output to the rate of total energy input expressed in consistent units and under designated rating conditions. The rate of net heat output as used within this definition shall be the change in the total heat contents of the air entering and leaving the equipment, excluding supplementary heat. The total energy input as used within this definition shall be the combined energy inputs to all elements except supplementary heaters of the heat pump, including, but not limited to, compressors, pumps, supply-air fans, return-air fans, outdoor-air fans, cooling-tower fans and the HVAC system equipment control circuit.

ENERGY EFFICIENCY RATIO (EER). The ratio of net cooling capacity in Btuh to total rate of electric input in watts under designated operating conditions.

EXTERIOR ENVELOPE. The elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior, or from unconditioned spaces.

EXTERIOR WALLS. For the purpose of this article, the gross area of exterior walls consists of all opaque wall areas and partition areas, including foundation walls above grade, peripheral edges of floors, window areas including sash, and door areas, where such surfaces are exposed to outdoor air or unconditioned interior space and enclose a heated or mechanically cooled space.

FENESTRATION. Any light-transmitting opening in a building wall or roof. Included are (1) the glazing material which may be glass or plastic; (2) the framing, mullions, muntins and dividers; (3) external shading devices; (4) internal shading devices; and (5) integral (between-glass) shading systems.

FLOOR AREA, GROSS. Gross floor area shall be the floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

HEATED SPACE. A space within a building which is provided with a positive heat supply to maintain air temperature of 50° F. or higher.

HVAC. Heating, ventilating and air-conditioning.

OPAQUE AREAS. All exposed areas of a building envelope which enclose conditioned space, except openings for windows, skylights, doors and building service systems.

PACKAGED TERMINAL AIR CONDITIONER. A factory-selected combination of heating and cooling components, assemblies or sections, intended to serve a room or zone.

POWER FACTOR. The ratio of the true power (watts) to the apparent power (volts × amperes); the cosine of the angle of lag between the alternating current and the voltage waves.

RATE OF NET HEAT OUTPUT. The change in the total heat contents of the air entering and leaving the equipment, not including supplementary heat.

READILY ACCESSIBLE. Capable of being reached safely and quickly for operation, repair or inspection without requiring those of whom ready access is requisite to climb over or remove obstacles or to resort to the use of portable access equipment.

REHEAT. The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

ROOF ASSEMBLY. For the purpose of this article, a roof assembly shall be considered as all components of the roof/ceiling envelope through which heat flows, thereby creating a building transmission heat loss or gain, where such assembly is exposed to outdoor air and encloses a heated or mechanically cooled space.

The gross area of a roof assembly consists of the total interior surface of such assembly, including skylights, exposed to the heated and/or mechanically cooled space.

Where ceiling air plenums are employed, the roof/ceiling assembly shall:

(1) For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly.

(2) For gross area purposes, be based upon the interior face of the upper plenum surface.

SHADING COEFFICIENT (SC).

$$SC = \frac{\text{Solar Heat Gain of Fenestration}}{\text{Solar Heat Gain Unshaded DSB}}$$

Where: DS means double strength

B means grade class

and SC is calculated for the peak load time of the cooling system.

SUPPLEMENTARY HEAT. Heat generated in a heat pump, electrical resistance heat or other heat input not provided through the heat pump cycle.

TERMINAL ELEMENT. The means by which the transformed energy from a system is finally delivered; i.e., registers, diffusers, lighting fixtures, faucets, etc.

THERMOSTAT. An instrument which measures changes in temperature and controls device(s) for maintaining a desired temperature.

UNCONDITIONED. Not heated or cooled.

ZONE. A space or group of spaces within a building with heating or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device. (Sec. 16-1.1, R.O. 1978; Am. Ord. 80-73)

Sec. 16-8.3. Exterior Envelope Requirements.

(a) General. The intent of this section is to provide minimum requirements for exterior envelope construction.

In addition to the criteria set forth in this article, the proposed design may take into consideration the thermal mass of the building in considering energy conservation in accordance with engineering design standards such as those of ASHRAE.

A building that is designed to be both heated and cooled shall meet the more stringent of the heating and cooling requirements of the exterior envelope as provided in this section when the requirements differ.

(b) Thermal Performance. All buildings and structures, or portions thereof, that are heated or mechanically cooled shall be constructed so as to provide the required thermal performance of the various components.

The required thermal transmittance value (U_o) of any one component such as roof/ceiling, wall or floor may be increased and the U_o value for any other components decreased provided that the overall heat gain or loss for the entire building envelope does not exceed the total resulting from conformance to the required U_o values.

(c) Residential Buildings Not More than Three Stories in Height. The following provisions shall apply to all buildings and structures, or portions

thereof, not more than three stories in height and housing Group R Occupancies.

(1) Walls. The gross area of exterior walls above grade, including foundation walls, shall have a combined thermal transmittance value (U_o) not exceeding those specified in Table No. 16-8A. The combined thermal transmittance value (U_o) is to be computed using Equation 16-8-1.

EXCEPTIONS: In locations with less than 500 Fahrenheit heating degree days there shall not be a maximum U_o requirement if only heating is provided and the U_o shall be not exceeding those specified in Table No. 16-8A if the building is mechanically cooled.

$$U_o = \frac{U_{\text{wall}} A_{\text{wall}} + U_{\text{window}} A_{\text{window}} + U_{\text{door}} A_{\text{door}} \dots}{A_o} \quad (16-8-1)$$

NOTE: Where more than one type of wall, window and/or door is used, the $U \times A$ term for that exposure shall be expanded into its subelements, as:

$$U_{\text{wall}_1} A_{\text{wall}_1} + U_{\text{wall}_2} A_{\text{wall}_2}, \text{ etc.}$$

WHERE

U_o = the average thermal transmittance of the gross wall area, Btu/h ft² F.

A_o = the gross area of exterior walls, ft².

U_{wall} = the thermal transmittance of all elements of the opaque wall area, Btu/h ft² F.

A_{wall} = opaque wall area, ft².

U_{window} = the thermal transmittance of the window area, Btu/h ft² F.

A_{window} = window area (including sash) ft².

U_{door} = the thermal transmittance of the door area, Btu/h ft² F.

A_{door} = door area, ft².

(2) Roof/Ceiling. Any building that is heated or mechanically cooled shall have a combined thermal transmittance value (U_o) for roof/ceilings not exceeding those specified in Table No. 16-8A. The combined thermal transmittance value (U_o) is to be computed using Equation 16-8-2.

$$U_o = \frac{U_{\text{roof}} A_{\text{roof}} + U_{\text{skylight}} A_{\text{skylight}} \dots}{A_o} \quad (16-8-2)$$

NOTE: Where more than one type of roof/ceiling and/or skylight is used, the $U \times A$ term for that exposure shall be expanded into its subelements, as:

$$U_{\text{roof}_1} A_{\text{roof}_1} + U_{\text{roof}_2} A_{\text{roof}_2}, \text{ etc.}$$

WHERE

U_o = the average thermal transmittance of the gross roof/ceiling area, Btu/h ft² F.

A_o = the gross area of a roof/ceiling assembly, ft².

U_{roof} = the thermal transmittance of all elements of the opaque roof/ceiling area, Btu/h ft² F.

A_{roof} = opaque roof/ceiling area, ft².

U_{skylight} = the thermal transmittance of all skylight elements in the roof/ceiling assembly, Btu/h ft² F.

A_{skylight} = skylight area (including frame) ft².

(3) Floors over unheated spaces. The floor of a heated or mechanically cooled space located over an unheated space shall have a combined thermal transmittance value (U_o) as specified in Table No. 16-8A.

(d) Other Buildings. The following provisions shall apply to all buildings and structures, or portions thereof, except those covered within subsection (c) above.

(1) Heating Criteria for Walls. All buildings and structures, or portions thereof, that are heated shall have a combined thermal transmittance value (U_o) for the gross area of exterior walls not exceeding those specified in Table No. 16-8B. The combined thermal transmittance value (U_o) is to be computed using Equation 16-8-1.

(2) Heating Criteria for Roof/Ceiling. All buildings and structures, or portions thereof, that are heated shall have a combined thermal transmittance value (U_o) for roof ceiling assemblies not exceeding those specified in Table No. 16-8B. The combined thermal transmittance value (U_o) is to be computed using Equation 16-8-2.

(3) Heating Criteria for Floors Over Unheated Spaces. The floor of a heated space located over an unheated space shall have a thermal transmittance value (U_o) not exceeding those specified in Table No. 16-8B.

(4) Cooling Criteria for Walls. All buildings and structures, or portions thereof, that are mechanically cooled shall have an overall thermal transfer value for the gross area of exterior walls not exceeding those specified in Table No. 16-8B. The overall thermal transfer value, OTTV, for the gross area of exterior walls is to be computed using Equation 16-8-3.

$$OTTV = \frac{(U_{\text{wall}} \times A_{\text{wall}} \times T_{DEQ}) + (A_f \times SF \times SC) + (U_f \times A_f \times \Delta T)}{A_o} \dots (16-8-3)$$

NOTE: Where more than one type of wall and/or fenestration is used, the terms shall be expanded into subelements, as:

$$(U_{\text{wall}} \times A_{\text{wall}} \times T_{DEQ}) + (U_{\text{wall}2} \times A_{\text{wall}2} \times T_{DEQ2}), \text{ etc.}$$

WHERE

OTTV = overall thermal transfer value.

U_{wall} = the thermal transmittance of all elements of the opaque wall area, Btu/h ft² F.

A_{wall} = opaque wall area, ft².

U_f = the thermal transmittance of the fenestration area, Btu/h ft² F.

A_f = entire exterior wall fenestration area, ft².

TD_{EQ} = value given in Table No. 16-8H.

SC = shading coefficient of the fenestration (see Definitions).

A_o = gross area of exterior walls, ft².

ΔT = Temperature difference between exterior and interior design conditions, F.

SF = solar factor value given in BTU/h-ft², using value from the following table for the peak load time of the cooling system:

SF (Interpolate for Other Directions and Times)

Time	N	NE	E	SE	S	SW	W	NW	Horiz.
8 am	21	134	227	186	36	20	20	20	116
10 am	32	61	161	168	76	33	32	32	238
12 noon	36	37	39	69	93	69	39	37	282
2 pm	32	32	32	33	76	168	161	61	238
4 pm	21	20	20	20	36	186	227	134	116

(5) Cooling Criteria for Roof/Ceilings. All buildings and structures, or portions thereof, that are mechanically cooled shall have a combined thermal transmittance value (U_o) for roof/ceiling assemblies not exceeding those specified in Table No. 16-8B. The combined thermal transmittance value (U_o) is to be computed using Equation 16-8-2. (Sec. 16-1.1, R.O. 1978; Am. Ord. 80-73)

Sec. 16-8.4. Warm Air Heating, Ventilating And Air-Conditioning Systems (All Occupancies Except Group R, Division 3 Occupancies).

(a) Scope. This section applies to air duct systems employing mechanical means for the movement of air used for warm air heating, cooling, ventilation, air-conditioning systems, exhaust systems and combination heating and air-conditioning systems, except that this section shall not apply to systems for the removal of flammable vapors or residues or to systems for conveying dust, stock or refuse by means of air currents.

(1) Design Parameters. For calculations under this section, the following design parameters shall apply:

(A) Outdoor design conditions shall be based on requirements in Chapter 28—Air Conditioning and Ventilating of the Public Health

Regulations, Department of Health, State of Hawaii.

(B) Indoor design temperature shall be 70° F. for heating and 77° F. for cooling.

(C) Indoor design relative humidity for heating shall not exceed 30 percent. For cooling, the design relative humidity shall be 50 percent.

(2) Mechanical Ventilation. Each mechanical ventilation system shall be equipped with a readily accessible means for either shutoff or volume reduction and shutoff when ventilation is not required.

(3) Simultaneous Heating and Cooling. Systems that employ both heating and cooling simultaneously in order to achieve comfort conditions within a space shall be limited to those situations where more efficient methods of heating and air conditioning cannot be effectively utilized to meet system objectives. Simultaneous heating and cooling by reheating or recooling supply air or by concurrent operation of independent heating and cooling systems serving a common zone shall be restricted as specified herein.

(A) New energy may be used for control of temperature if minimized as specified in C through H. New energy is defined as energy, other than recovered, utilized for the purpose of heating or cooling.

(B) Recovered energy, provided the new energy expended in the recovery process is less than the amount recovered, may be used for control of temperature and humidity.

(C) New energy may be used, when necessary, to prevent relative humidity from rising above 60 percent for comfort control or to prevent condensation on terminal units or outlets.

(D) Systems employing reheat and serving multiple zones, other than those employing variable air volume for temperature control, shall be provided with control that will automatically reset the system cold air supply to the highest temperature level that will satisfy the zone requiring the coolest air. Single zone reheat systems shall be controlled to sequence cooling reheating.

(E) Dual duct and multizone systems shall be provided with control that will automatically reset the cold air supply to the highest temperature that will satisfy the zone requiring the coolest air and the hot air supply to the lowest temperature that will satisfy the zone requiring the warmest air.

(F) Systems in which heated air is recooled, directly or indirectly, to maintain space temperature, shall be provided with control that will automatically reset the temperature to which the supply air is heated to the lowest level that will satisfy the zone requiring the warmest air.

(G) For systems with multiple zones, one or more zones may be chosen to represent a number of zones with similar heating/cooling characteristics. A multiple zone heating, ventilating and air-conditioning system that employs reheating or recooling for control of not more than 5000 cfm or 20 percent of the total supply air of the system, whichever is less, shall be exempt from the supply air temperature reset requirements of D and F.

(H) Concurrent operation of independent heating and cooling systems serving common spaces and requiring the use of new energy for heating or cooling shall be minimized by one or both of the following:

(i) By providing sequential temperature control of both heating and cooling capacity in each zone.

(ii) By limiting the heating energy input, through automatic reset control of the heating medium temperature (or energy input rate), to only that necessary to offset heat loss due to transmission and infiltration and, where applicable, to heat the ventilation air supply to the space.

(b) Equipment Performance Requirements. The requirements of this section apply to equipment and component performance for heating, ventilating and air-conditioning systems. Where equipment efficiency levels are specified, data furnished by the equipment supplier or certified under a nationally recognized certification program or rating procedure shall be used to satisfy these requirements.

(1) System Equipment. Heating, ventilating and air-conditioning system equipment whose energy input in the cooling mode is entirely electric shall show a coefficient of performance (COP) and energy efficiency ratio (EER) not less than the values specified in Table No. 16-8C. These requirements apply to, but are not limited to, unitary cooling equipment (air and water source), packaged air conditioners, and room air conditioners. This paragraph does not apply to equipment used in areas having open refrigerated food display cases.

Heat-operated cooling equipment shall show a coefficient of performance (COP) in the cooling mode not less than the values specified in Table No. 16-8D. These requirements apply to, but are not limited to, absorption, engine-driven and turbine-driven equipment. The coefficient of performance (COP) is determined excluding the electrical auxiliary inputs.

(2) System Components. Heating, ventilating and air-conditioning system components whose energy input in the cooling mode is entirely electric shall show a coefficient of performance (COP) and energy efficiency ratio (EER) not less than the values specified in Table No. 16-8E.

(3) Heat Pumps. Heat pumps whose energy input is entirely electric shall show a coefficient of performance (COP), heating, not less than the values specified in Table No. 16-8F.

(4) Supplementary Heater. The heat pump shall be installed with a control to prevent supplementary heater operation when the heating load can be met by the heat pump alone.

Supplementary heater operation is permitted during transient periods, such as start-ups, following room thermostat set-point advance, and during defrost.

A two-stage room thermostat which controls the supplementary heat in its second stage shall be accepted as meeting this requirement. The cut-on temperature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off tem-

perature for the supplementary heat. Supplementary heat may be derived from any source of electric resistance heating or combustion heating.

(5) Combustion Heating Equipment. All gas and oil-fired comfort heating equipment shall show a minimum combustion efficiency of 75 percent at maximum rated output. Combustion efficiency shall be determined in accordance with acceptable engineering principles.

(c) Insulation of Ducts. All duct systems, or portions thereof, exposed to nonconditioned spaces shall be insulated in accordance with Section 1718(a) of this Code. (Sec. 16-1.1, R.O. 1978; Am. Ord. 80-73)

Sec. 16-8.5. Warm Air Heating, Ventilating And Air-Conditioning Systems In One- And Two-Family Dwellings (Group R, Division 3 Occupancies).

Insulation of Ducts. All duct systems, or portions thereof, exposed to nonconditioned spaces shall be insulated in accordance with Section 1718(a) of this Code. (Sec. 16-1.1, R.O. 1978; Am. Ord. 80-73)

Sec. 16-8.6. Systems Controls (All Occupancies).

(a) Systems Controls. All heating, ventilating and air-conditioning systems shall be provided controls for all occupancies as specified herein.

(1) Temperature. Each heating, ventilating and air-conditioning system shall be provided with at least one thermostat for the regulation of temperature. Each thermostat shall be capable of being set from 55° F. to 75° F. where used to control heating only and from 70° F. to 85° F. where used to control cooling only. Where used to control both heating and cooling, it shall be capable of being set from 55° F. to 85° F. and shall be capable of operating the system heating and cooling in sequence. It shall be adjustable to provide a temperature range of up to 10° F. between full heating and full cooling, except as allowed, in Section 16-8.4 (a) 3 H.

(2) Humidity. If a heating, ventilating and air-conditioning system is equipped with a means for adding moisture to maintain specific selected relative humidities in spaces or zones, a humidistat shall be provided. This device shall be capable of being set to prevent new energy from being used to produce space relative humidity above 30 percent relative humidity. Where a humidistat is used in a heating, ventilating and air-conditioning system for controlling moisture removal to maintain specific selected relative humidities in spaces or zones, it shall be capable of being set to prevent new energy from being used to produce a space relative humidity below 60 percent.

(3) Temperature Zoning. In all Group R, Division 3 Occupancies, at least one thermostat for regulation of space temperature shall be provided for each separate heating, ventilating and air-conditioning system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating or cooling input to each zone or floor, excluding unheated or uncooled basements and garages.

In all Group R, Division 1 Occupancies, each individual dwelling unit shall be considered separately and shall meet the above requirements for Group R, Division 3 Occupancies.

In all buildings and structures, or portions thereof, other than Group R, Division 3 Occupancies, and in spaces other than dwelling units in Group R, Division 1 Occupancies, at least one thermostat for regulation of space temperature shall be provided for each separate heating, ventilating and air-conditioning system and for each floor of the building.

(4) Setback and Shut Off. In all Group R, Division 3 Occupancies, the thermostat, or an alternate means such as a switch or a clock, shall provide a readily accessible manual or automatic means for reducing the energy required for heating and cooling during periods of nonuse or reduced need.

In all other buildings and structures, or portions thereof, each heating, ventilating and air-conditioning system shall be equipped with a readily accessible means of reducing the energy used for heating, ventilating and air-conditioning during periods of nonuse or alternate uses of the building spaces or zones served by the system, such as with manually adjustable automatic timing devices, manual devices for use by operating personnel, or automatic control systems.

Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting. (Sec. 16-1.1, R.O. 1978; Am. Ord. 80-73)

Sec. 16-8.7. Piping For Steam And Hot Water Heating Systems.

Piping Insulation. All piping serving as part of a heating or cooling system installed to serve buildings and within buildings shall be thermally insulated as shown in Table No. 16-8G.

Insulation thicknesses are based on insulation having thermal resistance in the range of 4.0 to 4.6 per inch of thickness on a flat surface at a mean temperature of 75° F. Minimum insulation thickness shall be increased for materials having R values less than 4.0 or may be reduced for materials having R values greater than 4.6 per inch of thickness as follows:

(1) For materials with thermal resistance greater than $R = 4.6$, the minimum insulation thickness may be determined as follows:

$$\frac{4.6 \times \text{Table No. 16-8G Thickness}}{\text{Actual R}} = \text{New Minimum Thickness}$$

(2) For materials with thermal resistance less than $R = 4.0$, the minimum insulation thickness shall be determined as follows:

$$\frac{4.0 \times \text{Table No. 16-8G Thickness}}{\text{Actual R}} = \text{New Minimum Thickness}$$

EXCEPTIONS: Piping insulation, except when needed to prevent condensation, is not required in any of the following cases:

(A) Piping installed within heating, ventilating and air-conditioning equipment.

(B) Piping operating at internal temperatures between 55° F. and 120° F.

(C) When the heat loss or heat gain of the piping, without insulation, does not increase the energy requirements of the building.

(D) Piping installed in basements, cellars or unventilated crawl space with insulated walls in Group R, Division 3 Occupancies.

Where required to prevent condensation, insulation with vapor barriers shall be installed in addition to insulation required above. (Sec. 16-1.1, R.O. 1978; Am. Ord. 80-73)

Sec. 16-8.8. Conservation Of Hot Water.

(a) Showers. Showers used for other than safety reasons shall be equipped with flow control devices to limit total flow to a maximum of 3 gpm per shower head.

(b) Lavatories. Lavatories with hot water supplies in restrooms of other than dwelling units in Group R Occupancies shall:

(1) Be equipped with outlet devices which limit the flow of hot water to a maximum of 0.5 gpm, or

(2) Be equipped with devices which limit the outlet temperature to maximum of 110° F., or

(3) Be equipped with self-closing valves that limit delivery to a maximum of 0.25 gallons of hot water.

(c) Piping Insulation. Piping in return circulation systems shall be insulated so that heat loss is limited to a maximum of 25 Btu/h per square foot of external pipe surface for aboveground piping and a maximum of 35 Btu/h per square foot of external pipe surface for underground piping. Maximum heat loss shall be determined at a temperature differential equal to the maximum water temperature minus a design ambient temperature not higher than 65° F.

EXCEPTION: Conformance with Table No. 16-8G for low temperature piping systems shall be deemed as complying with this Section.

(d) Pump Operation. Circulating hot water systems shall be arranged so that the circulating pump can be turned off either automatically or manually when the hot water system is not in operation.

(e) Performance Efficiency. All automatic electric storage water heaters shall have a stand-by loss not exceeding 4 watts per square foot of tank surface area. This method of test of stand-by loss shall be in accordance with acceptable engineering principles.

All gas and oil-fired automatic storage heaters shall have a recovery efficiency, E_r , not less than 75 percent and a stand-by loss percentage, S , not exceeding $S = 2.3 + 67/V$, where V = rated volume in gallons. The method of determining E_r and S shall be in accordance with acceptable engineering principles.

Service water heating equipment shall not be dependent on year-round operation of space heating boilers, that is, boilers that have as another function winter space heating.

(f) Insulation. Unfired hot water storage tanks shall be insulated so that heat loss is limited to a maximum of 15 Btu/h per square foot of external tank surface area. For purposes of determining this heat loss, the design ambient temperature shall be not higher than 65° F. (Sec. 16-1.1, R.O. 1978; Am. Ord. 80-73)

Sec. 16-8.9. Controls.

(a) Temperature Controls. All hot water supply systems shall be equipped with automatic temperature controls capable of adjustments from the lowest to the highest acceptable temperature settings for the intended use.

(b) Shut Down. A separate switch shall be provided to terminate the energy supplied to electric hot water supply systems. A separate valve shall be provided to turn off the energy supplied to the main burner of all other types of hot water supply systems. (Sec. 16-1.1, R.O. 1978; Am. Ord. 80-73)

Sec. 16-8.10. Artificial Light.

Lighting Power Limit for Buildings.

(a) General. This section establishes the maximum power limit for interior and exterior illumination systems.

(b) Exempt Buildings. Buildings in Group R-3 Occupancy, and the dwelling unit portion of Group R-1 Occupancy are exempt from the requirements of this section.

(c) Lighting Power Limit. A lighting power limit is the upper limit of the power to be available to provide the lighting needs of a building.

(d) Separate lighting power limit shall be calculated for the building interior and for the building exterior.

(e) Calculation Procedure. To establish a lighting power limit the following procedure shall be used:

(1) Interiors.

(A) Determine the use categories for the various parts of the building from Table 16-8I.

(B) Multiply the maximum power limit for each category by the gross floor area included in that category.

(C) Add the total watts for each area to arrive at the lighting power limit for the building. Where ballasts are used, include wattage of ballasts.

(D) In open-concept spaces in excess of 2,000 sq. ft., with no defined egress or circulation pattern, 25 percent of the area shall be designated as category B.

(2) Exteriors.

(A) Category E Lighting (See Table 16-8I)—Multiply the limit given in Table 16-8I by the number of lineal feet in the building perimeter. Except for lighting required for security and safety, category E lighting shall be off from 2:00 a.m. to fifteen minutes before sunset.

(B) Other exterior lighting—Multiply the value in category F in Table 16-8I by the area to be illuminated.

(3) Exception:

Lighting for theatrical, television, cleanrooms, spectator sports and like performances shall not be included in the total building limit. Control of this lighting shall have limited access.

(f) Alternates.

(1) The installed lighting power for any area may be increased or decreased from the values of Table 16-8I provided the total interior

building lighting power limit calculated in Section 16-8.10(e) is not exceeded. The task lighting for any area shall not exceed the standards set forth in the latest edition of the Illuminating Engineering Society (IES) Handbook.

(2) Lighting for retail stores may use 5 watts per square foot for the first 500 square feet and 2.5 watts per square foot for floor area in excess of 500 square feet.

(g) Lighting Switching. In all exterior areas, lighting fixtures shall be switched automatically for non-operation when natural light is available.

(h) Documentation. Lighting power loads shall be presented to the Building Official in an acceptable format and shall include the total connected lighting wattage per square foot for the entire structure.

(i) Application to Existing Buildings.

(1) General. The provisions of this section shall apply to all existing buildings and structures with a gross floor area in excess of 10,000 sq. ft.

(2) Exempt Buildings And Lighting. The following are exempt from the provisions of this section:

(A) Buildings in Groups R-3 Occupancy and the dwelling unit portion of Group R-1 Occupancy.

(B) The manufacturing portion of industrial plants.

(C) Exterior lighting, provided that Section 16-8.10(g) shall apply to exterior lighting for existing buildings or portions of existing buildings not exempt under A and B above.

(3) Existing Buildings. For the purposes of this section, existing buildings shall be as defined under Section 403 of this Code.

(4) Calculation Procedure. Lighting power limit for existing buildings shall be established following procedure set forth in Section 16-8.10(e).

(5) Alternates. The alternates set forth in Section 16-8.10(f) shall also be applicable to existing buildings.

(6) Documentation. Lighting power loads shall be presented to the Building Official in an acceptable format and shall include the total connected lighting wattage per square foot for the portion of a structure under consideration. (Sec. 16-1.1, R.O. 1978; Am. Ord. 80-73)

Sec. 16-8.11. Energy Conservation In Electrical Distribution Systems.

(a) Power Factor. The power factor of the overall electrical distribution system in a building shall be not less than 90 percent under rated design installed load of the building, either by utilization equipment design or by the use of power factor corrective devices. The corrective methods shall be based upon an engineering evaluation of each distribution system.

(b) Lighting Switching. Switching shall be provided for each lighting circuit, or for portions of each circuit so that the partial lighting required for custodial or for effective complementary use with natural lighting may be operated selectively. (Sec. 16-1.1, R.O. 1978; Am. Ord. 80-73)

Sec. 16-8.12. Penalty For Violation.

Any person, firm, or corporation violating any of the provisions of this article 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 of the provisions of this article is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$1000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

TABLE NO. 16-8A—CRITERIA FOR GROUP R OCCUPANCY BUILDING THREE (3) STORIES OR LESS IN HEIGHT

Element	Mode	U _o
Walls	Cooling	0.47
Roof/Ceiling	Heating & Cooling	0.06
Roof w/o Ceiling*		0.15
Floors Over Unheated Spaces	Heating & Cooling	0.47

*Use this when a ceiling air plenum is involved.

TABLE NO. 16-8B—CRITERIA FOR BUILDINGS OTHER THAN GROUP R OCCUPANCY THREE (3) STORIES OR LESS IN HEIGHT

Element	Mode	U _o	OTTV
Walls	Heating	0.47	28.5
	Cooling		
Roof/Ceiling	Heating & Cooling	0.06	
Roof w/o Ceiling*		0.15	
Floors over Unheated Spaces	Heating	0.36	

*Use this when a ceiling air plenum is involved.

TABLE NO. 16-8C—MINIMUM EER AND COP FOR ELECTRIC HEATING, VENTILATING AND AIR-CONDITIONING SYSTEM EQUIPMENT

Standard Rating Capacity	EER	COP
Under 65,000 BTU/hr (19,050 watts)	6.1	1.8
65,000 BTU/hr (19,050 watts) and over	6.8	2.0

TABLE NO. 16-8D—MINIMUM COP FOR HEATING, VENTILATING AND AIR-CONDITIONING SYSTEM HEAT OPERATED COOLING EQUIPMENT

Heat Source	Minimum COP
Direct fired (gas, oil)	0.40
Indirect fired (steam, hot water)	0.65

TABLE NO. 16-8E—MINIMUM COP FOR ELECTRICALLY DRIVEN HEATING, VENTILATING AND AIR-CONDITIONING SYSTEM COMPONENTS

COMPONENT	CONDENSING MEANS	AIR		WATER		EVAPORATOR	
		EER	COP	EER	COP	EER	COP
Self-contained Water Chillers	Centrifugal	7.5	2.2	12.9	3.8		
	Positive Displacement	7.2	2.1	10.9	3.2		
Condenserless Water Chillers	Positive Displacement	8.9	2.6	10.9	3.2		
Compressor and Condenser Units 65,000 BTU/hr (19,050 watts and over)	Positive Displacement	7.8	2.3	11.3	3.3	11.3	3.3

TABLE NO. 16-8F—MINIMUM COP FOR HEAT PUMPS, HEATING MODE

SOURCE AND OUTDOOR TEMPERATURE (°F.)	MINIMUM COP
Air Source—47 dB/43WB	2.2
Air Source—17 dB/15WB	1.2
Water Source—60 Entering	2.2

TABLE NO. 16-8G—MINIMUM PIPE INSULATION

Piping System Types	INSULATION THICKNESS IN INCHES FOR PIPE SIZES						
	Fluid Temperature Range, F.	Run-outs Up to 2"	1" and Less	1¼ to 2"	2½ to 4"	5" & 6"	8" & Larger
Heating Systems							
Steam and Hot Water							
High Pressure/Temp	306-450	1½	1½	2	2½	3½	3½
Med. Pressure/Temp	251-305	1½	1½	2	2½	3	3
Low Pressure/Temp	201-250	1	1	1½	1½	2	2
Low Temperature	120-200	½	¾	1	1	1	1½
Steam Condensate (for Feed Water)	Any	1	1	1	1½	1½	2
Cooling Systems							
Chilled Water, Refrigerant, or Brine							
	40-55	½	½	¾	1	1	1
	Below 40	1	1	1½	1½	1½	1½

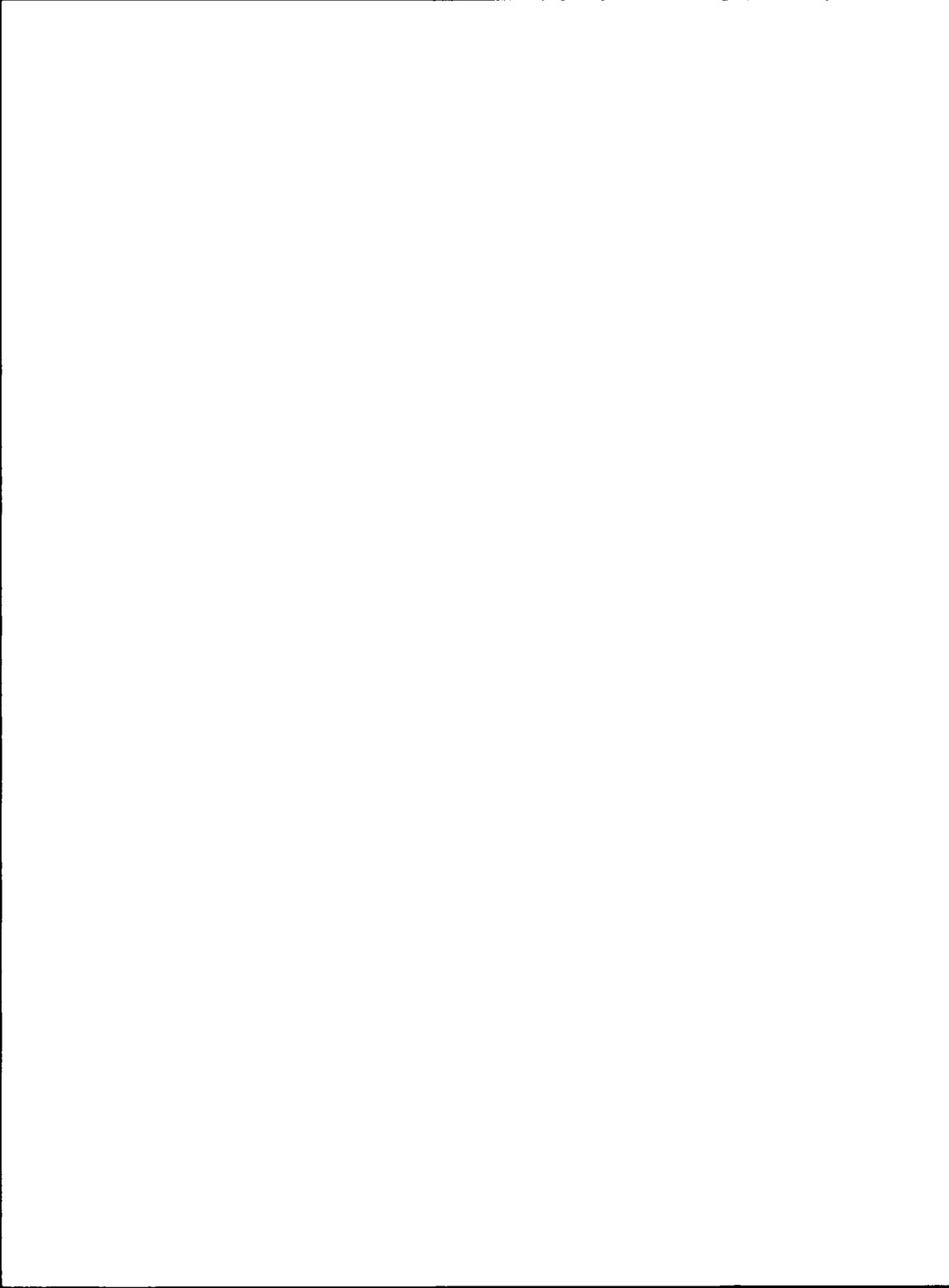
TABLE NO. 16-8H—TEMPERATURE DIFFERENCE FOR SUNLIT WALLS*

WALL CONSTRUCTION MASS PER UNIT AREA—lbs/ft ²	TDEQ-°F
0-25	44
26-40	37
41-70	30
71 and above	23

*Temperature difference for shaded areas need be no greater than the average difference between ambient and inside conditions.

TABLE NO. 16-8I—LIGHTING LIMIT (CONNECTED LOAD) FOR LISTED OCCUPANCIES

TYPE OF USE	MAX. LIMIT PER SQ. FT. (WATTS)
INTERIOR	
Category A: Classroom, office, automotive, mechanical area, museum, conference room, drafting, clerical, laboratory, retail stores, manufacturing, process, industrial, kitchen, examining room, open library stacks, athletic facility	3
Category B: Auditorium, place of assembly, waiting area, spectator area, restroom, dining, working corridor in prison and hospital, transportation terminal, closed book stacks, active storage, hospital bedroom, hotel/motel bedroom, enclosed shopping mall concourse	1
Category C: Corridor, lobby, elevator, stairway, dead storage, bulk manufacturing	.5
Category D: Indoor parking	.25
EXTERIOR	
Category E: Building perimeter: wall-wash, facade, canopy	5 (per linear foot)
Category F: Outdoor parking (Sec. 16-1.1, R.O. 1978; Am. Ord. 80-73)	0.05



CHAPTER 17.
THE ELECTRICAL CODE.

