

SUPPLEMENT 1 (1-2017)

Insertion Guide

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

(Covering general ordinances effective through 12-31-16 and numbered through 16-114)

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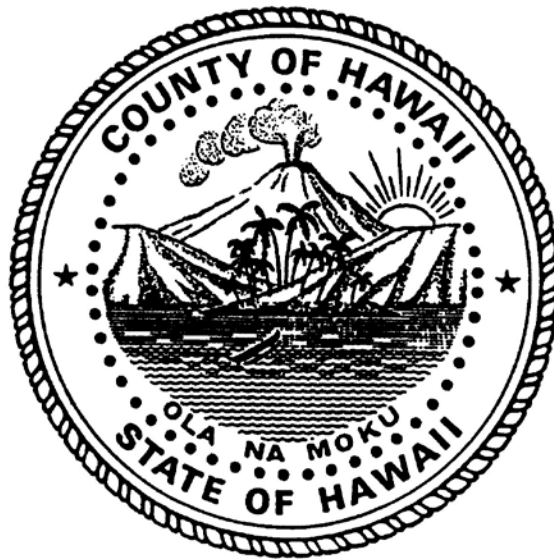
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THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 1 (1-2017)
Contains ordinances effective through: 12-31-16



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
(808) 961-8255

Volume One

Section 2-78.1. Authority to adopt rules and regulations.

The agency is authorized to adopt reasonable rules and regulations as the agency deems necessary for the administration of the conduct of the agency's business, including rules and regulations for fees and charges for permits for interior advertisements on buses. Rules shall be promulgated pursuant to Chapter 91, Hawai'i Revised Statutes, as amended.

(2007, ord 07-85, sec 1.)

Article 15. Code of Ethics.**Section 2-79. Purpose.**

The purposes of this article are to:

- (1) Prescribe standards of conduct for the guidance of County officers and employees;
- (2) Prohibit certain conduct involving County officers and employees; and
- (3) Set forth the procedure for the interpretation of ethics problems of County officers and employees.

(1983 CC, c 2, art 15, sec 2-79.)

Section 2-80. Interpretation of article.

This article shall be liberally construed to promote high standards of ethical conduct in County government.

(1983 CC, c 2, art 15, sec 2-80.)

Section 2-80.1. Distribution of mass mailings prohibited during campaign.

(a) Newsletters, brochures, legislative summaries, or other mass mailings of material designed to support a candidate's nomination, including electioneering communications as defined in section 11-341, Hawai'i Revised Statutes, shall not be circulated at public expense by:

- (1) An incumbent council member within six months prior to any County election, or after any member has filed nomination papers, whichever comes first;
- (2) Any current employee or official of the County within six months prior to any County election, or after filing nomination papers, whichever comes first;
- (3) The incumbent mayor within six months prior to an election which the mayor may be re-elected, or after the incumbent mayor has filed nomination papers, whichever comes first; or
- (4) The incumbent prosecuting attorney within six months prior to an election which the prosecuting attorney may be re-elected, or after the incumbent prosecuting attorney has filed nomination papers, whichever comes first.

This excludes public funds received by candidates from the Hawai'i election campaign fund, pursuant to section 11-421, Hawai'i Revised Statutes.

- (b) Any violation of this section constitutes use of government funds for campaign purposes, and shall be subject to any penalty, as authorized by law, including an administrative fine not to exceed \$1,000, for each violation, as the board of ethics may determine.

(2008, ord 08-49, sec 1; am 2012, ord 12-43, sec 1.)

Section 2-81. Applicability.

This article shall apply to every officer or employee of the County. For the purposes of this article, any person nominated for elected office or appointed but not confirmed as administrative head of any agency or as a member of any board or commission shall be considered an officer.

(1983 CC, c 2, art 15, sec 2-81.)

Section 2-82. Definitions.

As used in this article:

“Agency” means the County of Hawai‘i and any other governmental unit of the County.

“Board” means the board of ethics.

“Business” includes a corporation, a partnership, a sole proprietorship, a trust or foundation, or other individual organization carrying on a business, whether or not operated for profit.

“Compensation” means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered or to be rendered by oneself or another.

“Controlling interest” means an interest in a business or other undertaking which is sufficient in fact to control, whether the interest be greater or less than fifty percent.

“Employee” means any person, except an officer, employed by the County or any agency thereof but the term shall not include an independent contractor.

“Financial interest” means an interest held by an individual, the individual’s spouse, or dependent children which is:

- (1) An ownership interest in a business.
- (2) A creditor interest in an insolvent business.
- (3) An employment, or prospective employment for which negotiations have begun.
- (4) An ownership interest in real or personal property.
- (5) A loan or other debtor interest.
- (6) A directorship or officership in a business.

“Immediate family” means the employee’s or officer’s spouse, siblings, children, grandchildren, or parents.

“Officer” includes the following:

- (1) The mayor, members of the council, and all other elected officials of the County;
- (2) Any person appointed as the administrative head of any agency of the County;
- (3) The first deputy or first assistant to the administrative head of any agency of the County;

- (4) Any person appointed as a member of a board or commission specifically provided for in the Charter, but not including boards and commissions having only advisory powers and functions;
- (5) Any person appointed as a member of any board or commission not specifically provided for in the Charter, but not including boards and commissions having only advisory powers and functions;
- (6) The managing director and deputy managing director.

“Official act” or “official action” means a decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

“Official authority” includes administrative or legislative powers of decision, recommendation, approval, disapproval, or other discretionary action.

(1983 CC, c 2, art 15, sec 2-82; am 2002, ord 02-109, sec 2; am 2007, ord 07-132, sec 1; am 2015, ord 15-103, secs 1 and 2.)

Section 2-83. [Former] Repealed.

(1983 CC, c 2, art 15, sec 2-83; rep 2002, ord 02-109, sec 3.)

Section 2-83. Fair treatment.

- (a) Officers and employees of the County, while discharging their duties and dealing with the public, shall adhere to the following precepts:
 - (1) All public property and equipment are to be treated as a public trust and are not to be used in a proprietary manner or for personal purposes without proper consent.
 - (2) No person in a supervisory capacity shall engage in personal or business relationships with subordinates, which might intimidate said subordinates in the discharge of their official duties.
 - (3) All persons shall be treated in a courteous, fair, and impartial manner.
- (b) No officer or employee shall use or attempt to use the officer’s or employee’s official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others, including but not limited to the following:
 - (1) Seeking other employment or contract for services for oneself by the use or attempted use of the officer’s or employee’s office or position.
 - (2) Accepting, receiving, or soliciting compensation or other consideration for the performance of the officer’s or employee’s official duties or responsibilities except as provided by law.
 - (3) Soliciting, selling, or otherwise engaging in a substantial financial transaction with a subordinate or a person or business whom the officer or employee inspects or supervises in the officer’s or employee’s official capacity.
 - (4) Using County property, facilities, equipment, time, or personnel for private business, campaign purposes, or for any purpose other than for a public purpose.

- (c) An officer or employee of the County, or a business in which an officer or employee or the officer or employee's immediate family has a controlling interest, may contract for goods or services with any County agency provided that:
- (1) The nature of the relationship between the officer or employee and the County is provided in full disclosure to the agency seeking goods or services as part of the bid for a contract or response to a request for proposals; and
 - (2) The officer or employee has obtained an opinion from the board that there is no conflict of interest resulting from the officer or employee's position with the County. A board opinion shall continue to satisfy this requirement until a change occurs in the financial interest or role of the County officer, employee, or the officer or employee's affected immediate family member, in the business or undertaking with which the contract is concerned. In the event an opinion by the board was not obtained in advance of submitting a bid, the officer or employee shall instead submit a copy of a letter or petition requesting review by the board.

A contract shall be void if an officer or employee fails to comply with these disclosure requirements or if the board finds there is a conflict of interest or any preferential treatment involved.

- (d) Nothing herein shall be construed to prohibit an officer from introducing bills and resolutions, serving on committees or from making statements or taking action in the exercise of the officer's legislative functions. Every officer shall file a full and complete public disclosure of the nature and extent of the interest or transaction which the officer believes may be affected by legislative action.

(2002, ord 02-109, sec 4; am 2015, ord 15-103, sec 3.)

Section 2-84. [Former] Repealed.

(1983 CC, c 2, art 15, sec 2-84; rep 1983, ord 83-7, sec 2.)

Section 2-84. Conflicts of interests.

- (a) No officer or employee shall take any official action directly affecting:
- (1) A business or other undertaking in which that officer or employee has a substantial financial interest;
 - (2) A private undertaking in which the officer or employee is engaged as legal counsel, advisor, consultant, or representative, or other agency capacity; or
 - (3) A business or undertaking in which the employee knows or has reason to know that a brother, a sister, a parent, an emancipated child, or a household member has a substantial financial interest, provided that the financial interests of these individuals shall not include those of any spouse or child.

A department head who is unable to be disqualified on any matter described in items (1), (2), and (3) above will not be in violation of this subsection if the department head has complied with the disclosure requirements of section 2-91.1.

A person whose position on a board, commission, or committee is mandated by statute, charter, code, or resolution to have particular qualifications shall only be prohibited from taking official action that directly and specifically affects a business or undertaking in which that person has a substantial financial interest; provided that the substantial financial interest is related to the member's particular qualifications.

- (b) No officer or employee shall acquire financial interests in any business or other undertaking which that officer or employee has reason to believe may be directly involved in official action to be taken by the officer or employee.
- (c) No officer or employee shall represent private interests in any legal action or proceeding against the County or appear on behalf of private interests before any agency, except as otherwise provided by law; provided:
 - (1) This prohibition shall not apply to a County employee or officer who is an architect, landscape architect, surveyor, or engineer registered as such under the provisions of chapter 464, Hawai'i Revised Statutes, with respect to the affixing by such registered professional of such person's registered stamp to any plans, specifications, drawings, etc., to be submitted to the County for permits for such person's principal residence or that of members of such person's immediate family; provided, that the stamp is accompanied by a signed statement that the work was prepared by the person stamping the document or under such person's supervision; and provided further, that the registered professional may not, in the capacity of a County employee or officer, review, approve or otherwise act upon the plans, specifications, drawings, etc., such person has stamped; and
 - (2) No officer or employee shall be denied the right to appear before any agency to petition for redress of grievances caused by any official act or action affecting such person's personal rights, privileges, or property, including real property.
- (d) Notwithstanding any provision of this article to the contrary, a member of any board, commission, or committee may appear on behalf of private interests before agencies other than the board, commission, or committee on which such person serves.

(2002, ord 02-109, sec 4; am 2015, ord 15-103, sec 4.)

Section 2-85. [Former] Repealed.

(1983 CC, c 2, art 15, sec 2-85; rep 2002, ord 02-109, sec 3.)

Section 2-85. Contracts.

- (a) A County agency may enter into a contract involving services or property or to procure or dispose of goods or services, or for construction, with an officer, an employee, or a business in which an officer or an employee or the officer or employee's immediate family has a controlling interest, provided the provisions in section 2-83, subsection (c) have been met, and further provided:
 - (1) The contract is awarded by competitive sealed bidding pursuant to the state public procurement code; or

(2) The contract is awarded by competitive sealed proposal pursuant to the state public procurement code.

Upon award of any such contract, the director of finance shall post notice of the award, which notice shall include the information provided pursuant to section 2-83, subsection (c).

(b) A County agency shall not enter into a contract with any person or business which is represented by a person who was an employee of the agency within the preceding two years and who participated while in County office or employment in the matter with which the contract is directly concerned or who personally participated in a decision making capacity in similar matters before the agency.

(2002, ord 02-109, sec 4; am 2015, ord 15-103, sec 5.)

Section 2-85.1. Contracts voidable.

In addition to any other penalty provided by law, any contract entered into by the County in violation of this article is voidable on behalf of the County; provided that in any action to avoid a contract pursuant to this section the interests of third parties who may be damaged thereby shall be taken into account, and the action to void the transaction is initiated within sixty days after the determination of a violation under this article. The corporation counsel shall have the authority to enforce this provision.

(2002, ord 02-109, sec 4.)

ADMINISTRATION

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Section 2-86. Informal advisory opinions.

- (a) **Inquirer's Conduct.** Any County officer or employee may petition the board for an informal advisory opinion concerning their own conduct by writing to the board. This opinion shall be informal in nature and all proceedings involving the investigation and deliberation of such inquiry shall, upon the request of the County officer or employee involved, be confidential, provided, the board determines that personal matters affecting the privacy of the County officer or employee are to be considered.

Upon receipt of the petition, the board:

- (1) May investigate the matter on a confidential basis. The officer or employee involved shall comply with the informal advisory opinion issued by the board.
 - (2) Through its chairman, shall notify the County officer or employee involved and shall request a statement indicating whether or not the officer or employee wishes a closed hearing.
- (b) **Alleged Conduct of Someone Other than Inquirer.** Any person or the board itself may petition the board for an informal advisory opinion on an alleged violation of the code of ethics by an officer or employee. The petition shall be filed within six years of the alleged violation. A petition shall be deemed to have been filed when it is received by the board or when a majority of the members to which the board is entitled sign the petition. Nothing herein shall bar proceedings against a person who, by fraud or other device, prevents the discovery of a violation of the code of ethics. This opinion shall be informal in nature and all proceedings involving the investigation and deliberation of such inquiry shall, upon the request of the County officer or employee involved, be confidential, provided, the board determines that personal matters affecting the privacy of the County officer or employee are to be considered.

Upon receipt of the petition, the board:

- (1) Through its chairman, shall notify the County officer or employee involved and shall request a statement indicating whether or not the officer or employee wishes a closed hearing.
 - (2) Shall notify the officer or employee against whom a charge is received and afford the officer or employee an opportunity to explain the conduct alleged to be in violation of this article. The board may investigate, after compliance with this section, such charges and render an informal advisory opinion on the alleged conduct. The officer or employee involved shall comply with the informal advisory opinion issued by the board.
- (c) Any petition filed under this section shall be submitted in duplicate and shall contain:
- (1) The name, address and telephone number of the petitioner;
 - (2) A statement of the nature of petitioner's interest including reasons for the submission of the petition;
 - (3) The specific provision of the code of ethics in question;
 - (4) A complete statement of facts;
 - (5) A statement of the position or contention of the petitioner; and

CHAPTER 14

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* **Editor's Note:** For present provisions, see chapter 26, article 2, Hawai'i County Code.

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* **Editor's Note:** Article 16 was invalidated by *Ruggles v. Yagong*, 353 P.3d 953 (Haw. 2015), *cert. denied*, 577 U.S. --- (2015).

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 - (A) Church Row;
 - (B) All swimming pools;
 - (C) All tennis courts;
 - (D) Waikoloa Highway Park;
 - (E) Spencer Beach Park.

(1982, ord 810, sec 1; am 1983 CC, c 14, art 1, sec 14-1; am 1987, ord 87-70, sec 1; am 1990, ord 90-104, sec 1; am 1993, ord 93-7, sec 1; am 1996, ord 96-54, sec 1; am 2008, ord 08-7, sec 3; am 2010, ord 10-5, sec 1; am 2013, ord 13-77, sec 1.)

Section 14-2. Areas requiring permits for intoxicating liquors between the hours of 10:00 a.m. and 10:00 p.m.

- (a) Permits shall allow drinking of intoxicating liquors only between the hours of 10:00 a.m. and 10:00 p.m.

- (1) South Hilo:
 - (A) Bayfront Beach;
 - (B) Coconut Island;
 - (C) Hilo Armory;
 - (D) Ho'olulu Complex;
 - (E) Pōmaika'i Senior Center;
 - (F) Wainaku Gym;
 - (G) Equestrian Center, Pana'ewa;
 - (H) Hakalau Park;
 - (I) Honomū Park;
 - (J) Carvalho Park;
 - (K) Pepe'ekeo Community Center;
 - (L) University Heights Park.
- (2) North/South Kona:
 - (A) Hale Hālāwai;
 - (B) Hōnaunau Arena;
 - (C) Imin Center;
 - (D) Yano Hall;
 - (E) Greenwell Park;
 - (F) That area in the terminal at Kailua Park specifically designated by the director of parks and recreation;
 - (G) Old Kona Airport Park picnic pavilions and Events Pavilion excluding the runway and areas surrounding the runway, Pawai Bay, and the park area at the end of the runway;
 - (H) Kahalu'u Beach Park;
 - (I) Magic Sands Beach Park, otherwise known as Disappearing Sands Beach Park or White Sands Beach Park;
 - (J) Pāhoehoe Beach Park.

- (3) Ka'ū:
 - (A) Nā'ālehu Park;
 - (B) Pahala Community Center;
 - (C) Hawaiian Ocean View Park.
- (4) Puna:
 - (A) Pāhoa Neighborhood Facility;
 - (B) Volcano Community Center;
 - (C) Kurtistown Park;
 - (D) Mt. View Park;
 - (E) Shipman Park;
 - (F) Isaac Kepo'okalani Hale Beach Park.
- (5) North Hilo/Hāmākua:
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 - (B) Haina Park;
 - (C) Honoka'a Park.
- (6) North/South Kohala:
 - (A) Kamehameha Park;
 - (B) Kohala Senior Center;
 - (C) Waimea Park;
 - (D) Waimea Senior Center.

(1982, ord 810, sec 2; am 1983 CC, c 14, art 1, sec 14-2; am 1987, ord 87-70, sec 1; am 1990, ord 90-122, sec 2; am 2008, ord 08-121, sec 1; am 2009, ord 09-144, sec 2; am 2010, ord 10-6, sec 2; am 2016, ord 16-75, sec 1.)

Section 14-2.1. Intoxicating liquors allowed between the hours of 6:00 p.m. and 10:00 p.m.

- (a) No person shall drink, offer to drink, or display in public view in the following public areas or buildings located thereon, any intoxicating liquors, whether in a bottle, jug, container or otherwise, except between the hours of 6:00 p.m. and 10:00 p.m.
 - (1) South Hilo:
 - (A) Ainako Park;
 - (B) Kaiwiki Park;
 - (C) Kaūmana Park and Playground;
 - (D) Kaūmana Lani Park;
 - (E) Kula'imano Park;
 - (F) Malama Park;
 - (G) Pāpa'ikou Park;
 - (H) Waiākea-Uka Park;
 - (I) Wainaku Playground.
 - (2) North/South Kona:
 - (A) Reserved.
 - (3) Ka'ū:
 - (A) Wai'ōhinu Park.

- (4) Puna:
 - (A) Hawaiian Beaches Park.
 - (5) North Hilo/Hāmākua:
 - (A) Āhualoa Park;
 - (B) Laupāhoehoe Senior Center;
 - (C) Pa‘auilo Park;
 - (D) Pāpa‘aloa Park.
 - (6) North/South Kohala:
 - (A) Waikoloa Village Park.
- (1987, ord 87-70, sec 1; am 2016, ord 16-75, sec 2.)

Section 14-2.2. Intoxicating liquors allowed between the hours of 10:00 a.m. and 10:00 p.m.

- (a) Persons may drink intoxicating liquors in the following public areas or buildings located thereon between the hours of 10:00 a.m. and 10:00 p.m.:
 - (1) South Hilo:
 - (A) Carlsmith Park;
 - (B) Hilo Senior Center;
 - (C) James Kealoha Beach Park;
 - (D) Kolekole Beach Park;
 - (E) Wai‘olena and Wai‘uli Beach Parks, except a portion located between the pavilions and the west end of the seawall beginning at a point four-tenths of a mile west of Leleiwi Street and extending three hundred twelve feet in the westerly direction;
 - (F) Onekahakaha Beach Park.
 - (2) North/South Kona:
 - (A) Hōnaunau Boat Ramp;
 - (B) Ho‘okena Beach Park;
 - (C) Manini Point;
 - (D) Miloli‘i Beach Park;
 - (E) Nāpō‘opo‘o Beach Park;
 - (F) Oneo Park.
 - (3) Ka‘ū:
 - (A) Punalu‘u Beach Park;
 - (B) Whittington Beach Park.
 - (4) Puna:
 - (A) Harry K. Brown Park;
 - (B) Kaimū Beach Park.
 - (5) North Hilo/Hamakua:
 - (A) Kukuihaele Social Hall;
 - (B) Laupāhoehoe Beach Park;
 - (C) Waikaumalo Park.

- (6) North/South Kohala:
 - (A) Kapa‘a Beach Park;
 - (B) Kēōkea Beach Park;
 - (C) Māhukona Beach Park;
 - (D) Māhukona Boat Ramp.

(1987, ord 87-70, sec 1; am 1990, ord 90-104, sec 2; am 1990, ord 90-122, sec 3; am 1996, ord 96-54, sec 2; am 2008, ord 08-7, sec 4; am 2009, ord 09-144, sec 1; am 2010, ord 10-6, sec 1.)

Section 14-3. Permit application.

- (a) Only persons twenty-one years of age or older who show satisfactory proof of their age and who comply with the requirements set forth in this section shall be entitled to a permit.
- (b) Any person desiring to obtain a permit, required by section 14-2, shall make application in writing to the chief of police or the chief’s authorized representative. The application shall be signed by the applicant and the person who will be responsible for the conduct of all persons at the gathering or occasion, and shall include:
 - (1) The full name and address of the applicant, if an individual, and, if a firm, association, corporation or club, the full names and addresses of its principal officers.
 - (2) The full name and address of the person who will be responsible for the conduct of all persons at the occasion or gathering. Such person shall be of good moral character. The chief of police or the chief’s authorized representative may, in the chief of police’s or the chief’s authorized representative’s discretion, require proof of good moral character if they have good reason to doubt the moral character of the person. The proof shall be in the form of an affidavit signed by two or more responsible persons stating the duration and nature of their knowledge and acquaintance with the person and that the person is of good moral character.
 - (3) The place for which a permit is desired.
 - (4) The date and time for which a permit is desired. In no event shall the permit extend beyond 10:00 p.m.
 - (5) The nature of the occasion or gathering.
 - (6) The approximate number of persons to be in attendance.

(1983 CC, c 14, art 1, sec 14-3; am 1987, ord 87-70, sec 1; am 1990, ord 90-122, sec 4.)

Article 5. Repealed.*
(Rep 2016, ord 16-107, sec 2.)

* **Editor's Note:** For present provisions, see chapter 26, article 2, Hawai'i County Code.

Article 6. Property Offenses.

Section 14-39. Duty of chief of police; cultivated grounds.

It shall be the duty of the chief of police to protect lawns, gardens, grass plots, and other cultivated grounds belonging to the State and the County within the County, and all lawns, gardens, grass plots, and other cultivated grounds of a public nature within the County, and to place or cause to be placed on these places signs and notices warning persons to keep off these places; provided that this section shall not apply, during the period from February 1 through October 31 of each year, to the Hilo bayfront area, situated makai of the Hawai'i Belt Road, from the intersection of Kamehameha Avenue and Hawai'i Belt Road as delineated in the attached map.*
(1983 CC, c 14, art 6, sec 14-39.)

* **Editor's Note:** No map is attached.

Section 14-40. Trespass prohibited; penalty.

(a) A person who trespasses or walks on or over a lawn, garden, grass plot or other cultivated ground, on which there is a sign or notice to keep off shall be guilty of a misdemeanor. Upon conviction, the person convicted shall be fined not less than \$2.50 nor more than \$25, in the discretion of the judge having jurisdiction of the case.
(1983 CC, c 14, art 6, sec 14-40.)

Section 14-40.1. Property damage prohibited; penalty.

(a) It shall be unlawful for any person maliciously or wilfully to mar, injure, damage, destroy, or deface or aid in marring, injuring, damaging, destroying, or defacing any public building, sign, sidewalk, light pole, wall fixture, playground, structure, facility, or other property of the County without its consent.
(b) Any person violating this provision shall be punished, upon conviction, by a fine not exceeding \$1,000 or by imprisonment not to exceed ninety days, or both. In addition to the penalties provided herein, the County may recover for damages to its property, the measure of which shall be the cost of repairing, replacing, or rebuilding the property injured or destroyed.
(1986, ord 86-99, sec 2.)

Article 7. Radio Interference.

Section 14-41. Scope of article.

This article shall not be held or construed to embrace or cover the regulation of any transmitting, broadcasting or receiving instrument, apparatus or device used or useful

in interstate commerce or the operation of which instrument, apparatus or device is licensed or authorized by or under the provisions of any act of the Congress of the United States.

(1983 CC, c 14, art 7, sec 14-41.)

Section 14-42. Operation of device causing electrical interference prohibited.

- (a) No person shall knowingly or wantonly operate or cause to be operated, any machine, device, apparatus or instrument of any kind whatsoever within the County between the hours of 6:00 a.m. and 12:00 p.m., the operation of which shall cause reasonably preventable electrical interference with radio reception within the County.
- (b) X-ray pictures, examinations or treatments may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception and are not negligently operated.

(1983 CC, c 14, art 7, sec 14-42.)

Section 14-43. Penalty.

Any person violating the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100. Each day shall constitute a separate offense during which such violation continues.

(1983 CC, c 14, art 7, sec 14-43.)

Article 8. Nuclear Energy.

Section 14-44. Purpose.

The purpose of this article is to maintain a clean and healthy environment for present and future generations in the County, to protect the health and safety of the residents of the County from radiation exposure resulting from dangers of accidents involving the transportation or storage of nuclear materials or the development of nuclear reactors, and to protect the general health, safety, comfort and welfare of the citizens of the County.

The purpose of article 8 shall not in any way inhibit or prohibit the military from carrying out their duties and responsibilities.

(1983 CC, c 14, art 8, sec 14-44; am 1984, ord 84-39, sec 1.)

Section 14-45. Definitions.

- (a) As used in this article, unless the context clearly requires otherwise:
 - (1) "Person" means any individual, firm, partnership, association, corporation, company, governmental entity or department thereof, or organization of any kind.
 - (2) "Store" means to hold for any period of time.

- (3) “Transport” means the transportation by any mode, including but not limited to rail, highway, waterway or air.
- (4) “Radioactive material or substance” means any material or combination of materials which spontaneously emits ionizing radiation and includes, but is not limited to accelerator-produced isotopes and by-product materials.
- (5) The term “radioactive material or substance” shall include:
 - (A) All materials which enter into or are produced as part of the nuclear fuel cycle, including milled uranium ore, fissile material, and all fission by-products.
 - (B) Any quantity of radioactive material specified as a “large quantity” by the Nuclear Regulatory Commission in 10 CFR, part 71.
 - (C) Any quantity of radioactive waste, including nonradioactive material contaminated with radioactive material, which has been produced as part of the nuclear fuel cycle.
- (6) For the purposes of this article, the term “radioactive material or substance” shall not include:
 - (A) Radiation sources or materials employed in therapeutic radiology, in biomedical research, or in educational endeavors, or medical devices designed for individual application (as for example cardiac pacemakers) or commercial devices, processes, or facilities, as approved by the appropriate regulatory and licensing agencies.

(1983 CC, c 14, art 8, sec 14-45.)

Section 14-46. Transportation of radioactive material, unlawful.

It shall be unlawful for any person to transport radioactive material within or through the County.

(1983 CC, c 14, art 8, sec 14-46.)

Section 14-47. Storage of radioactive material, unlawful.

It shall be unlawful for any person to store radioactive material within the County.

(1983 CC, c 14, art 8, sec 14-47.)

Section 14-48. Nuclear energy facilities, prohibited.

It shall be unlawful for any person to locate or build a nuclear energy facility which utilizes nuclear material for the production of energy within the County.

(1983 CC, c 14, art 8, sec 14-48.)

Section 14-49. Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor and shall be fined not more than \$1,000 or imprisoned for not more than one year, or both, for each violation.

