

# SUPPLEMENT 6 (7-2019)

## Insertion Guide

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

(Covering general ordinances effective through 06-30-19 and numbered through 19-84)

This supplement consists of reprinted pages replacing existing pages in the Hawai'i County Code 1983 (2016 Edition). Remove the pages listed in the column headed "Remove Pages" and replace them with the pages listed in the column headed "Insert Pages." This insertion guide should be retained as a permanent record of pages supplemented and filed in Volume 3, behind the "Supplement Insert Guides" tab.

#### Remove Pages

#### Insert Pages

### VOLUME 1

Vol. 1 Cover Page \_\_\_\_\_ Vol. 1 Cover Page

#### Chapter 2 Administration

ix – x	_____	ix – x
2-67 – 2-68	_____	2-67 – 2-68
2-99 – 2-101	_____	2-99 – 2-101

#### Chapter 14 General Welfare

14-3 – 14-4	_____	14-3 – 14-4
-------------	-------	-------------

#### Chapter 15 Parks and Recreation

15-19 – 15-20	_____	15-19 – 15-20
15-23 – 15-26	_____	15-23 – 15-26

### VOLUME 2

Vol. 2 Cover Page \_\_\_\_\_ Vol. 2 Cover Page

#### Chapter 21 Sewers

21-17 – 21-18	_____	21-17 – 21-18
---------------	-------	---------------

Chapter 24 Traffic Schedules

24A-9 – 24A-14 \_\_\_\_\_ 24A-9 – 24A-14

Chapter 25 Zoning

iii – iv	_____	iii – iv
25-11 – 25-14	_____	25-11 – 25-14
25-21 – 25-22	_____	25-21 – 25-22
25-57 – 25-58	_____	25-57 – 25-58
25-73 – 25-82	_____	25-73 – 25-82
25-99 – 25-102	_____	25-99 – 25-102
25-105 – 25-106	_____	25-105 – 25-106
25-109 – 25-110	_____	25-109 – 25-110

Chapter 25 Zoning Annexes

25A-5 – 25A-6	_____	25A-5 – 25A-6
25A-25 – 25A-26	_____	25A-25 – 25A-26
25A-61 – 25A-62	_____	25A-61 – 25A-62
25A-125 – 25A-128	_____	25A-125 – 25A-128

**VOLUME 3**

Vol. 3 Cover Page \_\_\_\_\_ Vol. 3 Cover Page

Index

I-29 – I-30	_____	I-29 – I-30
I-83 – I-84	_____	I-83 – I-84
I-111 – I-112	_____	I-111 – I-112
I-115 – I-116	_____	I-115 – I-116
I-121 – I-122	_____	I-121 – I-122

Legislative History

T-1 – T-4	_____	T-1 – T-4
T-21	_____	T-21 – T-23

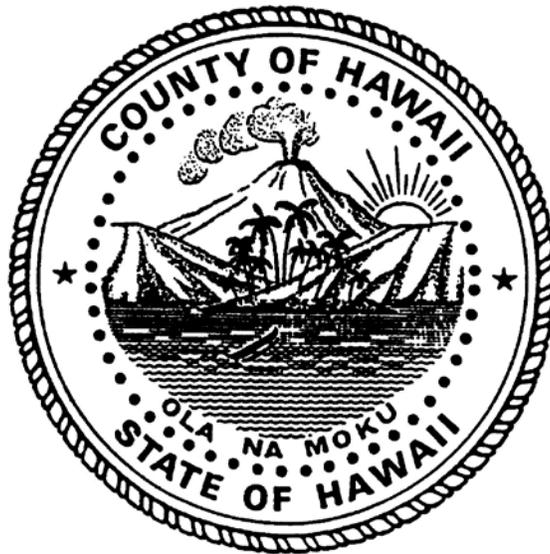
Supplement Insert Guide

--	_____	Supp. 6 Insertion Guide
----	-------	----------------------------

# THE HAWAII COUNTY CODE

## 1983 (2016 Edition, as amended)

Update to include: Supplement 6 (7-2019)  
Contains ordinances effective through: 06-30-2019



A CODIFICATION OF THE GENERAL ORDINANCES  
OF THE COUNTY OF HAWAII  
STATE OF HAWAII

Office of the County Clerk  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720  
(808) 961-8255

# Volume One



**Article 38. Claims and Actions Against County Officers,  
Employees and Former Employees.**

Section 2-188. Defense by the County; punitive damages.

**Article 39. Workforce Innovation and Opportunity Act Program.**

Section 2-189. Established.  
Section 2-190. Purpose.  
Section 2-191. Powers and duties.  
Section 2-192. Workforce innovation and opportunity board.  
Section 2-193. Creation of fund.  
Section 2-194. Funding.  
Section 2-195. Expenditures from fund.  
Section 2-196. Impairment of Federal funds.  
Section 2-197. Termination of fund.

**Article 40. Department of Environmental Management.**

Section 2-198. Definitions.  
Section 2-199. Composition of department.  
Section 2-200. Statement of policy.  
Section 2-201. Appointment and qualifications of department head.  
Section 2-202. Powers, duties and functions.  
Section 2-203. Divisions within department.  
Section 2-204. Enforcement.  
Section 2-205. Penalties.  
Section 2-206. Administrative penalties.  
Section 2-207. Environmental management commission.

**Article 41. Disaster and Emergency Fund.**

Section 2-208. Creation of fund; purpose.  
Section 2-209. Funding.  
Section 2-210. Expenditures from the disaster and emergency fund.  
Section 2-211. Dissolution of the fund.  
Section 2-212. Reimbursement from grants.  
Section 2-213. Administration of the fund.

**Article 42. Public Access, Open Space, and Natural Resources Preservation.**

- Section 2-214. Repealed.
- Section 2-214.1. Public access, open space, and natural resources preservation fund.
- Section 2-214.2. Public access, open space, and natural resources preservation maintenance fund.
- Section 2-215. Public access, open space, and natural resources preservation commission.
- Section 2-216. Oath of affirmation.
- Section 2-217. Duties and responsibilities of the commission.
- Section 2-218. Prioritized list of qualifying lands worthy of preservation.

**Article 43. Budget Stabilization Fund.**

- Section 2-219. Creation of fund; purpose.
- Section 2-220. Funding.
- Section 2-221. Expenditures.
- Section 2-222. Appropriations.
- Section 2-223. Prohibitions.
- Section 2-223.1. Dissolution of the fund.

**Article 44. Hawai'i County Cultural Resources Commission.**

- Section 2-224. Purpose.
- Section 2-225. Definitions.
- Section 2-226. Commission established.
- Section 2-227. Officers and expenses.
- Section 2-228. Meetings and voting.
- Section 2-229. Powers and duties.
- Section 2-230. Nominations to the Hawai'i or national register of historic places.
- Section 2-231. Guidelines.
- Section 2-232. Administration.

**Article 45. General Excise and Use Tax Surcharge.**

- Section 2-233. Establishment of surcharge.
- Section 2-234. General excise tax fund.
- Section 2-235. Use of funds.
- Section 2-236. Termination of surcharge.

- (b) In the event that a grantee organization is unable or unwilling to provide the public service(s) for which grant funds were appropriated, the following procedures shall apply:
- (1) For grant awards authorized as prescribed in 2-139(a)(1), the mayor may direct the finance director to solicit applications from eligible nonprofit organizations to fulfill the specific public purpose(s) for which the funds were originally appropriated for the remainder of the fiscal year. The director shall forward recommended application(s) and appropriation measure(s) to the council for its decision. Funds appropriated to a successor nonprofit organization shall not exceed the balance of unexpended County funds awarded to the original nonprofit organization.
  - (2) For grant awards from the district contingency relief, the council may direct the return of the full appropriation or the balance of unexpended funds.
  - (3) For other grant awards authorized as prescribed in 2-139(a)(3), the finance director may direct the return of the full grant amount or balance of the unexpended funds.

(1983 CC, c 2, art 25, sec 2-139; am 1986, ord 86-52, sec 2; am 1992, ord 92-151, sec 2; am 1995, ord 95-138, sec 2; am 1997, ord 97-103, sec 3; am 1999, ord 99-56, sec 1; ord 99-103, sec 2; am 2001, ord 01-16, sec 2; am 2007, ord 07-52, sec 2; am 2012, ord 12-136, sec 1; am 2014, ord 14-43, sec 2.)

**Section 2-140. Repealed.**

(1983 CC, c 2, art 25, sec 2-140; am 1992, ord 92-151, sec 3; am 1995, ord 95-138, sec 2; am 2007, ord 07-52, sec 3; rep 2012, ord 12-136, sec 1.)

**Section 2-141. Applicability to noncounty funds; cosponsored activities.**

Nothing in this article shall be construed to apply to the appropriation of funds:

- (1) Provided to the County for a stated purpose by any person, private entity, or governmental entity; or
- (2) Made to an agency for any activity or program co-sponsored by the agency and a private or governmental entity or entities.

(1983 CC, c 2, art 25, sec 2-141.)

**Section 2-142. Records, reporting, and fiscal accountability requirements.**

- (a) The nonprofit organization shall follow generally accepted accounting procedures and practices and shall maintain books, records, documents, and other evidence which sufficiently and properly account for the expenditure of County funds. The books, records and documents shall be subject at all reasonable times to inspection, reviews, or audits by the County expending agency, the director, and the legislative auditor, or by their representatives.
- (b) The County expending agency, director of finance, or County council may request periodic written reports on the use of County funds.

- (c) For grants awarded pursuant to section 2-139(a)(1), the nonprofit organization shall submit a written report to the council within sixty days after June 30 of the contractual year. The report shall include, but not be limited to, a detailed description focusing on specific, measurable outcomes of how the County funds were used, public benefits derived from their use, and a breakdown of other funding sources and their expenditures.
- (d) In addition to any other remedy provided by law, if the nonprofit organization fails to submit the written report due within sixty days after June 30 of the contractual year within the allotted time, the County shall require the nonprofit organization to return all grant funds awarded and deem the nonprofit ineligible to receive future grant awards for at least the following fiscal year, and for all subsequent fiscal years until such time as that written report is submitted to, and accepted by, the council.
- (e) Should the written report due within sixty days after June 30 of the contractual year be deemed by the County to contain insufficient information, the nonprofit organization shall be notified of the deficiencies and shall provide the additional information within thirty days of notice or the nonprofit organization will be deemed to be in violation of this section.

(1986, ord 86-52, sec 2; am 1995, ord 95-138, sec 2; am 1997, ord 97-103, sec 4; am 1999, ord 99-103, sec 3; am 2007, ord 07-148, sec 2; am 2012, ord 12-136, sec 1.)

**Section 2-142.1. Rules.**

- (a) The director shall adopt rules as may be necessary to meet the requirements of this article.
- (b) All application forms shall include a right to audit clause.
- (c) All application forms shall include, "As part of this application, you acknowledge that any funds awarded will be restricted for the purposes stated in the application except for a maximum ten percent for administrative and overhead costs."

(1986, ord 86-62, sec 2; am 2012, ord 12-136, sec 1.)

**Section 2-142.2. Repealed.**

(1995, ord 95-138, sec 2; rep 2012, ord 12-136, sec 1.)

**Article 26. Salaries for Deputies in the Office of the  
Corporation Counsel and the Office of the Prosecuting Attorney.**

**Section 2-143. Definitions.**

- (a) "Deputies" means deputies in the office of the corporation counsel and the office of the prosecuting attorney.
- (b) "Appointing authority" means the corporation counsel or the prosecuting attorney.

(1983 CC, c 2, art 26, sec 2-143.)

- (2) Review and recommend amendments to current policies and laws on the enforcement of existing codes relating to historic sites;
- (3) Continually reevaluate building code requirements and enact amendments that are more sympathetic to preservation or provide exemptions for historic properties;
- (4) Encourage the County, State, and Federal governments, and the private sector, to implement appropriate management strategies, curatorships and meaningful interpretive programs at significant historical and archaeological structures, sites, and districts; and
- (5) Assist in programs of historic preservation including presentations, films, exhibits, conferences, publications and other educational means which increase public awareness and participation in preserving the past.

(2008, ord 08-42, sec 1; am 2013, ord 13-9, sec 2.)

**Section 2-230. Nominations to the Hawai'i or national register of historic places.**

- (a) Any person or organization including the commission may submit nominations to the Hawai'i or National register by submitting a completed nomination form to the State historic preservation officer.
- (b) The commission shall hold a public hearing after receiving notification from the State historic preservation officer of nominated historic properties within the County. At least ten days prior to the hearing, notice of the date, time, place and purpose of such hearing shall be published in a newspaper of general circulation in the County. Oral or written testimony concerning the significance of the proposed nomination shall be taken at the public hearing from any person.
- (c) The commission shall forward its report to the mayor within forty-five days after receiving notice from the State historic preservation officer. The report shall include findings on whether the property meets the criteria for nomination and a recommendation that the State historic preservation officer either nominate or reject the proposed nomination.
- (d) The mayor shall have fifteen days after receiving the report of the commission to send this report and a recommendation to the State historic preservation officer. The mayor's recommendation may, but need not, concur with the recommendation contained in the commission's report.
- (e) A determination by the commission and mayor that the application for nomination does not meet nomination criteria is not a final administrative decision. Appeals must be filed with the State historic preservation officer in writing, within thirty days after the nomination has been denied.

(2008, ord 08-42, sec 1.)

**Section 2-231. Guidelines.**

The following documents on file in the planning department shall be used as guidance in matters pertaining to the review functions of the commission:

- (1) "Hawai'i County General Plan" and any adopted community development plans for the island.

- (2) “State historic preservation plan” prepared by the State of Hawai‘i department of land and natural resources.
- (3) “Historic Preservation Program Guidelines” prepared by the National Park Service.
- (4) “Office of Hawaiian Affairs Guidelines for the Consideration of Traditional Native Hawaiian Values in Historic Preservation Review,” dated 1988.
- (5) Other reports, plans, studies, issue papers and memos as may be adopted by the commission.

(2008, ord 08-42, sec 1.)

**Section 2-232. Administration.**

The director shall appoint a professional from the disciplines of planning, archaeology, architecture, architectural history, Hawaiian culture, history or historic preservation, to serve as the liaison with the State historic preservation office pertaining to matters which deal with the purpose and intent of this article. The liaison may be an employee of the planning department or a member of the commission. The director shall provide technical, clerical, administrative functions, and any other duties delegated by the commission.

(2008, ord 08-42, sec 1.)

**Article 45. General Excise and Use Tax Surcharge.**

**Section 2-233. Establishment of surcharge.**

- (a) Pursuant to Act 11, Session Laws of Hawai‘i 2018, codified as section 46-16.8, Hawai‘i Revised Statutes, as amended, it is hereby established a 0.25 per cent general excise and use tax surcharge. The general excise and use tax surcharge shall be levied beginning January 1, 2019.
- (b) After December 31, 2019, pursuant to Act 11, Session Laws of Hawai‘i 2018, codified as section 46-16.8, Hawai‘i Revised Statutes, as amended, it is hereby established a 0.50 per cent general excise and use tax surcharge. The general excise and use tax surcharge shall be levied beginning January 1, 2020.

(2018, ord 18-74, sec 2; am 2019, ord 19-29, sec 2.)

**Section 2-234. General excise tax fund.**

Pursuant to article X, section 10-12, Hawai‘i County Charter 2016, the director of finance is authorized to create a special fund to be known as the “general excise tax fund.” All moneys received from the State derived from the imposition of the surcharge established under this article shall be deposited into the general excise tax fund.

(2018, ord 18-74, sec 2.)

