

SUPPLEMENT 15 (1-2024)

Insertion Guide

**Hawai'i County Code 1983 (2016 Edition)
Volumes 1 - 3**

(Covering general ordinances effective through 12-31-23 and
numbered through 23-103)

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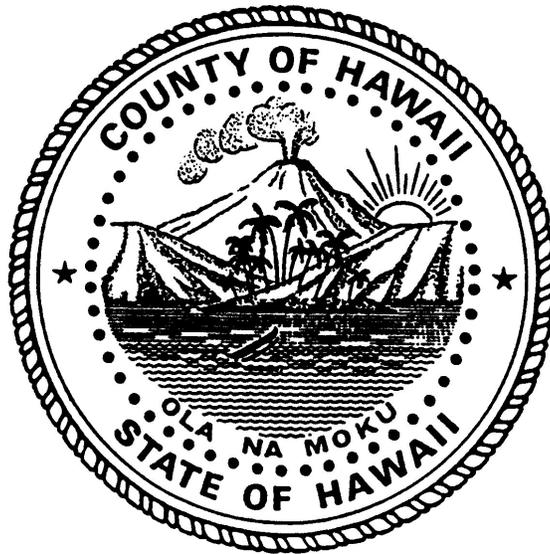
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THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 15 (1-2024)
Contains ordinances effective through: 12-31-2023



A CODIFICATION OF THE GENERAL ORDINANCES
OF THE COUNTY OF HAWAI‘I
STATE OF HAWAI‘I

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County of Hawai‘i
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Article 2. Executive Branch.

Section 2-6. Office of the mayor.

The office of the mayor shall be composed of the mayor and the managing director.
(1983 CC, c 2, art 2, sec 2-6; am 2001, ord 01-107, sec 1.)

Section 2-7. Organization of executive branch.

The executive branch of the County is organized into the following agencies/departments:

- (1) Agency and agency heads under direct supervision of the managing director:

AGENCY	AGENCY HEAD
(A) Civil defense	Civil defense administrator
(B) Office of aging	County executive on aging
(C) Office of housing and community development	Housing administrator
(D) Mass transit	Mass transit administrator
(E) Animal control and protection	Animal control and protection administrator
(F) Office of sustainability, climate, equity, and resilience	Sustainability administrator

- (2) Departments and heads under direct supervision of the managing director:

DEPARTMENT	DEPARTMENT HEAD
(A) Office of management	Managing director
(B) Corporation counsel	Corporation counsel
(C) Department of finance	Director of finance
(D) Planning department	Planning director
(E) Department of environmental management.....	Director of environmental management
(F) Department of research and development	Director of research and development
(G) Department of public works	Director of public works
(H) Department of parks and recreation	Parks and recreation director
(I) Department of information technology	Director of information technology

- (3) Departments and administrative heads under commissions and administrative supervision of the managing director:

DEPARTMENT	ADMINISTRATIVE HEAD
(A) Department of human resources	Director of human resources
(B) Police department	Chief of police
(C) Department of liquor control	Director, department of liquor control
(D) Hawai'i fire department.....	Fire chief
(E) Department of water supply	Manager-chief engineer

(1983 CC, c 2, art 2, sec 2-7; am 1989, ord 89-48, sec 1; am 2001, ord 01-106, sec 1; ord 01-108, sec 1; am 2002, ord 02-56, secs 1 and 2; am 2004, ord 04-58, sec 2; am 2009, ord 09-105, sec 2; am 2011, ord 11-103, sec 2; am 2023, ord 23-33, sec 2; ord 23-56, sec 1.)

Section 2-8. Order of succession to office of mayor.

In the event of civil, military or natural disaster, during the temporary absence or disability of the mayor, the managing director shall act as mayor. If the office of managing director is vacant, or during such periods as the managing director is unable to so act, the director of finance shall then act as mayor. If the office of director of finance is vacant, or during such periods as the director of finance is unable to so act, then the planning director, director of research and development, director of human resources, and director, department of liquor control, shall succeed to the office of mayor in the order specified herein.

(1983 CC, c 2, art 2, sec 2-8; am 2009, ord 09-105, sec 3.)

Article 3. Office of the Corporation Counsel.

Section 2-9. Settlement of claims.

The corporation counsel shall have the power to settle, compromise, or otherwise resolve any claim now existing or which may hereafter arise, not involving or requiring payment in excess of \$10,000, provided the money to settle claims generally has been appropriated and is available; and provided further that a quarterly report of all settlements by the corporation counsel which require payment of County funds shall be filed with the council. Any settlement which requires payment of County funds in excess of \$10,000 shall require council authorization.

(1983 CC, c 2, art 3, sec 2-9; am 2013, ord 13-129, sec 2.)

Section 2-10. Settlement of land acquisitions.

The corporation counsel shall have the power to adjust, compromise, settle, or submit to arbitration, any land acquisition requests referred to him by other County agencies or eminent domain actions, causes of eminent domain actions in favor of or against the County, or in which the County is concerned as purchaser, seller, condemnor, or condemnee, now pending or which may hereafter arise, not involving or requiring payment in excess of \$2,500, provided the money to settle any matter generally has been appropriated and is available; and provided further that a quarterly report of all settlements shall be filed with the council.

(1983 CC, c 2, art 3, sec 2-10.)

- (d) The council may continue its deliberations on any bill for an ordinance referred to the director and commission during the forty-five-day review period; provided, that if the council substantively amends any such bill for an ordinance, the amended bill for an ordinance shall be referred by the council to the director and commission for their independent comments and recommendations, both to be submitted to the council within forty-five days of receipt of the amended bill for an ordinance.
- (e) The council shall not take final action on any bill for an ordinance referred to the director and the commission, as amended or otherwise, until it receives the comments and recommendations of the director and the commission, unless either or both fail to meet the forty-five-day period for comment and review. If either the director or commission fails, or both fail, to provide comments and recommendations within the allotted forty-five-day review period, the council may proceed and the inaction of either the director or commission shall not be viewed as either a favorable or unfavorable recommendation.

(2001, ord 01-110, sec 2; am 2005, ord 05-22, sec 1; am 2012, ord 12-114, sec 1; am 2019, ord 19-112, sec 1.)

Article 41. Animal Control and Protection Agency.

Section 2-208. [Former] Repealed.

(2004, ord 04-4, sec 2; am 2011, ord 11-130, sec 2; rep 2021, ord 21-57, sec 2.)

Section 2-208. Hawai'i County animal control and protection agency established.

An agency to be known as the Hawai'i County animal control and protection agency (hereinafter "animal control and protection agency") is created to provide for the establishment and maintenance County pounds and to provide animal control services in order to implement chapters, 142, 143 and 711, Hawai'i Revised Statutes, relating to the protection of animals, and Chapter 4, Hawai'i County Code.

(2023, ord 23-33, sec 3.)

Section 2-209. [Former] Repealed.

(2004, ord 04-4, sec 2; am 2006, ord 06-98, sec 1; am 2011, ord 11-130, sec 3; rep 2021, ord 21-57, sec 2.)

Section 2-209. Agency organization.

- (a) There shall be an animal control and protection administrator who shall be in the civil service and shall be recruited through civil service recruitment procedures based on merit.
- (b) The animal control and protection agency shall consist of the animal control administrator and necessary staff. The animal control administrator shall oversee and supervise the operations of the animal control and protection agency.
- (c) The animal control and protection administrator shall be under the direct supervision and control of the managing director.

(2023, ord 23-33, sec 3.)

Section 2-210. [Former] Repealed.

(2004, ord 04-4, sec 2; am 2006, ord 06-98, sec 2; am 2011, ord 11-130, sec 4; rep 2021, ord 21-57, sec 2.)

Section 2-210. Powers and duties of the animal control and protection administrator.

The animal control administrator:

- (1) Shall have the direct responsibility for the administration and operation of County pounds, which services can be provided directly, jointly, or under contract with private entities;
- (2) Shall have the authority to staff the agency with necessary personnel to carry out the purposes of the agency;
- (3) May enter into agreements with Federal, State, or private entities to provide services as required by chapters, 142, 143 and 711, Hawai'i Revised Statutes, relating to the protection of animals, and chapter 4, Hawai'i County Code or to provide additional services or programs, as provided by law, with respect to the protection of animals;
- (4) Shall make periodic reports to the managing director concerning the affairs and activities of the agency, including pound operations;
- (5) Shall make bi-annual reports to the County council concerning the affairs and activities of the agency, including pound operations; and
- (6) May adopt rules, pursuant to chapter 91, Hawai'i Revised Statutes, necessary for purposes of this article, including but not limited to rules relating to fees and charges relating to animal control costs.

(2023, ord 23-33, sec 3.)

Section 2-211. Repealed.

(2004, ord 04-4, sec 2; rep 2021, ord 21-57, sec 2.)

Section 2-212. Repealed.

(2004, ord 04-4, sec 2; rep 2021, ord 21-57, sec 2.)

Section 2-213. Repealed.

(2004, ord 04-4, sec 2; rep 2021, ord 21-57, sec 2.)

ADMINISTRATION

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Article 42. Public Access, Open Space, and Natural Resources Preservation.**Section 2-214. Repealed.**

(2005, ord 05-85, sec 2; am 2005, ord 05-166, sec 1; am 2006, ord 06-151, sec 1; ord 06-169, sec 1; am 2007, ord 07-21, sec 1; am 2009, ord 09-66, sec 2; am 2013, ord 13-31, sec 2; rep 2015, ord 15-97, sec 3.)

Section 2-214.1. Public access, open space, and natural resources preservation fund.

- (a) A public access, open space, and natural resources preservation fund is hereby established. This special fund shall be administered and managed by the finance department. Monies deposited shall be invested in a conservative interest-bearing account that will allow monies to be available for property acquisition and prevent any erosion of the fund's principal amount.
- (b) The fund shall consist of monies from:
 - (1) The proceeds from the sale of any general obligation bonds, authorized and issued for the purposes of this section;
 - (2) Council appropriations for the purposes of this section;
 - (3) Any source of revenue dedicated by the Charter or the Code for the purposes of this section;
 - (4) Grants and private contributions intended for the purposes of this section;
 - (5) Two percent of Hawai'i County real property tax revenues collected annually (including penalties and interest). Deposits will be made to the Fund on June 30, 2007 and then again on December 31, 2007, and on December 31 and June 30, in successive years, with deposits being calculated on all real property tax payments (including penalties and interest) received in the prior six months. Additional deposits and adjustments may be made at the discretion of the director of finance;
 - (6) Monies from items numbered (1), (2), (3), and (4) above, shall be deposited as received; and
 - (7) Notwithstanding (b)(5) of this section, for the period from July 1, 2009 to June 30, 2011, no payments relating to this section shall be allocated or deposited, provided, however, that all payments accrued through June 30, 2009 shall be allocated and deposited by July 31, 2009.
- (c) The fund shall be used for acquiring lands or property entitlements in the County of Hawai'i for the following purposes:
 - (1) Public outdoor recreation and education, including access to beaches and mountains;
 - (2) Preservation of historic or culturally important land areas and sites;
 - (3) Protection of natural resources, including buffer zones;
 - (4) Preservation of forests, beaches, coastal areas, natural beauty and agricultural lands; and
 - (5) Protection of watershed lands to preserve water quality and water supply.

- (g) Sponsorship recognition, publications, and publicity must conform to all applicable laws and rules, including but not limited to chapter 445, part IV, Hawai'i Revised Statutes, pertaining to outdoor advertising, including billboards, and chapter 3 of this Code, pertaining to sign regulations.
 - (h) The County retains its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of sponsorship recognitions, affiliations, and messages.
- (2018, ord 18-32, sec 2.)

Section 2-243. General requirements.

- (a) The County shall not relinquish any aspect of the County's right to direct, manage, and control a County asset.
- (b) Except as required by law or expressly established by an affirmative action by the council, sponsorship shall not convey upon any person the right to access or use a County asset for any purpose other than the intended and authorized governmental purpose or service.
- (c) Sponsorships shall not be deemed to constitute an endorsement of the sponsor or its services and products, or create any proprietary interest of the sponsor in the County or the County assets.
- (d) The sponsorship must not confer a personal benefit, directly or indirectly, to any particular County officer or employee.
- (e) The sponsorship must not discriminate against any person on the basis of race, color, creed, religion, sex, including gender identity and expression, sexual orientation, age, marital status, ancestry, national origin, or disability.
- (f) Sponsors shall defend, indemnify, and hold harmless the County, its officers, agents, and employees against all liability, loss, damage, cost, and expense, including attorneys' fees, arising out of or resulting from the acts or omissions of the sponsor, its directors, employees, officers, agents, or contractors, in connection with the sponsorship and the sponsorship agreement.

(2018, ord 18-32, sec 2.)

Section 2-244. Funds received from sponsorship agreements.

All funds received pursuant to sponsorship agreements will be deposited into the appropriate fund as determined by the director of finance, provided that such funds are expended for their designated purpose.

(2018, ord 18-32, sec 2.)

Section 2-245. Adoption of rules.

The director of finance or other director as designated by the mayor shall adopt rules, pursuant to chapter 91, Hawai'i Revised Statutes, for the purposes of this article.

(2018, ord 18-32, sec 2.)

Article 47. Disaster Relief, Recovery, and Resilience.**Section 2-246. Findings and purpose.**

The purpose of this article is to establish standards for the appropriation of disaster relief funds that the County received, or may receive, for the purposes of providing relief, recovery, mitigation, and long-term resilience for disaster damages, losses, and suffering caused by the 2018 Kīlauea eruption. The council finds that the appropriation of the disaster relief funds in accordance with this article constitutes a valid public purpose.

(2020, ord 20-28, sec 1; am 2023, ord 23-64, sec 1.)

Section 2-247. Definitions.

As used in this article, unless otherwise specified:

“Director” means the director of finance of the County.

“Disaster relief” means monies awarded in the form of a grant to an eligible nonprofit organization for the purposes of relief, recovery, mitigation, or long-term resilience following the 2018 Kīlauea eruption.

“Disaster relief funds” means funds from other public entities or private donors appropriated to the County for the purposes of relief, recovery, mitigation, or long-term resilience following the 2018 Kīlauea eruption.

“Long-term resilience” means the capacity to adapt to changing conditions and to prepare for, withstand, and rapidly recover from social, environmental, and economic shocks and stressors, with minimal human, environmental, and economic costs, risks, and damages.

“Nonprofit organization” means an organization organized for other than profit-making purposes and which has a current 501(c)(3) tax-exemption from the Internal Revenue Code.

(2020, ord 20-28, sec 1; am 2023, ord 23-64, sec 1.)

Section 2-248. Applicability; restrictions of funding source; County reservation of funds.

- (a) This article shall apply exclusively to the appropriation of disaster relief funds for the purpose of providing disaster relief and long-term resilience to eligible nonprofit organizations. This article shall not apply to any other County funds not appropriated for disaster relief purposes.
- (b) If the funding source of the disaster relief funds imposes restrictions on the use of the disaster relief funds that are contrary to, or conflict with, the uses allowed under this article, the restrictions imposed by the funding source shall govern, and the director shall not appropriate any of those funds under this article.
- (c) Notwithstanding the ability to award grants under this article, the County reserves the right to use disaster relief funds for grant matching purposes.

(2020, ord 20-28, sec 1; am 2023, ord 23-64, sec 1.)

Section 2-249. Administration.

The director shall administer all matters covered under this article.

(2020, ord 20-28, sec 1.)

Section 2-250. Eligible nonprofit organizations.

- (a) The granting of disaster relief funds under this article shall be made only to nonprofit organizations that demonstrate the following:
 - (1) Clear evidence that the nonprofit organization meets the eligibility requirements set forth in section 2-137 of this chapter;
 - (2) Evidence that the nonprofit was directly impacted by the 2018 lower east rift zone eruption of Kīlauea or service to Lower Puna communities, which is defined as extending from and inclusive of the Hawaiian Paradise Park subdivision to Kalapana, and including Orchidland Estates, ʻĀinaloa, Hawaiian Beaches, Hawaiian Shores, Kapoho, Pāhoa, Nānāwale, Leilani Estates, and other communities proximate to the lower east rift zone; and
 - (3) Eligibility to receive disaster relief through substantiated documents, studies, photographs, or other similar evidence that is deemed satisfactory by the director.
- (b) The nonprofit organization applying for a grant of disaster relief funds shall bear the burden of substantiating the claim for disaster relief or long-term resilience. (2020, ord 20-28, sec 1; am 2023, ord 23-64, sec 1.)

Section 2-251. Conditions for grants.

- (a) Before receiving any grant, nonprofit organizations to whom a grant has been awarded shall agree to comply with the conditions set forth in section 2-138 of this chapter.
- (b) The grant award shall be used for expenses that are reasonably and directly related to the claim for disaster relief and efforts to increase long-term resilience including, but not limited to, economic development.
- (c) The grant award shall not be used to design or construct buildings, structures, fixtures, real property, or any parts thereof, that did not lawfully exist, or that were not properly permitted, prior to the 2018 Kīlauea eruption.
- (d) The grant award may be used for capital improvement purposes including, but not limited to, design and construction of buildings, structures, fixtures, real property, or any parts thereof, so long as the purpose of the capital improvement is to restore, repair, rebuild, replace, or rehabilitate a building, structure, fixture, real property, road, highway, or any parts thereof, that were destroyed, shown to be at risk, or otherwise damaged by the 2018 Kīlauea eruption. Any such capital improvement may occur on public or private property.
- (e) Before receiving any grant, nonprofit organizations to whom a grant has been awarded shall certify to the director that any building, structure, fixture, real property, or the like, for which any disaster relief is sought, lawfully existed and was otherwise properly permitted and in compliance with applicable State and County laws, prior to the 2018 Kīlauea eruption; but where any building, structure, fixture, real property, or the like, is not properly permitted, after an inspection of the building, structure, fixture, real property, or the like, a grant may be awarded upon the issuance of a temporary certificate of occupancy from the director of public works.

- (f) The nonprofit organization to whom a grant has been awarded for capital improvement purposes shall obtain all necessary permits prior to commencing any capital improvement work.
- (g) In accordance with subsections (c), (d), (e), and (f) of this section, the grant award may be used for capital improvement purposes where the awarded nonprofit organization has a real property interest less than fee simple, whose lease is for at least fifteen years with the property owner.
- (h) The nonprofit organization to whom a grant has been awarded shall not use the disaster relief funds for anything other than those uses as duly approved by the director.
- (i) In the event that the nonprofit organization is unable or unwilling to use the disaster relief funds as were duly approved by the director in accordance with this article, the director shall direct the return of the full grant amount or balance of the unexpended disaster relief funds.
- (j) The director shall have the authority to require that the awarded nonprofit organization use the disaster relief funds by a particular date, which may be extended upon the request of the nonprofit organization and the approval of the director in writing.

(2020, ord 20-28, sec 1; am 2023, ord 23-64, sec 1.)

Section 2-252. Procedure for awarding grants.

- (a) All grant awards made to a nonprofit organization under this article shall be made in accordance with the following procedures set forth in this section, including that the applicant shall:
 - (1) Submit an application to the director demonstrating that it meets all requirements set forth in section 2-250;
 - (2) Propose a grant amount and provide its proposed use, which shall be in compliance with section 2-251, for the disaster relief funds, if awarded;
 - (3) Attach all necessary documentation to its application to the director, including the information set forth in section 2-250 and section 2-251(e); and
 - (4) Submit the application and all necessary documentation on or before a date designated by the director.
- (b) The director, or the director's designee, shall evaluate the submitted applications and necessary documentation and determine if the nonprofit organization is eligible to receive disaster relief funds under this article.
- (c) If the director, or the director's designee, finds that a nonprofit organization is eligible to receive disaster relief funds, the director shall use the criteria set forth in section 2-253 to assess the amount of disaster relief funds that may be awarded to that nonprofit organization.
- (d) Grant awards of \$25,000 or less may be authorized solely by the director.
- (e) Grant awards in excess of \$25,000 shall specifically identify the nonprofit organization receiving the grant funds and the purpose for which the grant funds shall be used in a resolution.

(2020, ord 20-28, sec 1; am 2023, ord 23-64, sec 1.)

Section 2-253. Criteria.

The director shall take the following criteria into consideration when determining the amount of a grant award:

- (1) The extent to which the nonprofit organization has the capacity to carry out the proposed use of the disaster relief funds;
- (2) The strength of fiscal and administrative controls to properly manage the disaster relief funds;
- (3) The ability to leverage or obtain other funds to contribute to the proposed use of the disaster relief funds;
- (4) The extent to which the proposed use of the disaster relief funds reflects a coherent and feasible approach, including a reasonable timeline for completion of the work, which shall demonstrate how the proposed use intends to provide for relief, recovery, mitigation, and/or long-term resilience following the 2018 Kīlauea eruption; and
- (5) The submittal of a realistic, thorough, and accurate budget for the proposed use of the disaster relief funds.

(2020, ord 20-28, sec 1; am 2023, ord 23-64, sec 1.)

Section 2-254. Maximum grant award.

- (a) Disaster relief funds may be awarded to a nonprofit organization for a single use or multiple uses so long as the combined total is no more than \$500,000 per application cycle under this article.
- (b) A nonprofit organization may act as a fiscal sponsor administering disaster relief funds on behalf of another entity. The entity may receive disaster relief funds for a single use or multiple uses so long as the combined total is no more than \$500,000 per application cycle under this article and which have been duly approved by the director in accordance with sections 2-251 and 2-253.
- (c) This maximum grant award amount shall not apply to other grant amounts that may have been awarded, or may be awarded in the future, to the same nonprofit organization under article 25 of this chapter.

(2020, ord 20-28, sec 1; am 2023, ord 23-64, sec 1.)

Section 2-255. No lapse of disaster relief funds.

The disaster relief funds held in the account shall not lapse and shall remain in the account until appropriated and fully expended.

(2020, ord 20-28, sec 1; am 2023, ord 23-64, sec 1.)

Section 2-256. Records, reporting, and fiscal accountability requirements.

- (a) The nonprofit organization shall follow generally accepted accounting procedures and practices and shall maintain books, records, documents, and other evidence that sufficiently and properly account for the expenditure of the disaster relief funds. The books, records, and documents shall be subject at all reasonable times to inspection, reviews, or audits by the director and the County auditor, or by their designated representatives.

- (b) The director may request periodic written reports on the use of the disaster relief funds.
- (c) The nonprofit organization shall submit a written report to the director within sixty days after the final expenditure of the amount of disaster relief funds that was awarded. The report shall include, but not be limited to, a detailed description focusing on specific, measurable outcomes of how the disaster relief funds were used and a breakdown of other funding sources and their expenditures.
- (d) In addition to any other remedy provided by law, if the nonprofit organization fails to submit the written report due within sixty days from the date of the final expenditure of the amount of disaster relief funds that was awarded, the director shall require the nonprofit organization to return all grant funds awarded and deem the nonprofit organization ineligible to receive future grant awards for at least the following fiscal year, and for all subsequent fiscal years until such time as the written report is submitted to, and accepted by, the director.
- (e) Should the director determine that the written report is deficient in any way, the nonprofit organization shall be notified of the deficiencies and shall provide additional information to mitigate the deficiencies within thirty days of notice. Noncompliance shall constitute a violation of this section.

(2020, ord 20-28, sec 1; am 2023, ord 23-64, sec 1.)

Section 2-257. Indemnification.

All contracts executed under this article shall contain a provision that the awarded grantee shall save, indemnify, defend, and hold harmless the County against any claims arising from the award or use of disaster relief funds.

(2020, ord 20-28, sec 1.)

Section 2-258. Rules.

The director may adopt administrative rules pursuant to chapter 91 of the Hawai'i Revised Statutes, as amended, as may be necessary to implement this article.

(2020, ord 20-28, sec 1.)

Article 48. Transient Accommodations Tax.

Section 2-259. Tax established.

Pursuant to Part III of Act 1, Special Session Laws of Hawai'i 2021, a three percent transient accommodations tax is established on all gross rental, gross rental proceeds, and fair market rental value considered taxable under the definitions of section 237D-1, Hawai'i Revised Statutes. This tax shall be levied beginning on January 1, 2022.

If the gross rental, gross rental proceeds, and fair market rental value are received as payments beginning in the taxable year in which this tax becomes effective, on written contracts entered into prior to the establishment of this article, and the written contracts do not provide for the passing on of increased rates of taxes, the County transient accommodations tax will not be imposed on the gross rental, gross rental proceeds, and fair market rental value covered under the written contracts.

(2021, ord 21-89, sec 2.)

Section 2-265. Appeals.

Any taxpayer aggrieved by any assessment of the tax or liability imposed by this article may appeal from the assessment within thirty days of the issuance of the assessment to the appropriate State of Hawai'i court having jurisdiction over the amount in controversy, unless otherwise superseded by State law. Alternatively, if the taxpayer aggrieved has also filed a proceeding against the State for the State tax or liability imposed, the aggrieved taxpayer may also join the County in the State proceeding.

(2021, ord 21-89, sec 2.)

Section 2-266. Collection by suit; injunction.