(1983 CC, c 14, art 8, sec 14-49.)

Article 9. Outdoor Lighting.**Section 14-50. Applicability and scope of article.**

- (a) This article shall apply to the installation of all outdoor lighting fixtures within the County.
 - (b) The provisions of this article, including provisions for the imposition upon any person of the penalties by fine for any violation of this article, shall not be construed to exclude the operation of applicable State statutes or other County ordinances. In the case of conflict with other County ordinances, the stricter ordinance shall apply.
- (1988, ord 88-122, sec 3.)

Section 14-51. Definitions.

- (a) As used in this article, unless the context clearly indicates otherwise:
 - (1) “Outdoor lighting fixture” means any outdoor artificial lighting device, fixture, lamp, or other similar device, permanently installed or portable, which is intended to provide illumination for either visibility or decorative effects. Such device shall include, but not be limited to, search, spot, and flood lighting used for:
 - (A) Buildings and structures;
 - (B) Recreational facilities;
 - (C) Parking lots;
 - (D) Landscape lighting;
 - (E) Business and advertising signs;
 - (F) Roadways;
 - (G) Walkways.
 - (2) “Class I lighting” means all outdoor lighting used for, but not limited to, outdoor sales and eating areas, assembly or repair areas, advertising or business signs, recreational facilities, and other similar applications in which color rendition is important.
 - (3) “Class II lighting” means all outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, outdoor security, and other similar applications in which general illumination of the grounds is the primary concern.
 - (4) “Class III lighting” means any outdoor lighting used for decorative effects. It includes, but is not limited to, waterfall and pond lighting and architectural highlighting for buildings and landscapes.
 - (5) “Building official” means the director of public works or the director’s designated representative.
 - (6) “Individual” means any private individual, governmental entity, tenant, lessee, owner, or any commercial entity including, but not limited to, companies, partnerships, joint ventures, or corporations.

- (7) “Fully shielded” means that the outdoor lighting fixture is constructed so that all of the light emitted by the fixture is projected below the horizontal plane of the lowest point of the fixture.
- (8) “Partially shielded” means that the outdoor lighting fixture is constructed so that at least ninety percent of the light emitted by the fixture is projected below the horizontal plane of the lowest point of the fixture.
- (9) “Blue light content” means the ratio of the amount of energy emitted by the outdoor light fixture between 400 and 500 nm divided by the amount of energy between 400 and 700 nm.
- (10) “Traffic color compliant” means the 1931 CIE x y color coordinates of the outdoor light fixture is outside of any of the traffic signal color boxes as defined by ITE ST-052 500/AGS-PM/1105.

(1988, ord 88-122, sec 3; am 2001, ord 01-108, sec 1; am 2011, ord 11-18, sec 1.)

Section 14-52. General requirements.

- (a) Standard fixture. All class types of outdoor light fixtures shall follow the requirements set forth in Table 14-A.
- (b) Shielding. All outdoor lights shall be shielded pursuant to the requirements set forth in Table 14-A.
- (c) Hours of operation. All outdoor light fixtures shall be subject to the hours of operation as required by Table 14-A.
- (d) Mercury vapor lights prohibited. Mercury vapor lamps shall not be used for any new outdoor lighting installations or for the replacement of any existing installation. All existing mercury vapor outdoor lighting fixtures shall be removed by August 17, 1998.
- (e) Blue light content. The blue light content of the outdoor light fixture shall be pursuant to the requirements set forth in Table 14-A.
- (f) Traffic color compliant. The color of the outdoor light fixture shall be pursuant to the requirements set forth in Table 14-A.

(1988, ord 88-122, sec 3; am 2011, ord 11-18, sec 2.)

Section 14-53. Exemptions.

- (a) Existing light fixtures. All outdoor light fixtures planned and approved by the County or existing and legally installed prior to September 1, 1988, are exempt from the installation and shielding requirements of this article, except that when existing outdoor light fixtures become inoperable, the outdoor light fixtures which replace them shall comply with the requirements of this article.
- (b) Fossil fuel light. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline, shall be exempt from the requirements of this article.
- (c) Holiday decorative lighting. Low wattage fixtures used for holiday decorations shall be exempt from the requirements of this article.

- (d) Residential incandescent illumination. Private residential incandescent light fixtures which are fully shielded or have a lumen output of less than eight thousand one hundred lumens for each acre of property that is intended to be illuminated shall be exempt from the requirements of this article.
- (e) Business signs. Outdoor advertising signs, if constructed of translucent material, and illuminated totally from within and colored with an opaque background using translucent letters or symbols, shall be exempt from the requirements of this article, except that the hours of operation shall be the same as those for Class I outdoor lighting.
- (f) Searchlights. Searchlights used for advertising purposes shall be exempt from the requirements of this article, except that the operation of such lights is limited to the hours of 6:00 p.m. to 10:00 p.m.
- (g) Emergency lighting. Emergency lighting required for public safety is exempt from the requirements of this article.

(1988, ord 88-122, sec 3.)

Section 14-54. Submission of plans.

- (a) All outdoor lighting fixtures shall be installed in conformance with the provisions of this article and those of the electrical code of the County as applicable and subject to the appropriate permit and inspection requirements thereof. The applicant for any permit required by the County for work involving nonexempt outdoor light fixtures shall submit to the building official proof that the proposed work will comply with the article requirements. The submission shall contain, but not be limited to, the following:
 - (1) The location of the site where the outdoor light fixtures will be installed;
 - (2) Plans indicating the type(s) of outdoor light fixtures to be used and their location on the premises;
 - (3) A description of the outdoor light fixtures including, but not limited to, manufacturer's catalog cuts and drawings.
- (b) The plans and descriptions required by subsection (a) sufficiently complete to enable the building official to readily determine whether compliance with the requirements of this article will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices or fixtures proposed, the applicant shall be required to submit further proof of compliance. Furthermore, any design, material, or method of installation not specifically forbidden by this article may be used, provided any such alternate has first been approved by the building official. The building official may approve any such proposed alternate provided:
 - (1) It is at least approximately equivalent to the applicable specific requirements of this article; and
 - (2) It is otherwise satisfactory and complies with the intent of this article.

(1988, ord 88-122, sec 3.)

Section 14-55. Tables.

Table 14-A		
Lamp Type	Shielding Requirement	Operation Restrictions
Class I		
Low pressure sodium	Fully shielded	None
Low pressure sodium	Partially shielded	Existing fixtures only. New installations as of October 2010 prohibited
Others above 4,050 lumens	Fully shielded	Off from 11:00 p.m. to sunrise*
Others above 4,050 lumens	Fully shielded	Off from 11:00 p.m. to sunrise*
LED fixtures with less than 2% blue light content	Fully shielded	Off at 11:00 p.m. to sunrise*
Class II		
Low pressure sodium		
90 watts or less	None	Existing fixtures only. New installations as of October 2010 prohibited
greater than 90 watts	Partially shielded	Existing fixtures only. New installations as of October 2010 prohibited
Low pressure sodium	Fully shielded	None
LED fixtures with less than 2% blue light content and traffic color compliant	Fully shielded	None
Others above 4,050 lumens		Prohibited
Others below 4,050 lumens		Prohibited
Class III		
Low pressure sodium	Fully shielded	None
Others above 4,050 lumens		Prohibited
Others below 4,050 lumens	Fully shielded	Off from 11:00 p.m. to sunrise*
Neon	None	Off from 11:00 pm to sunrise*

*These lights may remain on after 11:00 p.m. if bona fide business or recreational activities are taking place.

(1988, ord 88-122, sec 3; am 2011, ord 11-18, sec 3; am 2013, ord 13-60, sec 2.)

Section 14-55.1. Penalty.

Any person violating any provision of this article shall, upon conviction, be punished by a fine not to exceed \$500. Such person shall be deemed guilty of a separate offense for each and every day any violation of this article is committed. Furthermore, payment of such a fine shall not relieve the individual from the responsibility of correcting the violative condition, nor shall it preclude the County from instituting any action for its removal.

(1988, ord 88-122, sec 3.)

Article 10. Exceptional Trees.**Section 14-56. Intent.**

In accordance with section 58-2, Hawai'i Revised Statutes, to safeguard exceptional trees from destruction due to land development, the County desires to enact protective regulations to preserve exceptional trees within the County.

(1984, ord 84-22, sec 1.)

Section 14-57. Definitions.

For purposes of this article, "exceptional trees" means a tree or grove of trees with historic or cultural value, or which by reason of its age, rarity, location, size, aesthetic quality, or endemic status has been designated by the council as worthy of preservation. The term exceptional trees does not apply to trees planted for commercial forestry operations. Exceptional trees may be designated generally by biotaxy or individually by location or class.

(1984, ord 84-22, sec 1.)

Section 14-58. Arborist advisory committee.

There shall be an arborist advisory committee consisting of six members who shall be appointed by the mayor. The committee shall include the following: the planning director, or the director's designee; one member who shall be actively employed in the practice of landscape architecture; and four other members selected on the basis of active participation in programs of community beautification, or research or organization in the ecological sciences, including ethnobotany, or Hawaiiana.

(1984, ord 84-22, sec 1; am 1992, ord 92-12, sec 1.)

Section 14-59. Powers and duties.

The arborist advisory committee shall have the following powers and duties:

- (a) To research, prepare and recommend to the council exceptional trees to be protected by County ordinance or regulation.
- (b) To advise property owners relative to the preservation and enhancement of exceptional trees.
- (c) To recommend to the council appropriate protective ordinance, regulations and procedures.
- (d) To review all actions deemed by the council to endanger exceptional trees.

(1984, ord 84-22, sec 1.)

Section 14-60. Procedures.

- (a) Any interested person may petition the arborist advisory committee to examine a tree for designation as an exceptional tree. Upon completion of the committee's study which shall include notification of the owner or lessee of the property, and a duly held public hearing, the committee shall forward the proposed list of exceptional trees to the council.
- (b) The council shall review the proposed list of exceptional trees; it may affirm, modify, or disaffirm the proposed list of exceptional trees. The list shall be adopted by ordinance.
- (c) The arborist advisory committee shall prepare official maps designating the location of exceptional trees adopted by the council and shall file maps with the planning department, department of public works, building division, and office of the County clerk.

(1984, ord 84-22, sec 1.)

Section 14-61. Consultation with County arborist advisory committee.

Prior to the issuance of any building or grading permit or granting of final subdivision approval, the planning department and department of public works, building division, may request advice from the arborist advisory committee concerning trees within any proposed development to assure that exceptional trees are retained and to prevent the unnecessary destruction of such trees during development or redevelopment of land within the County. The lack of designation as exceptional tree does not diminish the responsibility and authority of the planning department and department of public works, building division, to recommend trees to be incorporated into a development plan.

(1984, ord 84-22, sec 1.)

Section 14-62. Enforcing authority.

The planning department shall be charged with the enforcement of this article and shall have the police power to take appropriate action to ensure compliance with the provisions of this article. The planning department may issue citations for the violation of this article. This article shall not be superseded by any permit issued by any County agency under this code.

(1984, ord 84-22, sec 1.)

Section 14-63. Violation and penalty.

It shall be unlawful for any person, corporation, public agency or other entity to substantially damage, remove or destroy an exceptional tree in the County. Any person, corporation, public agency or other entity who violates this section shall be fined not more than \$1,000 per tree or incident.

(1984, ord 84-22, sec 1; am 2004, ord 04-69, sec 1.)

Section 14-64. Injunctive relief.

Proceedings for injunctive relief in circuit court or other court of competent jurisdiction may be had for threatened violations of the provisions of this article.

(1984, ord 84-22, sec 1.)

Section 14-65. [Former] Repealed.

(1984, ord 84-53, sec 1; am 1989, ord 89-102, sec 1; rep 1991, ord 91-140, sec 2.)

Section 14-65. Designated exceptional trees.

The following trees are designated as “Exceptional Trees of the County of Hawai‘i.”

Tree	Tax Map Key and Location	Owner	Ords
Bo or Peepul Tree <i>Ficus religiosa</i>	2-3-15:1 Old Riverside School	State of Hawai‘i Dept. of Education	91-140
Brazilian Fern Tree <i>Schizolobium parahyba</i>	7-5-1:114 Moeauoa 1, North Kona	Gwendolyn C. Hobbs	06-135
Chinese Weeping Banyan	2-2-28:08 Kilauea Avenue	State of Hawai‘i	99-27
Coconut Trees <i>Cocos nucifera</i>	2-2-4:02 Waiolama Canal, Hilo	State of Hawai‘i	91-140
Divi-Divi <i>Caesalpinia coriaria</i>	2-3-05:1 Kalākaua Park	County of Hawai‘i	91-140
False Kamani <i>Terminalia catappa</i>	2-3-12:09 Haili Street	Haili Church	91-140
Gardenia Remyi	2-3-29:02 Waianuenu Avenue	John & Dorothy Cross	00-121
Gold Tree <i>Cydistax donnell-smithii</i>	2-2-27:01 Forestry Arboretum	State of Hawai‘i	91-140, 00-121
Grove of Mangoes <i>Mangifera indica</i>	1-3-08 Pohoiki Road	County of Hawai‘i	93-8, 06-26
Grove of Mangoes	1-4-3, 4, 5, & 28 Government Beach Road	County of Hawai‘i	02-123
Grove of Monkeypod Trees	2-2-04:35 Kamehameha Avenue & Pauahi Street	County of Hawai‘i	99-27
Grove of Monkeypod Trees	2-2-04:56 Kamehameha Avenue & Pauahi Street	County of Hawai‘i	99-27
Hame <i>Antidesma platyphyllum</i>	4-4-14:01 Kalōpā State Park	State of Hawai‘i	91-140, 00-121
Indian Banyan <i>Ficus benghalensis</i>	2-3-05:1 Kalākaua Park	County of Hawai‘i	91-140
Koa <i>Acacia koa</i>	4-4-14:01 Kalōpā State Park	State of Hawai‘i	91-140
Kōpiko <i>Psychotria hawaiiensis</i>	4-4-14:01 Kalōpā State Park	State of Hawai‘i	91-140, 00-121

Tree	Tax Map Key and Location	Owner	Ords
Kōpiko <i>Psychotria hawaiiensis</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i	91-140, 00-121
Loulu Palm <i>Pritchardia beccariana</i>	2-3-05:1 Kalākaua Park	County of Hawai'i	91-140
Loulu Palm <i>Pritchardia schattaueri</i>	8-9-6:04 South Kona	Farms of Kapua, Ltd.	91-140
Monkeypod <i>Samanea saman</i>	2-1-03:27 Lihikai Street	Suisan Company	91-140
Moreton Bay Fig <i>Ficus macrophylla</i>	7-5-6:12 Portion of Kailua Village, North Kona	Burgess, Inc.	06-136
'Ōhi'a	1-5-1:56 Ka'ōhe Homesteads, Pāhoa	Robert E. O'Neill	03-145
'Ōhi'a Lehua <i>Metrosideros polymorpha</i>	2-3-27:01 Rainbow Falls Park, Hilo	State of Hawai'i	91-140, 00-121
'Ōhi'a Lehua <i>Metrosideros polymorpha</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i	91-140, 00-121
'Ōhi'a Lehua <i>Metrosideros polymorpha</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i	91-140, 00-121
'Ōhi'a Lehua <i>Metrosideros polymorpha</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i	91-140, 00-121
'Ōhi'a Lehua <i>Metrosideros polymorpha</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i	91-140, 00-121
'Ōhi'a Lehua <i>Metrosideros polymorpha</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i	91-140, 00-121
'Ōhi'a Lehua <i>Metrosideros polymorpha</i>	4-4-14:01 Kalōpā State Park	State of Hawai'i	91-140, 00-121
Pili nut <i>Canarium sp.</i>	8-1-9:01 South Kona	George Schattauer	91-140
Pua Kenikeni <i>Fagraea berteriana</i>	3-6-09:31 Laupāhoehoe Police Station	County of Hawai'i	91-140
Surinam Cherry <i>Eugenia uniflora</i>	2-3-14:07 Waiānuenuenu Avenue	Hilo United Methodist Church	91-140
Terminalia Chebula	2-3-01:2 Kamehameha Avenue	County of Hawai'i	02-123
Valencia Orange (Vancouver) <i>Citrus sinensis</i>	8-1-9:1 Kaawaloa, South Kona	Margaret Schattauer	07-124

(1991, ord 91-140, sec 2; am 1993, ord 93-8, sec 1; am 1999, ord 99-27, sec 1; am 2000, ord 00-121, sec 1; am 2002, ord 02-123, sec 1; am 2003, ord 03-145, sec 1; am 2005, ord 05-158, sec 1; am 2006, ord 06-26, sec 2; ord 06-135, sec 1; ord 06-136, sec 1; am 2007, ord 07-124, sec 1; ord 07-125, sec 1; ord 07-126, sec 1.)

Article 11. Neighborhood Watch Signs.**Section 14-66. Purpose.**

The purpose of this article is to establish a process to request, purchase, construct, and install neighborhood watch signs at approved locations.

(1987, ord 87-118, sec 1; am 2015, ord 15-70, sec 1.)

Section 14-67. Definitions.

As used in this article:

“Area coordinator” means a neighborhood watch member designated as the community’s liaison with the police department.

“Chief of police” means the administrative head of the County police department.

“County highway” means every highway, street, or roadway under the jurisdiction and control of the County of Hawai‘i.

“Neighborhood watch” means a citizen crime prevention program under the County police department.

“Neighborhood watch sign” means a sign constructed and installed at the direction of the police department and pursuant to the provisions of this article.

“Police officer” means the community police officer for the appropriate community, or any police officer designated as such by the chief of police.”

(1987, ord 87-118, sec 1; am 2001, ord 01-108, sec 4; am 2015, ord 15-70, sec 2.)

Section 14-68. Powers and duties.

Pursuant to the provisions of this article, the chief of police is authorized to:

- (1) Approve the size and design of all neighborhood watch signs;
- (2) Approve the construction and installation of neighborhood watch signs on County highways; allow signs to be purchased, constructed, and installed on private roadways open to the public; and remove signs or cause signs to be removed;
- (3) Work with the director of public works or the director’s duly authorized representative to facilitate the construction, installation, removal, or replacement of neighborhood watch signs on County highways;
- (4) Work with area coordinators or duly authorized representatives to facilitate the purchase and installation of neighborhood watch signs on private roads open to the public; and
- (5) Provide to a council member upon request, a listing of all active neighborhood watches by location.

(1987, ord 87-118, sec 1; am 2001, ord 01-108, sec 1; am 2015, ord 15-70, sec 3.)

Section 14-69. Application for approval.

- (a) Any area coordinator wishing to have a neighborhood watch sign placed in the person's neighborhood shall submit an application to the chief of police. The area coordinator shall fill out the current application form provided by the police department.
- (b) No application for the construction and installation of signs shall be approved by the chief of police unless the neighborhood watch is determined by the chief of police to be in compliance with the policies of the police department.
- (1987, ord 87-118, sec 1; am 2015, ord 15-70, sec 4.)

Section 14-70. Rules.

The chief of police is authorized to adopt rules pursuant to chapter 91, Hawai'i Revised Statutes, as are necessary to implement, administer, and enforce the provisions of this article.

(1987, ord 87-118, sec 1.)

Article 12. Official Bulletin Board.**Section 14-71. Official bulletin board established; purpose.**

There shall be an official bulletin board of the Hawai'i County building for the posting of council and committee agendas and public notices of meetings of the County of Hawai'i. This bulletin board is established in compliance with the provisions of article XIII, Hawai'i County Charter.

(1994, ord 94-43, sec 1; am 2006, ord 06-140, sec 2; am 2009, ord 09-148, sec 2.)

Section 14-72. Official bulletin board location.

The official bulletin board of the Hawai'i County building at 25 Aupuni Street, Hilo, Hawai'i shall be located within the exterior covered walkway of the Hawai'i County building, immediately adjacent to its main entrance and shall be conspicuously displayed and identified by the words "public notices" appearing thereon.

(1994, ord 94-43, sec 1; am 2006, ord 06-140, sec 2; am 2009, ord 09-148, sec 3.)

Section 14-73. Official bulletin board custodian.

Each agency and department of the County of Hawai'i shall be responsible for the posting and removal of their agendas and notices on the official bulletin board.

(1994, ord 94-43, sec 1; am 2006, ord 06-140, sec 2.)

Article 13. Soliciting for Money or Objects of Value.

Section 14-74. Definitions.

As used in this article, unless otherwise specified:

“Aggressive manner” means:

- (1) Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into agreeing to the matter being solicited;
- (2) Following a person after the person has given a negative response to such soliciting;
- (3) Intentionally or knowingly touching or causing physical contact with another person without that person’s consent in the course of soliciting;
- (4) Intentionally or knowingly blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to stop or to take evasive action to avoid physical contact;
- (5) Using violent or threatening gestures toward a person solicited;

“Intentionally” shall be as defined in section 702-206, Hawai‘i Revised Statutes.

“Knowingly” shall be as defined in section 702-206, Hawai‘i Revised Statutes.

“Public place” means a place to which the public or a substantial group of persons has access including, but not limited to, any street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

“Soliciting” means to ask, request, plea for, or urge support from another. Soliciting includes, but is not limited to, requests for money or objects of value, signing of petitions, participation in surveys, support for political candidates or other election related matters, and support for religious or other moral beliefs. Soliciting does not include passively standing or sitting, nor does it include performing music, singing, or conducting other street performances.

(1999, ord 99-1, sec 1; am 1999, ord 99-153, sec 4; am 2008, ord 08-21, sec 1; am 2015, ord 15-51, sec 2.)

Section 14-75. Prohibited acts.

No person shall solicit in an aggressive manner in any public place.

(1999, ord 99-1, sec 1; am 1999, ord 99-153, sec 4; am 2008, ord 08-21, sec 1; am 2015, ord 15-51, sec 3.)

Section 14-76. Enforcement.

It shall be the duty of the officers of the police department and such officers as are assigned by the chief of police to enforce the provisions of this article.

(1999, ord 99-1, sec 1; am 1999, ord 99-153, sec 4.)

Section 14-77. Form of summons or citations.

There shall be provided for use by authorized police officers a form of summons or citation for use in citing violators of those traffic laws which do not mandate the physical arrest of such violators.

(1999, ord 99-1, sec 1; am 1999, ord 99-153, sec 4.)

Section 14-78. Penalties.

Any violation of this article shall constitute a petty misdemeanor punishable by imprisonment for not more than thirty days or by a fine not to exceed \$100, or by both.

(1999, ord 99-1, sec 1; am 1999, ord 99-153, sec 4.)

Article 14. Street Addressing And Naming.**Division 1. General Provisions.****Section 14-79. Purpose and applicability.**

- (a) The establishment of a uniform and systematic procedure for the assignment of addresses is vital for the health, safety and welfare of the community to provide an effective means of emergency location through the E911 system; expedite postal, utility service, and commercial delivery services; and reduce confusion for people trying to find a residence or business.
- (b) An address shall be assigned to all buildings, as defined in this article, and units within buildings which will be occupied for work or residence uses.
- (c) All streets shall be named, whether public or private, in accordance with this article.
- (d) No application for a building permit or subdivision shall be approved that does not conform to the requirements in this article.

(2004, ord 04-82, sec 2.)

Section 14-80. Definitions.

- (a) "Address" shall mean that combination of street name, building number, and when necessary, a unit number that is assigned to a parcel, building, or unit within a building, and is unique to it, to indicate its location.
- (b) "Building" shall mean any structure that is designed for human occupation for working or living purposes. Structures which provide accessory uses to a business or residence, such as accessory storage, animal shelters, barns, housing of mechanical or scientific equipment, power generation, greenhouses, or other accessory uses located on the same parcel of land are not required to have an address.
- (c) "Director" means the planning director or designated representative.

- (d) "Private street" shall mean any street which is not under the control or ownership of any governmental agency.
 - (e) "Street" means a vehicular way providing access to three or more lots or units, or with the potential to serve three or more lots or units; a vehicular way that is not a street shall be considered a driveway. The address for a building along a driveway shall use the name of the street which the driveway intersects.
- (2004, ord 04-82, sec 2.)

Section 14-81. Administration.

- (a) The director shall assign street names and building numbers within the County of Hawai'i pursuant to this article.
 - (b) The director shall maintain official maps and databases of street names and addresses in a system that enables efficient searches or listing by property owner, address, and tax map key.
 - (c) The director may grant reasonable exceptions to the requirements in this article upon consultation as appropriate with the director of public works, fire chief, and/or police chief to accommodate existing conditions or unusual street or land use patterns.
 - (d) The director may adopt rules to implement this article.
- (2004, ord 04-82, sec 2.)

Division 2. Address Numbers.

Section 14-82. Procedures for assigning and changing addresses.

- (a) Assignment of new address. The director is authorized to assign an appropriate number to each building upon application for a building permit or upon request by the property owner, lessee, tenant, renter or government agency. If circumstances indicate a reasonable need for consultation and consent by the property owner to any new or change of address application by a nonowner, the director may require such consultation and consent before issuing a new or change of address.
 - (1) For existing buildings without an address, the following information shall be provided to the director when applying for an address:
 - (A) Tax map key number of the property.
 - (B) Name of the property owner, and name of the applicant (if not the owner).
 - (C) Plot plan of the parcel showing all driveways and buildings.
 - (D) The director may request additional information as needed to determine the assignment of the correct number.
 - (2) Prior to the assignment of an address, the street that is to be part of the address shall have an official name. If the street does not have an official name, the applicant shall work with the planning department to name the street in accordance with the procedures and requirements set forth in Street Names, division 3 of the article.

- (3) Provided the street has an official name, within fourteen calendar days of the filing of the application with the director, the director shall assign a building number and notify the applicant in writing of the assigned building number and any special requirements as to posting location, number size or other requirements.
 - (4) For new buildings, the director will assign building numbers as part of the building permit process. If the location of the driveway to the property should change after the issuance of the building permit, the applicant or the applicant's builder must notify the planning department prior to occupancy to determine whether a change in the building number is necessary.
- (b) Changing an address.
- (1) The director may change an address when it is out of sequence, does not conform to the numbering standards established in this article, is confusing, or might delay emergency response. If an address is changed, the director must notify the owner in writing at least thirty days before the effective date.
 - (2) A property owner may apply for an address change for personal reasons by submitting an application for number change and paying a fee of \$50. The director may deny the application if the proposed address does not meet the requirements of this article.
- (2004, ord 04-82, sec 2.)

Section 14-83. Address numbering standards.

- (a) Numbering convention. Building numbers shall consist of whole numbers (no fractions) and shall be assigned based on an equal interval system. Under this system, the address is derived by measuring the distance along a street and dividing that distance by some equal interval to determine the address for a building. The number assigned shall be the numbered interval closest to the driveway or front entrance. The interval unit shall be small enough to provide an address to each potential building permitted in the zoning district. The director shall determine the appropriate interval unit for urban and rural areas.
- (b) Point of origin; odd and even numbering. For numbers assigned after August 14, 2004, numbers shall increase from the point of origin with even numbers on the right-hand side. In determining the point of origin, the director may consider any of the following: the existing pattern of surrounding streets; numbering pattern relative to mauka/makai directions; entrance to a cul-de-sac; and/or numbering pattern relative to east/west or north/south direction of the street.
- (c) Prefixes and suffixes. On parcels with multiple buildings, or in situations approved by the director, the assigned number may be followed by an alphabet letter to distinguish each building or units within a building. The director may add a prefix to any number, such as the tax map key zone.

- (d) Corner lots. The address for corner lots shall be the street where the main driveway intersects or where the main entry faces. If there is no driveway or the structure does not directly face either street, the number should be determined based on the predominate street frontage.
(2004, ord 04-82, sec 2.)