**Section 2-235. Use of funds.**

- (a) Pursuant to sections 46-16.8 and 248-2.6, Hawai'i Revised Statutes, moneys received from the State derived from the imposition of the surcharge established under this article will be a general fund realization. Moneys received from the surcharge shall be expended for:
- (1) Operating or capital costs of public transportation within the County for public systems, including public roadways or highways, public buses, trains, ferries, pedestrian paths or sidewalks or bicycle paths;
  - (2) Expenses in complying with the Americans with Disabilities Act of 1990 with respect to paragraph (1); or
  - (3) As otherwise authorized by State statute.
- (b) "Capital costs" in this section means nonrecurring costs required to construct a transit facility or system, including debt service, costs of land acquisition and development, acquiring rights-of-way, planning, design and construction, and including equipping and furnishing the facility or system.
- (c) Any balance remaining in the general excise tax fund at the end of any fiscal year shall not lapse, but shall remain in the fund accumulating from year to year. The moneys in this fund shall not be used for any purpose except those listed in this section, or as allowed by any amendments to sections 46-16.8 and 248-2.6, Hawai'i Revised Statutes.

(2018, ord 18-74, sec 2; am 2019, ord 19-29, sec 2.)

**Section 2-236. Termination of surcharge.**

This general excise and use tax surcharge shall not extend beyond December 31, 2030, pursuant to Act 11, Session Laws of Hawai'i, codified as section 46-16.8, Hawai'i Revised Statutes, as amended.

(2018, ord 18-74, sec 2; am 2019, ord 19-29, sec 2.)

This page intentionally left blank.

- (C) All tennis courts;
- (D) Waipi'o Lookout.
- (12) North/South Kohala:
  - (A) Church Row;
  - (B) All swimming pools;
  - (C) All tennis courts;
  - (D) Waikoloa Highway Park;
  - (E) Spencer Beach Park.
  - (F) Kamakoa Nui Park.

(1982, ord 810, sec 1; am 1983 CC, c 14, art 1, sec 14-1; am 1987, ord 87-70, sec 1; am 1990, ord 90-104, sec 1; am 1993, ord 93-7, sec 1; am 1996, ord 96-54, sec 1; am 2008, ord 08-7, sec 3; am 2010, ord 10-5, sec 1; am 2013, ord 13-77, sec 1; am 2017, ord 17-55, sec 1; am 2018, ord 18-61, sec 3; am 2019, ord 19-43, sec 3.)

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

- (a) Permits shall allow drinking of intoxicating liquors only between the hours of 10:00 a.m. and 10:00 p.m.
  - (1) South Hilo:
    - (A) Bayfront Beach;
    - (B) Coconut Island;
    - (C) Hilo Armory;
    - (D) Ho'olulu Complex;
    - (E) Pōmaika'i Senior Center;
    - (F) Wainaku Gym;
    - (G) Equestrian Center, Pana'ewa;
    - (H) Hakalau Park;
    - (I) Honomū Park;
    - (J) Carvalho Park;
    - (K) Pepe'ekeo Community Center;
    - (L) University Heights Park.
  - (2) North/South Kona:
    - (A) Hale Hālāwai;
    - (B) Hōnaunau Arena;
    - (C) Imin Center;
    - (D) Yano Hall;
    - (E) Greenwell Park;
    - (F) That area in the terminal at Kailua Park specifically designated by the director of parks and recreation;
    - (G) Old Kona Airport Park picnic pavilions and Events Pavilion excluding the runway and areas surrounding the runway, Pawai Bay, and the park area at the end of the runway;
    - (H) Kahalu'u Beach Park;
    - (I) Magic Sands Beach Park, otherwise known as Disappearing Sands Beach Park or White Sands Beach Park;
    - (J) Pāhoehoe Beach Park.

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

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

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

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

**Article 7. Veterans Advisory Committee.****Section 15-61. Organization.**

The veterans advisory committee shall be composed of twelve members, who shall be appointed by the mayor, confirmed by the council, and may be removed by the mayor with the approval of the council. In addition, the Hawai'i Island Veterans Services Counselor of the Office of Veterans Services (Department of Defense of the State of Hawai'i) and the Director of the Department of Parks and Recreation, or their designated representatives, shall serve as ex-officio members of the committee, without the power to vote.

(1986, ord 86-123, sec 2; am 1990, ord 90-5, sec 2; am 1994, ord 94-21, sec 1; am 2002, ord 02-117, sec 2; am 2006, ord 06-159, sec 1; am 2017, ord 17-57, sec 2.)

**Section 15-62. Membership and tenure.**

- (a) The members shall serve staggered terms of five years.
- (b) The membership of the committee shall include one representative each from the American Legion, Big Island National Guard Retirees Association, Big Island Retired Military Association, Disabled American Veterans, Hawai'i Island Veterans Memorial, Inc., Veterans of Foreign Wars, Military Order of the Purple Heart, Korean War Veterans Organization, Camp Tarawa Detachment #1255 of the Marine Corps League, Navy League of the United States, and the Combat Infantrymen's Association. The committee shall also include one at-large member.
- (c) Initially, two members shall be appointed for a term of one year, two members shall be appointed for a term of two years, three members shall be appointed for a term of three years, three members shall be appointed for a term of four years, and three members shall be appointed for a term of five years.
- (d) Any vacancy on the committee shall be filled for the remainder of the unexpired term, but members whose terms have expired may continue to serve until their successors have been appointed and confirmed.
- (e) Members shall be eligible to succeed themselves for an additional term, provided that no member shall serve on the committee for more than two consecutive terms.

(1986, ord 86-123, sec 2; am 1990, ord 90-5, sec 3; am 1994, ord 94-21, sec 1; am 1996, ord 96-124, sec 1; am 1997, ord 97-125, sec 1; am 2002, ord 02-117, sec 2; am 2006, ord 06-159, sec 2; am 2007, ord 07-53, sec 2; am 2017, ord 17-57, sec 3.)

**Section 15-63. Meetings of the committee.**

There shall be a chairman and vice-chairman of the committee who shall be elected biennially by the members from their membership. The meetings of the committee shall be called at the discretion of the chairman or at the request of the majority of the members of the committee with the time and place to be determined by the chairman.

(1986, ord 86-123, sec 2; am 1994, ord 94-21, sec 1.)

**Section 15-64. Powers and duties of the committee.**

It shall be the duty of the committee to act in an advisory capacity to the mayor and the council concerning all matters pertaining to the operation, management, and maintenance of the veterans cemeteries in the County, and discuss and make recommendations on issues affecting veterans residing in Hawai'i County. At the request of the mayor or the council, the committee shall discuss and make recommendations on other specific veterans-related issues. The committee may recommend such rules and regulations as it may deem necessary for the enhancement and proper management of the veterans cemeteries, or for the orderly transaction of matters referred to it.

(1986, ord 86-123, sec 2; am 1994, ord 94-21, sec 1; am 2019, ord 19-3, sec 2.)

**Article 8. Naming of Facilities.****Section 15-65. Purpose.**

The council wishes to establish systematic guidelines to be used in the naming of County parks and recreational facilities.

(1987, ord 87-134, sec 1.)

**Section 15-66. Definitions.**

As used in this article:

- (1) "Aesthetic areas" shall include scenic and historic sites, ponds and waterfalls.
- (2) "Open areas" shall include parks, playgrounds, fields and totlots.
- (3) "Recreational facilities" means all County facilities classified herein as aesthetic areas, open areas, special interest areas, and structures.
- (4) "Special interest areas" shall include tennis courts, golf courses, zoos, botanical gardens, equestrian center and rodeo arenas, archery ranges, rifle and skeet ranges, drag strips and other raceways, and any other facility operated or owned by the County of Hawai'i which has as its purpose the recreation, entertainment or leisure activity of members of the public as either participants or spectators.
- (5) "Structures" shall include gymnasiums, community centers, senior centers, cultural centers, pavilions, covered arenas and courts, stadiums, theaters, and any other construction which is under the administration of the department of parks and recreation of the County.

(1987, ord 87-134, sec 1.)

**Section 15-68.1. Parks and recreational facility schedule.**

**PARKS**

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

**PARKS (continued)**

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

**PARKS (continued)**

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

Puna	
'Āhalanui Park/Maunakea Pond A.J. Watt Gym Glenwood Park Hawaiian Beaches Park Herbert Shipman Park (1) Buddy Perry Soccer Field Isaac Kepo'okalani Hale Beach Park Kahakai Park Kea'au Community Center	Kurtistown Park Mt. View Park Pāhoa District Park (1) Ginny Aste Skate Park (2) Pāhoa Aquatic Center (3) Pāhoa Neighborhood Facility Volcano Park

**CEMETERIES**

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

Ka‘ū	
Nā‘ālehu Cemetery	

North/South Kohala	
Kahei Cemetery Waimea Cemetery	

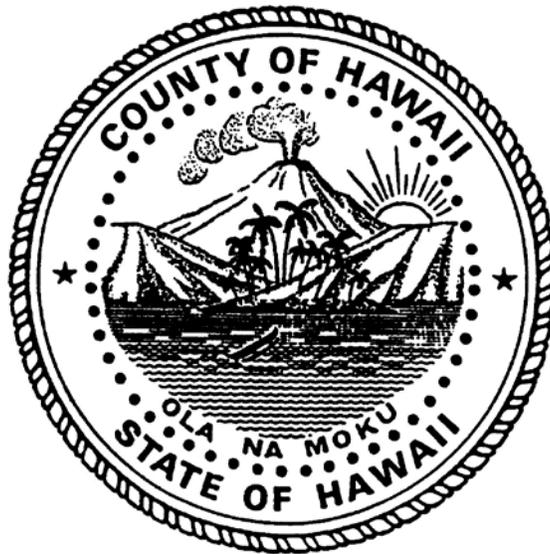
Kona	
West Hawai‘i Veterans Cemetery-Pu‘u Ho‘omaha O Na Po‘e Koa O Hawai‘i Komohana Hienaloli Cemetery (Keōpū)	

(2000, ord 00-15, sec 2; ord 00-66, sec 2; ord 00-113, secs 1 and 2; am 2002, ord 02-58, sec 2; am 2003, ord 03-99, sec 2; ord 03-135, sec 2; am 2004, ord 04-79, sec 2; am 2005, ord 05-40, sec 2; ord 05-96, sec 2; am 2006, ord 06-127, sec 2; ord 06-149, sec 3; am 2007, ord 07-22, sec 4; am 2008, ord 08-7 sec 5; ord 08-22, sec 2; ord 08-35, sec 2; ord 08-121, sec 2; ord 08-142, sec 2; am 2009, ord 09-32, sec 3; am 2010, ord 10-11, sec 3; am 2011, ord 11-90, sec 3; am 2012, ord 12-164, sec 2; am 2014, ord 14-57, sec 2; am 2015, ord 15-60, sec 4; am 2016, ord 16-111, sec 2; ord 16-112, sec 2; ord. 16-113, sec 4; am 2017, ord 17-61, sec 2; am 2018, ord 18-2, sec 2; ord 18-20, sec 3; ord 18-21, sec 2; ord 18-22, sec 2; ord 18-44, sec 2; ord 18-61, sec 2; ord 18-83, sec 2; am 2019, ord 19-43, sec 2.)

# THE HAWAII COUNTY CODE

## 1983 (2016 Edition, as amended)

Update to include: Supplement 6 (7-2019)  
Contains ordinances effective through: 06-30-19



A CODIFICATION OF THE GENERAL ORDINANCES  
OF THE COUNTY OF HAWAII  
STATE OF HAWAII

Office of the County Clerk  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720  
(808) 961-8255

## Volume Two



**Section 21-36.1. Wastewater service charge rates.**

<b>WASTEWATER SERVICE CHARGE RATE</b>					
<b>User Category</b>	<b>Effective Date*</b>				
	<b>04/01/19</b>	<b>04/01/20</b>	<b>04/01/21</b>	<b>04/01/22</b>	<b>04/01/23</b>
A. Single Unit Residential:					
1. Monthly charge per unit	\$35.00	\$40.00	\$44.00	\$48.00	\$52.00
B. Multi-Unit Residential:					
1. Monthly charge per unit	35.00	40.00	44.00	48.00	52.00
C. Nonresidential:					
1. Monthly base rate charge per unit	34.00	42.00	46.00	50.00	54.00
2. Monthly usage charge per 1,000 gallons (after the first 8,000 gallons) per unit					
8,001 - 15,000g	4.75	5.50	6.25	7.00	7.50
15,001 - 30,000g	5.50	6.50	7.50	8.50	9.00
30,001g +	5.75	6.75	7.75	8.75	9.50
D. Private Haulers Discharge Fee:					
1. Discharge fee per 500 gallons or fraction thereof	38.00	46.00	52.00	58.00	64.00
2. Minimum charge per load	38.00	46.00	52.00	58.00	64.00
E. Gang Cesspools:					
1. Monthly charge per unit	18.00	20.00	22.00	24.00	25.00

\*Rate begins on first full billing cycle after effective date.

(1997, ord 97-68, sec 2; am 1998, ord 98-21, sec 1; am 2000, ord 00-82, sec 5; am 2003, ord 03-92, sec 1; am 2019, ord 19-21, sec 2.)

**Section 21-36.2. Remission of charges.**

Sewer users who have been charged for sewer services pursuant to section 21-29, may ask for a remission of such charges to the extent and in the manner set forth herein:

- (1) The user establishes and the director determines that the user is entitled to an adjustment in water consumption totals.
- (2) Any application for such adjustment must be made with the director within one year of the alleged error in determination of water consumption totals.

(2000, ord 00-83, sec 1; am 2001, ord 01-108, sec 1; am 2002, ord 02-66, sec 16.)

**Article 5. Sewer Connection Loan Program.**

**Section 21-37. Findings and purpose.**

Section 21-5, requires connection to the sewer of lots accessible to a sewer. The connection cost may be financially burdensome for many owners. Therefore, the council finds that, in order to assure that all possible lots are connected to the sewer to meet Federal and State requirements, it is in the public interest to create, in cooperation with a bank or other financial institution, a program by which the County of Hawai'i assists owners to connect to the sewer by guaranteeing loans for this purpose.

The guaranteed loan program would allow the owner to get a County-guaranteed loan from the bank or other financial institution after it agrees that the County of Hawai'i shall place a lien on the property at the time the loan closes. The lien would be for the loan amount and related fees and costs. The County of Hawai'i would guarantee the bank or other financial institution that it will pay the balance of the loan in full should the owner default on the loan.

This law shall cover the sewer connections which will be required in the following increments:

Waiākea Houselots	110 lots
Waiākea Mill Pond	100 lots
Ainako "A"	114 lots
Kalaniana'ole Laterals	125 lots
Ainako "B"	93 lots
(Optional Hookups)	100 lots
Ali'i Drive "A" — "F"	200 lots
Honoka'a	106 lots

(1992, ord 92-136, sec 1; am 2008, ord 08-117, sec 1; am 2012, ord 12-10, sec 2.)

**Section 21-38. Definitions.**

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

"Default" means the failure of a guaranteed borrower to make a required payment to a designated bank within ninety days of the date upon which the payment is due as stated in the contract between a designated bank and a guaranteed borrower.

"Designated bank" means any bank or financial institution approved by the director of finance pursuant to this article to provide loans to owners who are required to connect property to sewers by section 21-5.

"Guaranteed borrower" means an owner who has executed the appropriate agreements with the County of Hawai'i required by this article and whose loan with a designated bank is guaranteed by the County of Hawai'i in accordance with this article.

