

CHAPTER 24

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* **Editor's Note:** Articles 10 and 11, that contain Vehicle and Traffic Schedules, are located behind the "Traffic Schedules" tab.

CHAPTER 24**VEHICLES AND TRAFFIC****Article 1. General Provisions.****Section 24-1. Title.**

This chapter may be cited as the Hawai'i County traffic code.
(1983 CC, c 24, art 1, sec 24-1.)

Section 24-2. Scope and applicability of chapter and of Statewide Traffic Code.

- (a) The provisions set forth in this chapter are to provide for the regulation of traffic in the County of Hawai'i, upon the following:
- (1) The public streets of the County;
 - (2) Such private streets, highways, and thoroughfares:
 - (A) Which have been continuously used by the general public for more than six months, and designated by the council, or
 - (B) Which are intended for dedication to the public use as provided in section 264-1, Hawai'i Revised Statutes, and are open for public travel but have not yet been accepted by the County; and
 - (3) Such private properties which have been designated and identified as a special parking stall for disabled persons pursuant to section 24-243, Hawai'i County Code.
- (b) Private streets, highways, and thoroughfares used primarily for actual agricultural and ranching purposes shall be exempt from this chapter. An agricultural zoning designation pursuant to the County zoning code, in and of itself, shall not constitute a sufficient indication that a street, highway, or thoroughfare is primarily used for actual agricultural and ranching purposes.
- (c) Pursuant to the authority delegated to the County by Act 173 of 1995, all streets that have been used by the general public for a period of more than six months are hereby designated by the council to be subject to the provisions of chapter 291C of the Hawai'i Revised Statutes, known as the "Statewide Traffic Code," and this chapter.
- (d) The County shall not be responsible for the maintenance and repair of any private street, highway, or thoroughfare when it imposes or enforces traffic regulations and highway safety laws or places or permits to be placed appropriate traffic control devices on that private street, highway, or thoroughfare.
- (e) No adverse or prescriptive rights shall accrue to the general public when the County imposes or enforces traffic regulations and highway safety laws or places appropriate traffic-control devices on any private street, highway, or thoroughfare.
(1983 CC, c 24, art 1, sec 24-2; am 1995, ord 95-129, sec 1; am 1998, ord 98-97, sec 1.)

Section 24-3. Definitions.

(a) As used in this chapter:

- (1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.
- (2) "Arterial street" means any United States or State numbered route, controlled access highway or other major radial or circumferential street or highway forming a part of a major arterial system of streets or highways.
- (3) "Authorized emergency vehicle" means vehicles of the fire department, police vehicles while in the course of police work, ambulances, and other vehicles as authorized by the council.
- (4) "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.
 - (A) "Bicycle lane" means that portion of any highway which has been set aside for the preferential or exclusive use of bicycles.
 - (B) "Bicycle path" means any facility set aside for the preferential or exclusive use of bicycles and physically separated from a highway.
 - (C) "Bicycle route" means any highway that is designated to be shared by bicycles and pedestrians or motor vehicles, or both.
 - (D) "Bicycle/walk path" means an existing sidewalk that is converted for use by both pedestrian and bicyclists.
 - (E) "Bikeway" means a bicycle lane, bicycle path, bicycle route, or bicycle/walk path, or any traffic control device, shelter, parking facility, or other support facility to serve bicycles and persons using bicycles.
- (5) "Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
- (6) "Business district" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.
- (7) "Controlled access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.
- (8) "County engineer" means the director of public works of the County.

- (9) "Crosswalk" means:
- (A) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;
 - (B) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (10) "District engineer" means the chief engineer in the County of the highways division of the State department of transportation.
- (11) "Divided highway" means a highway divided into two or more separate roadways by medial strips.
- (12) "Emergency" means a situation where unforeseen, unexpected, or sudden occurrences call for immediate action by the responsible public officers, employees, or agents in order to preserve the public peace, health, or safety.
- (13) "Highway" means the width between the boundary lines of every way subject to this chapter when any part thereof is open to the use of the public for vehicular travel.
- (14) "Intersection" means:
- (A) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
 - (B) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
 - (C) The junction of an alley with a street or highway shall not constitute an intersection.
- (15) "Moped" means any device upon which a person may ride which has two or three wheels in contact with the ground, a motor having a maximum power output capability measured at the motor output shaft, in accordance with the Society of Automotive Engineers standards, of one and one-half horsepower (one thousand, one hundred nineteen watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the device, unassisted, on a level surface at a maximum speed no greater than thirty-five miles per hour; and a direct or automotive power drive system which requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit.

- (16) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.
- (17) "Moterscooter" means every motor vehicle conforming to the definition of motorcycle, including motor-driven bicycles, and propelled by a motor which produces not more than five horsepower.
- (18) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power but not operated upon rails.
- (19) "Official act" means an act by a public officer, employee, or agent of the County or State in such person's official capacity, under color of such person's title and by virtue of such person's office as authorized by law.
- (20) "Official traffic-control device" means any sign, signal, marking or device not inconsistent with this Code placed or erected by authority of or with the consent of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
- (21) "Operator" or "driver" means every person who drives or is in actual physical control of a vehicle, or who is exercising control over or steering a vehicle being towed by a motor vehicle.
- (22) "Owner" means a person, other than a lien-holder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.
- (23) "Park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- (24) "Passenger car" means every motor vehicle, except motorcycles and motor-driven cycles, designed and used for the transportation of persons.
- (25) "Pedestrian" means any person, afoot, in an invalid chair, or in a vehicle propelled by a person afoot.
- (26) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.
- (27) "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- (28) "Private road" or "private driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, and not so used by other persons.

- (29) “Protective eyewear” means any device intended to be worn over the eye area, including, but not limited to, goggles or face shields, and designed primarily to protect the eyes of the wearer from flying objects or debris. Such protective eyewear shall be designed in such a way so as not to hamper the direct or peripheral vision of the wearer and so as to reasonably protect the eyes of the wearer from the entry of flying objects.
- (30) “Public holiday” means any legal holiday now existing, or such as may be subsequently specifically proclaimed by the governor of the State.
- (31) “Reconstructed vehicle” means every vehicle which is materially altered from the original construction by the removal, addition, or substitution of essential parts, new or used. Essential parts are all integral and body parts of a vehicle of a type required to be registered, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle, or substantially alter its appearance, model, type, or mode of operation.
- (32) “Residential district” means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of one-quarter mile or more is in the main improved with residences or residences and buildings in use for business.
- (33) “Right-of-way” means the right of a vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision, unless one vehicle grants precedence to the other.
- (34) “Road tractor” means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.
- (35) “Roadway” means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term roadway shall refer to any such roadway separately, but not to all such roadways collectively.
- (36) “Safety zone” means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected, marked, or indicated by adequate signs plainly visible at all times while set apart as a safety zone.
- (37) “School bus” means every motor vehicle that complies with the color and identification requirements specified by rules promulgated pursuant to chapter 91, Hawai‘i Revised Statutes, by the State highway safety coordinator, and that is used to transport children to or from school, or in connection with school activities, but not including buses operated by common carriers in transportation of school children.
- (38) “Semi-trailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

- (39) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway and the adjacent property lines, intended for use of pedestrians.
- (40) "Siren" means a warning device for authorized emergency vehicle use, limited to the following sounds:
- (A) Wail;
 - (B) Yelp;
 - (C) European Hi-low;
 - (D) Riot: A combination of the Yelp and European Hi-low.
- (41) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.
- (42) "Special hazard vehicle" means any vehicle engaged in activities which create special hazards upon the highways including: (a) highway maintenance vehicles used by highway authorities when working on the highway; (b) public utility vehicles when necessarily parked other than adjacent to the curb in a highway for purposes of working on facilities; (c) trucks actually engaged in the towing of houses or buildings; (d) any pilot car required by permit issued by highway authorities while actually engaged in the movement of extra legal-size vehicles or loads; (e) tow cars while preparing a vehicle for towing and while towing a disabled vehicle; (f) vehicles used for mosquito abatement control when dispersing insecticides; and (g) other vehicles creating special hazards which may be designated by the chief of police.
- (43) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.
- (44) "Specially constructed vehicle" means every vehicle of a type required to be registered and not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.
- (45) "Speed Limit" means the absolute maximum speed limit designated and physically displayed in the right of way for establishing the legal maximum vehicle velocity.
- (46) "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

- (47) “Stop” (when required) means complete cessation of movement.
- (48) “Stop” or “stopping” (when prohibited) means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic-control sign or signal.
- (49) “Street” means the entire width between boundary lines of every way subject to this chapter when any part thereof is open to the use of the public for purposes of vehicular travel.
- (50) “Taxicab” means a chauffeur driven vehicle other than a bus or tour vehicle, available for hire or while carrying passengers for a fare.
- (51) “Through highway” means every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic control device, when such signs or devices are erected as provided by law.
- (52) “Tour vehicle” means a chauffeur driven passenger vehicle other than a bus operated for the principal purpose of sight-seeing tours.
- (53) “Tow” or “tow-away zone” means any street or highway or portion thereof, designated by the County council by ordinance as a tow or tow-away zone, whereon the parking, stopping or standing of vehicles is prohibited entirely or during specific hours.
- (54) “Traffic” means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any highway for purposes of travel.
- (55) “Traffic-control signal” means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
- (56) “Trailer” means every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
- (57) “Truck” means every motor vehicle designed, used, or maintained primarily for the transportation of property.
- (58) “Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- (59) “Turn around area” means that portion of a dead-end street designed primarily for turning a vehicle in the opposite direction.

(60) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(1983 CC, c 24, art 1, sec 24-3; am 1988, ord 88-84, sec 2, ord 88-168, sec 2; am 1995, ord 95-25, secs 1 - 3; am 1996, ord 96-1, sec 2; ord 96-112, sec 2; am 1998, ord 98-97, sec 2; am 2001, ord 01-108, sec 1; am 2007, ord 07-59, sec 1.)

Section 24-4. Use of coasters, roller skates, roller blades, skateboards, and other similar devices prohibited.

- (a) No person shall ride a coaster, roller skates, roller blades, skateboard, or any similar device upon any roadway except while crossing a street in a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.
- (b) No person shall ride a coaster, roller skates, roller blades, skateboard, or any similar device upon any sidewalk or sidewalk area, except upon a permanent or temporary driveway specifically designated and authorized for such use, in the following designated locations:
 - (1) Within the downtown Hilo commercial area bounded by the Wailuku River on the west; Hilo Bay on the north; twenty feet east of the eastern most boundary of Ponahawai Street (this boundary shall also continue in a northerly direction, from the point twenty feet east of the Ponahawai Street and Kamehameha Avenue intersection, across Kamehameha Avenue, through Bayfront Park and the Hawai'i Belt Road, to Hilo Bay) on the east; and twenty feet south of the southern most boundary of Kapiolani and Kaiulani Streets on the south (including the portion of Waianuenu Avenue which is contiguous to Kapiolani and Kaiulani Streets).

(1983 CC, c 24, art 1, sec 24-4; am 1999, ord 99-153, sec 2.)

Section 24-4.1. Penalties.

Any person who violates any provision of this section shall upon conviction be subject to a fine of not more than \$25 for a first conviction; not more than \$50 for a second conviction; and not more than \$75 for a third or subsequent conviction. Upon the third conviction of a violation of any provision of this section, the Court shall order the confiscation of the coaster, roller skates, roller blades, skateboard, or similar device used in the subsequent violation.

(1999, ord 99-153, sec 2.)

Section 24-5. Obedience to traffic laws required.

Any person doing any act forbidden by this chapter or failing to perform any act required by this chapter shall be punished as provided in section 24-16.

(1983 CC, c 24, art 1, sec 24-5.)

Section 24-6. Obedience to police and fire officials required.

No person shall fail to comply with any lawful order or direction of a police officer or fire department official.

(1983 CC, c 24, art 1, sec 24-6.)

Section 24-7. Exercise of due care required.

Every operator of a motor vehicle shall exercise due care in the operation of such vehicle upon any street or highway so as to avoid endangering any person, vehicle or property on or off such street or highway.

(1983 CC, c 24, art 1, sec 24-7.)

Article 2. Administration.**Section 24-8. Council to exercise certain functions by ordinance.**

(a) The council shall by ordinance:

- (1) Determine and designate the type of all official traffic control devices; provided, such official control devices shall, with respect to size, shape and color, be uniform, shall correlate with and conform to, the system then current, as approved by the Federal Highway Administration, U.S. Department of Transportation.
- (2) Create, define, redefine, eliminate or change all speed zones, safety zones, quiet zones, crosswalks other than at intersections, freight and passenger loading and unloading zones, no-parking zones, time-limit parking zones, parking meter zones, tow or tow-away zones, bus stops, U-turn areas, prohibited U-turn areas, prohibited left and right turns, one-way streets, through streets, stop intersections, roadways closed to pedestrian traffic, and roadways closed to certain classes of vehicles.

(1983 CC, c 24, art 2, sec 24-8; am 1988, ord 88-1, sec 1; ord 88-168, sec 3.)

Section 24-9. Installation and maintenance of traffic-control devices.

(a) The provisions set forth in this chapter are to provide for the installation and maintenance of traffic-control devices upon the following categories of streets:

- (1) Publicly Maintained Streets. Subject to section 24-8, the director of public works is authorized, and as to those devices, signs, signals, and markings required for the purpose of traffic control, it shall be the director of public works' duty to place and maintain or cause to be placed and maintained all official traffic-control devices, signs, signals and markings on publicly maintained streets.
- (2) Privately Owned and Maintained Streets. The owner(s) of privately owned and maintained streets which are subject to regulation pursuant to the provisions of section 24-2, are authorized and required to place and maintain or cause to be placed and maintained all official traffic-control devices, signs, signals and markings on their streets, upon adoption of an ordinance pursuant to section 24-8.

- (b) All devices, signs, signals and markings required for the purpose of traffic control shall be uniform as to type and location throughout the County.
 - (c) County consent to the placement of traffic-control signs or markings on a private street shall not be deemed to constitute ownership or control over that street.
- (1983 CC, c 24, art 2, sec 24-9; am 1988, ord 88-1, sec 2; am 1995, ord 95-112, sec 2; am 1998, ord 98-97, sec 3; am 2001, ord 01-108, sec 1.)

Section 24-10. Authority of chief of police to establish emergency and experimental regulations.

- (a) The chief of police is empowered to make regulations necessary to make effective the provisions of this chapter, and to make and enforce temporary or experimental regulations to cover emergencies or special conditions, and to post signs pertaining thereto. No such temporary or experimental regulation shall remain in effect for more than ninety days.
 - (b) The department of police and the department of public works of the County may test traffic-control devices under actual conditions of traffic.
- (1983 CC, c 24, art 2, sec 24-10.)

Section 24-11. Temporary changes to effectuate amendments.

The director of public works of the County is hereby empowered to make changes in parking and other traffic controls for a period of ninety days as a temporary measure to effectuate the provisions of an amendment to this chapter. The director of public works may have a single ninety-day extension of this period, if a bill to enact the so effectuated amendment of this chapter remains pending before the County council at the end of the initial ninety-day period. Any additional extensions of time shall require council approval.

(1983 CC, c 24, art 2, sec 24-11; am 2001, ord 01-108, sec 1; am 2007, ord 07-57, sec 2.)

Section 24-12. Duty of police to enforce traffic laws.

- (a) 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 all street traffic laws of this County and all of the State vehicle laws applicable to street traffic in this County.
- (b) Any police officer citing or arresting any driver for the following traffic violations may have the motor vehicle towed to a private tow yard at the registered owner's expense pursuant to Hawai'i Revised Statutes ("HRS") 291C-165.5(a):
 - (1) Driving without a license pursuant to HRS 286-102;
 - (2) Driving while license is suspended or revoked pursuant to HRS 286-132;
 - (3) Operating a vehicle under the influence of an intoxicant pursuant to HRS 291E-61;
 - (4) Habitually operating a vehicle under the influence of an intoxicant pursuant to HRS 291E-61.5;

- (5) Operating a vehicle after license and privilege has been suspended or revoked for operating a vehicle under the influence of an intoxicant pursuant to HRS 291E-62;
 - (6) Operating a vehicle after consuming a measurable amount of alcohol; persons under the age of twenty-one pursuant to HRS 291E-64; or
 - (7) Fraudulent use plates, tags, or emblems pursuant to HRS 249-11.
- (c) Pursuant to HRS section 291C-165.5(b), tow companies shall give notice to the registered owners and lien holders for vehicles towed under this section.
 - (d) Pursuant to HRS section 291C-165.5(b), any motor vehicle not recovered within thirty days of the notice being mailed for any violation of section (b) above, shall be deemed abandoned and may be sold or disposed of as junk.
 - (e) Community caretaking considerations: Vehicles are not to be towed and/or impounded under the authority of this section under any of the following circumstances:
 - (1) The vehicle is parked on private property on which the registered owner or operator is legally residing, or the property owner does not object to the vehicle being left in the parked location;
 - (2) The registered owner and/or a passenger present in the vehicle at the time of the stop has a valid driver's license and are willing and legally able to drive the vehicle at the time after the stop; or
 - (3) The vehicle is legally parked at a time and place where the likelihood of it being subject to theft and/or vandalism is remote and traffic or public safety is not impeded.
 - (f) The police department is not responsible to protect any vehicle left on any road or property after the driver has been arrested for a violation as provided in subsection (b).

(1983 CC, c 24, art 2, sec 24-12; am 2011, ord 11-102, sec 2.)

Section 24-13. Police to direct traffic; firemen at fire.

- (a) Officers of the police department, and officers as are assigned by the chief of police, are authorized to direct all traffic by voice, hand, or signal in conformance with the traffic laws.
- (b) In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- (c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(1983 CC, c 24, art 2, sec 24-13.)

Section 24-14. Public employees to obey traffic laws.

The provisions of this chapter shall apply to the operator of any vehicle owned by or used in the service of the United States government, the State or the County. No driver or operator of any government vehicle shall violate any of the provisions of this chapter, except as otherwise permitted by this chapter or by Federal or State law.

(1983 CC, c 24, art 2, sec 24-14.)

Article 3. Citations and Penalties.**Section 24-15. Form of summons or citation.**

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.

(1983 CC, c 24, art 3, sec 24-15.)

Section 24-16. Penalties.

Unless otherwise provided for elsewhere in this chapter, or in the Hawaii Revised Statutes, as amended, any person convicted of a violation of any section or provision of this chapter shall be punished by a fine of not more than \$100 for the first conviction; not more than \$200 for the second conviction of a second offense committed within one year after the date of the first offense; not more than \$500 for the third or subsequent conviction of a third or subsequent offense committed within one year after the date of the first offense.