Article 1. General Provisions.

Sec. 17-1.1. Title And Purpose.

(a) Title. This chapter shall be known as the "Electrical Code," may be cited as such, and is referred to herein as "this Code."

(b) Purpose. The purpose of this Code is to reduce the hazards to persons and property arising from faulty electrical work. To accomplish this purpose, the requirements set forth herein are intended to provide minimum standards for electrical work in the City. (Sec. 17-1.1., R. O. 1978; Am. Ord. 81-26)

Sec. 17-1.2. Scope.

(a) Scope. The provisions of this Code shall apply to all electrical work and installations in the City except the following:

(1) Electrical work on buildings or premises owned by or under the direct control of the United States or the State of Hawaii.

(2) Electrical work by an electrical utility or serving agency supplying electricity, operating under a franchise or charter granted by the State of Hawaii on the following:

(A) Any generating plant, receiving station, switching station or distributing station, under the control of such activity or serving agency;

(B) Any electrical wiring for supply lines or mains under the control of such utility or serving agency; and

(C) Any electrical wiring for overhead service drops, or underground or station service supply conductors under the control of such utility or serving agency.

(3) Electrical work by a public telephone or telegraph communication system subject to regulation by the Public Utilities Commission of the State of Hawaii.

(4) The physical placement and reassembly of an electric sign, x-ray equipment or household appliance.

(5) Existing electrical installations which complied with the laws, ordinances and regulations in effect when the electrical work thereon was performed, provided that such installations shall be subject to the provisions of subsection (c) of Section 17-3.1, hereof.

(6) Electrical work in accordance with the laws, ordinances and regulations in effect prior to the effective date of this Code under a permit therefor issued prior to such date.

(7) Electrical work related to work regulated by Chapter 397, Hawaii Revised Statutes, as amended, relating to the Elevator Code, but not including electrical work for the supply of power to the control panels of elevators, dumb-waiters, escalators, moving walks, and manlifts.

(8) Replacement or repair of devices and apparatus of air conditioning and refrigeration systems, except electrical work on overcurrent devices, which are not physically attached to, or physically mounted on, such systems.

(b) Interpretation—Same Subject Matter. If there are two or more provisions in this Code or any other ordinances or statutes, covering the same subject matter, the provisions which provide the greater safety to life or limb, property or public welfare shall prevail. (Sec. 17-1.2, R. O. 1978; Am. Ord. 81-26)

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:

“Building Official.” The Director and Building Superintendent of the City or his authorized representative.

“Department.” The Building Department of the City.

“Duly Licensed Electrician.” Any person licensed as an electrician under the provisions of Chapter 448E, Hawaii Revised Statutes.

“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.

“Maintenance Work.” The keeping in repair and operation of any electrical installation, apparatus, fixtures, appliance or equipment. (Sec. 17-2.1, R. O. 1978; Am. Ord. 81-26)

Article 3. Administration And Enforcement.

Sec. 17-3.1. Administration And Enforcement.

(a) Authority. The Building Official shall administer and enforce the provisions of this Code.

(b) Right of Entry. Upon presentation of proper credentials, the Building Official may enter at reasonable times any building, structure 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) Defective Electrical Installations. Whenever any electrical installation is found to have been installed, altered, changed or reconstructed contrary to the provisions of this Code or any other law, whenever any electrical installation is found to be in use contrary to the provisions of this Code or any other law, or whenever any electrical installation, which complied with the existing laws, ordinances and regulations in effect when the electrical work thereon was performed, is found to be unsafe or dangerous to persons or property, the Building Official shall give the owner or the person in control of such installation a written notice stating the findings with respect to such installation and order the owner or such other person to make the corrections to be set forth in such written notice within ten days from the date of service of such notice or within such further time as the Building Official may allow.

In addition, the Building Official may disconnect such installation from its source of electrical energy and order the supplying of electrical energy to such installation to be stopped. Thereafter, no person shall use or supply electrical energy to such installation before the corrections set forth in the notice have been made.

(d) Final Inspection Required. No person shall use or supply electrical energy to any electrical installation on which electrical work was or is being performed under a permit issued pursuant to the provisions of Section 17-4.1 hereof, before the Building Official has issued a certificate certifying that such installation has been inspected and approved by the Building Official, provided that the Building Official may authorize the use of, and the supply of electrical energy to, such installation before issuance of such certificate when the use of, and the supply of electrical energy to, such installation will not endanger life or property and there is good cause for making such exception.

No such certificate shall be issued unless such installation has been inspected and approved in accordance with the following:

(1) The Building Official had inspected the roughing-in of the installation and the completed installation, during his regular working hours in the company of the duly licensed electrician performing the electrical work thereon;

(2) The completed installation had been inspected after all piping and tubing, including gas, steam, water, sewer and furnaces piping and tubing, located near such installation were in place, and in the case of an installation that is to be concealed, after all lathing strips, furring, bridging, backing and headers were in place; and

(3) The inspection of the completed installation had not been prevented by obstructions.

(e) Notice for Inspection. Whenever any electric wiring, or portion thereof, is ready for inspection, the permittee shall notify the Building Official not less than 24 hours before the day on which any such inspection is desired, excluding Saturdays, Sundays and holidays.

(f) No Concealment of Inspection. No person shall conceal, enclose or cover, or cause or permit to be concealed, enclosed or covered, any portion of any electrical wiring in any manner which will interfere with or prevent the inspection thereof, except when the Building Official having received the notice of inspection fails to appear for the inspection. (Sec. 17-3.1, R. O. 1978; Am. Ord. 81-26, 81-44)

Sec. 17-3.2. Non-Liability Of City For Damages.

This Code shall not be construed to relieve any person owning or operating any electrical installation or any person performing electrical work from liability for damages to anyone injured by any defect in such installation or such performance; nor shall the City, or the Building Official or any other agent, or officer thereof, be held liable for such damages by reason of the issuance of any permit, performance of any inspection or issuance of a certificate certifying that an electrical installation has been inspected and approved. (Sec. 17-3.2, R. O. 1978; Am. Ord. 81-26)

Sec. 17-3.3. Appeals And Petitions.

Any appeal from the decision of the Building Official 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, ROH Chapter 16 (Building Code). (Sec. 17-3.3, R. O. 1978; Am. Ord. 81-26)

Sec. 17-3.4. Electrically Charged Fences Or Structures.

No electrically charged fences or structures shall be installed, maintained or used, except for insecticidal purposes or agricultural purpose for which the Building Official may grant approval thereto in writing upon finding that measures adequate to protect the safety of the public have been taken by the person installing, maintaining or using such fence or structure. (Sec. 17-3.4, R. O. 1978; Am. Ord. 81-26)

Sec. 17-3.5. Installation Of Electric Watt-Hour Meter For Dwelling Unit.

Electric watt-hour meters shall not be installed to serve illegal dwelling units. No more than one electric watt-hour meter shall be installed per legal dwelling unit. (Sec. 17-3.5, R. O. 1978; Am. Ord. 81-26)

Sec. 17-3.6. Penalty.

Any person violating any of the provisions of this Code shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or by both.

The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance. (Sec. 17-3.6, R. O. 1978; Am. Ord. 81-26)

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 ROH Chapter 18. (Sec. 17-4.1, R. O. 1978; Am. Ord. 81-26)

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 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 for each hour or portion thereof that is required to make the inspection and travel to and from the installation. (Sec. 17-4.2, R. O. 1978; Am. Ord. 81-26)

Article 5. Standards.

Sec. 17-5.1. Standards For Electrical Work.

(a) Adoption of the National Electrical Code. The National Electrical Code, 1981 Edition, copyrighted 1980 by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, 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 said Code are adopted as a standard for electrical work covered by ROH Chapter 17, provided there are no specific provisions in any other section of this chapter covering the particular matter.

(b) Compliance Required. No person shall do or cause to be done any electrical work which does not comply with the provisions of this Code. (Sec. 17-5.1, R. O. 1978; Am. Ord. 81-26)

Sec. 17-5.2. Standards For Performance Of Electrical Work.

No person shall perform any work covered by this Code in violation of the provisions of Chapter 448E, HRS. (Sec. 17-5.2, R. O. 1978; Am. Ord. 81-26)

Article 6. Electrical Work Within Flood Hazard Districts And Developments Adjacent To Drainage Facilities.

Sec. 17-6.1. Applicability.

(a) General. The provisions contained herein are applicable to the construction of all new electrical systems, renovations and major alterations,

additions, or reconstruction of existing electrical systems within the Flood Hazard District as established on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and any amendments by the Federal Emergency Management Agency, on file with the Department of Land Utilization, City and County of Honolulu.

These provisions shall also apply to developments adjacent to drainage facilities outside the Flood Hazard District which are determined to be within a floodway area or a flood fringe area in accordance with Section 21-11.11 of Article 11, ROH Chapter 21.

(b) Existing Electrical Systems. Any electrical system thereof which was lawful before the effective date of this article but which is not in conformity with the provisions of this article may be continued subject to the provisions of Section 21-11.14 of Article 11, ROH Chapter 21.

(c) Exemption. The provisions contained herein shall not apply:

(1) To electrical systems serving buildings and structures exempted from the Flood Hazard District provisions under Section 21-11.15, Article 11, ROH Chapter 21.

(2) To electrical systems serving buildings and structures which have been granted a Flood Hazard Variance under provisions of Section 21-11.13 of Article 11, ROH Chapter 21. (Am. Ord. 80-64, 81-26)

Sec. 17-6.2. Definitions.

(a) For the purpose of this article, the following terms shall be as defined in Article 11, ROH Chapter 21:

- (1) Flood Elevation
- (2) Flood Fringe
- (3) Flood Hazard District
- (4) Flood Proof
- (5) Floodway
- (6) Regulatory Flood

(b) For the purpose of this article, the following words and terms are also defined:

(1) Ground-Fault Protector (GFP). A device or equipment which disconnects all ungrounded conductors of the faulted circuit to protect wiring and equipment from damages.

(2) Ground-Fault Circuit Interrupter (GFCI). A device or equipment which disconnects all ungrounded conductors of the faulted circuit to protect people from electrical shocks. (Am. Ord. 80-64, 81-26)

Sec. 17-6.3. Electrical Work In The Flood Hazard Districts And Developments Adjacent To Drainage Facilities.

(a) For electrical work on projects subject to the provisions of this article, the provisions of this section shall supplement the requirements of Section 17-5.1.

(1) Main Power Service. The incoming main commercial power service equipment, including all metering equipment, shall be located above the regulatory flood elevation or in a waterproof enclosure or barrier with GFP on the main disconnecting means.

(2) Stationary and Portable Equipment. Switchgear, control centers, transformers, distribution and power or lighting panels shall be located above the regulatory flood elevation or in a waterproof enclosure or barrier with GFP on the main disconnecting means. Stationary and portable or movable electrical equipment shall be permitted to be located below the regulatory flood elevation provided that the circuit and equipment shall be protected with GFCI, except sump pump and its circuit may be without GFCI. In cases where GFCI cannot be installed because of amperage size or usage, GFP shall be installed.

(3) Normal and Emergency Lighting Circuits. All normal lighting circuits extending into areas below the regulatory flood elevation shall be energized from a common distribution panel located above the regulatory flood elevation or in a waterproof enclosure or barrier with GFP. All emergency lighting circuits into areas below the regulatory flood elevation shall be energized from an independent distribution panel also located above the regulatory flood elevation or in a waterproof enclosure or barrier with GFP.

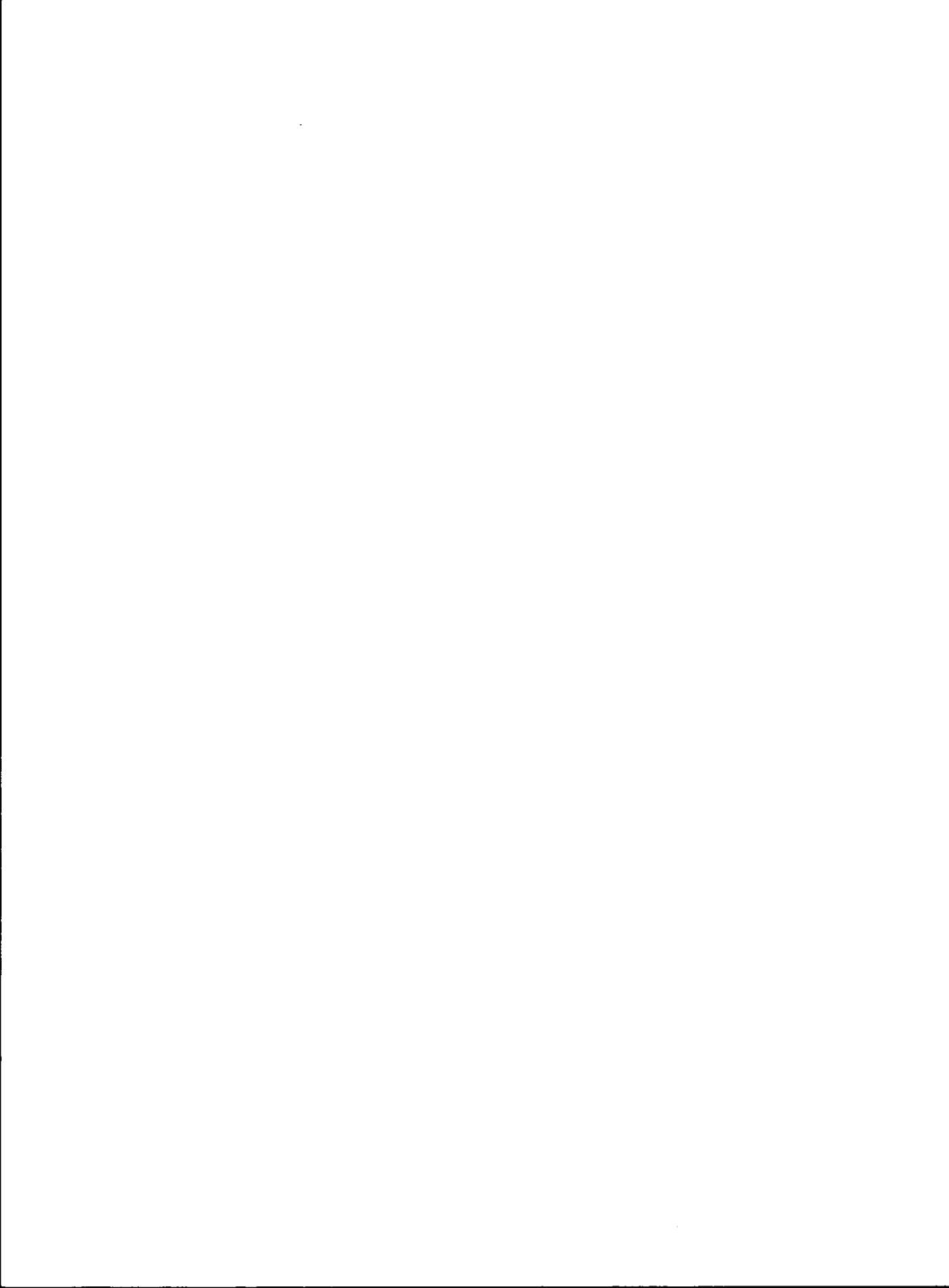
(4) Emergency Lighting Requirements. All components of emergency lighting systems installed below the regulatory flood elevation shall be so located that no component of the emergency lighting system is within reach of personnel working at floor level in the areas where emergency lighting systems are utilized unless the emergency lighting circuits are provided with GFCI. The emergency lighting may be furnished by a storage battery, prime mover-generator system, a separate commercial power supply system, the same commercial power system, or a combination thereof, subject to the following provisions:

(A) Storage Battery (including battery operated lighting units). Battery operated lighting units shall be completely self contained and shall indicate the state of charge of the battery at all times. Lighting units shall automatically provide light when the normal source of lighting in the areas is de-energized.

(B) Separate Commercial Power Supply System. This source of energy shall have a degree of reliability satisfactory to the Building Official. A system fed from a transformer other than that used for the regular supply and not on the same poles (except service pole) as the regular supply is deemed to have the required degree of reliability. A secondary circuit fed from the same primary circuit as the regular supply shall be regarded as a separate system.

(C) Same Commercial Power Supply System. The system shall be an underground secondary system and a separate service shall be connected on the line side of that service switch or breaker of the regular service.

(5) Receptacle Circuits Below Regulatory Flood Elevation. Receptacle circuits shall be permitted to be installed below the regulatory flood elevation, provided that these circuits shall be protected with GFCI. (Am. Ord. 80-64, 81-26)



CHAPTER 18.
FEES AND PERMITS FOR BUILDING, ELECTRICAL,
PLUMBING AND SIDEWALK 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, including permits for the construction of sidewalks, curbs and driveways, 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, including the administration of the Sidewalks, Curbs and Driveways Codes by the Public Works and Building Departments. (Sec. 18-1.1, R.O. 1978; Am. Ord. 80-108)

Article 2. General Provisions.

Sec. 18-2.1. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "This Code" shall mean the Building (Chapter 16 hereof), Electrical (Chapter 17 hereof), Plumbing (Chapter 19 hereof) and Sidewalk (Article 2 of Chapter 20 hereof) Codes;

(2) "Building Official" shall mean the Director and Building Superintendent of the City or his authorized deputy; and

(3) "Building permit" and "Permit" shall mean a consolidated permit governing work performed under the Building, Electrical, Plumbing and Sidewalk Codes. (Sec. 18-2.1, R.O. 1978; Am. Ord. 80-108)

Article 3. When Permit Required.

Sec. 18-3.1. Permits Required.

No person shall perform any of the following or cause any of the following to be performed without first obtaining a building permit therefor as prescribed herein:

(1) Erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure.

(2) Any electrical work.

(3) Install, remove, alter, repair or replace any plumbing, gas or drainage piping work or any fixture, gas appliance, or water heating or treating equipment.

(4) Construct, reconstruct or improve any sidewalk, curb or driveway in public street rights-of-way.

EXCEPTIONS: A permit shall not be required for the types of work as listed below. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

(1) Work excepted from Building Code provisions under Section 103, Article 1, ROH Chapter 16 (Building Code). Work on sidewalks, curbs or driveways regulated under provisions of Article 2, ROH Chapter 20, are not exempt from permit requirement.

(2) Temporary construction sheds and temporary construction fences.

(3) Reroofing work and installation of siding to existing exterior walls which will not affect the structural components of the walls for Groups R-3 and M Occupancies.

(4) Temporary tents or other coverings used for private family parties or for camping.

(5) Retaining walls, fences and planter boxes which are not more than 18 inches in height, and walkways and outside paving within private property.

(6) Home television and radio antennas supported on roofs.

(7) Awnings projecting up to 4 feet and attached to the exterior walls of building of Groups R-3 or M Occupancies.

(8) Installation of wallpaper or wall covering which are exempted under the provisions of Section 4201, Article 1, ROH Chapter 16 (Building Code).

(9) Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over \$300 in valuation in any 12-month period, and do not affect any electrical or mechanical installations.

Repairs exempt from requirements shall not include any addition, change, or modifications in construction, exit facilities, or permanent fixtures or equipment.

(10) Painting, installation of floor covering, and cabinet work without limit as to valuation; provided, however, that the values thereof shall be included as part of the value of any new construction for which a permit is required by this Code, for the purpose of determining the amount of the fee to be paid for such permit.

(11) Work located in Federal property.

(12) Work performed for any State government agency, except where permits are specifically requested by said agency.

(13) The following electrical work:

(A) Electrical work and installation to which the provisions of the Electrical Code are expressly declared to be not applicable.

(B) 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.

(C) 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.

- (D) Replacement of attachment plug receptacles, but not the outlet therefor.
- (E) Maintenance work by a duly licensed electrician.
- (F) Electronic equipment, sound public address systems and communication systems for a single-family or two-family dwelling.
- (G) Radio and television receiving antenna systems other than master or community systems.
- (H) Sound recording systems for a single-family or two-family dwelling.
- (I) Street lighting systems and standards located in public street rights-of-way.
- (14) The following work by a public utility supplying gas:
 - (A) Disconnect defective gas piping or equipment when authorized under ROH Chapter 19 (Plumbing Code).
 - (B) Disconnect or reconnect existing gas piping or equipment for repair, servicing, replacement or removal.
- (15) Repair work in plumbing systems when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
- (16) All structures, other than buildings, which are constructed in conjunction with public works projects undertaken by or on behalf of the City.
- (17) All structures, other than buildings, which are constructed in conjunction with the subdivision of lands and in accordance with plans approved by the City under subdivision rules and regulations.
- (18) Sidewalks, curbs and driveways in public street rights-of-way which are:
 - (A) Constructed in conjunction with public works projects undertaken by or on behalf of the City.
 - (B) Constructed in conjunction with subdivision of lands and in accordance with plans approved by the City under subdivision rules and regulations.
 - (C) Subject to compliance with Article 6, ROH Chapter 20, as amended.
- (19) Minor repairs to sidewalks, curbs and driveways in public street rights-of-way. However, reconstruction and/or replacement of any portion of sidewalks, curbs and driveways shall not be construed as repair which is exempt under this item or paragraph. (Sec. 18-3.1, R.O. 1978; Am. Ord. 80-108)

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:

- (1) A dwelling and its accessories, such as fence, wall, pool and garage without living quarters.
- (2) 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.

(3) 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.

(4) Sidewalks, curbs and driveways in public street rights-of-way and any building or structure together with which they constitute all or part of a construction project. (Sec. 18-3.2, R.O. 1978; Am. Ord. 80-108)

Sec. 18-3.3. Emergency Work.

Emergency 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. (Sec. 18-3.3, R.O. 1978; Am. Ord. 80-108)

Sec. 18-3.4. 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 non-renewable and 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. (Sec. 18-3.5, R.O. 1978; Am. Ord. 80-108)

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:

(1) Identify and describe the work to be covered by the permit for which application is made, including a list of each and every phase of electrical and plumbing work on forms to be provided by the Building Official;

(2) 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;

(3) Indicate the use or occupancy for which the proposed work is intended;

(4) Be accompanied by plans and specifications as required in Section 18-4.2;

(5) State the valuation of the proposed work;

(6) Be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate such authority;

(7) State the following information for each contractor or subcontractor engaged to do electrical or plumbing work upon the building, structure or project on separate forms to be furnished by the Building Official, which shall be attached to and be made a part of the application for the building permit and which shall include but not be limited to the following information:

- (A) Name;
- (B) Address;
- (C) Contractor license number;
- (D) Particular phase or phases of work to be performed.

Where the applicant does not know which contractor will perform a particular phase of work at the time of application, he shall so indicate. Applicant shall submit in writing the information required by this subsection when he decides which contractor shall do the particular phase of work not identified to a particular contractor in the original application.

(8) Be signed by the responsible managing employee of each contractor designated in (7) above or his authorized employee prior to commencement of work on the phase or phases identified to the particular contractor;

(9) Give such other information as reasonably may be required by the Building Official. (Sec. 18-4.1, R.O. 1978; Am. Ord. 79-55, 80-108)

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 kilo-volt-amperes, the approval of an engineer or architect shall be applicable only if the Building Official so directs. (Sec. 18-4.2, R.O. 1978; Am. Ord. 80-108)

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.

For projects which include construction of driveways in public street rights-of-way, plans shall show the entire lot and improvements thereon, the location of the new and existing driveways, street trees, utility poles, fire hydrants, catch basins, parking stalls and any other features in the sidewalk area which may affect the construction and/or use of the driveway. For reconstruction of a driveway, the applicant may submit a sketch with dimensions showing the location of the driveway. (Sec. 18-4.3, R.O. 1978; Am. Ord. 80-108)

Sec. 18-4.4. Requirement For Affidavit.

Where, in the opinion of the Building Official, the layout, or proposed use of a building can readily be converted to some other layout or use which, upon conversion, would constitute a violation of the Comprehensive Zoning Code and/or the Building Code, the Building Official may require the building owner or owners to file with the Bureau of Conveyances or in the case of Land Court parcels with the Building Department, a sworn affidavit:

(1) that the layout or use of the building will not be converted at a future date to some other layout or use which is illegal; and

(2) that this restriction shall also be binding upon any tenant or lessee or any subsequent owners of the building for as long as the building is in use, or unless otherwise released by authority of the Building Official.

A certified copy of the document as issued by the Bureau of Conveyances shall be presented to the Building Department as evidence of recordation, prior to the issuance of building permit.

Any person who makes a false statement in his sworn affidavit or files a false affidavit shall be deemed to have committed perjury and thereby subject to the provisions of Section 710-1060, Hawaii Revised Statutes (Penal Code), and be punished as provided in said section. (Sec. 18-4.4, R.O. 1978; Am. Ord. 80-108)

Sec. 18-4.5. Applications Made Prior To Subsequent Ordinances Or Regulations.

(a) An applicant for a building permit who has filed in accordance with Section 18-4.5 (b) an application with the Building Department prior to the effective date of a subsequent ordinance or regulation shall be required to obtain the permit no later than six months after the effective date of such ordinance or regulation. If the permit has not been obtained within six

months after the effective date of the subsequent ordinance or regulation, the application and plans shall comply with the requirements set forth in the subsequent ordinance or regulation. Where the subsequent ordinance or regulation specifies a time period for obtaining a building permit other than the six-month period stated above, the time period specified in the subsequent ordinance or regulation shall govern.

(b) Applications for building permits filed and pending with the Building Department prior to the effective date of a subsequent ordinance or regulation shall be subject to the following requirements in addition to those under Section 18-4.5 (a):

(1) The application for a building permit shall be accompanied by four sets of plans, specifications and structural computations which shall be sufficiently detailed to enable a complete check by the governmental agencies concerned as to whether or not the requirements of the Building Code, Electrical Code, Plumbing Code, Zoning Ordinances, and other applicable statutes, ordinances, rules and regulations have been fully complied with.

(2) To constitute filing with the Building Department, the application and plans shall be submitted to the Building Department to be properly stamped with a date-stamping machine of the Building Department and initialed by the Building Official or his authorized representative. (Am. Ord. 81-52)

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 department 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 percent 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.

No permit issued shall authorize any person or contractor to do work upon any phase of the building, structure or project unless specifically identified in the permit application, including any attachments or amendments thereto, as the contractor or subcontractor designated to do that particular phase of work.

If there is a change in the designation of any contractor for any phase of work subsequent to the issuance of a permit and prior to the commencement of work, the permittee shall submit the change in writing to the Building Department and request approval of the change. (Sec. 18-5.1, R.O. 1978; Am. Ord. 80-108)

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. (Sec. 18-5.2, R.O. 1978; Am. Ord. 80-108)

Sec. 18-5.3. Validity.

The issuance hereunder of any 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 ROH Chapter 16, as amended; ROH Chapter 17, as amended; ROH Chapter 19, 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 chapters and this chapter or of any other law; nor shall it prevent the institution of criminal action and the imposition of penalty as prescribed under Section 18-7.1 hereof for violation of any of the provisions of said chapters and this chapter.

Every permit shall be valid for a period of three years from the date of its issuance, subject to satisfactory work progress as contained in Section 18-5.4; provided that wherever time limit and appeal provisions are specified by other ordinances or regulations, such ordinances or regulations shall govern. Any building or structure that is not completed within the period of validity shall fall within the purview of unfinished buildings or structures.

EXCEPTION: The three-year time limit for completing work under a permit shall not apply to:

- (1) Constructions, alterations or maintenance on a single-family dwelling which is not part of a larger development;
- (2) Work such as painting, interior work or installation of exterior fenestration. (Sec. 18-5.3, R.O. 1978; Am. Ord. 79-8. 80-108)

Sec. 18-5.4. Suspension Or Revocation Of Building Permits.**(a) Definitions.****(1) "Work" shall mean:**

(A) Demolition of buildings and structures and the removal of material from the area where the building or structure authorized by the building permit is to be located.

(B) Initial clearing and grubbing.

(C) Fencing job site.

(D) Construction of pedestrian protection.

(E) Surveying to locate construction.

(F) Surcharging and load testing of foundations.

(G) Construction, installation or fabrication of parts or components which are or will become part of the completed structure, such as driving piles or pouring concrete. This subsection shall also include off-site activity such as prefabrication of building components where the product of said activity will constitute at least 1% of the total cost of the contemplated project, or \$10,000, whichever is less.

(H) Soil or other testing where: (i) ordered in writing by any agency of the government of the United States, the State of Hawaii or the City and County of Honolulu, subsequent to the issuance of the building permit; (ii) unforeseen geological or physical conditions require additional testing in order to assure compliance with existing safety requirements.

(I) Any other substantial overt act which has taken place on the premises material to the effectuation of the project and which clearly indicates upon inspection that said project is going forward.

(2) "Non-Work" shall include:

(A) Clearing and grubbing after the initial clearing, or movement of equipment where nothing of substance is added to the building or structure.

(B) Excavation and backfilling without putting any parts or components of the intended structure into place.

(C) Financing activities of any kind.

(D) Soil or other testing which do not meet the requirements of Section 18-5.4 (a) (1) (H).

(E) Preparation of environmental impact statements, applications for other permits and reports submitted thereto.

(3) "Suspension" or "abandonment" shall mean a slowdown or cessation of the activity of putting construction into place to the extent that construction of the building or structure cannot be completed within the time specified in Section 18-5.3.

(4) "Causes beyond the control of the building contractor or owner" shall mean and include but not be limited to:

(A) Pending litigation where the validity of the building permit is itself at issue.

(B) Public insurrection or devastating physical calamity such as tsunami or earthquake.

(C) Unavailability of materials or equipment necessary for work to progress, where all reasonable efforts have been made to secure said

materials or equipment.

(D) Unusually severe weather or muddy ground conditions requiring cessation of all work on the building or structure. However, no extension of time shall be granted unless a written application therefor stating in detail the causes, the effect on the performance of work, the time during which the performance of work was actually suspended, and the portion or portions of the project affected, is filed by the contractor or owner with the Building Official within seven calendar days after the commencement of the delay.

(E) "Lack of financing" shall qualify under this subsection only where an existing agreement for financing is unilaterally revoked by the lender because of lending agency's financial insolvency. Where said lack of financing prevents accomplishment of work, the Building Official may extend the permit deadline for a period not to exceed six months.

(b) Deadlines for Construction.

(1) After a building permit has been issued under this chapter, work thereof shall commence within 180 days after the date of issuance of the building permit.

(2) After the building or work authorized by a building permit has commenced, such building or work shall not be suspended or abandoned for a period of 120 days.

(3) Foundation. At the end of two years after a building permit is issued, all foundation and structural work for the building or structure up to the ground floor level shall be completed.

(4) In any case, all work shall be completed within three years, as prescribed in Section 18-5.3 of this article, subject to the exceptions mentioned therein.

(c) Extension of Time. When there is a strike or other causes beyond the control of the contractor or the owner, the Building Official may in writing extend the deadlines for construction specified in Section 18-5.4 (b) for such periods of time as he deems necessary, subject to the following conditions:

(1) Under no circumstances shall an extension of time exceed the amount of time work has been halted by strikes or other causes beyond the control of the owner or contractor. The Building Official shall maintain accurate records of all requests for extension and their subsequent disposition. Said records shall contain the name of the applicant, location of the project, and a detailed explanation of the reasons for granting or denying the request for extension. Any denial of extension may be appealed to the Building Board of Appeals.

(2) The findings of the Building Official shall be conclusive with any facts which were the bases of the extension of time granted or denied by the Building Official, except where the Building Official's findings are determined by the Building Board of Appeals to be clearly erroneous and not supported by the evidence of facts, arbitrary or capricious.

(3) No extension of time may be granted by the Building Official or the Building Board of Appeals unless application for extension has been made to the Building Official prior to the deadlines specified in Section

18-5.4 (b) or of any such deadlines previously extended in accordance with the provisions of this section.

(4) Any extension of time granted on the 180-day or 120-day period by the Building Official or the Building Board of Appeals shall also effect a corresponding extension of deadlines imposed by Sections 18-5.3 and 18-5.4 (b) (3) of this chapter.

(d) Suspension or Revocation for Noncompliance.

(1) The Building Official may issue a notice to suspend or revoke a permit pursuant to the requirements of Section 18-5.4 (e) whenever the permit is issued under the provisions of this chapter:

(A) in error; or

(B) on the basis of incorrect information supplied; or

(C) in violation of any provision of the Building, Electrical or Plumbing Codes or any other ordinance or regulation; or where any violation of the Building, Electrical or Plumbing Codes or any other ordinance or regulation, except as provided in Section 18-5.4 (d) (2) below, occurs after the issuance of said permit.

(2) The Building Official shall issue a notice to suspend any permit issued under the provisions of this chapter pursuant to the requirements of Section 18-5.4 (e) or issue a stop work order in the event of any violation of any portion of Article 4 or Article 5 of this chapter relating to the application for or issuance of any permit involving electrical or plumbing work, except where simple and obvious clerical errors in the permit application constitute the only violation.

(A) The initial suspension order issued by the Building Board of Appeals or stop work order issued by the Building Official pursuant to Section 18-5.4 (d) (2) above shall be applicable solely to the phase or phases of the project to which the violation relates. Said suspension or stop work order shall remain effective with respect to the particular phase or phases until such time as all violations found to exist by the Building Official or appropriate appellate authority are corrected.

(B) No work shall continue on any phase or phases of a project suspended pursuant to Section 18-5.4 (d)(2) above. Where work proceeds on any suspended phase of a building, structure or project in violation of this subsection, the Building Official shall issue a notice to suspend all phases of work listed in the permit pursuant to the requirements of Section 18-5.4 (e) until all errors or violations which necessitated the original suspension are corrected.

(3) The Building Official may issue a notice to revoke any permit pursuant to the requirements of Section 18-5.4 (e) where work proceeds in violation of an order to suspend or stop work on all phases of construction issued under Sections 18-5.4 (d) (1) or 18-5.4 (d) (2) (B) above.

(4) No suspension imposed pursuant to the provisions of this section shall constitute a "cause beyond the control of the building contractor or owner" for which extensions may be received under Section 18-5.4 (c) of this chapter unless said suspension is found by the final appellate authority to be arbitrary, capricious, characterized by an abuse of discretion, or based upon a clearly erroneous finding of a material fact.

(5) The Building Official may issue a notice to revoke a permit pursuant to the requirements of Section 18-5.4 (e) if the building or work authorized by such permit is not commenced within 180 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 120 days.

(6) The Building Official may issue a notice to revoke a permit pursuant to the requirements of Section 18-5.4 (e) when a building or structure is not completed within the time specified in Section 18-5.4 (b) (3) and Section 18-5.4 (b) (4) herein.

(e) Notice of Suspension or Revocation of Permit.

(1) The Building Official shall issue to the permittee a written notice to show cause why the building permit should not be suspended or revoked by the Building Board of Appeals and set forth specific grounds for the suspension or revocation of the permit.

The notice shall state that the permittee may apply in writing for a hearing before the Building Board of Appeals; that such application shall be submitted within ten working days of receipt of the notice.

(2) Service of such notice may be made by:

(A) Personal delivery to the permittee, which shall mean:

(i) Showing the original notice to the permittee and leaving a copy thereof with the permittee; or

(ii) Leaving a copy at permittee's place of business with an employee, partner or agent, all of whom shall be mentally competent to understand the contents of the notice; or

(iii) Leaving a copy at his usual place of abode with his spouse or an adult child or parents of the permittee or any other blood relative, all of whom shall be residing with the permittee and be mentally competent to understand the contents of the notice; or

(B) Certified or registered mail, whichever the case may be.