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

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

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

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

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

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

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

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

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

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

<b>(a) Hāmākua</b>

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

<b>(d) Ka‘ū</b>
<ul style="list-style-type: none"> <li>• South Point Road.</li> </ul>
<b>(e) Kohala</b>
<ul style="list-style-type: none"> <li>• Māmalahoa Highway (Highway 190), from Lindsey Road to the end of the County-maintained portion eighty-one feet south of Lalamilo Farm Road.</li> <li>• Mānā Road, from Māmalahoa Highway for a distance of two thousand two hundred feet.</li> <li>• Paniolo Avenue from Paniolo Place to its terminus.</li> <li>• Puakō Beach Road, from the Queen Ka‘ahumanu Highway to a point five hundred feet makai of the Rubbish Dump Road.</li> <li>• Waikoloa Road, beginning at ‘Auwaiakeakua Gulch Bridge and extending 1.1 miles in the mauka direction.</li> </ul>
<b>(f) Kona</b>
<ul style="list-style-type: none"> <li>• Ali‘i Drive, from Kamehameha III Road to Māmalahoa Bypass Highway.</li> <li>• Hina-Lani Street, Māmalahoa Highway (Route 190) to ‘Anini Street.</li> <li>• Hiona Street.</li> <li>• Ka‘iminani Drive, from Ane Keohokālole Highway to Highway 190.</li> <li>• Ka‘iminani Drive, from Highway 19 to Lau‘i Street.</li> <li>• Ka‘iminani Drive, Queen Ka‘ahumanu Highway to Lau‘i Street.</li> <li>• Kaloko Drive, from the Hawai‘i Belt Road (Route 190) to a point .5 mile in the easterly direction.</li> <li>• Kamehameha III Road, from Kuakini Highway to Ali‘i Drive.</li> <li>• Kuakini Highway, from a point four hundred feet south of Hualālai Road to the property line between the parcels identified as Tax Map Key Numbers (3) 7-5-017:005 and (3) 7-5-017:002.</li> <li>• Palani Road, from FASC Route 180 (Hōlualoa Road) to Queen Ka‘ahumanu Highway.</li> </ul>
<b>(g) Puna</b>
<ul style="list-style-type: none"> <li>• Ainaloa Boulevard, from Highway 130 to Stardust Drive.</li> <li>• Hāpu‘u Road, from Maui Road to its northern terminus.</li> <li>• Kahakai Boulevard, from a point fifty eight feet northeast of ‘A‘ama Street to its northeastern terminus.</li> <li>• Kalapana-Kapoho Beach Road, from its northern terminus to Kapoho Kai Drive.</li> <li>• Kēhau Road, from Maui Road to its northern terminus.</li> <li>• Leilani Estates Avenue.</li> </ul>

<b>(g) Puna (Continued)</b>
• Nānāwale Boulevard.
• North Kūlani Road, Ihope Road to Stainback Highway.
• ‘Opihikao-Kamā‘ili Road, between Route 130 and a point 1.1 miles in the makai direction.
• Pāhoa-Kapoho Road, from a point seven hundred fifty feet west of Kalapana-Kapoho Beach Road to its eastern terminus.
• Pohoiki Road, between Route 132 and a point 1.55 miles in the makai direction.
• Route 132, from Route 130 to the Pohoiki Road Junction.
• South Glenwood Road, from Route 11, to a point 0.86 mile in the southeasterly direction.
• South Kopua Road.
• South Kūlani Road, from the property line between parcels 1-8-086:026 and 1-8-086:027 and extending three hundred feet northwest of Bridge 18-1.
• Wright Road, from Olomea Road and extending six thousand six hundred eighty-five feet northwest of Olomea Road.

(1996, ord 96-163, sec 2; am 1997, ord 97-2, sec 1; ord 97-94, sec 2; ord 97-96, sec 1; am 1998, ord 98-42, sec 1; ord 98-101, sec 1; am 1999, ord 99-84, sec 1; ord 99-135, sec 3; am 2000, ord 00-39, sec 2; ord 00-96, secs 1 and 2; am 2001, ord 01-62, sec 3; am 2003, ord 03-8, secs 1 and 2; ord 03-95, sec 2; am 2009, ord 09-12, sec 1; am 2010, ord 10-78, sec 1; ord 10-86, sec 2; am 2012, ord 12-61, sec 2; ord 12-100, sec 2; ord 12-118, sec 2; am 2013, ord 13-33, sec 2; ord 13-54, sec 2; am 2014, ord 14-27, sec 2; am 2015, ord 15-28, sec 2; ord 15-108, sec 2; am 2016, ord 16-53, sec 2; ord 16-64, sec 3; am 2017, ord 17-10, sec 2; ord 17-60, sec 3; am 2018, ord 18-38, secs 1 and 2; am 2019, ord 19-41, sec 1.)

**Section 24-258. Schedule 6. Reserved.\***

\* **Editor's Note:** Since this schedule duplicated schedule 5, the streets listed under this schedule were moved to schedule 5.

**Section 24-259. Schedule 7. 40 mile per hour limit.**

A speed limit of forty miles per hour is established as set forth in this schedule upon the streets and portions of streets as follows:

<b>(a) Hāmākua</b>
• Mauna Kea Road, from Saddle Road intersection to a point 2.45 miles north.
<b>(b) North Hilo</b>

- Section 25-2-73. Plan approval application and processing requirements for special districts with design guidelines and/or standards.
- Section 25-2-74. Plan approval application requirements for telecommunication antennas.
- Section 25-2-75. Plan approval application requirements for agricultural tourism.
- Section 25-2-76. Action on plan approval application.
- Section 25-2-77. Review criteria and conditions of approval.
- Section 25-2-78. Construction in conformity with plan approval.
- Section 25-2-79. Appeal of a plan approval decision.

### **Article 3. Establishment of Zoning Districts.**

- Section 25-3-1. Designation of districts.
- Section 25-3-2. Designation of special districts.
- Section 25-3-3. Method and effect of establishment of districts.
- Section 25-3-4. Establishment of building lines, future width lines and plan lines for future streets.
- Section 25-3-5. Application of district regulations.
- Section 25-3-6. Rules for interpretation of district boundaries.
- Section 25-3-7. District classification of streets.
- Section 25-3-8. Legal effect of establishment of building lines, future width lines, and plan line.

### **Article 4. General Development Regulations.**

#### **Division 1. Use Regulations.**

- Section 25-4-1. Existing buildings.
- Section 25-4-2. Conditions for construction of buildings designed for human occupancy.
- Section 25-4-3. Establishment of permitted uses.
- Section 25-4-4. Uses prohibited.
- Section 25-4-5. Uses authorized by other permits.
- Section 25-4-6. Use of streets.
- Section 25-4-7. Bed and breakfast establishments.
- Section 25-4-8. Temporary real estate offices and model homes.
- Section 25-4-9. Guest houses.
- Section 25-4-10. Mobile dwellings.
- Section 25-4-11. Power lines, utility substations, public buildings.
- Section 25-4-12. Telecommunication antennas or towers.
- Section 25-4-13. Home occupations.
- Section 25-4-14. Flag lots.
- Section 25-4-15. Agricultural tourism.
- Section 25-4-16. Short-term vacation rentals.
- Section 25-4-16.1. Short-term vacation rental nonconforming use certificate.

- Section 25-4-16.2. Prima facie evidence; short-term vacation rentals.
- Section 25-4-16.3 Short-term vacation rental enforcement account.

### **Division 2. Heights.**

- Section 25-4-20. Height; general rules.
- Section 25-4-21. Basements and underground structures.
- Section 25-4-22. Exemptions from height limitations.
- Section 25-4-23. Accessory structure height limitations.

### **Division 3. Street Frontage, Lot Areas and Widths.**

- Section 25-4-30. Minimum street frontage.
- Section 25-4-31. Minimum building site area; minimum average width.
- Section 25-4-32. Reduction of building site below minimum area.
- Section 25-4-33. Effect of delinquent tax sale; recordation of land.
- Section 25-4-34. Waiver of minimum building site area for utilities.

### **Division 4. Yards and Open Space.**

- Section 25-4-40. General requirements for yards and open space.
- Section 25-4-41. Triangular or irregular building sites.
- Section 25-4-42. Corner building sites.
- Section 25-4-43. Fences and accessory structures.
- Section 25-4-44. Permitted projections into yards and open spaces.
- Section 25-4-45. Projection of porte-cocheres.
- Section 25-4-46. Projection of pools.
- Section 25-4-47. Minimum distance between main buildings on same building site.

### **Division 5. Off-Street Parking and Loading.**

- Section 25-4-50. Off-street parking and loading: purpose.
- Section 25-4-51. Required number of parking spaces.
- Section 25-4-52. Method of determining number of parking spaces.
- Section 25-4-53. Minimum dimensions of parking spaces.
- Section 25-4-54. Standards and improvements to off-street parking spaces.
- Section 25-4-55. Parking for persons with disabilities.
- Section 25-4-56. Off-street loading requirements.
- Section 25-4-57. Method of determining number of loading spaces.
- Section 25-4-58. Dimension of loading spaces.
- Section 25-4-59. Location and improvement of loading spaces.
- Section 25-4-59.1. Director determination of parking and loading requirements.
- Section 25-4-59.2. Exceptions to the off-street parking and loading requirements.
- Section 25-4-59.3. Landscaping and screening for parking lots and loading spaces.

“Pedestrian way” means a public right-of-way through a block between lots for pedestrian traffic, which may also be used as a utility easement and which has a maximum width of twenty feet.

“Personal services establishment” means an establishment which offers specialized goods and services purchased frequently by the consumer. Included are barbershops, beauty shops, massage facilities, chiropractic clinics, garment repair, laundry cleaning, pressing, dyeing, tailoring, shoe repair and other similar establishments.

“Piggery” means any parcel or premises where five or more weaned hogs are maintained.

“Plan approval” means the review and approval of plans for new structures and additions to existing structures, and certain uses in specified zoning districts in order to assure that the intent and purpose of this chapter are carried out.

“Plan lines for future streets” means lines established on the zoning map for the purpose of future street construction and establishing the front property line of the affected building site. The area within these lines shall be deemed to be the street right-of-way, and cannot be considered in computing the minimum yard required on any building site.

“Public use,” “public building” and “public structure” mean a use conducted by or a structure or building owned or managed by the federal government, the State of Hawai‘i or the County to fulfill a governmental function, activity or service for public benefit and in accordance with public policy. Excluded are uses which are not purely a function, activity or service of government and structures leased by government to private entrepreneurs or to nonprofit organizations.

“Reachable” means being able to:

- (1) Respond via telephone to a request from a guest, neighbor, or County agency within one hour of receiving that request; and
- (2) Be physically present at the short-term vacation rental within three hours of receiving a call from a guest, neighbor, or County agency, when that guest, neighbor, or County agency requests the presence of the reachable person.

“Recycling center” means an establishment on a building site, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products. A recycling collection point or an area which serves only as a drop-off point for temporary storage of recyclables shall not be considered a recycling center.

“Rentable unit” means a separate room or rooms for sleeping accommodations let, rented, or leased as a unit by the room or suite, except that in the case of sleeping accommodations let or rented by the bed, a rentable unit shall be two beds.

“Repair establishment, major” means an establishment which primarily provides restoration, reconstruction and general mending and repair services, and which includes any repair activities which are likely to have some impact on the environment and adjacent land uses by virtue of their appearance, noise, size, traffic generation or operational characteristics. Major repair establishments include, but are not limited to:

- (A) Blacksmith.
- (B) Boat cleaning and repair.
- (C) Electrical, gasoline and diesel motor repair and rebuilding.
- (D) Furniture repair.

- (E) Industrial machinery and heavy equipment repair.
- (F) Vehicular repair, including repair of body and fender, and straightening of frame and body parts.

“Repair establishment, minor” means an establishment which primarily provides restoration, reconstruction and general mending and repair services, and which includes those repair activities which have little or no impact on surrounding land uses and can be compatibly located with other businesses. Minor repair establishments include, but are not limited to:

- (A) Automobile repair, including auto painting and motorized bicycle repair, provided all repair work is performed within an enclosed structure and does not include repair of body and fender, and straightening of frame and body parts.
- (B) Eyeglasses, hearing aids and prosthetic devices, production and repair.
- (C) Furniture upholstery.
- (D) Garment repair.
- (E) General repair shop.
- (F) Non-motorized bicycle repair.
- (G) Radio, television and other household appliance and equipment repair, except for those appliances with gasoline engines.
- (H) Shoe repair.
- (I) Watch, clock and jewelry repair.

“Resort area” means an area with facilities to accommodate the needs and desires primarily of visitors, tourists and transient guests.

“Restaurant” means an establishment which is regularly and in a bona fide manner used and kept open for the serving of meals to patrons for compensation and which has suitable kitchen facilities connected with the establishment, containing the necessary equipment and supplies for cooking an assortment of foods which may be required for ordinary meals. Additionally, at least thirty percent of the establishment’s gross revenue must derive from the sale of foods.

“Retail establishment” means an establishment which sells commodities or goods to the consumer and may include display rooms and incidental manufacturing of goods for retail sale on premises only. Typical retail establishments include convenience stores, grocery and specialty food stores, general department stores, drug and pharmaceutical stores, hardware stores, pet shops, appliance and apparel stores, tour, travel and ticket agencies and other similar retail activities. The term does not include open storage yards for new or used building materials, yards for scrap, salvage operations for storage or display of automobile parts, service stations, repair garages or veterinary clinics and hospitals.

“School” means a place for teaching, demonstration, learning, or organized group instruction. Unless otherwise qualified, “school” means a place for primarily academic instruction equivalent to what is commonly known as pre-school, kindergarten, elementary school, intermediate school, high school, trade or vocational school, business school, college or a combination of any of them.

“Self-storage facility” means a structure or structures, containing individual locker compartments which allow individuals access to store possessions in these compartments. Each locker or storage area is self-contained and can be secured.

“Short-term vacation rental” means a dwelling unit of which the owner or operator does not reside on the building site, that has no more than five bedrooms for rent on the building site, and is rented for a period of thirty consecutive days or less. This definition does not include the short-term use of an owner’s primary residence as defined under section 121 of the Internal Revenue Code.

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

“Street” means a right-of-way for vehicle purposes and pedestrian traffic, and the placement of utilities, or a private right-of-way for vehicular purposes, which provides access to building sites.

“Street frontage” means that portion of a building site that has a common line with a street right-of-way line. The street frontage is designated as the front property line.

“Structure” means anything above existing grade constructed or erected with a fixed location on the ground, or requiring a fixed location on the ground, or attached to something having or requiring a fixed location on the ground. The term “structure” includes the term “building.”

“Surveyor” means a person duly registered as a professional land surveyor in the State.

“Telecommunications antenna” means an antenna, tower and other accessory structures for radio frequency (RF) transmissions intended for specific users who must have special equipment for transmission and/or reception. Also included are broadcasting facilities regulated by the Federal Communication Commission (FCC) under the Code of Federal Regulations, par. 74, which includes low power television. Included are land-mobile or two-way radio, and one-way radio paging service broadcasting. Also included are independent receiving facilities which do not qualify as accessory uses. Not included are portable, hand held and vehicular transceivers or radios; industrial, scientific and medical equipment operating at frequencies designated for that purpose by the Federal Communications Commission (FCC); marketed consumer products, such as microwave ovens, citizens band radios, ham radios and remote control toys; and facilities for the receiving of these transmissions, including individual radio and television appliances.

“Theater” means a facility which is used primarily for the performing arts or for the viewing of motion picture films. Included are performing arts centers, concert halls and other types of live theaters.

“Time share unit” means any multiple-family dwelling unit or hotel, which is owned, occupied or possessed, under an ownership and/or use agreement among various persons for less than a sixty-day period in any year for any occupant, and is regulated under the provisions of chapter 514E, Hawai‘i Revised Statutes, as amended.