(1983 CC, c 24, art 3, sec 24-16; am 1994, ord 94-103, sec 2.)

Article 4. Fees.**Section 24-17. Motor vehicle tax; computation.**

Except as otherwise provided in sections 249-1 through 249-13 of the Hawaii Revised Statutes, all vehicles and motor vehicles, as defined in section 249-1 of the Hawaii Revised Statutes, located in the County at the time of registration, shall be subject to an annual tax computed according to the net weight of each vehicle in the manner provided in this section. The tax shall become due and payable on an annual basis, as billed by the department of finance. The tax shall be paid by the owner of each vehicle and collected by the director of finance. If any vehicle is transported into the County after the payment of the tax, no additional tax shall be imposed on that vehicle for the remaining period of the year for which such tax has been paid.

- (a) The rate for motor vehicles designed primarily for carrying passengers shall be 1 and 1/4 cent per pound of the net weight of such vehicle. This category shall include buses, ambulances, and hearses.
- (b) The rate for trucks or noncommercial motor vehicles having a net weight of six thousand five hundred pounds or less and certified as noncommercial shall be 1 and 1/4 cent per pound of the net weight of such vehicles.

- (1) The owner of a truck or noncommercial motor vehicle who desires to have the vehicle tax at the passenger rate shall file a form furnished by the director of finance certifying that the truck or noncommercial motor vehicle is not being and will not be operated for compensation or for commercial purposes.
- (2) Where the vehicle is currently registered as a commercial vehicle and the owner wishes to reclassify the vehicle as noncommercial, the owner shall:
 - (A) File a form furnished by the director of finance certifying that the vehicle is not being and will not be operated for compensation or for commercial purposes;
 - (B) Surrender the vehicle's current certificate of registration and license plates; and
 - (C) Pay a license fee of \$5.50 for the passenger vehicle license plates and emblem.
- (c) The rate for trucks or nonpassenger vehicles used for compensation or commercial purposes or having a net weight of over six thousand five hundred pounds shall be 2 and 1/2 cents per pound for such vehicle. This category includes trucks, truck-tractors and road tractors, trailers, and semi-trailers.
- (d) Any person who is totally disabled due to injuries received while on duty with the armed forces of the United States may apply for an exemption from the County motor vehicle weight tax, including minimum tax under section 24-18, for a single noncommercial vehicle, subject to proof of total service related disability from the Veterans Administration and approval by the director of finance.

(1983 CC, c 24, art 4, sec 24-17; am 2004, ord 04-8, sec 2; am 2004, ord 04-66, sec 2; am 2013, ord 13-83, sec 2.)

Section 24-18. Motor vehicle tax; minimum tax; penalties for delinquency.

- (a) The minimum tax assessed under section 24-17 shall in no case be less than \$12.
- (b) Effective July 1, 2009, any vehicle weight tax imposed by section 24-17 for any year and not paid when due, shall become delinquent and a penalty of \$8 for vehicles taxed at the passenger car rate and \$20 for vehicles taxed at the commercial vehicle rate shall be added to, and become a part of, the tax collected.

(1983 CC, c 24, art 4, sec 24-18; am 1982, ord 795, sec 1; am 2009, ord 09-73, sec 2; am 2013, ord 13-83, sec 3.)

Section 24-19. Vehicle registration fees.

- (a) The fee for issuance for a new series of number plates for vehicles shall be \$5.
- (b) The fee for issuance of a tag or emblem for a vehicle, upon payment of the applicable tax, in any year shall be 50 cents.
- (c) The fee for replacement of a lost or mutilated number plate or plates, tag, or emblem, shall be as follows:
 - (1) Number plates, \$5.
 - (2) Tag or emblem, 50 cents.
- (d) The transfer of ownership fee for issuance of a new certificate of ownership shall be \$5.

- (e) The transfer fee for issuance of a new certificate of registration on a trailer shall be \$5.
- (f) The fee for dealer correction for each instance of correction of the registration record shall be \$5.
- (g) The fee for duplicate certificate of registration or certificate of ownership shall be \$5.
- (h) A fee of \$1 per certificate of registration shall be assessed and collected annually together with other applicable vehicle taxes and fees, to be used for highway beautification and disposal of abandoned vehicles.
- (i) An annual fee of \$12 per vehicle shall be charged for each vehicle registration, which shall be paid at the same time as the motor vehicle tax paid pursuant to section 24-17 of this chapter. The proceeds from this fee shall be allocated to establish a fund for the towing, removal, disposal and recycling of abandoned or discarded automobiles and automobile parts, and such fund entitled "vehicle disposal fund" is hereby established.
- (j) An annual County registration fee of \$12 per vehicle shall be charged for each vehicle registration, which shall be paid at the same time as the motor vehicle tax paid pursuant to section 24-17 of this chapter.
- (k) Any person who is totally disabled due to injuries received while on duty with the armed forces of the United States may apply for an exemption from subsections (a), (b), (h), (i), and (j) of this section, for a single noncommercial vehicle, subject to proof of total service related disability from the Veterans Administration and approval by the director of finance.

(1983 CC, c 24, art 4, sec 24-19; am 1982, ord 817, sec 1; am 1985, ord 85-59, sec 1; am 1989, ord 89-51, sec 1; am 1994, ord 94-46, sec 2; am 2002, ord 02-90, sec 2; am 2003, ord 03-32, sec 2; am 2004, ord 04-8, sec 3; am 2013, ord 13-83, sec 4.)

Section 24-20. Motor vehicle driver's permit and license fees.

The following fees are established for the application and renewal of motor vehicle instruction permits and driver's licenses:

- (a) Application for instruction permit, \$10.
- (b) Application for driver's license or out-of-state transfer:
 - (1) Application for driver's license (not chargeable if applicant presents evidence of having paid to Hawai'i County the application for instruction permit fee), \$1.
 - (2) Application for out-of-state transfer with a valid out-of-state license, \$4.
- (c) Reinstatement fee (payable upon the restoration of any license which has been suspended), \$50.
- (d) Driver's license valid for one year, \$5.
- (e) Renewal of driver's license valid for one year, \$5.
- (f) Driver's license valid for two years, \$10.
- (g) Renewal of driver's license valid for two years, \$10.
- (h) Driver's license valid for four years, \$20.
- (i) Renewal of driver's license valid for four years, \$20.

- (j) Driver's license valid for eight years, \$40.
 - (k) Renewal of driver's license valid for eight years, \$40.
 - (l) Reactivation fee for each thirty-day period after the ninety-day grace period for renewal within one year of expiration, \$5.
 - (m) Duplicate license/permit, \$6.
 - (n) Road test fees (categories 1, 2, and 3), \$10; (category 4), \$50.
 - (o) Written test fee, \$1.
 - (p) Oral examination fee, \$10.
 - (q) Provisional license valid until age nineteen, \$5 per year.
 - (r) Request for verification of license status, \$10.
- (1983 CC, c 24, art 4, sec 24-20; am 1994, ord 94-88, sec 1; am 1998, ord 98-10, sec 1; am 2005, ord 05-163, sec 2; am 2009, ord 09-83, sec 2.)

Section 24-21. Motor vehicle driver's license examination fees.

The following fees are established for the examination of drivers applying for a driver's license:

- (a) Written examination fee, \$1.
- (b) Oral examination fee (applicable to those requesting an oral examination, either for an instruction permit or for a license renewal in categories 1-3), \$10.
- (c) Fees for commercial driver's licenses will be collected pursuant to the provisions of State law.

(1983 CC, c 24, art 4, sec 24-21; am 1994, ord 94-88, sec 2.)

Section 24-22. Disposition of fees.

All fees collected under this article shall be deposited in the general fund of the County of Hawai'i as County realizations.

(1983 CC, c 24, art 4, sec 24-22.)

Article 5. Inspection of Vehicles.

Section 24-23. Department of finance to inspect vehicles.

The department of finance is designated as the County department having the responsibility for administering the periodic vehicle inspection program.

(1983 CC, c 24, art 5, sec 24-23; am 2008, ord 08-100, sec 2.)

Section 24-24. Periodic vehicle inspections.

Periodic safety inspection of vehicles shall be as provided by law and rules and regulations promulgated by the State director of transportation, formerly the State highway safety coordinator.

(1983 CC, c 24, art 5, sec 24-24; am 1986, ord 86-48, sec 1.)

Section 24-25. Cost of inspection stickers; fee for certificate of inspection.

- (a) The department of finance shall charge and collect from each operator of an official inspection station the sum of 20 cents for each vehicle inspection sticker denoting the month of expiration and the sum of 20 cents for each vehicle inspection sticker denoting the year of expiration.
- (b) The person operating an official inspection station may charge not more than the following fees for the certificate of inspection and approval and affixing of inspection stickers, regardless of whether a certificate of approval is issued or whether affixing of inspection stickers is done:

Vehicle Inspection Fees:

Automobiles and Trucks.....	Not more than \$9.75
Motorcycles, Mopeds, and Trailers	Not more than \$4.25

(1983 CC, c 24, art 5, sec 24-25; am 1987, ord 87-63, sec 1; am 2008, ord 08-100, sec 3.)

Section 24-26. Designation of inspection stations; permit required; application; bond.

- (a) The director of finance shall issue permits for and furnish instructions and all forms to official inspection stations for the inspection and adjustment of brakes, wheel alignment, lighting equipment, steering mechanism, horns, mirrors, windshield wipers, and other equipment of motor vehicles, trailers, and semitrailers.
- (b) Application for the permit shall be made upon an official form and shall be granted only when the director of finance is satisfied that the station is properly equipped and has competent personnel to make such inspections and adjustments. Before issuing a permit, the director of finance may require the applicant to file a bond to make compensation for any damage to a vehicle during inspection due to negligence on the part of such applicant or the applicant’s employees.
- (c) No permit for an official inspection station shall be issued to a station without the following equipment: Headlight testing machine and a wheel alignment gauge or tester as approved by the director of finance.

(1983 CC, c 24, art 5, sec 24-26; am 2008, ord 08-100, sec 4.)

Section 24-27. Inspection of inspection stations; permit revocation.

The director of finance shall supervise and cause inspections to be made of inspection stations and shall revoke and require the surrender of the permit issued to a station which the director of finance finds is not properly equipped or conducted.

(1983 CC, c 24, art 5, sec 24-27; am 2008, ord 08-100, sec 5.)

Section 24-28. Permit nontransferable; posting of permit.

No permit for an official station shall be assigned, transferred, or used at any location other than therein designated. Every permit shall be posted in a conspicuous place at the location designated.

(1983 CC, c 24, art 5, sec 24-28.)

Section 24-29. Safety inspectors; certificates of inspection and approval; safety stickers; inspection reports.

- (a) No person may conduct motor vehicle safety inspections unless such person is first certified as a safety inspector by the director of finance.
- (b) A safety inspector shall not issue a certificate of inspection and approval to the owner of an inspected vehicle, and shall not affix an official safety sticker to an inspected vehicle, unless, after inspecting the vehicle pursuant to the rules and regulations of the State director of transportation, the safety inspector determines that the vehicle's equipment is in good working condition and proper adjustment and the vehicle is in safe operating condition.
- (c) A report of each inspection conducted shall be made to the director of finance pursuant to the rules and regulations promulgated by the State director of transportation.

(1983 CC, c 24, art 5, sec 24-29; am 1986, ord 86-48, sec 2; am 2008, ord 08-100, sec 6.)

Section 24-30. Representation as official inspection station; permit necessary.

- (a) No person shall in any manner represent any place as an official inspection station unless such place is operating under a valid permit issued by the director of finance.
- (b) No person other than a person operating an inspection station under a valid permit shall issue a certificate of inspection and approval.

(1983 CC, c 24, art 5, sec 24-30; am 2008, ord 08-100, sec 7.)

Section 24-31. False certificates prohibited.

- (a) No person shall make, issue, or knowingly use any imitation or counterfeit of an official certificate of inspection and approval.
- (b) No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval knowing the certificate to be fictitious, or issued for another vehicle, or issued without an adequate inspection having been made.

(1983 CC, c 24, art 5, sec 24-31.)

Article 6. Equipment.**Division 1. General Provisions.****Section 24-32. Scope and effect of article.**

- (a) No person shall drive or move, and no owner shall cause or knowingly permit to be driven or moved on any highway, any vehicle or combination of vehicles: (1) which is in such unsafe condition as to endanger any person, (2) which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or (3) which is equipped in any manner in violation of this chapter.
- (b) No person shall do any act forbidden or fail to perform any act required under this chapter.
- (c) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.
- (d) The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as specifically made applicable.

(1983 CC, c 24, art 6, sec 24-32.)

Section 24-33. Repealed.

(1983 CC, c 24, art 6, sec 24-33; rep 1996, ord 96-112, sec 3.)

Division 2. Lamps.**Subdivision 1. Generally.****Section 24-34. When lighted lamps are required.**

Every vehicle upon a highway within the County at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as required by this chapter for different classes of vehicles, subject to exceptions with respect to parked vehicles.

(1983 CC, c 24, art 6, sec 24-34.)

Section 24-35. Visibility, distance, and mounted height of lamps.

- (a) For a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated, this provision shall apply during the times stated in section 24-34, whenever requirement is declared in this article as to distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible.

- (b) Whenever requirement is declared in this article as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load.

(1983 CC, c 24, art 6, sec 24-35.)

**Subdivision 2. Headlamps, Tail Lamps, Reflectors, Turn Signals,
Brake Lights and Back-Up Lights.**

Section 24-36. Headlamps on motor vehicles; specifications.

- (a) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two headlamps, with at least one on each side of the front of the motor vehicle. The headlamps shall comply with the requirements and limitations set forth in this chapter.
- (b) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this chapter.
- (c) Every headlamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the headlamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in section 24-35(b).

(1983 CC, c 24, art 6, sec 24-36.)

Section 24-37. Tail lamp requirements.

- (a) Every motor vehicle, trailer, semi-trailer, and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as required in section 24-35, shall emit a red light plainly visible from a distance of one thousand feet to the rear. In the case of a combination of vehicles, only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.
- (b) Every above-mentioned vehicle, other than a truck tractor, shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required, shall comply with the provisions of this section.
- (c) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches.

(1983 CC, c 24, art 6, sec 24-37.)

Section 24-38. Illumination of rear registration plate required.

Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear.

(1983 CC, c 24, art 6, sec 24-38.)

Section 24-39. Wiring of rear lamps.

Any tail lamp or tail lamps together with any separate lamp for illuminating the rear registration plate shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

(1983 CC, c 24, art 6, sec 24-39.)

Section 24-40. Reflector specifications.

- (a) Every motor vehicle, trailer, semi-trailer, and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors except that motorcycles and motor-driven cycles shall carry at least one such reflector. Vehicles of the types mentioned in sections 24-45 through 24-51 shall be equipped with reflectors meeting the requirements of sections 24-54(a) and 24-55(a).
- (b) Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in section 24-35(b) and shall be of such size and character and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of lawful upper beams of headlamps, except where visibility from a greater distance may be required on certain types of vehicles.

(1983 CC, c 24, art 6, sec 24-40.)

Section 24-41. Stop lamps and turn signal specifications.

- (a) Every motor vehicle, trailer, semi-trailer, and pole trailer shall be equipped with two or more stop lamps meeting the requirements of section 24-42 except that motorcycles and motor-driven cycles shall be equipped with at least one stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in section 24-42.
- (b) Every motor vehicle, trailer, semi-trailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of section 24-43, except that passenger cars and trucks less than eighty inches in width, and motorcycles and motor-driven cycles, need not be equipped with electric turn signal lamps.

(1983 CC, c 24, art 6, sec 24-41.)

Section 24-42. Brake lights.

Any vehicle so required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than three hundred feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps.

(1983 CC, c 24, art 6, sec 24-42.)

Section 24-43. Electric turn signals.

- (a) When required under section 24-41(b), a vehicle shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber.
- (b) Turn signal lamps on vehicles eighty inches or more in over-all width shall be visible from a distance of not less than five hundred feet in normal sunlight. Turn signal lamps on vehicles less than eighty inches wide shall be visible at a distance of not less than three hundred feet in normal sunlight.
- (c) Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle. (1983 CC, c 24, art 6, sec 24-43.)

Section 24-44. Back-up lights.

Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion. (1983 CC, c 24, art 6, sec 24-44.)

Subdivision 3. Identification and Clearance Lamps.**Section 24-45. Application of lighting requirements.**

In addition to the other equipment required by this division, buses, trucks, truck tractors and trailers, semi-trailers and pole trailers, when operated upon the highway, shall meet the requirements of sections 24-44 et seq. and 24-53 et seq. (1983 CC, c 24, art 6, sec 24-45.)

Section 24-46. Identification lamp specifications.

- (a) Whenever required or permitted by this division, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than twenty inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline.
- (b) Where the cab of a vehicle is not more than forty-two inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps. (1983 CC, c 24, art 6, sec 24-46.)

Section 24-47. Bus and truck requirements.

- (a) Buses and trucks eighty inches or more in over-all width shall have:
- (1) On the front, two clearance lamps, one at each side, and three identification lamps meeting the specifications of section 24-46.
 - (2) On the rear, two clearance lamps, one at each side, and three identification lamps meeting the specifications of section 24-46 provided that reflectors may be used in lieu of clearance lamps on rear-end dump trucks and trucks equipped with hydraulic tailgates.
 - (3) On each side, two side marker lamps, one at or near the front and one at or near the rear.
 - (4) On each side, two reflectors, one at or near the front and one at or near the rear.

(1983 CC, c 24, art 6, sec 24-47.)

Section 24-48. Trailer and semi-trailer requirements.

- (a) Trailers and semi-trailers eighty inches or more in over-all width shall have:
- (1) On the front, two clearance lamps, one at each side.
 - (2) On the rear, two clearance lamps, one at each side; three identification lamps meeting the specifications of section 24-46.
 - (3) On each side, two side marker lamps, one at or near the front and one at or near the rear.
 - (4) On each side, two reflectors, one at or near the front and one at or near the rear.

(1983 CC, c 24, art 6, sec 24-48.)

Section 24-49. Truck tractor requirements.

Truck tractors shall have on the front, two cab clearance lamps, one at each side, and three identification lamps meeting the specifications of section 24-46.

(1983 CC, c 24, art 6, sec 24-49.)

Section 24-50. Trailer requirements.

Trailers, semi-trailers and pole trailers thirty feet or more in over-all length shall have on each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle.

(1983 CC, c 24, art 6, sec 24-50.)