(3) To signify that personal service has been made upon the permittee as prescribed herein, the original of any notice shall have his signature or any other individual's as prescribed in Section 18-5.4 (e) (2) (A) above affixed to the original.

(4) In computing the ten working days specified in Section 18-5.4 (e) (1) above in which the permittee shall indicate whether or not he desires a hearing, the first day on which the permittee receives the Building Official's notice shall be omitted and the ten working days shall be calculated from the next working day. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a holiday. As used in this subsection, "holiday" includes any day designated as such pursuant to Section 8-1 of the Hawaii Revised Statutes.

(f) Hearing by the Building Board of Appeals.

(1) Upon receipt of a written notice indicating that the permittee desires a hearing before the Building Board of Appeals, the Building Official shall notify the permittee in writing of the date of such hearing.

(2) Upon service of the notice by the Building Official as prescribed herein, any work in progress shall be suspended and be stayed until a favorable written decision of the Building Board of Appeals is served upon the permittee. If an unfavorable written decision is served upon the permittee, any work under the permit shall be stayed until the judge of the court in which an appeal has been filed pursuant to Chapter 91, Hawaii Revised Statutes, rules otherwise.

(3) Every hearing held pursuant to this section shall be conducted in conformity with the applicable provisions of Chapter 91, Hawaii Revised Statutes.

(g) Waiver.

If the permittee indicates that he does not desire a hearing before the Building Board of Appeals or fails to apply for a hearing within the time specified in Section 18-5.4 (e) (1), the suspension or the revocation shall become effective from the date of service of such notice or the date noted on the return receipt for the certified or registered mail.

(h) Permit Revocation not Appealed; Compliance.

(1) Where a permit has been revoked in accordance with the provisions of this section and the permittee does not appeal the revocation to the Circuit Court as provided in Section 91-15, Hawaii Revised Statutes, the permittee shall:

(A) Remove or demolish the building or structure within 180 days from the date of such written notice; or

(B) Obtain a new building permit to complete the required work in compliance with current laws and regulations and diligently pursue the work to completion. The fee for the new permit to complete construction of a project after revocation of permit under provisions of this subsection shall be as provided in Section 18-6.1 (c).

(2) Where changes in applicable laws and regulations preclude obtaining a new permit under Section 18-5.4 (h) (1) (B) above, the owner may:

(A) Finish the building up to the highest point of construction having a completed roof or floor slab. All structural walls, frames and exterior walls below such roof or floor slab level shall be completed. Elevator machinery rooms, mechanical equipment rooms, other similar rooms, and stairshafts located above the roof in the original plans and specifications may be installed above such completed roof or floor slab and finished together with the building. Other portions of structure above the completed roof or floor slab shall be removed; or

(B) Continue work according to approved plans and specifications upon payment of a "deadline extension" fee to the City which shall be 0.0005 times the original building valuation for each day of work estimated beyond the project completion deadline up to a maximum of \$1,000 per day to complete the structural walls and frames, exterior walls and slabs. Where the structural walls, frames, exterior walls and slabs are not completed within the estimated number of days covered by the "deadline extension" fee, an additional "deadline extension" fee shall be paid to the City based on estimate of additional number of days to complete such work before work can again proceed. No refund

shall be made where such work is completed in less than the number of days for which a "deadline extension" fee has been paid.

(C) The provisions of (A) and (B) above shall not apply to foundation and structural work for building or structure up to the ground floor level.

(i) The provisions of this section shall not be construed to affect in any manner whatsoever the authority of the Building Official to issue a stop work order pursuant to Section 202 (d) of the Uniform Building Code. (Sec. 18-5.4, R.O. 1978; Am. Ord. 79-8, 79-100, 80-108)

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 Building Department shall be provided with the name, address and contractor license number of all electrical and plumbing contractors engaged to perform the electrical or plumbing work. Such contractor or his responsible managing employee shall sign the permit application before commencement of such work. (Sec. 18-5.5, R.O. 1978; Am. Ord. 80-108)

Sec. 18-5.6. Transferability Of Building Permit.

Any assignment and/or transfer of any substantial interest in any development which has a valid building permit in effect shall be subject to the approval and consent of the City Council. Such approval and consent shall not be unreasonably withheld provided that the assignee and/or transferee agrees in writing to the following:

(1) To comply with the plans and specifications upon which the building permit was issued in the absence of any subsequent amendments to any applicable existing laws and ordinances as indicated in (2) below; or

(2) To comply with the terms and provisions of any subsequent amendments to the Comprehensive Zoning Code, Building Code, Environmental Shoreline Protection Act as well as all relevant laws, ordinances, and rules and regulations which would affect either the development's height, floor area, lot coverage, fire safety and/or land use.

(3) The stricter requirements prescribed in subsection (2) hereinabove shall not be applicable in situations where the permit holder can offer documented evidence to the City Council that he has made, in good faith, a substantial and material change in position in reliance upon the issuance of the building permit. (Sec. 18-5.6, R.O. 1978; Am. Ord. 80-108)

Sec. 18-5.7. Non-Liability Of City For Damages.

Any permit issued hereunder shall not be construed to relieve any person doing any work authorized under any permit issued hereunder from liability for damages for any injury or death to anyone caused by any defect in such work or performing such work; nor shall the City, including its officers and employees or any other agents of the City, be held liable for such injury or death by reason of the issuance of any permit hereunder, or the performance of any inspection by the City or the issuance of a certificate certifying that such work has been inspected and approved by the City. (Sec. 18-5.7, R.O. 1978; Am. Ord. 80-108)

Article 6. Fees.**Sec. 18-6.1. Building Permit Fees.**

(a) A fee for each building permit shall be paid to the Building Official as set forth in Table No. 18-A.

(b) 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.

(c) Where a new permit is obtained to complete construction of a project after revocation of permit under provisions of Section 18-5.4 (h), the fee therefor shall be based on the valuation of one-half the amount of work remaining to be done, provided:

(1) No change has been made or will be made in the original plans and specifications for such work; and

(2) That immediately prior to applying for this permit the work on the property has not been abandoned or suspended for a period of more than one year.

(d) 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. (Sec. 18-6.1, R.O. 1978; Am. Ord. 80-108)

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 no 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 ten dollars.

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 ten dollars. (Sec. 18-6.2, R.O. 1978; Am. Ord. 80-40, 80-108)

Sec. 18-6.3. Exemptions.

The City, all agencies thereof and contractors therewith shall be exempt from the requirement of paying permit fees. (Sec. 18-6.3, R.O. 1978; Am. Ord. 80-108)

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, or construct, reconstruct or improve any sidewalk, curb or driveway in public street rights-of-way, 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 \$1,000 or by imprisonment for not more than one year, or by both fine and imprisonment. (Sec. 18-7.1, R.O. 1978; Am. Ord. 80-108)

Sec. 18-7.2. Procedure On Arrest; Summons Or Citation.

(a) Any officer, or inspector designated by the Building Official, who has been deputized by the Chief of Police as a special officer for the purpose of enforcing the provisions of the Building, Plumbing, Electrical or Housing

Codes (hereinafter referred to as "authorized personnel"), may arrest without warrant alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by warrant or such other judicial process as is permitted by statute or rule of court.

(b) Procedure on Arrest. Any authorized personnel designated by the Building Official, upon making an arrest for a violation of the Building, Plumbing, Electrical or Housing Codes, may 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 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 personnel, a form of summons or citation for use in citing violators of the Building, Plumbing, Electrical or Housing Codes 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. 80-82, 80-108)

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	\$6.00
From \$500.01 to \$1,000.00	\$2.00 + \$1.00 per \$100 or fraction thereof of the total estimated valuation of work.
From \$1,000.01 to \$20,000.00	\$4.00 + \$.80 per \$100 or fraction thereof of the total estimated valuation of work.
From \$20,000.01 to \$50,000.00	\$12.00 + \$7.60 per \$1,000 or fraction thereof of the total estimated valuation of work.
From \$50,000.01 to \$100,000.00	\$92.00 + \$6.00 per \$1,000 or fraction thereof of the total estimated valuation of work.
From \$100,000.01 to \$500,000.00	\$292.00 + \$4.00 per \$1,000 or fraction thereof of the total estimated valuation of work.
From \$500,000.01 to \$2,000,000.00	\$1,292.00 + \$2.00 per \$1,000 or fraction thereof of the total estimated valuation of work.
\$2,000,000.01 and above	\$2,492.00 + \$1.40 per \$1,000 or fraction thereof of the total estimated valuation of work.

(Table 18-A, R.O. 1978; Am. Ord. 80-40, 80-108)

CHAPTER 19.

PLUMBING CODE.

Article 1. General Provisions.

Sec. 19-1.1. Title And Purpose.

(a) Title. This chapter shall be known as the "Plumbing Code," may be cited as such, and will be referred to herein as "this Code."

(b) Purpose. The purpose of this Code is to provide for the protection of the public health and safety by establishing minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof. (Sec. 19-1.1, R.O. 1978; Am. Ord. 80-100)

Sec. 19-1.2. Scope.

The provisions of this Code shall apply to all new construction, relocated buildings, and to any alterations, repairs or reconstruction within the property lines of the premises, except as provided for otherwise in this Code. (Sec. 19-1.2, R.O. 1978; Am. Ord. 80-100)

Article 2. Administration And Enforcement.

Sec. 19-2.1. Authority.

(a) 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.

(b) Assistants. Whenever the term "assistants" is used in this Code it shall be construed to mean the authorized representatives of the Administrative Authority. (Sec. 19-2.1, R.O. 1978; Am. Ord. 80-100)

Sec. 19-2.2. Duties Of The Administrative Authority.

The Administrative Authority shall maintain public office hours necessary to efficiently administer the provisions of this Code and amendments thereto and shall perform the following duties:

(1) Require submission of, examine and check plans and specifications, drawings, descriptions, and/or diagrams necessary to show clearly the character, kind and extent of work covered by applications for a permit and upon approval thereof shall issue the permit applied for.

(2) Administer and enforce the provisions of this Code in a manner consistent with the intent thereof and shall inspect all plumbing and drainage work authorized by any permit to assure compliance with provisions of this Code or amendments thereto, approving or condemning said work in whole or in part as conditions require.

(3) Issue upon request a Certificate of Approval for any work approved by him.

(4) Condemn and reject all work done or being done or materials used or being used which do not in all respects comply with the provisions of this Code and amendments thereto.

(5) Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this Code.

(6) Investigate any construction or work regulated by this Code and issue such notices and orders as provided in Section 19-2.4.

(7) Keep a complete record of all the essential transactions of his office. (Sec. 19-2.2, R.O. 1978; Am. Ord. 80-100)

Sec. 19-2.3. Right Of Entry.

Upon presentation of proper credentials, the Administrative Authority or his assistants 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. (Sec. 19-2.3, R.O. 1978; Am. Ord. 80-100)

Sec. 19-2.4. Dangerous And Insanitary Construction.

(a) Any portion of a plumbing system found by the Administrative Authority to be insanitary as defined herein is hereby declared to be a nuisance.

(b) Whenever brought to the attention of the department having jurisdiction that any insanitary conditions exist or that any construction or work regulated by this Code is dangerous, unsafe, insanitary, a nuisance or a menace to life, health or property or otherwise in violation of this Code, the said department may request an investigation by the Administrative Authority who, upon determining such information to be fact, shall order any person, firm or corporation using or maintaining any such condition or responsible for the use or maintenance thereof to discontinue the use or maintenance thereof or to repair, alter, change, remove or demolish same as he may consider necessary for the proper protection of life, health or property and in the case of any gas piping or gas appliance may order any person, firm or corporation, supplying gas to such piping or appliance to discontinue supplying gas thereto until such piping or appliance is made safe to life, health or property.

Every such order shall be in writing, addressed to the owner, agent or person responsible for the premises in which such condition exists and shall specify the date or time for compliance with such order.

(c) Refusal, failure or neglect to comply with such notice or order shall be considered a violation of this Code.

(d) When any plumbing system is maintained in violation of this Code and in violation of any notice issued pursuant to the provisions of this section or where a nuisance exists in any building or on a lot on which a building is situated, the Administrative Authority shall institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain,

correct, or abate the violation or nuisance. (Sec. 19-2.4, R.O. 1978; Am. Ord. 80-100)

Sec. 19-2.5. Violations And Penalties.

Any person, firm, or corporation violating any of the provisions of this Code 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 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 \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (Sec. 19-2.5, R.O. 1978; Am. Ord. 80-100)

Sec. 19-2.6. Permit Required.

A building permit is required to perform work covered by this Code as provided under ROH Chapter 18. (Sec. 19-2.6, R.O. 1978; Am. Ord. 80-100)

Sec. 19-2.7. All Work To Be Inspected.

All plumbing and drainage systems shall be inspected by the Administrative Authority to insure compliance with all the requirements of this Code. (Sec. 19-2.7, R.O. 1978; Am. Ord. 80-100)

Sec. 19-2.8. 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 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. (Sec. 19-2.8, R.O. 1978; Am. Ord. 80-100)

Sec. 19-2.9. Liability.

The Administrative Authority or any employee charged with the enforcement of this Code, acting in good faith and without malice for the jurisdiction in the discharge of his duties, shall not thereby render himself liable personally and he hereby is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or* omission in the discharge of his duties. Any suit brought against the Administrative Authority or employees, because of such act or omission performed by him in the enforcement of any provisions of this Code, shall be defended by the legal department of the jurisdiction until final termination of the proceedings. (Sec. 19-2.9, R.O. 1978; Am. Ord. 80-100)

*Revision note: Clerical error corrected. Changed "of" to "or."

Sec. 19-2.10. Unconstitutionality.

If any section, subsection, sentence, clause or phrase of this chapter is, for any reasons, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Legislative Body hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional. (Sec. 19-2.10, R.O. 1978; Am. Ord. 80-100)

Article 3. Qualification Of Performers Of Work Under Plumbing Code.**Sec. 19-3.1. 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 Chapter 444, Hawaii Revised Statutes. (Sec. 19-3.1, R.O. 1978; Am. Ord. 80-100)

Article 4. Installation Requirements.**Sec. 19-4.1. Uniform Plumbing Code.**

Except for "Part 1, Administration," that certain plumbing code known and designated as "International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, 1979 Edition" published by the International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032, including its appendices, is hereby adopted by reference and made a part hereof, subject to the amendments hereinafter set forth as the standard for plumbing work covered by this Code.

(1) Amending Section 103(1).

Section 103(1), Building Drain, is amended by deleting the words "two (2) feet (.6m)" appearing in the fourth line and inserting in lieu thereof the words "five feet (1.5m)".

(2) Adding subsection (a) to Section 109.

Section 109 is amended by adding subsection (a) to read:

"(a) Health Officer—Health Officer shall mean the Director of Health of the Department of Health, State of Hawaii, or his authorized agent."

(3) Adding subsection (f) to Section 109.

Section 109 is amended 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."

(4) Amending Section 117(i).

Section 117(i), Private Sewage Disposal System, is amended 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.

(5) Amending Section 120(b).

Section 120(b), Seepage Pit, is amended by adding the words "or a household aerobic sewage treatment unit" between the words "tank" and "so" appearing in the second line thereof.

(6) Adding Section 120(f1).

Section 120(f1) is added to read:

"(f1) Single-stack System—A single-stack system is a specially designed plumbing system wherein a common stack serves as a drainage pipe as well as a vent pipe."

(7) Amending Section 124(e).

Section 124(e), Water Main, is amended to read:

"(e) Water Main—The water main is the water supply or distribution pipe within the street for public or community use."

(8) Amending Table A, Homogenous bituminized fiber drain and sewer pipe.

Table A, at the end of Chapter 2, for Homogenous bituminized fiber drain and sewer pipe, "Footnote Remarks" is amended to read: "notes 1 and 6."

(9) Amending Table A, Polyethylene (PE 3406) natural gas yard piping (Installation).

Table A, at the end of Chapter 2, Polyethylene (PE 3406) natural gas yard piping (Installation) is amended to read: Polyethylene (PE 3406) natural gas and liquefied petroleum gas yard piping (Installation).

(10) Amending Table A, Poly (vinyl chloride) (PVC) natural gas yard piping (Installation).

"Poly (vinyl chloride) (PVC) natural gas yard piping (Installation)" is deleted from Table A, at the end of Chapter 2.

(11) Amending Table A, footnotes.

Table A, at the end of Chapter 2, footnote "6" is added to read:

"6. This pipe is to be installed strictly to the manufacturer's specifications. Each installation shall be considered on its own merits and the Administrative Authority shall determine additional installation requirements based on soil, loading and climatic conditions."

(12) Amending Section 306.

Section 306 is amended to read:

"Section 306. Plans Required.

"Plans and specifications shall be required prior to issuance of a building permit to perform work covered by this Code as provided under ROH Chapter 18."

(13) Amending Section 310(a).

Section 310(a) is amended by changing the comma after the word "fitting" appearing in the third line thereof to a period, and deleting the remainder of the sentence.

- (14) Deleting Section 310(f).

Section 310(f) is deleted.

- (15) Amending Section 315(d).

Section 315(d) is amended by deleting the words "two (2) feet (.6m)" appearing in the third line thereof and inserting in lieu thereof the words "five feet (1.5m)."

- (16) Amending Section 316(a)(6).

Section 316(a)(6) is amended to read:

"(6) ABS-DWV, PVC-DWV—ABS-DWV and PVC-DWV shall be maintained in a straight alignment."

- (17) Amending Section 316(b)(7).

Section 316(b)(7) is amended to read:

"(7) ABS-DWV, PVC-DWV—ABS-DWV and PVC-DWV shall be supported at intervals not to exceed four feet (1.2m)."

- (18) Deleting Section 317(a).

Section 317(a) is deleted.

- (19) Amending Section 318 subsection 1.(b).

Section 318, subsection 1.(b) is amended to read:

"(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 hours before the work is to be inspected."

- (20) Adding Section 323.

"Section 323 is added to read:

"Section 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 ROH Section 16-1.1."

- (21) Amending Section 401(a).

Section 401(a) is amended to read:

"(a) Drainage pipe shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, ABS, PVC or other approved materials having a smooth and uniform bore, except: 1. That no galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six inches (152.4mm) above ground. 2. ABS or PVC installations, primarily for domestic sewage limited to construction of not more than four levels or branch intervals, whichever is less; however, not to exceed total projected vertical waste and vent stack height of forty feet, irrespective of IAPMO Standards IS 5 and IS 9 restrictions to height."

- (22) Amending Section 403(b).

Section 403(b) is amended by adding an exception provision to read:

“EXCEPTION: When approved by the Administrative Authority, other tables of loading limits based on engineered studies and testings may be used in the sizing of drainage and vent piping. The Administrative Authority may require supporting data, prepared and stamped by a registered professional engineer or architect, submitted for each project. The use of higher loading limits extracted from different tables for the same project or drainage system is not permitted.”

(23) Amending Section 406(a).

Section 406(a) is amended to read:

“(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 feet (15.2m) in length shall be provided with a cleanout for each fifty feet (15.2m) or fraction thereof, in length of such piping, and at each change in pipe size up to four inches (101.6mm).

“EXCEPTIONS:

“(1) Cleanouts may be omitted on each horizontal drainage pipe less than five feet (1.5m) in length.

“(2) Cleanouts may be omitted on each drainage pipe installed on a slope of seventy-two degrees or less from the vertical (angle of $\frac{1}{8}$ 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.”

(24) Amending Section 406(g).

Section 406(g) is amended to read:

“(g) Each cleanout shall be so installed so that there is a clearance of not less than eighteen inches (.5m) in front of the cleanout. When the floor or a building is within eighteen inches (.5m) 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.”

(25) Adding Section 406(j).

Section 406(j) is added to read:

“(j) All cleanouts located on the ground floor within any residential occupancy shall be extended outside of or below the building or shall be extended above the floor at least six inches (152.4mm) above the flood level rim of the lowest fixture.”

(26) Amending Section 407.

Section 407 is amended by adding a second paragraph to read:

“For provisions covering the grade of building sewers, see Section 1106(a).”

(27) Amending Section 503(a).

Section 503(a) is amended to read:

“(a) Vent pipe shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, ABS, PVC or other approved materials, except: 1. That no galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six

inches (152.4mm) above ground. 2. ABS or PVC installations, limited to construction of not more than four levels or branch intervals, whichever is less; however, not to exceed total projected vertical waste and vent stack height of forty feet, irrespective of IAPMO Standards IS 5 and IS 9 restrictions to height.”

(28) Amending Section 604(a).

Section 604(a) is amended 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) Adding Section 616.

Section 616 is added to read:

“Section 616. Single-stack System.

“When approved by the Administrative Authority, a single-stack system based on engineered studies and testings may be used in lieu of other related provisions in this Code. Plans and specifications of such systems shall be prepared and stamped by a registered professional engineer or architect.”

(30) Adding Section 617.

Section 617 is added to read:

“Section 617. Suds-loaded Wastes.

“Where sinks, laundry trays, laundry washing machines, and similar fixtures in which sudsy detergents are normally used, discharge at an upper level into a soil or waste stack which also serves fixtures in other occupancy units at a lower floor level, the drainage and vent piping for such lower fixtures shall be arranged so that such piping shall not be connected to suds pressure zones in the sanitary drainage and vent system. In multistory buildings with more than six branch intervals of fixture described above, separate waste and vent stacks for the lower four branch intervals of fixtures shall be required.

“Suds Pressure Zones. Suds pressure zones shall be considered to exist at the following locations in sanitary drainage and vent systems as indicated in Table No. 6-2.

“Zone 1. In a soil or waste stack, which serves fixtures on two or more floors and receives wastes from fixtures wherein sudsy detergents are used, a zone shall be considered to exist in the vertical portion upstream of an offset fitting in the riser to the upper section of the system, in the horizontal portion downstream of this fitting, and in the horizontal portion upstream of the offset immediately preceding the next offset fitting. See Table No. 6-2.

“Zone 2. In a soil or waste stack, which serves fixtures on two or more floors and receives wastes from fixtures wherein sudsy detergents are used, a zone shall be considered to exist at the base of the stack and extending upstream. See Table No. 6-2.

“Zone 3. In a soil or waste system, which serves fixtures on two or more floors and receives wastes from fixtures wherein sudsy detergents are used, a zone shall be considered to exist downstream in the

downstream in the horizontal drain from the base of the stack and both upstream and downstream of the next offset fitting downstream.

TABLE NO. 6-2
EXTENT OF SUDS PRESSURE ZONES FOR VARIOUS
SIZE SOIL AND WASTE PIPING
 Extent of Zone (Measured from Fittings)

Stack Size	“U” (Upstream)	“D” (Downstream)
1-½”	5’0”	1’6”
2”	7’0”	1’6”
2-½”	8’0”	2’0”
3”	10’0”	2’6”
4”	13’0”	3’6”
5”	17’0”	4’0”
6”	20’0”	5’0”

“Zone 4. In a soil or waste system, which serves fixtures on two or more floors and receives wastes from fixtures wherein sudsy detergents are used, a zone shall be considered to exist in the vent stack extending upstream from the point of connection to the base of the soil or waste stack.”

Diagram for Listed
Sizes and Dimensions

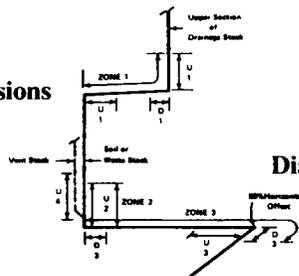


Diagram 6-1

(31) Amending Section 704.

Section 704 is amended by amending the last sentence to read:

“No drum trap shall be installed without a vent except when permitted in writing by the Administrative Authority.”

(32) Amending Section 906.

Section 906 is amended by adding a new subsection (d) to read:

“(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).”

(33) Amending Section 1002(d).

Section 1002(d) is amended to read:

“(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.”

(34) Amending Section 1003.

Section 1003 is amended by adding a third paragraph under Approval of Devices thereof to read:

“All installations 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.”

(35) Amending Section 1003(h).

Section 1003(h) is amended by amending the last sentence to read:

“The vacuum breaker shall be installed at least six inches (152.4mm) above the highest head served and the surrounding ground so at no time will the vacuum breaker be subjected to back pressure or drainage.”

(36) Amending Section 1004(a).

Section 1004(a) is amended by deleting the word “lead” appearing in the third line thereof and by adding at the end thereof the following sentence to read:

“All transition connections of copper material to ferrous material shall be made with a dielectric fitting. When such dielectric fittings are located below grade, they shall be wrapped as provided under Section 1008(c).”

(37) Amending Section 1005(b).

Section 1005(b) is amended to read:

“(b) A fullway valve (minimum 85% of full pipe opening) controlling all outlets shall be installed on the discharge side of each water meter where no shutoff valve exists and on each unmetered water supply. Water piping supplying more than one building on any one premises shall be equipped with a separate fullway valve to each building, so arranged that the water supply can be turned on or off to any individual or separate building; provided however, that supply piping to a single-family residence and building accessory thereto, may be controlled on one valve. Such shutoff valves shall be readily accessible at all times. A fullway valve shall be installed on the discharge piping from water supply tanks at or near the tank. A fullway valve shall be installed on the cold water supply pipe to each water heater at or near the water heater. In multidwelling units, one or more fullway valves shall be provided so that the water to any plumbing fixture or group of fixtures in any one dwelling unit may be shut off without stopping flow of water to fixtures in other dwelling units. These valves shall be accessible inside the dwelling unit controlled.

“EXCEPTION: When a supply riser serves not more than one plumbing fixture in each dwelling unit, the fixture supply stop may

be used in lieu of the fullway valve as its isolating shutoff valve. In such an installation, the supply riser shall be properly located and provided with a readily accessible fullway valve at the foot or the top of the riser so that the valves will isolate not more than twenty dwelling units."

(38) Amending Section 1006.

Section 1006 is amended by adding at the end a new paragraph to read:

"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 inches (152.4mm) above the overflow. A drain shall be provided at the bottom of the tank."

(39) Amending Section 1007(a).

Section 1007(a) is amended by adding a new sentence at the end to read:

"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."

(40) Amending Section 1008(b).

Section 1008(b) is amended by adding at the end a paragraph to read:

"For water supply systems requiring the installation of cast iron pipe four 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."

(41) Amending Section 1008(c).

Section 1008(c) is amended to read:

"(c) Ferrous piping or 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 feet above sea level.

"(3) When installed underground and the soil resistivity at the site of such installation measures less than 4500 ohm-cm."

(42) Amending Section 1009(g).

Section 1009(g) is amended by amending condition (4) to read:

"(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 a maximum eighty p.s.i. (551.2k.P.a.) pressure in the

system. If the pressure is reduced into the property, the reduced pressure shall be used.”

(43) Amending Section 1009(h).

Section 1009(h) is amended by adding at the end of the first paragraph a sentence to read:

“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.

Table 10-1 is amended by adding a footnote to read:

“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.

Table 10-2 is amended 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) Adding Section 1010.

Section 1010 is added to read:

“Section 1010. Water Conservation.

“(a) Water supply faucets or valves shall be provided with approved flow control devices which limit flow to a maximum three gallons per minute.

“EXCEPTIONS:

“(1) Hose bibbs or valves not used for a designated fixture or equipment.

“(2) Hose bibbs, faucets, or valves serving fixed demand, timing or water level control appliances, equipment or holding structures such as water closets, pools, automatic washers and other similar equipment.

“(3) Emergency showers.

“(b) Tank-type water closets discharging more than 3.5 gallons per flush shall be provided with approved volume limiting devices or methods which will limit the discharge to 3.5 gallons per flush. When a satisfactory performance of the water closet cannot be obtained with 3.5 gallons or less per flush, the Administrative Authority may approve a larger discharge.

“(c) Any new installation using potable water for cooling equipment at a rate exceeding one gallon per minute, or operating more than ten hours in a twenty-four hour period, shall be designed to recirculate or reuse the cooling water.

“Any existing installation using potable water for cooling equipment shall be exempt except where an expansion to the system requires additional water usage.”

(47) Amending Section 1101(f).

Section 1101(f) is amended by deleting the paragraph headed “Exception.”

(48) Adding Section 1101(g).

Section 1101(g) is added to read:

“(g) It shall be unlawful for any person to connect to or to aid in, or to cause a connection to be made to, 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 Division of Wastewater Management, Department of Public Works and the Administrative Authority.”

(49) Adding Section 1101(h).

Section 1101(h) is added to read:

“(h) Building sewer construction shall conform to the requirements for main line sewers as set forth in the Division of Wastewater Management 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 it is apparent that it may be dedicated to the City and County of Honolulu at this or any future time.”

(50) Amending Section 1103(a).

Section 1103(a) is amended by deleting the words “two (2) feet (.6m)” appearing in the first line and inserting in lieu thereof the words “five feet (1.5m).”

(51) Deleting Section 1104.

Section 1104 is deleted.

(52) Amending Section 1105.

Section 1105 is amended to read:

“Section 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.”

(53) Amending Section 1106(a).

Section 1106(a) is amended to read:

“(a) Building sewers shall run in practical alignment and at a uniform slope of not less than one-fourth of an inch per foot (20.9mm per m) 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 of an inch per foot (20.9mm per m), any such pipe or piping four inches (101.6mm) 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.”

(54) Amending Section 1106(c).

Section 1106(c) is amended by deleting the words "two (2) feet (.6m)" appearing in the fourth line and inserting in lieu the words "five feet (1.5m)."

(55) Amending Section 1107(a).

Section 1107(a) is amended to read:

"(a) Cleanouts shall be placed inside the building near the connection between the building drain and building sewer or installed between the exterior wall line and five feet (1.5m) outside the building at the lower end of a building drain and extended to grade. An approved type of two-way cleanout fitting installed outside a building or a sewer manhole may be substituted for this cleanout requirement.

"Additional building sewer cleanouts shall be installed at intervals not to exceed one hundred feet in straight runs."

(56) Adding Section 1107(g).

Section 1107(g) is added to read:

"(g) Cleanouts shall be installed immediately upstream of the connection of the City sewer system in accordance with the Rules and Regulations of the agency responsible for the City sewer system."

(57) Deleting Section 1109.

Section 1109 is deleted.

(58) Amending Section 1110.

Section 1110 is amended to read:

"Section 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."

(59) Adding Section 1111.

Section 1111 is added to read:

"Section 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."

(60) Amending Section 1119.

Section 1119 is amended to read:

"Section 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."

(61) Deleting Table 11-1.

Table 11-1 is deleted.

(62) Amending Section 1202.

Section 1202 is amended by amending the first paragraph thereof by substituting the word "fuel" for the word "natural" in the sixth line thereof.

(63) Amending Section 1202(c).

Section 1202(c) is amended to read:

"(c) Fuel Gas: Natural, manufactured, synthetic natural gas (SNG), liquified petroleum gas or a mixture of these."

(64) Adding Section 1202(c 1).

Section 1202 is amended by adding definition (c 1) to read:

"(c 1) Gas Appliances: All appliances in which gas is or may be used as a fuel."

(65) Deleting Section 1203.

Section 1203 is deleted.

(66) Amending Section 1206(a).

Section 1206(a) is amended 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."

(67) Amending Section 1206(c)(2).

Section 1206(c) is amended by adding at the end of item (2) a sentence to read:

"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."

(68) Adding Section 1206(c)(3).

Section 1206(c) is amended by adding item (3) to read:

"(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."

(69) Amending Section 1208(a).

Section 1208(a) is amended to read:

"(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."

(70) Amending Section 1211(a).

Section 1211(a) is amended to read:

"(a) All gas meter locations shall be approved by the supplier. All

such locations shall conform to State and local fire regulations.”

(71) Amending Section 1212.

Section 1212 is amended to read:

“Section 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 only. Approved PE pipe may be used in exterior buried piping systems.

“(b) Tubing: Seamless copper, aluminum 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. Aluminum 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. Approved PE tubing may be used in exterior buried piping systems.

“(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 aluminum alloy when used with aluminum alloy pipe or tubing. PE fittings, mechanical connectors and transition fittings shall be of the approved types when used with PE piping 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.”

(72) Amending Section 1213(a).

Section 1213(a) is amended 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.”

(73) Amending Section 1213(b).

Section 1213(b) is amended by amending the Exception note to read:

“EXCEPTION: When necessary due to structural conditions, approved type gas piping may be installed in other locations when permission has first been obtained from the Administrative Authority. Two acceptable methods of installing low pressure gas piping under a building are as follows:

“1. Encase such gas piping in a conduit in accordance with National Fire Protection Association (NFPA) Standard No. 54,

Installation of Gas Appliances and Gas Piping, Section 2.9.5. Access to the piping where the conduit terminates in the building shall be provided.

"2. Approved machine-wrapped or coated ferrous piping as defined in Section 1213(d) and (e) of the Plumbing Code may be embedded in concrete ground floor when encased in at least two inches of concrete or may be encased in an independent concrete jacket with a minimum wall thickness of two inches. The protective coating shall extend at least one inch above the point of entry into the slab and above the point of exit from the slab for the appliance riser. Such piping shall not be in physical contact with other metallic objects such as reinforcing rods or electrical neutral conductors."

(74) Deleting Section 1213(c).

Section 1213(c) is deleted.

(75) Amending Section 1214(a).

Section 1214(a) is amended by amending Exception condition (5) to read:

"(5) Aluminum alloy connectors may be used only in interior locations where they shall not be in contact with masonry, plaster or insulation or are not subject to repeated corrosive wettings. Semi-rigid aluminum tubing shall not be used as an appliance connector."

(76) Amending Section 1215(i).

Section 1215(i) is amended to read:

"(i) Discharge from relief valves shall conform to regulations of the State Public Utilities Commission."

(77) Amending Table 12-3.

Table 12-3 is amended by adding at the bottom a footnote to read:

"For synthetic natural gas multiply the capacities shown in the table by 0.90."

(78) Amending Table 12-3A.

Table 12-3A is amended by adding at the bottom a footnote to read:

"For synthetic natural gas multiply the capacities shown in the table by 0.90."

(79) Amending Section 1216(a).

Section 1216(a) is amended to read:

"(a) Leaks in gas piping shall be located by applying soapy water to the exterior of the piping, or by use of approved or listed gas detecting devices."

(80) Amending Section 1218(a).

Section 1218(a) is amended to read:

"(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 synthetic natural gas (SNG) having a heating value of 975 BTU and specific gravity of 0.62 supplied at approximately nine

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 inches water column pressure at the outlet of the meter.”

(81) Amending Table 12-1.

Table 12-1 is amended to read:

“TABLE 12-1
Demand of Typical Domestic Gas Appliances
In Cubic Feet Per Hour

Appliance	Demand in Cu. Ft./Hr.	
	SNG Gas	LPG
Domestic Full Size Range	65	26
Domestic Apt. Size Range	60	24
Domestic Recessed Oven Section	22	9
Domestic Surface Unit	40	16
Domestic Storage Water Heater up to 30 Gal. . .	39	16
Domestic Storage Water Heater 40 and 50 Gal. .	50	20
Domestic Clothes Dryer	35	14
Domestic Barbecue	50	20
Gas Refrigerator	3	2
Gas Luau Torch	24	10”

(82) Amending Section 1218(d).

Section 1218(d) is amended to read:

“(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 inch for a free standing gas range using synthetic natural gas and shall be one-half inch for a recessed oven section, a recessed top section, or for a free standing range using L.P.G.”

(83) Amending Section 1219(b).

Section 1219(b) is amended to read:

“(b) To determine the size of each section of pipe in any system within the range of Table 12-2, proceed as follows:

“(1) Calculate the gas demand in cubic feet per hour of the appliance to be attached to each other.

“(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.”

(84) Amending Section 1219(c).