Section 14-84. Display of address numbers.

- (a) Display requirement.
- (1) Each property owner shall post building numbers in accordance with the provisions of this article.
 - (2) During construction of new buildings, assigned address numbers shall be posted temporarily at the driveway location to facilitate inspections and assist emergency responders prior to occupancy.
 - (3) Upon written notice from the director that a posted number is erroneous or changed, the property owner shall remove or erase any wrong building number and shall post the correct building numbers in compliance with this article.
 - (4) All buildings required to be numbered shall be numbered at the expense of the owner.
 - (5) The property owner shall be responsible to maintain all posted numbers such that they are visible and readable at all times.
- (b) Display standards.
- (1) Single-family residences.
 - (A) For parcels with single mailboxes, numbers shall be posted on the mailbox to be visible from either direction. Where the entrance of a residence is more than fifty feet from the street travelway edge or when the residence is not clearly visible from the street, a second set of numbers shall be placed on, above, or at the side of the main entrance to the building.
 - (B) In areas without mailboxes, or when multiple mailboxes are located in one location, numbers shall be placed on a post, fence, wall, or some structure within the property line near the intersection of the driveway and the street so that the number is distinguishable and legible from the street. Where the main entrance of the building is clearly visible and within fifty feet of the street travelway edge, the address may instead be conspicuously placed on, above, or at the side of the main entrance so that the number is distinguishable and legible from the street. Where the entrance of a residence is more than fifty feet from the street travelway edge or when the residence is not clearly visible from the street, a second set of numbers shall be placed on, above, or at the side of the main entrance to the building.

- (C) When owners share a common driveway, a sign not exceeding two square feet in area and showing the range of addresses shall be attached to a permanent structure or post with the top of the sign not exceeding six feet in height, and located within the property line near the intersection of the driveway and the street. Each building along the driveway shall be numbered in accordance with this article.
 - (D) Address numbers for residences shall be Arabic numerals not less than three inches in height and shall be made of a durable and clearly visible material or paint (preferably reflective) in a color distinguishable from its background.
- (2) Duplexes, apartments, townhouses, shopping centers.
- (A) Duplexes, apartments, townhouses, shopping centers, or other similar groupings where only one number is assigned shall display such number at the main driveway from the street.
 - (B) Numbers for individual units or establishments within the complex shall be displayed on, above, or to the side of the main doorway of each unit or establishment.
 - (C) Address numbers, including unit numbers, shall be Arabic numerals not less than three inches in height and shall be made of a durable and clearly visible material or paint (preferably reflective) in a color distinguishable from its background.
- (3) Commercial and industrial buildings.
- (A) For buildings within fifty feet of the street, the number may be displayed over the main entrance to the structure or at the driveway entrance upon a wall, ground, or marquee sign. For buildings located more than fifty feet from the street, the number shall be displayed at the driveway entrance. If there are more than one building on the property, the address shall also be displayed over the main entrance to each building.
 - (B) Address numbers for commercial and industrial buildings shall be Arabic numerals not less than four inches in height and shall be made of a durable and clearly visible material or paint (preferably reflective) in a color distinguishable from its background.
 - (C) To avoid confusion, there shall be no other wording or numbers within two feet of the address number.
- (4) Directories.
- For multiple-address developments, the director may require a directory board with a map to be posted at the driveway entrance and/or main entrance walkway. Directories must clearly show the location of all addresses that can be reached via that driveway or walkway. Directories must be easily seen from the street or sidewalk, as appropriate, but placed so that a vehicle or pedestrian pausing to read them can be out of the street and not block the sidewalk or driveway. Additional interior directories may be required where necessary to locate an address.

- (c) The director shall have final approval authority over any aspect of building numbering reasonably related to the legibility, durability and location of the building numbering, and the building owner shall comply with all lawful orders of the director regarding such matters.
(2004, ord 04-82, sec 2.)

Division 3. Street Names.

Section 14-85. Procedures for naming and renaming streets.

- (a) New streets. Streets to be created by land division, whether public or private, serving or with the potential to serve three or more lots or units shall be named by the subdivider and approved by the director during the review and approval of the subdivision.
- (b) Naming or renaming existing streets. The County council, director, street owner, or property owner along the street may initiate the naming or renaming of an existing street. When naming or renaming is initiated by the street owner or property owner, the petition must be signed by owners representing at least two-thirds of the parcels, dwelling units or businesses located along the affected street or portion of the street. When initiated by the County council, the council may direct the director by resolution. The director will name or rename a street in accordance with the criteria set forth in this article.
- (c) Notification. After a street is named, the director must notify all appropriate public agencies and the property owners along the affected street.
(2004, ord 04-82, sec 2.)

Section 14-86. Street name criteria.

Street names shall meet the following criteria:

- (a) No duplication. To eliminate potential confusion, duplication of street names within the same judicial district or zip code zone shall not be permitted. Streets with the same name but different street type designations shall be considered duplicate street names.
Exception: This provision shall not apply to any street named "Maile" in the Leilani Estates subdivision in Puna.
- (b) Continuity. Streets continuing through an intersection or are segments of a planned alignment shall keep the same name.
- (c) Directionals. The director may add directional indicators, such as north and west, to street name proposals as deemed appropriate.
- (d) Other Criteria. The director may specify other street naming criteria in rules.
(2004, ord 04-82, sec 2; am 2016, ord 16-114, sec 2.)

Section 14-87. Street name signs.

- (a) Requirement. Every intersection must have signs naming all the intersecting streets.
- (b) Standards. The design and installation of street name signs, whether public or private street, must meet the minimum standards of the department of public works.
- (c) Responsibility. For new streets created by land division, the subdivider shall be responsible to provide and install the street name signs prior to final subdivision approval. For existing public streets, the State or County as appropriate shall install and maintain the street name signs. For private streets, the street owner is responsible to install and maintain the street name signs. At the request of the majority of the owners of a private street, and upon receipt of a fee sufficient to cover the cost of materials and labor as determined by the County, the County may fabricate, erect, and thereafter maintain the street name signs.

(2004, ord 04-82, sec 2.)

Division 4. Violations.**Section 14-88. Enforcement of numbering or street name requirements.**

- (a) Notice and order. Whenever there is reason to believe there has been a violation of the requirements of this article, the director shall give notice to the owner to comply and order corrective action within thirty days from the date of notification. Such notice and order shall be sent via certified mail, with return receipt requested, to the owner. The date shown on the return receipt shall be the date from which the thirty-day period shall commence for compliance.
- (b) Appeal. Any person adversely affected by any order issued under this section, may within thirty days after the service of the order, appeal the order to the board of appeals as provided by section 6-9.2, County Charter. An appeal to the board of appeals shall stay the provisions of the director's order pending the final decision of the board of appeals.
- (c) Penalty. If the owner fails to comply within the thirty-day period, the owner will be subject to a fine of \$25, and a further penalty of a like sum for every thirty days thereafter that such person shall neglect or refuse to correct the violation. The director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, and provided that administrative appeals have been exhausted or the time for filing such appeals has elapsed without appeal, the director need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid.

(2004, ord 04-82, sec 2; am 2011, ord 11-103, sec 6.)

Section 14-89. Enforcement of street name sign or address tampering or defacement.

- (a) Violation. Except for repair, replacement, or relocation within twenty-four hours, no person may alter, deface, or remove any address number or street sign.
- (b) Criminal prosecution.
 - (1) Any person violating or causing or permitting the violation in the preceding paragraph, shall be guilty of a violation, and upon conviction thereof shall be sentenced as follows:
 - (A) For a first offense, by a fine not exceeding \$500.
 - (B) For a subsequent conviction which occurs within five years of any prior conviction for violation of this chapter, by a fine of not less than \$500 but not exceeding \$1,000.
 - (2) After a conviction for a first violation under this chapter, each further day of violation shall constitute a separate offense if the violation is a continuance of the subject of the first conviction.
 - (3) The imposition of a fine under this section shall be controlled by the provisions of the Hawai'i Penal Code relating to fines, sections 706-641 through 706-645, Hawai'i Revised Statutes.

(2004, ord 04-82, sec 2.)

Article 15. Genetically Engineered (Transgenic) Taro (Kalo) and Coffee.**Section 14-90. Purpose.**

The purpose of this article is to protect the taro (kalo) and coffee industry from genetic engineering and preserve agriculturally-based practices and cultural traditions associated with taro (kalo) and coffee within the County of Hawai'i.

(2008, ord 08-154, sec 1.)

Section 14-91. Definitions.

As used in this article, unless the context clearly requires otherwise:

“Genetic engineering” means a process or technology employed whereby the hereditary apparatus of a living cell is altered, modified, or changed so that the cell can produce more or different chemicals or perform completely new functions.

“Person” includes natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations or any officer, agent, employee, factor, or any other personal representative thereof, in any capacity, acting either for himself or for any other person, under personal appointment or pursuant to law.

“Recombinant DNA” means the transfer of genes, regulatory sequences, or nucleic acid between hosts by the use of vectors or laboratory manipulations and includes the insertion, excision, duplication, inactivation, or relocation of specific genes, regulatory sequences, or sections of nucleic acid. This term does not apply to a material or an organism developed exclusively through traditional methods of breeding, hybridization, or nondirected mutagenesis.

“Release” means a discharge, emission or liberation of any genetically engineered organisms, or the product of a genetically engineered organism, into the open environment.

(2008, ord 08-154, sec 1.)

Section 14-92. Genetically engineered (transgenic) taro (kalo), unlawful.

It shall be unlawful for any person to test, propagate, cultivate, raise, plant, grow, introduce or release genetically engineered (transgenic) or recombinant DNA taro (kalo).

(2008, ord 08-154, sec 1.)

Section 14-93. Genetically engineered (transgenic) coffee, unlawful.

It shall be unlawful to test, propagate, cultivate, raise, plant, grow, introduce or release genetically engineered (transgenic) or recombinant DNA coffee.

(2008, ord 08-154, sec 1.)

Section 14-94. Penalty.

Any person violating any provision of this article shall be guilty of a violation, and upon conviction thereof, shall be sentenced by a fine not exceeding \$1,000.

(2008, ord 08-154, sec 1.)

Section 14-95. Injunctive relief.

Proceedings for injunctive relief in a court of competent jurisdiction may be heard for potential violations of this article.

(2008, ord 08-154, sec 1.)

Article 16. Lowest Law Enforcement Priority of Cannabis Ordinance.*

* **Editor’s Note:** Article 16 was invalidated by *Ruggles v. Yagong*, 353 P.3d 953 (Haw. 2015), *cert. denied*, 577 U.S. --- (2015).

Section 14-96. Purpose.

The purpose of this article is to:

- (1) Provide law enforcement more time and resources to focus on serious crimes;
- (2) Allow our court systems to run more efficiently;
- (3) Create space in our prisons to hold serious criminals;
- (4) Save taxpayers money and provide more funding for necessities such as education and health care; and
- (5) Reduce the fear of prosecution and the stigma of criminality from non-violent citizens who harmlessly cultivate and/or use cannabis for personal, medicinal, religious, and recreational purposes.

(2008, ord 08-181, sec 2.)

Section 14-97. Findings.

- (a) The Institute of Medicine has found that cannabis (marijuana) has medicinal value and is not a gateway drug.
- (b) According to the U.S. Centers for Disease Control, the use of cannabis (marijuana) directly results in zero deaths per year.
- (c) According to the National Institute of Drug Abuse (NIDA), the marijuana eradication program has not stopped cannabis cultivation in the county, rather the program has only decreased the availability of the plant, which increases its “street” value, resulting in more crime.
- (d) The National Institute of Drug Abuse (NIDA) also reported that a large increase of the use of methamphetamine, crack cocaine, and other hard drugs was related to the marijuana eradication program’s implementation.
- (e) According to public record, the ‘mandatory program review’ for the marijuana eradication program, required by section 3-16 of the County Charter to be performed at least once every four years, has never been performed in the thirty years that the program has existed.
- (f) Law abiding adults are being arrested and imprisoned for nonviolent cannabis offenses, clogging our court dockets, overcrowding our prisons, tying up valuable law enforcement resources and costing taxpayers hundreds of thousands of dollars in Hawai‘i County alone each year.
- (g) The citizens of the Cities of Hailey, Idaho; Denver, Colorado; Seattle, Washington; Columbia, Missouri; Eureka Springs, Arkansas and Santa Barbara, Oakland, Santa Monica and Santa Cruz, in California, and the citizens of Missoula County, Montana, all voted for cannabis (marijuana) to be placed as law enforcement’s lowest priority within the past five years.

(2008, ord 08-181, sec 3.)

Section 14-98. Definitions.

“Adult” means any individual who is twenty one years of age or older.

“Adult personal use” means the use of cannabis on private property by adults. It does not include:

- (1) Distribution or sale of cannabis;
- (2) Distribution, sale, cultivation, or use of cannabis on public property;
- (3) Driving under the influence; or
- (4) The commercial trafficking of cannabis, or the possession of amounts of cannabis in excess of the amounts defined as being appropriate for adult personal use.

“Marijuana”, (as defined in the Hawai‘i Revised Statutes of Chapter 712-1240) means cannabis.

“Cannabis” means all parts of the cannabis plant, whether growing or not; the seeds thereof; the resin extracted from any part of the cannabis plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

“Lowest Law Enforcement Priority” means a priority such that all law enforcement activities related to all offenses other than the possession or cultivation of cannabis for adult personal use shall be a higher priority than all law enforcement activities related to the adult personal use of cannabis. The Lowest Law Enforcement Priority regarding possession or cultivation of cannabis shall apply to any single case involving twenty four or fewer cannabis plants at any stage of maturity or the equivalent in dried cannabis, where the cannabis was intended for adult personal use.

The “dried equivalent” of twenty four or fewer cannabis plants shall be presumed to be twenty four or fewer ounces of usable cannabis, excluding stems and other non active parts. A greater amount may also fall under the Lowest Law Enforcement Priority provisions described herein if such amount is shown by competent evidence to be no more than the dried equivalent of twenty four plants.

(2008, ord 08-181, sec 4.)

Section 14-99. Lowest law enforcement priority policy relating to the adult personal use of cannabis.

- (a) The cultivation, possession and use for adult personal use of cannabis shall be the Lowest Law Enforcement Priority for law enforcement agencies in the county.
- (b) The council, the police commissioner, the chief of police and all associated law enforcement staff, deputies, officers and any attorney prosecuting on behalf of the county shall make law enforcement activity relating to cannabis offenses, where the cannabis was intended for adult personal use, their Lowest Law Enforcement Priority. Law enforcement activities relating to cannabis offenses include but are not limited to the prosecution of cannabis offenses involving only the adult personal use of cannabis.
- (c) Neither the chief of police, the police commissioner, nor any attorney prosecuting on behalf of the county, nor any associated law enforcement staff, deputies, nor officers shall seek, accept or renew any formal or informal deputization or commissioning by a federal law enforcement agency for the purpose of investigating, citing, or arresting adults, nor for searching or seizing property from adults for cannabis offenses subject to the Lowest Law Enforcement Priority of cannabis where such activities would be in violation of that policy, nor shall such authorities exercise such powers that may be ancillary to deputization or commissioning for another purpose.
- (d) The council shall not authorize the acceptance or the issuing of any funding that is intended be used to investigate, cite, arrest, prosecute, search or seize property from adults for cannabis offenses in a manner inconsistent with the county’s Lowest Law Enforcement Priority policy.

(2008, ord 08-181, sec 5.)

Section 14-100. County prosecuting attorneys.

To the full extent allowed by the Constitution of the State of Hawai'i, the people, through their county government, request that neither the county prosecuting attorney nor any attorney prosecuting on behalf of the county shall prosecute any violations of the sections of chapter 712-1240 of the Hawai'i Revised Statutes regarding possession or cultivation of cannabis in a manner inconsistent with the Lowest Law Enforcement Priority, as described in section 14-98 and 14-99 of this article; in cases where the amount possessed or grown is less than twenty four plants or the dried equivalent, possession for adult personal use shall be presumed.

(2008, ord 08-181, sec 6.)

Section 14-101. Expenditure of funds for cannabis enforcement.

- (a) Neither the council, nor the police commissioner, nor the chief of police, nor any attorneys prosecuting on behalf of the county, nor any associated law enforcement staff, deputies, or officers shall spend or authorize the expenditure of any public funds for the investigation, arrest, or prosecution of any person, nor for the search or seizure of any property in a manner inconsistent with the Lowest Law Enforcement Priority as defined in section 14-98 and 14-99 of this article.
- (b) The council shall not support the acceptance of any funds for the marijuana eradication program.

(2008, ord 08-181, sec 7.)

Section 14-102. Community oversight.

The council shall ensure the timely implementation of this chapter by working with the chief of police and/or the police commissioner to:

- (1) Provide for procedures to receive grievances from individuals who believe that they were subjected to law enforcement activity contrary to the Lowest Law Enforcement Priority of cannabis, which is described in section 14-98 and 14-99 of this article; and
- (2) Publish a report semi-annually on the implementation of this chapter every first day of June and every first day of December, from this day forward, with the first report being issued June 1, 2009. These reports shall include but not be limited to: the number of all arrests, citations, property seizures, and prosecutions for all cannabis offenses in the county, the number of complaints regarding marijuana eradication over-flights; the breakdown of all cannabis arrests and citations by race, age, specific charge, and classification as infraction, misdemeanor, or felony, the estimated time and money spent by the county on law enforcement and punishment for adult cannabis offenses, and any instances of officers or deputies assisting in state or federal enforcement of adult cannabis offenses. These reports shall be published with the cooperation of the county prosecuting attorney, the chief of police, and all associated law enforcement staff in providing needed data.

(2008, ord 08-181, sec 8.)

Section 14-103. Notification of local, state, and federal officials.

- (a) After the enactment of this article, the county clerk shall send letters on an annual basis (every June 1st of each year) to the mayor of the county, the county of Hawai'i voters' Congressional Delegation, Hawai'i's U.S. senators, the county of Hawai'i voters' representatives in the Hawai'i State Legislature, the Governor of Hawai'i, and the President of the United States. This letter shall state; "The citizens of the County of Hawai'i have passed an initiative to make Cannabis offenses the Lowest Law Enforcement Priority, where the Cannabis is intended for adult personal use, and request that the federal and state branches of government remove criminal penalties for the cultivation, possession and use of Cannabis for adult personal use; the citizens also request that Cannabis policies here within the county of Hawai'i be dealt with from our local law enforcement only." The letters may also state, be it the will of the county council; that according to the three year study performed by the National Institute on Drug Abuse, more people used methamphetamine as a result of the marijuana eradication program; they may also express that methamphetamine is a growing problem in our community and more help would be appreciated in that area, and that the first action that would help in that area would be to end the marijuana eradication program.
- (b) This duty shall be carried out until state and federal laws are changed accordingly. (2008, ord 08-181, sec 9.)

Section 14-104. Statutory and constitutional interpretation.

All provisions in this article shall only be implemented to the full extent that the Constitution of the State of Hawai'i and the Hawai'i Revised Statutes allows, and in the event, and only in the event, that a court of competent jurisdiction determines that any provision in any section of this article may not be directed by voter initiative or by action of the council, then that specific mandatory provision only shall be deemed advisory and expression of the will of the people that the provision shall be implemented into law by whichever government branch or official who has the power to implement it, and that the council shall take all actions within their power to work with those branches of government to express the will of the people and encourage, support, and request the implementation of those provisions. (2008, ord 08-181, sec 10.)

Section 14-105. Severability.

In the event, and only in the event, that a court of competent jurisdiction should find one or more of the sections, or parts of the sections of this article illegal, or any provision of this article or the application thereof to any person or circumstance is held invalid, the remainder of the article and the application of such provisions to other persons or circumstances shall not be affected thereby. (2008, ord 08-181, sec 11.)

Article 17. Regulation of Axis Deer.**Section 14-106. Transporting live axis deer into the County; unlawful.**

It is a violation of this article for any person to transport live axis deer into the County.

(2011, ord 11-116, sec 2.)

Section 14-107. Transporting live axis deer within the County; unlawful.

It is a violation of this article for any person to transport live axis deer within the County.

(2011, ord 11-116, sec 2.)

Section 14-108. Harboring axis deer; unlawful.

It is violation of this article for a person to give shelter or refuge to axis deer on private property.

(2011, ord 11-116, sec 2.)

Section 14-109. Exemptions.

The Pana'ewa Rainforest Zoo is exempt from this article.

(2011, ord 11-116, sec 2.)

Section 14-110. Penalty.

Any person who violates this article shall, upon conviction thereof, be guilty of a misdemeanor, and be sentenced to a fine of up to \$2,000, or imprisonment for a period of up to one year, or both.

(2011, ord 11-116, sec 2.)

Article 18. Animal Eradication.**Section 14-111. Findings and purpose.**

(a) The County of Hawai'i is charged with the ultimate responsibility to protect, preserve, and enhance the health, safety, and welfare of the people of Hawai'i Island. With regard to the bond between the people and the land, the County of Hawai'i hereby finds:

- (1) Animal eradication by aerial shooting is in conflict with the cultural and traditional values of the people of Hawai'i County;
- (2) Aerial hunting eradication creates unnecessary risk to human life, while also disturbing endangered flora and fauna; and
- (3) Animal population control measures can be performed in a manner that is harmonious with the culture, values, and principles of the people.

(b) The purpose of this article is to declare:

- (1) Animal eradication by aerial shooting on Hawai'i Island shall no longer be practiced;

- (2) The State of Hawai'i should conform and comply with the provisions of this article;
- (3) Other methods of animal population control must be used. Any such method to be enacted will take in to account the will of the people, which requires effective communication and a concerted effort to remain linked to the people that take responsibility for the land and its resources; and
- (4) The State of Hawai'i should increase public access to the areas of Hawai'i Island that will allow hunters and gatherers the opportunity to provide subsistence to the families of Hawai'i Island. Valuable food resources should be consumed rather than wasted.

(2012, ord 12-109, sec 2.)

Section 14-112. Aerial eradication of animals; unlawful.

It is a violation of this article for any person to engage in the eradication of any animal for any reason while being transported by helicopter, airplane, or any other similar means.

(2012, ord 12-109, sec 2.)

Article 19. Geothermal Drilling.

Section 14-113. Definitions.

For the purposes of this article, the following words and phrases, unless the context otherwise requires, shall be defined as indicated:

“Residence” means a building or a part thereof permitted and designed for or used for a home.

“One mile” means the measurement made from the well bore, in a straight line, without regard to intervening structures or objects, to the property line of the nearest residence.

(2012, ord 12-151, sec 1.)

Section 14-114. Restrictions.

Geothermal resources exploration drilling and geothermal production drilling operations being conducted one mile or less from a residence, shall be restricted to the operating hours of 7:00 a.m. – 7:00 p.m.

(2012, ord 12-151, sec 1.)

Article 20. Plastic Bag Reduction.

Section 14-115. Purpose.

The purpose of this article is to reduce the use of plastic bags and to encourage the use of environmentally preferable alternatives, such as reusable cloth or paper bags.

(2013, ord 12-1, sec 2.)

Section 14-116. Definitions.

As used in this article:

“Business” means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships and corporations, or any other legal entity, and includes any independent contractors associated with the business.

“Plastic checkout bag” means a carryout bag that is provided by a business to a customer for the purpose of transporting groceries or other retail goods, and that is made from non-compostable or compostable plastic and not specifically designed and manufactured for multiple re-use.

“Reusable bag” means a bag that is specifically designed and manufactured for multiple re-use and is (1) made of cloth or other machine washable fabric or (2) made of paper specifically designed for multiple and long-term use.

(2013, ord 12-1, sec 2.)

Section 14-117. Administration.

The director of the department of environmental management shall administer this article including providing education and enforcement and shall adopt administrative rules including defining permissible bags and establishing penalties pursuant to chapter 91, Hawaii Revised Statutes, by July 16, 2013.

(2013, ord 12-1, sec 2.)

Section 14-118. Plastic checkout bags prohibited.

Businesses shall not provide plastic checkout bags to their customers.

(2013, ord 12-1, sec 2.)

Section 14-119. Exemptions.

(a) Organizations classified under Section 501 (c) of the United States Internal Revenue Code and non-incorporated community booster organizations are exempt from the provisions of this article.

(b) Businesses may make plastic checkout bags available for purchase until January 17, 2014.

(2013, ord 12-1, sec 2.)

Article 21. Hydraulic Fracturing Policy.**Section 14-120. Definitions.**

As used in this article, unless the context requires otherwise:

“Department” means the planning department.

“Director” means the director of the planning department, or the director’s authorized representative(s).

“Drilling operation” means the boring, piercing, or penetration into an underground geologic formation.

“Hydraulic fracturing” means a drilling operation into an underground geologic formation and the injection of fluids, gases, chemicals, sand or any other substance with the intention to cause or enhance fractures in the geologic formation for the purpose of instigating or increasing the porosity or permeability of the geologic formation to initiate or increase the production of a desired commodity from a well. Hydraulic fracturing is also known as “fracking,” “hydro-fracking,” “hydro-fracturing,” “hydro-shearing,” “hydraulic shearing,” “hydro-stimulation,” or “enhanced geothermal drilling.” (2013, ord 13-115, sec 2.)

Section 14-121. Hydraulic fracturing prohibited.

Hydraulic fracturing or the practice by any other name shall be prohibited for any purpose. No permit or exemption to this policy shall be provided by the County. Any permit issued by the County that allows for a drilling operation shall include a written condition prohibiting hydraulic fracturing. (2013, ord 13-115, sec 2.)

Section 14-122. Right of entry.

Upon presentation of proper credentials, the director may enter at reasonable times any property in the County which utilizes drilling operations to inspect the property for potential violations of this article, provided that such entry shall be made in such a manner as to cause the least possible inconvenience to the person in possession. An order of a court authorizing such entry shall be obtained in the event such entry is denied or resisted. (2013, ord 13-115, sec 2.)

Section 14-123. Violation.

Any hydraulic fracturing for any purpose at any time using any method constitutes a violation of this article. Single or multiple violations shall be listed on the notice of violation and penalties shall be applied for each violation. (2013, ord 13-115, sec 2.)

Section 14-124. Notice of violation.

- (a) Whenever the director determines that there exists a violation of any provision of this article, the director shall serve a notice of violation upon the parties responsible for the violation, which may include, but shall not be limited to the owner and any lessee of the property where the violation is located, to make the location where the violation is occurring compliant with this article. Such notice of violation shall include:
- (1) The date of the notice;
 - (2) The name and address of the person noticed, and the location of the violation;
 - (3) The section number of the ordinance, code, or rule which has been violated;
 - (4) The nature of the violation; and
 - (5) The deadline for compliance with the notice.

- (b) Proper service of such notice shall be by personal service, registered mail, or certified mail upon the owner of record, provided, that if such notice is by registered mail or certified mail, the designated period within which the owner or person in charge is required to comply with the order of the director shall begin as of the date the owner or person in charge receives such notice.

(2013, ord 13-115, sec 2.)

Section 14-125. Administrative enforcement.