Section 24-51. Pole trailer requirements.

- (a) Pole trailers shall have:
- (1) On each side, one amber side marker lamp at or near the front of the load;
 - (2) One amber reflector at or near the front of the load; and
 - (3) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(1983 CC, c 24, art 6, sec 24-51.)

Section 24-52. Wide vehicles.

Any vehicle eighty inches or more in overall width, if not otherwise required by this subdivision, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in section 24-46.

(1983 CC, c 24, art 6, sec 24-52.)

Subdivision 4. Color, Mounting, and Visibility of Lamps.**Section 24-53. Color of clearance lamps, identification lamps, side marker lamps, back-up lamps, and reflectors.**

- (a) Front clearance lamps, identification lamps, and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.
- (b) Rear clearance lamps, identification lamps, and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.
- (c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red or amber, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

(1983 CC, c 24, art 6, sec 24-53.)

Section 24-54. Mounting of reflectors, clearance lamps, and side marker lamps.

- (a) Reflectors when required by subdivision 3 of this division, shall be mounted at a height not less than twenty-four inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.
- (b) The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.
- (c) Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.
- (d) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

(1983 CC, c 24, art 6, sec 24-54.)

Section 24-55. Visibility requirements for reflectors, clearance lamps, identification lamps, and marker lamps.

- (a) Every reflector upon any vehicle referred to in subdivision 3 of this division shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.
- (b) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet, and fifty feet from the front and rear respectively, of the vehicle.
- (c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the side of the vehicle on which mounted.

(1983 CC, c 24, art 6, sec 24-55.)

Subdivision 5. When Lamps Required.**Section 24-56. Vehicles in combination; obstructed lights not required.**

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination. This section shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

(1983 CC, c 24, art 6, sec 24-56.)

Section 24-57. Lamps or flags on projecting load.

- (a) Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of the vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 24-34, two red lamps, visible from a distance of at least five hundred feet to the rear, two red reflectors meeting the requirements of section 24-55(a) visible from the rear and located so as to indicate maximum width, and on each side one red lamp, visible from a distance of at least five hundred feet to the side, located so as to indicate maximum overhang.
- (b) There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags, not less than twelve inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this section, under section 24-34.

(1983 CC, c 24, art 6, sec 24-57.)

Section 24-58. Lamps or flags; pole trailers.

- (a) No pole trailer shall be operated on the public highway with any part of the permanent structure or load extending in excess of six feet back from the center of the rearmost axle of the vehicle unless there is displayed at the extreme rear end of the load or permanent structure at the times specified in section 24-34, two red lamps, visible from a distance of at least five hundred feet to the rear, two red reflectors meeting the requirements of section 24-55(a), visible from the rear and located so as to indicate maximum width and on each side one red lamp, visible from a distance of at least five hundred feet to the side, located so as to indicate maximum overhang to the rear.
 - (b) There shall be displayed at all other times, red flags, not less than twelve inches square, marking the extremities of the load or permanent structure, at each point where a lamp would otherwise be required by this section, and section 24-34.
- (1983 CC, c 24, art 6, sec 24-58.)

Section 24-59. Lamps on parked vehicles.

- (a) Every vehicle shall be equipped with one or more lamps which, when lighted, shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and a red light visible from a distance of five hundred feet to the rear of the vehicle. The location of the lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.
 - (b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon the street or highway, no lights need be displayed upon the parked vehicle.
 - (c) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of five hundred feet upon the highway, the vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (a) of this section.
 - (d) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.
- (1983 CC, c 24, art 6, sec 24-59.)

Section 24-60. Lamps on farm tractors, equipment and implements of husbandry.

- (a) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry shall at all times mentioned in section 24-34, be equipped with two single-beam or multiple-beam headlamps meeting the requirements of sections 24-76, 24-77 and 24-78 or 24-80, or as an alternative, section 24-82, and at least two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and at least two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of headlamps.
- (b) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in section 24-34, be equipped with lamps as follows:
- (1) The farm tractor element of every such combination shall be equipped as required in paragraph (a) of this section.
 - (2) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of headlamps.
 - (3) These combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than one thousand feet to the front. This lamp shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the combination carrying it.
- (c) The two red lamps and the two red reflectors required in subsections (a) and (b) of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them.

(1983 CC, c 24, art 6, sec 24-60.)

Section 24-61. Lamps on other vehicles and equipment.

Every vehicle, including animal-drawn vehicles and vehicles referred to in section 24-32, not specifically required by the provisions of this article to be equipped with lamps or other lighting devices, shall at all times specified in section 24-34 be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred to one hundred feet to the rear when illuminated by the upper beams of headlamps.

(1983 CC, c 24, art 6, sec 24-61.)

Subdivision 6. Special Purpose Lamps and Signal Devices.**Section 24-62. Spot lamps.**

Any motor vehicle may be equipped with not more than two spot lamps. Every lighted spot lamp shall be so aimed and used that no part of the high-intensity portion of the beam will strike the windshield or any windows, mirror, or occupant of another vehicle in use.

(1983 CC, c 24, art 6, sec 24-62.)

Section 24-63. Fog lamps.

Any motor vehicle may be equipped with not more than two fog lamps mounted on the front at a height not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams as specified in sections 24-76, 24-77, and 24-78.

(1983 CC, c 24, art 6, sec 24-63.)

Section 24-64. Fog or parking lamps; moving use prohibited.

- (a) No vehicle shall be driven at any time with fog lamps lighted except when the headlamps are also lighted.
- (b) No vehicle shall be driven at any time with parking lamps lighted except when the parking lamps are being used as turn signals or when the headlamps are also lighted.

(1983 CC, c 24, art 6, sec 24-64.)

Section 24-65. Auxiliary passing lamps.

Any motor vehicle may be equipped with not more than two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of sections 24-76, 24-77, and 24-78 shall apply to any combination of headlamps and auxiliary passing lamps.

(1983 CC, c 24, art 6, sec 24-65.)

Section 24-66. Auxiliary driving lamps.

Any motor vehicle may be equipped with not more than two auxiliary driving lamps mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of sections 24-76, 24-77, and 24-78 shall apply to any combination of headlamps and auxiliary driving lamps.

(1983 CC, c 24, art 6, sec 24-66.)

Section 24-67. Running-board courtesy lamp.

Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.
(1983 CC, c 24, art 6, sec 24-67.)

Section 24-68. Cowl or fender lamps.

Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.
(1983 CC, c 24, art 6, sec 24-68.)

Section 24-69. School bus and emergency vehicle signal lamps.

Every school bus shall, and every authorized emergency vehicle may, in addition to any other equipment and distinctive markings required by this chapter be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.
(1983 CC, c 24, art 6, sec 24-69.)

Section 24-70. Emergency vehicle flashing red light.

- (a) Every authorized emergency vehicle except police vehicles and authorized civil defense emergency vehicles shall be equipped with at least one flashing red light visible to the front of the vehicle for a distance of five hundred feet in normal sunlight.
 - (b) Police vehicles shall be equipped with at least one flashing blue light visible to the front of the vehicle for a distance of five hundred feet in normal sunlight.
 - (c) Authorized civil defense emergency vehicles shall be equipped with at least one flashing red light visible to the front of the vehicle for a distance of three hundred feet in normal sunlight.
- (1983 CC, c 24, art 6, sec 24-70.)

Section 24-71. School bus or emergency vehicles only.

The lighting equipment described in sections 24-69 and 24-70 shall not be used on any vehicle other than a school bus or an authorized emergency vehicle.
(1983 CC, c 24, art 6, sec 24-71.)

Section 24-72. Siren.

Only authorized emergency vehicles may be equipped with a siren.
(1983 CC, c 24, art 6, sec 24-72.)

Section 24-73. Requirement of yielding right-of-way.

The use of the signal equipment described in this subdivision shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed in sections 24-174 and 24-175.

(1983 CC, c 24, art 6, sec 24-73.)

Section 24-74. Special hazard vehicles; flashing amber warning lamps.

Every special hazard vehicle shall display flashing amber warning lamps which shall be visible to the front, sides and rear. Flashing warning lamps, when used, shall meet the current specifications established by the Society of Automotive Engineers.

(1983 CC, c 24, art 6, sec 24-74.)

Section 24-75. Warning lamp specifications.

- (a) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this chapter.
- (b) The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber.
- (c) The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red.
- (d) The warning lights shall be visible from a distance of not less than fifteen hundred feet under normal atmospheric conditions at night.

(1983 CC, c 24, art 6, sec 24-75.)

Subdivision 7. Road Lighting Equipment.**Section 24-76. Multiple-beam lamps required.**

Except as provided in this subdivision the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the limitations in this subdivision.

(1983 CC, c 24, art 6, sec 24-76.)

Section 24-77. Intensity requirement.

- (a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading.

- (b) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead. On a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(1983 CC, c 24, art 6, sec 24-77.)

Section 24-78. Multiple-beam lighting; beam indicator required.

Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in the County which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(1983 CC, c 24, art 6, sec 24-78.)

Section 24-79. Use of multiple-beam road-lighting equipment.

- (a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 24-34, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirements and limitations in subsections (b) and (c) of this section.
- (b) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section 24-77(b) shall be deemed to avoid glare at all times, regardless of road contour and loading.
- (c) Whenever the driver of a vehicle approaches another vehicle from the rear, within three hundred feet, the driver shall use a distribution of light permissible under this division other than the uppermost distribution of light specified in section 24-77(a).

(1983 CC, c 24, art 6, sec 24-79.)

Section 24-80. Single-beam road-lighting requirement.

- (a) Headlamp systems which provide only a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to July 1, 1962, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:
 - (1) The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

- (2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

(1983 CC, c 24, art 6, sec 24-80.)

Section 24-81. Lighting equipment on motor-driven cycles.

- (a) The headlamp or headlamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations set forth in this section.
- (b) Every headlamp or headlamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour.
- (c) In the event the motor-driven cycle is equipped with a multiple-beam headlamp or headlamps, the upper beam shall meet the minimum requirements set forth in subsection (b) and shall not exceed the limitations set forth in section 24-77(a) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section 24-77(b).
- (d) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, the lamp or lamps shall be so aimed that when the vehicle is loaded, none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

(1983 CC, c 24, art 6, sec 24-81.)

Section 24-82. Alternate road-lighting equipment; restriction.

Any motor vehicle may be operated under the conditions specified in section 24-34 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in sections 24-76, 24-77, and 24-78, or 24-80, provided, that at no time shall it be operated at a speed in excess of twenty miles per hour.

(1983 CC, c 24, art 6, sec 24-82.)

Section 24-83. Number of driving lamps required or permitted.

- (a) At all times specified in section 24-34, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.
- (b) Whenever a motor vehicle equipped with headlamps as required in this chapter is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

(1983 CC, c 24, art 6, sec 24-83.)

Section 24-84. Lamp restrictions.

- (a) During the times specified in section 24-34, any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.
 - (b) Except as required in sections 24-69 through 24-74, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.
 - (c) Flashing lights are prohibited except as required in sections 24-69 through 24-74, and authorized in sections 24-42, 24-43, 24-44, 24-52, 24-67, 24-68, and 24-75.
- (1983 CC, c 24, art 6, sec 24-84.)

Division 3. Brake Equipment.**Section 24-85. Brake equipment required.**

Every motor vehicle, trailer, semi-trailer and pole trailer, and any combination of such vehicles operating upon a highway within this County shall be equipped with brakes in compliance with the requirements of this division.

(1983 CC, c 24, art 6, sec 24-85.)

Section 24-86. Service brakes; adequacy.

Every vehicle and combination of vehicles, except special mobile equipment as defined in section 24-3 (43) shall be equipped with service brakes complying with the performance requirements of section 24-97, and adequate to control the movement of and to stop and hold the vehicle under all conditions of loading, and on any grade incident to its operation.

(1983 CC, c 24, art 6, sec 24-86.)

Section 24-87. Parking brakes required.

- (a) Every vehicle and combination of vehicles, except motorcycles and motor-driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort, by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements.

- (b) The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.
- (1983 CC, c 24, art 6, sec 24-87.)

Section 24-88. Brakes on all wheels required; exceptions.

- (a) Every vehicle shall be equipped with brakes acting on all wheels except:
- (1) Trailers, semi-trailers, or pole trailers of a gross weight not exceeding three thousand pounds, provided that:
 - (A) The total weight on and including the wheels of the trailer or trailers shall not exceed forty percent of the gross weight of the towing vehicle when connected to the trailer or trailers, and
 - (B) The combination of vehicles, consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of section 24-97.
 - (2) Any vehicle being towed in driveaway or tow-away operations, provided the combination of vehicles is capable of complying with the performance requirements of section 24-97.
 - (3) Trucks and truck-tractors having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, such trucks and truck-tractors must be capable of complying with the performance requirements of section 24-97.
 - (4) Special mobile equipment as defined in section 24-3(43).
 - (5) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of section 24-97.

(1983 CC, c 24, art 6, sec 24-88.)

Section 24-89. Automatic trailer brakes.

Every trailer, semi-trailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semi-trailer, and pole trailer with a gross weight in excess of three thousand pounds, manufactured or assembled after July 1, 1961, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen minutes, upon breakaway from the towing vehicle.

(1983 CC, c 24, art 6, sec 24-89.)

Section 24-90. Tractor brakes; breakaway protection.

Every motor vehicle manufactured or assembled after July 1, 1961, and used to tow a trailer, semi-trailer, or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(1983 CC, c 24, art 6, sec 24-90.)

Section 24-91. Trailer brakes; backflow protection.

Air brake systems installed on trailers manufactured or assembled after July 1, 1961, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(1983 CC, c 24, art 6, sec 24-91.)

Section 24-92. Emergency brakes; air brake application.

- (a) Every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or tow-away operations, shall be equipped with two means for emergency application of the trailer brakes.
- (1) One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall not be lower than twenty pounds per square inch nor higher than forty-five pounds per square inch.
- (2) The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat. Its emergency position or method of operation shall be clearly indicated.
- (b) In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means.
- (c) The automatic and the manual means required by this section may be, but are not required to be, separate.

(1983 CC, c 24, art 6, sec 24-92.)

Section 24-93. Emergency brakes; vacuum brake controls.

Every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or tow-away operations shall have, in addition to the single control device required by section 24-94, a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(1983 CC, c 24, art 6, sec 24-93.)

Section 24-94. One control to operate all brakes.

- (a) Every motor vehicle, trailer, semi-trailer, and pole trailer, and every combination of such vehicles, except motorcycles and motor-driven cycles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes.
- (b) This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles.
- (c) This regulation does not apply to driveaway or tow-away operations unless the brakes on the individual vehicles are designed to be operated by a single control on the towing vehicle.

(1983 CC, c 24, art 6, sec 24-94.)

Section 24-95. Reservoir capacity and check valve.

- (a) Air Brakes. Every bus, truck or truck tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.
- (b) Vacuum Brakes. Every truck with three or more axles equipped with vacuum assistor type brakes and every truck tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty percent.
- (c) Reservoir Safeguarded. All motor vehicles, trailers, semi-trailers and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(1983 CC, c 24, art 6, sec 24-95.)

Section 24-96. Warning devices required.

- (a) Air Brakes. Every bus, truck or truck-tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below fifty percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

- (b) Vacuum Brakes. Every truck-tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or tow-away operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.
- (c) Combination of Warning Devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be adequate means of satisfying this requirement.

(1983 CC, c 24, art 6, sec 24-96.)

Section 24-97. Performance ability of brakes.

- (a) Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:
 - (1) Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification;
 - (2) Decelerating to a stop from not more than twenty miles per hour at not less than the feet per second per second tabulated herein for its classification; and
 - (3) Stopping from a speed of twenty miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.
- (b) Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

(c) Table of Required Brake Performance.

Classification of Vehicles	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Brake system application and braking distance in feet from an initial speed of 20 m.p.h.
A Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating	52.8%	17	25
B-1 All motorcycles and motor-driven cycles	43.5%	14	30
B-2 Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less	43.5%	14	30
C-1 Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds	43.5%	14	40
C-2 Combination of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less	43.5%	14	40
C-3 Buses, regardless of the number of axles, not having a manufacturer's gross weight rating	43.5%	14	40
C-4 All combinations of vehicles in driveaway-tow-away operations	43.5%	14	40
D All other vehicles and combinations of vehicles	43.5%	14	50

(1983 CC, c 24, art 6, sec 24-97.)

Section 24-98. Maintenance of brakes.

All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practical with respect to the wheels on opposite sides of the vehicle.

(1983 CC, c 24, art 6, sec 24-98.)

Section 24-99. Brakes on motor-driven cycles.

- (a) The director of finance is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which the director of finance finds will not comply with the performance ability standard set forth in section 24-97 or which in the director of finance's opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.
- (b) No person shall operate on any highway any vehicle referred to in this section in the event the director of finance has disapproved the braking system upon such vehicle.

(1983 CC, c 24, art 6, sec 24-99; am 2008, ord 08-100, sec 8.)

Section 24-100. Hydraulic brake fluid requirements.

- (a) The term hydraulic fluid as used in this section means the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.
- (b) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.
- (c) Hydraulic brake fluid shall conform to the current standards and specifications of the Society of Automotive Engineers applicable to such fluid.
- (d) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section.
- (e) No person shall service any vehicle with brake fluid unless it complies with the requirements of this section.

(1983 CC, c 24, art 6, sec 24-100.)

Division 4. Mirrors, Windshields and Mud Guards.**Section 24-101. Mirror required.**

Every motor vehicle shall be equipped with a mirror or mirrors so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of the vehicle.

(1983 CC, c 24, art 6, sec 24-101.)

Section 24-102. Windshields; visibility unobstructed; stickers.

- (a) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of the vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

- (b) Posters or stickers approved by the director of finance shall be placed at the lower right-hand corner of the front windshield of a left-hand driven motor vehicle or at the lower left-hand corner of the front windshield of a right-hand driven motor vehicle. However, such posters or stickers so placed shall not cover an area greater than four inches by six inches, except for nonresidence permits or for military requirements, in which cases an additional area of four and one-half inches by six inches may be used. Furthermore, a poster or sticker of any size may be placed upon the front windshield if it is shown to the satisfaction of the director of finance that such placement will not obstruct the driver's clear view.
 - (c) No person shall drive any motor vehicle with any nontransparent material or object suspended within the windshield area as viewed from the driver's seat, except rear view mirrors nor shall any person drive any motor vehicle upon the hood or radiator of which is attached any fixture or ornament of any material which vibrates, swings, or flutters within view of the driver of the vehicle.
- (1983 CC, c 24, art 6, sec 24-102; am 1988, ord 88-11, sec 1; am 2008, ord 08-100, sec 9.)