Section 1219(c) is amended to read:

“(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.”

(85) Amending Section 1219(d).

Section 1219(d) is amended by deleting the words “six (6) inches (152.4mm)” appearing in the second line thereof and inserting in lieu thereof the words “four inches (101.6mm).”

(86) Amending Section 1219 NOTE.

The NOTE at the end of Section 1219 is amended by deleting the words “Appendix F” and inserting the words “Section 1220” in lieu of “Appendix F.”

(87) Amending Table 12-2.

Table 12-2 is amended by adding at the bottom a footnote to read:

“For synthetic natural gas multiply the capacities shown in the table by 0.90.”

(88) Amending Section 1220(f).

Section 1220(f) is amended by amending the first sentence to read:

“Approved engineering methods or Tables 12-6 and 12-7, when corrected for the specific gravity of the gas utilized, may be used to size gas piping systems carrying three or five psig (20.7 or 34.5kPa) gas.”

(89) Amending Section 1220(h).

Section 1220(h) is amended by deleting the words “eighteen (18) inches (457.2mm)” appearing in the third line thereof and inserting in lieu thereof the words “twelve inches (304.8mm).”

(90) Amending Table 12-6.

Table 12-6 is amended by adding at the bottom a footnote to read:

“For synthetic natural gas, multiply the capacities shown in the tables by 0.90.”

(91) Amending Table 12-7.

Table 12-7 is amended by adding at the bottom a footnote to read:

“For synthetic natural gas, multiply the capacities shown in the table by 0.90.”

(92) Amending Section 1301.

Section 1301 is amended by adding a second paragraph to read:

"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."

(93) Adding Section 1305(d).

Section 1305(d) is added to read:

"(d) An approved method shall be provided to prevent siphoning in any water heater, hot water boiler, hot water tank and hot water system."

(94) Adding Section 1306(c).

Section 1306(c) is added to read:

"(c) An approved method shall be provided to prevent siphoning in any water heater, hot water boiler, hot water tank and hot water system."

(95) Amending Section 1310(a).

Section 1310(a) is amended to read:

"(a) Appliances generating a glow, spark or flame capable of igniting flammable vapors may be installed in a residential garage provided the pilots and burners, or heating elements and switches, are at least eighteen inches (.5m) 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."

(96) Adding Section 1312(i) and (j).

Section 1312(i) and (j) are added 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 inches for each 50,000 BTU per hour, or less, input to the water heater up to a maximum required distance of four feet to any building opening, nor closer than one 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 climactic 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 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."

(97) Deleting Appendix D.

Appendix D is deleted.

(98) Deleting Appendix E.

Appendix E is deleted.

(99) Deleting Appendix G1.

Appendix G1 is deleted.

(100) Deleting Appendix G2.

Appendix G2 is deleted.

(101) Deleting Appendix G3.

Appendix G3 is deleted.

(102) Deleting Appendix G4.

Appendix G4 is deleted.

(103) Deleting Appendix I.

Appendix I is deleted.

(104) Deleting Installation Standard IS 10-75.

Installation Standard IS 10-75 is deleted.

(105) Amending Installation Standard IS 12-78.

Installation Standard IS 12-78 is amended by adding a footnote to read:

"NOTE: All references in this standard to 'natural gas yard piping' shall mean 'synthetic natural gas and liquefied petroleum gas yard piping' and 'natural gas' shall mean 'synthetic natural gas and liquefied petroleum gas'." (Sec. 19-4.1, R.O. 1978; Am. Ord. 79-27, 80-100)

Article 5. Plumbing Work Within Flood Hazard Districts And Developments Adjacent To Drainage Facilities.

Sec. 19-5.1. Applicability.

(a) General. The provisions contained herein are applicable to the construction of all new plumbing systems, renovations and major alterations, additions or reconstruction of existing plumbing systems within the Flood Hazard District as delineated on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and any amendments by the Federal

Emergency Management Agency, on file with the Department of Land Utilization, City and County of Honolulu.

These provisions shall also apply to developments adjacent to drainage facilities outside the Flood Hazard District which are determined to be within a floodway area or a flood fringe area in accordance with Section 21-11.11 of Article 11, Chapter 21, R.O. 1978, as amended.

(b) Existing Plumbing Systems. Any plumbing system thereof which was lawful before the effective date of this article but which is not in conformity with the provisions of this article may be continued subject to the provisions of Section 21-11.14 of Article 11, Chapter 21, R.O. 1978, as amended.

(c) Exemptions. The provisions contained herein shall not apply:

(1) To plumbing systems serving buildings and structures exempted from the Flood Hazard District provisions under Section 21-11.15, Article 11, Chapter 21, R.O. 1978, as amended.

(2) To plumbing systems serving buildings and structures which have been granted a Flood Hazard Variance under provisions of Section 21-11.13 of Article 11, Chapter 21, R.O. 1978, as amended. (Am. Ord. 80-65)

Sec. 19-5.2. Definitions.

(a) For the purpose of this article, the following terms shall be as defined in Article 11, Chapter 21, R.O. 1978, as amended:

- (1) Flood or Flooding
- (2) Flood Elevation
- (3) Flood Fringe
- (4) Flood Hazard District
- (5) Flood Proof
- (6) Floodway
- (7) Regulatory Flood (Am. Ord. 80-65)

Sec. 19-5.3. Drainage (Plumbing) Systems.

(a) Drainage systems that have openings below the regulatory flood elevation shall be provided with an automatic backwater valve installed in each discharge line passing through a building exterior wall.

(b) Drainage systems for emergency servicing facilities that are required to remain in operation during a flood shall be provided with a sealed holding tank and the necessary isolation and diversion piping and appurtenances to withhold or postpone sewage discharge to the sewer system during the flood. The holding tank shall be sized for storage of at least 150% of the anticipated demand for a 24-hour period. Vents provided for such holding tank shall terminate at an elevation of at least one foot above the regulatory flood elevation.

(c) All pipes in a plumbing vent system shall terminate at an elevation of at least one foot above the regulatory flood elevation.

(d) All pipe openings through exterior walls below the regulatory flood elevation shall be floodproofed to prevent infiltration of flood water through spaces between pipes and wall construction materials by use of imbedded

collars, sleeves, waterstops, or other means as may be approved by the Administrative Authority. (Am. Ord. 80-65)

Sec. 19-5.4. Private Sewage Disposal/Treatment.

Individual private sewage disposal systems or treatment facilities may be permitted in a Flood Hazard District or in other floodway or flood fringe area when design and location of such systems are approved by the Department of Health, State of Hawaii. In addition to Public Health Regulations, Department of Health, State of Hawaii, all such new and replacement sewage disposal systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. (Am. Ord. 80-65)

Sec. 19-5.5. Water Supply.

Potable water supply systems that are located in a Flood Hazard District or in other floodway or flood fringe area shall be designed and installed in such a manner as to prevent contamination from flood waters up to the regulatory flood elevation. Location and construction of private water supply wells shall comply with rules and regulations of the Board of Water Supply, City and County of Honolulu.

(1) Potable water supply tanks, filters, softeners, heaters, and all water-supplied appliances and fixtures located below the regulatory flood elevation shall be protected against contamination by covers, walls, copings, or castings. All vent pipes serving the water supply system shall terminate at an elevation of at least one foot above the regulatory flood elevation.

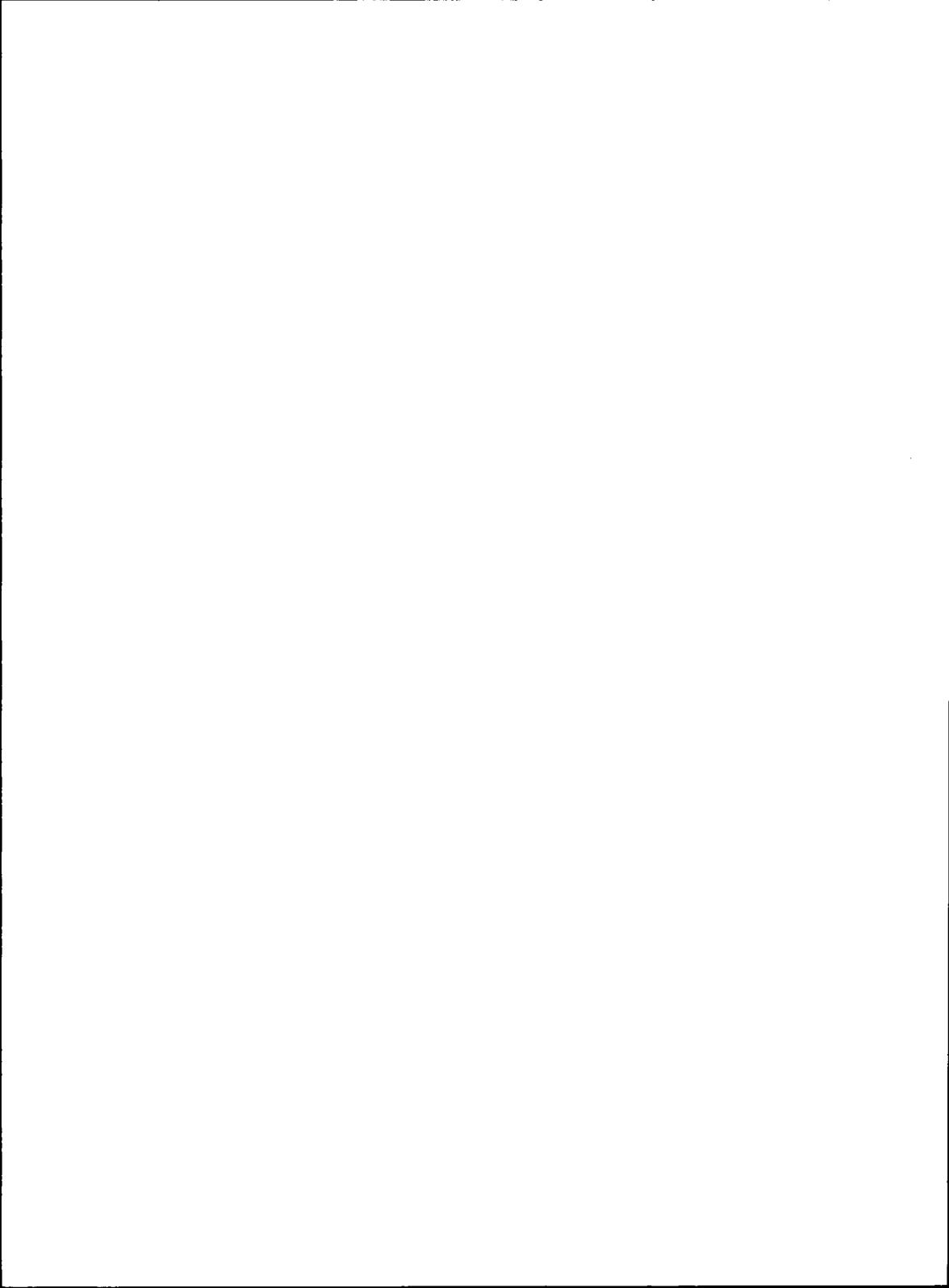
(2) Backflow preventers or devices approved by the Board of Water Supply shall be installed on water service lines as close to the property control valve as possible to protect the public water system from backflow or back siphonage of flood waters or other contaminants in the event of a line break. Devices shall be installed at accessible locations and shall be maintained in good working condition by the owner. The backflow preventers or devices shall be subject to periodic testing as prescribed in the Rules and Regulations of the Board of Water Supply.

(3) An approved double check valve assembly shall be used in lieu of any vacuum breaker, permitted or otherwise required under Article 4, when located below the regulatory flood elevation.

(4) Air relief valves are permitted on private pipelines only when installed at least one foot above the regulatory flood elevation. (Am. Ord. 80-65)

Sec. 19-5.6. Plumbing Systems In Special Flood-Proofed Conditions.

Plumbing piping under buildings constructed on stilts shall be securely anchored against lateral movement and flotation and protected against damage by flood water and debris. Protection shall be provided by the structural enclosure of such piping or by attaching such piping to downstream side of structural members which are large enough to provide this protection. (Am. Ord. 80-65)



CHAPTER 19A.

FIRE CODE OF THE CITY AND COUNTY OF HONOLULU.

Article 1. Adoption Of The State Model Fire Code.

Sec. 19A-1.1. Fire Code Of The City And County Of Honolulu.

The State Model Fire Code as adopted by the Hawaii State Fire Council on September 19, 1980, pursuant to Act 241, SLH 1978, amending Chapter 132, Hawaii Revised Statutes, is by reference incorporated herein and made a part hereof, subject to the following amendments:

(1) Section 1.101 is amended to read:

"Sec. 1.101. This Code shall be known as the FIRE CODE OF THE CITY AND COUNTY OF HONOLULU, may be cited as such, and will be referred to herein as this 'Code'."

(2) Section 2.202 (a) is amended to read:

"Sec. 2.202. (a) The fire chief shall designate a fire investigator who shall be responsible to conduct investigations on the cause, origin and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury to person or destruction or damage to property and, if it appears that such fire is of suspicious origin, he shall then take immediate charge of all physical evidence relating to the cause of the fire and shall pursue the investigation to its conclusion. The fire investigator shall make a report in writing to the fire chief of all facts and findings relative to each investigation and, should it appear during any investigation that a fire is of suspicious origin, he shall notify the fire chief forthwith."

(3) Section 2.204 is amended to read:

"Violation and Penalty

Sec. 2.204. Any person, firm or corporation violating any of the provisions of this Code 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 Code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than \$300 or by imprisonment for not more than 90 days, or by both such fine and imprisonment."

(4) Section 2.205 is amended to read:

"Procedure on Arrest; Summons or Citation

Sec. 2.205. (a) The chief and members of the fire prevention bureau (hereinafter referred to as 'authorized personnel'), may, pursuant to Section 2.105, arrest without warrant alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by warrant or such other judicial process as is permitted by statute or rule of court.

(b) Procedure on Arrest. Authorized personnel, upon making an arrest for a violation of the Fire Code, may 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 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 personnel, a form of summons or citation for use in citing violators of the Fire Code 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."

(5) Section 2.302 is amended to read:

"Sec. 2.302. Board of Appeals.

Any appeal from the decision of the Fire Chief in the administration of the Fire 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 Fire 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. 1978, as amended."

(6) Section 4.101(a) is amended to read:

"(a) Permits are required under the following sections:

1. Sec. 25.101 (Places of Assembly)
2. Sec. 32.101 (Tents, Air-Supported and Temporary Structures)
3. Sec. 45.102 (Application of Flammable Finishes)
4. Sec. 74.103 (Compressed Gases)
5. Sec. 79.103 (Flammable and Combustible Liquids)
6. Sec. 80.102 (Hazardous Chemicals)
7. Sec. 82.102(a) (Liquefied Petroleum Gases)"

(7) Section 4.101(b) is amended to read:

"(b) Permit fees:

1. There shall be an annual fee of \$40.00 for a Section 25.101 permit.
2. There shall be an annual fee of \$25.00 for a Section 32.101 permit.
3. There shall be an annual fee of \$25.00 for a Section 45.102 permit.

4. There shall be an annual fee of \$25.00 for a Section 74.103 permit.

5. There shall be a fee of \$25.00 for tanks up to 4,999 gallons and \$40.00 for tanks 5,000 gallons or larger for a Section 79.103 tank installation permit.

6. There shall be a fee of \$25.00 for each Section 80.102 permit.

7. There shall be a fee of \$25.00 for tanks with an aggregate of 125 to 499 gallons and \$40.00 for tanks 500 gallons or larger for each Section 82.101(a) tank installation permit."

(8) Section 9.104 is amended by amending the definition of "Building Code" to read:

"BUILDING CODE shall mean Chapter 16, R.O. 1978, as amended."

(9) Section 9.107 is amended by amending the definition of "Electrical Code" to read:

"ELECTRICAL CODE shall mean Chapter 17, R.O. 1978, as amended."

(10) Section 9.118 is amended by amending the definition of "Plumbing Code" to read:

"PLUMBING CODE shall mean Chapter 19, R.O. 1978, as amended."

(11) Section 10.201 is amended to read:

"Unlawful to Tamper with Fire Alarms or Send Any False Alarm of Fire

Sec. 10.201. It shall be unlawful for any person willfully or maliciously to tamper with, molest, injure or break any public fire alarm apparatus, wire, or signal, or willfully or maliciously to send, give, transmit, sound or cause to be sent, given, transmitted or sounded any false alarm of fire by telephone, fire alarm system or signal, or any other means."

(12) Section 10.203 is amended to read:

"Sec. 10.203. No person shall use or operate any hydrant or other valves installed on any water system intended for use by the chief for fire suppression purposes and which is accessible to any public highway, alley or private way open to or generally used by the public, unless such person first secures a permit for use from the Board of Water Supply as to hydrants supplied with water by said Board."

(13) Section 10.206 is amended to read:

"Sec. 10.206. (a) No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material or thing near any fire hydrant, fire department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant.

(b) The Police Department may remove any vehicle left unattended upon any street within ten feet of any fire hydrant to the nearest garage or other place of safety. The registered owner shall be

liable for all reasonable expenses incurred in the removal and storage of such vehicle.”

(14) Section 10.302(h) is added to read:

“(h) Licenses are required under the following sections:

1. Section 10.302(d) (Inspection and Testing of Fire Extinguishing Systems)
2. Section 10.302(g) (Inspection and Testing Portable Fire Extinguishers).”

(15) Section 10.302(i) is added to read:

“(i) License fees:

1. There shall be a \$25.00 license fee for three years for a Section 10.302(d) license.
2. There shall be a \$25.00 license fee for three years for a Section 10.302(g) license.” (Am. Ord. 79-64, 81-16)

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.

(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 action for injury and death to person or property damages 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 \$100,000 for property damages per occurrence and in an amount not less than \$500,000 for bodily injury or death. 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 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 year after satisfactory completion of the restoration work.

(c) Before issuing a permit, the Chief Engineer shall:

(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	\$ 4.50
Repairs to utilities	\$ 4.50
Trench for installation of pipelines, underground cables, etc. for the first 20 lineal feet or any fraction thereof plus \$1.50 for each additional 10 lineal feet or any fraction thereof.	\$15.00

(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.

(f) The permittee shall also obtain a permit from the City Department of Transportation Services before any work on any portion of a public street may begin. (Sec. 20-1.1, R. O. 1978; Am. Ord. 81-14)

Sec. 20-1.3. Trench Excavation, Backfill And Pavement Restoration.

(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. No work shall commence unless a dewatering permit is first obtained from the Chief Engineer. (Sec. 20-1.3, R. O. 1978; Am. Ord. 81-14)

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:

Asphalt concrete	\$ 2.00 per square foot
Concrete	\$ 9.50 per square foot
Asphaltic concrete on concrete	\$11.00 per square foot

(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. 1978; Am. Ord. 81-14)

Article 2. Regulations Governing The Construction Of Sidewalk, Curb Or Driveway Within The Right-Of-Way Of Public Streets.

Sec. 20-2.2. Definitions.

For the purpose of this article:

(1) "Abandoned driveway" means a driveway no longer used for egress and ingress purposes by motor vehicles.

(2) "Building Superintendent" means the Director and Building Superintendent of the Building Department or his duly authorized representative.

(3) "Chief Engineer" means the Director and Chief Engineer of the Department of Public Works or his duly authorized representative.

(4) "Curb" means the raised border of concrete, asphaltic concrete or stone along the edge of the pavement of a street.

(5) "Driveway" means a facility constructed between the pavement of a roadway and any abutting property, which is used by motor vehicles for egress or ingress to the property.

(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.

(7) "Sidewalk" means that portion of a street between a curb line or the pavement of a roadway, and the adjacent property line intended for use by pedestrians, including any street setback area acquired by the City for road widening purposes.

(8) "Street" means a public highway, as defined in HRS Section 264-1, unless otherwise specified.

(9) "Wheelchair ramp" means a facility constructed between the curb and concrete sidewalk to provide access from the street to the sidewalk for wheelchairs. (Sec. 20-2.2, R. O. 1978; Am. Ord. 81-15)

Sec. 20-2.5. Reconstruction Or Repair Of Sidewalks, Curbs Or Driveways.

Whenever the Building Superintendent finds that any sidewalk, curb or driveway is in need of reconstruction or repair in the interest of public safety or welfare, and such need is caused by action or actions attributable to the owner of land abutting such sidewalk, curb or driveway, the Building Superintendent is hereby authorized to give notice thereof to such owner and to require such owner to reconstruct or repair the sidewalk, curb or driveway. (Sec. 20-2.5, R. O. 1978; Am. Ord. 81-15)

Sec. 20-2.6. Notice To Owner.

(c) Contents of Notice. The notice shall set forth the nature of the reconstruction or repair to be made, the location thereof, and a specific direction to such owner to reconstruct or repair such sidewalk, curb or driveway. (Sec. 20-2.6, R. O. 1978; Am. Ord. 81-15)

Sec. 20-2.7. Failure To Reconstruct Or Repair Sidewalks, Curbs Or Driveways.

(a) Time Limit. If after the expiration of 60 days after the date of publication or after the receipt of the notice thereof, an owner fails to reconstruct or repair the sidewalk, curb or driveway, the Building Superintendent shall issue a work order to the Chief Engineer to reconstruct or repair the sidewalk, curb or driveway as provided in subsection (b) below.

If both written notice and publication is given to an owner, the expiration of the 60 days shall be based on whichever form of notice was last given.

(b) Reconstruction or repair of sidewalks, curbs or driveways by City. The Chief Engineer is hereby authorized and empowered to pay for the reconstruction or repair of sidewalks, curbs or driveways out of City funds or to have the work done by City employees.

(c) Charge to owner. When the City has reconstructed or repaired the sidewalk, curb or driveway or has paid for such work, the cost thereof, including overhead costs, plus accrued interest at the rate of seven per cent 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 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.

(d) Statement of Chief Engineer. Where the full amount due the City is not paid by such owner within thirty 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.

(e) 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. (Sec. 20-2.7, R. O. 1978; Am. Ord. 81-15)

Article 4. Cleaning And Maintaining Sidewalks.

Sec. 20-4.1. 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 his 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 the roadway in concrete and 12 to 14 inches wide immediately adjacent to the curb. (Sec. 20-4.1, R.O. 1978; Am. Ord. 80-30, 82-39)

Sec. 20-4.2. Procedure On Owner Failing To Clean.

If any such owner or his agent, which shall include but not be limited to a lessee, tenant, property manager or trustee, after receiving notice from the City, fails, within twenty 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 his agent, if not immediately paid, by action in the district court. (Sec. 20-4.2, R.O. 1978; Am. Ord. 80-77)

Sec. 20-4.3. Notice To Property Owners.

The notice specified in Section 20-4.2 shall be sent to such property owner by mailing it to his last known address in the State of Hawaii, or to his agent at his (agent's) last known address. (Sec. 20-4.3, R.O. 1978; Am. Ord. 80-77)

Article 5. Construction Of Improvements By Certain Property Owners.

Sec. 20-5.1. Construction Of Improvements Required.

(a) The owner of real property abutting any public street who or whose lessee with the approval in writing of the owner, is issued a building permit to construct or reconstruct a building on such property, where such property is situated in an area zoned for any use other than residential or agricultural uses, shall upon the granting of such building permit construct the necessary improvements and dedicate any general plan or development plan street setback area along the street abutting the property, pursuant to the requirements of this article. Such construction of improvements and dedication of any general plan or development plan street setback area shall be substantially completed prior to the issuance of the Certificate of Occupancy.

In case such building permit should be issued to a lessee, the obligation to construct the improvements shall be on both owner and lessee, but, unless otherwise agreed between owner and lessee, the obligation shall be primarily that of the lessee and, if the lessee should fail to meet the same and the obligation be met by the owner or by enforcement of the lien hereinafter provided against the property, the owner shall be entitled to recover from the lessee such expenses and damages as may be incurred or suffered by him in consequence of the default of the lessee.

(b) The owner of real property abutting any public street where such property is granted a zoning change from its present use classification to any use classification other than residential or agricultural uses, shall upon the granting of such zoning change, dedicate any general plan or development plan street setback area pursuant to the requirements of this article; provided, however, that this provision shall only apply to a zoning change initiated by the owner. (Sec. 20-5.1, R.O. 1978; Am. Ord. 80-68)

Sec. 20-5.3. Allocation Of Costs.

The property owner or lessee shall bear the entire cost of the improvements and dedicate any general plan or development plan street setback area; provided that any area dedicated under this provision may be included for

computing density for that parcel; and provided further that the cost of relocating the utility lines shall be borne by the respective privately owned utilities. (Sec. 20-5.3, R.O. 1978; Am. Ord. 79-90)

Sec. 20-5.4. Failure To Construct Improvements.

If any owner or lessee neglects or refuses to begin the construction of the improvements within one year after the granting of a building permit as in this article provided, the Chief Engineer is hereby authorized to cause such improvements to be constructed. The costs thereby incurred by the City shall be a lien upon the property abutting such improvements from the date of certification by the Chief Engineer of completion of such construction, and the same shall be collected from the owner of such property in the name of the City. (Sec. 20-5.4, R.O. 1978; Am. Ord. 80-68)

Sec. 20-5.5. Exceptions.

(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;

(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; (Sec. 20-5.5, R.O. 1978; Am. Ord. 79-90)

CHAPTER 22.
SUBDIVISION OF LAND.

Article 7. Parks And Playgrounds.

Sec. 22-7.2. Definitions.

For the purpose of this article, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

(9) "Parks and Playgrounds" means areas including beach parks used for active or passive recreational pursuits. The areas include parks and playgrounds which implement the intent and purpose of the General Plan of the City. (Sec. 22-7.2, R. O. 1978; Am. Ord. 81-65)

Sec. 22-7.3. Scope.

Every subdivider as a condition precedent to (a) the approval of a subdivision by the Director, or (b) issuance of a building permit for multiple family development by the Building Department, shall provide land in perpetuity or dedicate land, for park and playground purposes, for the joint use by the occupants of lots or units in subdivisions as well as by the public. The dedication of land for a park shall be subject to the maximum ceiling in land or money in lieu thereof calculated in accordance with the formula designated in Sections 22-7.5 and 22-7.6. In lieu of providing land in perpetuity or dedicating land, the Director may permit a subdivider to pay a fee equal to the value of land which would otherwise have had to be provided in perpetuity or dedicated, or combine the payment of fee with land to be provided or dedicated, the total value of such combination being not less than the total value of the land which would otherwise have had to be provided in perpetuity or dedicated.

The provisions of this article shall apply to all subdivision of land into two or more lots for residential purposes including developments under Section 21-5.7 of the Revised Comprehensive Zoning Code, 1978, and to construction of multiple family developments. When a new building or group of buildings containing dwelling or lodging units is added to an existing multiple family development, approved prior to the effective date of this article, the provisions of this article shall apply only to such new additions, and not to the previously approved multiple family development.

When an existing building in a multiple family development, approved prior to the effective date of this article, is enlarged or altered to increase the number of dwelling or lodging units, the provisions of this article apply to the number of dwelling or lodging units added to the enlarged or altered building.

When an existing building in a multiple family development, approved prior to the effective date of this article, is enlarged or altered without increasing the total number of dwelling or lodging units and the the cost of such work exceeds 50% of the total replacement cost of the building at the time of the building permit application, the provisions of this article shall apply to the total number of dwelling or lodging units contained in the

enlarged or altered building. The 50% replacement cost is calculated on each individual building and not on the total replacement cost of the multiple family development. The percentage shall be cumulative for each building from the effective date of this article. The provisions of this article shall apply to all new or existing units in an enlarged or altered building whenever the cumulative 50% replacement cost is exceeded.

Upon acceptance of the land by the City, the City shall thereafter assume the cost of improvements and their maintenance. Fees received shall be disbursed for the acquisition or development of parks and playgrounds, including physical facilities.

The provisions of this article shall also apply to any change in use of buildings to multiple family dwelling use subsequent to the effective date of this article.

In any zoning district or special design districts where mixed uses of business, commercial, office and dwelling units are permitted, the provisions of this article shall apply to all units where kitchen and bathroom facilities are provided, or electrical and plumbing systems are so located and designed, by which these units may be readily converted to dwelling units without securing a new building permit or without undertaking any major alterations or renovation work.

This article shall not apply to those units where legal documents are drawn up by the applicant to assure that the units will not be converted to dwelling units. The legal documents shall be recorded covenants running with the land and subject to the review and approval of the Director of Land Utilization and the Corporation Counsel. The legal documents shall be fully executed and recorded with the appropriate State agency and proof of such recordation shall be submitted to the Director of Land Utilization prior to issuance of building permits.

The provisions of this article shall apply to any conversion in use of any existing non-dwelling unit to dwelling units and such conversion shall not be undertaken unless the provisions of this article have been met. (Sec. 22-7.3, R.O. 1978; Am. Ord. 82-41)

Sec. 22-7.4. Exceptions.

(4) Multiple-family developments containing 4 or less dwelling or lodging units. This exemption is limited to multiple-family developments that originally consist of 4 or less dwelling or lodging units. If the subdivider subsequently seeks to add additional units to a previously existing multiple-family development, the subdivider shall not receive any additional exemption, save and except that the exemption shall apply if the original development and the proposed additional units still total 4 units or less. This exemption shall not apply to multiple-family developments where building permits have been issued prior to the effective date of this ordinance. (Sec. 22-7.4, R.O. 1978; Am. Ord. 80-99)

Sec. 22-7.6. Payment Of Money In Lieu Of Dedicating Or Providing Land, Or A Combination Of Payment Of Money And Dedicating Or Providing Land.

If the Director determines that dedicating or providing of land in per-

petuity is not in the best interest of the City, the subdivider shall pay a fee to the City in lieu thereof, a sum equal to the fair market value of the area otherwise required under Section 22-7.5.

If the area of land provided in perpetuity or dedicated by the subdivider and approved by the City is less than the area required under Section 22-7.5, the subdivider shall be required to pay a fee equal to the fair market value of the land area which is the difference between the land area provided in perpetuity or dedicated and the area required under Section 22-7.5.

If the Director determines that the subdivider shall pay a fee to the City in lieu of dedicating or providing land in perpetuity, the subdivider shall pay the fee in one of the two following ways:

(1) Payment in full of the fee prior to the Director's approval of the subdivider's park dedication application; or

(2) The filing with the Director of an agreement to pay the fee, said agreement to be accompanied by a financial guaranty bond from a surety company authorized to do business in Hawaii or other security acceptable to the City to insure payment of such fee. The agreement and surety bond or other security shall be approved by the Director and the Corporation Counsel as to form and legality. The Director of Finance shall determine the acceptability of the financial guaranty bond or other security. The agreement shall set forth a certain date, not to exceed two years, within which time the fee shall be paid. The financial guaranty bond, or other security that must be filed with the agreement shall be in an amount equal to the fee required under this article. The financial guaranty bond shall be in full force and effect until the fees have been paid. In case of security other than a financial guaranty bond, partial releases may be made equal to the portions of the fee paid to the City.

Payment of fees shall be made to the Director of Finance for deposit in a special fund created and established pursuant to Section 9-202 of the Revised City Charter of Honolulu 1979 supplement. Money in this fund shall be expended for parks and playground purposes in the following manner:

(1) Within five years from the date of receipt of the fees the City shall expend such receipts for (A) purchase of land for development of a new or expansion of existing parks, and playgrounds, and/or (B) purchase of park and playground equipment, and/or (C) improvement of existing parks and playgrounds, all according to the following locational priorities:

(i) Locational priority for creation, expansion and improvement of parks and playgrounds.

(aa) Neighborhood and mini-park(s) located within one-half mile distance from the project site shall be given the first priority.

(bb) Should the creation, expansion and/or improvement of a neighborhood facility prove to be unfeasible, the second priority should be given to community park(s) located within 1-mile distance of the project site.

(cc) District park(s) within 2-mile distance of the project site shall be considered in the event the implementation of (aa) and (bb) above are unfeasible.

(dd) Regional parks shall have the last priority. (Sec. 22-7.6, R.O. 1978; Am. Ord. 81-65)

Sec. 22-7.7. Determination Of Amount Of Fees To Be Paid In Lieu Of Dedicating Or Providing Land.

(a) Valuation. Valuation shall be based upon the fair market value of the land prior to its subdivision.

(b) Appraisal. If the City and subdivider fail to agree on the fair market value of the land, the value shall be fixed and established by majority vote of three land appraisers; one shall be appointed by the subdivider, one appointed by the City, and the third appointed by the first two appraisers. All appraisers shall be members of the American Institute of Real Estate Appraisers, Members Appraisal Institute, or other equal national organizations. The subdivider and the City shall equally bear the fees of appraisal and costs thereof. (Sec. 22-7.7, R. O. 1978; Am. Ord. 81-65)

Sec. 22-7.10. Appeals.

An aggrieved party may secure a review of any decision of the Director of Land Utilization by appeal to the Zoning Board of Appeals. (Sec. 22-7.10, R.O. 1978; Am. Ord. 81-65)

Sec. 22-7.11. Refund Of Payment Of Fees.

(a) Refund, or partial refund pursuant to paragraph (3) below, of the amount of fees paid to the City shall be allowed to the subdivider for subdivisions or multiple-family developments under the following circumstances:

(1) When subdivision applications expire and become null and void, or building permits are not issued by the Building Department; or

(2) When subdivision or building permit applications are withdrawn; or

(3) When the number of dwelling or lodging units for a project is reduced and the amended project plans are approved by the Director.

(b) Requests for refunds shall be submitted in writing with justification and return of the approved applications and building permits to the Director and shall be submitted within two years from the date of receipt of the fees by the Department of Land Utilization of the City and County of Honolulu. If the Director determines that the request meets any of the three circumstances listed above, the Director of Finance shall be authorized to make the refund. No interest shall be paid on any dedication fee refunded. Partial refund pursuant to subparagraph (3) above shall be determined by the Director based upon the valuation method contained in this article as used to determine the original fee paid. No refund shall be made for subdivisions or multiple-family development when the method of compliance with this article is revised or amended, or when the amount of fees to be paid has changed, or the two-year time limit has lapsed.

(c) Subdivision or building permit applications considered under this article shall become null and void upon the granting of a total refund. A new

application shall be required if a subdivider seeks to renew the project. (Am. Ord. 81-65)

Sec. 22-7.12. Violations And Penalties.

Any person violating any provision of this article shall upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance. The City may maintain an action for an injunction to restrain any violation of the provisions of this article and may take any other lawful action to prevent or remedy any violation. (Am. Ord. 82-41)

Article 8. Street Names.

Sec. 22-8.1. Authority To Name Streets.

The authority to name streets and to approve the change of street names within the City conferred upon the City Council pursuant to HRS Section 265-17, is hereby delegated to the Director of Land Utilization to be exercised in accordance with the standards hereinafter set forth. (Am. Ord. 79-54)

Sec. 22-8.2. Nomenclature.

The following nomenclature shall be used in the naming of streets:

(1) The term "freeway" shall be used to describe a divided arterial roadway for through traffic with full control of access with grade separations at intersections. Whenever practicable, freeways shall be named after Hawaiian royalty.

(2) The term "highway" shall be used to describe a roadway generally serving through traffic on a continuous route providing the primary access between communities. Whenever practicable, highways shall be named after Hawaiian royalty.

(3) The term "parkway" shall be used to describe a major collector roadway usually containing a medial strip with landscaped setback park-like areas on each side of the right-of-way, generally heavily planted with trees for its entire length.

(4) The term "boulevard" shall be used to describe a major collector with or without a medial strip generally shorter than a highway, usually serving through traffic on a continuous route.

(5) The term "drive" shall be used to describe a long winding collector roadway; usually through a valley, mountainous area or plateau, having scenic qualities.