“University” means a nationally-accredited institution of higher learning, whether classified as a “university” or a “college” and whether public or private, including community colleges, providing facilities for teaching, research and group learning and authorized to grant academic degrees.

“Use” means the purpose to which land or any structure or improvement thereon or both are or may be put. The word “use” is synonymous with terms “land use” and “use of land” unless the context clearly indicates otherwise.

“Warehousing” means the storage of raw materials, finished products, merchandise and/or other goods, within a building for subsequent delivery, transfer and/or pickup.

“Wholesaling and distribution” means the sale and/or distribution of manufactured and/or processed products, merchandise or other goods in large quantities for subsequent resale to retail establishments, and/or industrial, institutional and commercial users.

“Yard” means an open space on the same building site with a building, which open space lies between the building and the bounding lot lines, and is unoccupied and unobstructed from the ground upward except for landscaping and except for fences, walls, architectural features, pools, porte cocheres, cornices, canopies, roof overhangs, eaves, porches, balconies, terraces, fire escapes, stairs, ramps and other similar features authorized under article 4, division 4 of this chapter, and includes:

- (A) “Front yard” which is a yard lying between the street line on which the building site fronts or the future width line or the plan line for future street and a line parallel thereto which runs through the point of the building nearest to said street line, future width line or plan line. The depth of said yard is the distance between the parallel lines.
- (B) “Rear yard” which is a yard lying between the rear lot line and a line parallel thereto extended to intersect the side lot lines, which line runs through the point of a main building nearest the rear lot line. The depth of said yard is the distance between the parallel lines.
- (C) “Side yard” which is a yard lying between the front yard, the rear yard, the side lot line and a line parallel thereto which runs through the point of the building nearest to said lot line. The width of said yard is the distance between the parallel lines.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2000, ord 00-152, sec 1; am 2002, ord 02-70, sec 2; am 2007, ord 07-55, sec 1; ord 07-104, sec 2; am 2008, ord 08-155, sec 2; am 2009, ord 09-118, sec 17; am 2012, ord 12-28, sec 2; am 2018, ord 18-114, sec 3.)

## **Article 2. Administration and Enforcement.**

### **Division 1. General Administration.**

#### **Section 25-2-1. Duties of county officers.**

- (a) The building official shall enforce any provisions of this chapter relative to building construction and occupancy.
- (b) The director shall enforce all other provisions of this chapter pertaining to land use.
- (c) All law enforcement officers of the County shall enforce all the provisions of this chapter.

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

#### **Section 25-2-2. Issuance of permits or licenses in conformance with chapter.**

All departments, officials, and public employees authorized to issue permits or licenses shall conform to the provisions of this chapter and no permit or license for any use, building, or other purpose shall be issued where the license or permit would be in conflict with the provisions of this chapter. Any permit or license, if issued in conflict with the provisions of this chapter, shall be void.

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

- (c) A verbatim audio recording or stenographic record shall be made of the hearing and shall remain on file in the office of the board of appeals. Copies of such verbatim record of any hearing may be ordered by any party, with the cost thereof to be paid by the party ordering such copy or copies.
- (d) The appellant has the burden of proof in an appeal before the board of appeals. (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-2-23. Standard of review.**

The board of appeals may affirm the decision of the director, or it may reverse or modify the decision or remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds that:

- (1) The director erred in its decision; or
- (2) The decision violated this chapter or other applicable law; or
- (3) The decision was arbitrary or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 1999, ord 99-112, sec 4.)

**Section 25-2-24. Adoption of rules.**

The board of appeals shall adopt rules pursuant to chapter 91, Hawai'i Revised Statutes, necessary for the implementation of the provisions regarding appeals.

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

**Section 25-2-25. Further appeal rights.**

All actions of the board of appeals are final except that, within thirty days of the date of the board's written decision, any person aggrieved by the decision of the board of appeals may appeal such action to third circuit court pursuant to chapter 91, Hawai'i Revised Statutes.

(1999, ord 99-112, sec 2.)

**Division 3. Violations, Penalties, Enforcement.**

**Section 25-2-30. Violations.**

Any approval or permit issued pursuant to the provisions of this chapter shall comply with all applicable requirements of this chapter. Failure to comply with any provision of this chapter, any rule adopted pursuant to this chapter, or with conditions imposed as part of any approval, permit, or variance from the provisions of this chapter, shall constitute a violation of this chapter.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2018, ord 18-114, sec 4.)

**Section 25-2-31. Criminal prosecution.**

- (a) Any person whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, shall be guilty of a violation, and upon conviction thereof shall be sentenced as follows:
  - (1) For a first offense, by a fine not exceeding \$500.
  - (2) For a subsequent conviction which occurs within five years of any prior conviction for violation of this chapter, by a fine of not less than \$500 but not exceeding \$1,000.
- (b) After a conviction for a first violation under this chapter, each further day of violation shall constitute a separate offense if the violation is a continuance of the subject of the first conviction.
- (c) The imposition of a fine under this section shall be controlled by the provisions of the Hawai'i Penal Code relating to fines, sections 706-641 through 706-645, Hawai'i Revised Statutes.
- (d) Any authorized personnel may issue a summons or citation to an alleged violator in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by penal summons, by complaint, by warrant or such other judicial process as is permitted by statute or rule of court.
- (e) Any authorized personnel issuing a summons or citation for a violation of this chapter may take the name and address of the alleged violator and shall issue to the alleged violator a written summons or citation notifying the alleged violator to answer at a place and at a time provided in the summons or citation.
- (f) There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of this chapter which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid under the laws and regulations of the State of Hawai'i and the County.
- (g) In every case when a citation is issued, the original of the same shall be given to the violator, provided that the administrative judge of the district court may prescribe the giving to the violator of a carbon copy of the citation and provide for the disposition of the original and any other copies.
- (h) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

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

- (g) Any agricultural tourism activity in the A, IA, FA, RA, or APD districts, that does not conform to the standards in section 25-4-15(d), and which has not previously received a special permit or use permit for such activity, may continue such use until May 20, 2010, and, if an application for a special permit or a use permit has been received and accepted by May 20, 2010, may continue such use until final action has been taken on the application. After May 20, 2010, or denial of the application, whichever occurs later, continued use shall be considered illegal under this chapter.
  - (h) Any agricultural tourism activity that is currently operated under a special permit may continue to operate under the terms and conditions of the special permit, or apply to void the special permit and, if the permit is voided, operate under the standards of section 25-4-15(d).
  - (i) An agricultural tourism activity that obtains plan approval, but becomes non-compliant with the standards of section 25-4-15(d) because of an increase in the number of visitors, shall apply for a special permit, but may continue to operate until a final decision is made on the special permit application.
  - (j) An agricultural tourism activity which has received plan approval shall submit financial records to the director on request to verify compliance and shall maintain a count of visitors which shall be furnished to the director on request.
  - (k) The director may use observations of visitor arrivals, including bus traffic, in estimating whether an agricultural tourism activity complies with section 25-4-15(d)(3), and may require that an activity allowed with plan approval apply for a special permit based on such observations. In that case, the activity may continue until a final decision is made on the special permit.
- (2008, ord 08-155, sec 9; am 2009, ord 09-143, sec 2.)

**Section 25-4-16. Short-term vacation rentals.**

- (a) Short-term vacation rentals; where permitted, specific prohibitions.
  - (1) Short-term vacation rentals shall be permitted in the:
    - (A) V, CG, and CV districts;
    - (B) Residential and commercial zoning districts, situated in the General Plan Resort and Resort Node areas; and
    - (C) RM district, for multiple family dwellings within a condominium property regime as defined and governed by chapters 514A or 514B, Hawai'i Revised Statutes.
  - (2) Private covenants prohibiting use of any unit as a short-term vacation rental shall not be invalidated by this chapter.
- (b) Registration of all short-term vacation rentals.
  - (1) Short-term vacation rentals in existence on or before April 1, 2019 shall register with the director and pay a one-time fee of \$500. The registration form and associated fee shall be submitted to the planning department no later than September 30, 2019.
  - (2) Any new short-term vacation rental established in a zoning district after April 1, 2019, where such use is permissible pursuant to this

section, shall register with the director and pay a one-time fee of \$500 prior to use of such rental.

- (3) Short-term vacation rentals shall only be established within a dwelling that has been issued final approvals by the building division for building, electrical, and plumbing permits.
  - (4) Owners of short-term vacation rentals shall register by submitting a form to the planning department in a format prescribed by the director.  
The registration form, at a minimum, shall require:
    - (A) Verification that State of Hawai'i general excise tax and transient accommodations tax licenses are in effect and verification that County property taxes are paid in full;
    - (B) Certification that the requisite amount of parking pursuant to section 25-4-51, is available;
    - (C) Submittal of a site plan showing the location of the rooms for rent and requisite parking; and
    - (D) Verification that notification letters from nonconforming use applicants have been sent to all owners and lessees of record of all lots of which any portion is within three hundred feet of any point along the perimeter boundary of the short-term vacation rental property. The notification letter shall provide detailed information about the short-term vacation rental operation including: number of units being rented; maximum number of guests permitted; number and location of required parking spaces; and instructions on how to submit complaints to the planning department about the subject rental operation.
  - (5) Owners of short-term vacation rentals shall notify the director when a short-term vacation rental establishment permanently ceases to operate for any reason.
  - (6) Upon change in ownership, the new owner shall notify the director forthwith of the change in ownership and provide contact information for the reachable person. Registration shall automatically continue, subject to termination by the new owner.
  - (7) Any short-term vacation rental that has not lawfully registered within the deadlines set forth in this section shall be considered an unpermitted use and subject to the penalties set forth in this chapter until such time as proper registration and compliance with applicable requirements of this section are obtained.
- (c) Standards.  
All short-term vacation rentals shall be subject to the following standards:
- (1) The owner or reachable person shall reside in the County of Hawai'i and shall be reachable by guests, neighbors, and County agencies on a twenty-four hour, seven days-per-week basis. The owner shall notify the planning department of any changes to their contact information forthwith.
  - (2) Good neighbor policy. The owner or reachable person shall be responsible to ensure that activities taking place within the short-term vacation rental

conform to the character of the existing neighborhood in which the rental is located. At a minimum, the following shall be prominently displayed within the dwelling unit and recited in the rental agreement signed by the tenant:

- (A) Quiet hours shall be from 9:00 p.m. to 8:00 a.m., during which time the noise from the short-term vacation rental shall not unreasonably disturb adjacent neighbors.
- (B) Sound that is audible beyond the property boundaries during non-quiet hours shall not be more excessive than would be otherwise associated with a residential area.
- (C) Guest vehicles shall be parked in the designated onsite parking area.
- (3) All print and internet advertising of short-term vacation rentals, including listings with a rental service or real estate firm, shall include the registration or nonconforming use certificate number.
- (4) A copy of the registration as well as the reachable person's name and phone number, shall be displayed on the back of the front door of the sleeping quarters.
- (5) Off-street parking shall meet the requirements set forth in section 25-4-51 and applicable parking standards in this chapter.
- (6) Any commercial signage that advertises a short-term vacation rental shall comply with the requirements of section 22-2.6 and chapter 3 of this Code.
- (d) Complaints and public information.  
The director shall:
  - (1) Receive and track complaints regarding short-term vacation rentals;
  - (2) Provide information about rules, policies, and procedures pertaining to short-term vacation rentals to property owners, managers, neighbors, and the general public; and
  - (3) Maintain a list of all short-term vacation rentals that have registered or received a nonconforming use certificate.
- (e) Director duties in event of emergency.  
In the event of a declared emergency, natural or manmade, where a significant number of nonconforming short-term vacation rentals are permanently lost within any given judicial district, the director shall assess the effect of such loss upon the affected district and if deemed necessary, initiate legislative and administrative opportunities to restore such loss in short-term vacation rental capacity within the district of origin.

(2018, ord 08-114, sec 2.)

**Section 25-4-16.1. Short-term vacation rental nonconforming use certificate.**

- (a) Nonconforming use certificate. In addition to registering pursuant to 25-4-16(b)(1), the owner of any short-term vacation rental which operated outside of a permitted zoning district prior to April 1, 2019, shall obtain a short-term vacation rental nonconforming use certificate in order to continue to operate. This certificate must be renewed annually. Applications for nonconforming use certificates must be submitted to the director no later than September 30, 2019.

- (b) Evidence of prior use.
  - (1) The applicant seeking a short-term vacation rental nonconforming use certificate shall have the burden of proof in establishing that the property was in use prior to April 1, 2019 and that the dwelling has been issued final approvals by the building division for building, electrical, and plumbing permits. Evidence of such use prior to April 1, 2019 may include tax documents for the relevant time period or other reliable information.
- (c) Issuance of initial nonconforming use certificate.
  - (1) The director shall determine whether to issue a short-term vacation rental nonconforming use certificate for a short-term vacation rental based on the evidence submitted and other pertinent information.
  - (2) Issuance of an initial nonconforming use certificate may be denied if the director verifies any of the following:
    - (A) The applicant has violated pertinent laws, such as not securing and finalizing necessary building permits for the dwelling;
    - (B) The owner is delinquent in payment of State of Hawai'i general excise tax, transient accommodations tax, or County property taxes, fees, fines, or penalties assessed in relation to the short-term vacation rental; or
    - (C) Evidence of non-responsive management, such as issuance of a notice of violation, police reports, or verified neighbor complaints of noise or other disturbances relating to the short-term rental operations.
- (d) Annual renewal.
  - (1) Nonconforming use certificates must be renewed every year on or before the expiration date indicated on the certificate.
  - (2) At the time of renewal the applicant shall pay a renewal fee of \$250 to the director of finance.
  - (3) Renewal of a nonconforming use certificate shall be denied if the director finds that the short-term vacation rental use has been abandoned pursuant to section 25-4-62.
  - (4) Renewal of a nonconforming use certificate may be denied if the director verifies any of the following:
    - (A) Any of the criteria for denial in section 25-4-16.1.(c)(2);
    - (B) The owner or reachable person has not been reachable; or
    - (C) The renewal request and renewal fee were not received on or before the expiration date indicated on the certificate.
- (e) Agricultural lands. In the State land use agricultural district, a short-term vacation rental nonconforming use certificate may only be issued for single-family dwellings on lots existing before June 4, 1976.
- (f) Notice of denial of a nonconforming use certificate and appeal.
  - (1) Notice of a decision by the director to deny the initial issuance or renewal of a nonconforming use certificate shall be transmitted in writing to the property owner.

- (2) Within thirty days after the receipt of a notice of denial, the owner may appeal to the board of appeals as provided by section 6-9.2, County Charter and sections 25-2-20 through 25-2-24.
- (g) Display. Current short-term vacation rental nonconforming use certificates shall be displayed in a conspicuous place on the premises that is readily visible to an inspector. In the event that a single address is associated with numerous nonconforming use certificates, a listing of all units at that address holding current certificates may be displayed in a conspicuous, readily visible common area instead.
- (2018, ord 08-114, sec 2.)

**Section 25-4-16.2. Prima facie evidence; short-term vacation rentals.**

Advertising of any sort that offers a property as a short-term vacation rental shall constitute prima facie evidence that a short-term vacation rental is operating on that property. The burden of proof shall be on the owner or operator to establish either that the property is not being used as a short-term vacation rental or that it is being used for such purpose legally.

(2018, ord 08-114, sec 2.)