- (a) If the director of planning determines that any entity is not complying with a notice of violation, the director may have the party responsible for the violation served, by mail or delivery, with an order pursuant to this section.
- (b) Contents of the Order.
 - (1) The order may require the parties responsible for the violation, including but not limited to the owner/lessee of the property where the violation is located, to do any or all of the following:
 - (A) Correct the violation(s) within the time specified in the order;
 - (B) Pay a civil fine in the amount, at the place, and before the date specified in the order.
 - (2) The order shall advise the party responsible for the violation that the order shall become final thirty calendar days after the date of its delivery. The order shall also advise that the County's action may be appealed to the board of appeals.
- (c) Civil fines.
 - (1) Any person who violates this article shall pay a civil fine not to exceed \$25,000 for each separate offense. Each day a violation persists shall constitute a separate offense. Any action taken in court to impose or collect the fine provided for in this section shall be considered a civil action.
 - (2) Any person who denies, obstructs, or hampers the director from the entrance to or inspection of any building, place, or vehicle pursuant to this article shall pay a civil fine not to exceed \$10,000 for each day of denial, obstruction, or hampering. Any action taken in court to impose or collect the penalty provided for in this section shall be considered a civil action.
 - (3) Factors to be considered by the director in imposing a civil fine shall include but not be limited to the following:
 - (A) The nature, circumstances, extent, gravity, and history of the violation and of any prior violations;
 - (B) The economic benefit to the violator, or anticipated by the violator, resulting from the violation;
 - (C) The opportunity, difficulty, and history of corrective action;
 - (D) Good faith efforts to comply;
 - (E) Degree of culpability; and/or
 - (F) Such other matters as justice may require.

- (d) **Effect of Order; Right to Appeal.** The provisions of the order issued by the County under this section shall become final thirty calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the board of appeals as provided in chapter 91 of the Hawai'i Revised Statutes. The appeal must be received in writing on or before the date the order becomes final. However, an appeal to the board of appeals shall not stay any provision of the order.
- (e) **Judicial Enforcement of Order.** The County may institute a civil action in any court of competent jurisdiction for the enforcement of any final order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by such final order, the County need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been paid.
- (f) From the date the order takes effect, the date on which an appeal has been rendered against the appellant, or the date on which the judicial enforcement of order has been rendered, whichever shall have standing, the violator shall make immediate remediation. If remediation is not initiated within five calendar days or completed within fifteen calendar days, the County may initiate or complete such remediation, including but not limited to: brownfield cleanup; bioremediation; soil remediation; ground or surface water restoration and remediation; environmental restoration; biohazard remediation; hazardous waste remediation; cleaning, removal, and safe disposal of chemicals and toxins at an appropriate disposal facility; monitoring costs; replanting the negatively impacted area with appropriate native or other plants at the discretion of the County, and safe disposal of poisoned flora and fauna by composting or other means to prevent further negative impacts. Best management practices shall be used to compost poisoned flora and fauna. The County shall charge the violator or its bonding agent for the cost of remediation accrued by the County.

(2013, ord 13-115, sec 2.)

Section 14-126. Penal enforcement.

- (a) **General Provisions.** The provisions of this section are in addition to any other applicable remedy or penalty provided by law.
- (b) In case the parties responsible for violating any provisions of this article fail, neglect, or refuse to comply or correct a violation, the County may submit the matter to the proper authority for penal enforcement.
- (c) Any person, firm, or corporation violating any provisions of this article shall, upon conviction, be deemed guilty of a petty misdemeanor and each person so convicted shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this article is committed, continued or permitted; and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$1,000, or by imprisonment for not more than thirty days, or by both fine and imprisonment.

- (d) Any officer or inspector designated by the County, who has been deputized by the chief of police as a special officer for the purpose of enforcing the provisions of this article, pursuant to section 803-6, Hawaii Revised Statutes, may arrest without warrant alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by warrant or such other judicial process as is permitted by statute or rule of court.
 - (e) Any authorized personnel designated by the County, upon making an arrest for a violation of this article, may take the name and address of the alleged violator and shall issue to the violator in writing a summons or citation hereinafter described, notifying the violator to answer the complaint to be entered against the violator at a place and at a time provided in the summons or citation.
 - (f) There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of this article which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and County of Hawaii.
 - (g) In every case when a citation is issued, the original of the same shall be given to the violator; provided, that the administrative judge of the district court may prescribe by giving to the violator a copy of the citation and provide for the disposition of the original and any other copies.
 - (h) Every citation shall be consecutively numbered and each copy shall bear the number of its respective original.
- (2013, ord 13-115, sec 2.)

Section 14-127. Injunctive relief.

Proceedings for injunctive relief in a court of competent jurisdiction may be heard for potential violations of this article.

(2013, ord 13-115, sec 2.)

Article 22. Restriction of Genetically Engineered Crops and Plants.

Section 14-128. Purpose.

The purpose of this article is to protect Hawaii Island's non-genetically modified agricultural crops and plants from genetically modified organism cross pollination and to preserve Hawaii Island's unique and vulnerable ecosystem while promoting the cultural heritage of indigenous agricultural practices. The prohibition of open air cultivation, propagation, development, or testing of genetically engineered crops and plants is intended to prevent the transfer and uncontrolled spread of genetically engineered organisms on to private property, public lands, and waterways.

(2013, ord 13-121, sec 3.)

Section 14-129. Definitions.

As used in this article, unless otherwise specified:

“Genetically engineered” means an organism that has been modified at the molecular or cellular level by means that are not possible under natural conditions or processes. Such means include recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation gene deletion and doubling, introducing a foreign gene, and changing the position of genes. Such organisms are sometimes referred to as “genetically modified organisms” or “transgenic organisms.” Genetically engineered or genetically modified crops and plants include crops and plants for human consumption or for any other purpose. Genetic engineering does not include modification that consists exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture.

“Open air” means a location or facility that is not enclosed in a greenhouse or in another completely enclosed structure so as to prevent the uncontrolled spread of genetically engineered organisms.

“Person” includes natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations or any officer, agent, employee, or any other personal representative thereof, in any capacity, acting either for himself, his heirs, or for any other person under personal appointment pursuant to law.

“Plant pestilence” means a virulent plant disease or infestation that is causing substantial harm to one or more crops or plants.

“Register” or “Registration” means registration by persons engaged in the cultivation, propagation, development, or indoor testing of genetically engineered crops or plants. Registration shall include: the tax map key and the council district of the property or properties; a detailed description of the location on the property where genetically engineered crops or plants are being cultivated, propagated, developed, or tested, which description shall include the size of the location and scope of usage; the name of the owner of the property or properties; the lessee or any other party in control of the genetically engineered plant or crop operation or usage; the type of genetically modified organism or transgenic manipulation used; the produce or products involved; the type, frequency, and customary amount of pesticides, inclusive of herbicides and insecticides, used; a description of any containment procedures employed; and relevant contact information.

(2013, ord 13-121, sec 3.)

Section 14-130. Prohibition.

No person shall knowingly engage in the open air cultivation, propagation, development, or testing of genetically engineered crops or plants.

(2013, ord 13-121, sec 3.)

Section 14-131. Exemptions.

The following persons shall be exempt from the provisions of this article:

- (1) Persons engaged in the open air cultivation, propagation, or development of genetically engineered crops or plants, other than genetically engineered papaya, but only in those specific locations where genetically engineered crops or plants have been customarily open air cultivated, propagated, or developed by that person prior to December 5, 2013, provided that those specific locations or facilities are registered on or before March 5, 2014; and
- (2) Any person engaged in the open air cultivation, propagation, or development of genetically engineered papaya, whether prior or subsequent to December 5, 2013, provided that each location or facility wherein open air cultivation, propagation, or development of genetically engineered papaya occurs or will occur is registered as provided in this article.

Notwithstanding any other provision of law, these exemptions shall not allow for open air testing of genetically engineered organisms of any kind.

(2013, ord 13-121, sec 3.)

Section 14-132. Emergency exemption.

(a) A person who is engaged in the cultivation, propagation, or development of a non-genetically engineered crop or plant that is being harmed by a plant pestilence as defined in this article may apply to the council for an emergency exemption from the provisions of this article to use a genetically engineered remedy. The council may grant an emergency exemption by way of resolution, provided the council makes an affirmative finding that:

- (1) The cited plant pestilence is causing substantial harm to that person's crop or plant;
- (2) There is no other available alternative solution; and
- (3) All available measures will be undertaken to insure that non-genetically engineered crops and plants, as well as neighboring properties and any water sources, will be protected from contamination or any other potentially adverse effects that may be caused by the genetically engineered organism or associated pesticides.

(b) Any exemption granted pursuant to subsection (a) shall include reasonable restrictions and conditions, including, but not limited to, full compliance with the registration requirements of this article and that the exemption shall expire on a certain day occurring within five years from the date of its issuance. Prior to expiration of the exemption, the council may adopt a resolution to extend the exemption for a specified period of time.

(2013, ord 13-121, sec 3.)

Section 14-133. Registration.

- (a) All persons engaged in any form of cultivation, propagation, development, or indoor testing of genetically engineered crops or plants of any kind shall register annually beginning on or before March 5, 2014, and shall pay an annual registration fee of \$100 per location, payable to the director of finance. All contiguous land shall be treated as a single location. The director of the department of research and development, or the director's authorized representative(s), shall administer the registration provision of this section.
- (b) All persons engaged in non-commercial cultivation or propagation of genetically engineered papaya, in any stage or form, shall be exempt from this section. This registration exemption does not exempt persons engaged in research, development, or testing of genetically engineered papaya.
- (c) Pursuant to section 92F-13 of the Hawai'i Revised Statutes, information such as the name of the registrant and the exact location of the genetically engineered crops or plants may be withheld from the public to the extent that disclosure of that detailed information would otherwise frustrate the ability of the County to obtain accurate information.

(2013, ord 13-121, sec 3.)

Section 14-134. Penalties.

Any person who violates any provision of this article shall be guilty of a violation, and upon conviction thereof, shall be sentenced to a fine of up to \$1,000 for each separate violation. The person shall be deemed to be guilty of a separate offense for each and every day a violation of this article is committed, continued, or permitted for each location. To the extent permitted by law, the person found in violation of this article shall also be responsible for all costs of investigation and testing, as well as for court costs, including but not limited to witness fees and witness expenses.

(2013, ord 13-121, sec 3.)

Section 14-135. Declaratory and injunctive relief.

A court of competent jurisdiction may hear proceedings for declaratory relief or injunctive relief, or both, for violations or potential violations of this article. To the extent permitted by law, the person found in violation of this article shall be responsible for all costs of investigation and testing, as well as for court costs, including, but not limited to, attorney's fees, witness fees, and witness expenses.

(2013, ord 13-121, sec 3.)

Section 14-136. Cumulative remedies.

The provisions of this article are cumulative. Nothing in this article shall affect any other remedy or relief that may be available to any adversely affected person or to the County or other governmental entity.

(2013, ord 13-121, sec 3.)

Article 23. Distribution of Tobacco Products.**Section 14-137. Definitions.**

As used in this article:

“Department” means the Hawai‘i police department.

“Distribute” means to give, deliver or sell, or cause or hire any person to give, deliver or sell, or offer to give, deliver or sell.

“Person” includes natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations or any officer, agent, employee, factor, or any other personal representative thereof, on any capacity, acting either for himself or for any other person, under personal appointment or pursuant to law.

“Proof of age” means a driver’s license, license for identification only, or other generally accepted means of identification with a photograph of the individual affixed thereon that indicates that the individual is twenty one years of age or older or was born before or on June 30, 1996.

“Tobacco product” means any product that contains tobacco and is intended for human consumption or use, including, but not limited to, cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, and electronic smoking devices as defined in section 709-908 of the Hawai‘i Revised Statutes. Tobacco product does not include products that have been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and are marketed and sold solely for such an approved purpose.
(2013, ord 13-124, sec 1.)

Section 14-138. Prohibition; verification of age; penalties.

- (a) It is unlawful for any person to distribute a tobacco product to any person under twenty one years of age, with the exception of any person who is eighteen years of age or older before or on June 30, 2014, and at such time could be a lawful recipient of a tobacco product.
- (b) A person who distributes tobacco products shall verify proof of age from a prospective recipient if an ordinary person would conclude on the basis of appearance that the prospective recipient may be less than twenty seven years of age.
- (c) Any person who violates this section shall be subject to a fine of \$500 for the first offense. Any subsequent offenses shall subject the person to a fine of not less than \$500 nor more than \$2,000.

(2013, ord 13-124, sec 1.)

Section 14-139. Posted signs required.

- (a) From July 1, 2014, through June 30, 2017, every person who sells or displays tobacco products shall post conspicuously and keep so posted at the place of business at each point of sale a sign which states, “The sale of tobacco products to persons born after June 30, 1996 is prohibited,” in letters at least one-half inch high.

- (b) As of July 1, 2017, every person who sells or displays tobacco products shall post conspicuously and keep so posted at the place of business at each point of sale a sign which states, "The sale of tobacco products to persons under twenty-one years of age is prohibited," in letters at least one-half inch high.
 - (c) Any person failing to post a notice in compliance with this section shall be subject to a fine of \$100 for the first offense, \$250 for the second offense, and \$500 for the third and all subsequent offenses.
- (2013, ord 13-124, sec 1.)

Section 14-140. Enforcement.

The department or its authorized delegates may conduct random, unannounced inspections at locations where tobacco products are distributed to test and ensure compliance with this article, and shall generally enforce the provisions of this article. This article shall not apply to controlled purchases as part of a law enforcement activity or a study authorized by the State department of health under the supervision of law enforcement.

(2013, ord 13-124, sec 1.)

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Section 15-68.1. Parks and recreational facility schedule.

PARKS

Hilo/Hāmākua	
Afook-Chinen Civic Auditorium	Kalākaua Park
Āhualani Park	Kamanā Senior Center
‘Āinakō Park	Kanakea Pond
‘Āinaola Park	Kaūmana Caves
Aunty Sally Kaleohano’s Lū’au Hale	Kaūmana Lani Park
Bakers Beach	Keikiland Playground
Carlsmith Beach Park	Kolekole Gulch Park
Charles “Sparky” Kawamoto Swim Stadium	Kūhiō Kalaniana’ole Park
Clem Akina Park	Kukuihaele Park
East Hawai’i Cultural Center	Kula’imano Park
Edith Kanakaole Multi-purpose Stadium	Lālākea Pond Beach Park
Francis F.C. Wong Stadium	Laupāhoehoe Point Beach Park
Frank M. Santos Park	Laupāhoehoe Senior Center
Gilbert Carvalho Park	Laupāhoehoe Swimming Pool
Haina Park	Leleiwi Beach Park
Hakalau Veterans Park	Liholiho Garden
Hilo Armory	Lili’uokalani Gardens
Hilo Bayfront Beach	Lincoln Park
Hilo Bayfront Soccerfields	(1) Dr. Ruth E. Oda Playground
Hilo Drag Strip	Lōkahi Park
Hilo Municipal Golf Course	Machado Acres Park
Hilo Pōmaika’i Senior Center	Mālama Park
Hilo Skeet Range	Mohouli Park
Honoka’a Park	Mokuola Island
Honoka’a Rodeo Arena	Mo’oheau Park
(1) Rose Andrade Correia Stadium	NAS Swimming Pool
Honoka’a Swimming Pool	Onekahakaha Beach Park
Honoli’i Beach Park	(1) Uncle David K. Calles, Sr. Horseshoe Courts
Honomū Park	‘Ō’ōkala Park
Ho’olulu Complex	Pa’auilo Park
Hualani Park	Pana’ewa Equestrian Center
(1) Ronald Futoshi “Harpo” Saiki Officials’ Stand	Pana’ewa Park
James Kealoha Beach Park	Pana’ewa Rainforest Zoo and Gardens
Kaiwiki Park	Pāpa’aloha Park

PARKS (continued)

Hilo/Hāmākua (continued)	
Pepe'ekeo Community Center Princess Abigail Wahiika'ahu'ula Kawananakoa Center Reeds Bay Beach Park Richardson Ocean Park University Heights Park Waiākea Recreation Center Waiākea-Uka Park (1) Stanley Costales Waiākea-Uka Gym	Waiākea Waena Park Waikaumalo Park Wainaku Gym Wainaku Playground Wai'olena Beach Park Waipi'o Community Park Waipi'o Look Out Wai'uli Beach Park Walter C.K. Victor Baseball Complex
Ka'ū	
Kahuku Park Laurence J. Capellas Ballfield Nā'ālehu Park Pāhala Community Center Pāhala Swimming Pool	Pāhala Tennis and Basketball Courts Punalu'u Black Sand Beach Park Representative Robert N. Herkes Gymnasium and Shelter Wai'ōhinu Park Whittington Beach Park
Kohala	
Kamehameha Park Kapa'a Beach Park Keōkea Beach Park Lily Yoshimatsu Senior Center Mahukona Beach Park Mahukona Wharf North Kohala Senior Center North Kohala Veterans Field	Spencer Park at 'Ōhai'ula Beach (1) Samuel Mahuka Spencer Pavilion Waikoloa Community Park Waikoloa Neighborhood Park Waimea Church Row Park Waimea Park

PARKS (continued)

Kona	
Arthur C. Greenwell Park Clarence Lum Won Park Hale Hālāwai Harold H. Higashihara Park Hōnaunau Boat Ramp Hōnaunau Rodeo Arena Ho’okena Beach Park Kahalu’u Beach Park Kailua Park Kailua Playground Kekuaokalani Gymnasium Kohanaiki Beach Park Kona Hillcrest Park	Kona Imin Center Kona Waena Swimming Pool Ku‘emanu Heiau La’aloa Bay Beach Park Magic Sands Beach Park Miloli’i Beach Park Nākamalei Playground Old Kona Airport Park Pāhoehoe Beach Park Sgt. Rodney J. T. Yano Memorial Hall Wai’aha Beach Park William Charles Lunalilo Playground

Puna	
‘Āhalanui Park/Maunakea Pond A.J. Watt Gym Glenwood Park Hawaiian Beaches Park Herbert Shipman Park (1) Buddy Perry Soccer Field Isaac Kepo’okalani Hale Beach Park Kahakai Park Kea’au Community Center	Kurtistown Park Mt. View Park Pāhoa Aquatic Center Pāhoa Neighborhood Facility Volcano Park

CEMETERIES

Hilo/Hāmākua	
‘Alae Cemetery Kainehe Cemetery (Kūka‘iau) Kihalani Cemetery (Laupāhoehoe) Kukuihaele Cemetery	Pa‘alaea Cemetery (Honoka‘a) Veterans Cemetery No. 1 Veterans Cemetery No. 2 Waiākea Uka Cemetery

Ka‘ū	
Nā‘ālehu Cemetery	

North/South Kohala	
Kahei Cemetery Waimea Cemetery	

Kona	
West Hawai‘i Veterans Cemetery-Pu‘u Ho‘omaha O Na Po‘e Koa O Hawai‘i Komohana Hienaloli Cemetery (Keōpū)	

(2000, ord 00-15, sec 2; ord 00-66, sec 2; ord 00-113, secs 1 and 2; am 2002, ord 02-58, sec 2; am 2003, ord 03-99, sec 2; ord 03-135, sec 2; am 2004, ord 04-79, sec 2; am 2005, ord 05-40, sec 2; ord 05-96, sec 2; am 2006, ord 06-127, sec 2; ord 06-149, sec 3; am 2007, ord 07-22, sec 4; am 2008, ord 08-7 sec 5; ord 08-22, sec 2; ord 08-35, sec 2; ord 08-121, sec 2; ord 08-142, sec 2; am 2009, ord 09-32, sec 3; am 2010, ord 10-11, sec 3; am 2011, ord 11-90, sec 3; am 2012, ord 12-164, sec 2; am 2014, ord 14-57, sec 2; am 2015, ord 15-60, sec 4; am 2016, ord 16-111, sec 2; ord 16-112, sec 2; ord. 16-113, sec 4.)

CHAPTER 16**PLANNING****Article 1. General Plan.****Section 16-1. The County of Hawai'i general plan.**

- (a) That certain planning code known and designated as "County of Hawai'i general plan," as adopted on December 5, 1971, by the council of the County of Hawai'i, is hereby adopted by reference, subject to later amendments by ordinance, and may be cited as the "general plan."
- (b) A copy of the general plan and amendments shall be available for public inspection at the planning department.

(1983 CC, c 16, sec 16-1; am 2006, ord 06-153, sec 1; am 2007, ord 07-70, secs 2, 3 and 4; am 2008, ord 08-98, sec 2; am 2009, ord 09-150, sec 2, ord 09-161, secs 1, 2, 3 and 4.)

Article 2. Community Development Plans.**Section 16-2. Adoption of community development plans.**

The community development plans listed below are adopted and incorporated by reference. A copy of the plans and amendments shall be available for public inspection at the planning department.

KONA. The document identified as "Mapping the Future: Kona Community Development Plan Volume 1" is adopted by reference subject to later amendments by ordinance, and may be cited as the "Kona CDP." The planning area for the Kona CDP encompasses the judicial districts of North and South Kona.

NORTH KOHALA. The document identified as "North Kohala Community Development Plan" is adopted by reference subject to later amendments by ordinance, and may be cited as the "North Kohala CDP." The planning area for the North Kohala CDP encompasses the judicial district of North Kohala.

PUNA. The document identified as "Puna Community Development Plan" is adopted by reference subject to later amendments by ordinance, and may be cited as the "Puna CDP." The planning area for the Puna CDP encompasses the judicial district of Puna and the Volcano Census Designated Place that includes the Volcano Golf Course subdivision in the district of Ka'u.

SOUTH KOHALA. The document identified as "South Kohala Community Development Plan" is adopted by reference subject to later amendments by ordinance, and may be cited as the "South Kohala CDP." The planning area for the South Kohala CDP encompasses the judicial district of South Kohala.

(2008, ord 08-98, sec 3; am 2008, ord 08-116, sec 2; ord 08-131, sec 2; ord 08-151, sec 2; am 2008, ord 08-159, sec 2.)

Section 16-3. Review and amendment.

A comprehensive review of the community development plans shall commence within ten years from the date of adoption.

(2008, ord 08-98, sec 3.)

Article 3. CDP Action Committees.**Section 16-4. CDP action committees.**

- (a) A community development plan (CDP) action committee shall succeed each CDP steering committee upon adoption of a community development plan.
- (b) The purpose of the CDP action committee is to be a proactive, community-based steward of the plan's implementation and update.
- (c) The planning department shall administer the CDP action committees and be responsible for developing a selection process for committee members and establishing rules of procedure, as needed.

(2008, ord 08-98, sec 4.)

Section 16-5. Membership and tenure.

- (a) The CDP action committee shall consist of nine members. All members shall have a primary residence in the area covered by the CDP. The members shall be appointed by the mayor and approved by the County council. Prior service as a member of a CDP steering committee shall not disqualify an individual from serving on the CDP action committee.
- (b) The members shall serve staggered terms of four years. Upon the initial appointment of the committee, three members shall serve for a term of two years, three members for a term of three years, and three members for a term of four years. When the term of a member expires, the member may, at the discretion of the member, continue to serve until a successor is appointed. Members whose terms expire may not be reappointed for at least two years, however, members appointed for one year or less may be reappointed for an additional term without the passage of two years' time. Existing vacant positions shall be filled before filling any position occupied by a member whose term has expired but who is willing to continue serving until their position is filled.
- (c) The membership should reflect a broad cross-section of the community. The community development plan may specify more detailed selection criteria consistent with this objective.
- (d) A chairperson shall be elected from its membership annually.
- (e) Except as provided for in this section, the committee shall be governed by the County Charter, section 13-4.

(2008, ord 08-98, sec 4; am 2016, ord 16-77, sec 2.)

Section 18-48.	Repair and testing of defective meter.
Section 18-49.	Schedule of fares.
Section 18-50.	Waiting time stipulation.
Section 18-51.	Computation of distance for fares.
Section 18-52.	Baggage charge.
Section 18-53.	Rate charges.
Section 18-54.	Multiple loading.
Section 18-55.	Posting of rates of fare.

Article 3. School Buses.

Division 1. General Provisions.

Section 18-56.	Definitions.
Section 18-57.	Penalty.

Division 2. Specifications and Equipment.

Section 18-58.	School bus construction; inspections.
Section 18-59.	Fuel tank location; diesel exception.
Section 18-60.	Exhaust pipe requirements.
Section 18-61.	Door specifications.
Section 18-62.	Emergency exits.
Section 18-63.	Aisles and ceilings.
Section 18-64.	Seat location.
Section 18-65.	Seat specifications.
Section 18-66.	Required safety equipment.
Section 18-67.	Sanitary condition required.
Section 18-68.	Metal screening required; exception.
Section 18-69.	Identification markings.

Division 3. Drivers and Bus Operations.

Section 18-70.	Liquor prohibited.
Section 18-71.	Smoking restricted.
Section 18-72.	Driver hours limited.
Section 18-73.	Talking with driver unnecessarily prohibited.
Section 18-74.	Inspection before operating vehicles.
Section 18-75.	Unsafe vehicle; alternative transportation.
Section 18-76.	Repair of deficient vehicle; certification required.
Section 18-77.	Conduct of passengers; driver's responsibility.
Section 18-78.	Discharging riders in a safe manner required.
Section 18-79.	Driving violations to be reported to police.
Section 18-80.	Manner of operation.

Section 18-81.	Bus operation.
Section 18-82.	Dangerous loading prohibited.
Section 18-83.	Doors closed while vehicle in motion.
Section 18-84.	Manner of stopping vehicle outside city.
Section 18-85.	Manner of backing vehicle.
Section 18-86.	Use of clutch.
Section 18-87.	Pulling trailer or transporting freight prohibited.

Division 4. Inspections.

Section 18-88.	Inspection of vehicles; issuance of certificate.
Section 18-89.	Monthly inspection required; certificate of inspection.

Article 4. Public Transit System.

Division 1. Island-Wide Fare Structure.

Section 18-90.	Fares.
Section 18-91.	Baggage.
Section 18-92.	Fare schedules.

Division 2. Paratransit Service.

Section 18-93.	Establishment of paratransit service.
Section 18-94.	Definitions.
Section 18-95.	Eligibility.
Section 18-96.	Suspension of service.
Section 18-97.	Appeals.

Article 4. Public Transit System.**Division 1. Island-Wide Fare Structure.****Section 18-90. Fares.**

- (a) Unless otherwise provided for in this section, every person using the mass transit service owned, maintained or operated by the County shall be charged a \$2 cash one-way fare.
- (b) Discounted fares for senior citizens, person with a disability and students.
The following persons shall be charged a \$1 cash one-way fare:
 - (1) Senior citizens age sixty and older after providing proof of age from a valid state ID card, County of Hawai'i senior ID card, driver's license, birth certificate or passport;
 - (2) A person with a disability with a valid, "Person With Disability Identification Card" issued by the County of Hawai'i; and
 - (3) Students (through college) with a valid school identification card.
- (c) Fare prepayment discounts.
 - (1) All tickets for travel can be prepurchased at a discount of twenty-five percent off the scheduled cash fare by purchasing a sheet of ten tickets for \$15 per sheet with no expiration date ("Ten Ride Discount Sheet").
 - (2) Senior citizens age sixty and older may prepurchase a sheet of ten tickets for \$7.50 per sheet with no expiration date ("Ten Ride Discount Sheet"), after providing proof of age from a valid state ID card, County of Hawai'i senior ID card, driver's license, birth certificate or passport.
 - (3) A person with a disability may prepurchase a sheet of ten tickets for \$7.50 per sheet with no expiration date ("Ten Ride Discount Sheet"), with a valid, "Person With Disability Identification Card" issued by the County of Hawai'i.
 - (4) Students (through college) may prepurchase a sheet of ten tickets for \$7.50 per sheet with no expiration date ("Ten Ride Discount Sheet"), with a valid school identification card.
 - (5) A monthly bus pass fare plan may be purchased at a cost of \$60 for unlimited rides on all routes. Monthly passes shall be valid through the last calendar day of each month with no grace period.
 - (6) Senior Citizens age sixty and older may purchase a discounted monthly bus pass offered at a cost of \$45 for unlimited rides on all routes, after providing proof of age from a valid state ID card, County of Hawai'i senior ID card, driver's license, birth certificate or passport. Monthly passes shall be valid through the last calendar day of each month with no grace period.
 - (7) A person with a disability may purchase a discounted monthly bus pass offered at a cost of \$45 for unlimited rides on all routes, with a valid, "Person with Disability Identification Card" issued by the County of Hawai'i Monthly passes shall be valid through the last calendar day of each month with no grace period.