- (a) The director may collect taxes due and unpaid under this article, together with all accrued penalties, by filing suit or other appropriate proceeding in an appropriate State of Hawai'i court located in the third circuit having jurisdiction over the amount due and unpaid.
- (b) Notwithstanding subsection (a) above, the director may join any proceeding filed by the State of Hawai'i to collect State transient accommodations tax and assert the County's claims regardless of whether the venue is located in the third circuit.

(2021, ord 21-89, sec 2.)

Section 2-267. Penalty and interest.

Unless otherwise provided in this article or rule adopted by the director, penalties and interest shall be added to and become a part of the County tax in the same manner as penalties and interest are added to and become part of the State transient accommodations tax.

(2021, ord 21-89, sec 2.)

Section 2-268. Director of finance.

- (a) The director shall administer and enforce this article, in respect of:
 - (1) The examination of books and records of taxpayers;
 - (2) Procedure and powers upon failure or refusal by a taxpayer to make a return, a proper return, or payment;
 - (3) The general administration of this article;
 - (4) To enter into agreements with the director of taxation, other State agency, or entity approved in furtherance of the administration and enforcement of this article; and
 - (5) To identify taxpayers and delinquencies to the director of any County department charged with permitting, oversight or enforcement of transient accommodations.
- (b) The director shall have the rights and powers conferred by section 6-6.3, Hawai'i County Charter.

- (c) The director is further authorized to delegate any authority provided in this article.
 - (d) If any section in this article conflicts with this authority to enter into an agreement for the collection of taxes, it shall be void. The director must appropriately notify taxpayers of any voided section.
- (2021, ord 21-89, sec 2.)

Section 2-269. Administrative rules.

The director may adopt administrative rules pursuant to chapter 91, Hawai'i Revised Statutes, as amended, as may be necessary to implement this article.

(2021, ord 21-89, sec 2.)

Article 49. Sustainability, Climate, Equity, and Resilience.

Division 1. Office of Sustainability, Climate, Equity, and Resilience.

Section 2-270. Creation.

An office to be known as the office of sustainability, climate, equity, and resilience is created.

(2023, ord 23-56, sec 2.)

Section 2-271. Sustainability administrator created.

There shall be a sustainability administrator. The sustainability administrator shall be appointed by the mayor, confirmed by the council, and may be removed by the mayor. The council shall act to confirm or reject any appointment by the mayor within sixty days after receiving notice of the appointment from the mayor. If the council does not confirm or reject any such appointment within sixty days, the appointee shall be deemed to have been confirmed. An appointee shall take office upon confirmation by the council. At a minimum, the sustainability administrator shall be able to demonstrate the following through education and/or employment:

- (1) Experience leading a major program in sustainability, climate action, environmental management, environmental or social justice, or a related field;
- (2) Technical knowledge of the science of climate change mitigation and adaptation, sustainability, and natural resource management;
- (3) Understanding of Native Hawaiian culture and of the unique environmental and social justice issues in Hawai'i;
- (4) Skills in leadership, staff supervision, communication, and organization development;
- (5) Experience with project management and interagency collaboration; and
- (6) Experience with policy development and securing and managing outside funding.

A bachelor's degree and five years of experience or a master's degree and three years of experience in the fields of sustainability, climate change, environment, resilience, or related fields shall be preferred.

(2023, ord 23-56, sec 2.)

Section 2-272. Duties of sustainability administrator.

The sustainability administrator shall have direct responsibility for the administration and operation of the office of sustainability, climate, equity, and resilience.

(2023, ord 23-56, sec 2.)

Division 2. Climate Action Revolving Fund.**Section 2-273. Climate action revolving fund created.**

There is established a fund entitled the sustainability, climate, equity, and resilience fund to be maintained by the director of finance.

(2023, ord 23-56, sec 2.)

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CHAPTER 4

ANIMALS

Article 1. Definitions.

Section 4-1-1. Definitions.

Article 2. Dog, Cat, and Animal Pounds.

- Section 4-2-1. Pound established for dogs, cats, and domesticated animals.
- Section 4-2-2. Direction, control, and administration of pound.
- Section 4-2-3. Power to seize and impound dogs, cats, and domesticated animals.
- Section 4-2-4. Enforcement by animal control officer.
- Section 4-2-5. Expenses and appropriations for the pound.
- Section 4-2-6. Repealed.
- Section 4-2-7. Repealed.
- Section 4-2-8. Repealed.
- Section 4-2-9. Repealed.
- Section 4-2-10. Repealed.

Article 3. Dogs, Cats, and Other Animals.

- Section 4-3-1. Impoundment of animals.
- Section 4-3-2. Failure to remove animal; penalty.
- Section 4-3-3. Duty upon striking animals, including dogs and cats.
- Section 4-3-4. Cruelty to animals, including dogs and cats.
- Section 4-3-5. Places prohibited to animals, including dogs and cats.
- Section 4-3-6. Defecation and nuisance prohibited.

Article 4. Dogs.

Division 1. Dog License Fees.

- Section 4-4-1. Fees.
- Section 4-4-2. Proof of sterilization.

Division 2. General Provisions.

- Section 4-4-21. Seizure of dogs by officers.
- Section 4-4-22. Seizure of stray dogs by persons other than officers.
- Section 4-4-23. Redemption of seized dogs after sale.
- Section 4-4-24. Female dogs.
- Section 4-4-25. Noisy dogs.

- Section 4-4-26. Noisy dog; reasonable attempts to reduce noise; penalties.
- Section 4-4-27. Harboring, holding for reward, or licensing of strayed or stolen dogs.
- Section 4-4-28. Injuring or poisoning dogs.
- Section 4-4-29. Leash required for public places.
- Section 4-4-30. Penalty for permitting a dog to stray.

Division 3. Dangerous Dogs.

- Section 4-4-31. Dangerous dogs may be slain.
- Section 4-4-32. Negligent failure to control a dangerous dog; penalties.
- Section 4-4-33. Habitual negligent failure to control a dangerous dog; penalties.
- Section 4-4-34. Citation and summons; seizure; relinquishment of ownership.
- Section 4-4-35. Additional penalties.
- Section 4-4-36. Civil action not precluded.
- Section 4-4-37. Exemption.

Article 5. Reserved.

Article 6. Reserved.

Article 7. Reserved.

Article 8. Reserved.

Article 9. Enforcement.

- Section 4-9-1. Enforcement.
- Section 4-9-2. Training; appointment; powers of animal control officer.
- Section 4-9-3. Summons.
- Section 4-9-4. Failure to obey summons.
- Section 4-9-5. Issuance of complaint; when.
- Section 4-9-6. Disposition of fines and forfeitures.

“Substantial bodily injury” means bodily injury which causes:

- (1) A major avulsion, laceration, or penetration of the skin;
- (2) A burn of at least second degree severity;
- (3) A bone fracture;
- (4) A serious concussion; or
- (5) A tearing, rupture, or corrosive damage to the esophagus, viscera, or other internal organs.

“Vicious dog” means a dog which:

- (1) Places a person or other animal in imminent danger of bodily injury; or
- (2) Has bitten any person or animal.

A dog shall not be deemed vicious where the vicious behavior in question is the result of the dog being tormented, assaulted, or otherwise abused by the victim of the vicious behavior.

(1983 CC, c 4, art 1, sec 4-1; am 1988, ord 88-48, sec 2; am 1992, ord 92-93, sec 1; am 2002, ord 02-138, sec 2; am 2022, ord 22-36, secs 2-4.)

Article 2. Dog, Cat, and Animal Pounds.

Section 4-2-1. Pound established for dogs, cats, and domesticated animals.

The animal control and protection agency may establish pounds for the purpose of impounding, caring for, sheltering, and disposing of unlicensed, lost, stray, homeless, or diseased dogs, cats, or any seized animals not redeemed in the County of Hawai‘i.

(1983 CC, c 4, art 2, sec 4-2; am 2023, ord 23-33, sec 4.)

Section 4-2-2. Direction, control, and administration of pound.

Each pound shall be under the direction, control and administration of the animal control and protection agency which shall, in addition to the duties provided in section 4-2-1, feed and shelter the dogs, cats, and domesticated animals in their care pursuant to chapter 143, Hawai‘i Revised Statutes.

(1983 CC, c 4, art 2, sec 4-3; am 1992, ord 92-93, sec 2; am 2023, ord 23-33, sec 4.)

Section 4-2-3. Power to seize and impound dogs, cats, and domesticated animals.

The County animal control and protection agency shall be authorized to seize and impound any dog, cat, or other domesticated animal, when such dog, cat, or other domesticated animal is a stray, and to dispose of such dog, cat, or domesticated animal in accordance with chapter 143, Hawai‘i Revised Statutes, as amended.

(1983 CC, c 4, art 2, sec 4-4; am 1992, ord 92-93, sec 2; am 2023, ord 23-33, sec 4.)

Section 4-2-4. Enforcement by animal control officer.

The animal control and protection agency may designate its employees who possess qualifications and training satisfactory to the County to serve as animal control officers to carry out the provisions of this article, chapter 143, Hawai'i Revised Statutes, and other provisions of this chapter which expressly authorize such animal control officers to take specific action by ordinance.

(1983 CC, c 4, art 2, sec 4-5; am 1992, ord 92-93, sec 2; am 2023, ord 23-33, sec 4.)

Section 4-2-5. Expenses and appropriations for the pound.

All expenses of seizing, impounding, and disposing of stray animals, including dogs, cats, or domesticated animals, shall be borne by the County.

(1983 CC, c 4, art 2, sec 4-6; am 1992, ord 92-93, sec 2; am 2023, ord 23-33, sec 4.)

Section 4-2-6. Repealed.

(1983 CC, c 4, art 2, sec 4-7; am 1992, ord 92-93, sec 2; rep 2023, ord 23-33, sec 4.)

Section 4-2-7. Repealed.

(1983 CC, c 4, art 2, sec 4-8; am 1992, ord 92-93, sec 2; rep 2023, ord 23-33, sec 4.)

Section 4-2-8. Repealed.

(1983 CC, c 4, art 2, sec 4-9; am 1992, ord 92-93, sec 2; rep 2023, ord 23-33, sec 4.)

Section 4-2-9. Repealed.

(1983 CC, c 4, art 2, sec 4-10; am 1992, ord 92-93, sec 2; am 2011, ord 11-103, sec 5; rep 2023, ord 23-33, sec 4.)

Section 4-2-10. Repealed.

(1983 CC, c 4, art 2, sec 4-11; am 1992, ord 92-93, sec 2; rep 2023, ord 23-33, sec 4.)

Article 3. Dogs, Cats, and Other Animals.

* **Editor's Note:** A new article 3, "Dogs, Cats, and Other Animals," was created and sections 4-14 to 4-19 placed within this article by Ordinance 22-36.

Section 4-3-1. Impoundment of animals.

- (a) If any animal, except dogs and cats, trespasses, roams, strays or grazes upon any public lands, private lands of another, or upon any public highway in the County, any police officer or officer may seize and impound such animal for such period of time as may be deemed necessary; provided that reasonable attempts have first been made to notify the owner or keeper of the animal to remove the animal.
- (b) If reasonable attempts to notify the owner or keeper of the animal are unsuccessful, if the owner or keeper is unknown, or the owner or keeper refuses or fails to remove the animal after notice, the animal may be seized and impounded by the police or any officer. The owner or keeper of the animal shall pay not less than \$5 for each animal that is seized and impounded plus all additional costs incurred in the removal and transportation of the animal, and all costs for the feeding and care of each animal, including, but not limited to bona fide veterinary expenses. If any damage is done by the animals, the owner thereof shall pay to the proper claimant the full amount of damage or loss occasioned by the straying of the animals.
- (c) In case the charges and fees are not paid, or after forty-eight hours, in cases where the owners are unknown, the animals may be sold at public auction, or disposed of by the chief of police or the chief's authorized representative.

(1983 CC, c 4, art 4, sec 4-14; am 2022, ord 22-36, sec 5.)

Section 4-3-2. Failure to remove animal; penalty.

In addition to the charges or damages in section 4-3-1, the owner of any animal which trespasses, roams, strays, or grazes upon any public or private lands, or upon a public highway in the County, if upon notice, fails to remove the animals within twenty-four hours thereof, shall be guilty of a violation of this section and upon conviction thereof shall be fined not more than \$100.

(1983 CC, c 4, art 4, sec 4-15; am 2022, ord 22-36, sec 5.)

Section 4-3-3. Duty upon striking animals, including dogs and cats.

The driver of any vehicle which collides with or is involved in an accident with any animal, including dogs and cats, shall:

- (1) Stop, move the animal off the road, if possible, and render aid where necessary, and immediately; and
- (2) Have the animal's owner located, or
- (3) Notify the police department or animal control and protection agency.

There shall be a penalty of not more than \$50 for each violation of paragraph (2) or (3) of this section.

(1983 CC, c 4, art 4, sec 4-16; am 1986, ord 86-34, sec 1; am 2022, ord 22-36, sec 5; am 2023, ord 23-33, sec 5.)

Section 4-3-4. Cruelty to animals, including dogs and cats.

A person commits the offense of cruelty to animals, dogs and cats if the person knowingly or recklessly:

- (1) Gives away an animal, dog or cat, or animals, dogs or cats, as a prize or prizes;
- (2) Abandons any animal, dog or cat.

There shall be a penalty of not more than \$500 for each violation of this section. (1983 CC, c 4, art 4, sec 4-17; am 1986, ord 86-34, sec 2; am 2022, ord 22-36, sec 5.)

Section 4-3-5. Places prohibited to animals, including dogs and cats.

- (a) Except as otherwise provided, it shall be unlawful for any person to take or permit any dog, cat, or other domestic animal, whether loose or on a leash or in restraint on or about any County beach park or any establishment or place of business where food or food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets, fruit or vegetable stores.
- (b) This section shall not apply to "Seeing Eye" dogs or other dogs necessarily utilized for the benefit of handicapped persons or to dogs used for purposes of law enforcement by law enforcement agencies of the Federal, State or County governments.
- (c) There shall be a penalty of not more than \$50 for each violation of this section. (1983 CC, c 4, art 4, sec 4-18; am 1986, ord 86-34, sec 3; am 2022, ord 22-36, sec 5.)

Section 4-3-6. Defecation and nuisance prohibited.

- (a) No person who owns, harbors, keeps or has charge or control of any dog or other small domesticated animal shall cause, suffer, or allow such animal to soil, defile, defecate on, or commit any nuisance on any part of any street, including any sidewalk, passageway or bypath, or on any play area, park, or place where people congregate or walk, or on any public property, or on any private property, without the permission of the owner of the property.
- (b) The restrictions in this section shall not apply to that portion of the roadway of any street which lies between and within three feet of the edges or curbs of the roadway, except at crosswalks or bus stops, provided that the person who owns, harbors, keeps or has charge or control of a domesticated animal shall immediately and securely enclose all feces deposited by the animal in a bag, wrapper, or other container, and dispose of the same all in a sanitary manner.
- (c) There shall be a penalty of not more than \$50 for violations of this section. (1983 CC, c 4, art 4, sec 4-19; am 1986, ord 86-34, sec 4; am 2022, ord 22-36, sec 5.)

Article 4. Dogs.

* **Editor’s Note:** A new article 4, “Dogs” was created and divided into: division 1, “Dog License Fees;” division 2, “General Provisions;” and division 3, “Dangerous Dogs,” by Ordinance 22-36. Further, sections 4-12 to 4-13 were placed within division 1; sections 4-20 to 4-27, and 4-29 to 4-30 were placed within division 2; and sections 4-28, and 4-31 to 4-31.3 were placed within division 3.

Division 1. Dog License Fees.

Section 4-4-1. Fees.

(a) The following fees are hereby established as biennial license fees for the privilege of owning, harboring or keeping of dogs in the County:

- (1) Sterilized dogs \$2.00
- (2) Unsterilized dogs..... \$6.00

(b) For purpose of this section a sterilized dog means a spayed female dog and a neutered male dog.

(1983 CC, c 4, art 3, sec 4-12; am 2022, ord 22-36, sec 6.)

Section 4-4-2. Proof of sterilization.

Any person seeking to have the person’s dog licensed at the sterilized dog rate must present a certificate from a veterinarian licensed to practice within the State showing the description, age, and breed of the dog and certifying its sterilization.

(1983 CC, c 4, art 3, sec 4-13; am 2022, ord 22-36, sec 6.)

Division 2. General Provisions.

Section 4-4-21. Seizure of dogs by officers.

(a) Seizure of unlicensed dogs.

- (1) Every officer shall seize any unlicensed dog found running at large or found upon any public highway, street, alley, court, place, square, or grounds, or upon any unfenced lot, or not within a sufficient enclosure, and confine it in a pound or any suitable enclosure for a minimum period of forty-eight hours, during which time it shall be subject to redemption by its owner by payment of the license due, if any, and an impoundment fee of \$10. Every dog found without a registration tag affixed to the dog’s collar will be deemed to be unlicensed.
- (2) If not so redeemed, the dog shall be sold by the officer for the amount of the license and impoundment fee, or as much more as can be obtained therefor, and if not so sold, it shall be humanely destroyed.
- (3) The owner of any unlicensed dog impounded and not claimed within forty-eight hours as provided in this section, may redeem the dog at any time before sale or destruction by paying to the animal control and protection agency, in addition to the amount of the license and impoundment fee, the sum of \$5 per day for the number of days over two days the dog was impounded.
- (4) Of the moneys so received, the amount of the impoundment fee or kennel fees, if any, shall be paid to the director of finance.

- (b) Seizure of licensed stray dogs.
- (1) Every officer shall seize and impound any licensed stray dog.
 - (2) The officer shall notify the person to whom the license was issued, at the address given in the license certificate, and shall, upon demand made within forty-eight hours thereafter, release the dog to the person upon payment of an impoundment fee of \$10.
 - (3) If no person lawfully entitled to the dog shall, within seven days after the date of giving notice, claim the dog, the dog may be sold or destroyed by the animal control and protection agency.
 - (4) The owner of any licensed dog impounded and not claimed within forty-eight hours may redeem the dog at any time before the sale or destruction of the dog by paying to the animal control and protection agency, in addition to the \$10 impoundment fee, the sum of \$5 per day for the number of days over two days the dog was impounded.
 - (5) All impoundment and kennel fees collected by the animal control and protection agency in any given month shall be deposited by the animal control and protection agency no later than the fifth day of the following month with the finance director to the credit of the County of Hawai'i general fund account.

(1983 CC, c 4, art 4, sec 4-20; am 1995, ord 95-32, sec 2; am 2022, ord 22-36, sec 6; am 2023, ord 23-33, sec 6.)

Section 4-4-22. Seizure of stray dogs by persons other than officers.

- (a) Every person other than an officer as defined hereinabove who takes into possession any stray dog shall within forty-eight hours notify the animal control and protection agency and release the dog to the animal control and protection agency to be impounded and disposed of according to section 4-4-21.
- (b) There shall be a penalty of \$10 for each violation of this section.

(1983 CC, c 4, art 4, sec 4-21; am 2022, ord 22-36, sec 6; am 2023, ord 23-33, sec 7.)

Section 4-4-23. Redemption of seized dogs after sale.

The owner of any dog which has been seized and sold as provided in this chapter may, at any time within thirty days after the sale, redeem the same from the purchaser by paying to the purchaser the amount of the purchase price paid by the purchaser and the sum of \$1 per day for the number of days from the date of sale to and including the date of redemption, plus bona fide veterinary expenses.

(1983 CC, c 4, art 4, sec 4-22; am 2022, ord 22-36, sec 6.)

Section 4-4-24. Female dogs.

- (a) Any female dog in season is not permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult.

- (b) At all other times, when any dog is in season such dog shall be confined within a building or enclosure in such manner that she will not come in contact (except for intentional breeding purposes) with a male dog.
- (c) A penalty of \$10 shall be imposed upon the owner or keeper of a dog for each violation of this section.

(1983 CC, c 4, art 4, sec 4-23; am 2022, ord 22-36, sec 6.)

Section 4-4-25. Noisy dogs.

- (a) No person shall keep any dog which barks, bays, cries, howls or makes any other noise continuously or incessantly for a period of ten minutes or barks, bays, cries, howls or makes any other noise intermittently for a period of twenty minutes within a thirty-minute period of time to the disturbance of any person at any time of day or night and regardless of whether the dog is physically situated in or upon private property.
- (b) A dog shall not be deemed a noisy dog for purposes of this section if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog. Such action is declared to be a public nuisance and detrimental to the public health and welfare.

(1983 CC, c 4, art 4, sec 4-24; am 1992, ord 92-109, sec 1; am 2022, ord 22-36, sec 6.)

Section 4-4-26. Noisy dog; reasonable attempts to reduce noise; penalties.

- (a) Any person disturbed by a noisy dog shall make a reasonable attempt to advise the owner or custodian who keeps such dog of this fact. Reasonable attempts for notification include by letter, email, visit to the owner or custodian, or any other legal method. If the person disturbed by a noisy dog is unable to notify the owner or custodian of the noisy dog, or after notifying the owner or custodian, the nuisance is not abated, the person disturbed by the noisy dog may then notify the appropriate enforcement agency.
- (b) The owner or custodian of a noisy dog that causes a disturbance as provided in section 4-4-25 shall be guilty of a violation of this section:
 - (1) If after being advised of the disturbance per subsection (a), the owner or custodian of a noisy dog does not take immediate and effective action to abate the nuisance; or
 - (2) If the appropriate enforcement agency is notified and responds to a complaint of a noisy dog and the nuisance is not abated.
- (c) There shall be a penalty of \$25 for the first violation of this section. The second violation has a penalty of \$75, the third \$100, and any subsequent violation \$200.

(1983 CC, c 4, art 4, sec 4-25; am 1992, ord 92-109, sec 1; am 1996, ord 96-105, sec 1; am 2011, ord 11-48, sec 1; am 2022, ord 22-36, sec 6.)

Section 4-4-27. Harboring, holding for reward, or licensing of strayed or stolen dogs.

- (a) Except as otherwise provided, no person shall harbor or hold for reward or procure a license for a dog which has strayed from the dog's premises or which has been picked up on a public street, highway or other public place unaccompanied by its owner or other person or which has been stolen from its owner.
- (b) There shall be a penalty of \$10 for each violation of this section.
(1983 CC, c 4, art 4, sec 4-26; am 2022, ord 22-36, sec 6.)

Section 4-4-28. Injuring or poisoning dogs.

- (a) Unless otherwise provided by law, no person shall wilfully or negligently injure or poison any dog.
- (b) There shall be a penalty of \$10 for each violation of this section.
(1983 CC, c 4, art 4, sec 4-27; am 2022, ord 22-36, sec 6.)

- (4) When outdoors, the dog be attended and kept within a fenced or walled area from which it cannot escape;
 - (5) When outdoors, the dog be attended and kept on a leash no longer than six feet in length and under the control of a person eighteen years of age or older;
 - (6) When outdoors, the dog be attended and muzzled with a muzzle that prevents the dog from biting any person or animal but does not cause injury to the dog or interfere with its vision or respiration;
 - (7) A sign or signs be placed in a location or locations directed by the court advising the public of the presence and dangerousness of the dog;
 - (8) The owner and dog, at the owner's expense, attend training sessions conducted by an animal behaviorist, a licensed veterinarian, or other recognized expert in the field;
 - (9) The dog be neutered or spayed at the owner's expense, unless the neutering or spaying of the dog is medically contraindicated;
 - (10) The owner procure liability insurance or post bond of not less than \$50,000, or for a higher amount if the court finds a higher amount appropriate to cover the medical and/or veterinary costs resulting from potential future actions of the dog;
 - (11) The dog be humanely destroyed; or
 - (12) Any other condition the court deems necessary to restrain or control the dog.
- (c) For the purposes of this section, an "escape-proof kennel" means a kennel which allows the dog to stand normally and without restriction, which is at least two and one-half times the length of the dog, and which protects the dog from the elements. Fencing or wall materials required under this section shall not have openings with a diameter of more than two inches, and in the case of wooden fences, the gaps therein shall not be more than two inches. Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the dog, and when the dog is confined to such kennel or area and unattended, such locks shall be kept locked. The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands, or other objects.
- (d) Upon probable cause, an enforcement officer may either arrest or issue a summons and citation to the owner for violation of subsection (a).
- (2022, ord 22-36, sec 13.)

Section 4-4-36. Civil action not precluded.

Nothing contained in this article shall preclude any person injured by a dog from bringing a civil action against the owner of such dog pursuant to the applicable provisions of state law.

(2002, ord 02-138, sec 3; am 2022, ord 22-36, secs 6 and 12.)

Section 4-4-37. Exemption.

The provisions of this article shall not apply to dogs owned by any law enforcement agency and used in the performance of law enforcement work.

(2002, ord 02-138, sec 3; am 2022, ord 22-36, secs 6 and 8.)

Article 5. Reserved.

Article 6. Reserved.

Article 7. Reserved.

Article 8. Reserved.

Article 9. Enforcement.

* **Editor's Note:** A new article 9, "Enforcement," was created and sections 4-32 to 4-36 placed within this article by Ordinance 22-36.

Section 4-9-1. Enforcement.