**Section 25-4-16.3 Short-term vacation rental enforcement account.**

- (a) Pursuant to section 10-12, Hawai'i County Charter, a special fund to be known as the "short-term vacation rental enforcement fund" is created. This fund shall be administered by the director.
- (b) The purpose of the fund is to support efforts to enforce the County's short-term vacation rental law.
- (c) This account shall be funded by all fees and fines collected in connection with the administration and enforcement of the County's short-term vacation rental law.
- (d) The funds in this account shall be utilized to pay for expenses that facilitate enforcement of the County's short-term vacation rental enforcement law.
- (2018, ord 08-114, sec 2.)

**Division 2. Heights.**

**Section 25-4-20. Height; general rules.**

- (a) No building or structure hereafter erected shall exceed the established zoning district height limit, except as hereinafter permitted or otherwise regulated.
- (b) If any existing structure exceeds the established zoning district height limits, it shall not be further increased in height.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-21. Basements and underground structures.**

In all districts, any number of floors below ground may be permitted.

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

**Section 25-4-22. Exemptions from height limitations.**

The following structures are exempt from zoning district height limits under the specified restrictions:

- (a) Chimneys, spires, belfries, water tanks, monuments, steeples, antennae, flag poles, vent pipes, fans, structures housing or screening elevator machinery and other similar features, not to exceed ten feet above the governing height limit.
- (b) Safety railings not to exceed forty-two inches above the governing height limit.
- (c) Utility poles and lines and telecommunication antennas not to exceed five hundred feet from existing grade.
- (d) One antenna for an amateur radio station operation per building site, not to exceed ninety feet above existing grade.
- (e) Wind machines, where permitted, provided that each machine shall be set back from all property lines one foot for each foot of height, measured from the highest vertical extension of the system.
- (f) Any energy savings device, including heat pumps and solar collectors, not to exceed eight feet above the governing height limit.
- (g) Nonresidential agricultural structures in the A and IA districts, not to exceed one hundred feet, as approved by the director upon finding that the additional height above forty-five feet is necessary.

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

**Section 25-4-23. Accessory structure height limitations.**

An accessory structure shall not exceed twenty feet in height, unless otherwise specified in this chapter.

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

**Division 3. Street Frontage, Lot Areas and Widths.****Section 25-4-30. Minimum street frontage.**

The following minimum street frontage standards apply to every building site:

- (a) Fifty percent of the required building site average width for any building site in a zoning district providing for a minimum building site of one acre or less, except for flag lots, any building site located at the end of a cul-de-sac, and any building site where the access to the building site is by means of a roadway easement.
- (b) One hundred feet for any building site in a zoning district providing for a minimum building site of over one acre, except for flag lots, any building site located at the end of a cul-de-sac, and any building site where the access to the building site is by means of a roadway easement.
- (c) The width of the pole or fifteen feet for any flag lot.
- (d) Fifteen feet for any building site located at the end of a cul-de-sac.
- (e) No street frontage shall be required for any building site where access to the building site is by means of a roadway easement.

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

**Section 25-4-68. Grounds for approval or denial.**

The director shall approve an application for recognition of a de minimis structure position discrepancy unless:

- (a) The discrepancy is greater than the difference as allowed by the de minimis structure position discrepancy definition, or
- (b) The director finds that the improvement was placed with knowledge that it would violate the minimum yard or open space requirements; or
- (c) The improvement could be moved, or the discrepancy otherwise corrected, without significant expense, difficulty, or hardship to the applicant.

(2002, ord 02-70, sec 3.)

**Section 25-4-69. Recognition of de minimis structure position discrepancy.**

If the director accepts the application for recognition of de minimis structure position discrepancy, the director shall notify the applicant in writing that the discrepancy is not a violation of the zoning code and that it may remain in place without a variance.

(2002, ord 02-70, sec 3.)

**Section 25-4-70. Disclosure.**

A de minimis structure position discrepancy shall be disclosed by the owner to subsequent purchasers of the property in question.

(2002, ord 02-70, sec 3.)

**Section 25-4-71. Appeals.**

The director's decision with respect to a de minimis structure position discrepancy is appealable to the board of appeals.

(2002, ord 02-70, sec 3.)

**Article 5. Zoning District Regulations.****Division 1. RS, Single-Family Residential Districts.****Section 25-5-1. Purpose and applicability.**

The RS (single-family residential) district provides for lower or low and medium density residential use, for urban and suburban family life. It applies to areas having facilities, and to carry out the above stated purpose.

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

**Section 25-5-2. Designation of RS districts.**

Each RS (single-family residential) district shall be designated on the zoning map by the symbol "RS" followed by a number which specifies the required minimum building site area in thousands of square feet.

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

**Section 25-5-3. Permitted uses.**

- (a) The following uses shall be permitted in the RS district:
- (1) Adult day care homes.
  - (2) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (3) Community buildings, as permitted under section 25-4-11.
  - (4) Crop production.
  - (5) Dwellings, single-family.
  - (6) Family child care homes.
  - (7) Group living facilities.
  - (8) Home occupations, as permitted under section 25-4-13.
  - (9) Meeting facilities.
  - (10) Model homes, as permitted under section 25-4-8.
  - (11) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
  - (12) Public uses and structures, as permitted under section 25-4-11.
  - (13) Short-term vacation rentals situated in the general plan resort and resort node areas.
  - (14) Temporary real estate offices, as permitted under section 25-4-8.
  - (15) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RS district, provided that a use permit is issued for each use:
- (1) Bed and breakfast establishments as permitted under section 25-4-7.
  - (2) Care homes.
  - (3) Churches, temples and synagogues.
  - (4) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (5) Day care centers.
  - (6) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (7) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (8) Major outdoor amusement and recreation facilities.
  - (9) Schools.
  - (10) Telecommunication antennas and towers.
  - (11) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the RS district.  
(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 3; am 2014, ord 14-86, sec 3; am 2018, ord 18-114, sec 5.)

**Section 25-5-4. Height limit.**

- The height limit in the RS district shall be thirty-five feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-5. Minimum building site area.**

The minimum building site area in the RS district shall be seven thousand five hundred square feet.

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

**Section 25-5-6. Minimum building site average width.**

Each building site in the RS district shall have a minimum average width of sixty feet, plus two feet for each five hundred square feet of required building site area in excess of seven thousand five hundred square feet, except that no building site shall be required to have an average width of more than one hundred fifty feet.

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

**Section 25-5-7. Minimum yards.**

The minimum yards in the RS district shall be as follows:

- (1) On a building site with a required area of seven thousand five hundred square feet to and including nine thousand nine hundred ninety-nine square feet:
  - (A) Front and rear yards, fifteen feet; and
  - (B) Side yards, eight feet.
- (2) On a building site with a required area of ten thousand square feet to and including nineteen thousand nine hundred ninety-nine square feet:
  - (A) Front and rear yards, twenty feet; and
  - (B) Side yards, ten feet.
- (3) On a building site with a required area of twenty thousand square feet or more:
  - (A) Front and rear yards, twenty-five feet; and
  - (B) Side yards, fifteen feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 1997, ord 97-88, sec 1.)

**Section 25-5-8. Other regulations.**

- (a) There may be more than one single-family dwelling on each building site in an RS district provided there is not less than the required minimum building site area for each dwelling.
- (b) One guest house, in addition to a single-family dwelling, may be located on any building site in the RS district.
- (c) An ohana dwelling may be located on any building site in the RS district, as permitted under article 6, division 3 of this chapter.
- (d) If a legal building site in the RS district has less area or average width than is required, then the yard requirements for the building site shall be the same as in the RS district having the largest requirements for which the building site can comply.
- (e) Exceptions to the regulations for the RS district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development, or by the director within a cluster plan development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 3.)

**Division 2. RD, Double-Family Residential Districts.**

**Section 25-5-20. Purpose and applicability.**

The RD (double-family residential) district provides for moderate density use characterized by the establishment of single or double-family dwellings on each building site. It applies to areas with developed community facilities. It may occupy a transitional area between RS districts and those districts having a more intense use of land.

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

**Section 25-5-21. Designation and density of RD districts.**

Each RD (double-family residential district) shall be designated on the zoning map by the symbol "RD" followed by the number "3.75" which requires that the minimum land area for each dwelling unit shall be three thousand seven hundred fifty square feet.

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

**Section 25-5-22. Permitted uses.**

(a) The following uses shall be permitted in the RD district:

- (1) Adult day care homes.
- (2) Bed and breakfast establishments as permitted under section 25-4-7.
- (3) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- (4) Community buildings, as permitted under section 25-4-11.
- (5) Crop production.
- (6) Dwellings, double-family or duplex.
- (7) Dwellings, single-family.
- (8) Family child care homes.
- (9) Group living facilities.
- (10) Home occupations, as permitted under section 25-4-13.
- (11) Meeting facilities.
- (12) Model homes, as permitted under section 25-4-8.
- (13) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- (14) Public uses and structures, as permitted under section 25-4-11.
- (15) Short-term vacation rentals situated in the general plan resort and resort node areas.
- (16) Temporary real estate offices, as permitted under section 25-4-8.
- (17) Utility substations, as permitted under section 25-4-11.

(b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RD district, provided that a use permit is issued for each use:

- (1) Care homes.
- (2) Churches, temples and synagogues.
- (3) Crematoriums, funeral homes, funeral services, and mortuaries.
- (4) Day care centers.

- (5) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (6) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (7) Major outdoor amusement and recreation facilities.
  - (8) Schools.
  - (9) Telecommunication antennas and towers.
  - (10) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the uses permitted under this section shall also be permitted in the RD district.  
(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 4; am 2014, ord 14-86, sec 4; am 2018, ord 18-114, sec 6.)

**Section 25-5-23. Height limit.**

The height limit in the RD district shall be thirty-five feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-24. Minimum building site area.**

The minimum building site area in the RD district shall be seven thousand five hundred square feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-25. Minimum building site average width.**

Each building site in the RD district shall have a minimum average width of sixty feet, plus two feet for each five hundred square feet of required building site area in excess of seven thousand five hundred square feet, except that no building site shall be required to have an average width of more than one hundred fifty feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-26. Minimum yards.**

The minimum yards in the RD district shall be as follows:

- (1) On a building site with a required area of seven thousand five hundred square feet to and including nine thousand nine hundred ninety-nine square feet:
  - (A) Front and rear yards, fifteen feet; and
  - (B) Side yards, eight feet.
- (2) On a building site with a required area of ten thousand square feet to and including nineteen thousand nine hundred ninety-nine square feet:
  - (A) Front and rear yards, twenty feet; and
  - (B) Side yards, ten feet.

(3) On a building site with a required area of twenty thousand square feet or more:

(A) Front and rear yards, twenty-five feet; and

(B) Side yards, fifteen feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 1997, ord 97-88, sec 2.)

**Section 25-5-27. Other regulations.**

(a) There may be more than one double-family dwelling or more than two single-family dwellings or any combination thereof on each building site in the RD district; provided that the minimum land area requirement for each dwelling unit is met.

(b) There shall be at least fifteen feet between the exterior walls of each main structure on the same building site in the RD district.

(c) Plan approval shall be required for all new buildings and additions to existing buildings in the RD district, except for construction of one single-family dwelling and any accessory buildings per lot.

(d) Exceptions to the regulations for the RD district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 3; am 2015, ord 15-33, sec 4.)

**Division 3. RM, Multiple-Family Residential Districts.**

**Section 25-5-30. Purpose and applicability.**

The RM (multiple-family residential) district provides for medium and high density residential use. It covers areas with full community facilities and services. It may occupy transition areas between commercial or industrial areas and other districts of less intense land use.

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

**Section 25-5-31. Designation and density of RM districts.**

(a) Each RM (multiple-family residential) district shall be designated on the zoning map by the symbol "RM" followed by a number which indicates the required land area, in thousands of square feet, for each dwelling unit or for each separate rentable unit in the case of boarding, rooming, or lodging houses, fraternity or sorority houses.

(b) In case any of the permitted uses have dormitories, two beds shall be equivalent to one separate rentable unit for purposes related to the required land area in the RM district.

(c) The maximum density designation in the RM district shall be .75 or seven hundred fifty square feet of land area per dwelling unit or separate rentable unit.

(d) In the RM district the following density designations shall be used: .75, 1, 1.5, 2, 2.5, 3, 3.5, 4 and upward in 0.5 increments.

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

**Section 25-5-32. Permitted uses.**

- (a) The following uses shall be permitted in the RM district:
- (1) Adult day care homes.
  - (2) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (3) Boarding facilities, rooming, or lodging houses.
  - (4) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (5) Commercial or personal service uses, on a small scale, as approved by the director, provided that the total gross floor area does not exceed one thousand two hundred square feet and a maximum of five employees.
  - (6) Community buildings, as permitted under section 25-4-11.
  - (7) Crop production.
  - (8) Dwellings, double-family or duplex.
  - (9) Dwellings, multiple-family.
  - (10) Dwellings, single-family.
  - (11) Family child care homes.
  - (12) Group living facilities.
  - (13) Home occupations, as permitted under section 25-4-13.
  - (14) Meeting facilities.
  - (15) Model homes, as permitted under section 25-4-8.
  - (16) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
  - (17) Public uses and structures, as permitted under section 25-4-11.
  - (18) Short-term vacation rentals situated in any of the following:
    - (A) General plan resort and resort node areas.
    - (B) Outside the general plan resort and resort node areas, in multiple family dwellings within a condominium property regime as defined and governed by chapters 514A or 514B, Hawai'i Revised Statutes.
  - (19) Temporary real estate offices, as permitted under section 25-4-8.
  - (20) Time share units situated in any of the following:
    - (A) Areas designated as resort under the general plan land use pattern allocation guide (LUPAG) map.
    - (B) Areas determined by the director to be within resort areas identified by the general plan land use element, except for retreat resort areas.
    - (C) Areas determined for such use by the council, by resolution.
  - (21) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RM district, provided that a use permit is issued for each use:
- (1) Care homes.
  - (2) Churches, temples and synagogues.
  - (3) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (4) Day care centers.

- (5) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (6) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (7) Major outdoor amusement and recreation facilities.
  - (8) Schools.
  - (9) Telecommunication antennas and towers.
  - (10) Yacht harbors and boating facilities.
  - (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the RM district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 5; am 2014, ord 14-86, sec 5; am 2018, ord 18-114, sec 7.)

**Section 25-5-33. Height limit.**

- (a) In areas in the County outside of the City of Hilo, the height limit in the RM district shall be forty-five feet.
  - (b) In the City of Hilo, the height limit in the RM district shall be one hundred twenty feet.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-34. Minimum building site area.**

The minimum building site in the RM district shall be seven thousand five hundred square feet.

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

**Section 25-5-35. Minimum building site average width.**

Each building site in the RM district shall have a minimum average width of sixty feet.

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

**Section 25-5-36. Minimum yards.**

Minimum yards in the RM district shall be as follows:

- (1) Front and rear yards, twenty feet; and
- (2) Side yards, eight feet for a one-story building, plus an additional two feet for each additional story.

(1996, ord 96-160, sec 2; ratified 1999, ord 96-160, sec 1.)

**Section 25-5-37. Landscaping.**

Landscaping shall be provided on a minimum of twenty percent of the total land area of any building site in the RM district, except for lots containing only one single-family dwelling and accessory buildings. Parking areas shall not be included within the area required for landscaping on any building site.

(1996, ord 96-160, sec 2; ratified April 6, 1999, am 2005, ord 05-155, sec 4.)

**Section 25-5-38. Other regulations.**

- (a) There may be more than one main building on any building site in the RM district.
- (b) Distance between main buildings on the same building site in the RM district shall be at least fifteen feet.
- (c) Plan approval shall be required for all new buildings and additions to existing buildings in the RM district, except for construction of one single-family dwelling and any accessory buildings per lot.
- (d) Exceptions to the regulations for the RM district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 5; am 2015, ord 15-33, sec 4.)