- (8) Students (through college) may purchase a discounted monthly bus pass offered at a cost of \$45 for unlimited rides on all routes, after providing a valid school identification card. Monthly passes shall be valid through the last calendar day of each month with no grace period.
- (9) The Ten Ride Discount Sheet, the monthly pass, and any pilot program pass must be purchased directly from the mass transit agency or its designated representative.
- (d) Fare waived for children under the age of five.
All fares for travel by children under the age of five shall be waived.
- (e) Paratransit service fares.
Under the Americans with Disabilities Act (ADA), the fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on the entity's fixed route system:
 - (1) A one-way paratransit rider fare shall be twice the fare of the current full fare (e.g. without any discounts) on the fixed-route system;
 - (2) The fares for individuals accompanying ADA paratransit eligible individuals, who are provided service under section 37.123 (f) of the ADA, shall be the same as for the ADA paratransit eligible individuals they are accompanying; and
 - (3) A personal care attendant shall not be charged for complementary paratransit service.
- (f) Shared-ride fares.
Shared-ride program coupons may be purchased by the public through the mass transit agency and its designated coupon sales outlets in accordance with the following schedule:

Coupon Price	
Single coupon	\$6
5 coupon book	\$15 (\$3 per coupon)
10 coupon book	\$25 (\$2.50 per coupon)
15 coupon book	\$30 (\$2 per coupon)

- For one-way travel limited to a maximum of nine miles under the shared-ride program the fare to be collected is set out in fare schedule A in section 18-92.
- (g) Promotional fares.
 - (1) The purpose of this subsection is to provide lower bus fares when a new route or service is provided or to boost ridership on established routes.

- (2) The transit administrator may establish fares on a temporary basis for a period not to exceed one hundred and eighty calendar days for bus routes and services.

(1986, ord 86-15, sec 2; am 1990, ord 90-37, sec 7; ord 90-91, sec 1; am 2004, ord 04-141, sec 1; am 2005, ord 05-151, sec 1; am 2007, ord 07-141, sec 2; am 2009, ord 09-160, sec 2; am 2011, ord 11-62, sec 2; am 2012, ord 12-36, sec 1; am 2013, ord 13-32, sec 1; ord 13-76, sec 2; ord 13-109, sec 1; am 2016, ord 16-95, sec 2.)

Section 18-91. Baggage.

A driver of any mass transit bus owned, maintained and operated by the County shall charge \$1 for each piece of baggage, including large backpacks, except that any small bag such as a train case, handbag, briefcase, or a package that can be carried on the lap of the passenger and within the passenger’s respective seat shall be conveyed without charge.

(1986, ord 86-15, sec 2; am 2011, ord 11-62, sec 2.)

Section 18-92. Fare schedules.

FARE SCHEDULE A	
Shared-Ride Fares	
One-Way Mileage	No. of Coupons (Per Person)
0 — 4.0 miles	1 coupon
4.1 — 9.0 miles	2 coupons

Rates are maximum charge per zone. Shared-ride carriers may charge less at their discretion.

(1990, ord 90-37, sec 8; ord 90-91, sec 4; am 2001, ord 01-82, sec 1; ord 01-84, sec 1; am 2011, ord 11-62, sec 2.)

Division 2. Paratransit Service.

Section 18-93. Establishment of paratransit service.

- (a) The mass transit agency shall provide a paratransit service to complement the fixed route services operated by the County. This paratransit service shall be referred to as Hele-On Kāko‘o.
- (b) Hele-On Kāko‘o shall comply with all federal and state regulations that relate to paratransit as a complement to fixed route services for public transportation.

(2016, ord 16-108, sec 1.)

Section 18-94. Definitions.

As used in this division, unless the context otherwise requires:

“Paratransit service” means the County public transportation service which complements the current fixed routes providing origin-to-destination service to eligible individuals under the Americans with Disabilities Act of 1990.

“Rider” means a person deemed eligible to ride on the paratransit service in accordance with the Americans with Disabilities Act of 1990; Code of Federal Regulations 49, part 37, subpart F, section 37.123 or a person certified as eligible for paratransit services by the mass transit agency.

(2016, ord 16-108, sec 1.)

Section 18-95. Eligibility.

- (a) The mass transit agency shall approve or deny applications for Hele-On Kāko‘o services within twenty-one calendar days after receipt. Approval may include a finding that an applicant is eligible for some but not all of Hele-On Kāko‘o services. Specific reasons shall be cited for any decision other than complete approval.
- (b) If a decision has not been made within twenty-one calendar days, the applicant shall be deemed eligible for paratransit service on a temporary basis until a decision has been made.
- (c) Individuals found eligible for Hele-On Kāko‘o service will be issued a paratransit identification card.

(2016, ord 16-108, sec 1.)

Section 18-96. Suspension of service.

- (a) The mass transit agency may suspend the provision of Hele-On Kāko‘o services to riders who miss three or more scheduled trips.
- (b) Trips missed by an individual for reasons beyond the individual’s control including, but not limited to, trips missed due to operator error, shall not be included in any count of missed scheduled trips.
- (c) Before suspending service, the mass transit agency shall notify the individual in writing:
 - (1) That the County proposes to suspend service, citing the extent of the suspension, the basis for, and the length of the proposed suspension or restriction of service; and
 - (2) Of their opportunity to appeal the mass transit agency’s decision.

(2016, ord 16-108, sec 1.)

Section 18-97. Appeals.

- (a) Any applicant or rider who is aggrieved by a decision by the mass transit agency regarding eligibility or suspension, may appeal the decision to the County transportation commission.
- (b) Appeals must be filed with the commission within sixty days of notification of the agency's determination.
- (c) The commission shall afford the applicant or rider an opportunity to be heard and to present information or arguments or both.
- (d) The commission shall provide a final decision within thirty days of the completion of the appeal process. The County shall not be required to provide paratransit service to the individual pending the resolution of the appeal. However, if the commission does not provide a decision within this time, service shall resume or be provided to the individual.

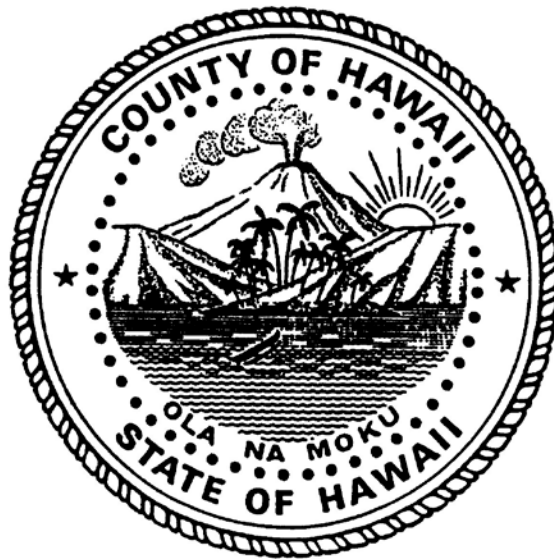
(2016, ord 16-108, sec 1.)

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THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 1 (1-2017)
Contains ordinances effective through: 12-31-16



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
(808) 961-8255

Volume Two

(g) Puna (Continued)
<i>Kaniahiku Houselots:</i>
• Entering Halelo Place from Mako Way.
• Entering Halelo Place from Naele Road.
<i>Kaniahiku Subdivision:</i>
• Entering Kaulani Road from Kaulalaa Road.
• Entering Kaulalaa Road from Pū‘āla‘a Road.

(1996, ord 96-163, sec 2; am 1996, ord 96-145, sec 3; am 1999, ord 99-65, secs 9 and 10; am 2000, ord 00-38, sec 1; ord 00-49, sec 1; ord 00-71, sec 1; am 2001, ord 01-85, sec 1; ord 01-96, sec 3; am 2002, ord 02-46, sec 1; ord 02-47, secs 1 and 2; ord 02-55, sec 1; am 2006, ord 06-131, sec 1; am 2008, ord 08-44, sec 1; ord 08-61, sec 1; ord 08-62, secs 1 and 2; ord 08-122, sec 1; am 2009, ord 09-31, sec 1; ord 09-120, sec 2; ord 09-136, sec 2; am 2010, ord 10-74, sec 1; ord 10-85, sec 1; am 2011, ord 11-4, sec 1; ord 11-6, sec 1; ord 11-13, sec 1; ord 11-34, sec 1; ord 11-35, sec 1; am 2012, ord 12-116, sec 2; am 2013, ord 13-51, secs 2 and 3.)

Section 24-265. Schedule 13. Yield locations.

When properly sign posted, vehicles shall yield right-of-way at the following locations:

(a) Hāmākua
• Ka‘āpahu Road, east approach to Kalōpā Gulch Bridge, No. 44-7, eight hundred thirty-five feet northwest of Ho‘o Kahua Road.
• Ka‘āpahu Road, east approach to Kalōpā Gulch Bridge No. 44-7, one thousand two hundred twenty-seven feet northwest of Ho‘o Kahua Road.
• Kalōpā Road, eastbound approach to bridge adjacent to parcels 4-4-3:42, 4-4-4:6, 4-4-6:1, and 4-4-8:48.
• Kalōpā Road, westbound approach to bridge adjacent to parcels 4-4-2:5, 4-4-2:6, 4-4-9:3, and 4-4-9:8.
• Kalōpā Road, westbound approach to Bridge No. 44-9.
• Kalōpā Road, westbound approach to Bridge No. 44-10.
• Old Māmalahoa Highway, eastbound approach to Bridge No. 47-3.
• Old Māmalahoa Highway, southbound approach to Bridge No. 47-1.
• Old Māmalahoa Highway, southwestbound approach adjacent to parcel 4-6-011:046.
• Old Māmalahoa Highway, westbound approach to bridge adjacent to parcels 4-7-7:4, 4-7-7:19, and 4-7-7:90.
• Old Māmalahoa Highway, westbound approach to bridge adjacent to parcels 4-7-7:8 and 4-7-7:9.
• Old Māmalahoa Highway, westbound approach to Bridge No. 47-2.

(a) Hāmākua (Continued)
<ul style="list-style-type: none"> • Pa‘auilo Mauka Road, westbound and eastbound departures to Bridge No. 43-8.
<ul style="list-style-type: none"> • Pōhākea Homestead Road, makai bound at the narrow bridge (bridge number 43-5), located 1.6 miles west of State Highway 19.
(b) North Hilo
<ul style="list-style-type: none"> • Kihalani Homestead Road, mauka bound lane; the right turn from Old Māmalahoa Highway.
<ul style="list-style-type: none"> • Old Māmalahoa Highway, northbound approach to Bridge No. 29-2.
<ul style="list-style-type: none"> • Old Māmalahoa Highway, southeastbound approach to Bridge No. 29-3.
<ul style="list-style-type: none"> • Old Māmalahoa Highway, southbound approach to bridge adjacent to parcels 3-5-9:19, 3-5-9:20, and 3-5-30:49.
<ul style="list-style-type: none"> • Old Māmalahoa Highway, westbound approach to Bridge No. 35-1.
(c) South Hilo
<ul style="list-style-type: none"> • Ainaola Drive, north approach adjacent to parcels 2-4-007:049 and 2-4-007:053.
<ul style="list-style-type: none"> • Akolea Road, southbound approach to bridge adjacent to parcels identified by Tax Map Key Numbers (3) 2-5-006:130, 2-5-047:002, 2-5-056:041, and 2-5-056:043.
<ul style="list-style-type: none"> • Haihai Street, westbound, the right-turn lane to Ainaola Drive.
<ul style="list-style-type: none"> • Kāhoa Street, northwest approach to Bridge No. 26-5.
<ul style="list-style-type: none"> • Ka‘iulani Street at southbound approach to Bridge No. 23-3.
<ul style="list-style-type: none"> • Kīlauea Avenue, north bound, at Bridge No. 22-7, approaching Haihai Street.
<ul style="list-style-type: none"> • Old Māmalahoa Highway, northbound approach to Bridge 27-2.
<ul style="list-style-type: none"> • Old Māmalahoa Highway, northeastbound approach to Bridge 27-5.
<ul style="list-style-type: none"> • Old Māmalahoa Highway, northeastbound approach to Bridge 27-6.
<ul style="list-style-type: none"> • Old Māmalahoa Highway, northeastbound approach to Bridge 27-7.
<ul style="list-style-type: none"> • Old Māmalahoa Highway, northeastbound approach to Bridge 27-8.
<ul style="list-style-type: none"> • Old Māmalahoa Highway, southbound approach to Bridge 27-3.
<ul style="list-style-type: none"> • Old Māmalahoa Highway, southbound approach to Bridge 27-4.
<ul style="list-style-type: none"> • Waiānuenu Avenue, westbound, the through lane intersecting the extension of Lele Street near Carvalho Park.
(d) Ka‘ū
<ul style="list-style-type: none"> • Ka‘alāiki Road, northeast approach adjacent to parcels 9-5-008:001 and 9-5-008:010.

(e) Kohala
<ul style="list-style-type: none"> • Ka‘auhuhu Homestead Road, southbound approach to bridge crossing North Kohala Ditch adjacent to parcels identified by TMK Nos. (3) 5-5-002:007, 013, 054 and 125. • Route 19, northwest bound, the right turn lane to Lindsey Road.
(f) Kona
<ul style="list-style-type: none"> • Ali‘i Drive, southbound approach to the Māmalahoa Bypass Highway. • Kuakini Highway, northbound, the right-turn lane to Kaiwi Street.
(g) Puna
<ul style="list-style-type: none"> • Huina Road, eastbound approach at the Luhi Road intersection. • Mahi‘ai Road, northeast approach at the Amaumau Road intersection. • North Oshiro Road, southeast approach to bridge adjacent to parcels (3)1-8-005:029 and (3)1-8-073:003.

(2000, ord 00-87, sec 2; ord 00-130, sec 1; am 2001, ord 01-85, sec 2; am 2002, ord 02-87, sec 1; am 2003, ord 03-53, sec 1; am 2004, ord 04-125, sec 1; am 2007, ord 07-118, sec 1; am 2008, ord 08-45, sec 1; ord 08-132, sec 1; am 2009, ord 09-97, sec 1; ord 09-109, sec 2; ord 09-136, sec 3; am 2010, ord 10-18, sec 2; ord 10-84, sec 1; am 2011, ord 11-68, sec 2; ord 11-79, sec 2; ord 11-113, sec 2; am 2012, ord 12-55, sec 2; am 2013, ord 13-20, sec 2; ord 13-128, sec 2; am 2014, ord 14-14, sec 2; ord 14-28, sec 2; ord 14-46, sec 2; ord 14-109, sec 2; am 2016, ord 16-83, sec 2.)

Section 24-266. Schedule 14. Through streets.

When properly sign posted, the following streets or portions of streets are designated as through streets:

(a) Hāmākua
<ul style="list-style-type: none"> • Ilima Street. • Lehua Street, from Māmane Street to Pakalana Street. • Maile Street. • ‘Ōhi‘a Street, except at Māmane Street. • Pakalana Street, from Māmane Street to the Hawai‘i Belt Road. • Pīkake Street.
(b) North Hilo
<ul style="list-style-type: none"> • Kīlau Homestead Road in Laupāhoehoe.
(c) South Hilo
<ul style="list-style-type: none"> • Akea Street, except at Kaunaloa and Haihai Streets. • Ainako Avenue, from Kaūmana Drive to Waiānuenuē Avenue.

(c) South Hilo (Continued)
• Ainaola Drive, from Kawailani to its end in a westerly direction.
• Alohalani Drive, except at Haihai Street and Kaunaloa Street.
• ‘Amauulu Road, from Wainaku Avenue to its end.
• Andrews Avenue.
• Baker Avenue, Kalaniana‘ole Street to its southern terminus, except at Desha Avenue.
• Banyan Drive, except at Lihiwai Street and Kamehameha Avenue.
• Bishop Street, from Kamehameha Avenue to Waiolama Canal.
• Haihai Street, from Kino‘ole Street to the Ainaola Drive.
• Haili Street, from Kino‘ole Street to Hāla‘i Street.
• Hāla‘i Street, from Hāla‘i Hill to Waiānuenu Avenue, except at Haili Street from a southerly (Puna) direction and at Punahēle Street from a northerly (Hāmākua) direction.
• Hale Nani Street, from Kapi‘olani Street westerly to its end.
• Heaheha Street, from Ainaola Drive to its southern terminus.
• Hema Street, except at Kapi‘olani Street.
• Hīnano Street, except at Pi‘ilani, Kekūanaō‘a and Lanikāula Streets.
• Hōkū Street, from Kīlauea Avenue to Kino‘ole Street.
• Holomua Street, from Kāwili Street to Maka‘ala Street.
• Hookano Street, from Kupulau Road to Ho‘olaule‘a Street.
• Hualālai Street, from Kīlauea Avenue to Kino‘ole Street.
• Ioana Street, from Wilder Road to its eastern terminus.
• ‘Iolani Street.
• Ipuka Street.
• Ka‘akepa Street, from Pepe‘ekeo Street to its mauka terminus except at the Hawai‘i Belt Road.
• Kahaopea Street, except at Kino‘ole, Kīlauea and Kanoelehua Streets.
• Kainehe Street, from Kamehameha Avenue to Aalapuna Street.
• Ka‘iulani Street, from Waiānuenu Avenue to its end.
• Kaiwiki Road, from Māmalahoa Highway to its end.
• Kalaniana‘ole Street, from Kamehameha Avenue to its end.
• Kalanikoa Street, from Lanikāula Street to Pi‘ilani Street, except at Kekūanaō‘a Street.
• Kamehameha Avenue, from Wailuku Drive to Kalaniana‘ole Street, except entering intersection with Waiānuenu Avenue from a northerly (Pu‘u‘eo) direction.
• Kapaka Street, except at Haihai Street.
• Kapi‘olani Street, from Ponahawai Street to its end in a southeasterly direction.
• Ka‘uhane Avenue.
• Kaūmana Drive, from Hilo Country Club Road to Waiānuenu Avenue.

(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"> • Hooko 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 seventy-five 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 seven 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 seventy-five feet north of Kaleiopapa Street and extending four hundred twenty-two feet in the southerly 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.
<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"> • Kailua Bay seawall, extending forty feet eastward along the seawall from the western end of the seawall beside the Kailua Wharf in Kailua-Kona.

(f) Kona (Continued)
<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.
<ul style="list-style-type: none"> • Māmalahoa Highway, makai side, beginning at Keōpuka Road and extending one hundred forty-two feet in the northerly direction.
<ul style="list-style-type: none"> • Māmalahoa Highway, makai side, beginning at the south prolongation of Kīloa Road and extending one hundred twenty feet in the northerly direction.
<ul style="list-style-type: none"> • Manawale'a Street, both sides.
<ul style="list-style-type: none"> • Melelina Street, on the makai side between Nani Kailua Drive and Aloha Kona Drive.
<ul style="list-style-type: none"> • Nahenahe Loop, mauka side, beginning at St. Paul Road and extending for one hundred sixty feet in the northerly direction.
<ul style="list-style-type: none"> • Nāpō'opo'o Beach Road, on the makai side, beginning at the Nāpō'opo'o Road intersection and extending to the northern terminus.

(f) Kona (Continued)
<ul style="list-style-type: none"> • Nāpō'opo'o Beach Road, on the mauka side, beginning at the Nāpō'opo'o Road intersection and extending three hundred thirty feet in the northerly direction.
<ul style="list-style-type: none"> • An old government lane in Kailua-Kona, located between the Kama'aina Lodge and the Ocean View Inn.
<ul style="list-style-type: none"> • Onipa'a Street, Le'ale'a Street to Kealakehe School parking lot.
<ul style="list-style-type: none"> • Palani Road, north side, from a point fifty feet mauka of the Kailua Rubbish Dump Road to a point fifty feet makai of the Kailua Rubbish Dump Road.
<ul style="list-style-type: none"> • Saron Road in Kailua-Kona, both sides.

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(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"> • 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 'Ōlā'a to Kapoho Road from the 'Ōlā'a boundary of Pāhoā Park to a point four hundred feet on the 'Ōlā'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; am ord 15-89, sec 2; ord 15-92, sec 2, ord 15-107, sec 2; am 2016, ord 16-1, secs 2, 3, and 4; ord 16-25, sec 2; ord 16-78, secs 2 and 3.)

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"> • Waiānuenuenu 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"> • Waiānuenuenu 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"> • Waiānuenuenu 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"> • Waiānuenuenu 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"> • Waiānuenuenu 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"> • Waiānuenuenu 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.
<ul style="list-style-type: none"> • Wilson Street, northwest side, from a point thirty feet southwest of Kīlauea Avenue to a point thirty feet northeast of Derby Lane, from 10:00 p.m. to 5:00 a.m.
(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"> • 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.
<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.

(f) Kona (Continued)
<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"> • Maiiau 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.)

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

- (20) Schools (elementary and intermediate): one for each twenty students of design capacity, plus one for each four hundred square feet of office floor space.
- (21) Schools (high, language, vocational, business, technical and trade, college): one for each ten students of design capacity, plus one for each four hundred square feet of office floor space.
- (22) Sports arenas, auditoriums, theaters, assembly halls: one for every four seats.
- (23) Swimming pools (community): one for each forty square feet of pool area.
- (24) Warehouse and bulk storage establishments where there is no trade or retail traffic: one for each one thousand square feet of gross floor area.
- (b) No additional parking is required for any change of use in a building as long as the previous use of the building had the required number of parking stalls for that use; provided, that additional parking may be required for a change of use in any building where the building is converted from residential to commercial use or from warehouse and manufacturing use to retail or commercial use.
- (c) Where uses and activities do not occur simultaneously, parking space requirements may be shared, provided that:
 - (1) The utilization of the combined parking is shown to the satisfaction of the director to be noncompeting as to time of use;
 - (2) The number of parking spaces is based on the largest parking requirement of those respective facilities;
 - (3) The parking areas are not more than one thousand feet from any of the buildings housing the activities; and
 - (4) The parking areas are encumbered for that use for the life of the facilities being served.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 10; am 2012, ord 12-91, sec 3; am 2013, ord 13-95, sec 1; am 2014, ord 14-85, sec 2.)

Section 25-4-52. Method of determining number of parking spaces.

- (a) When computation of required parking spaces results in a fractional number, the number of spaces required shall be the next highest whole number.
- (b) In stadiums, sports arenas, meeting facilities, and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-four inches of width shall be counted as a seat for the purpose of determining requirements for off-street parking.
- (c) If bicycle parking stalls are constructed on any building site, the total number of required parking spaces shall be reduced by one parking space for every five bicycle parking stalls constructed.
- (d) At least sixty-seven percent of the required parking shall be standard-sized parking spaces, and thirty-three percent may be compact spaces.
- (e) The director may increase the required number of parking spaces for any use during plan approval if the director reviews the proposed use and its impact to the immediate area and finds that the increase will further the public safety, convenience and welfare.

- (f) If there is any doubt as to the requirements for off-street parking for any use not specifically mentioned or for any other reason, the director shall determine the required number of parking spaces for such use.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-4-53. Minimum dimensions of parking spaces.

- (a) Standard-sized automobile parking spaces shall be at least eighteen feet in length and eight feet six inches in width, with curbside parallel spaces at least twenty-two feet in length.
- (b) Compact spaces shall be at least sixteen feet in length and seven feet six inches in width, with curbside parallel spaces at least eighteen feet in length.
- (c) Minimum aisle widths for parking bays shall be provided in accordance with the following:

Angle of Parking to Curb	Minimum Width
to 0° (parallel)	12'
to 45°	14'
to 60°	18'
to 90° (perpendicular)	24'

- (d) Parking spaces may have a three-foot unpaved car overhang area.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-4-54. Standards and improvements to off-street parking spaces.

- (a) All parking spaces shall be arranged so as to be individually accessible.
- (b) Except for one duplex dwelling or two single-family dwellings on any single building site, access to any individual parking space shall not be directly from or to a street but must be reached from an on-site access driveway of proper design and width to allow for passage of vehicles and necessary turning movements.
- (c) In V, CN, CG, CV, MCX, ML, MG, RD, RM and RCX districts, parking spaces shall be paved.
- (d) For any permitted use in the RS, RA, FA, A or IA districts, the pavement of parking spaces is not required, and any material may be used for the parking spaces that will eliminate erosion, mud and standing water.
- (e) For any parking space containing a building column, that column may intrude six inches into the required width, provided that the building column shall not be located at the entry of the parking space. A wall shall not be considered a building column.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-4-55. Parking for persons with disabilities.

Parking for persons with disabilities shall comply with all applicable federal and state requirements for the facility or site.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2016, ord 16-98, sec 1.)