For any violation of any of the provisions of articles 3 or 4, or of the provisions of chapter 143, Hawai'i Revised Statutes, it shall be the duty of any officer authorized to seize and impound any dog running at large within the meaning of this article to issue a summons to the owner or other person charged with the responsibility of complying with the provisions of articles 3 or 4, or with the provisions of chapter 143, Hawai'i Revised Statutes. Said summons shall instruct such owner or person to report at the violations bureau of the respective district courts of the third circuit. Each such owner or person may, within seven days after the receipt of such summons, appear at such violations bureau and post a bail bond, in such amounts as may be set by the administrative judge of the district courts, for appearance on the date as may be set for such person to appear before the district court. Upon failure to appear upon such date, said bail bond shall be deemed forfeited.

(1986, ord 86-34, sec 6; am 2022, ord 22-36, secs 16 and 17.)

Section 4-9-2. Training; appointment; powers of animal control officer.

- (a) Pursuant to section 143-2.5, section 143-7, and section 46-1.5(15), Hawai'i Revised Statutes, an animal control officer shall be authorized to issue a complaint and summons or other form of citation as the animal control and protection administrator may deem to be appropriate to enable an animal control officer to carry out and to perform the duties of an animal control officer under this chapter.
- (b) The animal control and protection administrator shall verify that a person to serve as an animal control officer is qualified and trained to serve in that capacity. The animal control and protection administrator shall be empowered to establish minimum requirements for qualification and training, which may be revised from time to time, provided that a copy thereof, and of any revisions, shall be kept on file with the animal control and protection agency's office thereof at all times. All County agencies, officers and employees shall render their cooperation and assistance to the animal control and protection administrator for purposes of this subsection (b).

- (c) Upon verification of an animal control officer's qualification and training, the animal control and protection administrator or the administrator's designee shall issue an oath of office and identification badge or insignia to the animal control officer. (1992, ord 92-93, sec 3; am 2003, ord 03-116, sec 1; am 2022, ord 22-36, sec 16; am 2023, ord 23-33, sec 8.)

Section 4-9-3. Summons.

There shall be provided for use by officers authorized to enforce laws relating to the regulation and control of dogs, a form of summons for use in citing violators of the provisions of chapter 143, Hawai'i Revised Statutes. Said summons shall be printed in a form commensurate with the form of other summonses used in modern methods of arrest, so designed to include all necessary information to make the same valid and legal within the laws and regulations of the State of Hawai'i and the County of Hawai'i. The form and content of such summons shall be as adopted or prescribed by the administrative judge of the district courts.

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

Every summons shall be consecutively numbered and each carbon copy shall bear the number of its respective original.
(1986, ord 86-34, sec 6; am 2022, ord 22-36, sec 16.)

Section 4-9-4. Failure to obey summons.

It shall be unlawful for any person to fail to appear at the place and within the time specified in the summons issued to the person by an officer for any violation of any section of this article, regardless of the disposition of the charge for which the person was originally cited.

(1986, ord 86-34, sec 6; am 2022, ord 22-36, sec 16.)

Section 4-9-5. Issuance of complaint; when.

In the event any person fails to comply with a summons given to such person or if any person fails or refuses to deposit bail as required and within the time permitted, the violations bureau shall forthwith have a complaint entered against such person and secure the issuance of a warrant for the person's arrest.

(1986, ord 86-34, sec 6; am 2022, ord 22-36, sec 16.)

Section 4-9-6. Disposition of fines and forfeitures.

All fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any section or provision of this article shall be paid to the County of Hawai'i and deposited in the general fund of the County of Hawai'i.

(1986, ord 86-34, sec 6; am 2022, ord 22-36, sec 16.)

* **Editor's Note:** Sections 4-31.4, "Severability;" 4-37, "Reference to Hawai'i state law;" and 4-38, "Severability" were replaced by Ordinance 22-36.

CHAPTER 5

CONSTRUCTION ADMINISTRATIVE CODE

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- (B) The name and address of the owner as referenced on real property records;
 - (C) The name and address of the person who prepared the plans;
 - (D) The following code search information:
 - (i) The basis of the building design including but not limited to the following: type of construction; occupancy; basic allowable floor areas; separation for mixed occupancy; number of occupants, wind speed (basic, effective), wind exposure, seismic zone, and exposure, etc. In lieu of detailed specifications, the authority having jurisdiction may approve references on the plans to a specific section or part of the construction code or other ordinances or laws;
 - (ii) Calculations, stress diagrams, and other data sufficient to show the correctness of the plans, shall be submitted when required by the authority having jurisdiction;
 - (iii) All plans other than R-3 and U occupancies shall have on the plans information of occupancy, type of construction, floor area computations, allowable area increases, separation wall if used, fire resistive substitution, fire sprinkler, exits, etc.;
 - (iv) Code search information for building design; and
 - (v) Additional forms required in the construction code; and
 - (E) Floor area computations, including major and accessible floor area, that are clearly labeled; and
- (4) Include a plot plan showing the location of:
- (A) The proposed building;
 - (B) Every existing building and/or structure on the property, including but not limited to retaining walls, water tanks, pools, etc.;
 - (C) Distances between buildings;
 - (D) Setbacks; and
 - (E) Certified flood zone elevation mark, as applicable.
- (2020, ord 20-61, sec 2.)

Section 5-4-3. Engineers and architects; work.

- (a) All plans and specifications relating to work which affects the public safety or health and for which a permit is required shall be prepared, designed, and stamped by a duly licensed architect or professional engineer in the State of Hawai'i in accordance with chapter 464, Hawai'i Revised Statutes and section 16-115, Hawai'i Administrative Rules unless the work is exempt pursuant to section 464-13(b), Hawai'i Revised Statutes.
- (b) The following plans and specifications shall be prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as an architect or professional structural engineer:
 - (1) All wood trusses of more than 24' - 0" spans; and
 - (2) All pre-engineered trusses and metal trusses.

- (c) For residential (R-3 Occupancies) and accessory (U Occupancies) only, the following plans and specifications shall be prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as an architect or professional structural engineer, unless exempt pursuant to section 464.13(b), Hawai'i Revised Statutes. Whenever the exemption provided for in section 464.13(b) is applied to the construction of a new building, the applicant shall include with the application, proof that the exemption has been recorded with the bureau of conveyances pursuant to section 464-13(c), Hawai'i Revised Statutes.
- (1) All plans for post and pier type construction with/without perimeter foundation walls of R-3 Occupancies.
 - (2) Single story or two-story structure for R-3 Occupancy unless exempt pursuant to section 464.13(b), Hawai'i Revised Statutes.
 - (3) Single story or two-story structure of mixed occupancies (R-3 and U Occupancies) pursuant to section 464.13(b), Hawai'i Revised Statutes.
 - (4) Structures of R-3 or U Occupancies that are three or more stories in height.
 - (5) Structural members that are concrete, masonry or structural steel.
 - (6) Proposed construction in special hazard flood zones: AE, AH, AO, V, and VE, as prescribed in chapter 27, relating to flood control; electrical installations per chapter 5D, relating to the electrical code; and plumbing installations per chapter 5F, relating to the plumbing code.
 - (7) Structures in high seismic zones. (Category E or $S_v > 0.75$)
- (d) All plans and specifications for retaining walls over four feet in height shall be prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as an architect or professional structural engineer.
- (e) Electrical plans and specifications giving such details of the proposed installation as may be required by the authority having jurisdiction to be submitted with the application. Such plans and specifications shall be prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as a professional electrical engineer.
- Exception:
For single and two-family dwellings, townhouses and accessory structures, plans and specifications shall not be required provided the installation meets all of the following criteria:
- (1) The installation shall not be located in a rain water or sea water flood zone; and
 - (2) Service size disconnect does not exceed 200 amperes.
- (f) Installation of photovoltaic systems shall require:
- (1) Electrical design drawings and specifications that have been prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as a professional electrical engineer for residential installations with a cumulative total greater than 10 kilowatts and non-residential installations; and
 - (2) Plans and specifications for building work that have been prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as an architect or a professional structural engineer for:
 - (A) Non-residential installations; or

- (B) Residential installations that do not utilize a preapproved system or that are not consistent with approved standards including but not limited to, those relating to span tables, older homes or site-built trusses.
- (g) Installation of electrical work on residential and nonresidential electrical work in special flood hazard areas shall be prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as a professional electrical engineer.
- (h) Mechanical plans, included but not limited to plumbing installation and HVAC installation drawings, specifications shall be prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as a professional mechanical engineer, and shall be according to State statutes when required by the authority having jurisdiction. Plans for single- or two family dwellings are not required to show plumbing piping plans or diagrams unless requested by the authority having jurisdiction.

Exception:

For single and two-family dwellings and residential accessory structures, plans and specifications may be prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as an architect or professional mechanical engineer.

- (i) Plumbing plans and diagrams shall be required for R-3 single and two family dwellings and townhouses that include four or more bathrooms.
- (j) The authority having jurisdiction may require plans, computations, and specifications to be prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as an architect or professional engineer, if prescriptive requirements of the construction code are not being adhered to.
- (k) No person shall materially deviate from any reviewed plan or specifications or fail, neglect or refuse to comply herewith, unless permission to do so has first been obtained from the person who is licensed in the State of Hawai'i and listed as the architect or professional engineer of record. Revised drawings or a letter, or both, that show such deviations and have been prepared, designed, and stamped by the architect or professional engineer of record, shall be submitted to the authority having jurisdiction for review and approval.

(2020, ord 20-61, sec 2; am 2023, ord 23-88, sec 1.)

Section 5-4-4. Contractors and specialty contractors; work.

- (a) Prior to issuance of a permit, applicants for a permit shall file a statement with the authority having jurisdiction that includes the following:
- (1) Name; address, email address and telephone number of each contractor or specialty contractor engaged to work upon the building, structure, or project;
 - (2) Name of the responsible managing employee or authorized employee of each contractor or specialty contractor;
 - (3) Phase or phases of work to be performed by each contractor or specialty contractor;

- (4) License numbers for each contractor or specialty contractor and a statement that such licenses are in full force and effect, or if the applicant is exempt from chapter 444, Hawai'i Revised Statutes, the basis for the claimed exemption, pursuant to section 444-9.1, Hawai'i Revised Statutes; and
 - (5) A signature by the responsible managing employee or authorized employee of each contractor and specialty contractor.
- (b) Whenever used in this section, in accordance with section 444-7, Hawai'i Revised Statutes, "specialty contractor" means a contractor whose operations as such are the performance of construction work requiring special skill such as, but not limited to, electrical, drywall, painting and decorating, landscaping, flooring, carpet laying by any installation method, plumbing, or roofing work, and others whose principal contracting business involves the use of specialized building trades or crafts.
- (2020, ord 20-61, sec 2.)

Section 5-4-5. Review of application.

- (a) The application, plans, specifications, and other data filed by an applicant for a permit shall be reviewed by the authority having jurisdiction. Plans shall also be reviewed by other appropriate departments and divisions of the County and the State to verify compliance with laws under their jurisdiction.
 - (b) Nothing contained in the construction code shall be construed to require the authority having jurisdiction to accept or reject any permit application before completion of reviews required pursuant to the construction code and other applicable laws.
- (2020, ord 20-61, sec 2.)

Section 5-4-6. Action on application.

- (a) If the application, plans, specifications, and other data filed by an applicant for a permit do not conform to the requirements of pertinent laws, the authority having jurisdiction shall reject such application in writing, stating the reasons therefor.
 - (b) If the authority having jurisdiction finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the construction code and all other pertinent laws, and the fees specified in article 7 have been paid, the authority having jurisdiction shall issue a permit therefor to the applicant.
- (2020, ord 20-61, sec 2.)

Section 5-4-7. Withdrawal of application.

- (a) An applicant shall have one hundred eighty days from the date of submission to obtain a permit.
- (b) The application will be determined to be abandoned and therefore withdrawn by the applicant if after the one hundred eighty days:
 - (1) The applicant fails to submit, dispute, or otherwise act on errors or deficiencies noted on the application; or
 - (2) The applicant fails to pay the permit fee.

- (c) The authority having jurisdiction may grant one or more extensions of time for additional periods not exceeding ninety consecutive days each, either at the request of the applicant or at the discretion of the authority having jurisdiction. Requests by the applicant for extension shall be filed in writing with the authority having jurisdiction prior to one hundred eighty days after the date of submission.
 - (d) Restarting permit application.
If a permit application is abandoned and therefore withdrawn, the application process must be restarted. In order to restart an application after it is abandoned and therefore withdrawn, the applicant shall resubmit plans with alterations to meet provisions of this code in effect at the time of resubmittal and pay a new plan review fee.
 - (e) If an application is abandoned and therefore withdrawn, plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the authority having jurisdiction.
- (2020, ord 20-61, sec 2; am 2023, ord 23-87, sec 2.)

Section 5-4-8. Applications made prior to subsequent changes in applicable laws.

An applicant for a permit who has filed an application with the authority having jurisdiction prior to the effective date of a subsequent change in applicable law shall be required to obtain the permit no later than one hundred eighty consecutive days after the effective date of such law. If the permit has not been obtained within one hundred eighty consecutive days after the effective date of the subsequent law, the application and plans shall comply with the requirements set forth in the subsequent law. Where the subsequent law specifies a time period for obtaining a permit other than the one hundred eighty-day period stated above, the time period specified in the subsequent law shall govern.

(2020, ord 20-61, sec 2.)

Division 2. Pre-approval.

Section 5-4-21. Model plans for residential dwellings; pre-approval.

- (a) Model plan pre-approval.

Model plans for residential dwellings may be pre-approved by the authority having jurisdiction. The application process for a permit that is based on model plans for residential dwellings that have been pre-approved and filed with the authority having jurisdiction shall exclude the plan and specification review required in sections 5-4-1 and 5-4-2. This exemption shall not apply to reviews by other appropriate departments and divisions of the County and the State required pursuant to subsection 5-4-5.

- (b) Model home designs.
 - (1) Eligible model home designs shall have no limitation on size.
Exception:
A maximum of a two-car carport/garage may be included.
 - (2) Layouts of plans that are mirrored or reversed versions of previously approved plans, will be considered to be separate and an additional model home design subject to paragraph (1) of this subsection.
 - (3) Any revisions to pre-approved plans will require resubmittal of the entire set of revised plans and documents for approval. A proposed revision to an already pre-approved plan will be considered to be a separate and an additional home design subject to paragraph (1) of this subsection.
- (c) Application for model plan pre-approval.
 - (1) To apply for pre-approval of a model plan, three sets of complete working drawings and specifications that bear the wet seal and signature of a person who is licensed in the State of Hawai'i as an architect or professional structural engineer shall be submitted to the authority having jurisdiction.
 - (2) Factory-built homes shall include a manufacturer's label as required by Appendix U of chapter 5B, the residential building code.
 - (3) A plan review fee for pre-approved model plans shall be assessed per model home design in accordance with section 5-7-2.
- (d) The authority having jurisdiction shall approve the application, and assign a model number to the pre-approved model plan, if it finds that:
 - (1) The plans submitted for pre-approval conform with the requirements of the construction code and with all other applicable laws; and
 - (2) The fees specified in section 5-7-2 have been paid.
- (e) Expiration of model plan pre-approval.
Pre-approved model plans for home designs shall remain valid until a new edition of the model building code is adopted by the authority having jurisdiction.
- (f) Owner/contractor application for permit.
 - (1) When applying for a permit with a pre-approved plan for a model home design the owner/contractor shall:
 - (A) Submit two sets of complete working drawings showing the pre-approved model number along with the manufacturer's wet seal and authorizing signature. The authority having jurisdiction will verify the seal and signature.
 - (B) Pay the permit plan review fee pursuant to section 5-7-1.
 - (C) Obtain required approvals from other departments or agencies.
 - (2) Construction drawings for pre-approved model home designs, with the exception of the plot plan and/or cover sheet will not be required to be individually stamped by a person who is licensed in the State of Hawai'i as an architect or professional structural engineer in accordance with this chapter and chapter 464, Hawai'i Revised Statutes. The plot plan and/or cover sheet shall bear the same architect or professional engineer's wet seal or signature as submitted on the pre-approved model home design, pursuant to subsection (c)(1).

- (3) After the requisite approvals from other departments or agencies have been obtained, the authority having jurisdiction will either approve the application or inform the applicant of deficiencies in the application within six working days after the authority having jurisdiction receives notice that all approvals have been obtained.
- (4) Once approved, the authority having jurisdiction shall issue the permit in accordance with section 5-5-1.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 11.)

Article 5. Permits.

Section 5-5-1. Issuance.

- (a) Permits shall be issued in such form and detail as shall be prescribed by the authority having jurisdiction. They shall specify the geographical location of the premises whereon the work authorized thereby is to be done, be valid only for the location so specified, and be endorsed in writing or stamped on all sets of plans and specifications "REVIEWED."
- (b) Once a permit is issued, plans and specifications shall not be changed, modified, or altered without authorization from the authority having jurisdiction, and all work shall be done in accordance with the approved plans.
- (c) The authority having jurisdiction may issue a permit for the construction of part of the building or structure before complete plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been submitted that are sufficient to indicate compliance with all pertinent requirements of the construction code. The holder of such permit shall proceed at the holder's own risk, without assurance that the permit for the entire building or structure will be granted.
- (d) The issuance of a permit shall not prevent the authority having jurisdiction from thereafter:
 - (1) Requiring the correction of errors in the plans and specifications;
 - (2) Revoking or suspending any permit when issued in error, on the basis of incorrect information supplied, or in violation of the construction code, any permit or variance issued pursuant to the construction code, or other applicable law;
 - (3) Halting building operations when in violation of the construction code, any permit or variance issued pursuant to the construction code, or other applicable law;
 - (4) Preventing occupancy or use of a structure, when violations of the construction code, any permit or variance issued pursuant to the construction code, or other applicable law have occurred; or
 - (5) Initiating criminal enforcement and the imposition of penalties or fees, or both, when authorized by the construction code or other applicable law.

(2020, ord 20-61, sec 2.)

Section 5-5-2. Posting.

Work requiring a permit shall not be commenced until the permit holder or their agent shall have posted the permit in a conspicuous place on the job site. The permit shall be readily visible for the authority having jurisdiction to identify and make all required inspections. The permit shall remain posted in a conspicuous place on the job site until the work has passed a final inspection by the authority having jurisdiction. Failure to comply with this provision shall subject the violator to a \$100 fine. (2020, ord 20-61, sec 2.)

Section 5-5-3. Designation of person, contractor, or subcontractor who will do work.

- (a) No permit issued shall authorize any person or contractor to work upon any phase of a building, structure, or project unless they have been specifically identified in the permit application, including any attachment or amendments thereto, as the contractor or subcontractor designated to do that particular phase of work.
- (b) No permit shall be loaned to another by the person to whom it was issued.
- (c) If subsequent to the issuance of a permit, a homeowner either ceases to employ the owner-builder exemption and engages a contractor for any phase of work, or there is a change in the designation of any contractor for any phase of work, the permit holder shall file a written request to the authority having jurisdiction for approval of these changes. The request shall include: the change in designation; a revised declaration form for each contractor or subcontractor engaged to do electrical or plumbing work upon the building, structure, or project; and a non-refundable fee of \$100.

(2020, ord 20-61, sec 2.)

Section 5-5-4. Expiration.

- (a) All permits issued after August 17, 2020, shall expire, and become null and void six years after the date of issuance of the permit.
- (b) Upon expiration of a permit, all work shall cease and shall not be recommenced until a new permit is obtained.
- (c) If a permit expires prior to work being completed, an application for a new permit shall be submitted.

(2020, ord 20-61, sec 2; am 2023, ord 23-87, sec 3.)

Section 5-5-5. Extension.

- (a) An extension of a permit may be granted if the authority having jurisdiction finds that circumstances beyond the permit holder's control have significantly impeded the progress of the construction project, that construction is substantially complete, and that an extension is justified.

- (b) Requests for permit deadline extensions shall be submitted in writing to the authority having jurisdiction at least thirty days prior to the permit expiration date and an acknowledgement by the authority having jurisdiction will be sent upon receipt. The written request shall include:
 - (1) A written statement explaining how unforeseen circumstances have affected the progress of the construction project;
 - (2) Supporting documentation demonstrating a legitimate need for the extension; and
 - (3) The duration of time during which work was suspended, and the proposed timeline to complete the project.
 - (c) A decision on the request for a permit deadline extension will be sent within thirty days of receipt of the request. If the authority having jurisdiction fails to render a decision within thirty days of the request, the permit shall not expire until such time as a decision is rendered.
 - (d) Permit extensions shall not exceed one extension of one hundred eighty days.
 - (e) A permit holder whose request for a permit extension is denied may appeal the decision to the board of appeals within thirty days of receiving notice of the denial pursuant to section 5-11-3.
- (2020, ord 20-61, sec 2; am 2023, ord 23-87, sec 4.)

Section 5-5-6. Retention of plans.

One set of approved plans, specifications, and computations shall be retained by the authority having jurisdiction for a period of not less than ninety calendar days from the date of completion of the work covered therein. In addition, one set of approved plans shall be returned to the applicant and shall be kept on the job site at all times during which the work authorized thereby is in progress.

(2020, ord 20-61, sec 2.)

Article 6. Eligibility to Work.

Section 5-6-1. Persons to whom a permit may be issued.

- (a) A permit to do building work regulated by the construction code may be issued only to:
 - (1) A contractor or specialty contractor who is licensed pursuant to chapter 444, Hawai'i Revised Statutes; or
 - (2) An "owner-builder" pursuant to the owner-builder exemption as defined by section 444-2.5, Hawai'i Revised Statutes.
- (b) A permit to do electrical work regulated by the construction code, may be issued only to:
 - (1) An electrical contractor licensed pursuant to chapter 444, Hawai'i Revised Statutes;

- (2) A homeowner for electrical work on a single-family dwelling which the homeowner will personally occupy and use exclusively for living purposes, provided the homeowner is a journey worker electrician, journey worker specialty electrician, supervising electrician, or supervising specialty electrician licensed pursuant to chapter 448E, Hawaii Revised Statutes. Only one such permit may be issued to such homeowner unless the authority having jurisdiction finds that strict application of this provision would result in practical difficulty and hardship and that the granting of a second permit would not be contrary to the purpose of the construction code. This does not preclude the homeowner from obtaining additional permits for the same building or accessory building on the same lot;
 - (3) A supervising electrician or supervising specialty electrician licensed pursuant to chapter 448E, Hawaii Revised Statutes:
 - (A) Who is employed as a maintenance electrician by someone other than a contractor described above;
 - (B) Who is employed by the County or State; or
 - (C) Who is applying for electrical work for such person's own dwelling; or
 - (4) A journey worker electrician licensed pursuant to chapter 448E, Hawaii Revised Statutes, and employed by the County of Hawaii.
- (c) A permit to do plumbing work regulated by the construction code may be issued only to:
- (1) A plumbing contractor licensed pursuant to chapter 444, Hawaii Revised Statutes;
 - (2) A homeowner for plumbing work on a single-family dwelling which the homeowner will personally occupy and use exclusively for living purposes, provided the homeowner is licensed pursuant to chapter 448E, Hawaii Revised Statutes. Only one such permit may be issued to such a homeowner, unless the authority having jurisdiction finds that strict application would result in practical difficulty and hardship and that the granting of a second permit would not be contrary to the purposes of the code. This does not preclude the homeowner from obtaining additional permits for the same building or accessory building on the same lot;
 - (3) A master plumber licensed pursuant to chapter 448E, Hawaii Revised Statutes:
 - (A) Who is employed as a maintenance plumber by someone other than a contractor described above;
 - (B) Who is employed by the County or State; or
 - (C) Who is applying for plumbing work for such person's own dwelling; or
 - (4) A journey worker plumber licensed pursuant to chapter 448E, Hawaii Revised Statutes, and employed by the County of Hawaii or by a gas utility.

(2020, ord 20-61, sec 2.)

CHAPTER 11

HOUSING

Article 1. Affordable Housing.

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* **Editor's Note:** Chapter 11, "Housing," was repealed by Ordinance 96-162, section 21, and replaced with "Affordable Housing," pursuant to Ordinance 98-1.

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CHAPTER 11**HOUSING****Article 1. Affordable Housing.****Section 11-1. Title.**

This article shall be referred to as the County of Hawai'i affordable housing policy. (1998, ord 98-1, sec 2; am 2005, ord 05-23, sec 2.)

Section 11-2. Objectives.

The objectives of this affordable housing policy are to:

- (1) Implement goals and policies of the general plan;
- (2) Promote and assist private development of housing for senior citizens, persons with disabilities and qualified households;
- (3) Use available governmental grants and funds in the development of affordable housing and increase the capabilities of qualified households to obtain affordable housing;
- (4) Support innovative, lower-cost approaches which may be used in the development of affordable housing;
- (5) Require large resort and industrial enterprises to address related affordable housing needs as a condition of rezoning approvals, based upon current economic and housing conditions;
- (6) Require residential developers to include affordable housing in their projects or contribute to affordable housing off-site.

(1998, ord 98-1, sec 2; am 2005, ord 05-23, sec 2.)

Section 11-3. Definitions.