**Division 4. RCX, Residential-Commercial Mixed Use Districts.****Section 25-5-40. Purpose and applicability.**

The RCX (residential-commercial mixed use) district provides for the mixing of some small-scale service type commercial uses in a district that is primarily residential in character. The intent of this district is to allow a residential area to have certain convenience type of commercial uses so as to provide more of a neighborhood character to the residential area.

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

**Section 25-5-41. Designation and density of RCX districts.**

- (a) Each RCX (residential-commercial mixed use) district shall be designated on the zoning map by the symbol "RCX" followed by a number which indicates the required land area, in thousands of square feet for each dwelling unit, or for each separate rentable unit in the case of boarding, rooming, or lodging houses, fraternity or sorority houses, or for each commercial unit.
- (b) In case any of the permitted uses have dormitories, two beds shall be equivalent to one separate rentable unit for purposes related to the required land area in the RCX district.
- (c) The maximum density designation in the RCX district shall be .75 which means seven hundred fifty square feet of land area per dwelling unit or separate rentable unit.
- (d) In the RCX district the following density designations shall be used: .75, 1, 1.5, 2, 2.5, 3, 3.5, 4 and upward in 0.5 increments.

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

**Section 25-5-42. Permitted uses.**

- (a) The following uses shall be permitted in the RCX district:
  - (1) Adult day care homes.
  - (2) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (3) Boarding facilities, rooming, or lodging houses.

- (4) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (5) Churches, temples and synagogues.
  - (6) Commercial or personal service uses, on a small scale, as approved by the director.
  - (7) Community buildings, as permitted under section 25-4-11.
  - (8) Convenience stores.
  - (9) Crop production.
  - (10) Day care centers.
  - (11) Dwellings, double-family or duplex.
  - (12) Dwellings, multiple-family.
  - (13) Dwellings, single-family.
  - (14) Family child care homes.
  - (15) Group living facilities.
  - (16) Home occupations, as permitted under section 25-4-13.
  - (17) Medical clinics.
  - (18) Meeting facilities.
  - (19) Model homes, as permitted under section 25-4-8.
  - (20) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
  - (21) Public uses and structures, as permitted under section 25-4-11.
  - (22) Restaurants.
  - (23) Schools.
  - (24) Short-term vacation rentals situated in the general plan resort and resort node areas.
  - (25) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RCX district, provided that a use permit is issued for each use:
- (1) Care homes.
  - (2) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (3) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (5) Major outdoor amusement and recreation facilities.
  - (6) Telecommunication antennas and towers.
  - (7) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the above uses shall also be permitted in the RCX district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 6; am 2014, ord 14-86, sec 6; am 2018, 18-114, sec 8.)

- (6) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (7) Business services.
  - (8) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (9) Churches, temples, and synagogues.
  - (10) Commercial parking lots and garages.
  - (11) Community buildings, as permitted under section 25-4-11.
  - (12) Day care centers.
  - (13) Dwellings, double-family or duplex.
  - (14) Dwellings, multiple-family.
  - (15) Dwellings, single-family.
  - (16) Family child care homes.
  - (17) Financial institutions.
  - (18) Group living facilities.
  - (19) Home occupations, as permitted under section 25-4-13.
  - (20) Hotels.
  - (21) Lodges.
  - (22) Medical clinics.
  - (23) Meeting facilities.
  - (24) Major outdoor amusement and recreation facilities.
  - (25) Model homes, as permitted under section 25-4-8.
  - (26) Parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities.
  - (27) Personal services.
  - (28) Photography studios.
  - (29) Public uses and structures, as permitted under section 25-4-11.
  - (30) Restaurants.
  - (31) Retail establishments.
  - (32) Short-term vacation rentals.
  - (33) Telecommunication antennas, as permitted under section 25-4-12.
  - (34) Temporary real estate offices, as permitted under section 25-4-8.
  - (35) Theaters.
  - (36) Time share units.
  - (37) Utility substations, as permitted under section 25-4-11.
  - (38) Visitor information centers.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the V district, provided that a use permit is issued for each use:
- (1) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (2) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.

- (3) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (4) Schools.
  - (5) Yacht harbors and boating facilities.
  - (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the V district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2011, ord 11-26, sec 2; am 2012, ord 12-28, sec 11; am 2014, ord 14-86, sec 10; am 2018, ord 18-114, sec 9.)

**Section 25-5-93. Height limit.**

- (a) The height limit in the V district shall be forty-five feet, except in those areas designated in subsections (b) and (c) below.
  - (b) The height limit in the V district in the City of Hilo shall be one hundred twenty feet.
  - (c) The height limit in the V district at Keauhou Bay and Kahaluu Bay shall be ninety feet.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-94. Minimum building site area.**

The minimum building site in the V district shall be fifteen thousand square feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-95. Minimum building site average width.**

Each building site in the V district shall have a minimum average width of ninety feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-96. Minimum yards.**

The minimum yards in the V district shall be as follows:

- (1) Front and rear yards, twenty feet; and
- (2) Side yards, eight feet for one story, and an additional two feet for each additional story.

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

**Section 25-5-97. Landscaping.**

Landscaping shall be provided on a minimum of twenty percent of the total land area of any building site in the V district, except for lots containing only one single-family dwelling and accessory buildings. Parking areas shall not be included within the area required for landscaping on any building site.  
(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 8.)

**Section 25-5-98. Other regulations.**

- (a) More than one main building may be situated on any building site in the V district.
- (b) The distance between main buildings on one building site in the V district shall be at least fifteen feet.

- (c) Plan approval shall be required for all new structures and additions to existing structures in the V district, except for construction of one single-family dwelling and any accessory buildings per lot.
  - (d) Exceptions to the regulations for the V district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 9; am 2015, ord 15-33, sec 4.)

### **Division 10. CN, Neighborhood Commercial Districts.**

#### **Section 25-5-100. Purpose and applicability.**

The CN (neighborhood commercial) district applies to strategically located centers suitable for commercial activities which shall be of such size and shape as will accommodate a compact shopping center which supplies goods and services to a residential or working population on a frequent need or convenience basis. This district is distinguished from a central commercial district which provides general business and broad services to a city or region.

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

#### **Section 25-5-101. Designation of CN districts.**

Each CN (neighborhood commercial) district shall be designated by the symbol "CN" followed by a number which indicates the minimum land area, in thousands of square feet, required for each building site.

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

#### **Section 25-5-102. Permitted uses.**

- (a) The following uses shall be permitted in the CN district:
  - (1) Adult day care homes.
  - (2) Automobile service stations.
  - (3) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (4) Boarding facilities, rooming, or lodging houses, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
  - (5) Business services.
  - (6) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (7) Churches, temples and synagogues.
  - (8) Community buildings, as permitted under section 25-4-11.
  - (9) Convenience stores.
  - (10) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (11) Crop production.
  - (12) Day care centers.

- (13) Dwellings, double-family or duplex, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
  - (14) Dwellings, multiple-family, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
  - (15) Dwellings, single-family.
  - (16) Family child care homes.
  - (17) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
  - (18) Financial institutions.
  - (19) Group living facilities.
  - (20) Home occupations, as permitted under section 25-4-13.
  - (21) Medical clinics.
  - (22) Meeting facilities.
  - (23) Model homes, as permitted under section 25-4-8.
  - (24) Museums.
  - (25) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
  - (26) Offices.
  - (27) Personal services.
  - (28) Photography studios.
  - (29) Public uses and structures, as permitted under section 25-4-11.
  - (30) Repair establishments, minor.
  - (31) Restaurants.
  - (32) Retail establishments.
  - (33) Schools.
  - (34) Short-term vacation rentals situated in the general plan resort and resort node areas.
  - (35) Telecommunication antennas, as permitted under section 25-4-12.
  - (36) Theaters.
  - (37) Utility substations as permitted under section 25-4-11.
- (b) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the CN district.  
(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 12; am 2018, ord 18-114, sec 10.)

**Section 25-5-103. Height limit.**

The height limit in the CN district shall be forty feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

- (15) Churches, temples and synagogues.
- (16) Cleaning plants using only nonflammable hydrocarbons in a sealed unit as the cleansing agent.
- (17) Commercial parking lots and garages.
- (18) Community buildings, as permitted under section 25-4-11.
- (19) Convenience stores.
- (20) Crematoriums, funeral homes, funeral services, and mortuaries.
- (21) Crop production.
- (22) Day care centers.
- (23) Display rooms for products sold elsewhere.
- (24) Dwellings, double-family or duplex, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
- (25) Dwellings, multiple-family, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
- (26) Dwellings, single-family.
- (27) Equipment sales and rental yards, and other yards where retail products are displayed in the open.
- (28) Family child care homes.
- (29) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
- (30) Financial institutions.
- (31) Group living facilities.
- (32) Home occupations, as permitted under section 25-4-13.
- (33) Hospitals, sanitariums, old age, convalescent, nursing and rest homes and other similar uses.
- (34) Hotels.
- (35) Ice storage and dispensing facilities.
- (36) Laboratories, medical and research.
- (37) Laundries.
- (38) Light manufacturing, processing and packaging, where the only retail sales outlet for products produced is on the premises where produced.
- (39) Medical clinics.
- (40) Meeting facilities.
- (41) Model homes, as permitted under section 25-4-8.
- (42) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- (43) Offices.

- (44) Personal services.
  - (45) Photography studios.
  - (46) Public uses and structures, as permitted under section 25-4-11.
  - (47) Printing shops, cartographing and duplicating processes such as blueprinting or photostating shops.
  - (48) Repair establishments, minor.
  - (49) Restaurants.
  - (50) Retail establishments.
  - (51) Schools.
  - (52) Short-term vacation rentals.
  - (53) Telecommunication antennas, as permitted under section 25-4-12.
  - (54) Theaters.
  - (55) Time share units.
  - (56) Utility substations, as permitted under section 25-4-11.
  - (57) Veterinary establishments.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the CG district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (2) Major outdoor amusement and recreation facilities.
  - (3) Yacht harbors and boating facilities.
- (c) Residential uses in connection with the operation of any permitted use shall be permitted in the CG district.
- (d) Buildings and uses normally considered accessory to the uses permitted in this section shall also be permitted in the CG district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 13; am 2014, ord 14-86, sec 11; am 2018, ord 18-114, sec 11.)

**Section 25-5-113. Height limit.**

- (a) The height limit in the CG district shall be forty-five feet, except in those areas designated in subsection (b) below.
  - (b) The height limit in the City of Hilo shall be one hundred twenty feet.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2002, ord 02-88, sec 2.)

**Section 25-5-114. Minimum building site area.**

The minimum building site area in the CG district shall be seven thousand five hundred square feet.

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

- (24) Group living facilities.
  - (25) Home occupations, as permitted under section 25-4-13.
  - (26) Hospitals, sanitariums, old age, convalescent, nursing and rest homes and other similar uses.
  - (27) Hotels, when the design and use conform to the character of the area, as approved by the director.
  - (28) Laboratories, medical and research.
  - (29) Lodges.
  - (30) Manufacturing, processing and packaging light and general, except for concrete or asphalt products, where the products are distributed to retail establishments located in the immediate community, as approved by the director.
  - (31) Medical clinics.
  - (32) Meeting facilities.
  - (33) Model homes, as permitted under section 25-4-8.
  - (34) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
  - (35) Offices.
  - (36) Personal services.
  - (37) Photography studios.
  - (38) Public uses and structures, as permitted under section 25-4-11.
  - (39) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops, which are designed to primarily serve the local area.
  - (40) Repair establishments, major, when there are not more than five employees, as approved by the director.
  - (41) Repair establishments, minor.
  - (42) Restaurants.
  - (43) Retail establishments.
  - (44) Schools.
  - (45) Short-term vacation rentals.
  - (46) Telecommunication antennas, as permitted under section 25-4-12.
  - (47) Temporary real estate offices, as permitted under section 25-4-8.
  - (48) Theaters.
  - (49) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the CV district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (2) Major outdoor amusement and recreation facilities.
  - (3) Yacht harbors and boating facilities.

- (c) Residential uses in connection with the operation of any permitted uses shall be permitted in the CV district.
  - (d) Buildings and uses similar to the permitted uses listed in subsection (a) above shall be permitted in the CV district, as approved by the director.
  - (e) Buildings and uses normally considered accessory to the uses permitted in this section shall also be permitted in the CV district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 14; am 2014, ord 14-86, sec 12; am 2018, ord 18-114, sec 12.)

**Section 25-5-123. Height limit.**

The height limit in the CV district shall be thirty feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-124. Minimum building site area.**

The minimum building site area in the CV district shall be seven thousand five hundred square feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-125. Minimum building site average width.**

Each building site in the CV district shall have a minimum building site average width of sixty feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-126. Minimum yards.**

The minimum yards in the CV district shall be as follows:

- (1) Front or rear yards, fifteen feet; and
- (2) Side yards, none, except where the adjoining building site is in an RS, RD, RM or RCX district. Where the side yard adjoins the side yard of a building site in an RS, RD, RM or RCX district, there shall be a side yard which conforms to the side yard requirements for dwelling use of the adjoining district.

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

**Section 25-5-127. Landscaping of yards.**

- (a) All front yards in the CV district shall be landscaped, except for necessary access drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.
  - (b) Where any required side or rear yard in the CV district adjoins a building site in an RS, RD, RM or RCX district, the side or rear yard shall be landscaped with a screening hedge not less than forty-two inches in height, within five feet of the property line, except for necessary drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 14.)