Section 24-103. Windshield wiper required.

- (a) The windshield on every motor vehicle shall be equipped with a device for cleaning rain or other moisture from the windshield. Such device shall be so constructed as to be controlled or operated by the driver of the vehicle.
 - (b) Every windshield wiper upon a vehicle shall be maintained in good working order.
- (1983 CC, c 24, art 6, sec 24-103.)

Section 24-104. Windshields, fenders, and bumpers required; exception.

- (a) Every motor vehicle upon a highway, excepting a motorcycle or motor scooter, shall be equipped with a windshield and front and rear bumpers.
 - (b) Every motor vehicle upon a highway shall be equipped with fenders for all wheels.
 - (c) Where the type of vehicle and the usage of the vehicle make the foregoing equipment impractical, such equipment may be eliminated upon approval of the director of finance.
- (1983 CC, c 24, art 6, sec 24-104; am 2008, ord 08-100, sec 10.)

Section 24-105. Mud and spray guard required.

No person shall operate on any highway any motor vehicle, trailer, or semi-trailer unless equipped with fenders, covers, or devices, including flaps or splash aprons, or unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle.

(1983 CC, c 24, art 6, sec 24-105.)

Section 24-106. Safety glazing material required.

- (a) No person shall sell any new motor vehicle nor shall any new motor vehicle be registered unless such vehicle is equipped with safety glazing material of a type meeting the current specifications of the Society of Automotive Engineers wherever glazing material is used in doors, windows and windshields.
- (b) Subsection (a) of this section shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows, and windshields in the driver's compartments of such vehicles.

(1983 CC, c 24, art 6, sec 24-106.)

Section 24-107. Safety glazing material defined; broken material prohibited.

- (a) The term safety glazing materials means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources, or by these safety glazing materials when they may be cracked or broken.
- (b) No person shall operate a motor vehicle which is equipped with safety glazing material which is shattered or broken.

(1983 CC, c 24, art 6, sec 24-107.)

Division 5. Muffler and Exhaust System.**Section 24-108. Muffler defined.**

Muffler as used in this division means a device consisting of a series of baffle plates, chambers, or perforated tube or tubes with spun glass, spun steel, or other type of sandwich packing, or of other mechanical design or construction, for the purpose of receiving exhaust gas and controlling exhaust noise from the motor of a motor vehicle.

(1983 CC, c 24, art 6, sec 24-108.)

Section 24-109. Muffler required; excessive or unusual noise defined.

- (a) No person shall operate a motor vehicle on a public highway or street unless the motor vehicle is equipped, at all times, with a muffler or mufflers in constant operation and of such length and size or of sufficient capacity for the motor and exhaust system to prevent the escape of excessive or annoying fumes or smoke, and excessive or unusual noise.
- (b) Excessive or unusual noise as used in this division means noise in excess of the usual noise which would necessarily result from the operation of a motor when reduced to the minimum by a muffler.

(1983 CC, c 24, art 6, sec 24-109.)

Section 24-110. Exhaust system requirements.

No person shall operate a motor vehicle on a public highway or street unless the motor and exhaust system of the motor vehicle is properly equipped and adjusted so as to prevent (a) the escape of excessive or annoying fumes or smoke, and (b) the emission of excessive or unusual noise.

(1983 CC, c 24, art 6, sec 24-110.)

Section 24-111. Modified or altered exhaust systems.

No person shall operate on a public highway or street a motor vehicle (a) with a motor or exhaust system which has been altered or modified to such an extent that the noise emitted by the motor or exhaust system shall be deemed excessive or unusual or (b) equipped with a dummy muffler, cut-out by-pass or other similar device.

(1983 CC, c 24, art 6, sec 24-111.)

Division 6. Signal Devices.**Section 24-112. Horn required; use.**

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle.

(b) The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with the driver's horn, but shall not otherwise use such horn when upon a highway.

(1983 CC, c 24, art 6, sec 24-112.)

Section 24-113. Prohibited devices.

No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this chapter.

(1983 CC, c 24, art 6, sec 24-113.)

Section 24-114. Theft alarm permitted.

Any commercial vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(1983 CC, c 24, art 6, sec 24-114.)

Section 24-115. Use of siren by emergency vehicles.

Any authorized emergency vehicle may be equipped with a siren capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type complying with section 24-3(40), but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of such vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the approach thereof.

(1983 CC, c 24, art 6, sec 24-115.)

Section 24-116. Back-up warning device.

Any truck used to haul dirt, rock, concrete, or other construction material may be equipped with a horn, bell, or whistle in the rear, capable of emitting a sound audible under normal conditions from a distance of not less than two hundred feet. Such warning device, however, shall be sounded only while the truck is backing up. (1983 CC, c 24, art 6, sec 24-116.)

Division 7. Tires.**Section 24-117. Tire capacity; worn tires prohibited.**

- (a) Every motor vehicle shall be equipped with tires of adequate capacity to support its weight, including load.
 - (b) No motor vehicle shall be operated on tires which have been worn so smooth as to expose any tread fabric or which have any defects likely to cause failure.
- (1983 CC, c 24, art 6, sec 24-117.)

Section 24-118. Solid tires; metal tires; metal studs prohibited; exceptions.

- (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
 - (b) No person shall operate or move on any highway any motor vehicle, trailer, or semi-trailer having any metal tire in contact with the roadway.
 - (c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, spike, or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, exception that: (1) it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and (2) it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety.
- (1983 CC, c 24, art 6, sec 24-118.)

Section 24-119. Special permits for tractors.

The State highway engineer or the State highway engineer's representative in the case of State highways, or the director of public works, in the case of County highways, may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this division. (1983 CC, c 24, art 6, sec 24-119; am 2001, ord 01-108, sec 1.)

Division 8. Emergency Equipment.**Section 24-120. Certain vehicles to carry flares or other warning devices; specifications.**

- (a) No person shall operate any motor truck, passenger bus or truck tractor, or any motor vehicle towing a house trailer at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle the following equipment except as provided in section 24-126.
- (1) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime. All flares, fusees, electric lanterns, or cloth warning flags used for the purpose of compliance with the requirements of this section shall meet the current specifications of the Society of Automotive Engineers. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to include two reflecting elements one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of headlamps, and unless it is of a type which meets the current specifications of the Society of Automotive Engineers.
 - (2) At least three red-burning fuses unless red electric lanterns or red portable emergency reflectors are carried.
 - (3) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(1983 CC, c 24, art 6, sec 24-120.)

Section 24-121. Disabled vehicle to display warning devices.

Whenever any motor truck, passenger bus, truck tractor, trailer, semi-trailer or pole trailer, or any motor vehicle towing a house trailer is disabled upon the traveled portion of any highway or the shoulder thereof at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the warning devices prescribed in this division upon the highway during the time the vehicle is so disabled on the highway, except as provided in section 24-123.

(1983 CC, c 24, art 6, sec 24-121.)

Section 24-122. Placement of emergency signals.

- (a) As required by section 24-121 a lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

- (b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:
- (1) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane.
 - (2) One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.
 - (3) One, at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (1) of this subsection, it may be used for this purpose.

(1983 CC, c 24, art 6, sec 24-122.)

Section 24-123. Placement of warning device on hill, curve or other obstruction to view.

Whenever any vehicle referred to in this division is disabled within five hundred feet of a curve, hillcrest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred feet nor more than five hundred feet from the disabled vehicle.

(1983 CC, c 24, art 6, sec 24-123.)

Section 24-124. Placement of warning devices on divided highway at night required.

Whenever any vehicle of a type referred to in this division is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in sections 24-121, 24-122, and 24-123, shall be placed as follows: (1) one at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; (2) one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; (3) one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

(1983 CC, c 24, art 6, sec 24-124.)

Section 24-125. Placement of warning devices during daylight hours.

Whenever any vehicle of a type referred to in this division is disabled upon the traveled portion of a highway or the shoulder thereof at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

(1983 CC, c 24, art 6, sec 24-125.)

Section 24-126. Explosive or flammable cargo; flares prohibited.

No person shall operate any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of section 24-120. There shall not be carried in any such vehicle any flares, fusees, or signal produced by flame.

(1983 CC, c 24, art 6, sec 24-126.)

Section 24-127. Placement of warning devices near vehicle with explosives or flammable cargo.

Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway at any time or place mentioned in sections 24-121 and 24-122, the driver of such vehicle shall immediately display the following warning devices: one red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of the disabled vehicle in the center of the traffic lane occupied by the vehicle. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this section.

(1983 CC, c 24, art 6, sec 24-127.)

Section 24-128. Warning device specifications.

The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this division shall conform with the requirements of sections 24-120 and 24-126.

(1983 CC, c 24, art 6, sec 24-128.)

Section 24-129. Vehicles transporting explosives; markings; fire extinguishers required.

- (a) Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the following requirements:
- (1) The vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of the vehicle a red flag not less than twenty-four inches square marked with the word "Danger" in white letters six inches high.
 - (2) Every vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle.
- (1983 CC, c 24, art 6, sec 24-129.)

Division 9. Air Conditioning.**Section 24-130. Air-conditioning equipment defined.**

Air-conditioning equipment as used in this division means mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(1983 CC, c 24, art 6, sec 24-130.)

Section 24-131. Standards applicable.

- (a) Air-conditioning equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and public and shall not contain any refrigerant which is toxic to persons or which is flammable.
- (b) Such equipment shall conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers.
- (1983 CC, c 24, art 6, sec 24-131.)

Section 24-132. Compliance required; sale and use.

- (a) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any air-conditioning equipment unless it complies with the requirements of this division.
- (b) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless the equipment complies with the requirements of this division.
- (1983 CC, c 24, art 6, sec 24-132.)

Article 7. Operation of Vehicles.**Division 1. Traffic-Control Devices.****Section 24-133. Stop signs described; compliance; designated.**

- (a) Stop signs shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways, as amended.
- (b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
- (c) The intersections described in article 10, schedule 12, section 24-264, and article 11, schedule 11, section 24-307, are stop intersections when marked by appropriate signs giving notice thereof.

(1983 CC, c 24, art 7, sec 24-133; am 1999, ord 99-65, sec 2.)

Section 24-134. Procedure for entering stop intersections.

Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by section 24-133, and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

(1983 CC, c 24, art 7, sec 24-134; am 1996, ord 96-41, sec 2.)

Section 24-135. Speed, turn lane, passing, and other regulatory signs described.

All regulatory signs shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways, as amended.

(1983 CC, c 24, art 7, sec 24-135; am 1996, ord 96-41, sec 2.)

Section 24-136. Parking, bus stops, loading signs described.

Signs governing parking, bus stops, loading zones, etc., shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways, as amended.

(1983 CC, c 24, art 7, sec 24-136; am 1996, ord 96-41, sec 3.)

Section 24-137. Yield sign described; compliance.

- (a) The yield sign shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways, as amended.

- (b) The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
 - (c) The locations described in schedule 13, section 24-265, are yield locations when marked by appropriate signs giving notice thereof.
- (1983 CC, c 24, art 7, sec 24-137; am 1996, ord 96-41, sec 4; am 2000, ord 00-87, sec 1.)

Section 24-138. Procedure for entering yield intersections.

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection; provided, however, that if a driver is involved in a collision with a vehicle in the intersection after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

(1983 CC, c 24, art 7, sec 24-138.)

Section 24-139. Warning signs described.

All warning signs and advisory speed plates shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways, as amended.

(1983 CC, c 24, art 7, sec 24-139; am 1996, ord 96-41, sec 5.)

Section 24-140. Warning signs required for the protection of working men.

No person shall work upon that portion of any highway devoted to vehicular traffic, and no governmental department or person shall permit any person to so work, unless there shall be placed in the center of the highway or on the side of the roadway, if work is done immediately adjacent to the roadway, suitable signs with black letters not less than four inches in height on a yellow field carrying the warning "Men Working." Such signs are to be placed no less than two hundred feet nor more than six hundred feet on both approaches to the place where any such person is so working; provided, however, that between one-half hour after sunset and one-half hour before sunrise, there shall be required on any such sign a properly lighted lantern or lamp.

(1983 CC, c 24, art 7, sec 24-140.)

Section 24-141. Warning signs required for livestock movement.

- (a) Any person who drives or herds any livestock across a public highway shall place warning signs adjacent to the public highway. The signs shall be posted immediately before and removed immediately after the livestock cross the highway.
- (b) In areas where the speed limit is more than thirty-five miles per hour, said signs shall be posted five hundred feet from the crossing point on each approach except when the crossing point is clearly visible within said distance.

- (c) In areas where the speed limit is thirty-five miles per hour or less, signs shall be posted two hundred fifty feet from the crossing point on each approach except when the crossing point is clearly visible within this distance.

(1983 CC, c 24, art 7, sec 24-141; am 1996, ord 96-41, sec 6.)

Section 24-142. Signs required at through streets.

- (a) Whenever any ordinance or law of this County designates and describes a through street or stop intersection, it shall be the duty of the County and/or director of public works or owner(s) of private streets to place and maintain stop and/or yield signs on each and every street intersecting such through street and at every stop intersection unless traffic at any such intersection is controlled at all times by traffic-controlled signals. The highway safety council may recommend when yield signs may be substituted for stop signs.

- (b) The streets as described in article 10, schedule 14, section 24-266, and article 11, schedule 12, section 24-308, are established and designated as through streets.

(1983 CC, c 24, art 7, sec 24-142; am 1998, ord 98-97, sec 4; am 1999, ord 99-65, sec 3; am 2001, ord 01-108, sec 1.)

Section 24-143. One-way streets designated.

The streets as described in schedule 15, section 24-267 or portions thereof are designated and shall be sign-posted as one-way streets to be traveled upon only in the direction indicated.

(1983 CC, c 24, art 7, sec 24-143.)

Section 24-144. Markings specified.

- (a) Center, no passing, double, safety zone, pavement-width transition, parking space, and all lines running parallel to the pavement edge shall be at least four inches in width. Safety zones shall be designated by a line running parallel to the pavement edge and said line shall be at least eight inches in width.
- (b) Channelizing, turn symbol, stop, crosswalk, word and symbol, and all other lines running at right angles to the pavement edge shall be at least eight inches in width.
- (c) Curb markings shall cover the face and top of curbs.
- (d) All lines or markings shall be painted as follows:
 - (1) Lines delineating the separation of traffic flows in opposing direction shall be yellow.
 - (2) Lines delineating the separation of traffic flows in the same direction shall be white.
- (e) Curb markings designating that curbside stopping, standing, or parking are prohibited within a certain area shall be red or yellow in color. The traffic engineer of the County and the district engineer of the State department of transportation are authorized to convert all yellow curbs in parking prohibition zones to red curbs.

- (f) Curb markings designating loading zones shall be yellow in color.
 - (g) Other lines and markings shall be white in color, except that medial islands, pavement-width transitions, and approaches to obstructions, where the markings are used to separate traffic flows in opposing direction, shall be yellow in color.
- (1983 CC, c 24, art 7, sec 24-144; am 1987, ord 87-76, sec 1.)

Section 24-145. No-passing zones.

- (a) The County engineer and district engineer are authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate such zones. When signs or markings are in place and visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.
 - (b) A no-passing zone shall be designated by a sign placed at the edge of the roadway at the beginning and at the end of such zone or by a solid yellow line placed as the right-hand element of a combination line along the center line.
 - (c) Where such signs or markings are in place to define a no-passing zone, no driver shall at any time drive on the left side of any pavement striping designed to mark such no-passing zone throughout its length except when making a left turn.
 - (d) Determination for no-passing at curves and signs and markings designating no-passing zones shall be in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD) published by the U.S. Department of Transportation, Federal Highway Administration, 1978 edition, as revised from time to time. The MUTCD is on file and is available for public inspection at the County clerk's office.
 - (e) Where the width of winding or hilly roads is less than eighteen feet, the County engineer and district engineer are authorized to use advisory and warning signs indicating the winding or hilly condition of the route and the narrowness of the road instead of standard signs and markings for no passing zones required under subsection (d) of this section. These warning and advisory signs shall be placed at the beginning of the winding or hilly road and at intervals of not more than two miles. Standard broken center line may be used on these narrow roads as a guide line for motorists, also when special conditions exist along these narrow winding roads a single solid yellow line may be installed at specific areas to designate a no passing zone (both directions of travel). The County engineer and district engineer shall designate those areas which warrant the use of a single solid yellow line.
- (1983 CC, c 24, art 7, sec 24-145; am 1986, ord 86-102, sec 1; 86-106, sec 1.)

Section 24-145.1. Traffic signal systems.

- (a) The installation and use of traffic signal systems is hereby authorized at the streets and intersections described in schedule 22.1, chapter 24, article 10.
 - (b) Whenever traffic signals at any intersection are completely out, drivers shall proceed as though the intersection is controlled by an "All-Way Stop."
- (1995, ord 95-94, sec 1; am 1996, ord 96-26, sec 1.)

Division 2. Speed Regulations.**Section 24-146. Fifty-five mph maximum speed permitted.**

No person shall drive a vehicle upon any highway at a speed greater than fifty-five miles per hour unless otherwise specified by this chapter.

(1983 CC, c 24, art 7, sec 24-146.)

Section 24-147. Reasonable speed required.

Subject to the limitations set forth in this chapter, no person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent under the conditions then existing.

(1983 CC, c 24, art 7, sec 24-147.)

Section 24-148. Speed law violations.

- (a) The speed of any vehicle upon a highway not in excess of the limits specified in sections 24-149 and 24-150 or established as authorized in this chapter is lawful unless clearly proved to be in violation of section 24-147.
- (b) The speed of any vehicle upon a highway in excess of the maximum speed limits in sections 24-149 and 24-150 or established as authorized in this chapter is unlawful.

(1983 CC, c 24, art 7, sec 24-148.)

Section 24-149. Maximum speed limit.

- (a) The following maximum speed limit shall be in effect except where a special speed limit has been enacted:

- (1) Ten miles per hour below the posted speed limit within construction zones.
- (2) Twenty miles per hour.

In any school zone, the beginning of which is demarcated by a school speed limit sign supplemented with a flashing speed limit sign beacon, and the end of which is demarcated by an end school zone or standard speed limit sign.