The following words and phrases, unless the context otherwise requires, are defined as follows:

“Affordable housing” means dwelling units which may be rented or purchased at cost levels which can be afforded by persons or families who are within the definition of “qualified households,” as provided herein.

“Affordable housing income guidelines” means those household income levels which shall be published annually by the office of housing and community development and as described further herein.

“Affordable unit” or “affordable housing unit” means a lot or dwelling unit for sale or lease which serves as the primary residence for the respective buyer or renter and is affordable to qualified households earning no more than the percentages of the median income in the County of Hawai'i as stated in this chapter.

“Agency” shall be the same as is defined under chapter 2, article 13 of this Code, therein referred to as the “housing agency.”

“Eligible buyer” means a person who meets eligibility requirements, including income limitations, as established by this chapter or by rule.

“Fifteen mile radius” means the distance from the site in question as measured in a straight line from the boundary of the parcel being rezoned.

“Homeownership counselor” means a nonprofit or government entity that provides homeownership readiness education within the County.

“Office of housing and community development (OHCD)” means the County entity responsible for the planning, administration and operation of all of the County’s housing programs with the goal of providing for the development of viable communities in Hawai‘i County by providing decent housing, suitable living environments and the expansion of economic opportunities, as provided in chapter 2, article 13 of this Code.

“Qualified households” mean an individual or two or more related by blood, state-sanctioned adoption, foster parentage, guardianship, or marriage, occupying a dwelling unit and whose total household income is within the affordable housing income guidelines or who would otherwise qualify in a state or federal affordable housing program.

“Qualified resident” means a person who is a full-time resident of the County of Hawai‘i, consistent with residency as defined in HRS § 235-1 and HRS § 11-13, as demonstrated by evidence satisfactory to the housing administrator.

“Qualified returning student” means a person who was a qualified resident immediately prior to leaving the County of Hawai‘i to attend a university, college, or a trade school and who has not taken affirmative steps to relinquish their resident status within the County. A returning student may use the evidence of residency of a parent or guardian to demonstrate that the student was a qualified resident prior to their temporary departure from the County.

“Qualified worker” means a person who earns at least seventy-five percent of their income within a distance specified by the housing administrator of any affordable housing project, as demonstrated by evidence satisfactory to the housing administrator. (1998, ord 98-1, sec 2; am 2005, ord 05-23, sec 2; am 2005, ord 05-111, sec 1; am 2007, ord 07-109, sec 1; am 2011, ord 11-84, sec 1; am 2014, ord 14-8, sec 2; am 2023, ord 23-77, secs 1 and 2.)

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Section 11-4. Affordable housing requirements.

- (a) The affordable housing requirements shall apply to:
- (1) All new rezonings that may create additional residential uses, including rezonings, to RS, RD, RM, RCX, RA and FA districts, and APD rezonings where lot sizes are less than five acres, and CG, CV, CN and PD districts when residential uses are established in those districts;
 - (2) All new rezonings to resort, including hotels established in V, CV, CG, CDH or PD districts;
 - (3) All new rezonings to ML, MG, and MCX districts;
- (4) All prior rezoning actions which contain affordable housing conditions that have not been satisfied as of the effective date of this ordinance, or to which the County has not agreed previously as to the specific means of satisfying the requirements.
- (b) Requirements for residential uses.
- (1) Four or fewer residential units or lots: no requirement;
 - (2) Five or more residential units or lots: the applicant must earn affordable housing credits equal to twenty percent of the number of units or lots (rounded to the nearest .5);
 - (3) Time share units shall be considered as residential units.
- (c) Requirement for resort and hotel uses.
Resort and hotel uses generating more than one hundred employees on a full-time equivalent basis must earn one affordable housing credit for every four full-time equivalent jobs created.

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- (b) Before obtaining final plan approval for any resort, hotel, or industrial project, or not-for-sale residential project subject to the affordable housing requirements, the applicant shall enter into an agreement with the County that the affordable housing requirements will be met before the issuance of a certificate of occupancy for the project.
- (c) All agreements shall be recorded against the property.
- (d) All for-sale affordable units and lots shall be sold only to eligible buyers during a ninety-day preferential marketing period.
- (e) If the developer cannot sell the units or lots to eligible buyers during the ninety-day preferential marketing period, there shall be a second ninety-day period wherein the developer shall, in consultation with one or more OHCD-approved homeownership counselors, actively market the unsold units or lots to clients of those homeownership counselors, provided those clients either are or may be qualified to purchase the unsold units or lots. If a unit or lot is not under contract for sale by the end of the one hundred and eighty days, such unit or lot shall be offered for sale to persons who are otherwise eligible, but have previously owned a residence, for an additional period of thirty days. If a unit or lot is not under contract for sale after the two hundred ten-day period, the developer may sell the unit or lot to any person at the affordable sales price. Notwithstanding the foregoing, at any time after the initial ninety-day preferential marketing period, the housing administrator may authorize the County to purchase any unsold unit or lot at the affordable sales price.
- (f) For sale units shall be sold on a per unit basis using mortgages where the term is fixed for a minimum of at least fifteen years.

(2005, ord 05-23, sec 2; am 2011, ord 11-84, sec 4; am 2014, ord 14-8, sec 3.)

Section 11-10. Buyer of finished lots.

The purchaser of a finished lot that is used to fulfill an affordable housing requirement, and that is sold during the preferential marketing period, shall enter into a binding contract for the construction of a residence on the lot within two years of the date of sale, and complete construction within three years of the date of sale, or, if the purchaser is an owner-builder, shall commence construction within two years and complete construction within three years of the date of sale. During this three-year period, the purchaser may sell only to eligible buyers, as determined by the housing administrator, and the sales price shall not exceed the original purchase price, plus an inflation factor based on the increase in the Consumer Price Index for Honolulu, and reasonable compensation for improvements, if any, made by the purchaser. If the purchaser does not meet these time limits, the purchaser shall offer to sell the lot to the County, or, at the election of the housing administrator, to eligible buyers, at a price that does not exceed the original purchase price, plus an inflation factor based on the Consumer Price Index for Honolulu, plus reasonable compensation for improvements, if any, made by the purchaser.

(2005, ord 05-23, sec 2; am 2014, ord 14-8, sec 4.)

Section 11-11. Rental units.

- (a) The housing administrator shall determine the affordable rental price for units of various sizes annually.
- (b) The developer shall enter into an agreement with the County that the rental prices on the units shall be controlled for no less than twenty years after initial occupancy.

(2005, ord 05-23, sec 2; am 2014, ord 14-8, sec 5.)

Section 11-12. Repealed.

(2005, ord 05-23, sec 2; rep 2011, ord 11-84, sec 5.)

Section 11-13. Eligibility; preference.

- (a) Eligibility requirements.
 - (1) The applicant, and the applicant's spouse or reciprocal beneficiary if applicable, may not independently or jointly, unless separated and living apart under a decree from a court of competent jurisdiction, own a majority interest of more than fifty percent in fee simple and/or leasehold of any real estate property that is suitable for dwelling purposes or lands under any trust agreement or other fiduciary arrangement in which another person holds legal title to such land.
 - (2) The housing administrator may allow households with incomes up to twenty percent greater than the income on which the maximum sales price was based to be qualified to purchase a unit.
 - (3) The housing administrator may establish additional eligibility criteria in administrative rules.
- (b) Unless otherwise prohibited by a grantor to the County for an affordable housing project, for any affordable housing project for which the office of housing and community development is responsible for receiving and evaluating applications, the housing administrator shall:
 - (1) Define the distance from the affordable housing project to be used to identify qualified workers, if applicable;
 - (2) Determine order of preferences and rank applicants based on the following preference categories:
 - (A) Income eligible qualified resident;
 - (B) Income eligible qualified worker; and
 - (C) Income eligible qualified returning student;
 - (3) Select applicants based on application date within the pool of similarly ranked applicants; and
 - (4) Validate the preference status of an applicant prior to occupancy of an affordable unit.

(2005, ord 05-23, sec 2; am 2023, ord 23-77, sec 3.)

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Section 11-14. Resale restrictions.

The housing administrator shall establish resale restrictions by rule to ensure that units created under this policy remain affordable. Such rules may include, but not be limited to, buy-back, shared appreciation, and other restrictions. The housing administrator may be delegated the authority to select the resale restriction applicable to a particular project. Notwithstanding any provision or rule to the contrary, for a period of ten years from the first date of sale of any affordable unit created in satisfaction of the requirements of this chapter, said unit may only be sold to another eligible buyer in the same or lower median income level as the original purchaser of said unit. Organizations classified under Section 501 (c) of the United States Internal Revenue Code and those that utilize United States Department of Agriculture funding programs are exempt from resale restrictions applicable to eligible buyers in the same or lower median income level.

(2005, ord 05-23, sec 2; am 2011, ord 11-38, sec 2; am 2014, ord 14-8, sec 6.)

Section 11-15. Transfer of excess credits.

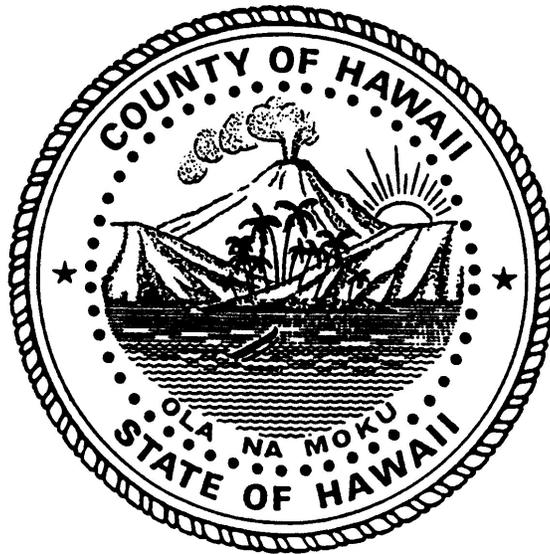
- (a) Developers who construct new affordable housing units in excess of any requirements imposed under this chapter or any other requirement may earn “excess credits” which they may transfer to other developers.
- (b) The developer shall earn the excess credits pursuant to section 11-5(c).
- (c) To qualify for excess credits, units must be sold or rented to qualified households. The developer shall apply to the administrator for approval of the excess credits.
- (d) After approval of the excess credits, the developer may transfer the excess credits to any other project that is within the distance established in section 11-5(a)(3), to fulfill part or all of the affordable housing requirements of the other project.

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THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

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A CODIFICATION OF THE GENERAL ORDINANCES
OF THE COUNTY OF HAWAI‘I
STATE OF HAWAI‘I

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Volume Two

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CHAPTER 19**REAL PROPERTY TAXES****Article 1. Administration.****Section 19-1. Purpose.**

The purpose of this chapter is to implement the authority granted to the County to assess, impose and collect real property tax based on an amendment to the State constitution which was adopted on November 7, 1978, by the electorate. This chapter will provide for the administration, assessment, and collection of real property tax, including exemptions therefrom, dedication of land, and appeals.
(1983 CC, c 19, art 1, sec 19-1; am 1997, ord 97-84, sec 1.)

Section 19-2. Definitions.

Wherever used in this chapter:

“Affordable rental housing” means a residential unit where the rental cost does not exceed the affordable rental rate.

“Affordable rental rate” is a monthly rent not to exceed seventy-five percent of the Payment Standards as established by the office of housing and community development as of the first of January each year.

“Agriculture use value” means the productivity value for assessment purposes determined for lands being put to any agricultural use.

“Certification of rental rate” means the sworn statement of the parcel owner attesting under penalty of law the rental rate that the land owner will charge and maintain for all renters on that parcel for that calendar year.

“Commercial agricultural activities” shall mean farm operations, that may include multiple parcels that need not be contiguous, that generate income, monetary gain, or economic benefit in the form of money or money’s worth of a minimum \$2,000 annual gross income per farm operation or adhere to generally accepted standards or recognized practices within that agricultural industry.

“Commercially viable agricultural operation” shall mean an agricultural business or service with the ability to compete effectively and to make a profit, either without subsidies or with reliable, long-term subsidies as demonstrated by an analysis of comparable practices within the area of operation under comparable conditions.

“Community food sustainability use” means the present use of agricultural or residential and agricultural zoned land on a continuous and regular basis that demonstrates the owner is engaged in agricultural activities to provide food to the community, including:

- (1) Intensive agriculture;
- (2) Orchards; or
- (3) Diversified agriculture.

“Continuous and regular basis” shall be evidenced by the recurring planting, cultivation and harvesting of crops or ongoing animal husbandry or aquaculture activities that adhere to generally accepted standards or recognized practices within that agricultural industry.

“County” means the County of Hawai‘i.

“Date of classification” means July 1 of the tax year for which such classification is claimed.

“Dedicated lands” are lands which are restricted in their use for specified periods of time by covenants executed between the landowners and the director of finance as provided by this chapter.

“Director” means the director of finance of the County of Hawai‘i or the director’s authorized representative.

“Diversified agriculture” means a blend of intensive agriculture and orchards while transitioning from one category to the other during the term of the dedication.

“Duplex” and “double-family dwelling” means a building containing only two dwelling units.

“Dwelling unit” means one or more rooms designed for or containing or used as the complete facilities for the cooking, sleeping, and living area of a single-family only and occupied by no more than one family and containing a single kitchen.

“Farm dwelling” means a single-family dwelling located on and used in direct connection with a farm, or where the agricultural activity provides income to the occupant(s) of the dwelling. A farm dwelling includes employee housing for that farm.

“Farm equipment” means machinery, implements, and tools used exclusively and directly for farming or ranching operations.

“Farm plan” means an agricultural business plan, in a form prescribed by the director, that describes the agricultural practices of a commercially viable agricultural operation, all relevant tax map key numbers, and a financial projection.

“Feed crops and fast rotation forestry” includes, but is not limited to, such crops as forage, seed, cane, rice, and biomass grasses.

“Fertilizers” means a natural or synthetic material added to the soil to supply plant nutrients.

“Intensive agriculture” includes, but is not limited to, such crops as vegetables, ginger, taro, herbs, nurseries, foliage, cut and potted flowers, piggeries, dairy, poultry, feedlots, aquaculture, honey and honey bees.

“Long-term commercial agricultural use dedication” means the use of land on a continuous and regular basis for a minimum of ten years that demonstrates the owner is engaged in commercial agricultural activities from:

- (1) Intensive agriculture;
- (2) Orchards;
- (3) Feed crops and fast rotation forestry;
- (4) Pasture and slow rotation forestry; or
- (5) Diversified agriculture.

“Market value” is the most probable sale price of a property in terms of money in a competitive and open market assuming that the buyer and seller are acting prudently and knowledgeably, allowing sufficient time for the sale, and assuming that the transaction is not affected by undue stress.

“Nondedicated agricultural use assessment” means the present use of agricultural or residential and agricultural zoned land on a continuous and regular basis that demonstrates the owner is engaged in agricultural activities from:

- (1) Intensive agriculture;
- (2) Orchards;
- (3) Feed crops and fast rotation forestry; and/or
- (4) Pasture and slow rotation forestry.

This definition shall be repealed on January 1, 2028.

“Ohana dwelling” means a second dwelling unit permitted to be built as a separate or an attached unit on a building site, but does not include a guest house or a farm dwelling.

“Orchards” includes, but is not limited to, such crops as macadamia nuts, guava, banana, papaya, avocado, grapes, passion fruit, coffee, citrus, cacao, pineapple, noni and tropical specialty fruits.

“Pasture and slow rotation forestry” includes, but is not limited to, pasture and longer rotation forestry.

“Property” or “real property” means and includes 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, buildings, 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, or whose removal therefrom cannot be accomplished without substantial damage to such land, buildings, structures, fences, and improvements, excluding, however, any growing crops.

“Short-term commercial agricultural use dedication” means the use of land on a continuous and regular basis for a minimum of three years that demonstrates the owner is engaged in commercial agricultural activities from:

- (1) Intensive agriculture;
- (2) Orchards;
- (3) Feed crops and fast rotation forestry;
- (4) Pasture and slow rotation forestry; or
- (5) Diversified agriculture.

“Single-family dwelling” means a building containing only one dwelling unit.

“Soil amendments” means material added to the soil to improve its physical properties such as compost, agricultural lime, greensand, or manure.

“Solar water heater” means a solar thermal energy system that qualifies for the State income tax credit authorized in the Hawai‘i Revised Statutes, section 235-12.5. (1983 CC, c 19, art 1, sec 19-2; am 1997, ord 97-84, sec 1; am 2004, ord 04-143, sec 1; am 2007, ord 07-107, sec 2; am 2008, ord 08-93, sec 1; ord 08-130, sec 1; am 2023, ord 23-55, secs 2-4; ord 23-59, sec 2; ord 23-60, sec 2.)

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Section 19-3. 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 County 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 County, 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 evading 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.

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- (6) **Maps:** The director shall provide for the County 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 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 this chapter.

- (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 the director in discharging the director's 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 the director in discharging the director's duties under this chapter.
- (9) **Recommendations for Legislation:** To recommend to the mayor such amendments, changes or modifications of the provisions of this ordinance 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 the department of finance, 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 thirty days of receipt.
- (11) **Rules and Regulations:** To promulgate such rules and regulations as the director may deem proper and to effectuate the purposes for which the department of finance is constituted and to regulate matters of procedure by or before the director pursuant to the provisions of chapter 91, Hawaii Revised Statutes.
- (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 council, the administration of which is within the scope of the director's duties; and in any such case there shall be placed on file and in the department of finance'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

utility business within the County of Hawai'i. The rate of the tax upon the gross income of the public utility shall be determined as follows:

If the ratio of the net income of the company to its gross income is fifteen percent or less, the rate of the tax on gross income shall be 1.885 percent; for all companies having net income in excess of fifteen percent of the gross, the rate of the tax on gross income shall increase continuously in proportion to the increase in ratio of net income to gross, at such rate that for each increase of one percent in the ratio of net income to gross, there shall be an increase of .2675 percent in the rate of the tax.

The following formula may be used to determine the rate, in which formula the term "R" is the ratio of net income to gross income, and "X" is the required rate of the tax on gross income for the utility in question:

$$X=(26.75R - 2.1275)\%;$$

provided that in no case governed by the formula shall "X" be less than 1.885 percent or more than 4.2 percent. Provided further that in no case shall the application of the above rate or formula by the County, when added to the amount of real property tax levied and assessed by the other counties using the same formula in their county ordinances, result in a combined statewide real property tax liability which is greater than that portion of the tax liability that would have been payable by the public utility under chapter 239, Hawai'i Revised Statutes, (as codified on August 1, 2000) in excess of four percent.

- (2) The public utilities may elect to utilize the method of assessment under subsection (d)(1) rather than the method of assessment under subsections (a), (b) and (c) by filing a notice of such election on or before December 31 of the year immediately preceding when the tax would be due with the director of finance; provided, however, that for the first tax year after the effective date of the ordinance codified in this section, the public utilities may file such notice on or before May 31, 2001. If the State of Hawai'i amends chapter 239, Hawai'i Revised Statutes, to decrease the tax levied thereunder to a maximum rate of four percent, the director of finance shall utilize the method of assessment under subsection (d)(1) rather than the method of assessment under subsections (a), (b) and (c) without a request from the public utilities to do so.
- (3) As the basis for calculating the public utility's gross income and net income, the County shall accept the public utility's filing for gross income and net income from public utility business within the County of Hawai'i as made to the State of Hawai'i pursuant to chapter 239, Hawai'i Revised Statutes. If a public utility has not allocated its gross income and net income on a county-by-county basis, the counties, together with that public utility, shall agree upon a method by which such income can be allocated amongst the counties.

(2000, ord 00-110, sec 2.)

Section 19-54. Repealed.

(1983 CC, c 19, art 7, sec 19-54; am 1997, ord 97-84, sec 1; rep 2005, ord 05-165, sec 2.)

Section 19-55. Repealed.

(1983 CC, c 19, art 7, sec 19-55; am 1984, ord 84-21, sec 2; am 1991, ord 91-143, sec 3; am 1997, ord 97-84, sec 1; rep 2004, ord 04-143, sec 3.)

Section 19-56. 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.

(1983 CC, c 19, art 7, sec 19-56; am 1997, ord 97-84, sec 1.)

Section 19-57. [Former] Repealed.

(1983 CC, c 19, art 7, sec 19-57; rep 1997, ord 97-84, sec 1.)

Section 19-57. Nondedicated agricultural use assessment.

(a) Lands classified and used for agriculture and which are not dedicated pursuant to section 19-60, may be assessed for real property tax purposes as established in subsection (a)(2) of this section and shall be subject to the following:

- (1) The land in nondedicated agricultural use must be used on a continuous and regular basis for intensive agriculture, orchards, feed crops and fast rotation forestry or pasture and slow rotation forestry on lands zoned by the County to be in the districts of agricultural, residential and agricultural, family agricultural, intensive agricultural, and agricultural project district;
- (2) The portion of land that is committed in specific nondedicated agricultural use shall be assessed at two times the dedicated agricultural use value as established by the director of finance under this chapter; and
- (3) A farm dwelling site shall be assessed at the highest commercial agriculture use value, provided that the maximum farm dwelling site area to be assessed at the highest commercial agriculture use value shall not exceed one-fourth acre.

(b) All portions of land that are not committed or used for a specific agricultural use shall be assessed based on the proportional market value of the total property.

(c) Application; filings; assessment effective; renewal.

- (1) The director shall prescribe the form of the nondedicated agricultural use application.
- (2) The application shall be filed with the director by December 31 of any calendar year with no new applications accepted after September 1, 2024.

- (3) The application for a nondedicated agricultural use assessment must be signed by all owners of the land being committed.
 - (4) If the application is approved, the assessment based upon the use requested in the application shall be effective as of January 1 for the following tax year.
 - (5) Renewal of the application shall be in such form and at such time as required by the director.
- (d) Deferred or rollback tax.
- (1) A deferred or rollback tax shall be imposed on the owner of the agricultural land upon any of the following events:
 - (A) Conversion to any County zoned district other than agricultural, residential and agricultural, family agricultural, intensive agricultural, or agricultural project district as a result of a petition by the owner or lessee;
 - (B) The property is subdivided into parcels of less than five acres in size; or
 - (C) A condominium property regime is declared for the property having condominium units with an area equivalent to less than five acres in size.
 - (2) The deferred tax shall commence from the date the conversion was made retroactive to the date the agricultural use assessment was approved, but for not more than a period of two years plus the current year.
 - (3) The amount of deferred taxes shall be based on the difference between the assessed market value at highest and best use and the assessed agricultural use value of the land at the tax rate applicable for the respective years, with a ten percent penalty.
- (e) Sunset of nondedicated agricultural use assessment. This section shall be repealed on January 1, 2028. Consequently:
- (1) No new applications for nondedicated agricultural use assessment will be accepted by the director after September 1, 2024;
 - (2) Owners of land currently assessed in the nondedicated agricultural use category shall reapply for an alternative use assessment or dedication by September 1, 2025. If no application is received by the director by September 1, 2025, the property shall not be assessed at the nondedicated agricultural use value established in subsection (a)(2) of this section;
 - (3) The director shall notify all current owners of land currently assessed in the nondedicated agricultural use category in writing of the intent to sunset the nondedicated agricultural use assessment and the deadline to apply for another program;
 - (4) On or before September 1, 2027, the director shall review all reapplications;
 - (5) Owners of land who have applied for a community food sustainability use assessment or a short- or long-term commercial agricultural use dedication in accordance with section 19-57(e)(2) shall have their property assessed at the nondedicated agricultural use assessment rate until the 2028 tax year, unless their applications have been denied or they have applied for a different tax program; and

- (6) Subsection 19-57(d) shall continue to apply to owners of land who reapply under this sunset provision.

(2004, ord 04-143, sec 4; am 2023, ord 23-59, secs 3 and 4.)

Section 19-57.1. Community food sustainability use assessment.

- (a) Lands classified and used for farming to produce food crops, that are not dedicated to commercial agricultural use, may be assessed for real property tax purposes as established in subsection (a)(2) of this section and shall be subject to the following:
- (1) The land in community food sustainability use must be used on a continuous and regular basis to produce food for local consumption on lands zoned by the County to be in the districts of agricultural, residential and agricultural, family agricultural, intensive agricultural, and agricultural project district;
 - (2) The portion of land that is committed to specific community food production shall be assessed at 30% of the fair market value; and
 - (3) A farm dwelling site shall be assessed based on the proportional market value of the total property.
- (b) All portions of land that are not committed or used for community food sustainability shall be assessed based on the proportional market value of the total property.
- (c) Application; filings; assessment effective; renewal.
- (1) The director shall prescribe the form of the community food sustainability use application, which shall be accepted beginning September 2, 2024.
 - (2) The application for a community food sustainability use assessment must be signed by all owners of the land being assessed.
 - (3) The application for a community food sustainability use assessment shall include at least one of the following:
 - (A) A farm plan;
 - (B) Documentation of organic certification from the U.S. Department of Agriculture;
 - (C) A plan from the U.S. Department of Agriculture, Natural Resources Conservation Service;
 - (D) Documentation of food safety certification from the U.S. Department of Agriculture; or
 - (E) Receipts demonstrating an investment of a minimum of \$10,000 in farm equipment, fertilizers, or soil amendments for use on the subject property.
 - (4) If the application is approved, renewal of the application for the assessment, based upon the use requested, shall be required every five years from the initial approval date or earlier, at the discretion of the director, provided that:
 - (A) The documentation provided under subsection (c)(3) encompasses at least five years and remains in effect; and

- (B) Documentation of annual sales or donations of food totaling a minimum of \$1,000 are provided to the director at the time of renewal. Sales or donations must be generated from the assessed property. Annual sales shall be documented through excise tax receipts. Donations of food must be to a nonprofit 501(c)(3) organization.
- (d) Deferred or rollback tax.
 - (1) A deferred or rollback tax shall be imposed on the owner of the agricultural land upon any of the following events:
 - (A) The owner fails to observe any restriction, condition, or provision on the use of the land;
 - (B) The property is converted to a County zoned district other than agricultural, residential and agricultural, family agricultural, intensive agricultural, agricultural project district as a result of a petition by the owner or lessee;
 - (C) The property is subdivided into parcels of less than five acres in size; or
 - (D) A condominium property regime is declared for the property resulting in condominium units with areas less than five acres in size.
 - (2) The deferred tax shall commence from the date the conversion was made retroactive to the date the agricultural use assessment was approved, but for not more than a period of two years plus the current year.
 - (3) The amount of deferred taxes shall be based on the difference between the assessed market value at highest and best use and the assessed agricultural use value of the land at the tax rate applicable for the respective years, with a ten percent penalty.