ZONING

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HAWAII COUNTY CODE

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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'uana'hulu 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	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(240)	09-103	9-23-2009	Honokōhau 2nd, North Kona	7-4-06:038	(Amends Ord. 98-8) Effective Date 2-17-1998)		
(241)	09-131	11-4-2009	Kau, North Kona	7-2-005:001	PD	M CX-20	
(242)	09-132	11-4-2009	Kau, North Kona	7-2-005:001	(Amends Ord. 06-105) Effective Date 7-17-2006)		
(243)	09-159	12-30-2009	Keauhou, North Kona	7-8-010:101	A-5a	RM-30	
(244)	10-02	2-1-10	Kahului 2nd, North Kona	7-5-017:042	A-5a	RS-10	
(245)	10-77	9-2-10	North Kona, Hawai'i	7-4-006:022	A-5a	FA-2a	
(246)	10-114	12-13-10	Kapalaalaea 2nd, North Kona	7-7-007:047	A-5a	FA-2a	
(247)	11-01	1-3-11	Kaloko, North Kona	7-3-051:065	ML-1a	M CX-1a	
(248)	11-55	6-8-11	Hōlualoa 1st and 2nd, North Kona	7-6-008:005 (Portion)	(Amends Ord. 03-162, which amended Ord. 91-91) (Effective Date 12-19-2003)		
(249)	12-76	5-16-12	Hōlualoa 1st and 2nd (Mauka), North Kona	7-6-004:018	A-1a	RS-20	
(250)	12-156	12-14-12	Kalaoa 4th, North Kona	7-3-005:030	(Amends Ord. 02-64) (Effective Date 5-10-2002)		
(251)	13-40	5-1-13	Kalaoa 4th, North Kona	7-3-028:082 - 102	(Amends Ord. 07-160, which amended Ord. 97-56) (Effective Date 10-19-2007)		
(252)	13-101	10-16-2013	Maihi 2nd, North Kona	7-9-003:Por 033	A-5a	FA-2a	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(253)	15-35	3-23-2015	Hōiualoa, North Kona	7-6-013:017	A-1a	CV-10	
(254)	15-104	11-20-2015	Auhaukeae 1st, North Kona	7-5-009:067: Por 054	(Amends Ord. 05-74) (Effective Date 5-18-2005)		
(255)	15-116	12-22-2015	Kalaoa 5th, North Kona	7-3-004:012	A-20a	FA-1a	
(256)	16-46	5-23-2016	Kealakehe Homesteads, North Kona	7-4-004:033	(Amends Ord. 99-36) (Effective Date 3-15-1999)		
(257)	16-86	8-18-2016	Puapua'a 2nd, North Kona	7-5-020:071 and 072	(Amends Ord. 04-56) (Effective Date 5-27-2004)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(55)	92-102	9-11-1992	Waiaha 2nd, North Kona	7-5-18:56	RD-3.75	CV-10	
(56)	93-64	6-22-1993	Waiaha 2nd, North Kona	7-5-18:40	RD-3.75	CV-10	
(57)	94-110	9-23-1994	Puaa 3rd, North Kona	7-5-18:28	(Amends Ord. 714) (Effective Date 8-31-1981)		
(58)	95-118	10-12-1995	Hienaloli 4th and 5th, North Kona	7-5-10:13 and 7-5-23:63	(Amends Ord. 92-36) (Effective Date 4-24-1992)		
(59)	96-61	5-22-1996	Waiaha 2nd and Kahului 1st, North Kona	7-1-18:61 and 7-5-19: Por. 5	(Amends Ord. 86-79) (Effective Date 7-9-1986)		
(60)	96-34	3-18-1996	Puaa 3rd, North Kona	7-5-18:14	RM-1	CV-10	
(61)	97-40	3-13-1997	Puaa 3rd, North Kona	7-5-18:19	RM-1	CV-10	
(62)	98-70	7-2-1998	Hienaloli 2nd, North Kona	7-5-10:15	RD-3.75, A-5a	RM-1	
(63)	98-113	11-19-1998	Keopu 1st, North Kona	7-5-04:6 and 13	(Amends Ord. 90-85) (Effective Date 7-16-1990)		
(64)	00-90	8-21-2000	Keahuolu, North Kona	7-4-15:15	(Amends Ord. 91-27) (Effective Date 3-21-1991)		
(65)	00-122	10-30-2000	Puaa 3rd, North Kona	7-5-18:15	RM-1	CV-10	
(66)	03-18	2-20-2003	Waiaha 1st, North Kona	7-5-18:8	RS-10	RM-4	
(67)	03-115	8-14-2003	Honuauula, North Kona	7-5-22:40	RM-1	CV-7.5	
(68)	06-44	4-12-2006	Puaa 1st, North Kona	7-5-9:23	RM-1	V-75	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(69)	06-138	11-8-2006	Hienaloli 5th and 6th, North Kona	7-5-10:Por. of 13 (Formerly 7-5-23:64 and 67)	(Amends Ord. 90-010 that amended Ord. 86-49 Effective 2-13-1990)		
(70)	09-50	5-11-2009	Hienaloli 5th and 6th, North Kona	7-5-10:Por. of 13 (Formerly 7-5-23:64 and 67)	(Amends Ord. 06-138 that amends Ord. 90-010 that amended Ord. 86-49 Effective 11-8-2006)		
(71)	16-80	7-25-2016	Honuauula, North Kona	7-5-022:040	(Amends Ord. 03-115 Effective 8-14-2003)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(39)	97-09	1-20-1997	Waimea, South Kohala	6-5-08:32	A-1a	RS-15	
(40)	97-24	2-27-1997	Waimea, South Kohala	6-5-07:25	A-1a	RS-10	
(41)	97-95	7-3-1997	Puukapu Homesteads, First Series, Puukapu, South Kohala	6-4-01:35	A-40a	FA-3a	
(42)	98-23	3-16-1998	Puukapu, Waimea, South Kohala	6-4-01:92	A-5a	CN-7.5	
(43)	98-67	7-2-1998	Puukapu, Waimea, South Kohala	6-4-2:148	A-3a	FA-1a	
(44)	99-22	2-28-1999	Puukapu, Waimea, South Kohala	6-4-2:3	A-40a	A-5a	
(45)	99-24	2-28-1999	Puukapu, Waimea, South Kohala	6-4-01:Por. of 42	A-5a	RS-10, CV-7.5	
(46)	99-114	10-8-1999	Puukapu, Waimea, South Kohala	6-4-01:124 and Por. Of 140	A-5a, RS-15	RA-5a	
(47)	99-148	12-10-1999	Puukapu, Waimea, South Kohala	6-4-1:Por. of 41	A-5a	CN-10, RS-10, RS-20	
(48)	99-152	12-10-1999	Puukapu, Waimea, South Kohala	6-4-6:85	A-5a	CV-7.5, FA-3a	
(49)	00-104	9-18-2000	Lanikepu, Waimea, South Kohala	6-2-1:91	A-40a	A-5a	
(50)	01-115	11-30-2001	Puukapu, South Kohala	6-4-30:15	A-40a	A-5a	
(51)	02-25	2-28-2002	Ouli, Lanikepu, Lalāmilo, Waikoloa and Puukapu, Waimea, South Kohala	6-2-01-9; 6-07-01: Por. of 25; 6-7-02: 9, 48, and Por. of 17; and 6-8-01: Pors. of 1 and 8	(Amends Ord. 96-117) (Effective date 9-26-96)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(52)	02-98	8-28-2002	Puukapu, Waimea, South Kohala	6-4-24:22	(Amends Ord. 94-56) (Effective date 5-18-94)		
(53)	02-99	8-28-2002	Puukapu, Waimea, South Kohala	6-4-24:23	A-5a	CN-10	
(54)	02-107	9-12-2002	Puukapu, Waimea, South Kohala	6-4-24:Por. of 27	(Amends Ord. 93-65) (Effective date 6-22-93)		
(55)	05-169	12-27-2005	Waimea, South Kohala	6-4-17:40	A-40a	A-5a	
(56)	07-112	9-11-2007	Waimea, South Kohala	6-5-001:020	A-40a, A-1a	A-400a	
(57)	07-181	12-26-07	Waikoloa, Waimea	6-7-002:020 and Por. of 051	A-40a, ML-20	CV-7.5	
(58)	11-73	9-1-2011	Pu'ukapu, Waimea, South Kohala	6-4-017:042	A-40a	A-5a	
(59)	13-11	2-13-2013	Pu'ukapu Homesteads, 1st series, Pu'ukapu, South Kohala	6-4-001:099	A-40a	RA-5a	
(60)	13-102	10-16-2013	Puukapu Homesteads, 2nd series, South Kohala	6-4-018:087	A-5a	FA-2a	
(61)	15-37	4-24-2015	Waimea Homesteads, South Kohala	6-5-011:030	A-1a	RS-20	
(62)	16-82	8-18-2016	Pu'ukapu Homesteads, 2nd series, South Kohala	6-4-017:023, 064-067 and 078 (formerly 6-4-017:023)	(Amends Ord. 889) (Effective date 6-21-83)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(12)	86-107	9-26-1986	Waiakahiula, Puna	1-5-13:26, 27 and Por. 44	RS-15	CV-10	
(13)	87-109	10-28-1987	Waiakahiula, Puna	1-5-13:26, 27 and Por. 44	(Amends Ord. 86-107) (Effective Date 9-26-1986)		
(14)	87-117	11-30-1987	Waiakahiula, Puna	1-5-03:Por. 37	RS-10	CN-20	
(15)	91-116	12-2-1991	Keonepoko, Puna	1-5-07:20	A-1a	CN-20	
(16)	92-70	6-15-1992	Nanawale Homesteads, Puna	1-5-14:7, 8 and Por. 23	RS-15	CV-10	
(17)	98-128	12-7-1998	Keonepoko, Puna	1-5-7:Por. 21	A-1a	CN-20	
(18)	99-125	11-1-1999	Waiakahiula, Puna	1-5-6:23	A-1a	CV-10	
(19)	00-77	7-18-2000	Keonepoko-Iki, Puna	1-5-7:80	A-1a	MCX-20	
(20)	00-128	11-24-2000	Keonepoko, Puna	1-5-07:20	(Amends Ord. 91-116) (Effective Date 12-2-1991)		
(21)	03-111	7-9-2003	Keonepoko, Puna	1-5-07:20	(Amends Ord. 00-128) (Effective date 11-24-00)		
(22)	09-168	12-30-2009	Nanawale Homesteads, Puna	1-5-014:007	(Amends Ord. 92-70) (Effective date 6-15-92)		
(23)	10-88	10-7-2010	Keonepoko, Puna	1-5-007:020	(Amends Ord. 03-111) (Effective date 7-9-03)		
(24)	13-123	12-13-2013	Keonepoko-Iki, Puna	1-5-007:006, 069, & 070	A-1a	CV-10	
(25)	14-54	5-12-2014	Keonepoko Homestead Lots, Puna	1-5-007:061	A-1a	CV-20	
(26)	15-01	1-9-2015	Nānāwale Homesteads, Puna	1-5-014:005	RS-15	CV-10	
(27)	16-81	8-18-2016	Nānāwale Homesteads, Puna	1-5-011:008 and 1-5-011:009	RS-10	CV-10	

ZONING MAP No. 7.23--(Kalapana-Kaimū)

§ 25-8-27

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	171	11-25-1975	Kaimu-Makena Homesteads, Kaimu, Puna	1-2-04:92	RA-.5a	V-1.5	7.23(a)
(2)	685	4-10-1981	Kaimu, Puna	1-2-04:39	RA-.5a	RS-20	7.23(b)

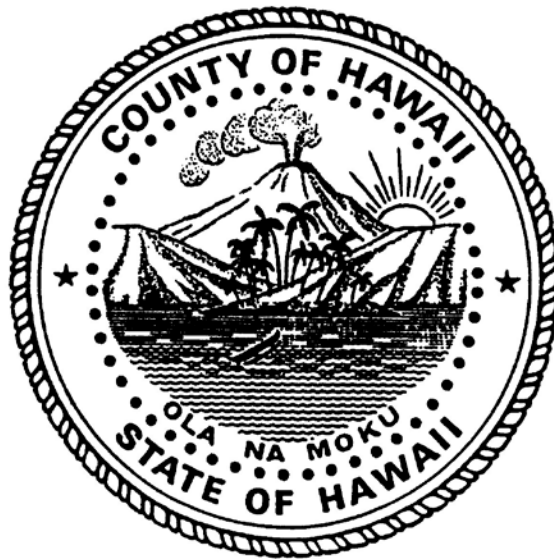
Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(397)	15-50	6-12-15	Kūkūau 1st, South Hilo	2-4-082:001-56, 58-61	(Amends Ord. No. 08-115) (Effective date 9-10-08)		
(398)	15-96	11-10-15	Waiākea, South Hilo	2-2-048:093, portion of 13	(Amends Ord. 08-72) (Effective date 5-20-08)		
(399)	15-106	11-20-15	Kaūmana Homesteads, South Hilo	2-5-003:024	A-20a	FA-3a	
(400)	15-117	12-22-15	Waiākea, South Hilo	2-2-024:008	(Amends Ord. No. 94-6) (Effective date 1-26-94)		
(401)	15-118	12-22-15	Waiākea House Lots, South Hilo	2-2-034:083	RS-10	CN-20	
(402)	16-10	2-22-16	Pana'ewa House Lots, 2nd Series, South Hilo	2-2-056:002	A-3a	RA-.5a	
(403)	16-16	3-16-16	Pana'ewa House Lots, 2nd Series, South Hilo	2-2-052:027	A-3a	RA-1a	
(404)	16-34	5-4-16	Pana'ewa House Lots, Waiākea South Hilo, Hawai'i	2-2-051:003	A-3a	RA-1a	
(405)	16-45	5-23-16	Waiākea, South Hilo	2-2-040:121	(Amends Ord. 10-110) (Effective date 11-24-10)		
(406)	16-49	5-23-16	Waiākea House Lots, South Hilo	2-2-035:060	RS-10	MCX-20	
(407)	16-50	5-23-16	Ponahawai, South Hilo	2-5-040:042	FA-2a	FA-1a	
(408)	16-84	8-18-16	Waiākea Homesteads 2nd, South Hilo	2-4-034:044	A-3a	FA-1a	
(409)	16-85	8-18-16	Waiākea House Lots, South Hilo	2-2-034:066, 078, and 079	(Amends Ord 06-114) (Effective date 8-8-06)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(410)	16-87	8-18-16	Waiākea House Lots 1st, South Hilo	2-2-027:038, 039, and 058	RS-10	CN-10	

THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 1 (1-2017)
Contains ordinances effective through: 12-31-16



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
(808) 961-8255

Volume Three

CHAPTER 26

FIRE

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- Section 26-1-3. Building changes.
- Section 26-1-4. Investigation.
- Section 26-1-5. Plans and specifications.
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- Section 26-1-35. Fire department access roads (FDAR)-distance increase.
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- Section 26-1-37. Fire department access roads (FDAR)-height clearance.
- Section 26-1-38. Fire department access roads (FDAR)-height variance.

- Section 26-1-39. Fire department access roads (FDAR)-load limit and surface.
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- Section 26-2-33. License application process.
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- Section 26-2-35. Application fees.
- Section 26-2-36. Requirements of licensee.
- Section 26-2-37. Compliance and revocation.

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- Section 26-2-44. Aerial devices, display fireworks, and articles pyrotechnic.
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CHAPTER 26**FIRE****Article 1. Hawai'i County fire code.****Section 26-1-1. Adoption of the Hawai'i State Fire Code.**

The Hawai'i State Fire Code, as adopted by the Hawai'i State fire council on January 1, 2010, pursuant to section 132-3, Hawai'i Revised Statutes, which incorporated the 2006 National Fire Code, NFPA 1 Uniform Fire Code, is by reference incorporated herein and made a part hereof and is hereby adopted by reference, subject to the amendments in this chapter.
(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-2. Title.

1.1.2 is amended to read:

1.1.2 This code, which includes the amendments to the Hawai'i State Fire Code made by the County of Hawai'i shall be known as the Hawai'i County Fire Code, and may be cited as such, and will be referred to herein as this code.
(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-3. Building changes.

1.3.6.3 is amended to read:

1.3.6.3 New construction, repairs, renovations, alterations, or any change in occupancy shall conform with this code, the Hawai'i State Fire Code, and the Building code.
(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-4. Investigation.

1.7.10 is amended to read:

1.7.10 Investigation. Investigations are authorized by and shall be made in accordance with section 132-4, 132-4.5, 132-5, Hawai'i Revised Statutes.
(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-5. Plans and specifications.

1.7.11 is amended to read:

1.7.11 Plans and specification.
The Fire Chief shall have the authority to require plans and specifications to be submitted prior to the construction, demolition, or alteration of any building or

structure; prior to any change in a building's occupancy type or class; or prior to the installation of any life safety or fire protection systems to ensure compliance with applicable codes and standards.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-6. Standby fire personnel.

1.7.15 is amended to read:

1.7.15 Standby and Fire Watch Personnel.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-7. Standby and fire watch; cost.

1.7.15.2.1 is amended to read:

1.7.15.2.1 The cost of standby and fire watch personnel shall be at no cost to the authority having jurisdiction (AHJ).

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-8. Fire watch for systems out of service.

1.7.15.4 is added to read:

1.7.15.4 Where a fire alarm or fire suppression system is out of service for more than 4 hours in a 24-hour period, the AHJ shall be notified and an approved fire watch shall be provided until such system is returned to service.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-9. Fire watch; assignment.

1.7.15.5 is added to read:

1.7.15.5 Person(s) conducting fire watch duty shall be assigned to an area for the express purpose of notifying the Fire department, the building occupants or both of an emergency; preventing a fire from occurring; extinguishing small fires; or protecting the public from fire or life safety dangers. The fire watch personnel shall patrol the entire area or premise that the non-functioning system protects.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-10. Fire watch; documentation.

1.7.15.6 is added to read:

1.7.15.6 Standby and fire watch personnel shall keep documentation on an hourly basis or as often as deemed necessary by the AHJ. Documentation shall be available for review upon the AHJ request.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-11. Public fire education.

1.7.16.3 is added to read:

1.7.16.3 The Fire chief of each county may:

- (1) Appoint advisers, promote and secure the appointment and service of committees of commercial, industrial, labor, civic, and other organizations, who shall, without compensation, assist the county fire chief in establishing standards of safety;
- (2) Establish and maintain museums and exhibits of safety and fire prevention in which shall be exhibited equipment, safeguards, and other means and methods for protection against fire loss, and publish and distribute bulletins on any phase of this general subject;
- (3) Cause lectures to be delivered, illustrated by stereopticon or other views, diagrams, or pictures, for the information of owners or other persons and the general public, in regard to the causes and prevention of fires and related subjects.

(Section 132-14, Hawai'i Revised Statutes.)

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-12. Permits required.

1.12.20 is amended by deleting original proposed language and adding the following amended language:

1.12.20 Permits Required.

Permits shall be required under the following sections:

- (1) Section 10.15.1 Carnivals, Fairs, Farmers Markets, Open Markets, and Flea Markets.
- (2) Section 20.1.1 Places of Assembly with an occupant load of 300 or greater.
- (3) Section 25.1.2 Tents, Canopies and Temporary Structures. A permit shall be required for each event utilizing a tent, canopy or temporary structure in excess of 700 square feet.
- (4) Section 43.1.1.4 Application of Flammable Finishes.
- (5) Section 65.11.3.2 Fireworks.
- (6) Section 66.1.5 Flammable and/or Combustible Liquid Storage tanks in excess of 60 gallons.
- (7) Section 69.1.2 Liquefied Petroleum Gas.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-13. Permit and fees.

1.12.20.1 is added to read:

1.12.20.1 Permit and Fees.

- (1) Permit and fee for section 10.15.1 are as follows:
 - (a) There shall be a permit and fee of \$100 for each 10.15.1, Carnival or Fair permit. Permit shall be valid for the duration of the event.
 - (b) There shall be a bi-annual permit and fee of \$25 for each 10.15.1, Farmers Market, Open Market, and Flea Market. This permit shall apply to the property owner, lessee, or his or her representative of which the event is occurring. Permit periods shall be from April 1 through September 30 and October 1 through March 31 of the following year. Permits applied for within such time frames shall be allowed at the cost of \$25 for each permit. Permit shall be kept on site on available for review upon request by the AHJ during normal business hours.
- (2) Permit and fees for section 20.1.1 are as follows:

There shall be an annual permit and fee of \$50 for each 20.1.1 Permit, for places of assembly with an occupancy load of 300 or greater. Permit shall be kept on site and available for review by the AHJ during normal business hours.
- (3) Permit and fee for section 25.1.2 are as follows:
 - (a) There shall be a permit and fee of \$25 for each tent, canopy, or temporary structure covering an area of 700 square feet or greater. Tents or canopies located less than 10 feet between tie-downs shall be considered as one tent when determining square footage.

Exception: These permits and fees shall not apply to structures used for camping or private functions on private property or to any section 10.15.1 permit.
 - (b) A permit and fee of \$25 for each tent or temporary structure erected for the sale of Christmas trees. Tents greater than 10 feet apart shall be considered a separate tent.
 - (c) A permit and fee of \$25 for each tent or temporary structure erected for the sale of fireworks. Tents greater than 10 feet apart shall be considered a separate tent.
- (4) Permit and fee for section 43.1.1.4 are as follows:

An annual permit and fee of \$50 for each 43.1.1.4 permit, Application of flammable finishes.

- (5) Permit and fee for section 65.11.3.2 are as follows:
Permits, licenses, and fees associated with the Import, Manufacture, Wholesale, Storage, Retail, and use of fireworks shall be as specified in section 132-D, Hawai'i Revised Statutes.
- (6) Permit and fee for section 66.1.5 are as follows:
A one-time permit and fee of \$50 for each 66.1.5 permit, installation and/or removal of an above-ground storage tank (AST) or under-ground storage tank (UST) containing flammable or combustible liquids in excess of 60 gallons.
- (7) Permit and fee for section 69.1.2 are as follows:
A one-time permit and fee of \$50 dollars for each 69.1.2 permit, Liquefied Petroleum Gas tank installation of 125 gallons or greater.
- (2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-14. Plan review.

1.14 and 1.14.1 is added to read:

1.14 Plan Review

1.14.1 When required by section 132-9, Hawai'i Revised Statutes, a set of plans and specifications shall be submitted to the Fire Chief for review to assure compliance with applicable codes and standards.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-15. Violations and penalties.

1.16.1.1 is added to read:

1.16.1.1 Violations and Penalties.

Any person, firm or corporation violating any of the provisions in this code may be deemed guilty, but not limited to, a petty misdemeanor. Any such person, firm, or corporation deemed guilty, may be charged for a separate offense for each and every day or portion thereof during which any violation of any provisions of this code is committed, permitted, or continue to be permitted. Upon conviction of any such violation, the person, firm, or corporation shall be punishable of a fine as not to exceed \$500 and/or by imprisonment for not more than thirty days.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-16. Assembly occupancy.

3.3.165.3 is amended to read:

3.3.165.3 Assembly Occupancy.

An occupancy (1) used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting

transportation, or similar uses; or (2) used as a special amusement building, regardless of occupant load.

A building used for the above mentioned purposes, with an occupant load of less than 50 persons shall be governed by the requirements of a Business group occupancy as defined in the Building Code.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-17. Inspection tag.

4.5.8.6 is added to read:

4.5.8.6 Upon completion of the testing, maintenance, or inspection of any Fire detection or Fire suppression system or equipment, an inspection tag sticker or other form of documentation shall be affixed to such device or system.

Information on the tag shall include:

- (1) Test or inspection results;
- (2) Date the inspection was completed
- (3) Company name and contact information;
- (4) Name of technician performing the test or inspection;
- (5) Contractor’s license number and expiration date.

Inspection tag shall maintain legibility for the life of their use.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-18. Maintenance, inspection, and testing.

10.4.6 is added to read:

10.4.6 Upon completion of the testing, maintenance or inspection of any Fire detection or Fire suppression system, an inspection tag, as referenced in 4.5.8.6 above, shall be applied.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-19. Open fires, incinerators, and commercial fireplaces.

10.11.1 is amended to read:

10.11.1 Open fires in Hawai'i County.

- (1) Fires for the cooking of food.
 - (a) Persons responsible for large open fires not contained within an appliance, such as an “Imu”, shall telephone the Fire dispatch center on the non-emergency number at least 15 minutes before the lighting of such fires.

- (b) Persons responsible for fires that use smoke as a method of cooking or curing, such as a “smoke house”, shall telephone the Fire dispatch center on the non-emergency number at least 15 minutes before lighting of such fires.
- (c) For open fire cooking operations with service to and subject to the general public, the following shall apply:
 - i. Open flame cooking operations shall be conducted under a non-combustible covering. All structures shall be properly anchored/secured.
 - ii. Cooking operations shall not be located less than 10 feet from any building.
 - iii. Open flame cooking appliances shall not be located less than 10 feet from the general public. Means of protection, such as a protective barrier shall be approved by the AHJ.
 - iv. Cooking operations shall not be located less than 20 feet from any exiting system.
 - v. Open flame cooking operations shall not be located less than 25 feet from trash, brush, or other combustible waste.
 - vi. Cooking equipment using flammable liquids or gasses shall not be used less than 25 feet from any outside ignition sources, (vehicles, generators, electrical panels, etc.) and not less than 25 feet from any other tent or temporary structures.
 - vii. Flammable gas cylinders used in cooking operations shall be listed for that use. Spare flammable gas cylinders shall not exceed 5 gallons water capacity in any 1 tenant space.
 - viii. Spare flammable liquid containers shall not exceed 1 gallon capacity. Containers shall be stored in a well ventilated area and shall be kept at least 10 feet away from any open flame, ignition source, and the general public. Maximum storage quantity is 1 gallon per appliance. Flammable liquid storage containers shall be listed for that use.
 - ix. All flammable liquid or gas fueled cooking appliances shall be listed for that use.
- (d) The AHJ shall be authorized to immediately cause to cease any open fire or cooking activity, if such fire is determined to cause a danger to life safety and/or health.

- (2) Fires for recreational, decorative, or ceremonial purposes.
- (a) Open fire performances before a proximate audience shall comply with the following:
- i. Performances that use an open flame, such as “fire dancing”, shall be held outdoors (see exception below).
 - ii. Performance shall be in an area at least 25 feet clear of trash, brush, and other combustible waste.
 - iii. A minimum clearance of 25 feet shall be kept between the performers and the audience at all times during a performance. This distance may be reduced to 15 feet, provided an AHJ approved, non-combustible safety net is in place to protect the audience in the case of an accidental release.
 - iv. Gasoline, diesel or any Class I flammable liquid shall not be used as the fuel source.
 - v. Excess fuel storage shall be kept in an approved container and at least 25 feet away from both the performers and the audience. Quantity of fuel stored shall only suffice for a single performance.
 - vi. Performers shall not throw any props or display devices over the audience as to cause a fire or safety hazard.
 - vii. A CO2 fire extinguisher with a minimum 20B rating and an ABC fire extinguisher with a minimum 4A rating shall be readily available and within 50 feet of the performance. The fire extinguishers shall be constantly attended by a competent person trained in the use of portable fire extinguishers.
 - viii. Event site shall be subject to inspection.
 - ix. Additional clearances and/or means of extinguishment shall be provided if deemed necessary by the AHJ.

Exception: Upon the approval of the AHJ, performances using fire may be held indoors provided the facility has an automatic fire sprinkler system that is code compliant and all of the above mentioned safety requirements are met.

- (b) Open fires for recreational, decorative, or ceremonial purposes such as the “lighting of the letters” shall comply with the following:
- i. Burn location shall be outdoors.

- ii. Burn area shall have a minimum clearance of 25 feet to trash, brush, and other combustible waste.
- iii. Burn area shall have a minimum clearance of 100 feet to any building or combustible structure.
- iv. Burn area shall have a minimum clearance of 100 feet to the spectators.
- v. Gasoline, diesel or any Class I flammable liquid shall not be used as the fuel source.
- vi. After fuel is applied, the excess fuel shall be removed from the fire area.
- vii. The person(s) applying the fuel shall not be the same person causing the ignition.
- viii. A CO2 fire extinguisher with a minimum 20B rating and an ABC fire extinguisher with a minimum 4A rating shall be readily available and within 50 feet of the fire. The fire extinguishers shall be constantly attended by a competent person trained in the use of portable fire extinguishers.
- ix. Burn site shall be subject to inspection.
- x. The Fire dispatch center shall be notified on their non-emergency number at least 30 minutes prior to ignition.
- xi. Additional clearances and/or means of extinguishment shall be provided if deemed necessary by the AHJ.

Prior to any Recreational, Decorative or Ceremonial Fire, a site plan shall be submitted to the AHJ at least 7 days prior to the event. The site plan shall include: (1) Contact information of the person(s) responsible, (2) Location or address of the burn site(s), (3) Date and time of ignition, and (4) Distances from the burn area to spectators, structures, and vehicles.

- (c) Recreational or Ceremonial “Sweat Lodges” or other Structure(s) used for similar purposes.
 - i. No fire shall be allowed or maintained in any structure used as a “sweat lodge” or the like in that the byproducts of combustion may cause a danger to life safety or health.
 - ii. Structures used in this context shall notify the Fire department, State Department of Health, and the Building department prior to operation.
 - iii. Fire department access shall be provided.

- (d) Aerial Luminary Devices.
 - i. Aerial luminary devices shall be defined as any homemade or manufactured device that has an open flame and which can be sent airborne or adrift, leaving the height and distance it travels to be determined by existing atmospheric conditions. Such devices whether it is tethered or not, shall be deemed an Aerial luminary device.
 - ii. All Aerial luminary devices shall be deemed a fire hazard.
 - iii. It shall be unlawful to Buy, Sell, Use, Possess, Ignite, or cause to ignite any such Aerial luminary devices.
 - iv. Exception: Signal flares for emergency use.
- (e) Bonfires.

Bonfires are prohibited unless approved by the State Department of Health or the State Department of Land and Natural Resources. The Fire dispatch center shall be notified of all approved bonfires prior to ignition.
- (f) Fires used for cinematic purposes.