(6) The term "street" shall be used to describe a fully improved through roadway serving local or minor collector traffic.

(7) The term "avenue" shall be used to describe a fully improved through roadway serving local or minor collector traffic, landscaped and planted with trees.

(8) The term "circle" shall be used to describe a roadway having a circular form with only one access point to the adjoining street.

(9) The term "loop" shall be used to describe a looped roadway having two access points off the same roadway.

(10) The term "place" shall be used to describe a cul-de-sac.

(11) The term "way" shall be used to describe a cul-de-sac which is off another cul-de-sac.

(12) The term "court" shall be used to describe a short roadway partially or wholly enclosed by buildings giving the impression of a small open square.

(13) The term "mall" shall be used to describe a street or portions thereof on which vehicular traffic is to be restricted in whole or in part and which is to be used exclusively or primarily for pedestrian travel or promenade.

(14) The term "road" shall be used to describe a collector roadway in the rural district generally without full improvements such as curbs and sidewalks.

(15) The term "lane" shall be used to describe a narrow and short roadway without curbs or sidewalks.

However, a roadway with the characteristics of a "road" or "lane" as above described shall be entitled to be given a name after the effective date of this article only in circumstances where such a roadway constitutes an extension of an already existing and named "road" or "lane." (Am. Ord. 79-54)

Sec. 22-8.3. Further Requirements Relative To Street Names.

Street names within the City shall comply with the following requirements:

(1) Street names selected shall consist of Hawaiian names, words or phrases and shall be selected with a view to the appropriateness of the name to historic, cultural, scenic and topographical features of the area.

(2) Street names selected shall not duplicate existing street names in spelling or sound and shall be as dissimilar as possible in spelling or sound from any existing street names.

(3) Street names shall be selected so as not to exceed the space limitation of a standard street name sign of the Department of Transportation Services (normally 18 spaces).

(4) Streets that constitute a continuation of an existing street shall be given the same name as the existing street.

(5) Streets that are continuous shall bear the same name throughout.

(6) A street shall be entitled to a street name only if:

(A) The roadway has a legally defined right-of-way, by roadway lot or easement; however, street names shall be considered for subdivisions as to which tentative approval has been granted and construction plans have been approved by the City;

(B) The roadway has a minimum right-of-way of 18 feet and is paved; and

(C) The roadway serves two or more lots or units.

(7) Any street names adopted after the effective date of this article shall include appropriate diacritical marks, which shall appear on the street name sign prepared by the Department of Transportation Services. Appropriate diacritical marks shall also be required for all replacement signs for street names in effect on the effective date of this article and to all signs where a newly named street constitutes an extension of a street for which a name is in effect on the effective date of this article. The Department of Land Utilization and the Department of Transportation Services may take all steps necessary to redesignate the names of existing streets to include appropriate diacritical marks where such redesignation is found to be necessary or appropriate. (Am. Ord. 79-54)

Sec. 22-8.4. Procedural Requirements.

(a) Any property owner of a street or lot fronting a street, including public agencies, may request a new street name or a change of an existing street name by submitting a street name application to the Department of Land Utilization.

(b) Street name applications shall include the following:

(1) A map showing the street(s) for which a name or name change is sought and the surrounding existing streets and their names.

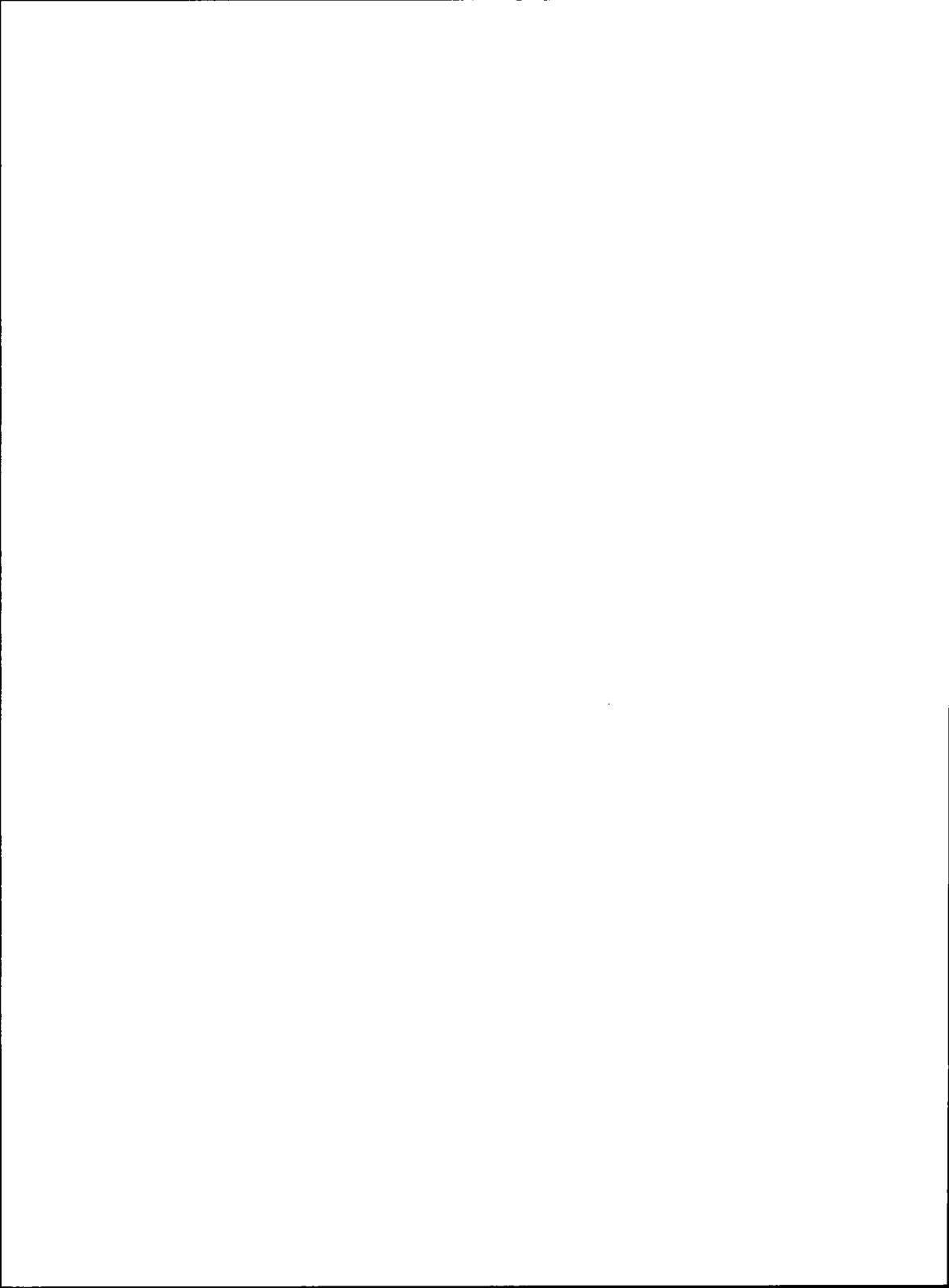
(2) The street name(s) proposed, and their meaning in English; however, the applicant may request the Director of Land Utilization to choose the names.

(3) In the case of a request to name a street, other than as part of the subdivision process, or to change an existing street name, the reasons for the proposed name or name change, and the names and addresses of all property owners fronting the street. Notices that a street name or name change has been proposed shall be circulated to all property owners and residents to determine their desires with respect to the proposal, and shall also be sent to the Fire Department, the Police Department and the post office. The Director of Land Utilization may approve a name or name change only as to which the approval of a majority of the owners and residents, together with the approval of the Fire Department, Police Department and post office, has been obtained. The applicant for a name or name change shall assume responsibility for conducting a poll to establish that the proposed name is desired by the majority of the property owners and residents; however, the applicant may request the City to conduct the poll for changes affecting 10 or less properties. (Am. Ord. 79-54)

Sec. 22-8.5. Approval.

(a) The Director of Land Utilization shall indicate his approval of a street name by signing the official street name map. A street name shall become effective on the date of such signature.

(b) Upon approval of the street name, the applicant shall install street name signs for the naming of the streets. The sign shall conform to the standards of the Department of Transportation Services. The applicant shall bear the total cost of the purchase and installation of the sign. (Am. Ord. 79-54)



CHAPTER 23.

GRADING, SOIL EROSION AND SEDIMENT CONTROL.

Article 1. General Provisions.

Sec. 23-1.3. Definitions.

Wherever used in this chapter the following words shall have the meaning indicated:

(4) "Soil and Water Conservation Districts" shall mean the legal subdivisions of the State of Hawaii authorized under Chapter 180, Hawaii Revised Statutes.

(5) "Surveyor" shall mean a person duly registered as a professional land surveyor in the State of Hawaii.

(6) "Conservation Program" shall mean a document submitted by a land user containing information for the conservation of soil, water, vegetation and other applicable natural resources for an area of land currently being implemented and maintained.

(7) "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.

(8) "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.

(9) "Earth Material" shall mean any rock, coral, sand, gravel, soil or fill and/or any combination thereof.

(10) "Erosion" shall mean wearing away of the ground surface as a result of action by wind and/or water.

(11) "Excavation" or "Cut" shall mean any act by which earth material is cut into, dug or moved, and shall include the conditions resulting therefrom.

(12) "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.

(13) "Grading" shall mean any excavation or fill or any combination thereof.

(14) "Grubbing" shall mean any act by which vegetation, including tree, timber, shrubbery and plant, is dislodged or uprooted from the surface of the ground.

(15) "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. 23-1.3, R. O. 1978; Am. Ord. 81-13)

Sec. 23-1.5. Exclusions.

This chapter shall not apply to the following:

(4) Land which is being managed in accordance with soil conservation practices acceptable to the applicable soil and water conservation district directors, and that a comprehensive conservation program is being actively pursued for the entire area in the program and that the conservation program with appropriate modification is reviewed and accepted by the soil and water conservation district directors periodically but not less than once every five years and shall be made available to the City and County; provided, however, that no grading which, in the opinion of the Chief Engineer, endangers abutting properties or which alters the general drainage pattern with respect to abutting properties shall be commenced or performed without a grading permit. (Sec. 23-1.5, R.O. 1978; Am. Ord. 81-13)

Article 2. Permits; Bonds; Inspection.

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	\$7.50 for each 100 cubic yards or fraction thereof.
1,001-10,000 cubic yards	\$75.00 for the first 1,000 cubic yards plus \$7.50 for each additional 1,000 cubic yards or fraction thereof.
10,001 cubic yards or more	\$142.50 for the first 10,000 cubic yards plus \$4.50 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 \$15 for grubbing areas up to 15,000 square feet plus \$1.50 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 \$7.50 for stockpiling in excess of the first 100 cubic yards plus \$1.50 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 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 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. 23-2.4, R. O. 1978; Am. Ord. 81-13)

Sec. 23-2.8. Bond.*

(b) Amount of Bond. The amount of the bond shall be in an amount equal to the cost of all work and services required to complete all of the work under the grading or stockpiling permit as approved by the Chief Engineer. Cost estimates prepared by the permittee shall be subject to approval of the Chief Engineer to determine the exact amount of the bond. The bond shall be conditioned to be payable to the Chief Engineer and upon failure of the permittee to complete all of the required work within the specified time, the Chief Engineer shall collect the monies from the bond and complete the necessary work to control soil erosion and sedimentation or all unfinished work required by the permit. The parties executing the bond shall be firmly bound to pay for this entire cost.

(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.

*“(Conditions” and (d) “Period and Termination of Bond” were inadvertently left out of R. O. 1978.

(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. 1978; Am. Ord. 81-13)

CHAPTER 24.

IMPROVEMENT BY ASSESSMENTS.

Article 4. Assessments.

Sec. 24-4.13. Eligibility Of Property Owners Of Record, Procedure For, And Termination Of, Deferred Payment Of Assessments.

(1) Eligibility of Property Owners of Record to Participate.

(A) Property owners of record must own the property jointly or severally, either in fee simple or as a lessee and be required to pay improvement district assessments on property situated within an improvement district, which serves as the only residence of one of the property owners of record who has either (i) attained the age of 65 years, or (ii) is permanently and totally disabled as defined in Section 235-1, Hawaii Revised Statutes, Income Tax Law, and whose family residing on the property is subject to financial hardship by the assessments imposed as a result of the creation of the improvement district.

(B) Prima facie evidence of hardship shall be a showing that the average annual payment for all assessments levied against the subject property exceeds one percent of the adjusted gross income of the property owner of record residing upon the property, or that the income of the property owner of record does not exceed \$10,000 per year.

(2) Procedure:

(A) Any property owner of record who resides upon the property may apply for deferral of assessment payments by filing a statement with the Director of Finance on a form to be provided by the Director of Finance accompanied by sufficient documentation to establish eligibility, and in the instance of an application based upon permanent and total disability, shall include a certification of the permanent and total disability by the State Department of Health or by any State or County Medical officer duly authorized by the State Department of Health for this purpose.

(B) The application shall be filed within 15 days after the applicant has received a notice of assessment.

(C) The Director of Finance shall act upon an application within 30 days of filing, by notifying the applicant of either the acceptance or rejection of the application. All notifications of rejection shall state the reasons therefor.

(D) Upon acceptance of an application, the Director of Finance shall offer to enter into a contract with the applicant. This contract shall be on a form provided by the Director of Finance and shall obligate the City to transfer from the "Special Assessment Revolving Fund" to the appropriate improvement district fund, the principal and any interest due on the assessment to the applicant's property. In return, the applicant will agree to pay to the City the amount of the deferred assessment, including interest chargeable at the same rate as established by the appropriate Special Improvement District Ordinance upon the termination of the deferral.

(3) Termination.

A deferral shall terminate when any of the following events occur:

(A) A participant residing upon the property terminates the deferral by giving written notice to the Director of Finance;

(B) A participant residing upon the property dies and there are no other participants residing upon the property at that time, the amount of deferral and interest shall be a claim against the property which is the subject of the deferral;

(C) The land which is the subject of the deferral is sold, or an agreement of sale is executed, or some person other than the participant residing upon the property becomes the owner;

(D) The land which is the subject of the deferral is no longer the only dwelling of the participant residing upon the property; or

(E) The occupation of the structure on the property in the deferred assessment program is terminated for any other reason. (Am. Ord. 82-67)

Sec. 24-4.14. Lien: Deferred Assessments.

Any deferral in the payment of assessments granted under Section 24-4.13 shall be a lien as provided under Section 24-4.4, and shall be recorded with the Bureau of Conveyances, Department of Land and Natural Resources, State of Hawaii. (Am. Ord. 82-67)

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 the health and fire regulations; 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 this Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction.

(2) The provisions prescribed hereinbelow are based on the standards contained in the Uniform Housing Code, 1979 Edition, as copyrighted and published in 1979 by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California. (Sec. 25-1.1, R. O. 1978; Am. Ord. 81-20)

Sec. 25-1.2. Short Title.

This chapter shall be known as the "Housing Code," may be cited as such, and will be referred to herein as "this Code." (Sec. 25-1.2, R. O. 1978; Am. Ord. 81-20)

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. Buildings or structures moved into or within this jurisdiction shall comply with the requirements in the Building Code for new buildings and structures. (Sec. 25-1.3, R. O. 1978; Am. Ord. 81-20)

Article 2. Definitions.

Sec. 25-2.1. Definitions.

For the purpose of this Code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1961, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

APARTMENT. Apartment shall mean a dwelling unit as defined in this Code.

APARTMENT HOUSE. Apartment house is any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

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 including 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 for which a legal building permit has been issued, or one which complied with the Housing Code in effect at the time the building was erected.

CEILING HEIGHT. Ceiling height shall be the clear vertical distance from the finished floor to the finished ceiling.

CITY. City and County of Honolulu.

COURT. Court is a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

DORMITORY. Dormitory is a room occupied by more than two guests.

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 single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

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 for living or sleeping purposes.

GUEST ROOM. Guest room is any room or rooms used, or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

HABITABLE SPACE (ROOM). Habitable space is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar areas are not considered habitable space.

HEALTH OFFICER. The Director of Health of the Department of Health, State of Hawaii, or his duly authorized agent.

HOT WATER. Hot water shall be water at a temperature of not less than 110°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, or which are occupied for sleeping purposes by guests.

KITCHEN. The term "kitchen" shall be as defined in the Comprehensive Zoning Code, City and County of Honolulu.

LODGING HOUSE. Lodging house is 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. A lodging house shall comply with all the requirements of this Code for dwellings.

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.

OWNER. Owner is any person, agent, firm, or corporation having a legal or equitable interest in the property.

PERSON. Person is a natural person, his heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

ROOMING HOUSE. A rooming house is a lodging house.

SERVICE ROOM. A 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 is a 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 5 feet, 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 fixed or operable glazed opening or a shuttered opening using transparent, translucent or opaque materials.

YARD. The term "yard" shall be as defined in the Comprehensive Zoning Code, the City and County of Honolulu. (Sec. 25-2.1, R. O. 1978; Am. Ord. 81-20)

Article 3. Inspections.

Sec. 25-3.1. Inspections.

All buildings and structures within the scope of this Code shall be subject to inspection by the building official as provided in subsection (b) of Section 25-11.1 of this Code. (Sec. 25-3.1, R. O. 1978; Am. Ord. 81-20)

Article 4. Space And Occupancy Standards.

Sec. 25-4.1. Location On Property.

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 3 feet 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 44 inches in width and 7 feet in height. (Sec. 25-4.1, R. O. 1978; Am. Ord. 81-20)

Sec. 25-4.2. Yards And Courts.

(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 ROH Chapter 21 (Comprehensive Zoning Code); provided that for buildings outside residential, apartment or hotel districts and planned unit development projects the provisions of paragraph (2) below shall apply to walls having required windows if greater spacing is required therein.

(2) Between a wall of a building or structure and a vertical plane through a lot boundary other than a boundary bordering the ocean, a private street 20 feet or more in width or a public street, stream or canal 20 feet or more in width:

(A) For building or structure not more than 15 feet in height, not less than 5 feet.

(B) For building or structure not more than 25 feet in height, 1 foot for each 2 feet for that portion in excess of 15 feet in height.

(C) For building or structure more than 25 feet in height, spacing in accordance with (A) and (B) for portion below 25 feet in height. For portion in excess of 25 feet, 1 foot for each 10 feet in height.

(3) Between the walls of a building or structure and between exterior walls of same building or structure on the same lot. Minimum horizontal spacing shall be provided in accordance with paragraph (2) above 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.

(4) If the spacing required by items (1), (2) and (3) 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. Every court shall be not less than 5 feet in width. Courts having windows opening on opposite sides shall be not less than 10 feet in width. Courts shall be not less than 10 feet in length unless bounded on one end by a street or yard. For buildings more than two stories in height the court shall be increased 1 foot in width and 2 feet in length for each additional story. For buildings exceeding 14 stories in height, the required dimensions shall be computed on the basis of 14 stories. At least 50% of the required width or length shall be clear of any projections and unobstructed to the sky.

Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two stories in height shall be provided with horizontal air intake at the bottom not less than 10 square feet in area and leading to the exterior of the building unless abutting a yard or public space. The construction of the air intake shall be as required for the court walls of the building, but in no case shall 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. Allowable projections into horizontal spacing between

the walls of buildings or structures and between exterior walls of same building or structure on the same lot shall be no greater than one-half the distance from the 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. (Sec. 25-4.2, R. O. 1978; Am. Ord. 81-20)

Sec. 25-4.3. Room Dimensions.

(a) **Ceiling Heights.** Habitable space shall have a ceiling height of not less than 7 feet 6 inches except as otherwise permitted in this section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members provided that the bottom of the members is not less than 7 feet above the floor.

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 5 feet 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 the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet.

Projections may be permitted to project below the ceiling provided the clearance is not less than 6 feet 6 inches.

(b) **Superficial Floor Area.** Every dwelling unit shall have at least one room which shall have not less than 150 square feet of superficial floor area. Other habitable rooms except kitchens shall have a superficial floor area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

EXCEPTION. Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

(1) The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

(2) The unit shall be provided with a separate closet.

(3) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this Code shall be provided.

(4) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

(c) **Width.** Habitable rooms, other than kitchens, shall not be less than 7 feet in any dimension. No water closet space shall be less than 30 inches in width. There shall be not less than 24 inches of clear space in front of each

water closet and when sliding doors are not used, a door swing of not less than 90° shall be provided for in front of each water closet. (Sec. 25-4.3, R.O. 1978; Am. Ord. 81-20)

Sec. 25-4.4. Light And Ventilation.

(a) **Natural Light and Ventilation.** All guest rooms, dormitories, and habitable rooms within a dwelling unit shall be provided with natural light by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms with a minimum of 10 square feet. Not less than one-half of the required window or skylight area shall be openable to provide natural ventilation.

All bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of windows with an openable area not less than one-twentieth of the floor area of such rooms with a minimum of 1½ square feet.

(b) **Origin of Light and Ventilation.** Required windows shall open directly onto the 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 where the porch:

- (1) Abuts a street, yard, or court;
- (2) Has a ceiling height of not less than 7 feet; and
- (3) Has the longer side at least 65 percent open and unobstructed.

The area of fixed openings in open guardrails of minimum height may be credited for this requirement.

A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than 4 feet in least dimension. No vent shaft shall extend through more than two stories.

For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

(c) **Mechanical Ventilation.** In lieu of openable windows for natural ventilation, a mechanical ventilation system may be provided. Such system shall provide not less than four air changes per hour, except that in an individual bathroom or toilet compartment such system shall exhaust at least 2 cubic feet per minute per square foot of floor space. Buildings or portions of buildings which are air-conditioned and conform to the requirements of Public Health Regulations Chapter 28—Air Conditioning and Ventilation of the Department of Health, State of Hawaii, shall be deemed to comply with the provisions of this section.

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 ratproofed.

(d) Hallways. All public hallways, stairs, and other exitways shall be adequately lighted at all times in accordance with the Building Code. (Sec. 25-4.4, R. O. 1978; Am. Ord. 81-20)

Sec. 25-4.5. Sanitation.

(a) Dwelling Units. Every dwelling unit shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either 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. Every dwelling unit shall be provided with a kitchen. 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 necessary for its normal operation.

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.

(f) Room Separations. Every water closet, bathtub, or shower required by this Code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or food storage rooms by a tight-fitting door.

(g) Installation and Maintenance. All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable laws. (Sec. 25-4.5, R. O. 1978; Am. Ord. 81-20)

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. (Sec. 25-5.1, R. O. 1978; Am. Ord. 81-20)

Article 6. Mechanical Requirements.

Sec. 25-6.1. Mechanical Requirements.

(a) Heating Facilities. 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 300 feet 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 ventilation system shall be maintained in operation during the occupancy of any building or portion thereof. (Sec. 25-6.1, R. O. 1978; Am. Ord. 81-20)

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. (Sec. 25-7.1, R. O. 1978; Am. Ord. 81-20)

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; and shall be provided with the appropriate fire-extinguishing systems or equipment required by the Building Code. (Sec. 25-8.1, R. O. 1978; Am. Ord. 81-20)

Article 9. Substandard Buildings.

Sec. 25-9.1. Definition.

(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 it 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 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 of,* 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 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.

*Revision note: "of" added to correct apparent clerical error.

(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 covering, 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. (Sec. 25-9.1, R. O. 1978; Am. Ord. 81-20)

Article 10. Notices And Orders Of Building Official; Appeals.

Sec. 25-10.1. Notices And Orders Of Building Official; Appeals.

(a) Commencement of Proceedings. Whenever the Building Official has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, he shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building.

(b) Notice and Order. The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

(1) The street address and a description sufficient for identification of the premises upon which the building is located.

(2) A statement that the Building Official has found the building to be substandard as defined in Article 9 of this Code with a brief and concise description of the conditions found.

(3) A statement of the action required to be taken as determined by the Building Official.

(A) If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced

within such time (not to exceed 60 days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all circumstances.

(B) If the Building Official has determined that the building or structure must be vacated because it is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Building Official to be reasonable.

(C) If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order, and that the demolition be completed within such time as the Building Official shall determine is reasonable.

(4) A statement advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official

(A) Will order the building vacated and posted to prevent any further occupancy until the work is completed, and

(B) May proceed to cause the work to be done and charge the costs thereof against the property or its owner.

(5) Statements advising

(A) That any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Building Board of Appeals, provided the appeal is made in writing and filed with the Building Board of Appeals within 30 days from the date of service of such notice and order; and

(B) That failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

(c) Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner, and one copy thereof shall be served on each of the following if known to the Building Official or disclosed from official public records, the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this section.

(d) Method of Service. Service of the notice and order shall be made upon all persons entitled thereto by:

(1) Personal delivery to the entitled person, which shall mean:

(A) Showing the original notice to the entitled person and leaving a copy thereof with the entitled person; or

(B) Leaving a copy at entitled person's place of business with an employee, partner or agent, all of whom shall be mentally competent

to understand the contents of the notice; or

(C) Leaving a copy at his usual place of abode with his spouse or an adult child or parents of the entitled person or any other blood relative, all of whom shall be residing with entitled person and be mentally competent to understand the contents of the notice; or

(2) Certified or registered mail, whichever the case may be.

(e) Service in Person or by Mail not Possible. If service by personal delivery, registered or certified mail is not made because of the refusal to accept service or the board or its agents have been unable to ascertain the address of the party after reasonable and diligent inquiry, the notice and order may be given to the entitled person by publication at least once in each of two successive weeks in a newspaper of general circulation.

(f) Proof of Service. To signify that personal service has been made upon the entitled person as prescribed herein, the original of any notice shall have his signature or any other individual's as prescribed in Section 25-10.1 (d) (1) above affixed to the original. The receipt card shall be the acknowledgement of receipt by certified or registered mail.

(g) Computation of Appeal Period. In computing the period of time prescribed in Section 25-10.1 (b)(5), the last day of the designated period shall be included unless it is a Saturday, a Sunday, or a holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a holiday. As used in this subsection, "holiday" includes any day designated as such pursuant to Section 8-1 of the Hawaii Revised Statutes. (Sec. 25-9.2, R. O. 1978; Am. Ord. 81-20)

Sec. 25-10.2. Hearing By The Building Board Of Appeals.

(a) Upon receipt of a written notice indicating that the entitled person desires a hearing before the Building Board of Appeals, the Building Official shall notify the entitled person in writing of the date of such hearing in accordance with the Rules of the Board of Appeals.

(b) Every hearing held pursuant to this section shall be conducted in conformity with the applicable provisions of Chapter 91, Hawaii Revised Statutes, and the Rules of the Building Board of Appeals. (Sec. 25-9.2, R.O. 1978; Am. Ord. 81-20)

Sec. 25-10.3. Effect Of Failure To Appeal.

Failure of any person to file an appeal in accordance with the provisions of Section 25-10.1 shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order or to any portions thereof. (Sec. 25-9.2, R. O. 1978; Am. Ord. 81-20)

Sec. 25-10.4. Staying Of Order Under Appeal.

Except for vacation orders made, enforcement of any notice and order of the Building Official issued under this Code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. (Sec. 25-9.2, R. O. 1978; Am. Ord. 81-20)

Article 11. Enforcement.

Sec. 25-11.1. 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. (Sec. 25-10.1, R. O. 1978; Am. Ord. 81-20)

Sec. 25-11.2. Substandard Buildings As Public Nuisances.

Buildings which are substandard, as defined by this Code, are hereby declared to be public nuisances. (Sec. 25-10.2, R. O. 1978; Am. Ord. 81-20)

Sec. 25-11.3. Urban Renewal Project Area.

Enforcement of this Code in Urban Renewal areas for project undertaken pursuant to Chapter 53, Section 53-51, Hawaii Revised Statutes, shall follow the procedure set forth in the applicable provision of Chapter 53, Section 53-60, Hawaii Revised Statutes (Urban Renewal Act). (Am. Ord. 81-20)

Sec. 25-11.4. Building Board Of Appeals.

(a) Definition. For the purpose of this Code the Building Board of Appeals or the Board shall mean the Board of Appeals as specified in Section 204, Uniform Building Code, as amended, under Article 1, Section 16-1.1, ROH Chapter 16 (Building Code).

(b) Powers and Duties of the Building Board of Appeals in addition to those specified in the Building Code. The Building Board of Appeals:

(1) Shall conduct hearing pursuant to Section 25-10.2 of such cases as provided by law;

(2) May recommend such new legislation as is consistent with the purpose of this Code. (Sec. 25-10.3, R. O. 1978; Am. Ord. 81-20)

Sec. 25-11.5. 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 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 \$1,000, or by imprisonment for not more than 1 year, or both such fine and imprisonment. (Sec. 25-10.4, R. O. 1978; Am. Ord. 81-20)

Article 12. Severability.

Sec. 25-12.1. 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. (Sec. 25-10.5, R. O. 1978; Am. Ord. 81-20)

CHAPTER 26.

STREETS, SIDEWALKS, MALLS AND OTHER PUBLIC PLACES.

Article 3. Minors Engaged In Street Trade.

Sec. 26-3.2. Conditions Of Permit.

(a) All permits to engage in street trades shall be subject to the following conditions:

(1) No minor under the age of 10 years shall be permitted to engage in street trades in public places. (Sec. 26-3.2, R.O. 1978; Am. Ord. 79-40)

Article 4. Litter Prohibited.

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 Certified Mail, addressed to said owner at his last known address, and a copy thereof shall be posted on the property. (Sec. 26-4.14, R. O. 1978; Am. Ord. 81-22)

Article 6. Peddler's License.

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, rent or offer for rent, 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, rent or offer for rent, goods, wares, merchandise, foodstuffs, refreshments or other kinds of property or services 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 Kalaniana'ole Highway.

(3) On Diamond Head Road from Poni Moi Road to Kulamanu Place.

(4) Tantalus Drive from Aaliamanu 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.

The provisions of this subsection shall not apply to the sale or offer for sale of newspapers of general circulation and to duly authorized concessions in public places. For purposes of this section, "newspaper of general circulation" means a publication published at regular intervals, primarily for the dissemination of news, intelligence and opinions on recent events or newsworthy items of a general character, and reaching all classes of the public. (Sec. 26-6.2, R.O. 1978; Am. Ord. 82-50)

Sec. 26-6.3. Deceptive Sales And Commercial Schemes Prohibited.

It shall be unlawful for any person to engage in an unfair, deceptive, fraudulent or misleading act, practice or representation while promoting any goods, products, services, or property of any kind, upon streets, alleys, sidewalks, parks, beaches and other public places. (Am. Ord. 82-50)

Sec. 26-6.4. Penalty.

Any person violating any provision of this article shall upon conviction be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or by both. (Sec. 26-6.3, R.O. 1978; Am. Ord. 82-50)

Article 7. Structures On, Above, Or Below A Public Sidewalk.

Sec. 26-7.2. Newsstands.

(c) A fee of \$15 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 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. (Sec. 26-7.2, R.O. 1978; Am. Ord. 79-20)

Article 10. Waikiki Business District.

Sec. 26-10.1. Purpose And Intent.

The City Council finds that reasonable regulation of promotional activities upon the public streets, sidewalks, alleys and other public places within the Waikiki Business District is a matter of compelling interest to the City and County of Honolulu. The City Council finds a compelling interest in regulating promotional activity in this district to preserve and protect the natural beauty and charm valued by the people of the City and County of Honolulu and attractive to those visiting the area. The district is the heart of the City's tourist industry and a major business, entertainment and recreation area for visitors and residents alike. In 1980, there were approximately 3.8 million visitors to the State of Hawaii. The Waikiki Peninsula, the center of which is the Waikiki Business District, accommodated between 2 and 2½ million of these visitors. On an average, there were 35,000 to 50,000 visitors in the Waikiki Peninsula each day. In addition to this, the resident population of the Waikiki Peninsula is approximately 23,000 people. As a result, the district is hindered by heavy pedestrian and vehicular traffic and congestion at all times of the day. Accordingly, the regulation is designed to provide ample modes of conducting promotional activity within the area while restricting some modes of conducting such activity in the areas of heaviest pedestrian and vehicular traffic. In 1980, visitors to this State expended a total of \$3 billion, an average of \$60 to \$70 per day per visitor. Thus, the visitor industry is an essential component of the economic vitality of the area and the State. The City Council finds a compelling interest in preserving the beauty of this unique area, protecting the visitor industry in this State and providing for the safety and welfare of the people of the City and County of Honolulu and all visitors to this unique area.

The regulations hereby set out are declared to be necessary for the accomplishment of the following purposes:

(1) To insure that persons desiring to engage in promotional activities in the Waikiki Business District have adequate exposure to the public;

(2) To minimize the disturbance of persons by repeated communications or encounters which might constitute harassment or intimidation;

(3) To protect the natural beauty and charm of the Waikiki Business District;

(4) To protect the visitor industry in the State, the heart of which is the Waikiki Business District;

- (5) To control litter on the streets, alleys, sidewalks, beaches, parks and other public places within the Waikiki Business District; and
- (6) To insure the safe, free and orderly flow of vehicular and pedestrian traffic through the Waikiki Business District. (Am. Ord. 82-50)

Sec. 26-10.2. Definitions.

As used in this article:

- (1) "Promotional activity" means:

- (A) Distribution to the public of literature, handbills, advertisements or other such publications, which advertises, promotes or otherwise directs attention to a product, service or business which may or may not be identified by a brand name;

- (B) Distribution to the public of gifts, samples or prizes.

- (2) "Waikiki Business District" means the public streets, alleys, sidewalks, malls, parks, beaches and other public places within the area in Waikiki commencing at the intersection of Kalakaua Avenue and Kuhio Avenue, commonly known as the Waikiki Gateway, thence along and including the mauka side of Kuhio Avenue to Kapahulu Avenue, thence along the Diamond Head side of Kapahulu Avenue to the ocean, thence along the ocean to the Diamond Head property line of Fort DeRussy, thence along said property line to Kalakaua Avenue, thence along the makai side of Kalakaua Avenue back to the Waikiki Gateway. (Am. Ord. 82-50)

Sec. 26-10.3. Restriction On Promotions Upon Streets, Sidewalks, Alleys And Other Public Places.

Notwithstanding any ordinance to the contrary, it shall be unlawful for any person to carry on or conduct any promotional activity upon the streets, alleys, sidewalks, parks, beaches and other public places within the Waikiki Business District, except as provided in Section 26-10.4 relating to dispensing racks.

The provisions of this section shall not apply to the sale or offer for sale of newspapers of general circulation and to duly authorized concessions in public places. For purposes of this article, "newspaper of general circulation" means a publication published at regular intervals, primarily for the dissemination of news, intelligence and opinions on recent events or newsworthy items of a general character, and reaching all classes of the public. (Am. Ord. 82-50)

Sec. 26-10.4. Dispensing Racks.

- (a) For purposes of this article:

- (1) "Dispensing racks" shall mean any structure or stand used to hold literature, handbills, advertisements or other such publications. The size, manner of construction, color, general appearance and design of the dispensing rack shall conform to regulations promulgated hereunder. Such regulation shall promote the public health, welfare, safety and convenience, conserve the natural beauty of the Waikiki Business Dis-

trict, foster sightliness and prevent to the extent possible, littering of the publications.

(2) "Departments" shall mean the Department of Transportation Services, the Building Department and the Department of Land Utilization.

(b) The Department of Transportation Services and the Department of Land Utilization shall designate specific areas within the Waikiki Business District upon which dispensing racks shall be permitted and shall determine the maximum number of racks which shall be permitted in each area so designated. The Department of Transportation Services and the Department of Land Utilization shall designate the areas and the number of racks to be permitted in each area based upon a determination that the areas designated and the number of racks permitted in each area will not constitute a hazard or impede the traffic of pedestrians or vehicles and will conserve and preserve the sightliness and natural beauty of the Waikiki Business District.