(2023, ord 23-60, sec 3.)

Section 19-58. 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 effective date of the dedication.
- (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 the owner’s land for residential use and to have the 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 the owner’s principal residence and qualify to be in the homeowner’s class per section 19-53(e)(2)(A); 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 the owner's land for residential use and to have the land assessed at its value in this use, the owner shall so petition the director of finance and declare in the petition that if the petition is approved, the owner will use the land for single-family dwelling residential use only and that the land so dedicated will be used exclusively as the owner's principal residence.

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 exclusively as the owner's principal residence. If the finding is favorable to the owner, the director 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 the land for a minimum period of ten years. At least one hundred eighty days prior to the cancellation date, the department of finance shall notify the owner by mail of such cancellation. The owner of a dedicated property must renew the dedication on or before September 1 of the tenth year of the original dedication or any subsequent renewal period in order to continue the dedication for the next ten years.
- (e) Failure of the owner to observe the restrictions on the use of the 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 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 dedication shall be effective on July 1 of the following tax year.
- (g) The owner may appeal any disapproved petition as in the case of an appeal from an assessment.

(1983 CC, c 19, art 7, sec 19-58; am 1997, ord 97-84, sec 1.)

Section 19-58.1. Repealed.

(1990, ord 90-137, sec 3; am 1991, ord 91-109, sec 2; ord 91-122, sec 2; am 1997, ord 97-84, sec 1; am 2003, ord 03-103, sec 4; am 2004, ord 04-122, sec 2; am 2008, ord 08-156, sec 3; rep 2021, ord 21-32, sec 2.)

Section 19-58.2. Repealed.

(1990, ord 90-137, sec 3; am 1991, ord 91-122, sec 3; am 1997, ord 97-84, sec 1; am 2008, ord 08-156, sec 3; rep 2021, ord 21-32, sec 3.)

Section 19-58.3. Repealed.

(1990, ord 90-137, sec 3; rep 1997, ord 97-84, sec 1.)

Section 19-58.4. Repealed.

(1996, ord 96-71, sec 3; am 1997, ord 97-84, sec 1; rep 2003, ord 03-103, sec 5.)

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Article 8. [Former] Repealed.

(1983 CC, c 19, art 8, sec 19-59; rep 1997, ord 97-84, sec 1.)

Article 8. Dedications.**Section 19-59. [Former] Repealed.**

(1983 CC, c 19, art 8, sec 19-59; rep 1997, ord 97-84, sec 1.)

Section 19-59. Native forest dedications.

(a) Native forest categories.

- (1) "Native forests" means lands which have sixty percent or greater native species forest cover.
 - (A) Native species are defined as those species that are either endemic or indigenous to the Hawaiian islands. Native species in this context shall mean plants that became established or evolved in the Hawaiian islands without the aid of human beings.
 - (B) The forest cover requirement may be met by native species in either the tree layer or the understory layer, or a combination of the two; provided a minimum twenty-five percent of the forest cover shall contain tree cover.
- (2) "Functional forests" means lands which have sixty percent or greater native species forest cover combined with non-native/non-invasive species forest cover.
 - (A) Non-native/non-invasive species are defined as those species that are not native to the Hawaiian islands, having arrived with human help, which do not invade or overtake native species habitat and have a Hawai'i-Pacific Weed Risk Assessment score of six or less, with seven or more being a designation of high risk. Exceptions to the score must be justified in the forest management plan or forest restoration plan.
 - (B) The forest cover requirement may be met by native species and non-native/non-invasive species in either the tree layer or the understory layer, or a combination of the two; provided a minimum twenty-five percent of the forest cover shall contain tree cover and a minimum of half of the forest cover shall contain native species.

Section 19-60. Long-term commercial agricultural use dedication.

- (a) A special land reserve is established to enable the owner of any parcel of land, or lessee of a recorded agricultural lease with a minimum of five years remaining on the lease at time of petition, to dedicate the land for a specific long-term commercial agricultural use, and to have the value of the land assessed in such use for a period of ten years, or in the case of a recorded agricultural lease the term of the lease up to ten years, provided:
 - (1) The land dedicated for commercial activity must be used on a continuous and regular basis for intensive agriculture, orchards, feed crops and fast rotation forestry, pasture and slow rotation forestry, or diversified agriculture and have a minimum lot size per farm operation as determined by the minimum lot size schedule for that dedicated category of commercial activity as provided for in the administrative rules and regulations of the department, except where the dedication petition indicates a commercially viable agricultural operation on a smaller lot;
 - (2) The land dedicated for long-term commercial agriculture use for intensive agriculture, orchards, or diversified agriculture is fallow for no more than three out of every ten years of the dedication period, except when greater fallow periods are necessary as described in the dedication petition;
 - (3) The land dedicated for long-term commercial agricultural use for intensive agriculture, orchards, or diversified agriculture shall not grow any crops identified by the State department of agriculture as a noxious weed; and
 - (4) The land is within a County zoned district of agricultural, residential and agricultural, family agricultural, intensive agricultural, agricultural project district, or any other County zoned district meeting with the approval of the director of planning.
- (b) The owner of land under the twenty-year agricultural dedication at July 1, 2003 may continue to be assessed at fifty percent of its agricultural use value and shall be subject to the conditions and provisions of the effective long-term commercial agricultural use dedication.
- (c) Determining agricultural use value.
 - (1) In determining the value of lands which are classified and used for long-term commercial agriculture use, consideration shall be given to rent, productivity, nature of actual commercial agricultural use, the advantage or disadvantage of factors such as location, accessibility, transportation facilities, size, shape, topography, 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) Five general agricultural categories shall be used in determining the value of lands which are dedicated for long-term commercial agriculture use:
 - (A) "Intensive agriculture," which includes such crops as vegetables, ginger, taro, herbs, nurseries, foliage, cut and potted flowers, piggeries, dairy, poultry, feedlots, aquaculture, and honey and honeybees.

- (B) "Orchards," which includes such crops as macadamia nuts, guava, banana, papaya, avocado, grapes, passion fruit, coffee, citrus, cacao, pineapple, and tropical specialty fruits.
 - (C) "Feed crops and fast rotation forestry," which includes forage crops, seed crops, cane, short rotation forestry, biomass, grasses, etc.
 - (D) "Pasture and slow rotation forestry," which includes pasture and longer rated forestry.
 - (E) "Diversified agriculture," which includes a blend of intensive agriculture and orchards.
- (3) Lands classified as tree farm property pursuant to chapter 186, Hawaii Revised Statutes, shall be considered for classification and valuation as agricultural.
 - (4) The portion of land that is not dedicated for long-term commercial agriculture use shall be assessed based on the proportional market value of the total property.
 - (5) A farm dwelling site shall be assessed at the highest commercial agricultural use value, provided that the maximum farm dwelling site area to be assessed at the highest commercial agriculture use value shall not exceed one-fourth acre.
- (d) Long-term commercial agricultural use dedication petition.
 - (1) If any owner desires to dedicate the owner's land for a long-term commercial agricultural use and to have the land taxed at its assessed value in this use, the owner shall so petition the director of finance and declare in the petition that the land can best be used for the purpose for which the owner requests permission and that if the petition is approved the land will be used for this purpose. The director shall require an Internal Revenue Service schedule F (form 1040) or State department of taxation form G-49 from the previous tax year as evidence of long-term commercial agricultural use.
 - (2) The director shall prescribe the form of the petition that shall include at least one of the following:
 - (A) A farm plan;
 - (B) Documentation of organic certification from the U.S. Department of Agriculture;
 - (C) A plan from the U.S. Department of Agriculture, Natural Resources Conservation Service;
 - (D) Documentation of food safety certification from the U.S. Department of Agriculture;
 - (E) Receipts demonstrating an investment of a minimum of \$10,000 in farm equipment, fertilizers, or soil amendments for use on the subject property; or
 - (F) Documentation of an agricultural conservation easement with a term of at least ten years, that has been recorded with the State of Hawaii Bureau of Conveyances.

- (3) 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, dedication shall be effective on July 1 of the following tax year.
- (4) The petition for long-term commercial agricultural use dedication must be signed by all owners of the land being dedicated.
- (5) A recorded lessee of the land with a term of five or more years remaining from the date of the petition and who is responsible for payment of the real property tax shall also be deemed an owner of the land within these provisions.
- (6) Action by director on petition.
 - (A) Upon receipt of a petition as provided above, 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.
 - (B) The director shall also make a finding of fact as to whether the intended use is in conflict with the general plan and any applicable community development plan of the County; provided that, with respect to lands in County zoning districts other than agricultural, residential and agricultural, family agricultural, intensive agricultural, or agricultural project district, the director shall make further findings respecting the economic feasibility of the intended use of the land.
 - (C) If all findings are favorable, the director shall approve the petition and declare the land to be dedicated.
 - (D) In order to place prospective buyers on notice of the rollback liability, the petitioner shall record the dedication in accordance with the procedures of the bureau of conveyances within ninety days of notice of approval.
- (e) 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 the land to a use other than long-term commercial agriculture for a minimum period of ten years, unless otherwise provided by this chapter, subject to cancellation or renewal as follows:
 - (1) At least one hundred eighty days prior to any cancellation or termination, the department of finance shall notify the owner by mail of such cancellation or termination. The owner shall reapply for renewal of the dedication by filing an application with the director on or before September 1 of the last year of dedication. The renewal petition shall, in all respects, be processed similarly to an original petition. Upon approval by the director of succeeding dedications, the property shall continue to be assessed in accordance with the provisions of the dedication.
 - (2) In the case of a change in zoning not as a result of a petition by any property owner or lessee such that the owner's land is placed within any zoned district other than a County zoned district of agricultural, residential and agricultural, family agricultural, intensive agricultural, or agricultural project district, the dedication may be cancelled within sixty days of the change by the owner.

- (3) 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.
- (f) Changing between commercial agricultural categories.
- (1) If the owner desires to change from a specific commercial agricultural category to another commercial agricultural category, the owner shall so petition the director of finance and declare in the petition that:
 - (A) The owner's land can best be used for a commercial agricultural activity other than that for which the petition was originally approved; and
 - (B) The owner will use the land for that new commercial agricultural activity if the petition is approved.
 - (2) If an owner is permitted to change the use as provided in this subsection, the owner shall be allowed up to twenty-four months from the effective date of the petition to convert to the new commercial agricultural category. This conversion must be completed prior to the end of the dedication period.
 - (3) The petitioner shall submit progress reports of the petitioner's efforts in converting from one commercial agricultural category to another commercial agricultural category to the director of finance by the anniversary date of the petition approval and yearly, thereafter, as long as such conversion period remains.
 - (4) If the owner fails to make the conversion within the specified time limit, the owner will be subject to the taxes and penalties provided herein.
 - (5) Any other provision to the contrary notwithstanding, an approved change in use as provided herein shall not alter the original dedication period.
- (g) Breach of dedication; deferred or rollback taxes; penalties and interest.
- (1) A deferred or rollback tax shall be imposed on the owner of long-term commercial agricultural use dedicated lands upon any of the following:
 - (A) Failure of the owner to observe any restriction, condition, or provision on the use of the land; or
 - (B) If the dedicated property or any portion thereof is sold by way of a conveyance which is subject to conveyance tax under the terms of chapter 247, Hawaii Revised Statutes, unless a notarized affidavit is signed by the owner stating that the land will continue to be subject to the full requirements of the dedication including any penalties for violation. The director shall record the notarized affidavit with the bureau of conveyances.
 - (2) The deferred or rollback tax shall commence from the date the failure to observe the restriction, condition, or provision, or the property's conveyance retroactive to the date the assessment was made pursuant to subsection (3)(F) of this section but for not more than ten years.
 - (A) Failure to observe the restrictions on the use means failure for a period of six consecutive months to use the land in the manner requested in the petition or the overt act of changing the use for any period; provided that the petition by the owner for a change in use as provided in subsection

- (f), and the owner's subsequent change in use of such dedicated lands, shall not be deemed to constitute a failure of the owner to observe the restrictions on the use.
- (B) 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 the commercial agricultural category shall be taxed as provided by this subsection.
- (3) Calculating deferred or rollback taxes.
- (A) The deferred or rollback tax shall be based on the difference between the assessed market value at highest and best use and the long-term commercial agricultural use of the land at the rate applicable for the respective years.
- (B) 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 due and payable with a ten percent penalty.
- (C) If the owner of dedicated land breaches a condition of the dedication before its completion, deferred or rollback taxes shall be imposed on the subject parcel pursuant to subparagraph (F) below, retroactive from the end of the tax year in which the breach occurs.
- (D) In any case in which deferred or rollback taxes are imposed after successful completion of an agricultural dedication period, the deferred or rollback taxes shall be retroactive only to the end of the completed dedication period, and shall not be imposed for any time covered by a successfully completed agricultural dedication period.
- (E) In cases involving a breach of a ten-year dedication, or a rollback period of ten or fewer years for breach of a twenty-year dedication, the rollback taxes under this section shall be for a maximum total of ten years, including both the breached dedication rollback period and any period of nondedicated agricultural use assessment subject to rollback. Rollback taxes for any breach of dedication affecting more than ten years under a twenty-year dedication shall not exceed ten years.
- (F) Deferred or rollback tax schedule.
- (i) Breach of the restrictions on use within five years of the dedication shall result in a rollback to the date of the dedication.
- (ii) Breach of the restrictions on use within six years of the dedication shall result in a rollback of four years from the date of the breach.
- (iii) Breach of the restrictions on use within seven years of the dedication shall result in a rollback of three years from the date of the breach.
- (iv) Breach of the restrictions on use within eight or nine years of the dedication shall result in a rollback of two years from the date of the breach.

- (4) The additional taxes and penalties due and owing shall be a paramount lien upon the property as provided for by this chapter.
- (h) The director may cancel a dedication without rollback taxes or penalties in the event of any of the following:
 - (1) A recognized natural disaster beyond the farmer's control;
 - (2) The land can no longer be used for the dedicated agricultural use; or
 - (3) The death or severe disability of the principal farmer such that the farm operation cannot continue. Corporations and partnerships are not eligible for this death or severe disability exemption.

(2004, ord 04-143, sec 5; am 2005, ord 05-30, sec 2; am 2023, ord 23-55, sec 5.)

Section 19-61. [Former] Repealed.

(1983 CC, c 19, art 8, sec 19-61; rep 1997, ord 97-84, sec 1.)

Section 19-61. Short-term commercial agricultural use dedication.

- (a) A special land reserve is established to enable the owner of any parcel of land, or lessee of a recorded agricultural lease with a minimum of three years remaining on the lease at time of petition, to dedicate the land for a specific short-term commercial agricultural use, and to have the value of the land assessed in such use for a period of three years, or in the case of a recorded agricultural lease the term of the lease up to three years, provided:
 - (1) The total combined period of dedication for short-term commercial agricultural use shall not exceed three consecutive three year terms.
 - (2) The land dedicated for commercial activity must be used on a continuous and regular basis for intensive agriculture, orchards, feed crops and fast rotation forestry, pasture and slow rotation forestry, or diversified agriculture and have a minimum lot size per farm operation as determined by the minimum lot size schedule for that dedicated category of commercial activity as provided for in the administrative rules and regulations of the department, except where the dedication petition indicates a commercially viable agricultural operation on a smaller lot;
 - (3) The land dedicated for short-term commercial agriculture use for intensive agriculture, orchards, or diversified agriculture is fallow for no more than one out of every three years of the dedication period, except when greater fallow periods are necessary as described in the dedication petition;
 - (4) The land dedicated for short-term commercial agricultural use for intensive agriculture, orchards, or diversified agriculture shall not grow any crops identified by the State department of agriculture as a noxious weed; and
 - (5) The land is within a County zoned district of agricultural, residential and agricultural, family agricultural, intensive agricultural, agricultural project district, or any other County zoned district meeting with the approval of the director of planning.

- (b) Determining agricultural use value.
- (1) In determining the value of lands which are classified and used for short-term commercial agriculture use, consideration shall be given to rent, productivity, nature of actual commercial agricultural use, the advantage or disadvantage of factors such as location, accessibility, transportation facilities, size, shape, topography, 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) The five general agricultural categories in section 19-60 (c)(2) shall be used in determining the value of lands which are dedicated for short-term commercial agriculture use.
 - (3) Lands classified as tree farm property pursuant to chapter 186, Hawai'i Revised Statutes, shall be considered for classification and valuation as agricultural.
 - (4) The portion of land that is not dedicated for short-term commercial agriculture use shall be assessed based on the proportional market value of the total property.
 - (5) A farm dwelling site shall be assessed at the highest commercial agricultural use value, provided that the maximum farm dwelling site area to be assessed at the highest commercial agriculture use value shall not exceed one-fourth acre.
 - (6) Lands dedicated for short-term commercial agricultural use shall be assessed at two times the value of lands dedicated for long-term commercial agricultural use.
- (c) Short-term commercial agricultural use dedication petition.
- (1) If any owner desires to dedicate the owner's land for a short-term commercial agricultural use and to have the land taxed at its assessed value in this use, the owner shall so petition the director of finance and declare in the petition that the land can best be used for the purpose for which the owner requests permission and that if the petition is approved the land will be used for this purpose. The director shall require evidence of short-term commercial agricultural use in such form and at such times as provided for in the administrative rules and regulations of the department.
 - (2) The director shall prescribe the form of the petition that shall include at least one of the following:
 - (A) A farm plan;
 - (B) Documentation of organic certification from the U.S. Department of Agriculture;
 - (C) A plan from the U.S. Department of Agriculture, Natural Resources Conservation Service;
 - (D) Documentation of food safety certification from the U.S. Department of Agriculture; or

- (E) Receipts demonstrating an investment of a minimum of \$10,000 in farm equipment, fertilizers, or soil amendments for use on the subject property.
- (3) 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, dedication shall be effective on July 1 of the following tax year.
- (4) The petition for short-term commercial agricultural use dedication must be signed by all owners of the land being dedicated.
- (5) Action by director on petition.
 - (A) Upon receipt of a petition as provided above, 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.
 - (B) The director shall also make a finding of fact as to whether the intended use is in conflict with the general plan and any applicable community development plan of the County; provided that, with respect to lands in County zoning districts other than agricultural, residential and agricultural, family agricultural, intensive agricultural, or agricultural project district, the director shall make further findings respecting the economic feasibility of the intended use of the land.
 - (C) If all findings are favorable, the director shall approve the petition and declare the land to be dedicated.
- (d) 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 the land to a use other than short-term commercial agriculture for a minimum period of three years, unless otherwise provided by this chapter, subject to cancellation or renewal as follows:
 - (1) At least one hundred eighty days prior to any cancellation or termination, the department of finance shall notify the owner by mail of such cancellation or termination. The owner shall reapply for renewal of the dedication by filing an application with the director on or before September 1 of the last year of dedication. The renewal petition shall, in all respects, be processed similarly to an original petition. Upon approval by the director of succeeding dedications, the property shall continue to be assessed in accordance with the provisions of the dedication.
 - (2) In the case of a change in zoning not as a result of a petition by any property owner or lessee such that the owner's land is placed within any zoned district other than a County zoned district of agricultural, residential and agricultural, family agricultural, intensive agricultural, or agricultural project district, the dedication may be cancelled within sixty days of the change by the owner.
 - (3) Upon any conveyance or any change in ownership during the period of dedication, the land shall no longer continue to be subject to the terms and conditions of the dedication.

- (e) Changing between commercial agricultural categories.
 - (1) If the owner desires to change from a specific commercial agricultural category to another commercial agricultural category, the owner shall so petition the director of finance and declare in the petition that:
 - (A) The owner's land can best be used for a commercial agricultural activity other than that for which the petition was originally approved; and
 - (B) The owner will use the land for that new commercial agricultural activity if the petition is approved.
 - (2) If an owner is permitted to change the use as provided in this subsection, the owner shall be allowed up to twelve months from the effective date of the petition to convert to the new commercial agricultural category. This conversion must be completed prior to the end of the dedication period.
 - (3) The petitioner shall submit progress reports of the petitioner's efforts in converting from one commercial agricultural category to another commercial agricultural category to the director of finance by the anniversary date of the petition approval and yearly, thereafter, as long as such conversion period remains.
 - (4) If the owner fails to make the conversion within the specified time limit, the owner will be subject to the taxes and penalties provided herein.
 - (5) Any other provision to the contrary notwithstanding, an approved change in use as provided herein shall not alter the original dedication period.
- (f) Breach of dedication; deferred or rollback taxes; penalties and interest.
 - (1) A deferred or rollback tax shall be imposed on the owner of short-term commercial agricultural use dedicated lands upon failure of the owner to observe any restriction, condition, or provision on the use of the land.
 - (2) The deferred or rollback tax shall commence from the date the failure to observe the restriction, condition, or provision, retroactive to the date the assessment was made but for not more than three years.
 - (A) Failure to observe the restrictions on the use means failure for a period of six consecutive months to use the land in the manner requested in the petition or the overt act of changing the use for any period; provided that the petition by the owner for a change in use as provided in subsection (f), and the owner's subsequent change in use of such dedicated lands, shall not be deemed to constitute a failure of the owner to observe the restrictions on the use.
 - (B) 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 the commercial agricultural category shall be taxed as provided by this subsection.

- (3) Calculating deferred or rollback taxes.
 - (A) The deferred or rollback tax shall be based on the difference between the assessed market value at highest and best use and the short-term commercial agricultural use of the land at the rate applicable for the respective years.
 - (B) 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 due and payable with a ten percent penalty.
 - (C) If the owner of dedicated land breaches a condition of the dedication before its completion, deferred or rollback taxes shall be imposed on the subject parcel, retroactive from the end of the tax year in which the breach occurs.
 - (D) In any case in which deferred or rollback taxes are imposed after successful completion of an agricultural dedication period, the deferred or rollback taxes shall be retroactive only to the end of the completed dedication period, and shall not be imposed for any time covered by a successfully completed agricultural dedication period.
 - (E) In cases involving a breach of a three-year dedication, rollback taxes shall be assessed to the date of the dedication.
- (4) The additional taxes and penalties due and owing shall be a paramount lien upon the property as provided for by this chapter.
- (g) The director may cancel a dedication without rollback taxes or penalties in the event of any of the following:
 - (1) A recognized natural disaster beyond the farmer's control;
 - (2) The land can no longer be used for the dedicated agricultural use; or
 - (3) The death or severe disability of the principal farmer such that the farm operation cannot continue. Corporations and partnerships are not eligible for this death or severe disability exemption.
- (h) Applications for the short-term commercial agricultural use dedication shall be accepted beginning September 2, 2024, and approved applications under this dedication shall take effect no sooner than the 2026 tax year.
(2023, ord 23-55, sec 6.)

Section 19-62. Repealed.

(1983 CC, c 19, art 8, sec 19-62; rep 1997, ord 97-84, sec 1.)

Section 19-63. Repealed.

(1983 CC, c 19, art 8, sec 19-63; rep 1997, ord 97-84, sec 1.)

REAL PROPERTY TAXES

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Section 19-64. Repealed.

(1983 CC, c 19, art 8, sec 19-64; rep 1997, ord 97-84, sec 1.)

Section 19-65. Repealed.

(1983 CC, c 19, art 8, sec 19-65; rep 1997, ord 97-84, sec 1.)

Section 19-66. Repealed.

(1983 CC, c 19, art 8, sec 19-66; rep 1997, ord 97-84, sec 1.)

Article 9. Nontaxable Property; Assessment.**Section 19-67. Nontaxable property.**

For purposes of accountability, the director of finance shall assess at the nominal sum of \$100 each parcel of real property which is completely exempt from taxation.

(1983 CC, c 19, art 9, sec 19-67; am 1990, ord 90-138, sec 3; am 1997, ord 97-84, sec 1.)