Fires used with cinematography shall be allowed by the Fire chief provided adequate safeguards as determined by the Fire chief is provided.
- (3) Fires to abate a fire hazard.
 - (a) A site plan shall be submitted to the AHJ at least 14 days prior to the burn activity. The site plan shall include:
 - i. Contact information of the person(s) responsible.
 - ii. Location or address of the burn site(s).
 - iii. Type of fuel being burned.
 - iv. Date and time of ignition.
 - v. Means of extinguishment (shall be suitable to the AHJ).
 - vi. Fire department access as approved by the AHJ.
 - (b) Burn site shall be subject to inspection.
 - (c) The Fire dispatch center shall be notified on their non- emergency number at least 30 minutes prior to ignition.

- (4) Fires for the prevention or control of disease or pests.
 - (a) A site plan shall be submitted to the AHJ at least 14 days prior to the burn activity. The site plan shall include:
 - i. Contact information of the person(s) responsible.
 - ii. Location or address of the burn site(s).
 - iii. Date and time of ignition.
 - iv. Means of extinguishment shall be suitable to the AHJ.
 - v. Fire department access as approved by the AHJ.
 - (b) Burn site shall be subject to inspection.
 - (c) The Fire dispatch center shall be notified on their non-emergency number at least 30 minutes prior to ignition.
- (5) Fires for the training of Firefighting personnel.

All fires of this nature shall be approved by the Fire chief.
- (6) Fires for disposal of dangerous materials.
 - (a) All fires of this nature shall be approved by the State Department of Health.
 - (b) The Fire dispatch center shall be notified on their non-emergency number at least 30 minutes prior to ignition.
- (7) Fires for residential bathing purposes.
 - (a) Open fires using solid fuels for residential bathing purposes shall not be allowed in any residential dwelling.
 - (b) Fires shall not be located less than 25 feet from trash, brush, or other combustible waste.
- (8) Agricultural Fires.
 - (a) Agricultural fires shall be permitted by the State Department of Health.

- (b) Upon approval by the State Department of Health, a site plan shall be submitted to the Fire chief, at least 7 days prior to the event. The site plan shall include:
 - i. Contact information of the person(s) responsible.
 - ii. Location and address of the burn site(s). Burn site shall be a minimum of 150 feet from any residential dwelling.
 - iii. Date, time and duration of the burn.
 - iv. Means of extinguishment shall be suitable to the AHJ and shall be capable of total extinguishment.
 - v. Fire department access to the burn site(s) shall be suitable to the AHJ. Access parameters:
 - (A) Minimum of 14 feet wide.
 - (B) All weather driving surface.
 - (C) Maximum grade of 15 percent.
- (c) Burn site shall be subject to inspection.
- (d) The Fire dispatch center shall be notified on their non-emergency number at least 30 minutes prior to ignition.

Except for closed incinerators approved by the State Health Department, private incineration is prohibited by State health laws.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-20. Premises identification.

10.12.1.4 is added to read:

10.12.1.4 Premises identification shall comply with the Building code and Chapter 14 of the Hawai'i County Code.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-21. Special outdoor events, carnivals, and fairs.

10.15 is amended to read:

10.15 Special Outdoor Events, Carnivals, Fairs, Farmers Markets, Open Markets, and Flea Markets.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-22. Site plan.

Section 10.15.1.1 is added to read:

10.15.1.1 A site plan shall be submitted with the permit application. The site plan shall include:

- (1) Size of each of each tent and the location of each tent in reference to each other.
- (2) Location of emergency access roads.
- (3) Location of emergency exits.
- (4) Location of vehicle parking.
- (5) Location of all fire suppression appliances.
- (6) If applicable, location of all cooking operations.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-23. Authority to inspect.

10.15.2 is amended to read:

10.15.2 The AHJ shall be authorized to inspect any Section 10.15 site location as it pertains to access for emergency vehicles; location of fire protection equipment; placement and securement of tents, temporary structures, stands, concession booths, and exhibits; and the control of hazardous conditions dangerous to life and property.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-24. Heating, ventilation, air-conditioning.

11.2.3 is amended to read:

11.2.3 Commercial cooking equipment. Commercial cooking equipment shall be in accordance with Chapter 50, and NFPA 96 unless such installations are approved existing installations, which shall be permitted to be continued in service. See also 50.2.1.3.2 of this code.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-25. Access to Fire Department connections.

13.1.3 is amended to read:

13.1.3 Obstructions shall not be placed or kept near fire hydrants, fire department connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately visible and accessible. A minimum three foot clear space shall be maintained around fire hydrants. These distances may be reduced or increased at the discretion of the AHJ.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-26. Blocked access; vehicle removal.

13.1.3.1 and 13.1.3.2 is added to read:

13.1.3.1 The Police department may cause to be removed, any vehicle left unattended upon any street within 10 feet of any fire hydrant. The registered owner shall be liable for all expenses incurred in the removal and storage of such vehicle.

13.1.3.2 The Police department may cause to be removed, any vehicle left unattended upon any required fire department access road. The registered owner shall be liable for all expenses incurred in the removal and storage of such vehicle.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-27. Standpipe inspection tag.

13.2.3.5 is added to read:

13.2.3.5 The person, company, or firm conducting the inspection, testing, or maintenance of a Standpipe system shall affix a tag, sticker, or other form of documentation to that system when completed. Such documentation shall include the date completed, the company name and contact information, the technician performing the test, and the results of such test. All forms of labeling shall maintain legibility for the life of their use.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-28. Sprinklers in new one and two family dwellings.

13.3.2.18.1 is deleted in its entirety.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-29. Sprinkler inspection tag.

13.3.3.2.1 is added to read:

13.3.3.2.1 The person, company, or firm conducting the inspection, testing, or maintenance of a Sprinkler system shall affix a tag, sticker, or other form of documentation to that system when completed. Such documentation shall include the date completed, the company name and contact information, the technician performing the test, and the results of such test. All forms of labeling shall maintain legibility for the life of their use.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-30. Nuisance or false alarms.

13.7.1.4.4.1 is added to read:

13.7.1.4.4.1 In the event of excessive false alarms:

The Fire Chief may order the building owner, manager, or representative to provide Fire watch as specified in this code.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-31. Fire alarm inspection tag.

13.7.3.2.8 is added to read:

13.7.3.2.8 The person, company, or firm conducting the inspection, testing, or maintenance of a Fire Alarm system shall affix a tag, sticker, or other form of documentation to that system when completed. Such documentation shall include the date completed, the company name and contact information, the technician performing the test, and the results of such test. All forms of labeling shall maintain their legibility for the life of their use.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-32. Occupant load increase.

14.8.1.3.1 is amended to read:

14.8.1.3.1 With approval of a Hawai'i County Building Official, the Fire Chief may allow the occupant load of a building or portion thereof, to be increased from the occupant load established in section 14.8.1.2 of the State Fire Code, and where all other requirements of this code are also met, based on such increased occupant load.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-33. Water supply for fire protection during construction.

16.4.3.1.1 is amended to read:

16.4.3.1.1 A water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible building materials are present.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-34. Fire hydrant use and restrictions.

18.1.1.2.1 is added to read:

18.1.1.2.1 No unauthorized person shall use or operate any Fire hydrant unless such person first secures permission or a permit from the owner or representative of the department, or company that owns or governs that water supply or system.

Exception: Fire Department personnel conducting firefighting operations, hydrant testing, and/or maintenance, and the flushing and acceptance of hydrants witnessed by Fire Prevention Bureau personnel.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-35. Fire department access roads (FDAR)-distance increase.

18.2.3.2.2.1 is amended to read:

18.2.3.2.2.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 300 feet.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-36. Fire department access roads (FDAR)-width and turn around.

18.2.3.4.1.1 is amended to read:

18.2.3.4.1.1 FDAR shall have an unobstructed width of not less than 20 feet with an approved turn around area if the FDAR exceeds 150 feet.

Exception: FDAR for one and two family dwellings shall have an unobstructed width of not less than 15 feet, with an area of not less than 20 feet wide within 150 feet of the structure being protected. An approved turn around area shall be provided if the FDAR exceeds 250 feet.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-37. Fire department access roads (FDAR)-height clearance.

18.2.3.4.1.2 is amended to read:

18.2.3.4.1.2 FDAR shall have an unobstructed vertical clearance of not less than 13 ft 6 in.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-38. Fire department access roads (FDAR)-height variance.

18.2.3.4.1.2.1 is amended to read:

18.2.3.4.1.2.1 Vertical clearances may be increased or reduced by the AHJ, provided such increase or reduction does not impair access by the fire apparatus, and approved signs are installed and maintained indicating such approved changes.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-39. Fire department access roads (FDAR)-load limit and surface.

18.2.3.4.2 is amended to read:

18.2.3.4.2 Fire department access roads and bridges shall be designed and maintained to support the imposed loads (25 Tons) of the fire apparatus. Such FDAR and shall be comprised of an all-weather driving surface.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-40. Fire department access roads (FDAR)-turning radius.

18.2.3.4.3.1 is amended to read:

18.2.3.4.3.1 Fire department access roads shall have a minimum inside turning radius of 30 feet, and a minimum outside turning radius of 60 feet.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-41. Fire department access roads (FDAR)-grade.

18.2.3.4.6.1 is amended to read:

18.2.3.4.6.1 The maximum gradient of a Fire department access road shall not exceed 12 percent for unpaved surfaces and 15 percent for paved surfaces. In areas of the FDAR where a Fire apparatus would connect to a Fire hydrant or Fire Department Connection, the maximum gradient of such area(s) shall not exceed 10 percent.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-42. Alternative water supply.

18.3.8 is added to read:

18.3.8 Alternative water supply.

- (1) Minimum water supply for buildings that do not meet County water standards:
 - (a) Buildings up to 2,000 square feet shall have a minimum of 3,000 gallons of water available for Firefighting.
 - (b) Buildings 2,001- 3,000 square feet shall have a minimum of 6,000 gallons of water available for Firefighting.
 - (c) Buildings, 3,001- 6,000 square feet shall have a minimum of 12,000 gallons of water available for Firefighting.

- (d) Buildings, greater than 6,000 square feet shall meet the minimum County water and fire flow requirements.

Multiple story buildings shall multiply the square feet by the amount of stories when determining the minimum water supply.

Commercial buildings requiring a minimum fire flow of 2,000 gpm per the Department of Water standards shall double the minimum water supply reserved for firefighting.

- (2) Fire Department Connections (FDC) to alternative water supplies shall comply with 18.3.8 (1)-(4) of this code.
- (3) In that water catchment systems are being used as a means of water supply for firefighting, such systems shall meet the following requirements:
 - (a) In that a single water tank is used for both domestic and firefighting water, the water for domestic use shall not be capable of being drawn from the water reserved for firefighting.
 - (b) Minimum pipe diameter sizes from the water supply to the Fire Department Connection (FDC) shall be as follows:
 - i. 4" for C900 PVC pipe.
 - ii. 4" for C906 PE pipe.
 - iii. 3" for ductile Iron.
 - iv. 3' for galvanized steel.
 - (c) The Fire Department Connection shall:
 - i. Be made of galvanized steel.
 - ii. Have a gated valve with 2-1/2 inch, National Standard Thread male fitting and cap.
 - iii. Be located between 8 ft and 16 ft from the Fire department access. The location shall be approved by the AHJ;
 - iv. Not be located less than 18 inches, and no higher than 36 inches from finish grade, as measured from the center of the FDC orifice.
 - v. Be secure and capable of withstanding drafting operations. Engineer stamped plans may be required.

- vi. Not be located more than 150 feet of the most remote part, but not less than 20 feet, of the structure being protected.
 - vii. Also comply with section 13.1.3 and 18.2.3.4.6.1 of this code.
- (d) Commercial buildings requiring a fire flow of 2,000 gpm shall be provided with a second FDC. Each FDC shall be independent of each other, with each FDC being capable of flowing 500 gpm by engineered design standards. The second FDC shall be located in an area approved by the AHJ with the idea of multiple Fire apparatus' conducting drafting operations at once, in mind.
 - (e) Inspection and maintenance shall be in accordance to NFPA 25.
 - (f) The owner or lessee of the property shall be responsible for maintaining the water level quality, and appurtenances of the system.
- (4) Exceptions to Section 26-42.
- (a) Agricultural buildings, storage sheds, and shade houses with no combustible or equipment storage.
 - (b) Buildings less than 800 square feet in size that meets the minimum Fire Department Access Road requirements.
 - (c) For one and two family dwellings, agricultural buildings, storage sheds, and detached garages 800 to 2,000 square feet in size that meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 1,000 feet.
 - (d) For one and two family dwellings, agricultural buildings and storage sheds greater than 2,000 square feet, but less than 3,000 square feet of living area, that meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 500 feet.
 - (e) For buildings with an approved automatic sprinkler system, the minimum water supply required may be modified.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-43. Occupant load sign for assemblies.

20.1.4.10.3.1 is amended to read:

20.1.4.10.3.1 Any room or area constituting an assembly, regardless of seating arrangements, shall have a permanent occupant load sign posted in a conspicuous place near the main exit from the room.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-44. Seating arrangements.

20.1.4.10.4 is added to read:

20.1.4.10.4 The maximum number of seats permitted between the farthest seat and any aisle shall not exceed that shown in table 20.1.4.10.4.

Table 20.1.4.10.4

Application	Outdoors	Indoors
Chair style seating (loose)	11	6
Bench/Bleacher type seating	20	9

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-45. Cooking operations affiliated with tents and temporary structures.

25.1.11.1 is added to read:

25.1.11.1 Cooking operations shall comply with Section 10.11.3.1 of this code.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-46. Deep fat frying.

25.1.11.2 is added to read:

25.1.11.2 A minimum of one Type K Fire extinguisher shall be accessible within 30 feet of any deep fat frying operation in accordance with NFPA 10.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-47. Seating arrangements for grandstands and general assembly areas.

25.3.1.5 is amended to read:

25.3.1.5 The maximum number of seats permitted between the farthest seat and any aisle shall not exceed that shown in table 25.3.1.5.

Table 25.3.1.5

Application	Outdoors	Indoors
Chair style seating (loose)	11	6
Bench/Bleacher type seating	20	9

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-48. Existing commercial cooking equipment.

50.2.1.3.2 is added to read:

50.2.1.3.2 Existing commercial cooking equipment shall be in accordance with Chapter 50, and NFPA 96 unless such installations are approved existing installations, which shall be permitted to be continued in service or as approved by the AHJ.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-49. Kitchen hood suppression acceptance test.

50.4.3.3 is added to read:

50.4.3.3 Prior to the commencement of any cooking operation, all new or re-furnished hood suppression systems shall first complete a satisfactory acceptance test. Test shall be of an approved method and witnessed by the AHJ. The maintenance, service, and inspection of that system shall be as required by NFPA 96.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-50. Vehicular protection.

69.3.6.1.2.1 is added to read:

69.3.6.1.2.1 When Bollards or Guard posts are installed, they shall meet the requirements of Section 60.1.2.13.2 of this code.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-51. LPG-enclosures.

69.3.6.1.7 is added to read:

69.3.6.1.7 Containers shall not be within enclosures that would cause the build-up of flammable gasses in the event of a leak.
(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-52. LPG-enclosures.

69.3.6.1.8 is added to read:

69.3.6.1.8 Enclosures shall not be within 3 feet of the tank.
(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-53. LPG-enclosures.

69.3.6.1.9 is added to read:

69.3.6.1.9 Enclosures shall not impede access to fire suppression activities.
(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-54. LPG-storage and use on balconies.

69.3.10.2.1 (10) is added to read:

69.3.10.2.1 (10) LPG cylinders greater than 2.7 lb capacity shall not be used or stored on balconies above the first floor.
(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-55. LPG-cooking inside of vehicles.

69.3.12.8.1 and 69.3.12.8.2 are added to read:

69.3.12.8.1 Portable LPG cylinders greater than 2.7 lb. capacity shall not be used or stored in an area that will obstruct or impede the egress in the case of an emergency. Not more than 12 LPG cylinders of 2.7lb capacity or less shall be kept, used, or stored in any vehicle. LPG cylinders of 5 gallon capacity or greater shall not be used within any vehicle. All LPG appliance and equipment shall be listed for that use.

69.3.12.8.2 Portable fire extinguishers shall be provided as required in NFPA 10.
(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Section 26-1-56. Fuel supplier responsibility.

69.4.2.2.14 is added to read:

69.4.2.2.14 No fuel supplier shall fill or cause to be filled, any unpermitted fuel storage tank that should otherwise be permitted.

(2012, ord 12-3, sec 2; am 2016, ord 16-107, sec 1.)

Article 2. Fireworks Code.**Division 1. General Provisions.****Section 26-2-1. Title.**

This article shall be known as the fireworks code and shall apply to the importation, storage, possession, sale, purchase, transfer, and discharge of fireworks within the County.

(2016, ord 16-107, sec 3.)

Section 26-2-2. Definitions.

Whenever used in this article, unless the context otherwise requires:

“Aerial device” means any fireworks:

- (1) Containing one hundred thirty milligrams or less of explosive materials that produces an audible or visible effect and is designed to rise higher than twelve feet into the air and explode or detonate in the air, or to fly about above the ground;
- (2) That are prohibited for use by any person who does not have a display permit issued by the County under section 132D-16, Hawai'i Revised Statutes; and
- (3) Including firework items commonly known as bottle rockets, sky rockets, missile-type rockets, helicopters, torpedoes, daygo bombs, roman candles, flying pigs, jumping jacks that move about the ground farther than a circle with a radius of twelve feet as measured from the point where the item was placed and ignited, aerial shells, and mines.

“Articles pyrotechnic” means pyrotechnic devices for professional use similar to consumer fireworks in chemical composition and construction but not intended for consumer use that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 by the United States Department of Transportation.

“Consumer fireworks” means any fireworks designed primarily for retail sale to the public during authorized dates and times, that produces visible or audible effects by combustion, and that is designed to remain on or near the ground and, while stationary or spinning rapidly on or near the ground, emits smoke, a shower of colored sparks, whistling effects, flutter sparks, or balls of colored sparks, and includes combination items that contain one or more of these effects. “Consumer fireworks” shall comply with

the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as set forth in Title 16 Code of Federal Regulations and fireworks classified as UN0336 and UN0337 by the United States Department of Transportation as set forth in Title 49 Code of Federal Regulations. “Consumer fireworks” include firework items commonly known as: firecrackers; snakes; sparklers; fountains; and cylindrical or cone fountains that emit effects up to a height not greater than twelve feet above the ground; illuminating torches; bamboo cannons; whistles; toy smoke devices; wheels; and ground spinners that when ignited remain within a circle with a radius of twelve feet as measured from the point where the item was placed and ignited; novelty or trick items; combination items; and other fireworks of like construction that are designed to produce the same or similar effects.

“County fire code” means chapter 26, article 1, of this Code.

“County building code” means chapter 5 of this Code.

“Cultural” means relating to the arts, customs, traditions, mores, and history of all of the various ethnic groups of Hawai‘i.

“Department” means the Hawai‘i fire department.

“Display” means the use of aerial devices, display fireworks, or articles pyrotechnic for any activity, including such activities as movie or television production.

“Display fireworks” means any fireworks designed primarily for exhibition display by producing visible or audible effects and classified as display fireworks or contained in the regulations of the United States Department of Transportation and designated as UN0333, UN0334, or UN0335, and includes salutes containing more than two grains (one hundred and thirty milligrams) of explosive materials, aerial shells containing more than forty-grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as “consumer fireworks.” This term also includes fused set pieces containing components, which together exceed fifty milligrams of salute power.

“Fire chief” means the chief of the Hawai‘i fire department or the chief’s duly authorized representative.

“Firecrackers” mean single paper cylinders not exceeding one and one-half inches in length excluding the fuse and one-quarter of an inch in diameter that contain a charge of not more than fifty milligrams of pyrotechnic composition.

“Fireworks” means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation and that meets the definition of aerial device or consumer or display fireworks as defined by this section and contained in the regulations of the United States Department of Transportation as set forth in Title 49 Code of Federal Regulations. The term “fireworks” shall not include any explosives or pyrotechnics regulated under chapter 396, Hawai‘i Revised Statutes, or automotive safety flares, nor shall the term be construed to include toy pistols, toy cannons, toy guns, party poppers, pop-its, or other devices which contain twenty-five hundredths of a grain or less of explosive substance.

“Import” (and any nounal, verbal, adjectival, adverbial, and other equivalent form of the term used interchangeably in this article) means to bring or attempt to bring fireworks or articles pyrotechnic into the County or to cause fireworks or articles pyrotechnic to be brought into the County.

“License” means a nontransferable, formal authorization, valid for a period from April 1 of the year in which the license was issued to March 31 of the following year and which the department is hereby authorized to issue under chapter 132D, Hawai‘i Revised Statutes, to engage in the act or acts specifically designated therein.

“Movie” or “television production” means a series of activities that are directly related to the creation of visual and cinematic imagery to be delivered via film, videotape, or digital media and are to be sold, distributed, or displayed as entertainment or the advertisement of products for mass public consumption, including scripting, casting, set design and construction, transportation, videography, photography, sound recording, interactive game design, and post production.

“Permanent” means the state of one object being affixed to another object by glue or other means in a manner that the affixed object is intended to not be easily removable.

“Permanent fireworks storage building or structure” means a building or structure affixed to a foundation on a site and having fixed utility connections, which is intended to remain on the site for more than one hundred eighty consecutive calendar days in a twelve-month period for the purpose of receiving, storing, or shipping fireworks, but in which no manufacturing of fireworks is performed.

“Permit” means a nontransferable, formal authorization, valid for a period not to exceed one calendar year from the date of issuance and which the department is authorized to issue under chapter 132D, Hawai‘i Revised Statutes, to engage in the act or acts specifically designated therein.

“Pyrotechnic composition” or “pyrotechnic contents” means the combustible or explosive component of fireworks.

“Red flag warning” means a weather forecast issued by the National Weather Service indicating that weather conditions associated with the outbreak of wildfire may occur.

“Redistribution” means the receiving, separating, consolidating or delivery of fireworks to wholesale, retail, or storage locations.

“Shipper” means an entity or person, including a freight forwarder, that is hired for the transport of aerial devices, articles pyrotechnic, consumer fireworks, display fireworks, or fireworks.

“State Fire Code” means the current State Fire Code as adopted by the State of Hawai‘i pursuant to chapter 132, Hawai‘i Revised Statutes.

“Store” means to have or keep in reserve for future distribution or delivery.

“Temporary fireworks storage building or structure” means a building or structure that is used for fireworks storage for one hundred eighty days or less in a twelve-month period.

“Unit” means one individual firecracker.
(2016, ord 16-107, sec 3.)

Section 26-2-3. Public information.

- (a) The public may obtain information about matters within the jurisdiction of the department by inquiring at the office of the Hawai'i fire department. Inquiries may be made in person at the department's office during regular business hours, or by submitting a request for information in writing to the fire chief.
- (b) Department records which are subject to inspection by the public pursuant to chapters 92 and 92F, Hawai'i Revised Statutes:
 - (1) May be examined upon request; and
 - (2) Are available upon payment of the fees established by statute or County ordinance.

(2016, ord 16-107, sec 3.)

Division 2. Prohibitions.**Section 26-2-21. General prohibitions.**

- (a) Fireworks, including aerial devices, consumer fireworks, display fireworks, and articles pyrotechnic shall not be imported, possessed, stored, offered for sale, sold, transferred, purchased, set off, ignited, discharged, thrown, used, or otherwise caused to explode within the County unless licensed, permitted, or otherwise allowed by this article.
- (b) It shall be unlawful for any person to:
 - (1) Remove or extract the pyrotechnic contents from any fireworks or articles pyrotechnic;
 - (2) Remove or extract the pyrotechnic contents from any fireworks or articles pyrotechnic and use the contents to construct fireworks, articles pyrotechnic, or a fireworks or articles pyrotechnic related device;
 - (3) Throw any fireworks or articles pyrotechnic from a vehicle;
 - (4) Set off, ignite, discharge, or otherwise cause to explode any fireworks or articles pyrotechnic:
 - (A) At any time not within the periods for use prescribed in section 26-2-41(b), unless permitted pursuant to division 4 of this article;
 - (B) Within one thousand feet of any operating hospital, licensed convalescent home, licensed home for the elderly, zoo, animal shelter, or animal hospital;
 - (C) Within three hundred feet of any consumer fireworks retail sales facility;
 - (D) In any school building, or on any school grounds or yards on any occasion; and
 - (E) On any highway, alley, street, sidewalk, or other public way; in any park; on any public beach; or within one thousand feet of any building used for public worship during the periods when services are held; except as may be permitted pursuant to division 4 of this article;

(5) Set off, ignite, discharge, or otherwise cause to explode any display fireworks, articles pyrotechnic, or aerial devices within areas zoned residential or agricultural; and

(6) It shall be unlawful to violate any of the provisions of this article.

(2016, ord 16-107, sec 3.)

Section 26-2-22. Minors.

It shall be unlawful for any person to offer for sale, sell, or give any fireworks or articles pyrotechnic to minors, and for any minor to possess, purchase, sell, or set off, ignite, or otherwise cause to explode any fireworks or articles pyrotechnic, except as provided in section 26-2-23.

(2016, ord 16-107, sec 3.)

Section 26-2-23. Liability of parents or guardians.

(a) The parents, guardian, and other persons having the custody or control of any minor, who knowingly permit the minor to possess, purchase, or set off, ignite, or otherwise cause to explode any fireworks or articles pyrotechnic, shall be deemed to be in violation of this article and shall be subject to the penalties thereunder; except that the parents or guardian may allow the minor to use consumer fireworks while under the immediate supervision and control of the parent or guardian, or under the supervision and control of another adult.

(b) The parents, guardian, and other persons having the custody or control of any minor, may be subject to civil and criminal penalties should it be found that negligence on their part caused loss of life, injury, or property damage from fireworks or articles pyrotechnic being ignited by such minors.

(2016, ord 16-107, sec 3.)

Division 3. Licenses.

Section 26-2-31. License required.

(a) Any person desiring to store, offer to sell, or sell, at wholesale or retail, aerial devices, consumer fireworks, display fireworks, or articles pyrotechnic or to possess aerial devices, display fireworks, or articles pyrotechnic within the County shall obtain a license issued by the department.

(b) Any person desiring to import aerial devices, consumer fireworks, display fireworks, or articles pyrotechnic into the County shall obtain a license issued by the department.

(2016, ord 16-107, sec 3.)

Section 26-2-32. General license provisions.

(a) A license may only be issued to a person eighteen years of age or older.

(b) Licenses are nontransferable.

- (c) Licenses are valid for a period beginning on April 1 of the year in which the license was issued and ending on March 31 of the following year. The date of issuance or effect and the date of expiration shall be noted on the license.
- (d) Licenses shall be prominently displayed in public view and secured at the location for which the license has been issued.

(2016, ord 16-107, sec 3.)

Section 26-2-33. License application process.

- (a) Applications for licenses to import, store, offer to sell, or sell, at wholesale or retail, aerial devices, consumer fireworks, display fireworks, or articles pyrotechnic, or applications for licenses to possess aerial devices, display fireworks, or articles pyrotechnic within the County may be obtained at the department.
- (b) Completed applications for licenses may be delivered during business hours from 8:00 a.m. to 4:00 p.m. or mailed to the department.
- (c) Applications for all licenses shall be submitted to the department at least forty-five calendar days from the date on which importing, storage, wholesaling or retailing activities would begin.
- (d) The department may deny an application for a license if the applicant is not in compliance with the requirements of this article or chapter 132D, Hawai'i Revised Statutes or if the proposed use or activity presents a substantial inconvenience to the public or an unreasonable fire or safety hazard. Licenses or denials of license applications will be mailed to the applicant by the department.