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

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(68)	06-59	5-12-2006	Kaloko, North Kona	7-3-25:9	A-20a	A-5a	
(69)	06-82	6-16-2006	Kaloko, North Kona	7-3-24:8	A-20a	FA-3a	
(70)	06-110	7-27-2006	Kaloko, North Kona	7-3-048:005	A-20a	A-10a	
(71)	07-46	4-4-2007	Pu'uuanahulu, North Kona	7-1-5:9 and 7-1-7:44-47	A-1a	O	
(72)	09-05	2-9-2009	Kaloko, North Kona	7-3-27:14	A-20a	A-10a	
(73)	09-06	2-9-2009	Kaloko, North Kona	7-3-026:017	A-20a	A-10a	
(74)	15-105	11-20-2015	Kaloko, North Kona	7-3-026:003	A-20a	A-7a	
(75)	16-79	7-25-2016	Kūki'o 2nd and Manini'ōwali, North Kona	7-2-004:027	A-5a	FA-2a	
(76)	16-99	10-24-2016	Kaloko, North Kona	7-3-048:001	A-20a	A-10a	
(77)	19-4	01-25-19	Kaloko, North Kona	7-3-027:007	(Amends Ord. 05-66) (Effective Date 05-16-05)		

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

Paragr h	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(253)	15-35	3-23-2015	Hōiualoa, North Kona	7-6-013:017	A-1a	CV-10	
(254)	15-104	11-20-2015	Auhaukeae 1st, North Kona	7-5-009:067: Por 054	(Amends Ord. 05-74) (Effective Date 5-18-2005)		
(255)	15-116	12-22-2015	Kalaoa 5th, North Kona	7-3-004:012	A-20a	FA-1a	
(256)	16-46	5-23-2016	Kealakehe Homesteads, North Kona	7-4-004:033	(Amends Ord. 99-36 (Effective Date 3-15-1999)		
(257)	16-86	8-18-2016	Puapua'a 2nd, North Kona	7-5-020:071 and 072	(Amends Ord. 04-56) (Effective Date 5-27-2004)		
(258)	18-115	12-5-18	Honokōhau 1st and 2nd, North Kona	7-4-008:013 & 030	(Amends Ord. 04-110) (Effective Date 10-12-2004)		
(259)	19-12	02-20-19	Kaupulehu, North Kona	7-2-003: Por. of 1	(Amends Ord. 99-42) (Effective Date 4-10-1999)		
(260)	19-38	04-25-19	Hienaloli 4th and 5th, North Kona	7-5-010: Por. of 13 (Formerly 7-5-23:64 and 067)	(Amends: 1) Ord. 09-049, that amended Ord. 95-118, and Ord. 92-036 and 2) Ord. 09-050, that amended Ord. 06-138, Ord. 90-010, and Ord. 86-049) (Effective Date 4-25-19)		
(261)	19-51	05-07-19	'O'oma, 1st, North Kona	7-3-005:112	A-5a	FA-1a	
(262)	19-57	05-21-19	Kalaoa 4th, North Kona	7-3-005:030	(Amends Ord. 12-156 that Amended 02-64) (Effective Date 12-14-12)		

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

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(52)	02-98	8-28-2002	Puukapu, Waimea, South Kohala	6-4-24:22	(Amends Ord. 94-56) (Effective date 5-18-94)		
(53)	02-99	8-28-2002	Puukapu, Waimea, South Kohala	6-4-24:23	A-5a	CN-10	
(54)	02-107	9-12-2002	Puukapu, Waimea, South Kohala	6-4-24:Por. of 27	(Amends Ord. 93-65) (Effective date 6-22-93)		
(55)	05-169	12-27-2005	Waimea, South Kohala	6-4-17:40	A-40a	A-5a	
(56)	07-112	9-11-2007	Waimea, South Kohala	6-5-001:020	A-40a, A-1a	A-400a	
(57)	07-181	12-26-07	Waikoloa, Waimea	6-7-002:020 and Por. of 051	A-40a, ML-20	CV-7.5	
(58)	11-73	9-1-2011	Pu'ukapu, Waimea, South Kohala	6-4-017:042	A-40a	A-5a	
(59)	13-11	2-13-2013	Pu'ukapu Homesteads, 1st series, Pu'ukapu, South Kohala	6-4-001:099	A-40a	RA-5a	
(60)	13-102	10-16-2013	Puukapu Homesteads, 2nd series, South Kohala	6-4-018:087	A-5a	FA-2a	
(61)	15-37	4-24-2015	Waimea Homesteads, South Kohala	6-5-011:030	A-1a	RS-20	
(62)	16-82	8-18-2016	Pu'ukapu Homesteads, 2nd series, South Kohala	6-4-017:023, 064-067 and 078 (formerly 6-4-017:023)	(Amends Ord. 889) (Effective date 6-21-83)		
(63)	17-50	7-18-2017	Pu'ukapu, Waimea, South Kohala	6-4-001:152	A-5a	FA-2a	
(64)	18-01	1-4-2018	Waimea Homesteads, South Kohala	6-5-004:049	A-1a	RS-20	
(65)	19-67	06-04-19	Pu'ukapu Homesteads 2nd series, Waimea, South Kohala	6-4-017:043	A-40a	A-5a	

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

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(410)	16-87	8-18-16	Waiākea House Lots 1st, South Hilo	2-2-027:038, 039, and 058	RS-10	CN-10	
(411)	17-7	1-20-17	Waiākea, South Hilo	2-2-040:004	RS-10	CN-10	
(412)	17-8	1-20-17	Waiākea Homesteads House Lots, South Hilo	2-2-040:108	RS-10	CN-10	
(413)	17-9	1-20-17	Ponahawai, South Hilo	2-5-047:031	A-20a	FA-2a	
(414)	17-14	2-17-17	Waiākea, South Hilo	2-2-025:012	RS-10	CG-10	
(415)	17-24	04-20-17	Waiākea, South Hilo	2-2-044:003, 031, 032, 035, and 037	(Amends Ord. 12-111) (Effective Date 8-10-12)		
(416)	17-70	11-01-17	Waiākea, South Hilo	2-2-036:090	(Amends Ord. 07-136) (Effective Date 10-10-07)		
(417)	17-74	11-29-17	Waiākea, South Hilo	2-2-050:014	(Amends Ord. 03-108) (Effective Date 7-9-03)		
(418)	18-31	04-24-18	Waiākea Homesteads, South Hilo	2-4-010:028	RS-15	RS-10	
(419)	18-75	07-03-18	Kaūmana and Ponahawai, South Hilo	2-5-047:033 and 2-5-047:034	A-20a	A-6a	
(420)	18-96	10-01-18	Waiākea, South Hilo	2-3-037:015	(Amends Ord. 07-166) (Effective Date 11-02-07)		
(421)	18-97	10-01-18	Waiākea, South Hilo	2-2-036:025 and 026	(Amends Ord. 08-20) (Effective Date 03-10-08)		
(422)	19-1	01-07-19	Waiākea, South Hilo	2-2-028:030, 032 and 033	(Amends Ord. 06-47) (Effective Date 04-12-06)		
(423)	19-16	02-20-19	Waiākea Homesteads 2nd, South Hilo	2-4-039:026	A-3a	RS-15	

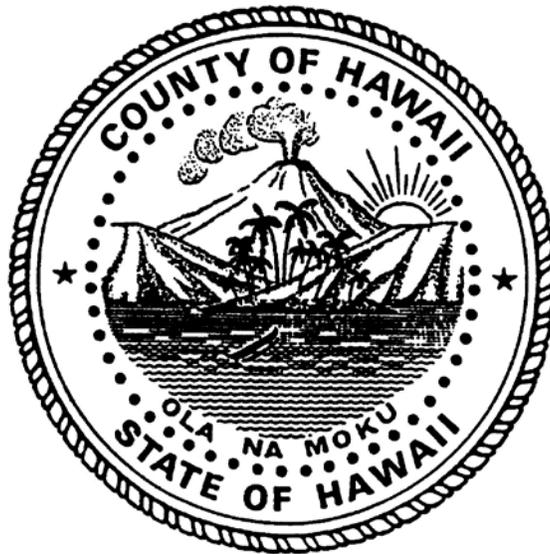
Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(424)	19-17	02-20-19	Waiākea, South Hilo	2-4-057:029; Por. 030 & Por. 031 (Formerly 2-4-057:001)	(Amends Ord. 07-26) (Effective Date 3-20-07)		
(425)	19-26	03-25-19	Waiākea, South Hilo	2-2-023:012	(Amends Ord. 97-13) (Effective Date 2-20-97)		
(426)	19-27	03-25-19	Waiākea Homesteads 1st Series, Waiākea South Hilo	2-4-021:059	(RS-15)	(RS-10)	
(427)	19-28	03-25-19	Waiākea House Lots, Waiākea South Hilo	2-2-034:086	(RS-10)	(CN-20)	
(428)	19-34	04-08-19	Waiākea House Lots 2nd Series, Waiākea South Hilo	2-2-024:003	(RS-10)	(CG-20)	
(429)	19-39	04-25-19	Waiākea, South Hilo	2-2-034:012	(Amends Ord. 06-107) (Effective Date 7-17-06)		
(430)	19-58	05-21-19	Ponahawai, South Hilo	2-3-037:001, 2-3-044:019, and 2-3-049:053	(Amends Ord. 10-64) (Effective Date 6-18-10)		

This page intentionally left blank.

# THE HAWAII COUNTY CODE

## 1983 (2016 Edition, as amended)

Update to include: Supplement 6 (7-2019)  
Contains ordinances effective through: 06-30-19



A CODIFICATION OF THE GENERAL ORDINANCES  
OF THE COUNTY OF HAWAII  
STATE OF HAWAII

Office of the County Clerk  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720  
(808) 961-8255

## Volume Three



## DEFINITIONS

Provide land in perpetuity 8-2  
Provisional tax increment district 33-2  
Provocation 4-1  
Public access 34-3  
Public dance house or hall 6-8  
Public highway(s) 18-1, 20-31, 34-3  
Public holiday 24-3  
Public improvements 33-2  
Public mountain area 34-3  
Public place 1-4, 13-8, 14-74, 20-1  
Public property 20-31  
Public recreation 19-80  
Public sewer 21-2  
Public shoreline area 34-3  
Public street 34-3  
Public thoroughfare 24-176  
Public use, public building and public structure 25-1-5  
Public works 33-2  
Publication 35-60  
Publication dispenser permits 22-3.1  
Publication dispensing device 35-60  
Publication dispensing rack enclosure 35-60  
Publication dispensing rack insert 35-60  
Publication dispensing rack space 35-60  
Publication dispensing rack space permits 22-1.2  
Publisher 35-60  
Puppy 15-78  
Pyrotechnic composition or pyrotechnic contents 26-2-2  
Qualified business 31-2  
Qualified households 11-3  
Radioactive material or substance 14-45  
Range 9-40  
Reachable 25-1-5  
Real property 2-110, 19-2  
Reallocation 35-60  
Rear lot line 25-1-5  
Rear yard 25-1-5  
Reasonable assumptions 25-2-46  
Recombinant DNA 14-91  
Reconstructed vehicle 24-3  
Recoverable expenses 2-167  
Recreational activity 34-3  
Recreational area 15-3  
Recreational facilities 15-66  
Recreational vehicle 27-12  
Recycling 20-50  
Recycling center 25-1-5  
Red flag warning 26-2-2  
Redistribution 26-2-2  
Redistricting 36-1  
Redistricting cycle 36-1  
Refuse 20-20, 20-31  
Region 36-1  
Register 14-129  
Registration 14-129  
Regulatory floodway 27-12  
Release 14-91  
Remnant 2-110  
Removable windshield placard 24-242  
Rentable unit 25-1-5  
Repair establishment, major 25-1-5  
Repair establishment, minor 25-1-5  
Repetitive loss structure 27-12  
Rescue operation 2-167  
Reserve strip 23-3  
Residence 14-113  
Resident population 8-2  
Residential 19-53  
Residential district 3-3, 24-3  
Responsible department 12-1  
Responsible director or manager 12-1  
Resort area 25-1-5  
Resort subdivision 23-3  
Restaurant 14-20, 25-1-5  
Retail establishment 25-1-5  
Retail tobacco store 14-20  
Reusable bag 14-116  
Reversed corner lot 23-3  
Reversed frontage lot 23-3  
Rider 18-94  
Right-of-way 23-3, 24-3  
Riverine 27-12  
Road taxi stand 18-31  
Road tractor 24-3  
Roadway 22-1.2, 23-3, 24-3  
Roof area 5-84  
Roof sign 3-3  
Rubbish 20-31  
Safety glass 18-1  
Safety zone 24-3  
Sand dunes 27-12  
Sanitary engineer 23-3  
Sanitary sewer 21-2  
School 25-1-5  
School bus 18-56, 24-3  
School bus operator 18-56  
Sedimentation 10-1  
Self-directed revocable living trust 21-38  
Self-storage facility 25-1-5

## DEFINITIONS

Semi-trailer 24-3  
Senior citizen 18-1  
Separation 5-83  
Serious injury 4-1  
Service bureau 2-121  
Service business or calling 31-2  
Service road 23-3  
Setback 5-83  
Sewage 21-2  
Sewage treatment plant 21-2  
Sewage works, sewer system, or sewer 21-2  
Sewer system improvement district 12-1  
Shall 1-4  
Shared-use or multi-use park 15-78  
Shared-ride taxi 18-31  
Sheet flow area 27-12  
Shell, cartridge, or bomb 14-7  
Shipper 26-2-2  
Shoreline 34-3  
Short-term vacation rental 25-1-5  
Side yard 25-1-5  
Sidewalk 1-4, 22-1.2, 23-3, 24-3, 35-60  
Sidewalk use permits 22-3.1  
Sign 3-3  
Single-family dwelling 19-2, 25-1-5  
Siren 24-3  
Site 5-79  
Smoke or smoking 14-20  
Socioeconomic group 36-1  
Soil and water conservation districts 10-1  
Solar water heater 19-2  
Soliciting 14-74  
Solid tire 24-3  
Space 35-60  
Special duty 2-171  
Special flood hazard area 17-52, 27-12  
Special hazard vehicle 24-3  
Special improvement, improvement, the making of a special improvement, make any special improvement 12-1  
Special improvements 32-16  
Special interest areas 15-66  
Special license plates 24-242  
Special mobile equipment 24-3  
Specially constructed vehicle 24-3  
Speed hump 22-1.2  
Speed limit 24-3  
Stand or standing 24-3  
Standard of fairness principles 36-1  
Start of construction 27-12  
State 1-4, 2-225, 27-12  
State Fire Code 26-2-2  
Statutes 1-4  
Sterilized dog 4-1  
Stockpiling 10-1  
Stop 24-3  
Stop or stopping 24-3  
Store 26-2-2  
Stray 4-1  
Street 1-4, 3-3, 14-80, 22-1.2, 23-3, 24-3, 25-1-5  
Street frontage 25-1-5  
Street plug 23-3  
Structural observation 5-71  
Structure 25-1-5, 27-12  
Structures 15-66  
Student 18-1  
Subdivided land 23-3  
Subdivider 8-2, 23-3  
Subdivision 8-2, 21-2, 34-3  
Substantial damage 27-12  
Substantial improvement 27-12  
Supervising electrician 9-5  
Supervising specialty electrician 9-5  
Supplemental improvements 35-1  
Supplemental services and improvement area 35-1  
Supplemental services and improvements 35-1  
Surveyor 23-3, 25-1-5  
Suspended solids 21-2  
Swill 20-31  
Targeted area 33-2  
Tax increment 33-2  
Tax increment bonds 33-2  
Tax increment district 33-2  
Tax increment financing plan 33-2  
Tax increment fund 33-2  
Taxi or taxicab 18-1  
Taxicab 18-31, 24-3  
Taxicab company 18-31  
Taxicab driver 18-31  
Telecommunications antenna 25-1-5  
Television production 26-2-2  
Temporary fireworks storage building or structure 26-2-2  
Temporary painted window sign 3-3  
Temporary removable windshield placard 24-242  
Temporary sign 3-3  
Tenant 1-4

**ROLLERSKATES**

Skating and skateboards in parks or recreational areas 15-31  
 See: PARKS AND RECREATION  
 Use on roadways 24-4  
 See: TRAFFIC

**-- S --**

**SABOTAGE**

Civil defense disasters, etc. 7-1 et seq.  
 See: CIVIL DEFENSE

**SAFETY COORDINATOR**

Periodic inspection of motor vehicles 24-24  
 Inspection of vehicles, generally. See:  
 TRAFFIC

**SAFETY GLASS**

Required on common carriers 18-2

**SALARIES**

Compensation of personnel. See: OFFICERS  
 AND EMPLOYEES

**SALOONS AND BARS**

Alcoholic beverages 14-1 et seq.  
 See: ALCOHOLIC BEVERAGES

**SALVAGE**

Salvaging refuse at dump, etc. 20-42

**SAMPAN BUSES**

Common carrier regulations 18-1 et seq.  
 See: PUBLIC TRANSPORTATION  
 (Common Carriers)

**SAND, EARTH, ETC.**

Removal of beach composition from certain parks 15-6  
 Sewer wastes prohibited 21-9  
 Other sewer regulations. See: WATER  
 AND SEWERS

**SANITARY SEWERS**

Special assessments for improvements 12-1  
 et seq.  
 See: PUBLIC WORKS AND  
 IMPROVEMENTS

**SANITATION**

See: HEALTH AND SANITATION

**SATURDAYS**

Real property tax due date falling on 19-20

**SCENIC CORRIDOR PROGRAM**

Established 25-6-60 et seq.