(c) The Building Department shall issue permits authorizing persons to install and maintain dispensing racks within the Waikiki Business District in accordance with the provisions and conditions contained herein and pursuant to rules and regulations promulgated jointly by the Building Department and the Department of Transportation Services.

(d) Any person desiring to install and maintain a dispensing rack within the Waikiki Business District shall apply to the Building Department for a permit. For purposes of obtaining such permit, there shall be submitted to the Building Department a written application setting forth the following:

(1) The name, mailing address and telephone number of the applicant and the name under which the business is conducted;

(2) The name, mailing address and telephone number of the individual person or persons who will have supervision of and responsibility for the use and maintenance of the dispensing rack;

(3) A description, together with plans and specifications of, and a drawing showing the color, any design or wording on, the proposed dispensing rack to be constructed; and

(4) An authorization for the City to remove and impound any dispensing rack which violates this article or which is located in an area other than the area specified in the permit, and an agreement to hold the City, its officers and its employees, free from any claim for damages or losses resulting from the removal or impounding of such racks.

(e) Upon receipt of an application, presentation of any license or permit otherwise required by law, the Building Department shall forthwith submit the description of the proposed dispensing rack to be constructed to the Department of Land Utilization for its approval of the proposed design of the dispensing rack. Upon the approval of the Department of Land Utilization, the Building Department shall issue a permit authorizing the applicant to place and maintain the dispensing rack within the Waikiki Business District, if there is an area designated therefor available. The Building Department shall exercise no judgment regarding the purpose or content of the proposed publication to be placed in the dispensing rack and shall exercise no discretion over the issuance of a permit hereunder, except as provided in this article

and in the rules and regulations of the Departments and, provided further, that the proposed activity is lawful.

(f) Permits shall be issued for any length of time not exceeding six months and shall be nontransferable.

(g) Every permit issued hereunder shall be subject to this article and any other laws and rules and regulations of the State and the City, whether in existence at the time of issue of such permit or enacted or amended thereafter.

(h) A fee of \$10 per month during the period for which the permit is issued shall be charged and collected by the Building Department at the time of the issuance, reissuance or amendment of the permit.

(i) Only one permit per area designated for dispensing racks shall be issued to each applicant showing the location of the dispensing rack. A decal shall be issued to each permittee after payment of the permit fee. The permittee shall affix the decal in plain sight on the front of the dispensing rack. The use of the decal is subject to the following conditions:

(1) Upon loss, defacement, or destruction of a decal, the permittee shall submit an application for a new decal giving such information as shall be required by the Building Department;

(2) Upon filing of such application, the Building Department shall issue a new decal and charge the permittee a fee of \$1 therefor.

(j) The permittee shall be permitted to place and maintain the dispensing rack only at the location specified in the permit.

(k) No permit shall be issued unless the prospective permittee provides a certificate of insurance or a copy of public liability insurance policy issued by a carrier to be approved by the Department of the Corporation Counsel 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 dispensing rack is located as assured, covering any claim or liability for damages, injuries, or death, resulting from the placement of the dispensing rack or in any way connected with such rack. The policy shall also include automatic coverage for dispensing racks added or relocated after the original application of the proposed permittee is filed. The minimum amount of coverage under such policy shall be \$100,000 for injuries or death to any one person, \$300,000 for injuries or death involving two or more persons arising from any one occurrence, and \$10,000 property damage for each occurrence. The policy shall be kept in force during the entire period of the permit. Neither the proposed permittee nor the carrier shall cancel the policy, except upon thirty days' prior written notice to the Building Department.

(1) The permittee shall maintain the dispensing rack in a safe and sanitary condition, and shall further maintain the sidewalk area beneath the dispensing rack and immediately around it reasonably free from debris and litter.

The Departments shall send written notice to the permittee whenever they determine that the condition of a dispensing rack, or the area under or immediately around it, is in an unsafe or unsanitary condition. Within

twenty-four hours of receipt of such notice, the permittee shall remove or correct the condition of the dispensing rack. The permittee shall notify the Departments at the end of such period stating what action, if any, the permittee has taken.

(m) The Departments may do any of the following or any combination of the following:

(1) Immediately remove and impound any dispensing rack which does not have affixed to it a decal in plain sight on the front of the dispensing rack, as required by this article.

(2) Immediately remove and impound any dispensing rack for which no permit was issued, as required by this article, or for which the permit issued has expired.

(3) In emergency situations, immediately remove and impound any dispensing rack the condition or location of which jeopardizes public safety or hinders the efficient movement of pedestrian or vehicular traffic.

(4) After notice and hearing, as hereinafter provided, remove and impound any dispensing rack for any violation of any condition of the permit or of any provision of this article or of any rule or regulation applicable thereto.

(5) After notice and hearing, as hereinafter provided, revoke or suspend a permit for any violation of any condition of the permit or of any provision of this article or of any rule or regulation applicable thereto.

(n) The Departments shall promulgate rules and regulations providing for notice within forty-eight hours to the owner of a dispensing rack removed and impounded pursuant to subsections (m) (1), (2) and (3) above. The rules shall also provide for a post-seizure administrative hearing whenever a dispensing rack has been so removed and impounded within forty-eight hours after a written request for such hearing is made by the owner of the dispensing rack. Saturdays, Sundays and holidays are to be excluded from any calculation of a forty-eight or twenty-four hour period hereunder. The sole issue before the hearing officer shall be whether there was probable cause to remove and impound the rack. The hearing officer shall issue a written decision within twenty-four hours. If no probable cause is found, the rack shall be released to the owner without charge. If probable cause is found, the rack may be returned to the owner upon the payment of the cost of removal and storage.

(o) In every other case where the Departments propose to revoke or suspend a permit, or remove and impound a rack, the permittee shall be entitled to notice and hearing in conformity with Chapter 91, HRS, the notice to be given at least five days before the hearing.

(p) The Departments shall from time to time make, amend, and repeal such rules and regulations, not inconsistent with this article, appropriate for carrying out this article, including rules and regulations promulgated jointly. In such rules and regulations, the Departments may allocate to one Department the powers, duties and responsibilities herein delegated to the Departments. (Am. Ord. 82-50)

Sec. 26-10.5. Penalty.

Any person erecting, maintaining, keeping or using a dispensing rack without a valid permit as provided herein, or violating any provision of this article, or any rule or regulation promulgated hereunder, shall upon conviction be punished by a fine not exceeding \$300 or by imprisonment not exceeding thirty days, or by both. Each day such violation is committed or permitted to continue, and each dispensing rack maintained, kept or used without a valid permit, shall constitute a separate offense and shall be punishable as such hereunder. (Am. Ord. 82-50)

CHAPTER 28.
PUBLIC TRANSIT SYSTEM.

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:

	<u>Single Cash Fare—Standard</u>	<u>Monthly Bus Pass Fare</u>	<u>Single Cash Fare —Stadium Limited</u>
Adult	\$.50	\$15.00 per mo.	\$1.00
Student (Ages 6 through high school, however not to exceed age 19). College and university students are not entitled to use the student pass.	\$.25	\$ 7.50 per mo.	\$1.00
Child* (Infant through age 5)	\$.25	\$ 7.50 per mo.	\$1.00

The monthly bus pass fare plan shall be based upon individual issuance of different colored bus passes upon payment of the designated monthly bus fare at various locations to be selected and advertised by the Department of Transportation Services. The Director of Department of Transportation Services, working together with the Director of Finance, is authorized to enter into contractual arrangement(s) with private financial or banking institutions when deemed to be in the best public interest for the sale and issuance of bus passes. The City Council shall be informed and its consent obtained prior to the City entering into such private arrangement. Subject bus pass shall be non-transferable and shall entitle the person to whom the bus pass is issued unlimited number of rides for the month.

Transfers will be permitted under regulations as prescribed by management.

The Stadium limited fare shall be charged on those buses operating to and from the Aloha Stadium on routes activated solely to serve events at that facility. It will not apply to buses operating on normally established routes which incidentally serve Aloha Stadium.

Notwithstanding the provisions of Sections 28-2.2 and 28-2.3, blind persons and senior citizens over 65 years of age shall pay the regular fare of \$1 when using the stadium limited service.

*No fare shall be charged a child when accompanied by a passenger other than another child; however, a child riding free shall not occupy a seat at the exclusion of another passenger.

(b) The Mass Transit Division, Department of Transportation Services is hereby authorized to promulgate rules and regulations which are not inconsistent herewith, pursuant to the provisions of Chapter 91, HRS.

(c)* In the event of a strike or work stoppage which shuts down the public transit system or a similar occurrence which closes public and/or private schools, the Director of Transportation Services is authorized to make such bus pass fare adjustments as in his judgment are warranted by the particular circumstances. (Sec. 28-2.1, R.O. 1978; Am. Ord. 79-62, 79-101, 80-17, 80-55, 80-67)

Article 3. Activities Prohibited On Public Conveyances.

Sec. 28-3.1. Activities Prohibited On Public Conveyances.

The following activities shall be prohibited 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 or demand-response carriage of passengers within the City and County of Honolulu; provided, however, that the prohibitions in this section shall not apply to taxicabs, jitneys, or buses used for tour or charter work. These provisions shall apply specifically to Handi-Van operations as well as TheBus operations:

- (1) Smoking or carrying lighted cigars, cigarettes, pipes, matches or other fire producing devices.
- (2) Consuming any form of food or beverage.
- (3) Using or playing radios or recording playback devices; provided, however, that they may be used if an earphone or earplug is utilized. (Sec. 28-3.1, R.O. 1978; Am. Ord. 80-27, 80-79)

Article 4. Special Transit Service.

Sec. 28-4.2. Eligibility.

(a) Any person desiring a certification to use the special transit service shall first file an application on forms furnished by the Department of Transportation Services.

(b) An applicant must be certified to be mobility handicapped to be eligible to use the special transit service. Such certification shall be made by either the Department of Transportation Services or by any person, as defined in Section 1-4.1(8) hereof, it so authorizes.

(c) A certified passenger may be accompanied by a personal attendant who shall pay the fare established in Section 28-4.5 hereof.

(d) The term "mobility handicapped" shall include any applicant who has been certified by the applicant's medical physician on the application that the applicant has a physical disability or handicap which precludes the applicant from using the regular transit service. (Sec. 28-4.3, R. O. 1978; Am. Ord. 81-55)

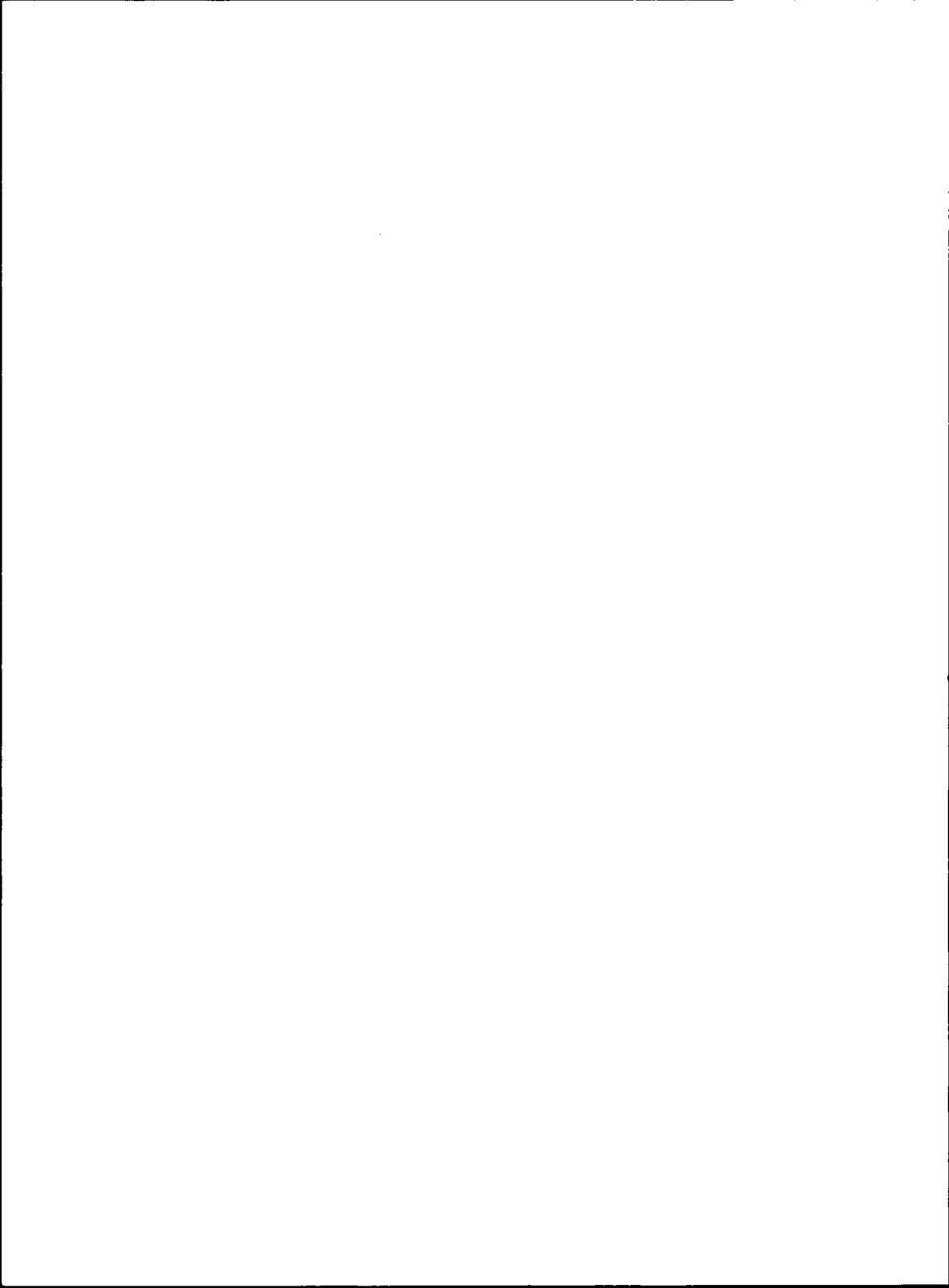
*Revision note: Sec. 28-2.1(c) substituted for Sec. 28-2.1(d) to correct apparent clerical error.

Sec. 28-4.3. Access.

Each certified passenger shall be issued a pass specifically endorsed for the special transit service by the Department of Transportation Services or by any person it so authorizes. Such pass shall be shown to the operator when so requested and each certified passenger shall pay the fare established in Section 28-4.5 hereof. (Sec. 28-4.2, R. O. 1978; Am. Ord. 81-55)

Sec. 28-4.5. Fare.

Any person utilizing this special transit service shall pay a fare of \$1 per one-way passenger trip. (Sec. 28-4.5, R.O. 1978; Am. Ord. 80-12)



CHAPTER 29.

LEASE AND RENTAL POLICY FOR FACILITIES OF THE DEPARTMENT OF AUDITORIUMS.

Article 1. General Provisions.

Sec. 29-1.1. Purpose.

The purpose of this chapter is to establish a uniform policy for the lease and rental of facilities at the Neal S. Blaisdell Center and the Waikiki Shell including awarding of concessions therein. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-1.2. Definitions.

The following words and phrases shall, for the purposes hereof, have the meaning respectively ascribed to them unless it is apparent from the context that a different meaning is intended:

(1) "Agency" shall mean any office, department, board, commission or other governmental unit of the City including the Council and its officers.

(2) "Finance Director" is the Director of Finance of the City and County of Honolulu.

(3) "Concession" is the grant to a private individual, partnership or corporation of the privilege to conduct operations essentially retail in nature, involving the sale of goods, wares, merchandise or services to the general public, such as restaurants, retail stores, parking facilities, golf driving ranges, in or on land or buildings owned by the City and County of Honolulu.

(4) "Director of Auditoriums" is the Director of Auditoriums of the City and County of Honolulu.

(5) "Managing Director" is the Managing Director of the City and County of Honolulu.

(6) "Non-profit organization" is defined to mean an association, corporation or other entity, organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational or other non-profit purposes, no part of the assets, income or earnings of which inures to the benefit of any individual or member thereof, and whose charter or other enabling act contains a provision that, in the event of dissolution, the assets owned by such association, corporation or other entity shall be distributed to another association, corporation or other entity organized and operated exclusively for non-profit purposes, and which further qualifies for exemption from the general excise tax provisions of Chapter 237, Hawaii Revised Statutes, as amended, and under Section 501 of the Internal Revenue Code of 1954, as amended. Such non-profit organization must not merely be a sponsor of the event, production, attraction or activity being given, but must actively promote, produce, stage or conduct such event, production, attraction or activity. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-1.3. Rental Of Facilities.

The use and rental of facilities at the Neal S. Blaisdell Center and the Waikiki Shell (hereinafter referred to as "facilities") shall be permitted according to the provisions of Sections 29-1.4 through 29-4.7 hereof. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-1.4. Equal Treatment.

The minimum rental and percentage rental and all other charges shall apply equally to all tenants using the facilities covered under this chapter except as provided herein. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-1.5. Payment In Advance.

All charges shall be paid in advance except for charges that cannot be determined in advance. The minimum rental shall be paid before or upon execution of the rental agreement. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-1.6. Form Of Payment.

All payments to the City shall be in legal tender, certified check, cashier's check, bank draft, postal money order, traveler's check or some other similar form determined to be suitable by the Director of Finance. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-1.7. Use Without Payment Prohibited.

The Director of Auditoriums is prohibited from allowing the use of any facility without payment except as specified herein. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-1.8. Bookings And Cancellation.

The facilities covered hereunder shall be opened for bookings for use by any individual or entity, without discrimination as to race, color, creed or belief; provided that the Director of Auditoriums may cancel or refuse a booking, if he or she finds that the event or attraction booked or being booked will involve activities which are contrary to law, inconsistent with the public interest or threaten public safety. Except as hereinafter provided, the Director of Auditoriums shall have full authority in scheduling events or attractions, taking into consideration the possible financial return to the City and the overall economic benefits to the people of the City; the matter of public appeal, including the presentation of a diversity of events and attractions to the people of the City and the avoidance of oversaturation of bookings or events or attractions of a similar nature; the possible conflict of interests between the event or attraction of a prospective tenant and a tenant already booked; the maximum and full-time utilization of the facilities covered by this article; and other pertinent factors, all according to the best interests of the City.

The Director of Auditoriums shall render his or her decision on the matter of any application for a booking within a reasonable time after such application has been made. Any party aggrieved by a decision of the Director of

Auditoriums on the matter of bookings shall be entitled to have such decisions reviewed by the Managing Director; provided that the request for review is submitted in writing to the Managing Director within five calendar days after notification of the decision made by the Director of Auditoriums. If the Managing Director finds that the Director of Auditoriums' action was based on an erroneous finding of a material fact or that the Director of Auditoriums had acted in an arbitrary or capricious manner or had manifestly abused his or her discretion, the Managing Director shall modify or reverse the decision of the Director of Auditoriums; otherwise, the Managing Director shall affirm the decision of the Director of Auditoriums.

The Managing Director shall take action within a reasonable time after receipt of the request for review. The decision of the Managing Director shall be final. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-1.9. Insurance.

The City may procure public liability insurance protecting the City from liability resulting from the use of the facilities mentioned herein in amounts and coverage as recommended by the Director of Auditoriums and as approved by the Director of Finance. Fire and property damage insurance protecting such facilities shall be procured in such amounts and under such conditions as may be prescribed by Ordinance. The Director of Auditoriums is authorized to require a tenant to procure public liability, workers' compensation, property damage and fire insurance in such amounts and coverage as may be required by the Director of Auditoriums. The Director of Auditoriums may require other insurance coverage, such as Food Products' Liability coverage, if he or she deems the same necessary. Any party aggrieved by the decision of the Director of Auditoriums hereunder shall have the right of appeal to the Managing Director as provided in the section immediately preceding. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-1.10. Security.

Where the risks of non-performance or improper performance of the rental agreement appear great, the Director of Auditoriums may require the tenant to give performance security in legal tender, certified check, cashier's check, bank draft, postal money order, traveler's check, surety bond or some other suitable form to be approved by the Director of Finance, in an amount deemed appropriate by the Director of Auditoriums to assure full performance on the part of the tenant or to secure the interests of the City against improper performance or use of the rented facility. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Article 2. Rental Schedule.

Sec. 29-2.1. Rates.

Rates of rental shall be in accordance with the following:

(1) Minimum Rental Rates.

Arena

Performance Day	
10:00 a.m. to 6:00 p.m.	\$ 500.00
10:00 a.m. to Midnight	1,000.00
Non-Performance Day	
10:00 a.m. to Midnight	500.00
Overtime Rate (per hour)	200.00

Arena Floor Only

Performance Day	
10:00 a.m. to Midnight	500.00
Non-Performance Day	
10:00 a.m. to Midnight	250.00
Overtime Rate (per hour)	100.00

Concert Hall

Performance Day	
10:00 a.m. to Midnight	450.00
Non-Performance Day	
10:00 a.m. to Midnight	225.00
Overtime Rate (per hour)	90.00

Exhibition Building (45,000 sq. ft.)

Performance Day	
10:00 a.m. to Midnight	
One-quarter	200.00
(approx. 11,250 sq. ft.)	
One-half	300.00
(approx. 22,500 sq. ft.)	
Entire Hall	600.00
(approx. 45,000 sq. ft.)	
Non-Performance Day	
10:00 a.m. to Midnight	
One-quarter	100.00
(approx. 11,250 sq. ft.)	
One-half	150.00
(approx. 22,500 sq. ft.)	
Entire Hall	300.00
(approx. 45,000 sq. ft.)	
Overtime Rate (per hour)	
One-quarter	40.00
(approx. 11,250 sq. ft.)	
One-half	60.00
(approx. 22,500 sq. ft.)	
Entire Hall	120.00
(approx. 45,000 sq. ft.)	

Assembly Hall

Performance Day	
10:00 a.m. to 6:00 p.m.	75.00
10:00 a.m. to Midnight	150.00
Non-Performance Day	
10:00 a.m. to Midnight	75.00
Overtime Rate (per hour)	30.00

Meeting Rooms 1 to 4

Performance Day	
10:00 a.m. to Midnight	40.00
Non-Performance Day	
10:00 a.m. to Midnight	40.00
Overtime Rate (per hour)	8.00

Meeting Rooms 5 to 8

Performance Day	
10:00 a.m. to Midnight	20.00
Non-Performance Day	
10:00 a.m. to Midnight	20.00
Overtime Rate (per hour)	5.00

Meeting Rooms 9 to 10

Performance Day	
10:00 a.m. to Midnight	10.00

Use by Tenant

Any tenant renting the arena for seven consecutive days or more may use Meeting Room 9 or 10 without charge, if not occupied or rented.

Waikiki Shell

Performance Day	
10:00 a.m. to 6:00 p.m.	150.00
10:00 a.m. to Midnight	300.00
Non-Performance Day	
10:00 a.m. to Midnight	150.00
Overtime Rate (per hour)	60.00
Rain Date Option	75.00

Rental of Entire Facility.

The Director of Auditoriums may rent the entire Neal S. Blaisdell Center, excluding the Concert Hall, for an engagement not less than seven performance days at a rent equal to 66- $\frac{3}{4}$ % of the applicable minimum rental rates, subject to all other provisions set forth herein.

(2) Percentage Rental.

The tenant shall pay the applicable minimum rental charge or ten percent of the gross receipts from admission charges, whichever is greater, except that percentage rental for the Concert Hall shall be ten percent of gross receipts from admission charges up to the minimum performance rental fee contracted for each day of use, plus five percent of the gross receipts in excess of Four Thousand Five Hundred Dollars.

All percentage rentals shall be computed and determined on the basis of an entire engagement of the same attraction.

(3) **Exhibition Hall for Fund Raisers.**

Where the Exhibition Hall is rented for the presentation of a fund raising event sponsored by a non-profit organization, a bona fide political party, which qualifies under Hawaii's Election Laws, or a bona fide political candidate, who qualifies under Hawaii's Election Laws, the tenant of the Exhibition Hall shall pay the applicable minimum rental charge or ten percent of the donated gross receipts collected for the event, whichever is greater, provided that the percentage rental shall not exceed twice the applicable minimum performance rental charge.

This rental shall not apply to the Waikiki Shell, Arena or the **Concert Hall** if it is used for a fund raiser.

(4) **Special Telethon Rate.**

Any non-profit organization which rents any facility to conduct fund raising telethons, as defined herein, shall pay a sum equal to twice the minimum performance rental plus ten percent of all cash revenues received on the premises. No additional charges shall be assessed for television or broadcasting privileges and extraordinary electricity usage. Other additional and extraordinary charges, as described in Section 29-2.3 remain applicable. Applicable overtime charges shall be assessed in excess of said ten hours.

(5) **Facility Use for Basketball Practice.**

When the courts are already down, ordinary lighting and no air conditioning is used and when there are no labor costs and/or cleanup costs to the City, the use of the basketball courts for practice purposes, at the discretion of the Director of Auditoriums, is permissible without charge; provided that, a waiver of liability is signed by the responsible party of the regular tenant.

(6) **Charges for Facilities and Services Not Specified.**

The Director of Auditoriums shall be authorized to establish and assess reasonable rental charges for those facilities and services not specified herein. (Appendix A, R.O. 1978; Am. Ord. 79-84, 80-101)

Sec. 29-2.2. Definitions.

The following words and phrases shall, for the purposes hereof, have the following meaning ascribed to them:

(1) "Performance Day" is defined as a period from 10:00 a.m. to midnight when the facilities are used for an attraction, event, or occasion attended by the public audience, or members of a group. "Performance Day" is also defined to be the use of the facilities for the purpose of recording, filming or televising an attraction or event for a commercial purpose or for a purpose other than for the personal use of the camera or recording operator. However, the recording, filming or televising of an event or attraction, without charge by the tenant, for a bona fide news purpose or to advertise the event or attraction to be shown at the facilities covered herein, shall not otherwise convert a non-performance day to a performance day.

(2) "Non-Performance Day" is defined as the period from 10:00 a.m. to midnight when the facilities are used for any purpose not amounting to a "Performance Day." The term "Non-Performance Day"

shall include but is not limited to, the use of the facilities for rehearsals, moving in and out of equipment, and preparation of the facilities for the performance or event. The provisions of Section 29-2.3 shall be applicable.

(3) "Overtime Rate" is quoted per each hour or fraction thereof and will be applicable when any facility is used beyond the rental periods specified herein, meaning the time period after midnight. However, the Director, at his or her discretion, may allow a one hour grace period, before the overtime rate becomes applicable, for major events. Rental of a facility solely on overtime rates is not authorized.

(4) "Arena Floor Only" is defined as the Arena floor space bordered by the risers in place on all four sides of the Arena floor, encompassing 9,180 square feet, which shall be available for rental only when the tenant has also contracted for the use of the entire Exhibition Building for the same date.

(5) "Gross Receipts from Admission Charges" is defined as any consideration or value received by or on behalf of the tenant, less federal admission tax and state general excise taxes, in connection with the use of the facilities rented, including admission to partake of food and refreshment to be served at the facilities covered herein, whether or not such consideration or value is designated as a donation, gratuity, contribution or the like, and whether or not receipt or such consideration or value is evidenced by a ticket, card, ribbon, button, token, badge or the like.

(6) "Telethons" shall be defined as any televised or broadcasted program, wherein no admission is charged, held for the sole purpose of soliciting funds for non-profit organizations and purposes. Such programs shall run for no less than five but no more than ten consecutive hours after midnight of the performance day for which the facility is rented. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-2.3. Services Included In Rental Charge.

In return for the rental payment, the City shall furnish the tenant with the use of the facilities for the purposes specified, ordinary lighting, ordinary clean-up, and air conditioning, if available. The rental payment shall not include the services of electricians, spotlight operators, stagehands, musicians, ticket sellers, ushers, ticket takers, janitors, security, medical services, or any other services and extraordinary costs unless specified in the rental agreement. The Director of Auditoriums may require of a tenant a reasonable deposit to be determined at his or her discretion to cover anticipated extraordinary clean-up costs, or require the tenant to arrange for clean-up of the facility at his own expense or both. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-2.4. Assignment Prohibited.

The assignment of any rights or privileges under a rental agreement is prohibited without the written consent of the Director of Finance. When there is an authorized full or partial assignment of such rights or privileges, the Director of Auditoriums is authorized to charge and collect from the

tenant-assignor an additional sum equal to the minimum rental assessed for the facility rented. The provisions of Sections 29-1.9 and 29-1.10 shall also be applicable to an assignee. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-2.5. Broadcast, Recording, Taping And Filming.

All rental agreements shall reserve the right to the City to negotiate charges for radio and television broadcasts, motion picture or recording privileges in the facilities, not exceeding ten percent of anticipated receipts from the sale of broadcast rights by the tenant, and residual payments for the use of any film, video tape, recording or taping made in a facility covered by the policy. The use of the facilities to broadcast, film, video tape, or record without the written permission of the City shall be prohibited. Any tenant who films, tapes, broadcasts or records any event in the facilities rented without the permission of the City shall be assessed a charge fixed at the discretion of the Director of Auditoriums consistent with charges negotiated with tenants similarly situated plus a twenty-five percent penalty of such charge. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-2.6. Use By City Agencies.

Any City agency may reserve and use any of the facilities covered herein upon written confirmation by the Director of Auditoriums. Prior to issuing such confirmation, the Director of Auditoriums shall insure that the appropriate departmental transfer of funds representing minimum rental and all other charges has been accomplished. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-2.7. Rules And Regulations.

The Director of Auditoriums shall prepare and promulgate Rules and Regulations, in accordance with HRS Chapter 91, not inconsistent with this chapter governing the reservation, renting and use of the facilities covered herein. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Article 3. Concessions.

Sec. 29-3.1. Awarding Of Concessions.

(a) Concessions in the facilities shall be awarded as provided by law. The term of any concession shall not exceed a period of three years except as provided hereinbelow.

The Director of Auditoriums may award a concession for a period of up to five years, notwithstanding the above limitation of three years, where major improvements or equipment required by the bid specifications cannot be recaptured by the concessionaire within three years. The Director of Auditoriums must itemize the major improvements or equipment requiring more than three years to recapture and the recommended term of the proposed concession in a notarized certificate prior to including the extended term of the concession in the bid specifications.

(b) The sale and consumption of beer and liquor shall be in conformity with applicable laws. In addition, thereto, the sale and consumption of beer and liquor shall be prohibited if the tenant of the facility in which such concession is located objects to such sale and consumption. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Article 4. Non-Profit Organizations.

Sec. 29-4.1. Use And Rental Of Facilities By Non-Profit Organizations.

A non-profit organization may use the facilities of the Neal S. Blaisdell Center and the Waikiki Shell under the terms and conditions provided herein. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-4.2. Proof.

The non-profit organization shall provide proof to the Director of Auditoriums that it qualifies under the definition of a "non-profit organization" set forth in Section 29-1.2 hereof. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-4.3. Rental Rates.

(a) 66-²/₃% Minimum Rental.

The non-profit organization shall pay 66-²/₃% of the prevailing minimum rental rates for each day of use. The percentage rental rates as set forth in Section 29-2.1(2) hereinabove, shall be applicable to a non-profit organization, except for the rental of the Concert Hall which additional rental charge shall be five percent of the gross receipts in excess of Three Thousand Dollars.

(b) Exception, when.

Public educational institutions or private educational institutions which are licensed by the State Department of Education and qualify as a non-profit organization shall pay 33-¹/₃% of the prevailing minimum rental rates for each day of use; provided that the activity or the sponsored program which takes place at the Center is an integral part or extension of an established school curriculum, including but not limited to athletic, musical, cultural (plays and dramas), social (school dances or graduation exercises), and educational (lectures and seminars) activities; provided further that this exception shall not be available if the activity or program is primarily for fund raising purposes. Fund raising purposes shall mean when the funds raised through admissions, donations or gifts or other things of value exceed the cost of sponsoring the activity or program at the Center or exceeds the amount budgeted for the curriculum activity or program for which the Center was rented. The percentage rental rates, as set forth in subsection (2) or Section 29-2.1(2) hereinabove, shall be applicable to a non-profit organization, except for the rental of the Concert Hall which additional rental charge shall be five percent of the gross receipts in excess of One Thousand Five Hundred Dollars.

(c) In the event the non-profit organization rents all facilities at the Center, with the exception of the Concert Hall, for seven consecutive performance days and thereby qualifies under the conditions at the rental of entire facility rate, then the rates set forth in this section are superseded.

(d) Any non-profit organization renting the Concert Hall for not less than 50 performance days during the prior fiscal year of the City shall not be required to pay the five percent additional rental charge on the gross receipts in excess of Three Thousand Dollars specified in Section 29-4.3(a) hereinabove during the current fiscal year. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-4.4. Special Performances.

The non-profit organization shall be accorded the use of the Concert Hall on a gratis basis, and no charge levied for equipment rental or usher fees, under the following conditions:

(1) The performance shall consist of events or attractions staged primarily for the educational and cultural betterment of the youth of Hawaii, eighteen years old and under;

(2) Such performances shall be authorized in writing by the State Department of Education and shall be held on regular school days;

(3) The performances must be held during the matinee hours of 10:00 a.m. and 2:00 p.m. on a space available basis to be determined by the Director of Auditoriums; and

(4) The admission price for said performances shall not exceed seventy-five cents per student. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-4.5. Equipment Rental.

The non-profit organization shall pay the prevailing equipment rental rates established by the City for the use of its equipment. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-4.6. Advance Payment.

The non-profit organization shall pay the applicable rent and all other charges capable of being ascertained in advance before a firm date shall be awarded. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Sec. 29-4.7. Scheduling Of Non-Performance Days.

The scheduling of non-performance days shall be on a space available basis to be determined by the Director of Auditoriums. (Appendix A, R.O. 1978; Am. Ord. 79-84)

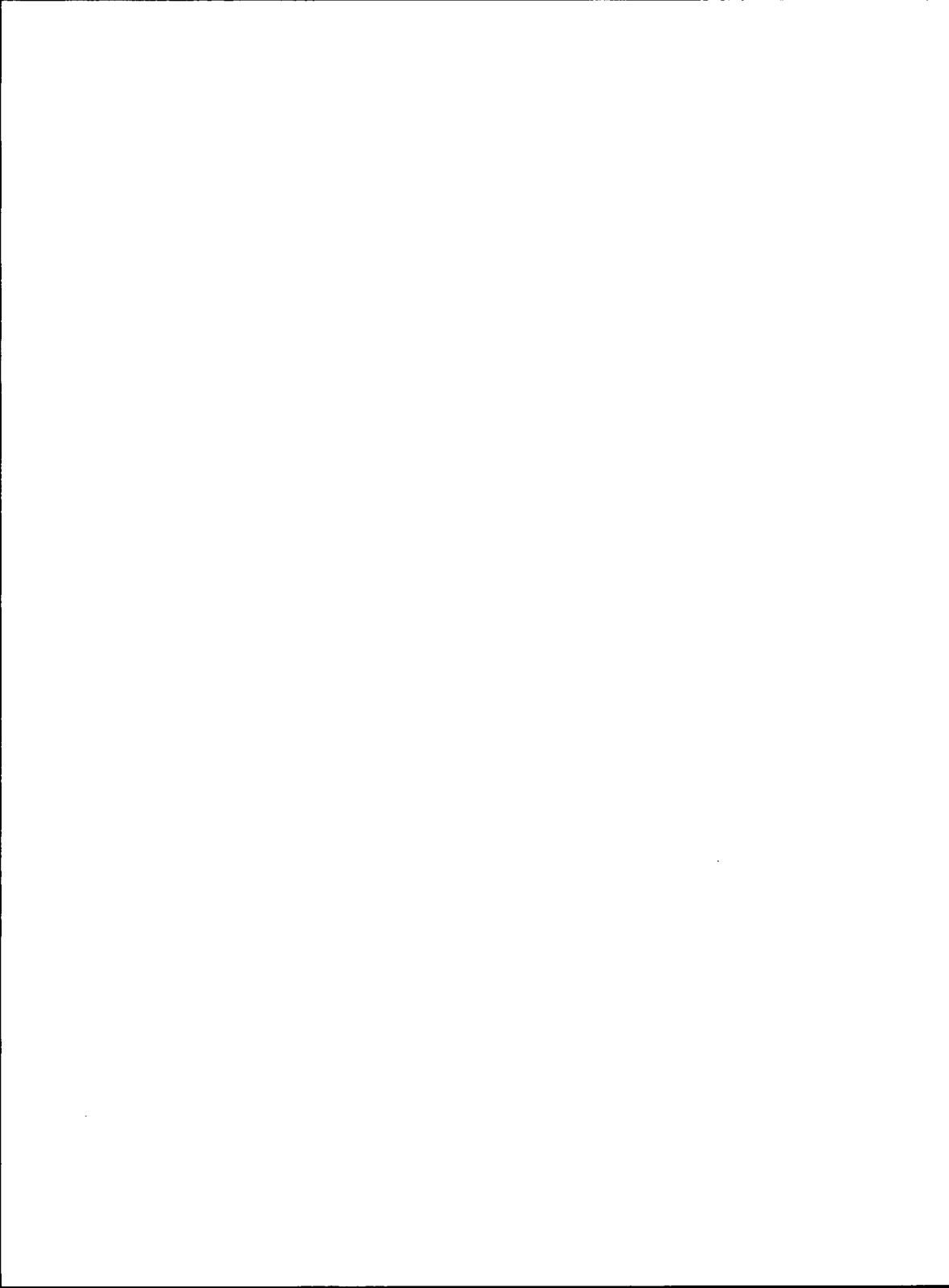
Sec. 29-4.8. Applicability Of Sections 29-1.1 Through 29-4.7.