- (3) Twenty-five miles per hour.
 - (A) When passing a school site or the grounds thereof, which are contiguous to or located in close proximity to, the highway and posted with the standard "school" warning sign while children are going to be leaving the school during opening or closing hours. This speed limit shall also apply during school recesses when passing any school grounds which are not separated from the highway by a fence or other physical barrier capable of restraining a child, while the grounds within seventy-five feet of the highway are in use by a child, and the highway is posted with the standard "school" warning sign.
 - (B) During school days for a distance of up to one thousand feet on both sides of a crosswalk designated by the director of public works as a school crossing and posted with the standard "School Crossing."

- (C) In a residential district, unless otherwise indicated.
- (D) On all highways and streets unless otherwise specified by this chapter.
- (4) Thirty miles per hour.
In a business district.
- (b) Any person who violates any provision of section 24-149(a)(2), section 24-149(a)(3)(A), or section 24-149(a)(3)(B) shall upon conviction be subject to fines equal to two times the fines as provided for in section 24-16.
(1983 CC, c 24, art 7, sec 24-149; am 1980, ord 551, sec 2; am 1988, ord 88-143, sec 1; am 1995, ord 95-25, sec 4; am 1999, ord 99-65, sec 4; am 2001, ord 01-108, sec 1; am 2009, ord 09-135, sec 2; am 2010, ord 10-47, sec 1; am 2012, ord 12-44, sec 1; ord 12-85, sec 1.)

Section 24-150. Speed limits.

Speed limits described in article 10, division 1, and article 11, division 1, shall be effective when appropriate signs giving notice thereof are erected.
(1983 CC, c 24, art 7, sec 24-150; am 1999, ord 99-65, sec 5.)

Section 24-150.1 Maximum speed limits may be reduced in a residential or a business district.

- (a) The director of public works is authorized to approve the reduction of maximum speed limits in residential and business districts in five mile per hour increments to a minimum of 15 miles per hour for any subdivision being developed under chapter 23 of the Hawaii County Code. The director may reduce speed limits under this section when topographical, geometric and/or physical conditions result in limited sight-distances, vehicle operating restrictions and/or other engineering safety factors that warrant such a reduction.
- (b) Speed limits set by the director of public works pursuant to this section may be further changed by the council by ordinance.
(2007, ord 07-59, sec 2.)

Section 24-151. Minimum speed regulations.

- (a) No person shall drive a motor vehicle on a highway at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
- (b) When a speed limit is set at forty or more miles per hour, the driver of a vehicle proceeding on such highway shall not operate the driver's vehicle at a speed less than fifteen miles per hour below the posted speed limit whenever practicable except when necessary for safe operation.
- (c) No person shall drive a motor vehicle on a highway at a speed lower than the required minimum speed, if to do so would impede other vehicular traffic. Such person shall pull to the side of the highway wherever safe to do so and stop if necessary to allow other vehicles to pass the slow-moving vehicle.
(1983 CC, c 24, art 7, sec 24-151.)

Division 3. Prohibited or Restricted Activities and Vehicles.**Section 24-152. Tampering with vehicles prohibited; exception.**

- (a) No person shall, without the consent of the owner or person in charge of a vehicle, climb upon or into any vehicle with the intent to commit any injury thereto or with the intent to commit any crime, whether such vehicle be in motion or at rest.
- (b) No person, without the consent of the owner or person in charge of a standing unattended vehicle, shall manipulate any of the levers, starting crank, brakes or other devices thereon.
- (c) An operator of a motor vehicle may, however, release the brakes and move a standing unattended vehicle for the purpose of extricating the operator's vehicle from a parking location.
- (d) Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$250.

(1983 CC, c 24, art 7, sec 24-152.)

Section 24-153. Interrupting procession.

No person shall drive a vehicle between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required by law. This section shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

(1983 CC, c 24, art 7, sec 24-153.)

Section 24-153.1. Processions or parades; permit required; exceptions.

No funeral procession, or parade that impedes the normal flow of traffic excepting the forces of the United States Army or Navy, the military forces of the State, and the forces of the police and fire departments, shall occupy, march, or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.

(1983 CC, c 24, art 7, sec 24-153.1.)

Section 24-153.2. Funeral processions.

A funeral composed of a procession of vehicles shall be identified as such by the display of lighted headlamps on each vehicle. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and follow the vehicle ahead as closely as is practicable and safe.

(1983 CC, c 24, art 7, sec 24-153.2.)

Section 24-153.3. Street closure.

- (a) No person shall block, close, restrict or impede the traffic on any street, highway, time-limit parking stall or public right-of-way, for any length of time for parades, processions or for any festive, religious, civic or other special activity except in accordance with a permit issued by the chief of police or the chief's authorized representative and such other regulations as are set forth herein. Such permits issued shall be immediately revoked at any time by the chief of police or the chief's authorized representative when there is reason to believe that the activity is endangering any person, vehicle or property on or off such street, highway, time-limit parking stall or public right-of-way.
- (b) The council by resolution, in consultation with the chief of police and the director of public works, may authorize the temporary closure of a roadway stub-out, dead-end and/or other road terminus when the following conditions exist:
- 1) The stub-out, dead-end or similar road terminus to be barricaded is owned by the county.
 - 2) The closure shall not affect the flow of traffic or public access.
 - 3) Adjacent landowners are provided with written notification by the requesting agency.
 - 4) The closure is necessary to prevent loitering, littering and other illegal activities.

Removal of the temporary closure shall be authorized by council resolution.

(1983 CC, c 24, art 7, sec 24-153.3; am 2002, ord 02-119, sec 2.)

Section 24-153.4. Permits; issuance; procedure.

- (a) The procedure for issuance of a permit under section 24-153.3 shall be as follows:
- (1) Every person requesting a permit under section 24-153.3 herein shall submit an application in writing to the chief of police or the chief's authorized representative no later than thirty days preceding the date of the proposed event or activity. (Exception: Permits for construction activities shall be submitted at least fourteen days before the date of the activity.) The application shall describe the type of event or activity, date, time, number of persons participating, number and types of vehicles, floats or other equipment, and location. A detailed description of the location shall be submitted, together with a map or drawing showing the streets or other public right-of-way affected and any alternate routes of travel which may be utilized.
 - (2) Copies of the application shall be forwarded by the chief of police or the chief's authorized representative to all other affected agencies. Said agencies will have a period of seven days in which to submit comments and/or recommendations to the chief of police.

- (3) Upon receipt of all comments and recommendations from the affected agencies, and if there are no objections or prohibitions, the chief of police or the chief's authorized representative shall review the application and determine the conditions under which a permit shall be issued. Failure to comply with any of the requirements or conditions set forth in the recommendations of the affected agencies including the police department shall be cause to deny the issuance of a permit. Failure to comply with any conditions or requirements after the permit is issued shall cause such permit to be immediately revoked by the chief of police or the chief's representative.
- (4) Any hospital in or near the location of the event or activity shall be notified that a permit has been issued and shall be informed of the time, date and location of the event or activity for which the permit was issued.

(1983 CC, c 24, art 7, sec 24-153.4; am 1997, ord 97-27, sec 1.)

Section 24-154. Fleeing from police officer prohibited.

No operator of a vehicle, after having received a visual or audible signal from a traffic officer or police vehicle, shall knowingly flee or attempt to elude any traffic officer by wilful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle or the traffic officer or other vehicles or pedestrians, nor shall the operator increase the speed of the operator's vehicle or extinguish the lights of the operator's vehicle in an attempt to elude or flee.

(1983 CC, c 24, art 7, sec 24-154.)

Section 24-155. Unlawful riding.

- (a) No person shall ride nor shall any driver of any vehicle permit riding on any portion of a vehicle not designated or intended for the use of passengers. This provision shall not apply to employees engaged in the necessary discharge of duty or to persons riding entirely within truck bodies in space intended for merchandise.
- (b) No passenger shall ride nor shall any driver permit riding upon any vehicle in such a manner so as to allow any part of the passenger's body to extend over the front, rear, or side of the vehicle.

(1983 CC, c 24, art 7, sec 24-155.)

Section 24-156. Placing injurious substances on highway.

- (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.
- (b) Any person who drops, or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(1983 CC, c 24, art 7, sec 24-156.)

Section 24-157. Damaging road; definition.

- (a) No person shall operate any vehicle upon any street or highway in such a manner that the parts of the vehicle, or the load carried thereon, shall damage the road.
- (b) For the purpose of this section, damage to the road means such effect on the road or structures as will impair the riding qualities of the road, or require repairs in order that the anticipated life of the road or structure may not be decreased.

(1983 CC, c 24, art 7, sec 24-157.)

Section 24-158. Slow moving vehicles; emblems required.

- (a) All machinery including all road construction machinery except when guarded by flagmen or flares, designed to operate at twenty-five mph or less, hereinafter referred to as slow moving vehicles, travelling on a public highway where permitted by law during day or night, shall display a triangular slow moving vehicle emblem on the rear of the vehicle. Registered or legal owners of such vehicles shall use emblems, as developed by the American Society of Agricultural Engineers and printed in ASAE Standard; ASAE S276.1, for the purpose of identifying slow moving vehicles. The emblem shall be mounted on the rear of the vehicle, base down, and at a height of not less than two feet nor more than six feet from ground to base.
- (b) The display or use of such emblem as required by this section shall be in addition to any lighting devices required by law.

(1983 CC, c 24, art 7, sec 24-158.)

Section 24-159. Misuse of emblem prohibited.

The display or use of slow moving vehicle emblem shall be restricted to the display or use specified by section 24-158, and its display or use by any other type of vehicles or as a clearance marker on wide machinery or any stationary objects on the highway is prohibited.

(1983 CC, c 24, art 7, sec 24-159.)

Section 24-160. Manner of operation of slow moving vehicles.

Slow moving vehicles operated on any roadway open to public travel shall be driven in the right-hand lane, or as close as practicable to the right-hand curb or edge of the roadway, except for a distance not to exceed one thousand feet when preparing for a left turn at an intersection or into a private road or driveway.

(1983 CC, c 24, art 7, sec 24-160.)

Section 24-161. Litter defined.

For the purposes of sections 24-162 and 24-163, the word litter means all waste material including without limiting the generality thereof, all animal and vegetable wastes, and all other solid wastes such as dirt, ashes, street cleanings, dead animals or parts thereof, market and industrial wastes, bagasse, cane trash, paper, wrappings, cigarettes, cardboards, tin cans, yard clippings, leaves, wood, tree trimmings, glass, bedding, crockery, furniture, appliances, scrap metal and all other waste materials commonly or ordinarily regarded as being garbage, rubbish, refuse, trash, swill and all materials used in the construction industry, including but not limited to sand, gravel, stones, rocks, and any other material which, if allowed to be deposited or to accumulate upon the public highways, would tend to create a danger to the health, safety, welfare and general well being of the public.

(1983 CC, c 24, art 7, sec 24-161.)

Section 24-162. Load to be properly secured.

- (a) No vehicle transporting a load of litter shall be driven or moved on any highway unless the load is adequately and securely contained so as to prevent the contents of the load from dropping, sifting, leaking or otherwise escaping from the vehicle.
- (b) For the purposes of this section, a load is adequately and securely contained only if it is put into a sealed bag, box or other container, or if it is otherwise completely enclosed by a tarpaulin or like covering. The container or covering shall be sufficient to prevent the contents of the load from dropping, sifting, leaking, or otherwise escaping from the vehicle transporting it. The container or covering shall be securely fastened so as to prevent it from becoming loose, detached or otherwise escaping from the vehicle.

(1983 CC, c 24, art 7, sec 24-162.)

Section 24-163. Pick-up vehicles; equipment.

- (a) The provisions of section 24-162 shall not apply to any person who has provided for the pick-up of litter which may drop, sift, leak or otherwise escape from an uncontained vehicle. The pick-up must be accomplished during the time the uncontained vehicle is in transit or immediately thereafter by gleaners following the uncontained vehicle within a reasonable distance.
- (b) All pick-up vehicles shall be equipped with four-way flashers which shall be in use while the vehicles are in operation, and all gleaners shall be required to wear orange reflectorized safety vests.

(1983 CC, c 24, art 7, sec 24-163.)

Section 24-164. Tracking mud or other material on highway prohibited.

No vehicle using the public highway shall track mud or dirt or other material onto the traveled portion of the highway in quantities as will constitute a hazard, or obscure the painted pavement markings thereon. In the event that mud or dirt is unavoidably tracked onto the highway, it shall be the duty of the operator of the offending vehicle to have the mud or dirt removed immediately.

(1983 CC, c 24, art 7, sec 24-164.)

Section 24-165. Dual-wheeled vehicles; operation.

Vehicles having two or more wheels on each end of an axle shall not be moved on any public highway when rocks or any foreign materials which might be hazardous to traffic are embedded between the wheels on the moving vehicles.

(1983 CC, c 24, art 7, sec 24-165.)

Section 24-166. Restricted use of highways by certain vehicles.

- (a) The use of certain streets by certain classes of vehicles may be restricted by ordinance, and appropriate sign shall be posted giving notice thereof.
- (b) The vehicles designated in schedule 41, section 24-293, are precluded from the use of the streets designated in that schedule when appropriate signs giving notice thereof are erected.

(1983 CC, c 24, art 7, sec 24-166.)

Section 24-167. Towed vehicles and trailers.

- (a) When one vehicle is towing another, the drawbar or other connection shall be equipped with an additional safety chain or chains (stay chain or cable) adequate to hold such vehicle to the towing vehicle in the event of tow bar or other connection and/or coupling failure. Each chain or cable and its accompanying coupling and mounting devices shall have an ultimate strength equal to at least the gross weight of the vehicle.
- (b) No person shall operate a train of vehicles when any trailer, semi-trailer, or other vehicle being towed whips or swerves from side to side dangerously or unreasonably or fails to follow substantially in the path of the towing vehicle.
- (c) Every trailer or towed vehicle to be operated upon a public highway shall, in addition to a tow bar, be equipped with a safety chain or chains (stay chain or cable) adequate to hold such vehicle to the towing vehicle in the event of tow bar and/or coupling failure. Each chain or cable and its accompanying coupling and mounting devices shall have an ultimate strength equal to at least the gross weight of the trailer.
- (d) This section shall not apply to trailers or towed vehicles with a gross vehicle weight rating over 10,000 lbs equipped with full airbrakes that meet the Federal Motor Vehicle Safety Standards.

(1983 CC, c 24, art 7, sec 24-167; am 2010, ord 10-13, sec 2.)

Section 24-167.1. Use of mobile electronic devices while operating a vehicle.

(a) As used in this section, unless the context clearly requires otherwise:

“Emergency responders” include fire fighters, emergency medical service technicians, mobile intensive care technicians, civil defense workers, police officers, and federal and state law enforcement officers.

“Mobile electronic device” means any hand-held or other portable electronic equipment capable of providing wireless and/or data communication between two or more persons or of providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer, video game, or digital photographic device, but does not include any audio equipment or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear seats of the motor vehicle.

“Operate a motor vehicle” means to drive or assume actual physical control of a vehicle upon a public way, street, road, or highway.

“Use or using” means holding a mobile electronic device while operating a motor vehicle.

- (b) It shall be a violation under this section to operate a motor vehicle while using a mobile electronic device, unless used with a hands-free device. Any person convicted of violating this subsection shall be subject to a maximum fine of \$150.
- (c) Whoever operates any vehicle while using a mobile electronic device, unless used with a hands-free device, in a manner as to cause a collision with, or injury or damage to, as the case may be, any person, vehicle, or other property shall be fined not more than \$500.
- (d) The use of a mobile electronic device for the sole purpose of making a “911” emergency communication shall be an affirmative defense to this ordinance.
- (e) The following persons shall be exempt from the provisions of subsections (b) and (c):
- (1) Emergency responders using a mobile electronic device while in the performance and scope of their official duties;
 - (2) Drivers using two-way radios while in the performance and scope of their work-related duties; and
 - (3) Drivers holding a valid amateur radio operator license issued by the federal communications commission and using half-duplex two-way radio.

(2009, ord 09-82, sec 1.)

Division 4. Turns.**Section 24-168. U-turns restricted; manner of.**

- (a) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction (make a U-turn) upon any street in the business district, or at any intersection where traffic is controlled by traffic signal lights during the hours between 6:00 a.m. to midnight of each day. However, when official signs or markings are installed giving notice thereof, U-turns shall be allowed in areas designated by an ordinance of the council.

- (b) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.
 - (c) The driver of any vehicle shall not turn so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.
 - (d) The areas designated in schedule 21, section 24-273, are U-turn areas when appropriate signs giving notice thereof are erected.
 - (e) The areas designated in schedule 22, section 24-274 are prohibited U-turn areas when appropriate signs giving notice thereof are erected.
- (1983 CC, c 24, art 7, sec 24-168.)

Section 24-169. Prohibited turns.

- (a) When official signs are posted, giving notice thereof, no driver of a vehicle shall make a left or right turn. The chief of police may place signs of a temporary nature during peak traffic hours at any intersection or driveway the chief may deem to be congested.
 - (b) The locations designated in schedule 19, section 24-271 are prohibited left turn areas.
 - (c) The locations designated in schedule 20, section 24-272 are prohibited right turn areas.
- (1983 CC, c 24, art 7, sec 24-169.)

Section 24-170. Right or left turns only.

- (a) When official traffic signs are posted, giving notice thereof, the driver of any vehicle shall be restricted to making only right or left turns, as indicated, and may only turn in a direction permitted by the sign, or proceed straight ahead.
 - (b) The chief of police may place signs of a temporary nature during peak traffic hours at any intersection or driveway the chief may deem to be congested.
 - (c) The locations designated in schedule 17, section 24-269, are areas restricted to right turns only.
 - (d) The locations designated in schedule 18, section 24-270, are areas restricted to left turns only.
- (1983 CC, c 24, art 7, sec 24-170.)

Section 24-171. Turn right anytime with caution in intersections.

- (a) When official turn right anytime with caution signs are erected at any intersection, the driver of a vehicle may make a right turn without coming to a stop, so long as the turn is made with proper care to avoid an accident.
 - (b) The intersections described in schedule 16, section 24-268, are designated as "Turn Right at Anytime with Caution" intersections when appropriate signs giving notice thereof are erected.
- (1983 CC, c 24, art 7, sec 24-171.)

Section 24-172. Cutting corners.

No person shall operate or drive any vehicle on or across any sidewalk area or through any driveway, parking lot or any business entrance for the purpose of making right or left turns from one street into another by avoiding intersections or as a means of travelling from one street to another; provided, however, that this section shall not prohibit the use of such driveway, parking lot or business entrance for such purposes when such use is incidental to business to be transacted on the premises.
(1983 CC, c 24, art 7, sec 24-172.)