Article 10. Exemptions.**Section 19-68. Claims for certain exemptions.**

- (a) (1) None of the exemptions from taxation granted in sections 19-76 to 19-78, 19-89.2 and 19-89.5 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.
- (2) The exemption from taxation granted for disabilities in sections 19-73 to 19-75 shall be allowed from the next tax payment date, provided that the claimant shall have filed a claim for the disability exemption along with a copy of the physician's certificate of disability with the department on or before June 30 for the first half payment or December 31 for the second half payment on such form as shall be prescribed by the department.
- (3) The exemption from taxation granted for principal home in section 19-71 shall be allowed from the next tax payment date, provided that the claimant shall have filed a claim for the home exemption on or before December 31 for the first half payment or June 30 for the second half payment on 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 no less than thirty days' notice (either to the claimant or to all claimants in the manner provided for by ordinance), that the claim or claims on file will be voided on a certain date;
 - (3) The five-year period for exemption, as allowed in section 19-78, expires; or
 - (4) The claimant makes the report required by subsection (d).

Section 19-99. 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 postmarked and 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 court on 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.

(1983 CC, c 19, art 12, sec 19-99; am 1997, ord 97-84, sec 1.)

Section 19-100. Cost; deposit for an appeal.

The cost to be deposited by the taxpayer for an appeal to the board of review shall be \$50 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 sections 232-22 and 232-23, Hawai'i Revised Statutes.

(1983 CC, c 19, art 12, sec 19-100; am 1991, ord 91-61, sec 2; am 1997, ord 97-84, sec 1; am 2010, ord 10-22, sec 2.)

Section 19-101. Cost; taxation.

In the event of an appeal by a taxpayer to the board of review, if the appeal is determined in the favor of the appellant, or the board of review finds that an adjustment is required due to duplicate assessments or departmental errors such as but not limited to transposition in figures, typographical errors, and errors in calculations, the cost deposited shall be returned to the appellant. Otherwise, the entire amount of cost deposited shall be retained by the County.

(1983 CC, c 19, art 12, sec 19-101; am 1997, ord 97-84, sec 1; am 2010, ord 10-22, sec 3.)

Section 19-102. 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 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 the taxpayer out of the account, or if investment of the account should result in a deficit therein, out of the general fund of the County, the amount of the tax paid upon the amount held by the court to have been excessive or nontaxable, together with interest at a rate to be determined by the director based upon the average interest rate earned on County investments during the previous fiscal year. Interest shall be calculated from the date of each payment into the litigated claims account. 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 director, 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 the general fund of the County. 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 general fund the amount of the tax paid upon the amount held by the board to have been excessive or nontaxable, together with interest at a rate to be determined by the director based upon the average interest rate earned on County investments during the previous fiscal year. Interest shall be calculated from the date of each payment into the general fund of the County. 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 director, shall, upon the final determination become a realization of the general fund.

(1983 CC, c 19, art 12, sec 19-102; am 1991, ord 91-61, sec 3; am 1997, ord 97-84, sec 1.)

Section 19-103. 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.

(1983 CC, c 19, art 12, sec 19-103; am 1997, ord 97-84, sec 1.)

Article 13. Tax Credits.**Section 19-104. Solar water heater tax credit established.**

- (a) An owner of real property that has a single-family dwelling, ohana dwelling, farm dwelling, duplex, or double-family dwelling unit(s) and who installs a solar water heater on the owner's property on or after January 1, 2008, shall be entitled to a one-time tax credit per tax map key of up to \$1,000 under this article against the owner's real property tax liability, except for the minimum tax from all property taxes.

- (b) This tax credit shall not be available for the installation of a solar water heater that is required by law.
- (c) The credit shall be claimed against real property tax liability for the tax year immediately following approval of the application for the credit. The tax credit shall entitle the owner to a credit only for the single tax year. There shall be no carryover tax credit.

(2008, ord 08-93, sec 2; am 2022, ord 22-127, sec 1.)

Section 19-105. Administration.

- (a) The director shall determine the eligibility of the owner for the tax credit upon review and verification that the owner has installed a solar water heater on the owner's property.
- (b) The owner shall file an application with the department of finance on or before September 30 preceding the tax year in which the credit would be provided.
- (c) The director shall adopt rules having the force and effect of law for the administration, implementation, and enforcement of this article.

(2008, ord 08-93, sec 2.)

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(g) Puna (Continued)
<ul style="list-style-type: none"> • Haunani Road, from a point six hundred thirty-five feet northwest of Maile Avenue to its northwestern terminus.
<ul style="list-style-type: none"> • Kaiewe Place.
<ul style="list-style-type: none"> • Kea'au Loop, from the access road serving the new Kea'au Self Help Subdivision to Route 11.
<ul style="list-style-type: none"> • Mahi'ai Road, from Amaumau Road to its southwestern terminus.
<ul style="list-style-type: none"> • North Oshiro Road, from Route 11 to Komo Street.

(1996, ord 96-163, sec 2; am 1996, ord 96-139, sec 1; am 1997, ord 97-119, sec 1; am 2005, ord 05-148, sec 1; am 2009, ord 09-133, sec 2; ord 09-137, sec 2; am 2012, ord 12-82, sec 2; am 2014, ord 14-44, sec 2; am 2015, ord 15-20, sec 2.)

Section 24-255. Schedule 3. 25 mile per hour limit.

A speed limit of twenty-five miles per hour is established as set forth in this schedule upon streets or portions of streets as follows:

(a) Hāmākua
<ul style="list-style-type: none"> • Āhualoa Homestead Road.
<ul style="list-style-type: none"> • Lehua Street in Honoka'a, from the junction of Lehua and Plumeria Streets to Māmane Street.
<ul style="list-style-type: none"> • Māmalahoa Highway (Āhualoa Road), from Honoka'a to the Hawai'i Belt Road at Waimea.
<ul style="list-style-type: none"> • Pakalana Street in Honoka'a, from a point four hundred feet mauka of Kukui Street to Māmane Street.
<ul style="list-style-type: none"> • Plumeria Street in Honoka'a, from Hawai'i Belt Road entrance to Lehua Street.
<ul style="list-style-type: none"> • Pōhākea Road, from the Old Māmalahoa Highway to the terminus of the paved portion.
(b) North Hilo
<ul style="list-style-type: none"> • Laupāhoehoe Beach Road access road.
<ul style="list-style-type: none"> • Old Government Main Road in 'O'ōkala, North Hilo, between the 29.4 and 30.5 mile markers of the Hawai'i Belt Road, Route 19, for a distance of one and six-tenths miles.
(c) South Hilo (Subdivision included at end)
<ul style="list-style-type: none"> • Ainaola Drive, from Malaai Road to its terminus in the mauka direction.
<ul style="list-style-type: none"> • Akolea Road, from Haleloke Street to Kaūmana Drive.

(c) South Hilo (Continued. Subdivisions included at end.)
• Aupuni Street, Kīlauea Avenue to Pauahi Street.
• Banyan Drive.
• Banyan Way, from Kalanianaʻole Avenue to Banyan Drive.
• Chin Chuck Road, beginning at a point 1.6 miles west of the Hawaiʻi Belt Road and extending .7 mile in the westerly direction to the end of the paved section of Chin Chuck Road.
• Haleloke Street.
• Hualālai Villa, on the following streets: - Hale Nani Place. - Hale Nani Street.
• Kaiwiki Road, beginning at a point 0.6 mile mauka of the Old Hawaiʻi Belt Road and extending to its mauka terminus.
• Kalanianaʻole Street, James Kealoha Park Access Road to Leleiwi Street.
• All streets within the area bounded by Kamehameha Avenue, Ponahawai Street, Kinoʻole Street, and Wailuku Drive.
• Kawailani Street, from its western terminus to a point one hundred sixty-five feet east of Makani Circle.
• Kūkūau Street, from Komohana Street to Kapiʻolani Street.
• Lanakila Homes area, all streets.
• Lihikai Street, from Kamehameha Avenue to the unnamed roadway into the pier and lighthouse.
• Māmalahoa Highway in Papaʻikou, from Yoshiyama Store to Kalanianaʻole School.
• Piʻihonua Road, beginning from its start at the southern terminus of Bridge 25-2, extending to a point approximately .7 mile in the northerly direction.
• Waiānuenue Avenue, from Akolea Road to its terminus at the southern terminus of Bridge 25-2.
• Waiānuenue Avenue, from Halaʻi Street to Bayfront Highway.
• Wainaku Street.
• Wiliwili Street, from Kaūmana Drive to Uluwai Street.
<i>ʻAlae Point Subdivision, South Hilo:</i>
• Kahoa Street.
• Makakai Place.
• Nahala Street.
<i>Mohouli Subdivision in Waiākea, South Hilo:</i>
• Hilinaʻi Street.
• Hoopuni Street.
• Iloko Street.

(g) Puna (Continued)
• Ali'i Koa Street.
• Amaumau Road.
• Anuheha Street.
• Hāpu'u Road, from Nānāwale Boulevard to Maui Road.
• Haunani Road, from Highway 11 to a point six hundred thirty-five feet northwest of Maile Avenue.
• Huina Road, beginning at a point 0.8 mile west of Volcano Highway and extending 1.6 miles to Luhi Road.
• Kahakai Boulevard, from the property line between parcels 1-5-9:09 and 1-5-9:59 and extending fifty eight feet northeast of 'A'ama Street.
• Kēhau Road, from Nānāwale Boulevard to Maui Road.
• Kōloa Maoli Road.
• Kukui Camp Road, from the Hawai'i Belt Road to its terminus.
• Mahi'ai Road, from its northeastern terminus to Amaumau Road.
• Moho Road
• Mokuna Street.
• North Ala Road, Route 11 to Huina Road.
• North Glenwood Road, from Route 11 to a point 2.2 miles in the westerly direction.
• North Kulani Road, Route 11 to Pacific Paradise Gardens Subdivision.
• Old Volcano Highway, in Volcano Village.
• Old Volcano Road.
• Old Volcano Road in Kea'au Village, from its intersection with Highway 11, approximately 0.2 mile north of Mile Post 8, and extending in a northerly direction to its intersection with Kea'au Loop Road, in the vicinity of Mile Post 7.
• 'Opihikao-Kamā'ili Road, between a point 3 miles makai of Route 130 and Route 137.
• 'Opihikao-Kamā'ili Road, between points 1.1 and 2.8 miles makai of Route 130.
• Pa Ali'i Street.
• Pāhoa Road, from a point 0.75 miles Pāhoa of Kahakai Boulevard to the Kapoho Pāhoa-Kalapana Road junction.
• Pāhoa Solid Waste Disposal Road, known as the Pāhoa By Pass Road, for its entire length.
• Pohoiki Road, between a point 1.55 miles makai of Route 132 and Route 137.
• South Kūlani Road, from a point three hundred feet northwest of bridge 18-1 to its southeastern terminus.

(g) Puna (Continued)
<ul style="list-style-type: none"> • South Kūlani Road, from Volcano Road to the property line between parcels 1-8-086:026 and 1-8-086:027.
<ul style="list-style-type: none"> • Wright Road, from a point six thousand six hundred eighty-five feet northwest of Olomea road to its northwestern terminus.
<ul style="list-style-type: none"> • Wright Road, from its southeastern terminus to Olomea Road.

(1996, ord 96-163, sec 2; am 1996, ord 96-145, sec 2; am 1997, ord 97-2, sec 2; ord 97-76, sec 1; ord 97-94, sec 1; ord 97-97, sec 1; am 1998, ord 98-131, secs 1 and 2; am 1999, ord 99-65, secs 7 and 8; ord 99-85, sec 2; ord 99-135, sec 2; am 2000, ord 00-39, sec 1; am 2001, ord 01-62, sec 2; ord 01-96, sec 2; am 2008, ord 08-63, sec 2; am 2009, ord 09-24, sec 1; ord 09-61, sec 1; ord 09-95, sec 1; ord 09-98, sec 1; ord 09-99, sec 1; ord 09-130, sec 2; ord 09-134, sec 2; am 2010, ord 10-39, sec 1; ord 10-40, sec 1; ord 10-41, sec 1; ord 10-86, sec 1; am 2012, ord 12-60, sec 2; ord 12-71, sec 2; ord 12-117, secs 2 and 3; ord 12-166, sec 2; ord 12-167, sec 2; am 2013, ord 13-55, secs 2 and 3; am 2014, ord 14-26, sec 2; ord 14-45, sec 2; ord 14-93, secs 2 and 3; am 2015, ord 15-21, secs 2 and 3; ord 15-108, sec 3; am 2016, ord 16-64, sec 2; am 2017, ord 17-60, sec 2; am 2023, ord 23-58, sec 3.)

Section 24-256. Schedule 4. 30 mile per hour limit.

A speed limit of thirty miles per hour is established as set forth in this schedule upon the streets or portions of streets following:

(a) Hāmākua
<ul style="list-style-type: none"> • Mauna Kea Road, from a point 2.46 miles north of the Saddle Road intersection to Hale Pōhaku.
(b) North Hilo
(c) South Hilo
<ul style="list-style-type: none"> • Hoaka Road, Ainaola Drive to Malaai Road. • Kīlauea Avenue from Ponahawai Street to Lono Street. • Kūkūau Street, from Komohana Street to a point one hundred fifty feet southwest of Kahikini Street. • Lama Street, Kanoelehua Street to Railroad Avenue. • Leilani Street, from Kanoelehua Avenue to Kekūanaō‘a Street. • Makalika Street, Kanoelehua Street to Railroad Avenue. • Māmaki Street, Stainback Highway to Awa Street.
(d) Ka‘ū
<ul style="list-style-type: none"> • Kamā‘oa Road, from a point 0.4 mile west of Route 11 for a distance of 2.6 miles towards South Point Road.

(e) Kohala
<ul style="list-style-type: none"> • Kawaihae Road (FAP Route 19), Māmalahoa Highway to the beginning of the State Highway. • Māmalahoa Highway in Waimea, from Lindsey Road to a point five thousand five hundred feet in the Honoka‘a direction, in the vicinity of Fukushima Store.
(f) Kona
<ul style="list-style-type: none"> • Ali‘i Drive, from Mākole‘ā Street to Kamehameha III Road. • Ali‘i Drive, from Wālua Road to the property line between parcels 7-8-014:005 and 7-8-014:006. • Hawai‘i Belt Road (Highway 11), from a point five thousand one hundred feet south of the terminus of the State Highway in Honalo to a point two hundred thirty-five feet north of Haukapila Street. • Hawai‘i Belt Road (Highway 11), from a point one thousand feet south of Hale Ke‘eke‘e Place to the beginning of the State Highway in Captain Cook. • Māmalahoa Highway, from Honokōhau (Palani) Junction to the Keauhou Junction.
(g) Puna
<ul style="list-style-type: none"> • Government Beach Road, from Pāhoa-Kapoho Road to Papaya Farms Road. • Huina Road, Volcano Highway to a point 0.8 mile west. • Kalapana-Kapoho Beach Road, from a point six thousand three hundred sixty-one feet south of Kapoho Kai Drive to its southern terminus. • North Kūlani Road, Pacific Paradise Gardens Subdivision to Ihope Road. • Pāhoa Road, from Kahakai Boulevard for a distance of 0.75 mile in the Pāhoa direction.

(1996, ord 96-163, sec 2; am 1997, ord 97-76, sec 2; ord 97-97, sec 2; am 1998, ord 98-131, secs 3 and 4; am 2003, ord 03-95, sec 1; am 2008, ord 08-63, sec 1; am 2009, ord 09-96, sec 1; am 2012, ord 12-74, sec 2; ord 12-75, sec 2; ord 12-83, sec 2; am 2014, ord 14-94, secs 2 and 3; am 2016, ord 16-51, sec 2; am 2019, ord 19-42, sec 1; am 2023, ord 23-58, sec 2.)

Section 24-257. Schedule 5. 35 mile per hour limit.

A speed limit of thirty-five miles per hour is established as set forth in this schedule upon the streets or portions of streets as follows:

(a) Hāmākua

(b) North Hilo
(c) South Hilo
<ul style="list-style-type: none"> • Ainako Avenue. • Ainaola Drive, from Kawaihine Street to Māla'ai Road. • 'Akōlea Road, from Waiānuenu Avenue to Haleloke Street. • Chin Chuck Road, Hawai'i Belt Road to a point 1.6 miles west. • Haihai Street. • 'Iwalani Street, between Kawaihine Street and Puainako Street. • Kaiwiki Road, beginning at the Old Hawai'i Belt Road and extending a distance of 0.6 mile in the mauka direction. • Kalaniana'ole Street, from Kamehameha Avenue to James Kealoha Park Access Road. • Kamehameha Avenue, from Ponahawai Street to Route 19, in the vicinity of the old Hilo Iron Works. • Kaūmana Drive. • Kawaihine Street, from a point one hundred sixty-five feet east of Makani Circle to Highway 11. • Kāwili Street between Kino'ole Street and Puainako Street. • Kekūanaō'a Street. • Kīlauea Avenue, from Lono Street to Hale Manu Drive. • Kino'ole Street, from Haihai Street to Ponahawai Street. • Komohana Street, between Ponahawai Street and Waiānuenu Avenue. • Komohana Street, from Ainaola Drive to Puainako Street. • Kūkūau Street, from a point one hundred fifty feet southwest of Kahikini Street to its southwestern terminus. • Kumuko'a Street, from Mohouli Street to Lanikāula Street. • Lanikāula Street, from Kumuko'a Street to Kanoelehua Avenue. • Māmalahoa Highway, from its junction with the Hawai'i Belt Road at Andrade Camp Road toward Hilo to its junction with the Hawai'i Belt Road at Pāpa'ikou in the vicinity of Kalaniana'ole School. • Manono Street, from Kamehameha Avenue to Kāwili Street. • Mohouli Street, from Komohana Street to Kino'ole Street. • Mohouli Street, Uluwai Street to Kaūmana Drive. • Pauahi Street, from Kamehameha Avenue to Kīlauea Avenue. • Puainako Street, westbound lane, from a point four hundred fifty feet west of Kaūmana Drive to its western terminus and eastbound lane, from a point 3.57 miles east of Wilder Road to Komohana Street. • Railroad Avenue, from a point eight hundred forty feet south of Kūkila Street to its southern terminus. • Saddle Road, from Country Club Drive to the 18.8 mile point. • Stainback Highway, Route 11 to a point eight hundred ninety feet west of the Pana'ewa Zoo access road. • Waiānuenu Avenue, from mauka terminus to Hāla'i Street.

VEHICLES AND TRAFFIC

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Section 24-280. Schedule 28. No parking at anytime.

When signs are erected giving notice thereof, no person shall at any time park a vehicle upon any of the following described streets or portion of streets:

(a) Hāmākua
• Kika Street, Waipi'o side, in Honoka'a.
• Ko'a Street, makai side, in Honoka'a.
• Koniaka Place, for its entire length.
• Kukui Street, beginning at Pakalana Street and extending five hundred ninety feet in the easterly direction.
• Lehua Street, Hilo side from Māmane Street to the Catholic Church.
• Lehua Street, Waipio side, beginning from Māmane Street and ending one hundred seventy feet in the mauka direction.
• Māmalahoa Highway, mauka side, from the Pa'auilo School Road to the Hawai'i Belt Road (Project DF-019-2(5)) in Pa'auilo.
• Old Mamalahoa Highway (Route 222), beginning from 3.7 miles east of the northwest junction to Highway 19 and extending one thousand five hundred and nine feet in the easterly direction on both sides of the roadway.
• Pakalana Street, Waipio side, from Māmane Street to a distance of one hundred feet mauka of Kukui Street.
• Plumeria Street, Waipio side, in Honoka'a.

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(d) Ka'ū
<ul style="list-style-type: none"> • Kamani Street, between Pīkake Street and Puahala Street.
<ul style="list-style-type: none"> • Kamani Street, south side, from the Ka'ū Hospital access road and extending mauka for approximately five hundred thirty-five feet to the Old Government Road makai of Maile Street.
<ul style="list-style-type: none"> • Maile Street, makai side, in Pāhala, beginning at the access road to the mill located across from Pīkake Street and proceeding for one hundred fifty feet in the southwesterly direction towards Nā'ālehu.
(e) Kohala
<ul style="list-style-type: none"> • Emmalani Street, both sides, for its entire length.
<ul style="list-style-type: none"> • Highway 190 (Māmalahoa Highway), southeast side, from a point one thousand one hundred ninety feet southwest of Lindsey Road and extending three hundred thirty feet in the northeasterly direction.
<ul style="list-style-type: none"> • Honomakua Road at Kohala High and Elementary School, from the exit driveway of the school cottage to the makai boundary of the school property.
<ul style="list-style-type: none"> • Hooke Street, both sides, from Paniolo Avenue and extending three hundred thirty feet in the westerly direction.
<ul style="list-style-type: none"> • Hulukupuna Street, Kona side, from Emmalani Street for a distance of one hundred twenty-five feet in the makai direction.
<ul style="list-style-type: none"> • Ka-Uhiwai Street, west side, for its entire length.
<ul style="list-style-type: none"> • On the Hāwī side of the access road connecting the Kohala Civic Center to Route 270, starting from Route 270 and extending mauka for a distance of three hundred feet.
<ul style="list-style-type: none"> • Lanikila Street, west side, for its entire length.
<ul style="list-style-type: none"> • Lindsey Road, both sides, beginning at Route 19 and extending two hundred fifty feet in the northerly direction, except along the passenger loading zone fronting Parker School.
<ul style="list-style-type: none"> • Lua-Kula Street, north side, beginning at Paniolo Avenue and extending six hundred eighty feet in the westerly direction and from a point two thousand thirty-four feet west of Paniolo Avenue to a point four hundred feet in the northerly direction, and south side from Paniolo Avenue to Melia Street.
<ul style="list-style-type: none"> • Mahina Street, west side, for its entire length.
<ul style="list-style-type: none"> • Māmalahoa Highway, mauka side, beginning at Lindsey Road and extending four hundred ninety-five feet in the Hilo direction.
<ul style="list-style-type: none"> • Pa'akea Street, east side, for its entire length.
<ul style="list-style-type: none"> • Paniolo Avenue.
<ul style="list-style-type: none"> • Paniolo Avenue, from Waikoloa Road to a point four hundred fifty feet north of Lua Kula Street.
<ul style="list-style-type: none"> • Paniolo Place, north side.
<ul style="list-style-type: none"> • Puakō Beach Drive, beginning at a point one and one-quarter miles west of Queen Ka'ahumanu Highway and extending seven hundred seventy feet in the westerly direction.

(e) Kohala (Continued)
<ul style="list-style-type: none"> Route 19, northeast side, from a point two hundred forty-four feet northwest of the Route 19/Route 190 junction and extending five hundred thirty-seven feet in the northwesterly direction.
<ul style="list-style-type: none"> Route 19, southwest side, from the Route 19/Route 190 junction and extending seven hundred forty-two feet in the northwesterly direction.
<ul style="list-style-type: none"> ‘Uala Street, west side, for its entire length.
(f) Kona
<ul style="list-style-type: none"> Ali‘i Drive, east (mauka) side, from a point five hundred eighty-one feet south of Mākole‘ā Street and extending sixty-eight feet north of Mākole‘ā Street.
<ul style="list-style-type: none"> Ali‘i Drive, east (mauka) side, from a point forty-two feet south of the southern intersection of Kahakai Road with Ali‘i Drive and extending two hundred three feet north of Walua Road.
<ul style="list-style-type: none"> Ali‘i Drive, east (mauka) side, from a point three hundred nine feet north of Mākole‘ā Street and extending one thousand three hundred thirty-five feet north of Mākole‘ā Street.
<ul style="list-style-type: none"> Ali‘i Drive in Kailua-Kona, makai side, between Kailua Bay Wharf and Hualālai Reef Road.
<ul style="list-style-type: none"> Ali‘i Drive in Kailua-Kona, makai side, from a point approximately four hundred feet south of Hualālai Road to the junction of Ali‘i Drive with Kailua-Keauhou Middle Road, in the vicinity of the Kona Hilton Hotel.
<ul style="list-style-type: none"> Ali‘i Drive in Kona, makai side, beginning at a point one hundred thirty feet south of the southern driveway of the Kona Isle Condominium and extending three hundred thirty-six feet in a northerly direction.
<ul style="list-style-type: none"> Ali‘i Drive, makai side, beginning at a point five hundred feet Ka‘u side of Lunapule Road and extending three hundred fifty feet in the Ka‘u direction.
<ul style="list-style-type: none"> Ali‘i Drive, makai side, for a distance of one hundred feet on either side of each driveway into Kahalu‘u Beach Park.
<ul style="list-style-type: none"> Ali‘i Drive, makai side, for a distance of one hundred feet on either side of each driveway to the Kona Magic Sands Apartment building and the driveway to White Sands Beach.
<ul style="list-style-type: none"> Ali‘i Drive, northeast (mauka) side, from Kamehameha III Road and extending eight hundred forty-six feet northwest of Ali‘i Highway.
<ul style="list-style-type: none"> Ali‘i Drive, northeast (mauka) side, from a point nine hundred forty-four feet southeast of Lunapule Road and extending four hundred sixty-nine feet southeast of Lunapule Road.
<ul style="list-style-type: none"> Ali‘i Drive, northeast (mauka) side, from a point ninety feet south of the northern intersection of Kahakai Road with Ali‘i Drive to its northern terminus, except for the parking in the curb cut-out fronting parcels identified by Tax Map Key Numbers (3) 7-5-009:028 and 7-5-009:043 and the signed and marked loading zones outside of the designated loading zone times.