Except as otherwise provided herein, all of the provisions of Sections 29-1.1 through 29-4.7 hereof shall apply to non-profit organizations. (Appendix A, R.O. 1978; Am. Ord. 79-84)

Article 5. Severability.

Sec. 29-5.1. Severability.

The provisions of this chapter, as enacted by this ordinance, are hereby declared to be severable. In accordance therewith, if any portion of said chapter is held invalid for any reason, the validity of any other portion of this chapter shall not be affected and if the application of any portion of this chapter to any person, property or circumstance is held invalid, the application hereof to any other person, property or circumstance shall not be affected. (Appendix A, R.O. 1978; Am. Ord. 79-84)



CHAPTER 30.
LEASE OR RENTAL OF PROPERTY OWNED OR
CONTROLLED BY THE CITY AND COUNTY OF HONOLULU.

Article 1. General Provisions.

Sec. 30-1.1. Purpose.

The purpose of this chapter is to establish a uniform procedure for the lease or rental of real property owned by the City, with the exception of the City Hall Building and the Honolulu Municipal Building. Any and all office spaces located within the subject two buildings shall be reserved for the exclusive use by agencies of the City and County of Honolulu. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-1.2. Scope.

The scope of this chapter includes the policy that the lease or rental of property of the City and County of Honolulu, or the award of concessions, shall require public advertisements and bids except under specific circumstances. This chapter also includes the required bidding procedures, and attendant terms of agreements and penalties. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-1.3. Definitions.

The following words and phrases shall, for the purposes hereof, have the meaning respectively ascribed to them unless it is apparent from the context that a different meaning is intended:

(1) "Agency" shall mean any office, department, board, commission or other governmental unit of the City including the City Council and its offices.

(2) "Council" is the City Council of the City and County of Honolulu.

(3) "Finance Director" is the Director of Finance of the City and County of Honolulu.

(4) "Concession" is the grant to a private individual, partnership or corporation of the privilege to conduct operations essentially retail in nature, involving the sale of goods, wares, merchandise or services to the general public, such as restaurants, retail stores, parking facilities, golf driving ranges, in or on land or buildings owned or controlled by the City and County of Honolulu.

(5) "Managing Director" is the Managing Director of the City and County of Honolulu.

(6) "Nonprofit organization" is defined to mean an association, corporation or other entity, organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational or other nonprofit purposes, no part of the assets, income or earnings of which inures to the benefit of any individual or member thereof, and whose charter or other enabling act contains a provision that, in the event of dissolution, the assets owned by such association, corporation or other

entity shall be distributed to another association, corporation or other entity organized and operated exclusively for nonprofit purposes, and which further qualifies for exemption from the general excise tax provisions of Chapter 237, Hawaii Revised Statutes, as amended, and under Section 501 of the Internal Revenue Code of 1954, as amended. Such nonprofit organization must not merely be a sponsor of the event, production, attraction or activity being given, but must actively promote, produce, stage or conduct such event, production, attraction or activity. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Article 2. Bidding Requirements And Procedures.

Sec. 30-2.1. Bidding Required.

Unless expressly excepted in this chapter, no real property or any concession or concession space in any building or on any land owned by or under the jurisdiction of the City and County of Honolulu shall be leased or rented except under contract let under public advertisement for sealed tenders in the manner provided hereinafter. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.2. Call For Bids.

The Finance Director shall call for bids, accept bids and award concessions or award contracts to lease or rent property on terms, conditions and rentals approved by the Corporation Counsel, as to form and legality. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.3. Qualification Of Bidders.

Before any prospective bidder shall be entitled to submit any bid required under this chapter, he shall, not less than six calendar days prior to the day designated for opening bids, give written notice to the Finance Director of his intention to bid, and the Finance Director shall satisfy himself of the prospective bidder's financial ability, experience and competence to carry out the terms and conditions of any contract that may be awarded. For this purpose, the Finance Director may require prospective bidders to submit answers, under oath, to questions contained in a questionnaire setting forth a complete statement of the experience, competence and financial standing of such prospective bidders. Whenever it appears to the Finance Director that any prospective bidder is not fully qualified and able to carry out the terms and conditions of the contract that may be awarded, he may, after affording such prospective bidder an opportunity to be heard, refuse to receive or consider any bid offered by such prospective bidder. All information contained in the answers to questionnaires shall remain confidential, and any government officer or employee who knowingly divulges or permits to be divulged any such information to any person not fully entitled thereto shall be subject to penalties as provided by law. Questionnaires so submitted shall be returned to the bidders after having served their purpose. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.4. Advertisement For Bids.

(a) Publication of a call for tenders for the awarding of concessions or concession spaces shall be made at least on three separate days in a daily newspaper of general circulation in the City and County of Honolulu.

(b) Publication of a call for tenders for leasing of real property or any improvements thereon, other than a concession or concession space, shall be made once a week for at least two weeks in a daily newspaper of general circulation in the City and County of Honolulu.

(c) Such public announcement shall include, but not be limited to the following information:

- (1) Description of the concession, real property, or improvements and the objectives for it;
 - (2) Location;
 - (3) Scope of the award or lease;
 - (4) Length of the award or lease;
 - (5) Amount and type of government funds, if any, available for the project;
 - (6) Description of any special requirements of unique features.
- (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.5. Cost Of Publication.

The Finance Director may require the party requesting the publication of a call for tenders to deposit with him a certified check or cash equal to or greater than the estimated cost of publishing the advertisement for bids, before such advertisement is published. The cost of publication may be deducted from said deposit and retained by the City and County if said party fails to submit a bid. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.6. Bids; Opening; Rejection.

The time of opening of such tenders shall not be less than five days after the last publication. All bids shall be sealed and delivered to the Finance Director, and shall be opened by him at the hour and place to be stated in the call for tenders, in the presence of all bidders who attend, and may be inspected by any bidder. The Finance Director may reject any or all bids and waive any defects, when in his opinion such rejection or waiver will be for the best interest of the City and County. Upon completion of the evaluation and selection process, the Finance Director shall file a written report with the City Clerk, including the results with the successful bidder. The City Clerk, upon receipt of the written report, shall post same for public inspection under an appropriate title on the bulletin board on which meeting notices of the Council, including its agenda, are posted and such report shall be a public record. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.7. Bids, Withdrawals.

No bidder may withdraw his bid for a period of sixty days after the opening thereof. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.8. Deposits Of Legal Tender, Etc., To Accompany Bid.

All bids shall be accompanied by a deposit of legal tender or by a certified check payable to the Finance Director drawn on a bank doing business within the State of Hawaii, for or in a sum equal to 5 percent of the amount bid, but in no event to be less than Fifty Dollars; provided that when the amount bid exceeds Fifty Thousand Dollars, the certificate of deposit or certified check shall be Two Thousand Five Hundred Dollars plus two percent of the amount in excess thereof. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.9. Forfeiture Of Deposits, Etc.; Return Thereof.

If the bidder to whom the contract is awarded fails or neglects to enter into the contract and furnish satisfactory security as required by this article, within ten days after the award or within such further time as the Finance Director may allow, the Finance Director shall pay the deposit into the treasury as a realization of the City and County of Honolulu. If the contract is entered into and the security furnished within the required time, the deposit shall be returned to the successful bidder. Deposits made by the unsuccessful bidders shall be returned to them after the contract is entered into or, if the contract is not entered into, after the expiration of sixty days after the opening of the bids or after the Finance Director publishes another call for tenders, whichever is sooner. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.10. Bond May Be Substituted For Deposits, Etc.

In lieu of the deposit of legal tender or a certified check, a bid may be accompanied by a surety bond naming the City and County as obligee, with the bidder as principal, and a surety company, authorized to do business as such in this State, as surety, in a penal sum equal to the deposit required under Section 30-2.8 hereof, conditioned upon the bidder entering into the contract and furnishing the required security within ten days after the award or within such further time as the Finance Director may allow. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.11. Contracts To Be In Writing; Highest Responsible Bidder.

All such contracts shall be in writing, shall be executed by the Finance Director in the name of the City and County of Honolulu, and shall be made with the highest responsible bidder, if such bidder shall qualify by providing the security required hereinbelow. If the highest and best bid or any other bid has been rejected, or if the bidder to whom the contract was awarded has failed to enter into the contract and furnish satisfactory security, the Finance Director may, in his discretion, award the contract to the next highest responsible bidder. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.12. Security Deposit.

Before any contract is entered into, the bidder shall give security for the compliance therewith by deposit of an amount equal to two months' rental or other charge required under the contract, except that in the case of a contract for the lease of residential property, a security deposit in an amount equal to

one month's rent shall be required. In lieu thereof, the Finance Director may accept good and sufficient bond for the said amount, naming the City and County as obligee, with the bidder as principal, and a surety company authorized to do business as such in this State, as surety. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.13. Surety On Bond; Justification.

If the surety or sureties on such bond shall be other than a surety company authorized to do business under the laws of this State, there shall be not more than four such sureties who shall severally justify such amounts as, taken together, will aggregate the full amount of the bond; provided that in the case of such sureties they shall deposit with the Finance Director certified checks or certificates of deposit (payable on demand on or after such period as the Finance Director may stipulate) or bonds, stocks or other negotiable securities, or execute and deliver to such officer a deed or deeds of trust of real property, all of such character as shall be satisfactory to the Finance Director, in security equal to the full cash value of one hundred percent of the amount for which each surety shall have assumed. The Finance Director may waive the necessity of furnishing such security, in cases where he is satisfied as to the financial responsibility of the proposed surety or sureties; provided that if there be but one personal surety, said surety shall justify the full amount of the bond. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-2.14. Violation Voids Contract.

After the effective date of this chapter, any contract awarded or executed in violation of this chapter shall be void and of no effect. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Article 3. Exceptions To Bidding Requirement.

Sec. 30-3.1. Bidding Not Required: When Leasing Or Renting Property Under Certain Circumstances.

The Finance Director may award contracts to lease or rent property on terms, conditions and rentals approved by the Corporation Counsel as to form and legality without calling for public bids, when:

(1) Eminent Domain, etc. Real property and/or improvements thereon have been acquired by the City and County of Honolulu by eminent domain proceedings, negotiated purchase or exchange, and where immediate use of the property acquired is not necessary. Said property shall be rented on a month-to-month tenancy which shall be revocable at the option of the City after the tenant has been given thirty days written notice to vacate. The total tenancy under any such lease or rental agreement shall not exceed the period of one year from the effective date of such lease or rental agreement; provided, however, that with consent of the Council, a renewal or extension of said tenancy beyond such period may be allowed. The provisions of this paragraph shall not be construed as prohibiting the Finance Director from leasing or renting said

property by public bidding and for a period in excess of one year, pursuant to the provisions of this chapter.

(2) Employee of the City and County of Honolulu or the State of Hawaii. Real property, including improvements thereon, are leased or rented to employees of the City and County of Honolulu or the State. Said property shall be leased or rented only under the following conditions:

(A) The party or parties to whom the property is leased or rented must be and continue to be an employee of the City and County of Honolulu or the State during the term of the demise; and

(B) The leasing or renting of the property to said employee must be related to his employment.

(3) Thirty Day Period or Less. Real property and/or improvements thereon are leased for a period not to exceed thirty days. No extension of such lease shall be permitted without calling for public bids.

(4) Tourist Activities Without Charge. Enterprises, shows, or activities presented without charge primarily for the promotion of the tourist industry in and for the City and County of Honolulu regardless of which person, association or company sponsors such enterprise, show or activity; provided however, that such lessee or tenant does not sell merchandise on the premises, directly or indirectly, or engage in any business promotionals or advertising, whether oral, by printed matter, signs, displays or electronic devices.

(5) Neal S. Blaisdell Center or the Waikiki Shell. The rental is for the use of facilities for the purpose of holding any event or attraction at the Neal S. Blaisdell Center or the Waikiki Shell in accordance with the provisions of Chapter 29 (R.O. 1978).

(6) City and County Employee Organizations. Real property and/or office spaces that are leased or rented to any Federal Credit Union of City and County employees or employees of City and County-affiliate groups or organizations.

(7) Eleemosynary Corporations. Real property and/or improvements that are leased or rented to any eleemosynary corporation, society or organization formed for the prevention of cruelty to animals, and which is authorized and empowered by law to seize and impound stray dogs running at large.

(8) Government Employment Training Programs. Real property and/or improvements that are leased or rented to any nonprofit organization primarily engaged in employment training programs sponsored by the Federal, State or City and County government.

(9) Accessory Uses. Real property is leased or rented to contractors who are awarded City construction contracts for use as a field office and storage of equipment and supplies. Rental shall be at the fair market rental and shall be limited to the duration of the construction contract only.

(10) Governmental Subdivisions. Real property, including improvements thereon, are leased or rented for the use of any political or governmental subdivision of the Federal, State or County governments.

(11) Private Developer: City Council Action Also Required. Real property and improvements thereon may be leased or rented to a private

developer for the purpose of constructing housing, commercial, parking, and other facilities or uses in implementing the housing programs of the City and County; provided that:

(A) The City Agency shall make a public announcement on each occasion when any project is proposed or contemplated and set forth the objectives to be achieved for the project and request interested persons, to submit proposals therefor.

(i) The City Agency shall make such announcements:

(aa) In a daily newspaper of general circulation in the State once a week for two successive weeks; and

(bb) By posting the proposed project at the association headquarters of developers, realtors and contractors.

(ii) Such public announcement shall include, but not be limited to the following information:

(aa) Description of the proposed project and the objectives for the project;

(bb) Location;

(cc) Scope of the project;

(dd) Length of the lease;

(ee) Amount and type of government funds available for the project;

(ff) Description of any special requirements of unique features; and

(gg) Any interested developer shall file his intention to submit a proposal with the City Agency on or before thirty days after the last public announcements.

(B) The City Agency shall examine all proposals from interested developers and determine those developers he deems qualified to perform the services for the specific project under consideration. The Agency shall, thereafter, file a written report with the City Clerk ranking in order of highest qualifications, no less than three developers who are considered most qualified to perform the required services; provided that if there are less than three developers, after the deadline for submitting proposals, the Agency may still select a developer and file such report with the City Clerk. Upon completion of the evaluation and selection process, the Director shall file a written report with the City Clerk, including the results of the negotiations with the successful developer. The City Clerk, upon receipt of any of the foregoing written reports, shall post same for public inspection under an appropriate title on the bulletin board on which meeting notices of the Council, including its agenda, are posted and such report shall be a public record.

(C) The evaluation and selection by any City Agency of project design and developer shall include, but need not be limited to, consideration of the following criteria:

(i) Implementation of the General Plan objectives and policies in the area of housing;

(ii) Compatibility with all other applicable General Plan objectives and policies;

(iii) Contribution toward implementing the planned land use pattern and other development or redevelopment policies for the site and surrounding area, as specified in the adopted Development Plan and any adopted Special Design or Historic, Cultural and Scenic District covering the area; and

(iv) Attractiveness and functionality of the project design. Specific considerations shall include:

(aa) Conformance with the urban design principles and controls specified in the adopted Development Plan for the area;

(bb) Relationship of structures within the project to each other, and of the entire project to surrounding structures, in terms of providing a harmonious composition of masses, colors and textures;

(cc) Integration of spaces and building forms;

(dd) Relationship of off-street parking to the overall vehicular circulation system;

(ee) Pedestrian circulation plan;

(ff) Provision of recreational and other facilities for community and leisure time activities; and

(gg) Landscaping of the site.

(v) Economic feasibility of the project. Specific considerations shall include:

(aa) Demand for the type and price of housing to be provided;

(bb) Projected development costs;

(cc) Projected income from unit sales/rentals;

(dd) Availability of federal aid; and

(ee) Anticipated cash flow.

(vi) Developer's previous experience and financial capability.

(vii) Compensation to be provided the City for the land lease or rental.

Subsequent to selection by the appropriate City Director, 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, provided that the Council, prior to approval by resolution, may add, delete, or amend any term or condition of said development contract. Upon approval, said development contract 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.

Any agency administering a City Housing project affected by the provisions of this chapter shall establish a system to determine preferences by lot in the event the number of qualified applicants exceeds the number of housing units available. Where the City has established preferences for housing units by ordinance or rules and regulations, the order of preference within each category for the selection of units shall be determined by lot.

(12) Nonprofit Private Corporations and Community Associations. Any nonprofit private corporation as defined herein or community association which qualifies for nominal rent of City property as prescribed in Section 30-3.2 hereafter. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-3.2. Bidding Not Required: Nominal Rent.

(a) Policy: The Council finds that there are nonprofit private corporations and community associations providing services similar to or equal to services rendered by the City and their existence or delivery of services can be greatly enhanced or permitting these organizations to use real property controlled or owned by the City without assessing any rent therefor, except to pay for utilities such as electricity, water, gas, and telephone.

(b) Type of Organizations Eligible.

(1) A nonprofit private corporation as included in the definition for "nonprofit organizations" in Article 1, Section 30-1.3(6).

(2) Community associations.

(c) Special Conditions to be Met by Nonprofit Private Corporations or Community Associations:

(1) The foregoing corporations or community associations shall have:

(A) An identification number issued by the Internal Revenue Service;

(B) All or part of its funds furnished by either the Federal, State, City governments or the Aloha United Way;

(C) A minimum of 25 percent of its service similar to those services which are provided by the City;

(D) A full-time staff to carry out its services, programs or functions; and

(E) Been incorporated, or activated, in the case of community associations, at least five years prior to the date a request for the leasing of City property is made hereunder.

(2) In addition to the foregoing conditions, the lease agreement shall contain the following provisions:

(A) Agreement to add the City as an additional insured to its comprehensive public liability insurance policy relative to the use of the premises;

(B) Agree to indemnify, defend and hold harmless the City, including its officers, employees and agents, from any and all liability, loss or damage the City may suffer as a result of claims, demands,

costs or judgments against the City due to or caused by the negligence of an officer, employee or member of the foregoing corporations or associations;

(C) Agree to furnish a performance bond to the City to assure that the terms and conditions of the agreement shall be met.

(d) Council Authorization: The Council may adopt a resolution authorizing the Director to lease the property requested by the petitioner at a nominal rental of \$1 per year when:

(1) A public hearing has been held by the Finance Director; and

(2) The Finance Director has submitted to the Council his findings based upon the following:

(A) Compelling public need for the particular services rendered by the nonprofit private corporation(s) or the community association(s);

(B) Nonavailability of a suitable and reasonably priced, private facility;

(C) Financial need of the applicant; and

(D) That the City property to be rented or leased is excess property where immediate use of the property is not required. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Sec. 30-3.3. Bidding Not Required: Certain Concessions.

The Finance Director may award concessions on terms and conditions approved by the Corporation Counsel as to form and legality without calling for public bids, when:

(1) Activities Without Charge. Concessions or concession spaces that are set aside without any charge for events, productions, attractions or activities including the exhibition and sale of handcrafts, works of art, produce, or products of a nonprofit organization, as defined in Article 1, or its members as long as the sale of any craft item, works of art, produce or products are made by the member of the organization who actually makes, creates, grows or gathers the items being sold, and as long as all net profits earned by the nonprofit organization from the concession are to be applied to the expenses of the organization incurred in connection with events or activities directly related to the purpose for which it has been organized.

(2) Periods of Two Days or Less. Concessions or concession spaces that are set aside for a period or periods of time not to exceed two successive days without any charge (A) for the exhibition and sale of works of art by artists who actually produce the works of art being exhibited and sold; (B) for the exhibition and sale of handcrafted items being exhibited and sold; and (C) for the display and sale of fruits and vegetables, seafoods and prepared but not manufactured food products by the person who actually grows or gathers the fruits and vegetables, catches the seafoods or prepares the food products being displayed and sold.

(3) Handicapped or Blind Persons. Concessions or concession spaces are set aside for the use of handicapped or blind persons or any nonprofit organization primarily engaged in physical rehabilitation programs

(A) Nonprofit Private Corporation. The word "persons" contained herein shall include a nonprofit private corporation which has been exempted from taxation as prescribed under Section 501 of the Internal Revenue Code of 1954, as amended, and its Articles of Incorporations or Association shall have a provision contained therein that the primary objective of the corporation is to service or aid or abet or assist the handicapped or blind persons.

(B) No Rent, Except for Maintenance Cost. Notwithstanding any provisions to the contrary contained herein, the Finance Director shall assess no rent for leasing or renting of concession or concession space to handicapped or blind persons, including any vending machines assigned to such vendors; provided that for real property, including improvements thereon, the Finance Director shall assess the cost of maintenance of that portion of such real property leased or rented to handicapped or blind persons.

(4) Governmental Subdivisions. Concessions or concession spaces are set aside for the use of any political or governmental subdivision of the Federal, State or County governments.

(5) Coin Operated Vending Machines. Concession spaces that are leased or rented for coin operated vending machines except coin operated insurance vending machines.

(6) Public Pay Telephones. Concession spaces that are leased or rented for public pay telephones. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Article 4. Term Of Agreements.

Sec. 30-4.1. Term Of Agreements; Duration.

The term of any contract to lease or rent property of the City and County of Honolulu shall not exceed five years; provided that the Council by resolution may authorize the leasing or renting of property for a period in excess of five years, when such longer period is deemed necessary in the public interest and:

(1) When the lessee or tenant is required by the terms of the proposed contract to expend the sum of Twenty-Five Thousand Dollars or more for the estimated cost of which is equal to or in excess of, the sum of Twenty-Five Thousand Dollars, as determined by the Council. The term "capital asset" as used herein shall include not only the construction of improvements but the installation of furniture and fixtures, the cost of which would be appreciable over the period of the concession or lease in excess of five years; or

(2) When the property is to be devoted to the training and education of handicapped or blind persons and by the terms of the proposed contract, the lessee or tenant is required to construct on such property any improvement, the estimated cost of which, including cost of labor and materials, is equal to, or in excess of, the sum of Ten Thousand Dollars, as determined by the Council; or

(3) When the real property is leased or rented for the use of State or Federal government or any agency thereof.

(4) When the City enters into a development agreement with a person for the development of the property and the construction of housing units of all kinds and types as permitted in the area where the property is situated, or any other type of structural development which may be beneficial to the City. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Article 5. Penalty.

Sec. 30-5.1. Disciplinary Action.

(a) Any officer or employee who violates any of the provisions of this chapter upon a finding pursuant to a hearing to be conducted by his appointing authority, shall be subject to disciplinary action by his appointing authority.

(b) Any lessee or tenant violating any provisions of this chapter shall cause the termination of the lease or tenancy and the lessee or tenant may be subject to the payment of any outstanding rental before and after such hearing.

(c) Any person, officer or employee violating any provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and be subject to the provisions of R.O. 1978, Section 1-3.2. (Appendix A, R.O. 1978; Am. Ord. 80-56)

Article 6. Severability.

Sec. 30-6.1. Severability.

The provisions of this chapter as enacted by this ordinance are hereby declared to be severable. In accordance therewith, if any portion of said chapter is held invalid for any reason, the validity of any other portion of this chapter shall not be affected and if the application of any portion of this chapter to any person, property or circumstance is held invalid, the application hereof to any other person, property or circumstance shall not be affected. (Appendix A, R.O. 1978; Am. Ord. 80-56)

APPENDICES

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Ordinances Creating Funds.

Ord. No.	R.O. 1978	Subject
1979		
79-22	5-30.1, 30.2, 30.3	Farmers Home Administration Loan Fund. April 3, 1979.
79-22		Abolishment of Farmers Home Administration Watershed Loan Fund. April 3, 1979.
79-41	5-35.1, 35.2, 35.3	Special Trust Fund known as Kukui Plaza Trust Fund. June 1, 1979.
1980		
80-20		Abolishing certain urban redevelopment proj- ect expenditures and certain project tempo- rary loan repayment funds. March 31, 1980.

APPENDIX "E"

Improvement Districts (Creating And Assessing).

Ord. Dist.
No. No.

1979

- 79-43 206 FORT STREET, from South Beretania Street to Queen Street. Amending Ordinance No. 3172. June 1, 1979.
- 79-73 247 PAIWA STREET AND DRAIN IMPROVEMENTS, between Waipahu Street and Interstate Highway H-1 and drainage system to connect with Kahu Canal, Waikele and Waipio. Amending Ordinance No. 4578. August 16, 1979.
- 79-98 207 MOANALUA ROAD, from Pono Street to Kaluaao Stream. Amending Ordinance No. 3227. December 26, 1979.

1980

- 80-6 254 LANIKAI DISTRICT SEWERS, SECTION 2. Costs. February 4, 1980.
- 80-35 254 LANIKAI DISTRICT SEWERS, SECTION 2. Amending Ordinance No. 80-6. June 2, 1980.
- 80-80 240 WOODLAWN DRIVE. Amending Ordinance No. 4431. October 6, 1980.
- 80-85 247 PAIWA STREET AND DRAIN IMPROVEMENTS. Amending Ordinance No. 4578. October 30, 1980.

1981

- 81-6 PAIWA STREET AND DRAIN IMPROVEMENTS, between Waipahu Street and Interstate H-1 and drainage system to connect with Kahu Canal, Waikele and Waipio. Amending Ordinance No. 4578. February 11, 1981.
- 81-7 253 WAIMALU TRACT, Unit 1. Costs. February 11, 1981.
- 81-66 255 EWA BEACH SEWERS, SECTION 2. Costs. September 1, 1981.

1982

- 82-2 236 COCONUT GROVE, bounded by Oneawa Street, Wailepo Street, Kawainui Swamp and along the back lot boundaries of Kaiemi Street. Amending Ordinance No. 4352. February 9, 1982.
- 82-25 252 HALAWA INDUSTRIAL PARK. Amending Ordinance No. 77-49. June 7, 1982.
- 82-47 252 HALAWA INDUSTRIAL PARK. Amending Ordinance Nos. 77-49 and 82-25. November 12, 1982.

APPENDIX "G"

Sewer Service Charge Schedules.

The following charges are established in accordance with Section 11-6.4, Sewer Service Charge Schedules of Chapter 11, Revised Ordinances of Honolulu, 1978. Charges will be effective on January 1, 1977.

Residential User Charges

Single Family and Duplex Dwellings	
per unit per month	\$4.85
Multiple Unit Dwellings per	
unit per month	\$3.40

Non-Residential User Charges, Domestic Strength Wastewater

Charge per 1,000 gallons of	
metered water usage	\$0.36
Charge per 1,000 gallons of	
metered wastewater discharge	\$0.45
Minimum monthly charge	\$4.85

Non-Residential Strength Surcharges

Charge per 1,000 gallons of water usage	
\$0.36 $\left[0.687 + 0.313 \frac{(SSm)}{200} \right]$	
Charge per 1,000 gallons of wastewater discharge	
\$0.45 $\left[0.687 + 0.313^* \frac{(SSm)}{200} \right]$	

Beginning July 1, 1980, a different charge shall apply to those users who have paid 100% of their share of capital costs of collection, treatment and disposal of their wastewater by the City. The charges under column 1 below are for those users of the City's wastewater system who have not paid 100% of their share of capital costs and the charges under column 2 are for those users who have paid 100% of their share of capital costs. The following charges shall be effective from July 1, 1980:

	COLUMNS	
	1	2
Residential User Charges		
Single Family and Duplex Dwellings		
per unit per month	\$6.10	\$6.00
Multiple Unit Dwellings per		
unit per month	\$4.25	\$4.20

*Revision note: 0.313 substituted for 0.3.3 to correct apparent clerical error.

**Non-Residential User Charges,
Domestic Strength Wastewater**

Charge per 1,000 gallons of metered water usage	\$0.45	\$0.44
Charge per 1,000 gallons of metered wastewater discharge	\$0.56	\$0.55
Minimum monthly charge	\$6.10	\$6.00

Non-Residential Strength Surcharges

Charge per 1,000 gallons of water usage	$\left[0.687 + 0.313 \frac{(SSm)}{200} \right] \times$	\$0.45	\$0.44
Charge per 1,000 gallons of wastewater discharge	$\left[0.687 + 0.313 \frac{(SSm)}{200} \right] \times$	\$0.56	\$0.55

The following charges shall be effective from July 1, 1981:

COLUMNS
1 2

Residential User Charges

Single Family and Duplex Dwellings per unit per month	\$8.00	\$7.40
Multiple Unit Dwellings per unit per month	\$5.60	\$5.15

**Non-Residential User Charges,
Domestic Strength Wastewater**

Charge per 1,000 gallons of metered water usage	\$0.59	\$0.55
Charge per 1,000 gallons of metered wastewater discharge	\$0.74	\$0.68
Minimum monthly charge	\$8.00	\$7.40

Non-Residential Strength Surcharges

Charge per 1,000 gallons of water usage	$\left[0.687 + 0.313 \frac{(SSm)}{200} \right] \times$	\$0.59	\$0.55
Charge per 1,000 gallons of wastewater discharge	$\left[0.687 + 0.313 \frac{(SSm)}{200} \right] \times$	\$0.74	\$0.68

The following charges shall be effective from July 1, 1982:

	COLUMNS	
	1	2
Residential User Charges		
Single Family and Duplex Dwellings per unit per month	\$9.05	\$7.80
Multiple Unit Dwellings per unit per month	\$6.35	\$5.50
Non-Residential User Charges, Domestic Strength Wastewater		
Charge per 1,000 gallons of metered water usage	\$0.67	\$0.58
Charge per 1,000 gallons of metered wastewater discharge	\$0.84	\$0.73
Minimum monthly charge	\$9.05	\$7.80
Non-Residential Strength Surcharges		
Charge per 1,000 gallons of water usage		
	$\left[0.687 + 0.313 \frac{(\$Sm)}{200} \right] \times$	
Charge per 1,000 gallons of wastewater discharge	\$0.67	\$0.58
	$\left[0.687 + 0.313 \frac{(\$Sm)}{200} \right] \times$	
	\$0.84	\$0.73

(Appendix G, R.O. 1978; Am. Ord. 80-34, 80-41, 82-3)

APPENDIX "H"

Cesspool Charge Schedules.

The following charges are established in accordance with Section 11-7.3, Cesspool Charge Schedule for Pumping or Treating Cesspools of Chapter 11, Revised Ordinances of Honolulu, 1978.

(1) Cesspool Service Charge Schedule effective January 1, 1977 to June 30, 1980.