Division 5. Emergency Vehicles and School Buses, Right-of-Way.**Section 24-173. Authorized emergency and special hazard vehicles.**

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions stated in this section.
- (b) The driver of an authorized emergency vehicle may:
 - (1) Park or stand, irrespective of the provisions of this chapter;
 - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (3) Exceed the maximum speed limits so long as the driver does not endanger life or property;
 - (4) Disregard regulations governing direction of movement or turning in specified directions.
- (c) The exemptions granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible or visual signals meeting the requirements of this chapter, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a blue light visible from in front of the vehicle.
- (d) Nothing in this section shall relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.
- (e) The operator of a special hazard vehicle may drive or park the vehicle contrary to the provisions of this chapter when such operation or parking is essential to public safety and does not endanger other users of the highways.

(1983 CC, c 24, art 7, sec 24-173.)

Section 24-174. Operation of vehicles on approach of authorized emergency vehicles.

- (a) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of sections 24-69 through 24-74:

- (1) The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the nearest edge or curb of the roadway lawfully available and clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(1983 CC, c 24, art 7, sec 24-174.)

Section 24-175. Overtaking and passing school bus.

- (a) The driver of any vehicle upon meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging any school children and displays an alternating red signal meeting the requirements of sections 24-69 through 24-74, shall bring such vehicle to a stop before passing the school bus and shall not proceed past the school bus until the red alternating signal ceases operation.
- (b) It shall be the responsibility of the driver of every school bus, used for the transportation of school children, to activate the alternating red signal continuously while stopped on a highway outside of a business or residence district, for the purpose of receiving or discharging school children.
- (c) While stopped within a business or residence district for the purpose of receiving or discharging school children, bus drivers shall activate the alternating red signal when either of the following conditions exist:
 - (1) There is a need for children to cross the road.
 - (2) There is a narrow shoulder along the driver's right hand side of the roadway.
- (d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is upon the other roadway.
- (e) Every school bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "School Bus" in letters not less than eight inches in height and in strokes not less than one-half inch in width, and the words "Stop On Alternating Red Light" in letters not less than six inches in height and in strokes of not less than one-half inch in width.

(1983 CC, c 24, art 7, sec 24-175; am 1985, ord 85-80, sec 2.)

Division 6. Golf Carts.**Section 24-176. Definitions.**

As used in this division:

- (1) "Golf cart" means a vehicle designed or used primarily for the transporting of persons and golfing equipment upon a golf course.
- (2) "Golf cart crossing" means that part of the route of the golf cart pathway which intersects the public thoroughfare.
- (3) "Golf course maintenance vehicle" means a vehicle designed and adapted exclusively for agricultural and lawn maintenance purposes, not subject to registration if used upon the public thoroughfare, which is used or operated for the maintenance of a golf course.
- (4) "Public thoroughfare" means any public street, highway, sidewalk, bridge, alley, road, square, or land owned or maintained by County.

(1983 CC, c 24, art 7, sec 24-176.)

Section 24-177. Carts prohibited from public thoroughfares; exception.

No person shall use or operate a golf cart or golf course maintenance vehicle on, upon or across a public thoroughfare except as provided in this division.

(1983 CC, c 24, art 7, sec 24-177.)

Section 24-178. Restrictions on use.

- (a) No golf cart or golf course maintenance vehicle shall be driven upon any public thoroughfare:
 - (1) Except to cross the public thoroughfare at established golf cart crossings;
 - (2) By any person whose age is less than thirteen years, provided that in addition to this restriction, the owner or operator of the golf course shall be responsible for the capability of the driver permitted to operate a golf cart or golf course maintenance vehicle;
 - (3) After sunset and before sunrise; or
 - (4) Carrying more persons than the seating capacity of the golf cart or golf course maintenance vehicle.

(1983 CC, c 24, art 7, sec 24-178.)

Section 24-179. Golf cart crossing; markings; use.

- (a) Each golf cart crossing shall:
 - (1) Be posted with a sign located not more than twenty feet from the public thoroughfare with lettering not less than three inches high and shall read: "Stop -- You Will Cross A Public Highway -- Proceed With Caution";
 - (2) Approach the public thoroughfare at right angle; and
 - (3) Have sufficient sight distance in both directions of the public thoroughfare to permit the golf cart or golf course maintenance vehicle to cross with safety.

(1983 CC, c 24, art 7, sec 24-179.)

Section 24-180. Nonresponsibility of County.

Neither the County nor any department, board, commission, officer, or employee thereof shall be held liable or responsible for any damage, injury, or death resulting from the approval of any golf course plan or inspection of any work made under any ordinance of the County.

(1983 CC, c 24, art 7, sec 24-180.)

Section 24-181. Indemnification by owner; notice.

- (a) The owner or operator of a golf course which permits golf carts or golf course maintenance vehicles to be driven upon the public thoroughfare shall save harmless and indemnify the County for all loss sustained by the County on account of any suit, judgment, execution, claim or demand whatsoever, by reason of any injury to person or property, including damage to road foundation, surface, or structures, resulting from the operation of such vehicles upon the public thoroughfare.
- (b) The County shall notify such owner or operator or such person's representative within sixty days after the presentation of any claim or demand, either by suit or otherwise, made against the County on account of the operation of golf carts or golf course maintenance vehicles upon the public thoroughfare.

(1983 CC, c 24, art 7, sec 24-181.)

Section 24-182. Bond requirements; insurance policy.

- (a) The owner and operator of a golf course which permits golf carts or golf course maintenance vehicles to be driven upon the public thoroughfare shall file with the department of public works of the County a continuing bond in the penal sum of \$300,000 issued by the owner or operator and a surety company to be approved by the County corporation counsel and conditioned for the faithful observance of this division and any and all amendments thereto, which shall indemnify and save harmless the County from any and all damages, judgments, costs or expenses which the County may incur or suffer by reason of the operation or use of such vehicles upon the public thoroughfare.
- (b) A liability insurance policy issued by an insurance company authorized to do business in the State of Hawai'i conforming to this section may be permitted in lieu of a bond.

(1983 CC, c 24, art 7, sec 24-182.)

Section 24-183. Penalty.

Any person violating any of the provisions of this division shall be fined in an amount not exceeding \$250. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as provided in this division.

(1983 CC, c 24, art 7, sec 24-183; am 1994, ord 94-103, sec 3.)

Section 24-184. Application of division.

This division is not to be construed to mean that the County may not require golf course developers to build overpasses or underpasses across public rights-of-way. (1983 CC, c 24, art 7, sec 24-184.)

Division 7. Bicycles.**Section 24-185. Bicycle operation; bike lanes; bike routes.**

- (a) No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.
- (b) Bike Lanes, Established. The areas designated in schedule 42, section 24-294, once appropriately identified with traffic-control devices, signs, signals, or markings by the director of public works or the director's representative, are established as bicycle lanes.
- (c) Bike Routes, Established. The areas designated in schedule 43, section 24-295, once appropriately identified with traffic-control devices, signs, signals, or markings by the director of public works or the director's representative, are established as bicycle routes.

(1983 CC, c 24, art 7, sec 24-185; am 2001, ord 01-108, sec 1.)

Section 24-186. Parking bicycles without obstructing street or sidewalk.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian and vehicular traffic.

(1983 CC, c 24, art 7, sec 24-186.)

Division 8. Mopeds.**Section 24-186.1. Moped rules.**

- (a) No person shall:
 - (1) Operate a moped on any highway or street in the County unless that person is properly wearing protective eyewear.
 - (2) Offer for lease or rent a moped without providing to the operator protective eyewear.
- (b) Every moped shall be certified pursuant to Hawai'i Revised Statutes section 286-26, certificates of inspection, prior to the issuance of a registration by the director of finance and prior to the transfer of any registration; provided that this requirement shall not apply to any subsequent transfer of registration in a moped that carries a current certificate of inspection.

(1988, ord 88-84, sec 3; am 2009, ord 09-119, sec 2.)

Division 9. Pedicabs.

Section 24-186.2. Definition.

- (a) As used in this article, unless the context clearly requires otherwise:
- (1) "Pedicab" means any multi-wheeled, hooded or unhooded push-cart or rickshaw-type vehicle pulled or propelled by any person, which is used in the movement of passengers.
- (1989, ord 89-22, sec 2.)

Section 24-186.3. Use of pedicabs prohibited.

No person shall use or operate a pedicab or other like vehicle on, upon, or across any public street, highway, or thoroughfare.

(1989, ord 89-22, sec 2.)

Section 24-186.4. Penalty.

A person who violates the provisions of this division shall upon conviction be punished by a fine not to exceed \$500.

(1989, ord 89-22, sec 2.)

Article 8. Parking, Standing and Stopping.

Division 1. Parking Regulations.

Section 24-187. Parking restricted.

No person shall stop, park, or leave standing any motor vehicle, whether attended or unattended, upon the paved or main traveled part of the highway in the County except in those areas lawfully designated for parking.

(1983 CC, c 24, art 8, sec 24-187.)

Section 24-188. Removal of illegally stopped vehicle.

- (a) Whenever any police officer finds a motor vehicle in violation of section 24-187, the officer is authorized to move the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position where the vehicle will not obstruct traffic or off the primary lanes of vehicular travel.
 - (b) Upon the inability of the officer to move the vehicle and after the driver or owner refuses or is unable to comply with the request to move the vehicle, or where the driver cannot be located in the immediate area, the officer may cause the vehicle to be towed away at the registered owner or driver's expense.
 - (c) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where the stopped vehicle constitutes an obstruction to traffic, the officer is authorized to provide for the removal of the vehicle to the nearest garage or other place of safety.
- (1983 CC, c 24, art 8, sec 24-188.)

Section 24-189. Stopping, standing, or parking in certain areas prohibited.

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or a special traffic-control device, no person shall stop, stand, or park a vehicle:
- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (2) On the sidewalk;
 - (3) Within an intersection except where designated by parking stalls;
 - (4) On a crosswalk;
 - (5) Within or along any safety zone where special signs are erected prohibiting parking;
 - (6) Alongside or opposite any street, excavation, or obstruction when stopping, standing, or parking would obstruct traffic;
 - (7) Upon any bridge or other elevated structure upon a highway, within a highway tunnel;
 - (8) At any place where special signs or markings prohibit stopping; or
 - (9) The areas described in schedule 34, section 24-286 are designated as no stopping, standing or parking zones, and appropriate signs or marking giving notice thereof shall be erected.

(1983 CC, c 24, art 8, sec 24-189; am 1996, ord 96-41, sec 7.)

Section 24-190. Picking up or discharging passengers.

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- (1) In front of or within four feet of a public or private driveway or within a distance up to seventy-five feet of a public or private driveway when appropriate signs or markings are installed;
 - (2) Within fifteen feet of a fire hydrant;
 - (3) Within thirty feet on both the approach and departure side of a crosswalk on a two-way street; within thirty feet on the approach side only of a crosswalk on a one-way street; or within a distance up to seventy-five feet of a crosswalk when appropriate signs or markings are installed;
 - (4) Within thirty feet of an intersection or within a distance up to seventy-five feet of an intersection when appropriate signs or markings are installed;
 - (5) Within twenty feet of a driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within seventy-five feet of such entrance when properly marked;
 - (6) Within seventy-five feet upon the approach to any traffic-control signal except where designated by a parking stall;
 - (7) At any place where special signs or markings prohibit standing;

- (8) Except where otherwise specifically provided for by ordinance applicable to driveways located upon the following streets, in front of or within thirty feet of any driveway located on Aupuni and Pauahi Streets in the City of Hilo; or
 - (9) Within the turnaround area of a dead-end street, when special signs are erected.
 - (b) The department of public works shall indicate by signs or by markings painted upon the curbs the areas within which parking has been prohibited by this division.
- (1983 CC, c 24, art 8, sec 24-190; am 1997, ord 97-50, sec 1; am 2011, ord 11-5, sec 1.)

Section 24-191. Loading or unloading of passengers or merchandise in certain areas.

- (a) Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or a special traffic-control device, no person shall park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers at any place where official signs or markings prohibit parking.
 - (b) No person shall move a vehicle not lawfully under such person's control into any prohibited area as described in this section or away from a curb at a distance as is unlawful.
- (1983 CC, c 24, art 8, sec 24-191; am 1996, ord 96-41, sec 8.)

Section 24-192. Parking not to obstruct traffic.

No person shall park any vehicle:

- (a) On any street designated as "no parking on pavement zone" in a manner or under such condition that any portion of the vehicle extends over any portion of the roadway. The areas described in schedule 27 are designated as "no parking on pavement zones" and appropriate signs or markings giving notice thereof shall be erected, or
- (b) Upon a street, other than an alley, in a manner or under such condition as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(1983 CC, c 24, art 8, sec 24-192; am 1996, ord 96-41, sec 9.)

Section 24-193. Parking in alleys.

No person shall park a vehicle within an alley leaving less than ten feet of the width of the roadway available for the free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within an alley in a position as to block the driveway entrance to any abutting property.

(1983 CC, c 24, art 8, sec 24-193.)

Section 24-194. Parking for displaying, washing, and repairing vehicle; prohibited.

- (a) No person shall park a vehicle upon any highway:
- (1) For the purpose of washing, polishing, greasing, or repairing such vehicle except for repairs necessitated by an emergency.

(1983 CC, c 24, art 8, sec 24-194; am 1984, ord 84-73, sec 2; am 1996, ord 96-122, sec 1.)

Section 24-195. Time-limit parking zones.

- (a) When official signs are erected giving notice thereof, no person shall stop, stand, or park a vehicle for a period of time longer than that indicated on the signs, between the hours indicated on the signs, on any day except Sundays and public holidays, upon any street or portions thereof within the County.
- (b) The council may, by resolution, dispense with the enforcement of subsection (a) for a specified time in any specified time-limit parking zone for purposes of studying parking policy.
- (c) The areas of streets, described in schedules 30 through 33, sections 24-282 through 24-285 are designated as time-limit parking zones when appropriate signs or markings giving notice thereof are erected.

(1983 CC, c 24, art 8, sec 24-195; am 2002, ord 02-119, sec 3.)

Section 24-196. No-parking zones.

- (a) When official signs or markings give notice thereof, no person shall stop, stand, or park a vehicle any longer than is reasonably necessary to take on or discharge passengers or freight upon any street or portions thereof within the County.
- (b) The areas of streets, described in schedule 28, section 24-280 are designated as no-parking zones when appropriate signs or markings giving notice thereof are erected.

(1983 CC, c 24, art 8, sec 24-196.)

Section 24-197. Parking prohibited during certain hours.

- (a) When official signs are erected giving notice thereof, no person shall stop, stand or park a vehicle any longer than is reasonably necessary to take on or discharge passengers or freight, upon any of the streets or portions thereof within the County, between the hours indicated on such signs, of any day, except Sundays and public holidays or as otherwise listed in schedule 29, section 24-281.
- (b) The areas of streets, described in schedule 29, section 24-281, are designated as “parking prohibited during certain hours zones” when appropriate signs or markings giving notice thereof are erected.

(1983 CC, c 24, art 8, sec 24-197; am 1996, ord 96-41, sec 10; am 2012, ord 12-52, sec 2.)

Section 24-198. Parking spaces; manner of parking; exception.

- (a) The director of public works may establish, mark, and designate a consecutive series of parking spaces for the parallel or angle parking of motor vehicles where there is an apparent need for parking spaces.
- (b) Wherever parking spaces are so established, marked off and designated, no driver of any vehicle, except single vehicles of a length or width greater than the marked space, shall park such vehicle outside of a designated space.
- (c) In city or street blocks, wherever parking spaces are so established, marked off, and designated, no driver of any vehicle, except single vehicles of a length or width greater than the marked space, shall park such vehicle outside of an established, marked off, and designated space.
- (d) The provisions of this section shall not be applicable to vehicles parked in areas designated as freight-loading zones when such parking is permitted.

(1983 CC, c 24, art 8, sec 24-198; am 2001, ord 01-108, sec 1.)

Section 24-199. Abandoned special mobile equipment, vehicles, trailers, and equipment on wheels prohibited; disposition.

- (a) No person shall abandon any special mobile equipment, vehicle, trailer, or equipment on wheels, whether operational or nonoperational, on the public highway.
- (b) For the purposes of this section, any special mobile equipment, vehicle, trailer, or equipment on wheels, whether operational or nonoperational, left unattended on any public or private street or thoroughfare which is subject to this chapter for more than twenty-four hours shall be deemed abandoned and may immediately be taken into custody by the police department. All such vehicles are declared to be public nuisances.
- (c) Such special mobile equipment, vehicles, trailers, or equipment on wheels shall be disposed of as required by chapter 290, Hawai'i Revised Statutes, as amended.
- (d) Where the registered owner of the abandoned special mobile equipment, vehicle, trailer, or equipment on wheels can be located, the registered owner of such special mobile equipment, vehicle, trailer, or equipment on wheels shall be subject to a fine of \$250 and all reasonable expenses incurred by such removal.
- (e) The provisions of this section shall not be interpreted to contravene the provisions of 20-38.

(1983 CC, c 24, art 8, sec 24-199; am 1989, ord 89-60, sec 2; am 1994, ord 94-101, sec 2; am 2008, ord 08-92, sec 2.)

Section 24-200. Registered owner's responsibility; registration plate as prima facie evidence as its parking.

In any proceedings for violation of this article, the serial number displayed on the registration plate attached to the vehicle involved in such violation shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked the vehicle at the point where, and during the time when, the violation occurred.

(1983 CC, c 24, art 8, sec 24-200.)

Section 24-201. Parking for authorized vehicles.

- (a) Vehicles of government agencies, public utility companies, garages, contractors or any other person may stand and park contrary to the parking provisions set forth in this chapter when the owner or operator of such vehicle holds a special permit issued by the chief of police granting such authorization for a limited time. The permit shall be either in the possession of the driver or on the vehicle at the time. No owner or driver shall violate any of the specific terms or conditions of the permit.
- (b) The director of public works is hereby authorized to designate and identify special parking zones or stalls, by appropriate signs and/or markings, for the sole use of County of Hawai'i lifeguards assigned to the public facility and for emergency vehicles during the working hours of the lifeguard at the following locations:
 - (1) Kahoa Street leading to Honoli'i Beach Park- two vehicles.
 - (2) Ali'i Drive at La'aloa Beach Park (Magic Sands)- two vehicles.

(1983 CC, c 24, art 8, sec 24-201; am 1993, ord 93-99, sec 1; am 1999, ord 99-15, sec 1; ord 99-57, sec 1; am 2001, ord 01-100, sec 1; ord 01-108, sec 1.)

Section 24-202. Stopping, standing, or parking on Federal-aid highways.