(f) Kona (Continued)
<ul style="list-style-type: none"> • Ali'i Drive, northeast (mauka) side, from a point seven hundred eighty feet southeast of Queen Kalama Avenue and extending two thousand nine hundred five feet southeast of Royal Poinciana Drive.
<ul style="list-style-type: none"> • Ali'i Drive, northeast (mauka) side, from a point two thousand six hundred ninety-five feet southeast of Royal Poinciana Drive and extending seventy-five feet northwest of Royal Poinciana Drive, except for the parking fronting the parcel identified by Tax Map Key Number (3) 7-6-015:009.
<ul style="list-style-type: none"> • Ali'i Drive, northeast (mauka) side, from the property line between parcels identified by Tax Map Key Numbers (3) 7-5-020:072 and 7-5-020:073 and extending two thousand nine hundred thirty-five feet southeast of Lunapule Road.
<ul style="list-style-type: none"> • Ali'i Drive, west (makai) side, from a point one hundred feet south of Makole'a Street and extending six hundred twenty-two feet north of Makole'a Street.
<ul style="list-style-type: none"> • Ali'i Drive, west (makai) side, from a point nine hundred thirty-six feet north of Makole'a Street and extending thirty-three feet in northerly direction.
<ul style="list-style-type: none"> • Ali'i Drive, west (makai) side, from a point seven hundred eighty-one feet north of Makole'a street and extending seventy-three feet in a northerly direction.
<ul style="list-style-type: none"> • Belt Highway, mauka side, beginning at Station 8+00 across the Honalo Shopping Center and extending 0.4 mile in the southerly direction.
<ul style="list-style-type: none"> • Captain Cook, on the west side of Route 11, beginning at a point 0.15 mile south of Nāpō'opo'o Road (Palipoko Road) intersection for a distance of four hundred feet in a southerly direction.
<ul style="list-style-type: none"> • Haleki'i Street, both sides, from a point four hundred ten feet west of Muli Street and extending one hundred sixty feet in the westerly direction.
<ul style="list-style-type: none"> • Hanama Place, from its terminus to a point one hundred eighty feet in the southerly direction, except the fifty-five foot section on the makai side fronting the Kailua Trade Center.
<ul style="list-style-type: none"> • Hanama Place, on the southeast side from Kuakini Highway and extending makai for a distance of four hundred feet.
<ul style="list-style-type: none"> • Hina-Lani Street, from Queen Ka'ahumanu Highway to Ane Keohokālole Highway.
<ul style="list-style-type: none"> • Hōnaunau Beach Road, both sides, from City of Refuge Access Road and extending three hundred fifty feet west.
<ul style="list-style-type: none"> • Hōnaunau Beach Road, east side, from a point two hundred ninety feet north of the Hōnaunau Boat Ramp and extending three hundred seventeen feet in the northerly direction.
<ul style="list-style-type: none"> • Hooper Road, Māmalahoa Highway to its northern terminus.
<ul style="list-style-type: none"> • Hualālai Road, between Kuakini Highway and Ali'i Drive.

(f) Kona (Continued)
<ul style="list-style-type: none"> • Kahakai Road, both sides, except the six hundred forty foot section on the mauka side fronting the Kona Hilton Hotel parking lot.
<ul style="list-style-type: none"> • Kahauloa Road, north (makai) side.
<ul style="list-style-type: none"> • Kahauloa Road, south (mauka) side, from a point five feet west of Kahauloa Street to its western terminus.
<ul style="list-style-type: none"> • Kahauloa Road, south (mauka) side, from Pu‘uhonua Road and extending eighty feet in the westerly direction.
<ul style="list-style-type: none"> • Kahauloa Street, north (makai) side.
<ul style="list-style-type: none"> • Kahauloa Street, south (mauka) side, from a point seventy-two feet west of Manini Beach Road to its western terminus.
<ul style="list-style-type: none"> • Kahauloa Street, south (mauka) side, from Kahauloa Road to a point thirty-six feet west of Manini Beach Road.
<ul style="list-style-type: none"> • Kailua Bay seawall, extending forty feet eastward along the seawall from the western end of the seawall beside the Kailua Wharf in Kailua-Kona.
<ul style="list-style-type: none"> • Kaiwi Street, on the Ka'u (easterly) side, from a point thirty feet north of the driveway into Hawaii Electric Light Company and extending southerly to Pawai Place.
<ul style="list-style-type: none"> • Kaiwi Street, on the Kohala Side, beginning at Kuakini Highway and extending four hundred feet in the mauka direction.
<ul style="list-style-type: none"> • Kakina Lane, both sides, in Kailua-Kona.
<ul style="list-style-type: none"> • Kalawa Street, southwest (makai) side, from Kalani Street to its southeastern terminus.
<ul style="list-style-type: none"> • Kealakaa Street, northeast side, beginning at Palani Road and extending two hundred two feet in the westerly direction.
<ul style="list-style-type: none"> • Kealakaa Street, southwest side, beginning at Palani Road and extending four hundred eight feet in the northwesterly direction.
<ul style="list-style-type: none"> • Kinue Street, Ka'u side, in Kealakekua.
<ul style="list-style-type: none"> • Kona Hospital Road in Kealakekua, both sides.
<ul style="list-style-type: none"> • Kopiko Street, on the north side, beginning at Palani Road and extending three hundred eighty feet in the easterly direction toward the Lanihau Shopping Center.
<ul style="list-style-type: none"> • Kopiko Street, on the south side, beginning at the Lanihau Shopping Center property line and extending two hundred ten feet in the southerly direction.
<ul style="list-style-type: none"> • Kuakini Highway, between Palani Road and Old Kona Airport.
<ul style="list-style-type: none"> • Kuakini Highway, makai side, between Palani Road and Likana Lane.
<ul style="list-style-type: none"> • Lako Street, from Kuakini Highway to its western terminus.
<ul style="list-style-type: none"> • Likana Lane in Kailua-Kona, both sides, from Ali'i Drive north for a distance of one hundred fifty-seven feet and on the mauka side for the remainder of the lane.
<ul style="list-style-type: none"> • Māmalahoa Highway, beginning at a point one hundred ten feet north of the National Guard Armory Road and extending southward for a distance of one hundred fifty feet.

(g) Puna
<ul style="list-style-type: none"> • Hale Pule Loop, from its northernmost intersection with the Volcano Highway to its intersection with Hale Kula Road.
<ul style="list-style-type: none"> • Mauka side of the government road in front of Harry K. Brown Park in Kalapana, from the entrance to the parking lot to six hundred feet in the Volcano direction.
<ul style="list-style-type: none"> • Kahakai Boulevard, northeast (makai) side, between the two driveways of Keonepoko Elementary School along the southwest property line of parcel number 1-5-009:059.
<ul style="list-style-type: none"> • Kalapana Beach Road, from the Kapoho-Pāhoā-Kaimū intersection for a distance of two hundred forty feet in the Kapoho direction.
<ul style="list-style-type: none"> • Kalapana/Kapoho Beach Road, on the mauka side directly across from Pualā'a Beach Park for a total distance of four hundred thirty feet.
<ul style="list-style-type: none"> • Kalapana-Kapoho Beach Road, on the north (mauka) side, from a point eight hundred fifty feet southwest of Oliana Drive and extending one hundred fifty feet in the southwesterly direction.
<ul style="list-style-type: none"> • Kalapana-Kapoho Beach Road, on the north (mauka) side, from a point one thousand one hundred fifty-five feet southwest of Oliana Drive and extending two hundred thirty-five feet in the southwesterly direction.
<ul style="list-style-type: none"> • Kalapana-Kapoho Beach Road, on the north (mauka) side, from Oliana Drive to a point four hundred feet in the southwesterly direction.
<ul style="list-style-type: none"> • Kamā'ili Road, Kalapana side, from a point five hundred feet mauka of the truck runway ramp to a point three hundred feet makai of the truck runway ramp.
<ul style="list-style-type: none"> • Ka'ōhe Homestead Road, east side, from the athletic field driveway and extending southerly to an area just past the County of Hawai'i Deep Well Site, a distance of one thousand two hundred twenty feet.
<ul style="list-style-type: none"> • Ka'ōhe Homestead Road, west side, from the Pāhoā Road to and including the Pāhoā School gym.
<ul style="list-style-type: none"> • Kauhale Street, on the west side, beginning at Pāhoā Road and extending two hundred twelve feet in the southerly direction.
<ul style="list-style-type: none"> • Kea'au Civic Center Road, Puna (makai) side.
<ul style="list-style-type: none"> • Kea'au-Pāhoā Road, north side, from Ka'ōhe Homestead Road and extending five hundred fifteen feet to the Sacred Hearts Church driveway.
<ul style="list-style-type: none"> • Māmalahoa Highway in Kea'au, from the Kea'au Store for a distance of one thousand feet in the volcano direction.
<ul style="list-style-type: none"> • On the roadway on the 'Ōla'a to Kapoho Road from the 'Ōla'a boundary of Pāhoā Park to a point four hundred feet on the 'Ōla'a side of the Pāhoā Garage.
<ul style="list-style-type: none"> • Old Volcano Road, in Kea'au Village, both sides, beginning at a point eighty-two feet northeast of Pili Mua Street and extending nine hundred sixty feet in the northeasterly direction.

(g) Puna (Continued)
<ul style="list-style-type: none"> • Ka'ū side of roadway in the vicinity of the old Nakamura Store in Kapoho on both sides of curve of Pāhoa-Kumukahi Lighthouse Road for a distance of eight hundred twenty feet west from a point approximately one thousand one hundred fifty feet northwest of Project marker F.A.P. No. S-4132 and ER-8.
<ul style="list-style-type: none"> • Mauka side between Pāhoa town and the school.
<ul style="list-style-type: none"> • Route 130, east side, beginning at Kahakai Boulevard and extending three hundred fifty feet in the southerly direction toward Pāhoa Village.

(1996, ord 96-163, sec 2; am 1996, ord 96-155, sec 1; am 1997, ord 97-25, sec 1; ord 97-28, secs 1 and 2; ord 97-58, sec 1; ord 97-109, sec 1; ord 97-110, sec 1; ord 97-123, sec 1; ord 97-129, secs 1 and 2; am 1998, ord 98-31, secs 1, 2, and 3; ord 98-40, sec 2; ord 98-62, sec 1; ord 98-73, secs 1 and 2; ord 98-74, secs 2, 3, 4, and 5; ord 98-85, sec 2; ord 98-89, secs 1 and 2; am 1999, ord 99-62, sec 1; ord 99-84, sec 3; ord 99-90, sec 1; ord 99-92, secs 1 and 2; ord 99-128, sec 1; ord 99-134, secs 1-5; am 2000, ord 00-12, sec 1; ord 00-29, secs 1 and 2; ord 00-79, sec 4; ord 00-80, sec 1; ord 00-129, sec 1; ord 00-130, sec 2; am 2001, ord 01-8, sec 1; ord 01-9, sec 3; ord 01-119, sec 3; am 2002, ord 02-91, sec 1; am 2004, ord 04-25, secs 1 and 2; am 2008, ord 08-174, sec 1; am 2009, ord 09-22, sec 1; ord 09-61, sec 2, ord 09-145, sec 2; am 2010, ord 10-3, sec 2; am 2011, ord 11-15, sec 1; ord 11-33, sec 1; ord 11-89, sec 2; ord 11-120, sec 2; am 2012, ord 12-2, sec 2; ord 12-8, sec 2; ord 12-22, sec 2; ord 12-48, sec 2; ord 12-104, sec 2; ord 12-121, sec 2; am 2013, ord 13-1, sec 2; ord 13-69, sec 2; ord 13-71, sec 2; am 2014 ord 14-7, sec 2; ord 14-29, sec 2; ord 14-47, sec 2; ord 14-49, secs 2, 3, and 4; ord 14-62, sec 2; am 2015, ord 15-14, secs 2 and 3; ord 15-89, sec 2; ord 15-92, sec 2, ord 15-107, sec 2; ord 15-112, sec 2; am 2016, ord 16-1, secs 2, 3, and 4; ord 16-25, sec 2; ord 16-78, secs 2 and 3; am 2017, ord 17-27, sec 2; ord 17-51, sec 2; ord 17-52, sec 2; am 2022, ord 22-15, sec 2; am 2023, ord 23-98, secs 2 and 3; ord 23-99, sec 2.)

Section 24-281. Schedule 29. Parking prohibited during certain hours on certain streets; tow-away zone.

When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified herein upon any of the streets or parts of streets as follows:

(a) Hāmākua
(b) North Hilo
<ul style="list-style-type: none"> • Old Māmalahoa Highway, mauka side, at Pāpa'aloa, beginning at a point two hundred thirty-three feet on the Hilo side of Kaiwilahilahi Bridge for a distance of one hundred fifty-four feet in the Hilo direction from 7:00 a.m. to 5:00 p.m.

(c) South Hilo (Continued)
<ul style="list-style-type: none"> • Waiānuenu Avenue, Hāmākua side, from two hundred forty feet makai of Laimana Street to Kapi'olani Street, between the hours of 7:15 a.m. and 8:00 a.m. on school days.
<ul style="list-style-type: none"> • Waiānuenu Avenue, Hāmākua side, fronting the Hilo Methodist Church, from 7:00 a.m. to 6:00 p.m. except on Saturdays, Sundays, and holidays.
<ul style="list-style-type: none"> • Waiānuenu Avenue, north side, from Pūnāwai Street to Hāla'i Street, from 7:15 a.m. to 8:15 a.m. on school days and from 4:00 p.m. to 5:00 p.m. except on Saturdays, Sundays and public holidays.
<ul style="list-style-type: none"> • Waiānuenu Avenue, Puna side, from four hundred five feet makai of Laimana Street and extending one hundred fifty-eight feet towards Kapi'olani Street between the hours of 7:15 a.m. and 5:30 p.m. on school days.
<ul style="list-style-type: none"> • Waiānuenu Avenue, Puna side, from one hundred feet makai of Laimana Street and extending one hundred sixty-four feet in the makai direction between the hours of 7:15 a.m. and 8:00 a.m. on school days.
<ul style="list-style-type: none"> • Waiānuenu Avenue, Puna side, one stall mauka of the Hilo Union School-Annex crosswalk, from 7:15 a.m. to 8:00 a.m. on school days; 1:45 p.m. to 2:30 p.m. on Mondays, Tuesdays, Thursdays and Fridays when school is in session; and 12:45 p.m. to 1:30 p.m. on Wednesdays when school is in session.
(d) Ka'ū
(e) Kohala
(f) Kona
<ul style="list-style-type: none"> • Alapa Street, Kona Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Ali'i Drive, east (mauka) side, from a point sixty-eight feet north of Makole'a Street and extending two hundred forty-one feet in a northerly direction from 8:00 p.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Ali'i Drive, west (makai) side, from a point eight hundred fifty-four feet north of Makole'a Street and extending eighty-two feet in a northerly direction from 8:00 p.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Ali'i Drive, west (makai) side, from a point five hundred twenty-two feet north of Makole'a Street and extending two hundred fifty-nine feet in a northerly direction from 8:00 p.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Ali'i Drive, west (makai) side, from a point nine hundred sixty-nine feet north of Makole'a Street and extending one hundred forty-four feet in a northerly direction from 8:00 p.m. to 5:00 a.m.
<ul style="list-style-type: none"> • The County parking lot between Kuakini Highway and Likana Lane, between the hours of 2:00 a.m. and 5:00 a.m.
<ul style="list-style-type: none"> • Eho Street, Kona Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.

(f) Kona (Continued)
<ul style="list-style-type: none"> • Ka‘ahumanu Place, south side, one hundred twenty feet west of Ali‘i Drive and extending fifty-six feet in the easterly direction, from 6:00 a.m. to 6:00 p.m. everyday.
<ul style="list-style-type: none"> • Kaiwi Street, Kona Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Kaleiopapa Street, mauka side, beginning at a point four hundred ten feet north of ‘Ehukai Street and extending four hundred ten feet in the northerly direction, at all times, except between 4:00 p.m. to 9:00 p.m. on Tuesdays and Fridays.
<ul style="list-style-type: none"> • Kamanu Street, Kaloko Light Industrial Subdivision, from 10:00 p.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Kanalani Street, Kaloko Light Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Kauhola Street, Kaloko Light Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Keanalehu Drive, 8:00 a.m. to 3 p.m. on school days.
<ul style="list-style-type: none"> • Lawehana Street, Kaloko Light Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Luhia Street, Kona Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Maiau Street, Kaloko Light Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Olowalu Street, Kaloko Light Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Pawai Place, Kona Industrial Subdivision, from 2:00 a.m. to 5:00 a.m.
<ul style="list-style-type: none"> • Puohulihuli Street, 8:00 a.m. to 3:00 p.m. on school days.
(g) Puna
<ul style="list-style-type: none"> • ‘Ōla‘a to Kapoho Road in Pāhoa, mauka side, in front of the Pāhoa YBA Building, from 2:00 p.m. to 5:30 p.m. on school days except that on Wednesdays when school is in session, no parking shall be allowed from 1:00 p.m. to 5:30 p.m.

The chief of police is authorized to remove, or cause to be removed at the owner's expense, any vehicle left unattended or parked in violation of this section or posted signs.

(1996, ord 96-163, sec 2; am 1997, ord 97-57, sec 1; ord 97-70, sec 1; ord 97-85, sec 1; ord 97-129, sec 3; am 1998, ord 98-32, sec 1; ord 98-85, sec 3; ord 98-89, sec 3; am 1999, ord 99-8, sec 1; ord 99-14, secs 1 and 2; am 2000, ord 00-10, sec 1; ord 00-12, sec 2; ord 00-27, sec 1; am 2001, ord 01-7, sec 1; am 2003, ord 03-168, secs 1 and 2; am 2006, ord 06-167, sec 1; am 2009, ord 09-146, sec 2; am 2010, ord 10-3, sec 3; am 2011, ord 11-92, sec 2; am 2012, ord 12-49, sec 2; ord 12-119, sec 2; am 2014, ord 14-5, secs 2 and 4; ord 14-6, sec 2; ord 14-50, secs 2, 3, and 4; ord 14-110, sec 2; am 2016, ord 16-104, sec 2; am 2017, ord 17-28, sec 1; am 2020, ord 20-46, sec 1; am 2023, ord 23-98, sec 4.)

Section 24-282.1. Schedule 30.1. 15 minute parking areas.

When signs are erected giving notice thereof, vehicle parking on the following streets and portions of streets is limited to fifteen minutes:

(a) Hāmākua
(b) North Hilo
(c) South Hilo
<ul style="list-style-type: none"> • Kīlauea Avenue, mauka side, from a point sixty-four feet Puna of Wilson Street to a point one hundred three feet in the Puna direction, from 7:00 a.m. to 12:00 noon.
(d) Ka‘ū
(e) Kohala
(f) Kona
(g) Puna
<ul style="list-style-type: none"> • Pāhoa Village Road, south side, from a point three hundred twenty-six feet west of Kauhale Street to a point one hundred seventeen feet in the easterly direction.

(1999, ord 99-127, sec 1; am 2009, ord 09-121, sec 2.)

Section 24-282.2. Schedule 30.2. 36 minute parking areas.

When signs are erected giving notice thereof, vehicle parking on the following streets and portions of streets is limited to thirty-six minutes:

(a) Hāmākua
(b) North Hilo
(c) South Hilo
(d) Ka‘ū
(e) Kohala
(f) Kona
(g) Puna

(1996, ord 96-163, sec 2; am 1999, ord 99-127, sec 2.)

Section 24-283. Schedule 31. 1 hour parking areas.

When signs are erected giving notice thereof, vehicle parking on the following streets and portions of streets is limited to one hour:

(a) Hāmākua
(b) North Hilo
(c) South Hilo
<ul style="list-style-type: none"> • Keawe Street, from Haili Street to Mamo Street. • Kīlauea Avenue, southwest side, beginning from a point thirty-eight feet south of Aupuni Street and extending three hundred twelve feet in the southerly direction, except for those areas designated as No Parking Zones and Freight Loading Zones, between the hours of 8:00 a.m. and 8:00 p.m. from Mondays to Fridays.
(d) Ka‘ū
(e) Kohala
(f) Kona
<ul style="list-style-type: none"> • Māmalahoa Highway in Kainaliu, from Okamura Store to the Ka‘ū side of Aloha Theater.
(g) Puna

(1996, ord 96-163, sec 2; am 1997, ord 97-109, sec 2; am 2000, ord 00-89, sec 3; am 2006, ord 06-167, sec 2.)

Section 24-284. Schedule 32. 2 hour parking areas.

When signs are erected giving notice thereof, vehicle parking on the following streets and portions of streets is limited to two hours:

(a) Hāmākua
(b) North Hilo

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(54)	02-45	4-2-2002	Kaloko, North Kona	7-3-24:1 and 2	A-20a	FA-5a	
(55)	02-105	9-12-2002	Kaloko, North Kona	7-3-24:11	A-20a	FA-3a	
(56)	02-106	9-12-2002	Pu'uuanahulu Homesteads, North Kona	7-1-05:9, 10, 22, 26, 28-34, 39, 40, 41, 58 and 59	(Amends Ord. 01-64) (Effective Date 7-16-01)		
(57)	04-13	2-11-2004	Kaloko, North Kona	7-3-26:16	A-20a	A-10a	
(58)	04-14	2-11-2004	Kaloko, North Kona	7-3-27:10	A-20a	A-10a	
(59)	04-63	6-14-2004	Kaloko, North Kona	7-3-25:8	A-20a	A-5a	
(60)	04-89	8-12-2004	Kaloko, North Kona	7-3-26:15	A-20a	A-10a	
(61)	04-146	12-8-2004	Kaloko, North Kona	7-3-27:21	A-20a	A-10a	
(62)	04-147	12-8-2004	Kaloko, North Kona	7-3-25:7	A-20a	FA-3a	
(63)	05-65	5-16-2005	Kaloko, North Kona	7-3-26:11	A-20a	A-10a	
(64)	05-66	5-16-2005	Kaloko, North Kona	7-3-27:7	A-20a	A-10a	
(65)	05-67	5-16-2005	Kaloko, North Kona	7-3-27:6	A-20a	A-10a	
(66)	06-04	1-13-2006	Kaloko, North Kona	7-3-26:14	A-20a	A-10a	
(67)	06-58	5-12-2006	Kaloko, North Kona	7-3-26:13	A-20a	A-10a	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(68)	06-59	5-12-2006	Kaloko, North Kona	7-3-25:9	A-20a	A-5a	
(69)	06-82	6-16-2006	Kaloko, North Kona	7-3-24:8	A-20a	FA-3a	
(70)	06-110	7-27-2006	Kaloko, North Kona	7-3-048:005	A-20a	A-10a	
(71)	07-46	4-4-2007	Pu'uuanahulu, North Kona	7-1-5:9 and 7-1-7:44-47	A-1a	O	
(72)	09-05	2-9-2009	Kaloko, North Kona	7-3-27:14	A-20a	A-10a	
(73)	09-06	2-9-2009	Kaloko, North Kona	7-3-026:017	A-20a	A-10a	
(74)	15-105	11-20-2015	Kaloko, North Kona	7-3-026:003	A-20a	A-7a	
(75)	16-79	7-25-2016	Kūki'o 2nd and Manini'owali, North Kona	7-2-004:027	A-5a	FA-2a	
(76)	16-99	10-24-2016	Kaloko, North Kona	7-3-048:001	A-20a	A-10a	
(77)	19-4	01-25-19	Kaloko, North Kona	7-3-027:007	(Amends Ord. 05-66) (Effective Date 05-16-05)		
(78)	20-34	05-01-20	Kaloko, North Kona	7-3-025:002	A-20a	A-5a	
(79)	22-87	08-03-22	Kaloko, North Kona	7-3-024:008	(Amends Ord. 06-82) (Effective Date 06-16-06)		
(80)	23-52	06-21-23	Kaloko, North Kona	7-3-027:003	A-20a	A-10a	
(81)	23-57	08-08-23	Kealakekua, Kiloa, Waipunaula, Kalama, Kumu, and Kalamakowali, South Kona	8-2-012:001, 012, 014 (Por.), 015, and 8-2-001:101 (formerly TMK: 8-2- 012:012 and Por. 001)	(Repeals Ord. 98-63, that amended Ord. 95-70, and repeals 95-70) (Effective Date 07-02-98)		

ZONING MAP No. 7.11--(Hāmākua District)