- (A) Pumping cesspool on a per call basis.
 - For a single truckload or fraction thereof
- (B) Pumping cesspool on an annual contract basis.
 - (i) Single-family and duplex dwellings per unit served per month
 - (ii) Multiple unit dwellings per unit served per month

- (C) Chemically treated cesspool.
 - (i) Single-family and duplex dwellings per unit served per month \$ 4.85
 - (ii) Multiple unit dwellings per unit served per month\$ 3.40
- (2) Cesspool Service Charge Schedule effective July 1st of 1980, 1981 and 1982, as follows:

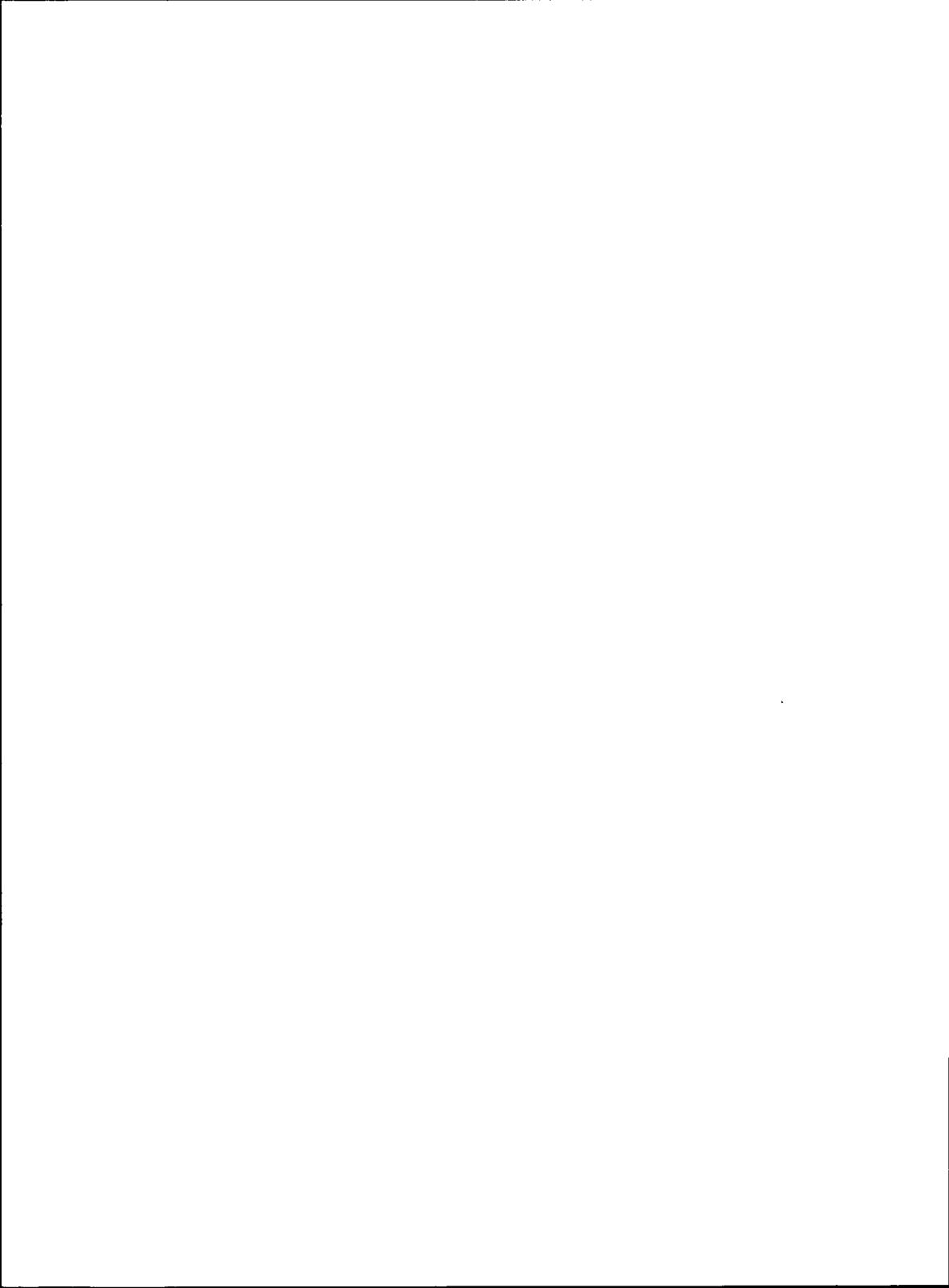
	7/1/80	7/1/81	7/1/82
(A) Pumping cesspool on a per call basis. For a single truckload or fraction thereof	\$14.64	\$19.20	\$21.72
(B) Pumping cesspool on a contract basis.			
(i) Single-family and duplex dwellings per unit served per month	\$ 6.10	\$ 8.00	\$ 9.05
(ii) Multiple unit dwellings per unit served per month	\$ 4.25	\$ 5.60	\$ 6.35
(C) Chemically treated cesspool.			
(i) Single-family and duplex dwellings per unit served per month	\$ 6.10	\$ 8.00	\$ 9.05
(ii) Multiple unit dwellings per unit served per month	\$ 4.25	\$ 5.60	\$ 6.35

(Appendix H, R.O. 1978; Am. Ord. 80-41, 82-3)

TABLES OF DISPOSITION

**Table I. Disposition Of Sections In Revised Ordinances
Of 1978.**

**Table II. Disposition Of Ordinances From January 1, 1979
To December 31, 1982.**



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

DLUM—Detailed Land Use Map

I—Improvement District And Frontage Improvement Ordinances

F—Functus

GP—General Plan Ordinances

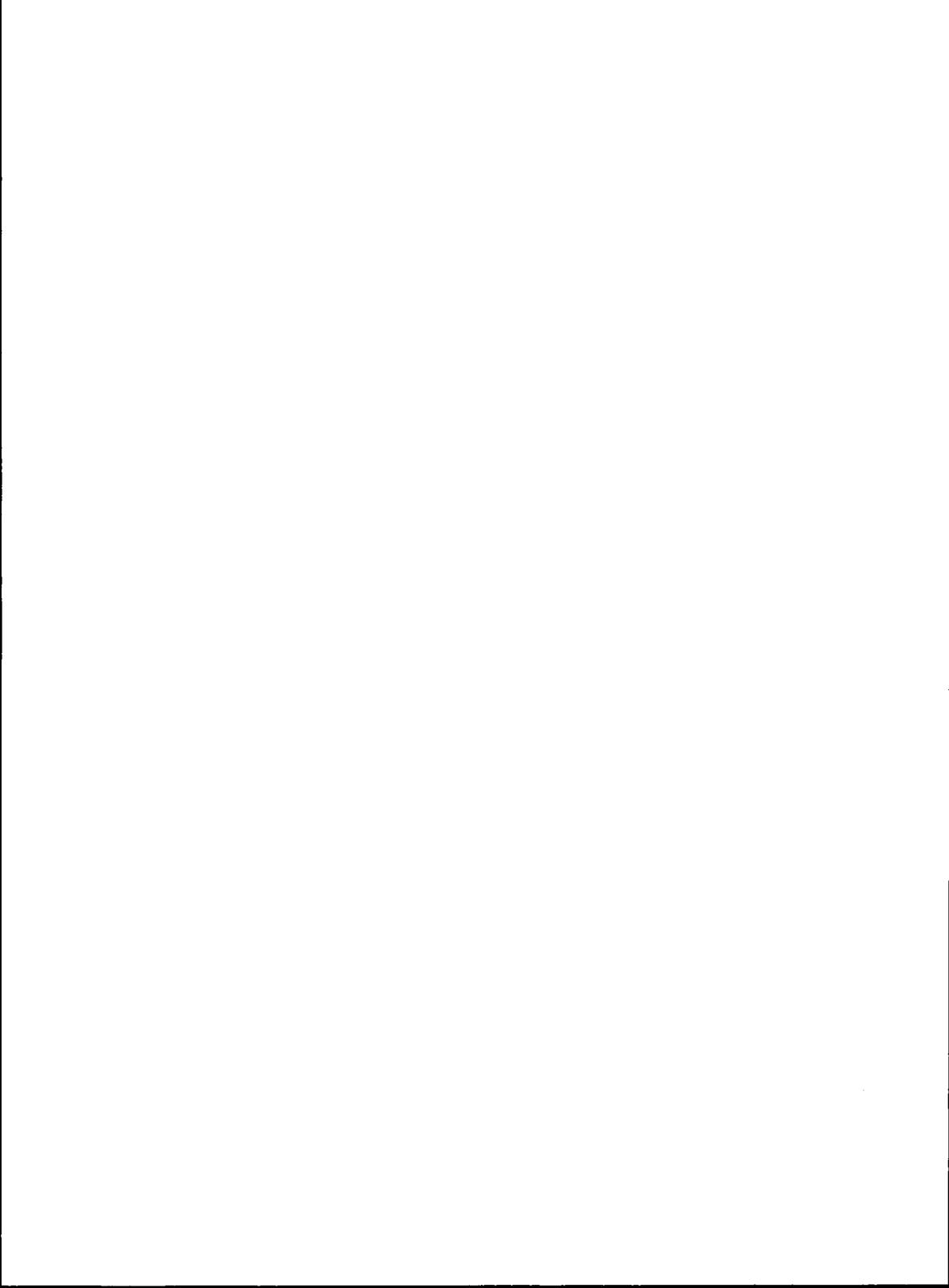
PUD—Planned Unit Development Ordinances

R—Repealed

S—Salary Ordinances

T—Traffic Code

Z—Zoning Ordinances



**TABLE I.
DISPOSITION OF SECTIONS IN REVISED
ORDINANCES OF 1978**

1978	1982 Supplement	1978	1982 Supplement
1-2.1 to 1-2.3	Am. Ord. 79-75	13-14.2	Am. Ord. 80-36, 80-90, 80-103, 81-78, 82-28
1-3.1	Am. Ord. 79-75		
1-3.2	Repealed by Ord. 79-75	13-14.3	Am. Ord. 80-103, 81-67
1-4.1	Am. Ord. 79-75	13-14.5	Am. Ord. 79-66, 81-40
1-5.1 to 1-5.3	Am. Ord. 79-75	13-20.5	Am. Ord. 80-86
1-6.1	Am. Ord. 79-75	13-28.1 and 13-28.2	Am. Ord. 80-38
2-3.1	Am. Ord. 80-97	13-29.2	Am. Ord. 82-4
2-5.2	Am. Ord. 79-72	13-33.1	Am. Ord. 81-73
2-5.5	Am. Ord. 81-54	13-36.1	Am. Ord. 81-32
2-15.2	Am. Ord. 79-13	13-36.7 to 13-36.9	Am. Ord. 81-32
5-1.1	Repealed by Ord. 80-19	14-1.1	Am. Ord. 82-33
5-15.1	Am. Ord. 81-5	14-2.1	Am. Ord. 80-39
5-19.1 to 5-19.5	Am. Ord. 79-99	14-2.2	Repealed by Ord. 80-39
5-22.2 and 5-22.3	Am. Ord. 82-67	14-2.4	Am. Ord. 80-39
5-23.1	Am. Ord. 81-12	14-2.5	Repealed by Ord. 80-39, 81-21
5-28.1 to 5-28.3	Am. Ord. 81-29	16-1.1	Am. Ord. 79-65, 80-73
5-30.1 to 5-30.3	Am. Ord. 79-22	16-2.1 to 16-2.14	Am. Ord. 80-73
5-31.1 to 5-31.3	Am. Ord. 81-29	16-3.1 to 16-3.5	Am. Ord. 80-73
5-32.1 to 5-32.4	Am. Ord. 81-25	16-4.1 to 16-4.5	Am. Ord. 80-73
5-33.1	Am. Ord. 80-7	16-5.1 to 16-5.4	Am. Ord. 80-73
5-33.3	Am. Ord. 80-7	17-1.1 and 17-1.2	Am. Ord. 81-26
5-33.4	Am. Ord. 80-7, 82-46	17-2.1	Am. Ord. 81-26
6-1.4	Am. Ord. 80-87	17-3.1	Am. Ord. 81-26, 81-44
Chapter 8 (Reserved)	Am. Ord. 80-14, 80-72, 81-71, 82-18, 82-42, 82-43, 82-66	17-3.2 to 17-3.6	Am. Ord. 81-26
9-1.1	Am. Ord. 79-32	17-4.1 and 17-4.2	Am. Ord. 81-26
9-1.6	Am. Ord. 79-32	17-5.1 and 17-5.2	Am. Ord. 81-26
9-2.2 and 9-2.3	Am. Ord. 79-16	18-1.1	Am. Ord. 80-108
9-4.1 and 9-4.2	Am. Ord. 80-1	18-2.1	Am. Ord. 80-108
10-1.1	Am. Ord. 82-5	18-3.1 to 18-3.5	Am. Ord. 80-108
11-1.6 and 11-1.7	Am. Ord. 82-3	18-4.1	Am. Ord. 79-55, 80-108
11-5.1	Am. Ord. 82-3	18-4.2 to 18-4.4	Am. Ord. 80-108
11-5.6	Am. Ord. 82-3	18-5.1 and 18-5.2	Am. Ord. 80-108
11-6.7	Am. Ord. 80-34; repealed by Ord. 82-3	18-5.3	Am. Ord. 79-8, 80-108
11-7.3	Am. Ord. 82-3	18-5.4	Am. Ord. 79-8, 79-100, 80-108
11-8.3	Am. Ord. 80-41	18-5.5 to 18-5.7	Am. Ord. 80-108
12-1.1	Am. Ord. 81-60	18-6.1	Am. Ord. 80-108
12-1.3 and 12-1.4	Am. Ord. 81-60	18-6.2	Am. Ord. 80-40, 80-108
12-1.10	Am. Ord. 81-60	18-6.3	Am. Ord. 80-108
12-1.11	Am. Ord. 79-68, 80-109	18-7.1	Am. Ord. 80-108
12-1.12 and 12-1.13	Am. Ord. 81-60	18-7.2	Am. Ord. 80-82, 80-108
12-1.17	Am. Ord. 81-60	Table No. 18-A	Am. Ord. 80-40, 80-108
12-2.2	Am. Ord. 79-78, 81-59	19-1.1 and 19-1.2	Am. Ord. 80-100
12-2.5 and 12-2.6	Am. Ord. 81-59	19-2.1 to 19-2.10	Am. Ord. 80-100
12-4.2	Am. Ord. 81-61	19-3.1	Am. Ord. 80-100
12-4.5	Am. Ord. 81-61	19-4.1	Am. Ord. 79-27, 80-100
12-5.1	Am. Ord. 80-26	20-1.1	Am. Ord. 81-14
12-5.5 and 12-5.6	Am. Ord. 80-26	20-1.3	Am. Ord. 81-14
12-5.8 to 12-5.10	Am. Ord. 80-26	20-1.5	Am. Ord. 81-14
12-5.12 and 12-5.13	Am. Ord. 80-26	20-2.2	Am. Ord. 81-15
12-5.18	Am. Ord. 80-26	20-2.5 to 20-2.7	Am. Ord. 81-15
13-6.4	Am. Ord. 79-87	20-4.1	Am. Ord. 80-30, 82-39
13-8.1 to 13-8.7	Am. Ord. 81-17	20-4.2 and 20-4.3	Am. Ord. 80-77
13-9.1 to 13-9.8	Am. Ord. 81-17	20-5.1	Am. Ord. 80-68
13-10.1 to 13-10.13	Am. Ord. 81-84, 82-21	20-5.3	Am. Ord. 79-90
13-13.1 and 13-13.2	Repealed by Ord. 79-74	20-5.4	Am. Ord. 80-68
	(See Traffic Code 1976 §15-19.43)	20-5.5	Am. Ord. 79-90
		22-7.2	Am. Ord. 81-65
		22-7.3	Am. Ord. 82-41
		22-7.4	Am. Ord. 80-99

**TABLE II
DISPOSITION OF ORDINANCES FROM
JANUARY 1, 1979 TO DECEMBER 31, 1982**

Ord. No.	Effective or Approval Dates		
79-1	1-24-79		Z
79-2	2-6-79	Amending ordinance no. 78-49	A
79-3	2-8-79	Amending ordinance no. 4573 Special Design District	CZC
79-4	2-8-79	Amending ordinance no. 4573 Special Design District	CZC
79-5	2-8-79	R.O. 1-3.3	
79-6	2-8-79		T
79-7	2-8-79		T
79-8	2-9-79	R.O. 18-5.3, 18-5.4(b)(1), 18-5.4(c), 18-5.4(d)	
79-9	2-23-79	Amending ordinance no. 77-58	Z
79-10	3-2-79		Z
79-11	3-9-79		T
79-12	3-9-79		T
79-13	3-9-79	R.O. 2-15.2	
79-14	3-9-79		T
79-15	3-9-79	Amending ordinance no. 78-50	A
79-16	4-3-79	R.O. 9-2.1 through 9-2.5	
79-17	4-3-79		Z
79-18	4-3-79		Z
79-19	4-3-79	Adding R.O. 5-34.1	
79-20	4-3-79	R.O. 26-7.2(c)	
79-21	Approved 4-3-79 Retroactive to 1-2-73	Adding R.O. 1-10.1	
79-22	4-3-79	R.O. 5-30.1, 30.2, 30.3; Abolishing Farmers Home Administration Watershed Loan Fund	
79-23	4-3-79	Adding R.O. 13-37.1 through 13-37.4	
79-24	4-3-79	Amending ordinance no. 78-48	A
79-25	5-2-79	Amending ordinance no. 78-49	A
79-26	5-9-79	Adding R.O. 13-38.1 through 13-38.8	
79-27	11-9-79	Adding R.O. 19-4.1 (46a)	
79-28	5-9-79	R.O. 21-1.5	CZC
79-29	5-9-79	R.O. 21-9.2(a)(3), (a)(16), (c)(1); adding 21-9.2(a)(17) through (a)(25), 21-9.2(c)(2) through (c)(4); deleting 21-9.2(c); redesignating 21-9.2(d) to 21-9.2(c)	CZC

79-30	5-9-79		T
79-31	5-30-79	Amending ordinance no. 78-48	A
79-32	6-1-79	R.O. 9-1.1(j); adding 9-1.1(m), (n), and (o), 9-1.6(e)	
79-33	6-1-79	Interim control ordinance	CZC
79-34	6-1-79	Interim control ordinance	CZC
79-35	6-1-79	Interim control ordinance	CZC
79-36	6-1-79	Interim control ordinance	CZC
79-37	6-1-79		Z
79-38	6-1-79		Z
79-39	6-1-79		GP
79-40	6-1-79	R.O. 26-3.2(a)(1)	
79-41	6-1-79	Adding R.O. 5-35.1 through 5-35.3	
79-42	6-1-79		T
79-43	6-1-79	Amending ordinance no. 3172	I
79-44	6-1-79		T
79-45	6-1-79		T
79-46	6-1-79	Amending ordinance no. 78-87	CZC
		Interim control ordinance	
79-47	7-1-79		A
79-48	7-1-79		A
79-49	6-20-79	R.O. 21-6.3(d), 21-6.12(d), 21-6.33(d), 21-10.13	
79-50	7-3-79	Interim control ordinance	CZC
79-51	7-3-79		Z
79-52	7-3-79		Z
79-53	7-3-79		T
79-54	7-3-79	Adding R.O. 22-8.1 through 22-8.5	
79-55	7-3-79	R.O. 18-4.1(h), 18-5.4(a)	
79-56	7-3-79		B
79-57	First day of sale 11-13-79	1978 Cumulative Supplement to Traffic Code 1976	T
79-58	7-3-79		T
79-59	7-3-79		T
79-60	7-1-79		A
79-61	7-6-79	Amending ordinance no. 78-49	A
79-62	8-1-79	R.O. 28-2.1	
79-63	8-3-79		T
79-64	8-3-79	Adding R.O. Chapter 19A (Fire Code of the City and County of Honolulu)	
79-65	8-3-79	R.O. 16-1.1(1), (5), (13); deleting 16-1.1(111)	
79-66	8-3-79	Adding R.O. 13-14.5(c); renumbering 13-14.5(c) and (d) to 13-14.5(d) and (e), respectively.	
79-67	8-3-79	Interim control ordinance	CZC
79-68	8-16-79	R.O. 12-1.11	
79-69	8-16-79		T

79-70	8-16-79		Z
79-71	8-16-79	Interim control ordinance	CZC
79-72	8-16-79	Adding R.O. 2-5.2(c)(1)	
79-73	8-16-79	Amending ordinance no. 4578	I
79-74	8-16-79	Repealing R.O. 13-13.1 and 13.2 (See Traffic Code of the City & County of Honolulu 1976, §15-19.43)	T
79-75	8-16-79	R.O. 1-2.1, 2.2, 2.3, 3.1, 4.1, 5.3 and 6.1; adding 1-5.1, 5.2, 5.4, 5.5 and 5.6; deleting 1-3.2; redesignating 1-5.2 and 1-5.3 to 1-5.5 and 1-5.6, respectively.	
79-76	9-28-79		T
79-77	9-28-79	Repealing Sections II and III of ordinance no. 4231	PUD
79-78	9-28-79	R.O. 12-2.2	
79-79	9-28-79		T
79-80	10-24-79	Interim control ordinance	CZC
79-81	10-24-79		Z
79-82	10-24-79		Z
79-83	10-24-79	Amending ordinance no. 79-60	A
79-84	10-31-79	Adding R.O. Chapter 29 (Lease And Rental Policy For Facilities Of The Department Of Auditoriums)	
79-85	10-24-79		T
79-86	10-24-79	R.O. 2-4.2(1)	
79-87	10-24-79	Deleting 13-6.4(a)(6); renumbering 13-6.4(a)(7) through 13-6.4(a)(12) to 13-6.4(a)(6) through 13-6.4(a)(11)	
79-88	10-31-79	Amending ordinance no. 79-47	A
79-89	11-21-79		Z
79-90	12-3-79	R.O. 20-5.3, 20-5.5(5) and (6)	
79-91	12-3-79		DP
79-92	12-3-79		DLUM
79-93	12-3-79	R.O. 21-8.6(b) and (g), 21-8.15(e) and (k); adding 21-2.5(f)	
79-94	12-3-79	Amending ordinance no. 4573 Special Design District	CZC
79-95	12-26-79		Z
79-96	12-26-79		Z
79-97	12-26-79	R.O. 13-38.6(c)	
79-98	12-26-79	Amending ordinance no. 3227	I
79-99	12-26-79	R.O. 5-19.1 through 5-19.5; adding 5-19.6	
79-100	12-26-79	R.O. 18-5.4	
79-101	12-26-79	R.O. 28-2.1(a), 2.1(b)(1)	
79-102	12-26-79	Interim control ordinance	CZC

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80-1	3-1-80	R.O. 9-4.1, 4.2; adding new 9-4.2(a)(2), (a)(3) and (a)(4); redesignating 9-4.2(a)(2) to (a)(5)	
80-2	2-4-80		Z
80-3	2-4-80		DLUM
80-4	2-4-80		DLUM
80-5	2-4-80	R.O. 15-24.17	T
80-6	2-4-80		I
80-7	2-19-80	R.O. 5-33.1, 33.3 and 33.4; adding new 5-33.1(c) and 5-33.4(c); redesignating 5-33.1(c) through (h) to 5-33.1(d) through (i) respectively, and 5-33.4(c) through (i) to 5-33.4(d) through (k), respectively	
80-8	3-6-80	Adopting R.O. 1978; repealing R.O. 1969	
80-9	3-6-80	Amending ordinance no. 79-60	A
80-10	3-6-80	R.O. 15-24.17	T
80-11	3-6-80	R.O. 15-24.17	T
80-12	3-6-80	R.O. 28-4.5	
80-13	3-12-80		Z
80-14	7-1-81	R.O. Chapter 8 (Real Property Taxes)	
80-15	3-21-80	Amending ordinance no. 79-60	A
80-16	3-31-80	Amending ordinance no. 79-47	A
80-17	3-31-80	Adding R.O. 28-2.1(d)	
80-18	3-31-80	Amending ordinance no. 4529 (Interim control ordinance)	CZC
80-19	3-31-80	Repealing R.O. 5-1.1	
80-20	3-31-80	Abolishing certain Department of Housing and Community Development Funds	
80-21	3-31-80	Amending ordinance no. 79-60	A
80-22	3-31-80	Amending ordinance no. 79-47	A
80-23	4-17-80	Amending ordinance no. 79-48	A
80-24	5-13-80		Z
80-25	5-13-80		Z
80-26	5-13-80	R.O. 12-5.1(10), 5.5, 5.6, 5.8(7), 5.9, 5.10, 5.12, 5.13, 5.18; adding 5.5(3); amending paragraph (d) of Section 3 of Ord. No. 78-74	
80-27	5-13-80	Adding R.O. 28-3.1(3)	
80-28	6-2-80	Amending ordinance no. 3947 (Hawaii Capital District)	CZC

80-29	6-2-80	Adding R.O. 4-4.1 through 4-4.16 (Legislative Hearings and Procedure)	
80-30	6-2-80	R.O. 20-4.1	
80-31	6-2-80	Amending ordinance no. 4573 and 79-3 (Special Design District)	CZC
80-32	6-2-80		Z
80-33	6-2-80		Z
80-34	6-2-80	R.O. 11-6.7(a); Appendix G; adding 11-6.7(e)	
80-35	6-2-80	Amending ordinance no. 80-6	I
80-36	6-2-80	Adding R.O. 13-14.2(a)(13)	
80-37	6-12-80	Amending ordinance no. 79-47	A
80-38	6-12-80	R.O. 13-28.1 and 28.2; renumbering 13-28.1(6) through (12) to (4) through (10), respectively; redesignating 13-28.2(c) and (d) to (b) and (c), respectively; deleting 13-28.1(4) and (5) and 13-28.2(b)	
80-39	6-12-80	R.O. 14-2.1, 2.4; deleting 14-2.2, 2.5	
80-40	6-12-80	R.O. 18-6.2; Table 18-A	
80-41	6-12-80	R.O. 11-8.3(a); Appendices G and H	
80-42	6-12-80	Amending ordinance no. 79-60	A
80-43	7-1-80		A
80-44	7-1-80		A
80-45	6-30-80	Amending ordinance no. 79-67 (Interim control ordinance)	CZC
80-46	6-30-80	Amending ordinance no. 79-80 (Interim control ordinance)	CZC
80-47	6-30-80	Amending ordinance no. 77-96 (Interim control ordinance)	CZC
80-48	6-30-80	Amending ordinance no. 77-84 (Interim control ordinance)	CZC
80-49	6-30-80	Amending ordinance no. 78-87 (Interim control ordinance)	CZC
80-50	6-30-80	Amending ordinance no. 4656 (Interim control ordinance)	CZC
80-51	6-30-80	Amending ordinance no. 4655 (Interim control ordinance)	CZC
80-52	6-30-80		GP
80-53	(First Day of Sale) 10-1-80	1979 Cumulative Supplement to the Traffic Code of 1976	T
80-54	7-3-80		Z
80-55	6-15-80	R.O. 28-2.1(b); redesignating R.O. 28-2.1(c) to (b)	

80-56	7-9-80	Adding R.O. Chapter 30 (Lease or Rental of Property of the City and County of Honolulu)	
80-57	7-1-80		A
80-58	7-23-80	The Kakaako Special Design District	CZC
80-59	8-6-80	R.O. 15-20.2	T
80-60	8-6-80	R.O. 15-2.4(1)	T
80-61	8-6-80	R.O. 15-20.1, 20.2	T
80-62	8-20-80	R.O. 21-1.10, 21-11.1 through 21-11.4; adding 21-11.5 through 21-11.16	CZC
80-63	8-20-80	Adding R.O. 16-7.1 through 16-7.5	
80-64	8-20-80	Adding R.O. 17-6.1 through 17-6.3	
80-65	8-20-80	Adding R.O. 19-5.1 through 19-5.6	
80-66	8-20-80		DLUM
80-67	8-20-80	R.O. 28-2.1	
80-68	8-20-80	R.O. 20-5.1 and 5.4	
80-69	10-6-80		B
80-70	10-6-80		B
80-71	10-6-80		Z
80-72	7-1-81	R.O. Chapter 8 (Real Property Taxes)	
80-73	12-5-80	R.O. Chapter 16 (Building Code)	
80-74	10-6-80		Z
80-75	10-6-80	Amending ordinance no. 80-43	A
80-76	10-6-80	Amending ordinance no. 80-44	A
80-77	10-6-80	R.O. 20-4.2, 4.3	
80-78	10-6-80	(Repealed by Ordinance no. 81-28)	B
80-79	10-6-80	R.O. 28-3.1	
80-80	10-6-80	Amending ordinance no. 4431	I
80-81	10-15-80		Z
80-82	10-30-80	Adding R.O. 18-7.2	
80-83	1-1-81	Adding new R.O. 21-1.6(a) and (b); redesignating 21-1.6(b) and (a) to (c) and (d), respectively	CZC
80-84	10-30-80		Z
80-85	10-30-80	Amending ordinance no. 4578	I
80-86	10-30-80	R.O. 13-20.5	
80-87	10-30-80	Adding new R.O. 6-1.4; renumbering 6-1.4 to 6-1.5	
80-88	10-30-80	Adding R.O. 3-2.9	
80-89	10-30-80	Adding R.O. 5-36.1 through 5-36.4	
80-90	10-30-80	Adding R.O. 13-14.2(g)(1)	

80-91	7-1-81 (Effective date amended by Ord. No. 81- 4 to 7-1-80)	Adding R.O. 5-37.1 to 5-37.3	
80-92	11-7-80		Z
80-93	11-19-80		Z
80-94	12-2-80		DP
80-95	12-2-80	Amending ordinance no. 4573 (Special Design District)	CZC
80-96	12-2-80	R.O. 2-4.2(1)	
80-97	12-2-80	R.O. 2-3.1(4)	
80-98	12-2-80		B
80-99	12-9-80	Adding R.O. 22-7.4(4)	
80-100	2-8-81	Chapter 19 (Plumbing Code)	
80-101	12-9-80	R.O. 29-2.1(3)	
80-102	12-10-80	Amending ordinance no. 80-44	A
80-103	12-29-80	R.O. 13-14.2(b)(8); adding 13-14.3(a)(8)	
80-104	12-29-80	Interim control ordinance	CZC
80-105	12-29-80	Interim control ordinance	CZC
80-106	12-29-80	R.O. 21-1.10; adding 21-7.2(a)(4)	CZC
80-107	12-29-80	Amending ordinance no. 4573 (Special Design District)	CZC
80-108	12-29-80	R.O. Chapter 18; deleting 18-3.4; renumbering 18-3.5 to 3.4	
80-109	12-29-80	R.O. 12-1.11(a) and (b); redesignating 12-1.11(c) and (d) to 12-1.11(b)(1) and (b)(2), respectively; adding 12-1.11(b)(3)	
80-110	12-29-80		Z
80-111	12-10-80	Amending ordinance no. 80-43	A
81-1	2-11-81	Amending ordinance no. 80-58 (Special Design District)	CZC
81-2	2-11-81	Amending ordinance no. 3947 (Hawaii Capital District)	CZC
81-3	2-11-81	Amending ordinance no. 80-58 (Special Design District)	CZC
81-4	2-11-81	Amending ordinance no. 80-91 (Amending effective date)	
81-5	2-11-81	Adding R.O. 5-15.1 (12)	
81-6	2-11-81	Amending ordinance no. 4578	I
81-7	2-11-81		I
81-8	2-23-81	Amending ordinance no. 80-58 (Special Design District)	CZC
81-9	2-23-81		Z
81-10	3-11-81	Amending ordinance no. 80-13	Z
81-11	3-11-81	Amending ordinance no. 80-44	A
81-12	3-11-81	R.O. 5-23	

81-13	3-11-81	R.O. 23-1.3, 1.5(4), 2.4, 2.8(b), (c); adding 23-1.3(4), (6), (10); renumbering 23-1.3(4) thru (12) to 23-1.3(4) thru (15)	
81-14	3-11-81	R.O. 20-1.1(b)(1), (c)(3), (f); 20-1.3(c); 20-1.5(a)	
81-15	3-11-81	R.O. 20-2.5; 2.6(c); 2.7(a), (b); adding 20-2.7(c), (d) and (e); deleting 20-2.2(4); renumbering 20-2.2(5) thru (10) to 20-2.2(4) thru (9)	
81-16	3-11-81	R.O. Chapter 19A (Fire Code of the City and County of Honolulu)	
81-17	3-11-81	Repealing R.O. 13-8 and 13-9	
81-18	3-12-81	Amending ordinance no. 80-43	A
81-19	3-16-81		Z
81-20	3-31-81	R.O. Chapter 25 (Housing Code)	
81-21	3-31-81	Repealing R.O. 14-2.5 (also repealed by Ord. 80-39)	
81-22	3-31-81	R.O. 26-4.14(a)	
81-23	3-31-81	Amending ordinance no. 80-44	A
81-24	4-1-81		Z
81-25	4-1-81	R.O. 5-32.1, 32.2; deleting 5-32.3; renumbering 5-32.4 to 32.3	
81-26	6-1-81	R.O. Chapter 17 (Electrical Code)	
81-27	4-16-81		Z
81-28	4-16-81	Adding R.O. 5-38.1 and 5-38.2; Repealing ordinance no. 80-78 (Establishing Maximum Interest Rate for General Obligation Bonds) (Repealed by Ord. 81-68)	
81-29	5-8-81	Adding R.O. 5-38.1 thru 5-38.4; repealing 5-28 and 5-31	
81-30	5-5-81		Z
81-31	5-5-81		DLUM
81-32	5-5-81	R.O. 13-36.1, 36.7(66), 36.8, 36.9; adding 13-36.7(96) thru (102)	
81-33	5-5-81	Amending ordinance no. 80-43	A
81-34	5-22-81		Z
81-35	6-8-81	Adding R.O. 5-39.1	
81-36	7-1-81		A
81-37	7-1-81		A
81-38	7-1-81		A
81-39	6-8-81	R.O. 21-1.13(c) (5)	CZC
81-40	6-8-81	Adding R.O. 13-14.5; redesignating 13-14.5 to 13-14.6	
81-41	6-8-81		DP
81-42	6-8-81		DLUM
81-43	6-8-81		Z

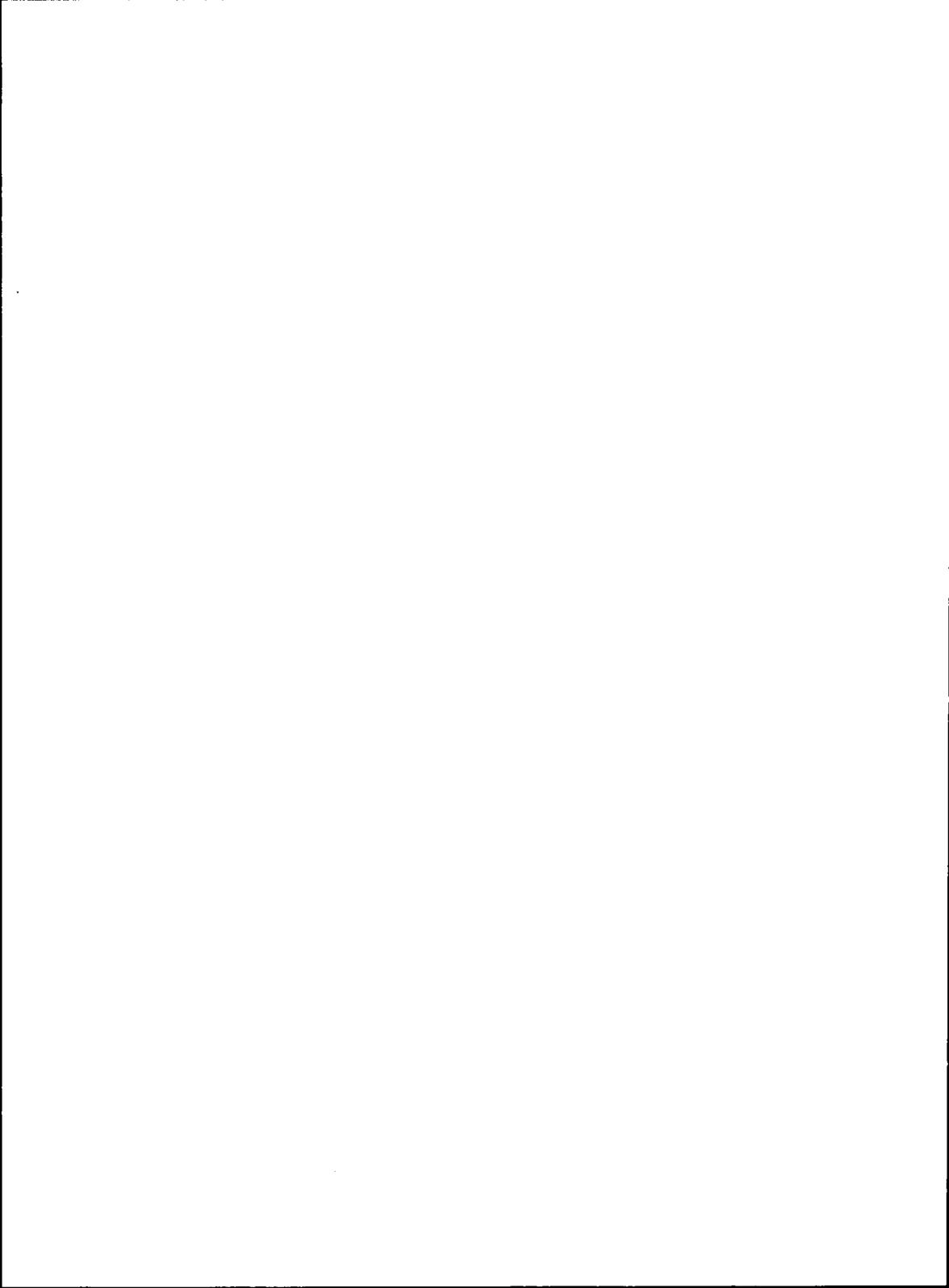
81-44	6-8-81	R.O. 17-3.1(b)	
81-45	6-15-81	Amending ordinance no. 4655 (Interim control ordinance)	CZC
81-46	6-15-81	Amending ordinance no. 4656 (Interim control ordinance)	CZC
81-47	6-15-81	Amending ordinance no. 79-80 (Interim control ordinance)	CZC
81-48	6-15-81	Amending ordinance no. 79-67 (Interim control ordinance)	CZC
81-49	6-15-81	Amending ordinance no. 78-87 (Interim control ordinance)	CZC
81-50	6-15-81	Amending ordinance no. 77-96 (Interim control ordinance)	CZC
81-51	6-15-81	Amending ordinance no. 77-84 (Interim control ordinance)	CZC
81-52	6-29-81	Adding R.O. 18-4.5	
81-53	6-29-81		Z
81-54	6-29-81	Adding R.O. 2-5.5; redesignating 2-5.5 to 2-5.6	
81-55	6-30-81	R.O. 28-4.2, 4.3	
81-56	7-20-81	Amending ordinance no. 78-18 (Historic, Cultural and Scenic District No. 5, Thomas Square/ Academy of Arts District)	CZC
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