- (a) Where official signs are erected, giving notice thereof, no person shall stop, stand, or park a vehicle upon any Federal-aid highway, subject to the exemptions granted emergency vehicles.
- (b) For the provisions of subsection (a), the State highway engineer for the County of Hawai'i is authorized to erect "No-Parking" signs upon any portion of the Federal-aid highway where the State highway engineer deems it necessary.
- (c) No person shall park a vehicle upon any Federal-aid highway for a period of time longer than sixty minutes between the hours of 2:00 a.m. and 6:00 a.m. of any day; subject, however, to the exemptions granted emergency vehicles.
- (d) Where parking is permitted on a Federal-aid highway, all parking shall be parallel to the pavement with all wheels entirely off the traveled way.
- (e) There shall be no parking on or crossing over the medians.

(1983 CC, c 24, art 8, sec 24-202.)

Section 24-202.1. Parking prohibited in tow or tow-away zones.

- (a) When official signs are erected designating a street or portion thereof as a tow or tow-away zone, no person shall stop, stand or park a vehicle, even momentarily, between the hours indicated on such sign; provided, however, that stops may be made for the expeditious loading or unloading of freight and passengers in official loading and unloading zones; and provided, further, that buses may stop for the expeditious loading and unloading of passengers in official bus stops. In no case shall the stop for the loading or unloading of freight and passengers exceed the time as established by the pertinent zones. Provided, however, that when requested for noncommercial or nonbusiness purposes only, the County council may by resolution suspend for a period of not more than one week any parking prohibition herein provided.

- (b) The chief of police is hereby authorized to remove or cause to be removed a vehicle from a street or highway to a storage area or other place of safety under the provisions of this section. The chief of police shall promulgate and adopt such rules and regulations as are necessary to carry out such removal and storage of vehicles pursuant to the enforcement of this section.
- (c) The County is hereby authorized to contract with another entity for the towing and storage of vehicles pursuant to this section and the rules and regulations promulgated and adopted pursuant to this section.
- (d) Whenever an officer of the police department removes or causes to be removed a vehicle from a street as authorized herein and knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice to the police department dispatch office the fact of such removal and the reasons therefor, and of the place to which such vehicle has been moved. The police department shall notify the owner of said vehicle in writing of the removal and the whereabouts of said vehicle.
- (e) Whenever an officer of the police department removes or causes to be removed a vehicle from a street and does not know and is not able to ascertain the name of the owner as hereinbefore provided and in the event the vehicle is not returned to the owner within a period of three days, then and in that event, the officer shall immediately send or cause to be sent a written report of such removal by mail to the County director of finance whose duty it is to register motor vehicles. Such report shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal and the name of the garage or place where the vehicle is stored.
- (f) The director of finance is hereby authorized and empowered to dispose of vehicles which have been taken into custody by the chief of police or the chief's subordinates as prescribed herein. Such disposition shall be at public auction under such procedure as the director of finance shall establish with the approval of the mayor and the County council. Written notice of such auction shall be sent to the last known registered owner by certified mail, addressed to the owner's last known address, at least ten days prior to the date of auction, and said auction shall be held not earlier than sixty days after the date upon which such vehicle shall have been taken into custody. Any person entitled to any such vehicle may claim the same at any time prior to such auction upon payment of all costs and expenses relating to the towing and storage of such vehicle, as determined by the director of finance, provided that such costs shall not exceed that established by State statutes.
- (g) In the event that no bid is received, the director of finance shall offer such vehicle to the department of public works, automotive division for its use or for salvage; and in the event said division shall reject such offer the director of finance shall dispose of such vehicle at a County landfill at the expense of the County.

- (h) The streets or portions thereof described in schedule 29, section 24-281, are designated as tow or tow-away zones, and appropriate signs or markings giving notice thereof shall be erected.
 - (i) Any vehicle which is parked unattended in the areas designated in schedule 29 shall be towed from the area. The registered owner of said vehicle shall be subject to all reasonable expenses incurred by such removal.
- (1988, ord 88-168, sec 4; am 1997, ord 97-47, sec 1; am 2012, ord 12-53, sec 2.)

Section 24-202.2. Enforcement of article by designated employees of the County.

In addition to police officers authorized under section 24-12 and section 24-15 to enforce the provisions of this chapter, the regulations provided by this article shall be enforced by employees or designated independent contractors of the County who have been authorized under section 24-202.3.

(1986, ord 86-16, sec 2; am 1993, ord 93-84, sec 1; am 1996, ord 96-38, sec 1.)

Section 24-202.3. Citation power of public works employee.

The director of public works shall appoint one or more employees or may hire independent contractors designated to enforce the provisions of this article. The employee, employees or designated independent contractors so appointed shall have the limited police power to issue a complaint and summons against persons whom such employee, employees or designated independent contractors find to be in violation of the parking regulations established under this article. The form of citation and summons shall be approved by the director of public works and shall be in a form commensurate with the form of other summons as used in modern police methods described in section 803-6, Hawai'i Revised Statutes, as amended. The summons shall be enforceable in the manner described in section 803-6, Hawai'i Revised Statutes.

(1993, ord 93-84, sec 5; am 1996, ord 96-38, sec 5; am 2001, ord 01-108, sec 1.)

Section 24-202.4. Volunteer disabled parking enforcement program.

- (a) For purposes of this section, "chief of police" means the chief of the County of Hawai'i police department or the authorized designee thereof.
- (b) There is established within the County of Hawai'i police department and under the supervision of the chief of police, a program to utilize volunteers to assist in the enforcement of County and State disabled parking laws.
- (c) The chief of police is authorized to commission volunteers as special disabled parking enforcement officers to issue citations on public and private property to persons violating County and State disabled parking laws.
- (d) The chief of police shall:
 - (1) Establish minimum qualifications for persons wishing to volunteer their services to become special disabled parking enforcement officers and application procedures for volunteers;

- (2) Provide a required training program for volunteers which shall include, but not be limited to:
 - (i) Knowledge of County and State disabled parking laws;
 - (ii) Identifying violators and issuing citations;
 - (iii) Use of communication and other necessary equipment;
 - (iv) Procedures to follow in the event of confrontations with suspected violators; and
 - (v) Providing testimony in court to enforce citations;
- (3) Grant commissions to volunteers who have successfully completed the training program, and who are qualified as determined by the chief of police, to become special disabled parking officers; and
- (4) Provide for supervision and monitoring of the special disabled parking enforcement officers while such officers are on duty.
- (e) Each special disabled parking enforcement officer shall agree to:
 - (1) Volunteer a minimum number of hours per week, as determined by the chief of police; and
 - (2) Serve at locations designated by the chief of police.
- (f) Each special disabled parking enforcement officer who is assigned duties under this program shall receive:
 - (1) Mileage reimbursement at the current County rate to travel to and from the officer's place of assignment; and
 - (2) All other benefits for which volunteers qualify under the laws of the County of Hawai'i.
- (g) The chief of police may refuse to commission or may revoke the commission of any volunteer whose qualifications or performance is found to be unacceptable to the chief.
- (h) The chief of police shall adopt rules to implement this program.
(2000, ord 00-81, sec 2.)

Division 2. Parking Method.

Section 24-203. Distance from curb; use of shoulder.

- (a) Except as otherwise provided in this chapter:
 - (1) Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the wheels of the vehicle parallel to and within twelve inches of the curb or wholly within a marked parking stall and headed in the direction of authorized movement.
 - (2) Every vehicle stopped or parked upon a highway where there are no curbs, shall be so stopped or parked parallel with the roadway and with all wheels entirely off the traveled way so far as the shoulder width will permit and headed in the direction of authorized movement.

(1983 CC, c 24, art 8, sec 24-203.)

Section 24-204. Angle parking; designation; marking of spaces.

- (a) The council shall determine upon what streets angle parking shall be permitted.
 - (b) It shall be the duty of the County or State highway engineer to mark or sign such areas.
 - (c) The areas of streets described in section 24-286.1, schedule 34.1, are designated as angle parking permitted areas.
- (1983 CC, c 24, art 8, sec 24-204; am 1998, ord 98-2, sec 1.)

Section 24-205. Obedience to angle parking signs or markings.

On those streets which have been signed or marked by the County or State highway engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. No vehicle nor part of any vehicle shall be on or extend over the main traveled portion of the highway.

(1983 CC, c 24, art 8, sec 24-205.)

Section 24-206. Permits for loading or unloading at angle to curb.

- (a) The chief of police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of the permit. The permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.
- (b) No permittee or other person shall violate any of the special terms or conditions of any such permit.

(1983 CC, c 24, art 8, sec 24-206.)

Section 24-207. Lamps on parked vehicles.

- (a) Whenever a vehicle is lawfully parked upon a street or highway for any period of time from a half hour after sunset to a half hour before sunrise, and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway, no lights need be displayed upon the parked vehicle.
- (b) Whenever a vehicle is parked or stopped upon a roadway or adjacent shoulder, whether attended or unattended, for any period of time from a half hour after sunset to a half hour before sunrise, and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements:

- (1) At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle. The location of the lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.
- (2) The foregoing provisions shall not apply to a motor-driven cycle.
- (c) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed. (1983 CC, c 24, art 8, sec 24-207.)

Division 3. Stopping for Loading and Unloading.

Section 24-208. Standing in passenger loading and unloading zones.

- (a) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading and unloading zone during hours when the regulations applicable to such curb loading and unloading zone are effective, and then only for a period not to exceed three minutes.
- (b) The streets described in schedule 35, section 24-287, are designated as passenger loading and unloading zones when appropriate signs or markings giving notice thereof are erected.
- (c) When the provisions of this section are not in effect, vehicles may park in passenger loading and unloading zones unless otherwise prohibited by this chapter. (1983 CC, c 24, art 8, sec 24-208; 2000, ord 00-11, sec 1.)

Section 24-209. Standing in freight loading zones.

- (a) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.
- (b) The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone. (1983 CC, c 24, art 8, sec 24-209.)

Section 24-210. Hours of freight loading zones; schedule.

- (a) The provisions regarding freight loading zones shall be applicable only between the hours of 8:00 a.m. and 4:00 p.m. of any day, except Sundays and public holidays, unless otherwise described in schedule 36, section 24-288. When the provisions are not in effect, vehicles may park in freight loading zones unless otherwise prohibited by this chapter.
- (b) The areas of streets described in schedule 36, section 24-288 are designated as freight-loading and unloading zones, when appropriate signs or markings giving notice thereof are erected.

(1983 CC, c 24, art 8, sec 24-210; am 2011, ord 11-31, sec 1.)

Section 24-211. Bus parking; official bus stops.

- (a) The driver of a bus shall not stand or park a bus upon any street at any place within any business district other than at an officially designated bus stop as described in schedule 23, section 24-275.
- (b) The driver of a bus shall not stop, stand or park a bus other than on the right-hand side of the roadway upon a one-way street.

(1983 CC, c 24, art 8, sec 24-211.)

Section 24-212. Parking in bus stops and road taxi stands prohibited.

- (a) No person shall stop, stand or park a vehicle, other than a bus, in a bus stop when the bus stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus which has entered or is waiting to enter or about to enter the bus stop.
- (b) The areas described in schedule 23, section 24-275 are designated as bus stops, when appropriate signs or markings giving notice thereof are erected.
- (c) When the provisions of this section are not in effect, vehicles may park in bus stops unless otherwise prohibited by this chapter.
- (d) No person shall stop, stand or park any vehicle, other than a taxicab with a valid road taxi stand permit, in a road taxi stand when the road taxi stand has been officially designated and appropriately signed.
- (e) The areas described in schedule 23.1, section 24-275.1 are designated as road taxi stands, when appropriate signs and markings giving notice thereof are erected.
- (f) When the provisions of this section are not in effect, vehicles may park in road taxi stands unless otherwise prohibited by this chapter.

(1983 CC, c 24, art 8, sec 24-212; am 1991, ord 91-95, sec 1; am 2012, ord 12-54, sec 2.)

Section 24-212.1. Standing in active loading and unloading zones.

- (a) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers or for the expeditious unloading and delivery or pickup and loading of materials in any place marked as an active loading and unloading zone during hours when the regulations applicable to such active loading and unloading are effective, and then only for a period not to exceed fifteen minutes.
 - (b) The streets described in schedule 36.01, section 24-288.01, are designated as active loading and unloading zones when appropriate signs or markings giving notice thereof are erected.
 - (c) When the provisions of this section are not in effect, vehicles may park in active loading and unloading zones unless otherwise prohibited by this chapter.
- (1995, ord 95-142, sec 2; am 2000, ord 00-11, sec 2; am 2009, ord 09-123, sec 2.)

Division 4. Parking Meters.**Subdivision 1. Meter Zones.****Section 24-213. Parking meter zones.**

- (a) All parking meter zones shall be designated by an ordinance adopted upon two readings by the council.
 - (b) The areas described in schedules 37 through 40, sections 24-289 through 24-292 are designated as parking meter zones and shall be utilized for parking within the time limits and at the monetary rates noted in those schedules.
- (1983 CC, c 24, art 8, sec 24-213; am 1982, ord 776, sec 4.)

Section 24-214. Installation of parking meters.

- (a) The County traffic engineer shall install parking meters in the parking meter zones as provided in this chapter upon the curb immediately adjacent to each designated parking space. The meters shall be capable of being operated automatically or manually upon the deposit of a coin or coins of United States currency as specified on the meters.
 - (b) Each parking meter shall be so designed and constructed so that, upon the expiration of the time period registered by the deposit of one or more coins, it will indicate by an appropriate signal that the lawful parking meter period has expired, and during this period of time and prior to the expiration thereof, will indicate the interval of time which remains of the period.
 - (c) Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit coins shall apply, the value of the coins to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which the meter is located.
- (1983 CC, c 24, art 8, sec 24-214; am 1983, ord 83-32, sec 1.)

Section 24-215. Parking meter spaces.

- (a) The County traffic engineer shall designate the parking space adjacent to each parking meter for which the meter is to be used by appropriate markings upon the curb or the pavement of the street. Parking meter spaces so designated shall be of appropriate length and width so as to be accessible from the traffic lanes of the street.
- (b) No person shall park a vehicle in any designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which the meter is located, so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating the space, except that a vehicle which is of a size too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as required in this chapter for the parking of other vehicles in such space.

(1983 CC, c 24, art 8, sec 24-215.)

Section 24-216. Deposit of coins; time limits.

- (a) No person shall park a vehicle in any parking space alongside of which a parking meter has been installed during the regulated time applicable to the parking meter zone in which the meter is located unless a coin or coins of United States currency of the appropriate denomination shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time.
- (b) No person shall permit a vehicle within such person's control to be parked in any parking meter space during the regulated time applicable to the parking meter zone in which the meter is located while the parking meter for such space indicates by signal that the lawful parking time in the space has expired. This subsection shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in the meter.
- (c) No person shall park a vehicle in any parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which the meter is located, irrespective of the number or value of the coins deposited in the meter.
- (d) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(1983 CC, c 24, art 8, sec 24-216; am 1995, ord 95-150, sec 2; am 2002, ord 02-57, sec 1.)

Section 24-216.1. Repealed.

(1995, ord 95-150, sec 3; am 1996, ord 96-99, sec 1; rep 2002, ord 02-57, sec 2.)

Section 24-217. Hours of operation; exceptions.

- (a) The provisions of section 24-216 shall be in effect between the hours of 8:00 a.m. and 4:00 p.m. on each day, except Sundays and public holidays.
- (b) Whenever seventy-five consecutive days have passed without a traffic fatality in this County, the chief of police may dispense with the enforcement of section 24-216 for one full day, other than Saturday, such date to be designated by the chief and be given reasonable circulation throughout the County.
- (c) The council may, by resolution, dispense with the enforcement of section 24-216 for a specified time, in any specified parking meter zone, to accommodate any special event, convention, parade, or other similar activity.

(1983 CC, c 24, art 8, sec 24-217; am 1995, ord 95-150, sec 4; am 2002, ord 02-57, sec 3.)

Section 24-218. Use of slugs prohibited.

No person shall deposit or attempt to deposit in any parking meter any slug, button, or any other device or substance as substitutes for coins of United States currency.

(1983 CC, c 24, art 8, sec 24-218.)

Section 24-219. Tampering with meters prohibited.

No person shall deface, injure, tamper with, open, or wilfully break, destroy or impair the usefulness of any parking meter.

(1983 CC, c 24, art 8, sec 24-219.)

Section 24-220. Collection, deposit, and application of proceeds.

- (a) It shall be the duty of the director of public works, or their designee by private contract or internal assignment, to make regular collections of the money deposited in the meters and it shall be the duty of the person so designated to remove from the parking meters coins deposited in the meters. Such person shall service the parking meters, count the coins from the parking meter, determine the value of the coins collected, and deposit the coins in a fund entitled "parking meter fund" to be created and held by the department of finance.
- (b) The director of finance shall direct some member of the finance department to make periodic checks of the parking meters and collection procedure.
- (c) The coins required to be deposited in parking meters are levied and assessed as fees to provide for the purchase, rental, acquisition, supervision, collection, use, protection, inspection, installation, operation, maintenance, control, and regulation of parking meters, of off-street parking spaces, of the parking of vehicles, and of other facilities and properties incidental to the regulation and control of traffic and in promoting the safety and well being of the public in handling of traffic upon the streets.

(1983 CC, c 24, art 8, sec 24-220; am 1995, ord 95-150, sec 5; am 2001, ord 01-108, sec 1; am 2002, ord 02-57, sec 4.)

Subdivision 2. Use of Parking Stalls for Construction or Special Events.**Section 24-221. Definitions.**

(a) As used in this subdivision:

(1) "Department" means the department of public works.

(2) "Occupation" means the enclosure or obstruction of parking meters stalls.

(1983 CC, c 24, art 8, sec 24-221.)

Section 24-222. Permit required.

No person shall occupy any parking meter stall or portion thereof, incidental to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure or fixture attached thereto without first obtaining a permit from the department of public works authorizing the occupation.

(1983 CC, c 24, art 8, sec 24-222.)

Section 24-223. Fees.

(a) The department of public works shall require the payment of a fee calculated at the rate of \$2 per day or fraction thereof, exclusive of Sundays and public holidays, for each parking meter stall so occupied, before issuing the permit under section 24-222.

(b) The director of public works is authorized to charge a fee per parking meter for special events or promotions, which at minimum shall be calculated at the average daily receipt for parking meters for the month.

(1983 CC, c 24, art 8, sec 24-223; am 1983, ord 83-32, sec 2; am 1994, ord 94-122, sec 1; am 2001, ord 01-108, sec 1.)