§ 25-8-15

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	86-12	2-24-1986	Waikoeke, Hamakua	4-7-07:48	A-40a	A-20a	
(2)	86-13	2-24-1986	Waikoeke, Hamakua	4-7-07:39	A-40a	A-35a	
(3)	90-26	4-9-1990	Waikoeke, Hamakua	4-8-06:Por. 35	A-40a	RS-15	
(4)	91-132	12-27-1991	Hamakua	Numerous	A-5a, A-20a, A-40a	A-20, 000a	
(5)	91-133	12-26-1991	Kea, Puopaha, Kalakalaula, Kukuihaele, Waikoeke, Lalakea, Kananonua, Hamakua	4-8-01:4 and 5, 4-8-02:4 and Por. 5, 4-8-03:Por. 6, 4-8-04:1, 2 and Por. 3, 4-8-05:1, 3, 4, 5, 6 and Por. 2, 4-8-06:2, 4-8-08: 1, 2, 19 and 23	A-40a	V-13, CV-10, A-1a, A-3a, O	
(6)	91-134	12-26-1991	Kananonua, Waikoeke, Kea, Puopaha, Kalakalaula, Hamakua	4-8-01:Por. 4, 4-8-06:43, 44 and Pors. 1 and 11	A-40a	CV-10, RM-5 RM-10, A-1a	
(7)	92-84	7-22-1992	Waikoeke, Hamakua	4-8-06:Por. 35	(Amends Ord. 90-26) (Effective Date 4-9-1990)		
(8)	94-63	6-8-1994	Waikoeke and Kananonua, Hamakua	4-8-06:13, 43, Por. 9, 11 and 44	RS-15, A-40a	V-43, RS-7.5, RS-15, V-18, V-43, A-1a	
(9)	01-22	3-6-2001	Waikoeke and Kananonua, Hamakua	4-8-6:3, 13 and Por of 44.	RS-15, V-43	V-25	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(10)	01-79	9-24-2001	Waikoeke and Kanahonua, Hāmākua	4-8-06:43 and Pors. of 9 and 11	RS-15, V-18, V-43, A-1a	A-40a	
(11)	06-81	6-16-2006	Waikoeke, Hāmākua	4-7-007:048	A-20a	FA-3a	
(12)	17-16	2-17-2017	Kukuihaele, Waikoeke, Hāmākua	4-8-006:003, 4-8-006:013 and 4-8-006:069	V-25 and A-40a	RS-10a and RS-5a	
(13)	22-114	11-17-2022	Honoka‘a, Hāmākua	4-5-010:136, and 4-5-024:010	RS-10	RS-15	
(14)	23-97	12-6-2023	Waimea, Hāmākua District	4-7-007:048	FA-3a	A-5a	

ZONING MAP No. 7.15--(North Hilo District)

§ 25-8-19

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	377	3-15-1971	Kihalani, North Hilo	3-5-05:03	A-20a	RS-10	7.15(a)
(2)	28	4-29-1974	Kihalani Homesteads, North Hilo	3-5-04:25	A-20a	RS-10	7.15(b)
(3)	166	10-31-1975	Papaaloa, North Hilo	3-5-03:Pors. 27 and 72, 3-04:Pors. 7 and 5	A-20a	RS-10	7.15(c)
(4)	393	11-13-1978	Waikaumalu-Maulua, North Hilo	3-2-02:Por. 41	A-20a	A-1a	7.15(d)
(5)	85-13	2-25-1985	Kihalani Homesteads, North Hilo	32-5-04:25	RS-10	RA-1a	
(6)	85-33	4-22-1985	Kapena, North Hilo	3-2:Por. 41	A-20a	A-1a, A-5a	
(7)	91-132	12-27-1991	North Hilo	32-9-01:3, 3-9-02:9	A-5a, A-20a A-40a	A-20,000a	
(8)	99-48	5-4-1999	Papaaloa, North Hilo	3-5-3:Pors. of 27 and 75 and 3-5-4:Por. of 8	RS-10	A-10a A-20a	
(9)	03-26	2-20-2003	Manowai'ōpae, Homesteads, North Hilo	3-5-4:77	A-20a	RA-1a	
(10)	14-04	1-27-2014	Waipunalei, North Hilo	3-6-005:003	A-20a	A-5a	
(11)	18-95	10-01-2018	Pāpa'aloa, North Hilo	3-5-004:023	A-20a	A-5a	
(12)	19-88	08-08-2019	Kihalani, North Hilo	3-5-004:030	A-20a	A-5a	
(13)	22-122	12-05-2022	'O'ōkala, North Hilo	3-9-001:023 and 031	A-20a	FA-1a	
(14)	23-69	10-18-2023	'O'ōkala, North Hilo	3-9-001:024	A-20a	A-5a	

ZONING MAP No. 7.16--(‘O‘ōkala)

§ 25-8-20

Para- graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	538	11-14-1972	Ookala, North Hilo	3-9-01:Por. 6	RS-10	MG-1a	7.16(a)
(2)	807	7-23-1982	Ookala, North Hilo	3-9-01:Pors. 6 and 26	RS-10	MG-1a	7.16(b)

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(424)	19-17	02-20-19	Waiākea, South Hilo	2-4-057:029; Por. 030 & Por. 031 (Formerly 2-4-057:001)	(Amends Ord. 07-26) (Effective Date 3-20-07)		
(425)	19-26	03-25-19	Waiākea, South Hilo	2-2-023:012	(Amends Ord. 97-13) (Effective Date 2-20-97)		
(426)	19-27	03-25-19	Waiākea Homesteads 1st Series, Waiākea South Hilo	2-4-021:059	RS-15	RS-10	
(427)	19-28	03-25-19	Waiākea House Lots, Waiākea South Hilo	2-2-034:086	RS-10	CN-20	
(428)	19-34	04-08-19	Waiākea House Lots 2nd Series, Waiākea South Hilo	2-2-024:003	RS-10	CG-20	
(429)	19-39	04-25-19	Waiākea, South Hilo	2-2-034:012	(Amends Ord. 06-107) (Effective Date 7-17-06)		
(430)	19-58	05-21-19	Ponahawai, South Hilo	2-3-037:001, 2-3-044:019, and 2-3-049:053	(Amends Ord. 10-64) (Effective Date 6-18-10)		
(431)	19-90	08-21-19	Waiākea, South Hilo	2-2-39:31, 57, 68, and 69	(Amends Ord. 07-105) (Effective Date 8-14-07)		
(432)	19-92	09-18-19	Waiākea, South Hilo	2-4-080:013	A-3a	RS-10	
(433)	19-113	12-17-19	Waiākea Houselots, Waiākea South Hilo	2-2-050:043	(Amends Ord. 09-90A) (Effective Date 9-2-09)		
(434)	20-63	09-02-20	Waiākea, South Hilo	2-4-028:009	RM-1.5	RS-7.5	
(435)	20-64	09-02-20	Waiākea Houselots 2nd, Waiākea South Hilo	2-2-021:008	RS-10	CG-20	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(436)	20-71	09-29-20	Ponahawai, South Hilo	2-3-037:019	(Amends Ord. 10-19) (Effective Date 3-18-10)		
(437)	21-17	03-01-21	Kūkūau 1st, South Hilo	2-4-025:048, 053 and 080	(Amends Ord. 10-32) (Effective Date 5-10-10)		
(438)	21-45	06-25-21	Waiākea Houselots, Waiākea, South Hilo	2-2-035:034	(Amends Ord. 09-138) (Effective Date 11-4-09)		
(439)	21-46	06-25-21	Waiākea, South Hilo	2-2-041:Portion of 75	(Amends Ord. 723) (Effective Date 11-4-81)		
(440)	21-49	07-15-21	Piopio, Waiākea	2-2-001:008, 017, 018, 019, 024, 030, and 034	Open	Industrial	
(441)	21-62	09-22-21	Waiākea, South Hilo	2-2-024:022	RS-10	CG-7.5	
(442)	21-64	10-06-21	Waiākea, South Hilo	2-4-003:Por. 021	(Amends Ord. 98-13) (Effective Date 2-24-98)		
(443)	22-1	01-11-22	Waiākea, South Hilo	2-2-035:049, and 096	RS-10	MCX-20	
(444)	22-2	01-11-22	Waiākea, South Hilo	2-2-038:028	(Amends Ord. 12-33) (Effective Date 3-6-12)		
(445)	22-14	02-24-22	Waiākea, South Hilo	2-2-032:023, 101, 102, 103 and 104	(Amends Ord. 97-106) (Effective Date 8-13-97)		
(446)	22-98	10-04-22	Waiākea, South Hilo	2-2-040:004	(Repeals Ord. 17-7) (Effective Date 01-20-17)		
(447)	22-101	10-04-22	Waiākea, South Hilo	2-2-044:031, 032, 035, and 037	(Amends Ord. 17-24, that amended Ord. 12-111, 99-116, and 96-159) (Effective Date 4-20-17)		
(448)	23-34	04-03-23	Hilo, South Hilo	2-4-003:035	A-3a	RS-15	
(449)	23-96	12-06-23	Hilo, South Hilo	2-2-048:092	A-3a	FA-1a	

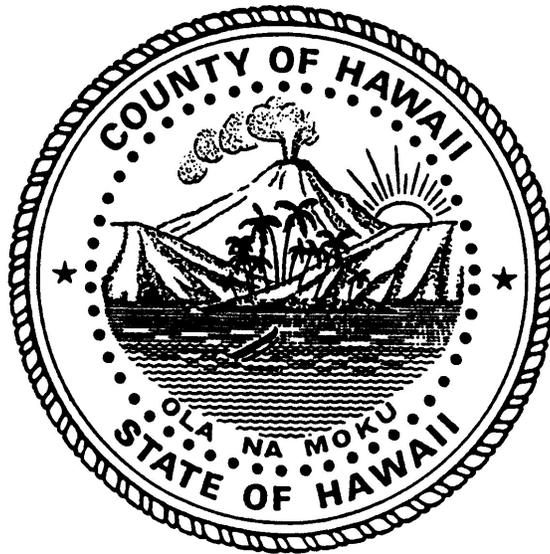
Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(450)	23-105	12-29-23	Hilo, South Hilo	2-4-079:002	A-3a	RS-20	

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THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 15 (1-2024)
Contains ordinances effective through: 12-31-23



A CODIFICATION OF THE GENERAL ORDINANCES
OF THE COUNTY OF HAWAI‘I
STATE OF HAWAI‘I

Office of the County Clerk
County of Hawai‘i
25 Aupuni Street
Hilo, Hawai‘i 96720
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CHAPTER 37

SUSTAINABILITY, CLIMATE, EQUITY, AND RESILIENCE

Article 1. General Provisions.

- Section 37-1-1. Title.
- Section 37-1-2. Declaration of policy.
- Section 37-1-3. Definitions.
- Section 37-1-4. Authority to adopt rules and regulations.

Article 2. Office of Sustainability, Climate, Equity, and Resilience.

- Section 37-2-1. Duties of the office of sustainability, climate, equity, and resilience.

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CHAPTER 37**SUSTAINABILITY, CLIMATE, EQUITY, AND RESILIENCE****Article 1. General Provisions.****Section 37-1-1. Title.**

This chapter shall be known as the “sustainability, climate, equity, and resilience code.”

(2023, ord 23-56, sec 3.)

Section 37-1-2. Declaration of policy.

It is declared to be the policy of the County to address sustainability, climate change, equity, and resilience in the County through immediate, direct, and coordinated action. To this end, the office of sustainability, climate, equity, and resilience is created to coordinate and manage policies and programs to address sustainability, mitigate greenhouse gas emissions, and adapt to the impacts of climate change and other natural and human caused hazards. Through regular stakeholder engagement these policies and programs shall promote the County’s sustainability and resilience in a manner that is immediate, direct, coordinated, and equitable in their impact on various communities in the County.

(2023, ord 23-56, sec 3.)

Section 37-1-3. Definitions.

As used in this chapter, unless it is apparent from the context that a different meaning is intended:

“Adaptation” means the process of observing changes in social, environmental, and economic systems and adjusting operations to meet present and anticipated future needs.

“Climate change impacts” means the effect on social, economic, and environmental systems that are caused by human-driven climate change including, but not limited to, increases in natural disaster severity, unstable and extreme weather patterns, and loss of native ecosystems.

“Environmental justice” means the fair treatment and meaningful involvement of all people in the development, implementation, and enforcement of environmental laws, regulations, and policies.

“Equity” means the consideration of cumulative impacts on lower- and middle-income individuals and historically marginalized groups during decision making.

“Mitigation” means actions and strategies aimed at reducing the risk of harm and damage to human communities, natural ecosystems, infrastructure, and the economy due to the impacts of climate change. These actions and strategies shall include but not be limited to reduction of greenhouse gas emissions and removal of greenhouse gases from the atmosphere.

“Office” means the office of sustainability, climate, equity, and resilience.

“Sustainability” means a balanced approach of managing present day environmental, social, and economic needs and maintaining a healthy lifecycle to fulfill the needs of current populations that does not compromise the needs of future generations, and ensures harmony between economic growth, environmental systems, and social well-being.

“Resilience” means the ability to withstand social, environmental, and economic shocks and stressors with minimal human, environmental, and economic costs, risks, and damages.

(2023, ord 23-56, sec 3.)

Section 37-1-4. Authority to adopt rules and regulations.

The sustainability administrator is authorized to adopt rules and regulations as the office deems necessary for the administration of the conduct of the office’s business.

Rules shall be adopted pursuant to chapter 91, Hawai‘i Revised Statutes.

(2023, ord 23-56, sec 3.)

Article 2. Office of Sustainability, Climate, Equity, and Resilience.

Section 37-2-1. Duties of the office of sustainability, climate, equity, and resilience.

(a) Policy and program development. The office shall:

- (1) Establish policies and programs to promote sustainability, mitigate greenhouse gas emissions, and build the County’s resilience to the impacts of climate change and other natural and human caused hazards. These policies and programs shall be developed after consideration of resources such as the County’s general plan, County community development plans, County multi-hazard mitigation plan and County climate action plan, State law, the United Nations Sustainable Development Goals, and the 2015 Paris Climate Agreement.
- (2) Improve environmental justice and equity by promoting specific policies and actions to ensure that sustainability, change mitigation and adaptation, and resilience efforts also benefit lower and middle income, Native Hawaiian, and historically marginalized communities. These policies and actions should include utilization of place-based and Native Hawaiian guiding principles, tools, and frameworks to guide, inform, coordinate, and evaluate proposed actions and activities.
- (3) Regularly engage with stakeholders to assess and assure that policies and actions are implemented in a manner that is immediate, direct, and coordinated, and employs strategies that are equitable in their impact on various communities in our County.

(b) Shared metrics.

The office shall develop metrics, benchmarks, and data visualization tools to track and communicate progress towards sustainability, climate mitigation and adaptation, equity, and resilience goals.

- (c) Coordination, collaboration, and education. The office shall:
 - (1) Coordinate communication among County departments and with community partners to develop and promote a shared vision and collaborative approach to implementing solutions that are based upon a clear understanding of the issues and challenges related to sustainability, climate change mitigation and adaptation, equity, and resilience.
 - (2) Coordinate and provide technical support to County departments to create policies and programs designed to implement and measure sustainability, climate change mitigation and adaptation, equity, and resilience strategies.
 - (3) Collaborate with County departments and community stakeholders on sustainability, climate change mitigation and adaptation, equity, and resilience strategies to maximize collective impact through mutually reinforcing activities.
 - (4) Provide education, outreach, and support, both internally and externally, that promotes climate sustainability and climate change mitigation and adaptation initiatives in a manner that promotes equity and resilience.
- (d) Legislation and budget. The office shall:
 - (1) Evaluate potential impacts of climate change on County facilities and infrastructure and provide operating and capital improvement budget recommendations for consideration in addition to the recommendations of the planning department.
 - (2) Provide policy analysis and propose legislation to the Council to implement this section.
 - (3) Provide the Council with an annual sustainability report.
- (e) Grants and funding. The office shall:
 - (1) Investigate and provide technical support for grant applications and grant management to support funding to implement this section.
 - (2) Prepare programs and contracts with the Federal government to carry out the purposes of this article and transmit to the Council for approval.
- (f) The office shall perform other related duties necessary to fulfill the mandate of the office.

(2023, ord 23-56, sec 3.)

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CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021	2022
15	Parks and Recreation	15-52A, 15-60A	16-111A, 16-112A, 16-113A	17-54A, 17-57A, 17-61A	18-2A, 18-20A, 18-21A, 18-22A, 18-44A, 18-56A, 18-61A, 18-83A	19-3A, 19-43A	20-59A	21-3A, 21-65A, 21-74A	22-3A, 22-9A, 22-23A, 22-115A
16	Planning		16-77A	17-66A	18-78A				
17	Plumbing						20-61R		
18	Public Transportation		16-95A, 16-108A						22-12A, 22-94A
19	Real Property Taxes			17-41A	18-88A		20-39A	20-60A, 21-32A	22-26A, 22-90A, 22-91A, 22-127A
20	Integrated Solid Waste Management	15-114A		17-63A	18-5A, 18-82A	19-85A, 19-95A	20-86R, C		22-104A
21	Sewers					19-21A			
22	County Streets								
23	Subdivisions	15-19A			18-12A			21-52A	

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021	2022
24	Vehicles and Traffic								22-95A
24	Traffic Schedules	15-3A, 15-4A, 15-5A, 15-6A, 15-7A, 15-8A, 15-14A, 15-20A, 15-21A, 15-22A, 15-28A, 15-89A, 15-90A, 15-91A, 15-92A, 15-107A, 15-108A, 15-112A	16-1A, 16-6A, 16-25A, 16-51A, 16-52A, 16-53A, 16-63A, 16-64A, 16-74A, 16-78A, 16-83A, 16-104A	17-10A, 17-11A, 17-27A, 17-28A, 17-51A, 17-52A, 17-60A	18-4A, 18-19A, 18-37A, 18-38A, 18-39A, 18-45A, 18-92A	19-41A, 19-42A	20-46A, 20-47A		22-15A, 22-105A
25	Zoning	15-33A, 15-44A, 15-45A	16-98A	17-31A	18-114A	19-100A	20-3A, 20-61A, 20-94A	21-24A, 21-26A, 21-52A	22-95A

LEGISLATIVE HISTORY TABLE

Ordinances are listed by the Code chapter affected.

Abbreviations:

- A = Amended or repealed section(s) of the chapter, or added new section(s)
- R = Repealed and replaced chapter in its entirety
- C = Created new chapter
- X = Repealed the chapter

CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
1	General Provisions								
2	Administration	23-33A, 23-56A, 23-64A							
3	Signs								
4	Animals	23-33A							
5	Construction Administrative Code	23-87A, 23-88A							
5A	Building Code								
5B	Residential Building Code								
5C	Existing Building Code								
5D	Electrical Code								
5E	Energy Conservation Code								
5F	Plumbing Code								

CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
6	Businesses	23-29A							
7	Disaster and Emergency Management								
8	Dedication of Land								
9	Reserved								
10	Erosion and Sedimentation Control								
11	Housing	23-20A, 23-77A							
12	Improvements by Assessments								
13	Minors								
14	General Welfare								
15	Parks and Recreation	23-11A, 23-12A, 23-13A, 23-14A, 23-19A							
16	Planning								
17	Fire	23-8C							
18	Public Transportation								

CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
19	Real Property Taxes	23-55A, 23-59A, 23-60A	23-28A (Eff: 1-1-24) 23-54A (Eff: 1-1-24) 23-65A (Eff: 1-1-24)						
20	Integrated Solid Waste Management								
21	Sewers								
22	County Streets								
23	Subdivisions								
24	Vehicles and Traffic								
24	Traffic Schedules	23-58A, 23-98A, 23-99A							

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CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
25	Zoning	23-38A							
25	Zoning Annex	23-2A, 23-23A, 23-34A, 23-52A, 23-57A, 23-69A, 23-96A, 23-97A, 23-105A							
26	Reserved	23-8R							
27	Flood Control								

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CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
28	State Land Use District Boundary Amendment Procedures								
29	Water Use and Development								
30	Development Agreements								
31	Enterprise Zone Program								
32	Special Improvement Financing by Community Facilities Districts								
33	Tax Incremental Districts								
34	Public Access								
35	Business Improvement Districts								
36	Redistricting								
37	Sustainability, Climate, Equity, and Resilience	23-56C							

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ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
23-20	02-23-23	Reports by housing administrator relating to affordable housing	11-19
23-21	02-22-23	Operating budget	--
23-22	02-22-23	Operating budget	--
23-23	03-08-23	Kailua-Honalo Urban Zone Map	ZA
23-24	03-08-23	Operating budget	--
23-25	03-08-23	Capital improvements budget	--
23-26	03-08-23	Capital improvements budget	--
23-27	03-08-23	Operating budget	--
23-28	01-01-24	Real property tax appeals	19-100, 19-101
23-29	03-30-23	Dance halls	Repeals chapter 6, article 2
23-30	03-30-23	Operating budget	--
23-31	03-30-23	General Obligation Bonds (\$127,500,000 – Various public improvement projects)	--
23-32	03-30-23	Capital improvements budget	--
23-33	07-01-23	Creates an animal control and protection agency	2-7, adds new article 41, and 4-2-1 to 4-2-10, 4-3-3, 4-4-21, 4-4-22, 4-9-2
23-34	04-03-23	City of Hilo Zone Map	ZA
23-35	04-03-23	Operating budget	--
23-36	04-03-23	Operating budget	--
23-37	04-17-23	Capital improvements budget	--
23-38	04-19-23	Conditions on change of zone	25-2-44
23-39	05-07-23	Operating budget	--
23-40	05-07-23	General Obligation Bond (Amends Ord. No. 22-125: \$17,000,000 – Hilo wastewater treatment plant)	--
23-41	05-07-23	Operating budget	--
23-42	05-07-23	Operating budget	--
23-43	05-07-23	Capital improvements budget	--
23-44	05-15-23	Operating budget	--
23-45	05-15-23	Operating budget	--
23-46	07-01-23	Salary Ordinance of 2023	--
23-47	05-26-23	Operating budget	--
23-48	05-31-23	Operating budget	--
23-49	05-31-23	Capital improvements budget	--
23-50	07-01-23	Operating budget FY 2023-2024	--
23-51	07-01-23	Capital improvements budget FY 2023-2024	--

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
23-52	06-21-23	North and South Kona Districts Zone Map	ZA
23-53	06-21-23	Operating budget	--
23-54	01-01-24	Real property taxes	19-53, 19-71
23-55	09-02-23	Commercial agricultural use dedication for real property taxes	19-2, 19-60, 19-61
23-56	07-26-23	Creating a new article and new chapter relating to sustainability, climate, equity, and resilience	2-7, adds new article 49, and adds new chapter 37
23-57	08-08-23	North and South Kona Districts Zone Map	ZA
23-58	08-14-23	Traffic Schedules	24-255, 24-256
23-59	08-16-23	Nondedicated agricultural use assessments for real property taxes	19-2, 19-57
23-60	08-31-23	Community food sustainability use assessments for real property taxes	19-2, 19-57.1
23-61	08-25-23	Operating budget	--
23-62	08-25-23	Operating budget	--
23-63	08-25-23	Operating budget	--
23-64	08-25-23	Appropriation of disaster relief funds for damages, losses, and suffering caused by the 2018 Kīlauea eruption	2-246 to 2-248, 2-250 to 2-256
23-65	01-01-24	Real property taxes, home exemptions	19-71
23-66	09-15-23	Operating budget	--
23-67	10-04-23	Operating budget	--
23-68	10-04-23	Operating budget	--
23-69	10-18-23	North Hilo Zone Map	ZA
23-70	10-18-23	Operating budget	--
23-71	--	Charter amendment (vacancy in office)	--
23-72	11-09-23	Operating budget	--
23-73	11-09-23	Operating budget	--
23-74	11-09-23	Operating budget	--
23-75	11-09-23	Operating budget	--
23-76	11-09-23	Operating budget	--
23-77	11-20-23	Affordable housing	11-3, 11-13
23-78	11-17-23	Operating budget	--
23-79	11-17-23	Operating budget	--
23-80	11-17-23	Operating budget	--
23-81	11-17-23	Operating budget	--
23-82	11-17-23	Operating budget	--
23-83	11-17-23	Operating budget	--
23-84	11-17-23	Operating budget	--

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
23-85	11-17-23	Capital improvements budget	--
23-86	11-17-23	Capital improvements budget	--
23-87	12-01-23	Cancellation of construction code permit applications, permit expirations, and permit extensions	5-4-7, 5-5-4, 5-5-5
23-88	12-07-23	Installation of photovoltaic systems	5-4-3
23-89	12-05-23	Operating budget	--
23-90	12-05-23	Operating budget	--
23-91	12-05-23	Operating budget	--
23-92	12-05-23	Operating budget	--
23-93	12-05-23	Capital improvements budget	--
23-94	12-05-23	Capital improvements budget	--
23-95	12-05-23	General Obligation Bonds (\$187,000,000 – Various public improvement projects)	--
23-96	12-06-23	City of Hilo Zone Map	ZA
23-97	12-06-23	Hāmākua District Zone Map	ZA
23-98	12-20-23	Traffic Schedules	24-280, 24-281
23-99	12-20-23	Traffic Schedules	24-280
23-100	12-20-23	Operating budget	--
23-101	12-20-23	Capital improvements budget	--
23-102	12-20-23	Operating budget	--
23-103	12-20-23	Operating budget	--
23-104	12-29-23	Operating budget	--
23-105	12-29-23	City of Hilo Zone Map	ZA