(2016, ord 16-107, sec 3.)

Section 26-2-34. Applications to include.

- (a) Applications for all licenses shall be in writing, signed by the applicant and shall include:
 - (1) The date of the application;
 - (2) The name of the applicant as follows:
 - (A) If the applicant is a sole proprietor, the name of the proprietor;
 - (B) If the applicant is a partnership, the name of the partnership and the names of all partners; and
 - (C) If the applicant is a corporation, the name of the corporation and the names and titles of its officers;
 - (3) The address, telephone number, and age of the applicant; and
 - (4) A self-addressed envelope of adequate size and sufficient postage.
- (b) If the license is to import consumer fireworks, the application shall also include:
 - (1) The address of the importer;
 - (2) The date upon which importation will begin;
 - (3) Class and estimated quantity of fireworks to be imported; and
 - (4) The physical address where the fireworks will be stored.
- (c) If the license is to import aerial devices, display fireworks, or articles pyrotechnic, the application shall also include:
 - (1) The address of the importer;

- (2) The date upon which importation will begin;
 - (3) Class and estimated quantity of fireworks to be imported;
 - (4) The physical address where the fireworks will be stored; and
 - (5) Written documentation regarding the proposed display event and related contact information, in a form prescribed by the department, to allow the department to validate the importation of the inventory.
- (d) If the license is to store, offer to sell, or to sell fireworks, the application shall also include:
- (1) The date upon which the storage, sale, or offers for sale will begin;
 - (2) The address of the location of the licensee;
 - (3) The address where the fireworks will be stored, and the address where the sales or offers to sell will occur;
 - (4) The name of the proprietor; or
 - (5) If a partnership, the name of the partnership and the names of all partners; or
 - (6) If a corporation, the name of the corporation and the names of its officers.
- (2016, ord 16-107, sec 3.)

Section 26-2-35. Application fees.

- (a) Licensees that plan to conduct business in the County shall pay the following fees for each license, pursuant to section 26-2-31:
- (1) \$3,000 for each importer per year;
 - (2) \$2,000 for each wholesaler's site per year;
 - (3) \$1,000 for each permanent or temporary storage site per year; and
 - (4) \$500 for each retailer's site per year.
- (b) As used in this section, the term "year" shall pertain to the period beginning on April 1 of the year in which the license was issued to March 31 of the following year.
- (c) The nonrefundable fee for each license shall be made payable to the director of finance and shall be submitted to the department with the application.
- (d) The department shall provide an exemption from license fees to nonprofit community groups for importation and storage of fireworks or articles pyrotechnic for displays once a year.
- (2016, ord 16-107, sec 3.)

Section 26-2-36. Requirements of licensee.

- (a) Sale or transfer.
- (1) It shall be unlawful for any person, other than a wholesaler who is selling or transferring fireworks to a licensed retailer, to sell or offer to sell, exchange for consideration, give, transfer, or donate any fireworks, or articles pyrotechnic at any time to any person who does not present a permit duly issued as required by division 4 (Permits).
 - (2) The permit shall be signed by the seller or transferor at the time of sale or transfer of the fireworks, and the seller or transferor shall indicate on the permit the amount and type of fireworks sold or transferred.

- (3) No fireworks shall be sold or delivered to any permittee in any amount in excess of the amount specified in the permit.
 - (4) No fireworks shall be sold to a permittee holding a permit issued for purposes of sections 26-2-42 through 26-2-44, more than five calendar days prior to the designated periods for use as set forth in sections 26-2-42 through 26-2-44.
- (b) Structures, buildings, and facilities.
Structures, buildings, and facilities where fireworks are stored or redistribution activities are performed shall comply with County, State, and National building and fire codes.
- (c) Reporting.
Any person who has obtained a license pursuant to section 26-2-31 shall comply with the following reporting requirements regarding fireworks and articles pyrotechnic:
- (1) Importers shall submit to the department an inventory list of the contents of each shipment received that specifies the name of the fireworks or articles pyrotechnic, “ex” number, and quantity of each item received within ten working days of receiving the product.
 - (2) Wholesalers shall submit to the department within three working days after the product is shipped: copies of sales invoices or packing lists, or both, that indicate the date of shipment; customer’s name; type of fireworks or articles pyrotechnic shipped; and the amount delivered.
 - (3) Storage facilities shall:
 - (A) Provide written notification to the department whenever fireworks or articles pyrotechnic are moved from the facility, within three working days after the product is moved;
 - (B) Maintain a report which contains a listing of all fireworks and articles pyrotechnic brought into the facility, moved from the facility, and current inventory, including dates of activity and destinations of all product moved from the facility; and
 - (C) Provide the report to the department for inspection, upon request.
 - (4) Retailers shall submit to the department:
 - (A) An inventory list of the contents of each shipment received that specifies the name of the fireworks or articles pyrotechnic, “ex” number, and quantity of each item received within ten working days of receiving the product; and
 - (B) An ending inventory of all remaining product and the location of the storage facility where the product is being stored.
- (d) Posting notice.
Each licensed retail outlet shall post adequate notice that clearly cautions each person purchasing fireworks of the prohibitions, liabilities, and penalties incorporated in sections 26-2-22 (Minors), 26-2-23 (Liability of parents), 26-2-61 (Penalties).

(2016, ord 16-107, sec 3.)

Section 26-2-37. Compliance and revocation.

- (a) Prior to or following the issuance of a license the department may at its discretion, inspect the proposed location where the fireworks will be stored or sold, at wholesale or retail, to ensure that the applicant is in compliance with the County fire code, State fire code, and County building code.
- (b) Persons to whom licenses are issued shall comply with the provisions of: the license; this article; chapter 132D, Hawai'i Revised Statutes; and all applicable County, State, and Federal laws.
- (c) If a licensee fails to comply with the provisions of the license, this article, chapter 132D, Hawai'i Revised Statutes, or applicable County, State, or Federal laws, or if the department determines that the licensee stores or handles the fireworks in such a manner as to present an unreasonable safety hazard the department may immediately revoke the license; and
- (d) If the department discovers at a later date that a licensee has been convicted of a felony under this article or chapter 132D, Hawai'i Revised Statutes, the department shall revoke the licensee's license and no new license shall be issued to the licensee for a period of two years from the date of the license revocation.

(2016, ord 16-107, sec 3.)

Division 4. Permits.**Section 26-2-41. Permits.**

- (a) The following types of fireworks permits are available to the public:
 - (1) Consumer fireworks.
 - (A) Permits for the purchase and use of firecrackers, during designated periods, on New Year's Eve to New Year's Day; Chinese New Year's Day, and the Fourth of July, pursuant to section 26-2-42.
 - (B) Permits for the purchase and use of consumer fireworks for cultural purposes, other than during designated periods on New Year's Eve to New Year's Day, Chinese New Year's Day, and the Fourth of July, pursuant to section 26-2-43.
 - (2) Aerial devices, display fireworks, and articles pyrotechnic.
Permits to purchase, set off, ignite, discharge, or otherwise cause to explode aerial devices, display fireworks, and articles pyrotechnic, pursuant to section 26-2-44.
- (b) Permits not required.
Consumer fireworks other than firecrackers may be set off, ignited, discharged, or otherwise caused to explode within the County without a permit during the following periods:
 - (1) 9:00 p.m. on New Year's Eve to 1:00 a.m. on New Year's Day;
 - (2) 7:00 a.m. to 7:00 p.m. on Chinese New Year's Day; and
 - (3) 1:00 p.m. to 9:00 p.m. on the Fourth of July.

(2016, ord 16-107, sec 3.)

Section 26-2-42. Firecrackers.

- (a) Firecrackers may be purchased and used within the County with a permit from:
 - (1) 9:00 p.m. on New Year's Eve to 1:00 a.m. on New Year's Day;
 - (2) 7:00 a.m. to 7:00 p.m. on Chinese New Year's Day; and
 - (3) 1:00 p.m. to 9:00 p.m. on the Fourth of July.
- (b) Not more than five thousand individual firecrackers shall be allowed per each permit.
- (c) Applications for permits to purchase and use firecrackers during the periods prescribed in subsection (a) shall be in writing, signed by the applicant and shall include:
 - (1) Name, age, telephone number, and address of the applicant and the person who will control the firing of fireworks, if different;
 - (2) Date of the permitted activity;
 - (3) Location where the permitted activity is to occur; and
 - (4) Estimated quantity of firecrackers to be used under the permit, but not exceeding five thousand units.
- (d) The nonrefundable fee for this permit shall be \$25, payable to the director of finance, and must be submitted at the time of the application.
- (e) Firecrackers with a permit issued pursuant to this section may not be purchased more than five calendar days prior to the designated periods for use set forth in subsection (a).
- (f) Each permit issued pursuant to this section shall not allow purchase of firecrackers for more than one event as set forth in subsection (a).

(2016, ord 16-107, sec 3.)

Section 26-2-43. Consumer fireworks for cultural purposes.

- (a) Consumer fireworks, including firecrackers, may be used for cultural purposes with a permit during any time not specified in subsection 26-2-41(b).
- (b) A permit issued pursuant to this section shall authorize purchase and use of consumer fireworks from 9:00 a.m. to 9:00 p.m. on the date for which the permit was issued, provided that not more than five thousand individual firecrackers shall be allowed per each permit.
- (c) Applications for permits to purchase and use consumer fireworks for cultural purposes pursuant to this section shall be in writing, signed by the applicant and shall include:
 - (1) Name, age, telephone number, and address of the applicant and the person who will control the firing of fireworks, if different;
 - (2) Name of the organization's, corporation's, club's, establishment's, or other entity's proprietor, partner or officer and verification that the person making the application is the authorized agent of the entity;
 - (3) Estimated quantity of consumer fireworks to be used under the permit, but not exceeding five thousand units; and
 - (4) Date, time period, and description of the proposed cultural use of the consumer fireworks.

- (d) A person, including the proprietor, partner, corporate officer or duly authorized agent of any temple, cemetery, or any cultural association, lion dance club, or other similar organization desiring to purchase, discharge, fire, or explode consumer fireworks for cultural purposes or occasions, or desiring to provide for the discharging, firing, or exploding of consumer fireworks by members of their organizations, clients, patrons, or customers, for cultural purposes or occasions may obtain a permit pursuant to this subsection.
 - (1) The nonrefundable fee for this permit shall be \$25, payable to the director of finance, and must be submitted at the time of the application.
 - (2) A permit issued pursuant to this subsection shall not allow purchase of consumer fireworks for more than one event.
- (e) A permit may be issued to an establishment for the use of consumer fireworks at the establishment during the period of the permit. Such permit may allow the establishment to purchase consumer fireworks for cultural purposes specified in the permit.
 - (1) The nonrefundable fee for this permit shall be \$25, payable to the director of finance, and must be submitted at the time of the application.
 - (2) The time period of a permit for an establishment shall not exceed six months.
- (f) Consumer fireworks, with a permit issued pursuant to this section, may not be purchased more than five calendar days prior to the designated periods for use as set forth in subsection 26-2-41(b), and as stated on the permit.

(2016, ord 16-107, sec 3.)

Section 26-2-44. Aerial devices, display fireworks, and articles pyrotechnic.

- (a) Aerial devices, display fireworks, and articles pyrotechnic may be purchased, set off, ignited, discharged, or otherwise caused to explode only for display and if permitted in writing pursuant to this section.
- (b) Aerial devices, display fireworks, and articles pyrotechnic shall be set off, ignited, discharged, or otherwise caused to explode only from 9:00 a.m. to 9:00 p.m. The fire chief may extend this time period for special events. Applicants shall submit requests for extension of the time period in writing, stating the reason for the extension, and the length of extension requested. The time restriction established in this subsection shall not apply to aerial devices, display fireworks, and articles pyrotechnic set off, ignited, discharged, or otherwise caused to explode within the County solely as part of a movie or television production.
- (c) No aerial devices, display fireworks, or articles pyrotechnic shall be set off, ignited, discharged or otherwise caused to explode within areas zoned residential or agricultural.
- (d) Display permit applications shall be in writing, signed by the applicant and include the following:
 - (1) The name, age, and address of the applicant;
 - (2) The name, age, and address of the person who will operate the display, and a current photo copy of pyrotechnic operator's certificate of fitness, issued by the State of Hawai'i;

- (3) The time, date, physical address, and plot plan of the display site, of the display including distances between the location where the display will take place and buildings, spectators, roadways, and special hazards;
 - (4) A complete inventory of the type and quantity of aerial devices, display fireworks, and articles pyrotechnic to be purchased, set off, ignited, discharged, or otherwise caused to be exploded, including product size, type, and amount;
 - (5) The purpose or occasion for the display;
 - (6) Letter of approval from the property owner of the physical address where the display will take place that authorizes the discharge of aerial devices, display fireworks, or articles pyrotechnics for display on this property;
 - (7) Copy of applicant's insurance policy or surety bond as required in subsection (e); and
 - (8) Approved permits from the following agencies if applicable:
 - (A) Department of land and natural resources land division;
 - (B) Department of land and natural resources boating and ocean recreation division;
 - (C) United States Coast Guard; and
 - (D) Federal Aviation Agency.
- (e) No display permit shall be issued unless the applicant presents, at the applicant's option, either:
- (1) A written certificate of an insurance carrier or a policy, which has been issued to or for the benefit of the applicant, providing for the payment of damages in the amount of not less than \$250,000 for injury to, or death of, any one person, and subject to the foregoing limitation for one person; in the amount of not less than \$500,000 for injury to, or death of, two or more persons; and in the amount of not less than \$100,000 for damage to property, caused by reason of the authorized display and arising from any tortious acts or negligence of the permittee, the permittee's agents, employees, or subcontractors. The certificate shall state that the policy is in full force and effect and will continue to be in full force and effect for not less than ten days after the date of the display. The County of Hawai'i, its officers, agents, employees, and affiliates, shall be listed as an additional insured on the insurance certificate; or
 - (2) The bond of a surety company duly authorized to transact business within the State, or a bond with not less than two individual sureties who together have assets in the State equal in value to not less than twice the amount of the bond, or a deposit of cash, in the amount of not less than \$500,000 conditioned upon the payment of all damages that may be caused to any person or property by reason of the authorized display and arising from any tortious acts or negligence of the permittee, the permittee's agents, employees, or subcontractors. The security shall continue to be in full force and effect for not less than ten days after the date of the display.

- (f) The department may require coverage in amounts greater than the minimum amounts set forth in subsection (e) of this section if deemed necessary or desirable in consideration of such factors as:
 - (1) Location and scale of the display;
 - (2) Type of aerial devices, display fireworks, or articles pyrotechnic to be used; and
 - (3) Number of spectators expected.
- (g) The nonrefundable fee for this permit shall be \$110 for each event, payable to the director of finance, and must be submitted with the application.
- (h) An application for a display permit shall be submitted to the department not less than twenty calendar days before the proposed date of the display. All items required to be included with the permit application shall accompany the application at time of submittal.
- (i) Prior to the issuance of a display permit and at the discretion of the department, an inspection of the proposed firing area may be required. Inspections, when conducted, shall ascertain compliance with National Fire Protection Association Standards 1123 entitled "Outdoor Display of Fireworks" or 1126 entitled, "Pyrotechnics Before a Proximate Audience," 2011 Edition, which are incorporated herein by reference.
- (j) A site inspection fee of \$200 shall be assessed for each display event. For multi-day events, each day shall constitute a separate event and require payment of a separate site inspection fee.
- (k) A display permit or a request for an extension of the time period for a display permit may be issued by the department if the requirements imposed by this article and chapter 132D, Hawai'i Revised Statutes are met. The permit shall authorize the holder to display aerial devices, display fireworks, or articles pyrotechnic only at the place and during the time set forth therein, and to acquire and possess the specified aerial devices, display fireworks, or articles pyrotechnic between the date of the issuance of the permit and the time during which the display of those aerial devices, display fireworks, or articles pyrotechnic is authorized.
- (l) The applicant shall be notified in writing whether the display permit has been approved or denied within ten working days after receipt of application.
- (m) If required by the department, written notification of an upcoming display shall be given to all area residents within one thousand feet of the firing site. The display operator shall be responsible for issuing the notification.
- (n) Notwithstanding the foregoing, any display permit issued by the department may be revoked or suspended immediately by the department for the following reasons:
 - (1) The climatic, atmospheric, or other conditions on the date of the proposed firing may reasonably be believed to make the use of aerial devices, display fireworks, or articles pyrotechnic hazardous to persons or property;
 - (2) A Red Flag Warning that affects the location of the display has been issued by the National Weather Service; or

- (3) Any requirement imposed by this article or chapter 132D, Hawai'i Revised Statutes, or any condition of the permit necessary to minimize the danger to persons or property is not met.
 - (o) A post-display report shall be submitted to the department within five days after the display.
- (2016, ord 16-107, sec 3.)

Section 26-2-45. General permit provisions.

- (a) A permit may only be issued to a person eighteen years of age or older.
 - (b) Permits are nontransferable.
 - (c) Permits are valid for a period beginning on January 1 and ending December 31. In no case shall the period of a permit exceed one year. The date of issuance or effect and the date of expiration shall be noted on the permit.
 - (d) Permits are valid only when the fireworks are used at the site, on the date, and during the time indicated on the permit.
 - (e) Permits shall be prominently displayed in public view at the location, on the date, and time indicated on the permit.
- (2016, ord 16-107, sec 3.)

Section 26-2-46. Permit application process.

- (a) Applications for permits may be obtained at the department or at locations designated by the department.
 - (b) Completed applications for permits may be delivered during business hours from 8:00 a.m. to 4:00 p.m. or mailed to the department.
 - (c) The department may deny an application for a permit if the applicant is not in compliance with the requirements of this article or chapter 132D, Hawai'i Revised Statutes or if the proposed use presents a substantial inconvenience to the public or an unreasonable fire or safety hazard. Permits or denials of permit applications shall be mailed to the applicant by the department.
- (2016, ord 16-107, sec 3.)

Section 26-2-47. Compliance and revocation.

- (a) Permittees shall comply with the provisions of: permits issued pursuant to this article; chapter 132D, Hawai'i Revised Statutes; and all applicable County, State, and Federal laws.
 - (b) If a permittee fails to comply with the provisions of this permit this article, chapter 132D, Hawai'i Revised Statutes, or applicable County, State, or Federal laws, or if the department determines that the permittee handles or uses fireworks in such a manner as to present an unreasonable safety hazard, the department may immediately revoke the permit.
- (2016, ord 16-107, sec 3.)

Division 5. Importation and Exportation.**Section 26-2-51. Licensee's duty of notification.**

Any person who has obtained a license pursuant to this article, and ships fireworks or articles pyrotechnic into or out of the County shall:

- (1) Clearly designate the types of fireworks or articles pyrotechnic in each shipment on the bill of lading or shipping manifest;
- (2) Declare on the bill of lading or shipping manifest the gross weight of fireworks or articles pyrotechnic to be imported or exported in each shipment;
- (3) Declare on the bill of lading or shipping manifest, the location of the storage facility, if applicable, in which the fireworks or articles pyrotechnic are to be stored;
- (4) Prior to shipment, notify the department regarding whether the shipment will be distributed from:
 - (A) Pier to pier;
 - (B) Pier to warehouse or storage facility; or
 - (C) Pier to redistribution;
- (5) When a shipment is booked, the importer, shipper, or consignee shall notify the department in writing of the expected shipment's landing date; and
- (6) Upon receipt of any shipment, provide the department with copies of sales invoices or packing slips, or both, that clearly indicate:
 - (A) Name, address, phone number of seller;
 - (B) Name and description of the product; and
 - (C) Quantity received.

(2016, ord 16-107, sec 3.)

Section 26-2-52. Inspection of fireworks.

The department shall be allowed to inspect, if it chooses, any shipment declared on the shipping manifest as fireworks or articles pyrotechnic when a shipment of fireworks has landed and becomes subject to the jurisdiction of the department or before a shipment leaves the jurisdiction.

(2016, ord 16-107, sec 3.)

Section 26-2-53. Importation and storage.

- (a) The facility in which fireworks or articles pyrotechnic are to be stored must:
 - (1) Obtain the approval of the department fifteen calendar days prior to the shipment's arrival; and
 - (2) Satisfy the requirements of the State fire code, County fire code, and County building code.

- (b) Aerial devices, display fireworks, or articles pyrotechnic, shall only be imported and stored, if necessary, in an amount sufficient for an anticipated three-month inventory; provided that if a licensee provides aerial devices, display fireworks, or articles pyrotechnic for displays as allowed pursuant to this article more than once a month, the licensee may import or store, if necessary, sufficient aerial devices, display fireworks, or articles pyrotechnic, for a six-month inventory.
- (2016, ord 16-107, sec 3.)

Division 6. Enforcement and penalties.

Section 26-2-61. Penalties.

- (a) Any person who imports fireworks or articles pyrotechnic without having a valid license pursuant to this article shall be guilty of:
- (1) A class C felony for shipments of up to and including ten thousand pounds gross weight; and
 - (2) A class B felony for shipments of more than ten thousand pounds gross weight.
- (b) Any person who purchases, possesses, sets-off, or discharges fireworks or articles pyrotechnic without a valid permit or who stores, sells, or possesses fireworks or articles pyrotechnic without a valid license pursuant to this article shall be guilty of:
- (1) A class C felony if the total weight of the fireworks or articles pyrotechnic is twenty-five pounds or more; or
 - (2) A misdemeanor if the total weight of the fireworks or articles pyrotechnic is less than twenty-five pounds.
- (c) Any person who transfers or sells fireworks or articles pyrotechnic to a person who does not have a valid permit pursuant to this article, shall be guilty of a class C felony.
- (d) Any person who commits the following acts shall be guilty of a misdemeanor:
- (1) Removes or extracts the pyrotechnic contents from any fireworks or articles pyrotechnic; or
 - (2) Removes or extracts the pyrotechnic contents from any fireworks or articles pyrotechnic and uses the contents to construct fireworks, articles pyrotechnic, or a fireworks or articles pyrotechnic related device.
- (e) Except as provided in subsection (a), or as otherwise specifically provided for in this article or chapter 132D, Hawaii Revised Statutes, any person violating any other provision of this article or chapter 132D, Hawaii Revised Statutes, shall be fined not more than \$2,000 for each violation.
- (f) Notwithstanding any penalty set forth herein, violations of paragraphs 26-2-61(a)(1) or 26-2-61(a)(2) may be subject to nuisance abatement proceedings provided in chapter 712, part V, Hawaii Revised Statutes.
- (2016, ord 16-107, sec 3.)

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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	2015	2016	2017	2018	2019	2020	2021
1	General Provisions							
2	Administration	15-65A, 15-95A, 15-97A, 15-103A						
3	Signs	15-46A						
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5	Building							
6	Businesses							
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8	Dedication of Land							
9	Electricity							

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10	Erosion and Sedimentation Control							
11	Housing							
12	Improvements by Assessments							
13	Minors							
14	General Welfare	15-11A, 15-51A, 15-70A	16-75A, 16-107A, 16-114A					
15	Parks and Recreation	15-52A, 15-60A	16-111A, 16-112A, 16-113A					
16	Planning		16-77A					
17	Plumbing							
18	Public Transportation		16-95A, 16-108A					
19	Real Property Taxes							
20	Refuse	15-114A						
21	Sewers							

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
22	County Streets							
23	Subdivisions	15-19A						
24	Vehicles and Traffic							
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					

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25	Zoning	15-33A, 15-44A, 15-45A	16-98A					
25	Zoning Annex	15-1A, 15-2A, 15-34A, 15-35A, 15-37A, 15-41A, 15-50A, 15-72A, 15-96A, 15-104A, 15-105A, 15-106A, 15-116A, 15-117A, 15-118A	16-10A, 16-16A, 16-18A, 16-34A, 16-45A, 16-46A, 16-48A, 16-49A, 16-50A, 16-79A, 16-80A, 16-81A, 16-82A, 16-84A, 16-85A, 16-86A, 16-87A, 16-99A					
26	Fire		16-107A					
27	Flood Control							

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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 Increment Districts							
34	Public Access							
35	Business Improvement Districts							
36	Redistricting							

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ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
16-65	07-01-16	Salary Ordinance of 2016	--
16-66	06-13-16	General Obligation Bonds (\$10,600,000 – Various public improvement projects)	--
16-67	06-13-16	Capital improvements budget	--
16-68	06-13-16	Operating budget	--
16-69	06-13-16	Operating budget	--
16-70	06-13-16	General Obligation Bonds (Not to exceed \$68,000,000 – Wastewater public improvements)	--
16-71	06-13-16	Operating budget	--
16-72	07-01-16	Operating budget FY 2016-2017	--
16-73	07-01-16	Capital improvements budget FY 2016-2017	--
16-74	06-21-16	Traffic Schedules	24-288
16-75	07-31-16	Consumption of intoxicating liquors at parks	14-2, 14-2.1
16-76	06-21-16	Capital improvements budget	--
16-77	07-05-16	Community Development Plan Action Committee Membership and Tenure	16-5
16-78	07-05-16	Traffic Schedules	24-280
16-79	07-25-16	North and South Kona Zone Map	ZA
16-80	07-25-16	Kailua Urban Zone Map	ZA
16-81	08-18-16	Pāhoa Zone Map	ZA
16-82	08-18-16	Lālāmilo Pu‘ukapu Zone Map	ZA
16-83	08-18-16	Traffic Schedules	24-265
16-84	08-18-16	City of Hilo Zone Map	ZA
16-85	08-18-16	City of Hilo Zone Map	ZA
16-86	08-18-16	North Kona Zone Map	ZA
16-87	08-18-16	City of Hilo Zone Map	ZA
16-88	08-18-16	Capital improvements budget	--
16-89	--	Charter amendment (County bands)	--
16-90	09-06-16	Operating budget	--
16-91	09-06-16	Operating budget	--
16-92	09-26-16	Capital improvements budget	--
16-93	09-26-16	Operating budget	--
16-94	09-26-16	Operating budget	--
16-95	10-11-16	Establishes paratransit service fares	18-90
16-96	10-11-16	Operating budget	--
16-97	10-11-16	Operating budget	--
16-98	10-24-16	Parking for persons with disabilities	25-4-55
16-99	10-24-16	North and South Kona Zone Map	ZA
16-100	10-24-16	Operating budget	--

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
16-101	10-24-16	Operating budget	--
16-102	10-24-16	Operating budget	--
16-103	10-24-16	Operating budget	--
16-104	11-04-16	Traffic Schedules	24-281
16-105	11-04-16	Operating budget	--
16-106	11-04-16	Capital improvements budget	--
16-107	11-16-16	Fireworks Code – repeals from chapter 14, article 5 and adds in new article to chapter 26 Fireworks Code – renumbers and adds new fireworks article	Chapter 14, article 5 (repealed), Chapter 26
16-108	12-05-16	Hele-On Kāko‘o complementary paratransit service	18-93 to 18-97 (new division)
16-109	12-05-16	Operating budget	--
16-110	12-05-16	Operating budget	--
16-111	12-05-16	Renames Pāhala Ballfield in honor of Laurence J. Capellas	15-68.1
16-112	12-05-16	Names the new Ka‘ū Gymnasium and Shelter in honor of Representative Robert N. Herkes	15-68.1
16-113	12-05-16	Names the soccer fields at Herbert Shipman Park in honor of Justin Masayoshi “Buddy” Perry	15-68.1
16-114	12-05-16	Creates exception to street name criteria to allow Mā‘ili Street in Leilani Estates, Puna, to be renamed Maile Street	14-86