Section 24-224. Permit application; contents; department to exercise discretion.

(a) In all applications for the occupation of parking meter stalls, the department of public works shall require information regarding:

(1) The nature of the proposed activity;

(2) The number and location of the affected stalls;

(3) The duration of occupation; and

(4) All other information deemed relevant and reasonable in aiding the department to evaluate the necessity of imposing conditions upon the occupation of the stalls, or to prohibit its occupation entirely, if such occupation would endanger the health, safety, and welfare of the general public.

(1983 CC, c 24, art 8, sec 24-224.)

Section 24-225. Responsibility for keeping permit at job site; inspection by authorized personnel.

Any person who has been issued a permit shall be responsible for keeping the permit at the job site at all times, and shall present the permit, upon demand, to any officer of the law or employee of the department for inspection.

(1983 CC, c 24, art 8, sec 24-225.)

Section 24-226. Permit violations; enforcement.

- (a) It shall be unlawful for any person who has been granted a permit under this subdivision to violate any of the terms or conditions of the permit.
- (b) In addition to police officers authorized under section 24-12 to enforce the provisions of this chapter, this subdivision shall also be enforced by employees or designated independent contractors of the County who have been authorized under section 24-202.3.

(1983 CC, c 24, art 8, sec 24-226; am 1993, ord 93-84, sec 2; am 1996, ord 96-38, sec 2.)

Section 24-227. Penalty.

- (a) Any person found guilty of violating any provision of sections 24-218 and 24-219 shall be guilty of a petty misdemeanor and shall be subject to a term of imprisonment not to exceed thirty days or a fine not exceeding \$500 or both for each separate offense.
- (b) Any person found guilty of violating any other provision of this division shall be guilty of a violation and shall be subject to a fine not exceeding \$25 for each separate offense.

(1983 CC, c 24, art 8, sec 24-227.)

Division 5. County Building Parking.**Section 24-228. Director of public works to regulate parking at County building.**

The director of public works shall assign and re-assign parking stalls and be responsible for regulating parking at the County building.

(1983 CC, c 24, art 8, sec 24-228; am 2001, ord 01-108, sec 1.)

Section 24-229. Area of County lands regulated; hours.

- (a) The area of County land on which parking is regulated will initially be confined to the Hawai'i County building complex in Hilo. Other areas may be subjected to parking controls and this division shall also be applicable to those areas on a date to be designated by written notice, which date shall be not less than thirty days after the giving of such notice.
- (b) The provisions of this division shall have application only during the regular working hours of the County.

(1983 CC, c 24, art 8, sec 24-229.)

Section 24-230. Director of finance to set rates; theater parking; rental computation.

- (a) Rental in reserved parking shall be established by the director of finance. The director of finance may change the rates effective as of a date to be designated in a written notice thereof, which date shall be not less than thirty days after the giving of such notice.
- (b) The rental for reserved parking shall be on a month-to-month term, the applicable rent to be in advance without notice or demand. County employees shall utilize payroll deduction for the payment of the parking stalls.
- (c) Rentals shall be computed on a semi-monthly and monthly basis applicable to permanent and temporary parking privileges.
- (d) County employees' and officials' rental for parking stalls shall be deposited in the general fund.

(1983 CC, c 24, art 8, sec 24-230; am 1995, ord 95-150, sec 7.)

Section 24-231. Parking application; assignment of spaces; special parking.

- (a) It shall be the responsibility of each government official or employee to make such person's application for theater, reserved, or multi-level parking structure to express the applicant's preference as to location with alternative choices, on the form that will be provided by the department of public works. The assignment of parking spaces shall be made by the department of public works to only the applicants' registered vehicles(s) and according to the best utilization of available parking spaces on County lands within the department's jurisdiction.
- (b) The department of public works at its discretion may review, modify or change employee assignments in specific areas when circumstances warrant such changes and after proper notice to government official and employee so as to best promote governmental efficiency and public convenience.
- (c) Special parking permits may be issued by the department of public works at its discretion allowing parking in metered areas without the necessity of payment so as to accommodate the necessary intermittent needs of governmental and related operations.

(1983 CC, c 24, art 8, sec 24-231.)

Section 24-232. Map of parking areas; authority to change areas.

- (a) The department of public works reserves the right to change the number of parking spaces for reserved parking, theater parking, and multi-level parking structure and metered parking based on the availability and demand for the respective types of parking, without the necessity of public notice. Such changes shall be recorded on the map of the parking control area kept in the office.
- (b) The map of the parking control areas shall be kept at the department of public works.

(1983 CC, c 24, art 8, sec 24-232.)

Section 24-233. Shifting privileges and restrictions on certain occasions.

During council or committee sessions or any other time when public demand for parking is high (e.g., annual re-licensing period), parking privileges and restrictions may be subject to change, with the department of public works to accomplish the necessary shifting of parking privileges and restrictions so as to cause the least possible inconvenience to those renting parking spaces.

(1983 CC, c 24, art 8, sec 24-233.)

Section 24-234. Enforcement of division.

This division shall be enforced by County employees or designated independent contractors who have been authorized under section 24-202.3 as well as by police officers of the County.

(1983 CC, c 24, art 8, sec 24-234; am 1993, ord 93-84, sec 3; am 1996, ord 96-38, sec 3.)

Section 24-235. Signs and pavement markings.

All official signs and pavement markings shall be observed, and all signs and pavement markings posted under the direction of the department of public works shall be deemed to be official signs.

(1983 CC, c 24, art 8, sec 24-235.)

Section 24-236. Parking in prohibited areas; towing vehicles; permit required.

- (a) Parking shall be permitted only in areas marked and specified for parking. Automobiles parked in prohibited areas shall be towed away at the expense of the owner. The County employees or designated independent contractors who have been authorized under section 24-202.3 and police officers shall be authorized to enforce this section.
- (b) No person without a proper parking permit shall park in either a reserved, theater parking space, or multi-level parking structure and no permittee, without written consent of the department of public works, shall let or assign to any person the permittee's reserved parking permit or privilege in a theater, or multi-level parking structure parking space.

(1983 CC, c 24, art 8, sec 24-236; am 1993, ord 93-84, sec 4; am 1996, ord 96-38, sec 4.)

Section 24-237. Vehicle identification; evidence of violation.

- (a) Appropriate area identifications for parking permittees shall be provided to be affixed on the vehicles. Parking privileges shall be valid only in designated areas.
- (b) In any proceeding for violation of the parking provisions of this division, the serial number displayed on the registration plate attached to the vehicle involved in such violation shall constitute prima facie evidence that the registered owner of the vehicle was the person who parked the vehicle at the point where, and during the time when, such violation occurred.

(1983 CC, c 24, art 8, sec 24-237.)

Section 24-238. Overtime parking in metered areas; citations.

- (a) Vehicles parked overtime in metered areas shall receive citations equivalent to those given to meter violations on County streets.
- (b) Vehicles without authorized parking privilege identifications shall receive citation when parked in any designated County parking area.

(1983 CC, c 24, art 8, sec 24-238.)

Section 24-239. Conditions for return of parking permit.

Whenever a government official or employee terminates service with the County or disposes of a registered vehicle and relinquishes the official's or employee's parking permit, it shall be the official's or employee's responsibility to remove or surrender the parking decal as proof of such termination or disposition and notify the department of public works in writing on the form provided in order that proper accounting can be made.

(1983 CC, c 24, art 8, sec 24-239.)

Section 24-240. Penalty; revocation of parking privileges.

- (a) Violators of this division shall be guilty of a violation and may be fined not more than \$5 for each violation.
- (b) Parking privileges may be permanently revoked for violation of these rules and regulations.

(1983 CC, c 24, art 8, sec 24-240.)

Division 6. Parking for persons with disabilities.**Section 24-241. [Former] Repealed.**

(1983 CC, c 24, art 8, sec 24-241; am 1985, ord 85-55, sec 1; rep 2002, ord 20-139, sec 1.)

Section 24-241. Intent and purpose.

The purpose of this division is to provide parking privileges for persons with disabilities in accordance with the American Disabilities Act of 1990, P. L. 101-366 (42 U.S.C. Sections 12101 et.seq.), Chapter 291, Hawai'i Revised Statutes, and Hawai'i Administrative Rules, Title 11, Chapter 219 as adopted by the State Disability and Communication Access Board (DCAB).

(2002, ord 02-139, secs 1 and 2.)

Section 24-242. [Former] Repealed.

(1983 CC, c 24, art 8, sec 24-242; am 1985, ord 85-55, sec 2; am 1993, ord 93-63, sec 1; am 1994, ord 94-79, sec 1; am 2000, ord 00-32, sec 1; rep 2002, ord 20-139, sec 1.)

Section 24-242. Definitions.

As used in this division, definitions for the following terms shall have the same meanings specified in Chapter 291, Part III, Hawaii Revised Statutes, or Title 11, Chapter 219, Hawaii Administrative Rules: “placard,” “removable windshield placard,” “certificate of disability,” “enforcement officer,” “issuing agency,” “parking permit,” “person with a disability,” “private entity,” “special license plates,” and “temporary removable windshield placard.”

(2002, ord 02-139, secs 1 and 2.)

Section 24-243. [Former] Repealed.

(1983 CC, c 24, art 8, sec 24-243; am 1987, ord 87-94, sec 2; am 2001, ord 01-108, sec 1; rep 2002, ord 02-139, sec 1 and 2.)

Section 24-243. Issuing agency.

- (a) The office of management is hereby authorized to act as the issuing agency for removable windshield placards, special license plates and identification cards pursuant to Chapter 291, Part III, Hawaii Revised Statutes.
- (b) The office of management shall follow procedures established in Title 11, Chapter 219, Hawaii Administrative Rules, for processing and issuing permit applications and identification cards to persons with disabilities; replacing lost, stolen or mutilated parking permits; renewing parking permits; and returning parking permits and identification cards.
- (c) Title 11, Chapter 219, Hawaii Administrative Rules, shall be made available to the public at the office of management.

(2002, ord 02-139, sec 2.)

Section 24-244. [Former] Repealed.

(1983 CC, c 24, art 8, sec 24-244; am 1985, ord 85-55, sec 3; am 1990, ord 90-87, sec 1; am 1993, ord 93-63, sec 1; am 2001, ord 01-108, sec 1; rep 2002, ord 02-139, sec 1.)

Section 24-244. Parking privileges.

- (a) Only a vehicle displaying a special license plate, a removable windshield placard, or a temporary removable windshield placard may be parked in a public or private parking space reserved for persons with disabilities.

- (b) A vehicle displaying special license plates, a removable windshield placard, or a temporary removable windshield placard may park:
 - (1) Without payment of any parking meter fees in a public metered parking space reserved for persons with disabilities.
 - (2) Without payment of parking meter fees for the first two-and-a-half hours or the maximum time the meter allows, whichever is longer, in a public metered parking space.
- (2002, ord 02-139, secs 1 and 2.)

Section 24-245. [Former] Repealed.

(1983 CC, c 24, art 8, sec 24-245; rep 2002, ord 02-139, sec 1.)

Section 24-245. Fees.

- (a) The office of management shall charge and collect the fee of \$10 for removable windshield placards, temporary removable windshield placards and identification cards as established in Title 11, Chapter 219, Hawai'i Administrative Rules.
 - (b) The special license plate fees shall be the same as the regular license plate fees and shall be collected by the office of management.
- (2002, ord 02-139, sec 2.)

Section 24-245.1. [Former] Repealed.

(1983 CC, c 24, art 8, sec 24-245.1; am 1985, ord 85-55, sec 4; am 1987, ord 87-94, sec 3; am 1993, ord 93-63, sec 1; rep 2002, ord 02-139, sec 1.)

Section 24-245.1. Requirements; permit display, presentation of identification card and nontransferability.

- (a) The requirements governing the display of the permit and presentation of the identification card, the nontransferability of placards and plates, and reciprocity shall be the same as those set forth in Title 11, Chapter 219, Hawai'i Administrative Rules.
- (2002, ord 02-139, sec 2.)

Section 24-245.2. [Former] Repealed.

(1983 CC, c 24, art 8, sec 24-245.2; am 1985, ord 85-55, sec 4; am 1987, ord 87-94, sec 3; am 1993, ord 93-63, sec 1; rep 2002, ord 02-139, sec 1.)

Section 24-245.2. Designation of parking spaces.

- (a) The director of the department of public works is authorized to designate and identify parking spaces for persons with disabilities in areas under the jurisdiction of the County of Hawai'i.

- (b) Public and private entities required to comply with the American with Disabilities Act of 1990, as amended, or otherwise desiring to designate parking stalls for persons with disabilities, shall conform to specifications for signs and markings of parking spaces as established in Title 11, Chapter 219, Hawai'i Administrative Rules.

(2002, ord 02-139, sec 2.)

Section 24-245.3. [Former] Repealed.

(1983 CC, c 24, art 8, sec 24-245.3; am 1985, ord 85-55, sec 4; am 1987, ord 87-94, sec 3; am 1993, ord 93-63, sec 1; am 2002, ord 02-139, sec 1.)

Section 24-245.3. Violations and penalties.

- (a) In accordance with Chapter 291, Part III, Hawai'i Revised Statutes, and Title 11, Chapter 219, Hawai'i Administrative Rules:
- (1) Any person who knowingly falsifies an application for a removable windshield placard, temporary removable windshield placard, special license plates, and identification card, or any renewal or replacement thereof, shall be subject to suspension or revocation of the placard, special license plates, or identification card.
 - (2) An unauthorized person using the removable windshield placard, temporary removable windshield placard, or special license plates to obtain the special parking privileges authorized under this section or otherwise afforded by the state or counties, shall be guilty of a traffic infraction and fined according to Chapter 291D, Hawai'i Revised Statutes, and Title 11, Chapter 219, Hawai'i Administrative Rules. The unauthorized use of disabled parking permits shall also be subject to suspension or revocation of these permits.
 - (3) A person who uses a parking space reserved for persons with disabilities without displaying a removable windshield placard, a temporary removable windshield placard, or special license plates, shall be guilty of a traffic infraction and fined according to Chapter 291D, Hawai'i Revised Statutes, and Title 11, Chapter 219, Hawai'i Administrative Rules.
 - (4) A person with a disability who refuses or fails to present an identification card to an enforcement officer upon request, shall be guilty of a traffic infraction and fined according to Chapter 291D, Hawai'i Revised Statutes, and Title 11, Chapter 219, Hawai'i Administrative Rules.

(2002, ord 02-139, sec 2.)

Division 7. Parking for electric vehicles.**Section 24-245.4. Definitions.**

As used in this division:

“Electric vehicle” means:

- (1) A neighborhood electric vehicle as defined in this section;
- (2) A vehicle, with four or more wheels, that draws propulsion energy from a battery with at least four kilowatt hours of energy storage capacity that can be recharged from an external source of electricity; or
- (3) A fuel cell electric vehicle.”

“Electric vehicle charging system” means a system that:

- (1) Is capable of providing electricity from a non-vehicle source to charge the batteries of one or more electric vehicles;
- (2) Meets recognized standards, including standard SAE J1772 of SAE International; and
- (3) Is designed and installed in compliance with chapter 5D of the Hawai‘i County Code;

provided that the term shall not include facilities or systems for refueling the hydrogen storage tank of a fuel cell electric vehicle.”

“Fuel cell electric vehicle” means a zero-emission electric vehicle that uses a fuel cell to convert hydrogen gas and oxygen into electricity that is used in a vehicle powertrain for propulsion.”

“Neighborhood electric vehicle” means a self-propelled electrically powered motor vehicle to which all of the following apply:

- (1) The vehicle is emission free;
- (2) The vehicle is designed to be and is operated at speeds of twenty-five miles per hour or less;
- (3) The vehicle has four wheels in contact with the ground;
- (4) The vehicle has a gross vehicle weight rating of less than three thousand pounds; and
- (5) The vehicle conforms to the minimum safety equipment requirements as adopted in the Federal Motor Vehicle Safety Standard No. 500, Low Speed Vehicles (49 C.F.R. 571.500).

(2022, ord 22-95, sec 2.)

Section 24-245.5. Parking privileges.

- (a) Only electric vehicles may be parked in a parking space designated and marked as reserved for electric vehicles.
- (b) Only electric vehicles that are plugged in with the intent to charge may be parked in a parking space equipped with an electric vehicle charging system that is designated and marked as reserved for this purpose.

(2022, ord 22-95, sec 2.)

Section 24-245.6. Penalties.

Any person who uses a parking space in violation of section 24-245.5, shall be guilty of a traffic infraction and fined according to chapter 291D and section 291-72, Hawai‘i Revised Statutes.

(2022, ord 22-95, sec 2.)

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Article 9. Pedestrians.**Section 24-246. Crosswalks established.**

The streets described in schedule 24, section 24-276 are established and designated as crosswalks when appropriate lines or other markings on the surface of the roadway giving notice are painted.

(1983 CC, c 24, art 9, sec 24-246.)

Section 24-247. Entering obstructed intersection or crosswalk.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles or pedestrians, despite any traffic-control signal indication to proceed.

(1983 CC, c 24, art 9, sec 24-247.)

Section 24-248. Roadways closed to pedestrian traffic.

(a) No pedestrian shall enter upon or cross any roadway or portion of any roadway designated by ordinance as closed to pedestrian traffic, except within an authorized marked crosswalk, or upon a pedestrian overpass, or through a pedestrian tunnel.

(b) The areas designated in schedule 26, section 24-278 are closed to pedestrian traffic.

(1983 CC, c 24, art 9, sec 24-248.)

Section 24-249. Pedestrians soliciting rides or business prohibited.

(a) No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(1983 CC, c 24, art 9, sec 24-249.)

Section 24-250. Driving through safety zone prohibited.

The portions of streets, described in schedule 25, section 24-277 are designated as safety zones when appropriate lines or other markings on the surface of the roadway giving notice thereof are plain.

(1983 CC, c 24, art 9, sec 24-250.)

Section 24-251. Obstruction of highways.

No person shall sit, kneel, squat, or lie upon any roadway, sidewalk, or sidewalk curbing except when overcome by illness or in an emergency.

(1983 CC, c 24, art 9, sec 24-251.)

Section 24-252. Highway railings; prohibited acts.

No person shall sit, stand, or walk or aid or assist any other person to sit, stand, or walk upon the railing of any highway bridge, overpass or guardrail.

(1983 CC, c 24, art 9, sec 24-252.)

Articles 10 and 11. Vehicle and Traffic Schedules. *

* **Editor's Note:** Articles 10 and 11, that contain Vehicle and to Traffic Schedules, are located behind the tabbed divider sheet directly following this page.