**SCHOOL BUSES**

Signal lamps 24-69  
 Other traffic regulations for school buses.  
 See: TRAFFIC

**SCHOOL YARDS**

Public place defined re 1-4(a)(28)

**SCHOOL ZONES**

Speed law violations 24-147 et seq.  
 See: TRAFFIC

**SCHOOLS**

Intoxicating liquor prohibitions re public  
 places 14-1  
 See: ALCOHOLIC BEVERAGES  
 Nonprofit organizations, appropriations to  
 2-136 et seq.  
 See: FINANCES  
 Real property tax exemptions 19-77  
 See: REAL PROPERTY TAXES  
 Student transportation  
 Common carrier regulations 18-1 et seq.  
 See: PUBLIC TRANSPORTATION  
 (Common carriers)

**SCIENTIFIC INSTITUTIONS**

Nonprofit organizations, appropriations to  
 2-136 et seq.  
 See: FINANCES

**SEA SHELLS, BERRIES, DRIFTWOOD,  
 ETC.**

Collecting in recreational areas 15-28(a)(3)

**SEAL**

See: COUNTY SEAL

**SEARCH AND SEIZURE**

Seizure of dogs 4-20 et seq.  
 Other provisions re. See: ANIMALS AND  
 FOWL

**SEARCH LIGHTS**

**SEARCH LIGHTS**

Outdoor lighting 14-50 et seq.  
See: OUTDOOR LIGHTING

**SECURITY**

Neighborhood watch signs 14-66 et seq.  
See: NEIGHBORHOOD WATCH SIGNS

**SECURITY LIGHTS**

Outdoor lighting 14-50 et seq.  
See: OUTDOOR LIGHTING

**SEDIMENTATION CONTROL**

See: EROSION AND SEDIMENTATION CONTROL  
SELF-INSURANCE  
Creation of self-insurance fund 2-156

**SENIOR CITIZENS**

See: COMMITTEE ON AGING

**SERVICE STATIONS**

Vehicles cutting corners 24-172

**SERVICES DIVISION**

Department of public works divisions 2-41  
See: DEPARTMENT OF PUBLIC WORKS

**SETBACKS**

Signs projecting beyond property line 3-31  
Special building setback lines in subdivisions 23-24  
See: SUBDIVISIONS  
Zoning regulations. See: ZONING

**SEWERS**

See: WATER AND SEWERS

**SHAVINGS, METAL, GLASS**

Sewer wastes prohibited 21-9  
Other sewer regulations. See: WATER AND SEWERS

**SHELLS, CARTRIDGES, ETC.**

Explosives, etc., regulated 14-7 et seq.  
See: FIREARMS, WEAPONS AND EXPLOSIVES

**SHELTER**

Crop shelter tax exemptions 19-79  
See: REAL PROPERTY TAXES

**SHORELINE ACCESS**

Public access code 34-1 et seq.  
See: PUBLIC ACCESS CODE

**SHORELINE SETBACKS**

Zoning regulations. See: ZONING

**SHORT-TERM VACATION RENTALS**

Nonconforming use certificate 24-4-16.1  
Requirements 25-4-16

**SHOT GUNS**

Weapons regulations 14-7 et seq.  
See: FIREARMS, WEAPONS AND EXPLOSIVES

**SHRUBBERY**

See: TREES AND SHRUBBERY

**SIDEWALK DISPLAYS**

Impeding, obstructing or endangering the public, etc. 22-2.4  
Commercial use of streets 22-2.5  
Signs, advertising 22-2.6

**SIDEWALKS**

See: STREETS AND SIDEWALKS

**SIGHT IMPAIRED PERSONS**

See: HANDICAPPED PERSONS  
Real property tax exemptions 19-75  
See: REAL PROPERTY TAXES

**SIGHT-SEEING BUSES**

Common carrier regulations 18-1 et seq.  
See: PUBLIC TRANSPORTATION (Common Carriers)

**SIGNS REGULATIONS**

Enforcement and penalties 3-37 to 3-40  
Kailua Village, signs within 3-49 to 3-62  
Kailua Village design commission 3-53 to 3-54, 3-57  
Kailua Village special design district 3-49  
Pahoa Village, Signs within  
Exempt Signs 3-94  
Pahoa Village design commission or committee review 3-83 to 3-87  
Pahoa Village special design district 3-79, 3-80  
Permits 3-18, 3-81 to 3-85  
Permissible Signs  
Number of Signs 3-92  
Sign area/size and lettering size 3-90  
Sign elevation 3-91

**UNIVERSITIES**

Real property tax exemptions 19-77  
See: REAL PROPERTY TAXES

**URANIUM**

Nuclear energy 14-44 et seq.  
See: NUCLEAR ENERGY

**URBAN DISTRICTS**

Real property tax exemption for dedicated lands 19-80  
See: REAL PROPERTY TAXES

**URBAN ZONES**

Zoning regulations. See: ZONING

**URINATING**

Park area restrictions 15-30(g)

**UTILITIES**

Electrical installations generally 9-1 et seq.  
See: ELECTRICITY  
Electrical permit required, etc. 9-26  
See: ELECTRICITY  
Flood control areas 27-1 et seq.  
See: FLOODPLAIN MANAGEMENT  
Outdoor lighting 14-50 et seq.  
See: OUTDOOR LIGHTING  
Plumbing and plumbing code 17-1 et seq.  
See: PLUMBING CODE (Generally)  
Real property tax exemption for alternate energy improvements 19-82  
See: REAL PROPERTY TAXES  
Sewers 21-1 et seq.  
See: PUBLIC WORKS AND IMPROVEMENTS  
Subdivision utility requirements 23-54  
See: SUBDIVISIONS  
Utility substations  
Zoning regulations. See: ZONING  
Water, sewer and other utilities  
Permit required 23-9  
See also: WATER AND SEWERS  
Zoning regulations. See: ZONING

-- V --

**VACANT LOTS**

Clearing occupied and unoccupied lots of refuse, weeds, etc. 20-20 et seq.  
See: GARBAGE AND TRASH

**VACATION RENTALS**

See: SHORT-TERM VACATION RENTALS

**VANDALISM**

Prohibited activities in recreational areas 15-28  
Property damage prohibited, penalty 14-40.1

**VARIANCES**

Electrical code, re 9-17  
Flood control variances 27-27 et seq.  
See: FLOODPLAIN MANAGEMENT  
Plumbing code variances and appeals 17-41 et seq.  
See: PLUMBING CODE (Generally)  
Sign variances 3-22, 3-56  
Subdivision variances 23-14 et seq.  
Zoning regulations. See: ZONING

**VEGETABLE OR FOOD STORE**

Animal prohibitions, places prohibited 4-18  
Animals in general. See: ANIMALS AND FOWL

**VEGETABLE, FRUITS, ETC.**

Prohibited activities in recreational areas 15-28

**VEGETATION**

Trees. See: TREES AND SHRUBBERY

**VEHICLES**

See: MOTOR VEHICLES AND OTHER VEHICLES  
Automotive equipment 2-41  
See: AUTOMOTIVE EQUIPMENT

**VEHICLES FOR HIRE**

Common carriers 18-1 et seq.  
See: PUBLIC TRANSPORTATION (Common Carriers)  
Pedicabs 24-186.2 et seq.  
See: TRAFFIC  
Smoking regulations 14-20 et seq.  
See: SMOKING  
Taxicabs 18-31 et seq.  
See: PUBLIC TRANSPORTATION (Taxicabs)  
Travel and other allowable expenses for personnel 2-92  
See: FINANCES

**VEHICULAR TRAFFIC**

**VEHICULAR TRAFFIC**

See: TRAFFIC

**VENDORS**

See: PEDDLERS, CANVASSERS AND SOLICITORS

**VENDOR'S LICENSES**

Firearms and explosives 14-13  
See: FIREARMS, WEAPONS AND EXPLOSIVES

**VENTILATION**

International Energy Conservation Code 5-84  
See: BUILDINGS

**VESSELS**

Park and recreational area restrictions, etc. 15-8 et seq.  
See: PARKS AND RECREATION

**VETERANS ADVISORY COMMITTEE**

Meetings 15-63  
Membership 15-62  
Powers and duties 15-64  
Organization 15-61  
Tenure 15-62

**VETERINARIANS**

Dog licenses, etc. 4-12 et seq.  
See: ANIMALS AND FOWL

**VICIOUS ANIMALS**

Dangerous, attacking dogs, etc., may be slain 4-28

**VICIOUS DOGS**

See: ANIMALS AND FOWL

**VICTIMS OF CRIMES**

Nonprofit organizations, appropriations to 2-136 et seq.  
See: FINANCES

**VIOLATIONS**

Fines. See specific offenses.  
See also: FINES, FORFEITURES AND PENALTIES

**VIOLENCE**

Disorderly conduct in park areas 15-9

**VOLCANIC ERUPTION**

Civil defense disasters, etc. 7-1 et seq.  
See: CIVIL, MILITARY OR NATURAL DISASTERS  
Geothermal relocation program 2-177 et seq.  
See: GEOTHERMAL RELOCATION PROGRAM  
Remission of taxes in certain disasters 19-36

**VOLUNTEER FIRE DEPARTMENT**

Generally 2-16 et seq.  
See: FIRE DEPARTMENT

**VOLUNTEER POLICE**

See: POLICE DEPARTMENT

**VOTER REGISTRATION**

Generally 2-121 et seq.  
See: ELECTIONS

-- W --

**WAGES**

Compensation of personnel. See: OFFICERS AND EMPLOYEES

**WAIAKEA-MAKAI**

Bus terminal location 18-22

**WAIAKEA UKA PARK AND GYM**

Intoxicating liquor allowed certain hours 14-2.1  
See: ALCOHOLIC BEVERAGES

**WAIMEA PARK**

Areas requiring intoxicating liquor permits 14-2  
See: ALCOHOLIC BEVERAGES

**WAIPIO LOOKOUT**

Intoxicating liquor prohibitions re public places 14-1  
See: ALCOHOLIC BEVERAGES

**WALKWAYS**

Outdoor lighting 14-50 et seq.  
See: OUTDOOR LIGHTING

Street encroachments 22-2.1 et seq.  
 See: **STREETS AND SIDEWALKS**  
 Vacant lots, clearing of weeds, etc. 20-20 et seq.  
 See: **GARBAGE AND TRASH**

**WELFARE**

See: **GENERAL WELFARE**  
 Nonprofit organizations, appropriations to 2-136 et seq.  
 See: **FINANCES**

**WHISTLES**

Prohibited devices on vehicles 24-113  
 See: **TRAFFIC**

**WILD ANIMALS**

State law references re 4-32  
 Animals in general. See: **ANIMALS AND FOWL**

**WIND STORMS**

Civil defense disasters, etc. 7-1 et seq.  
 See: **CIVIL, MILITARY AND NATURAL DISASTERS**  
 Sign support and wind resistance 3-26

**WIND, WINDMILLS, ETC.**

Alternate energy improvements tax exemptions 19-82  
 See: **REAL PROPERTY TAXES**  
 Real property tax exemption for alternate energy improvements 19-82  
 See: **REAL PROPERTY TAXES**

**WINDOWS**

Signs, etc., obstructing 3-29

**WINE**

Alcoholic beverages 14-1 et seq.  
 See: **ALCOHOLIC BEVERAGES**

**WITNESSES**

Subpoenas 2-4  
 Process of county in general.  
 See: **WRITS, WARRANTS AND OTHER PROCESSES**

**WOOD, PAUNCH MANURE**

Sewer wastes prohibited 21-9

Other sewer regulations. See: **WATER AND SEWERS**

**WORD PROCESSING**

Fee schedule of copies of public records 2-104

**WORKFORCE INVESTMENT ACT OF 1998**

Defined 1-4

**WORKFORCE INVESTMENT ACT PROGRAM**

County powers, duties 2-191  
 Established 2-189  
 Fund  
     Established 2-193  
     Expenditures from fund 2-195  
     Funding 2-194  
     Impairment of Federal funds 2-196  
     Termination of fund 2-197  
 Purpose 2-190  
 Workforce Investment Board  
     Established, appointment, powers, duties 2-192

**WORTHLESS CHECKS**

Service charge assessed 2-134  
 Financial procedures of county in general.  
 See: **FINANCES**

**WRECKED OR DAMAGED VEHICLES**

Removing of debris from highway 24-156

**WRITS, WARRANTS AND OTHER PROCESSES**

Hearings and subpoenas relative to real property tax 19-5  
 See: **REAL PROPERTY TAXES**  
 Injunctions re violations of provisions  
 See specific offenses  
 Issuance of warrants relative to finances 2-11  
     Finances in general. See: **FINANCES**  
 Subpoenas, generally 2-4  
 Summons or citations, arrests, etc.  
     Fire code investigations, etc. 26-1-4  
 Tax liens, foreclosure 19-37 et seq.  
 See: **REAL PROPERTY TAXES**  
 Traffic citations and penalties 24-15 et seq.  
     Traffic violations in general.  
     See: **TRAFFIC**

**XEROX**

**-- X --**

**XEROX**

Fee schedule of copies of public records 2-104

**X-RAYS**

Radio interference 14-42

See: RADIO INTERFERENCE

**-- Y --**

**YARDS AND OPEN SPACES**

Zoning regulations. See: ZONING

**YEAR**

Tax year 19-47

See: REAL PROPERTY TAXES

**YIELD SIGNS**

Generally 24-137

Traffic devices in general. See: TRAFFIC

**-- Z --**

**ZONING**

A, agricultural districts

Building site

Area, minimum 25-5-74

Width, minimum 25-5-75

Designation 25-5-71

Height limit 25-5-73

Permitted uses 25-5-72

Purpose, applicability 25-5-70

Regulations, additional 25-5-77

Yards 25-5-76

Agricultural tourism

Plan approval 25-2-71

Requirements 25-4-15

Amendments

Applicability 25-2-10

Initiation

By council, director 25-2-43

Generally 25-2-41

By property owner 25-2-42

Permitted when 25-2-40

Zone changes

Conditions 25-2-44

Nonsignificant 25-2-45

Annexations, public records fee schedule

2-104

APD, agricultural project districts

Amendments 25-6-59.1

Application 25-6-54

Signs for public notification 25-6-54

Conditions 25-6-55

Density 25-6-53

Establishing, criteria 25-6-51

Land area required 25-6-52

Permitted uses 25-6-53

Purpose, applicability 25-6-50

Site plan

Appeals 25-6-59.2

Approval, issuance 25-6-59

Conformity with required 25-6-58

Criteria, conditions 25-6-57

Review, approval 25-6-56

Appeals

Costs of hearing 25-2-22

Further right 25-2-25

Permit conditions, performance time  
25-2-21

Permitted when, procedure 25-2-20

Review, standard 25-2-23

Rules, adoption 25-2-24

Applications

Denial, waiting period 25-2-6

Including lesser actions, concurrent  
25-2-9

Notice to property owner, lessee 25-2-4

Review, acceptance 25-2-3

Variations. See herein: Variations

Approvals. See also herein: Plan Approval

District changes, effect 25-2-8

Expiration 25-2-7

Privileges run with the land 25-2-10

Basements, underground structures 25-4-21

Bed and breakfast establishment

Requirements 25-4-7

Buildings, construction

Existing buildings 25-4-1

Height requirements. See herein: Height  
Requirements

For human occupancy, conditions 25-4-2

Site area, width

Delinquent tax sale, effect 25-4-33

Minimum designated 25-4-31

Reduction 25-4-32

Utilities, waiver of minimum 25-4-34

CDH, downtown Hilo commercial district

Building site

Area, minimum 25-7-24

- RM multiple family residential districts
  - Building site
    - Area, minimum 25-5-34
    - Width, minimum 25-5-35
  - Designation, density 25-5-31
  - Height limit 25-5-33
  - Landscaping 25-5-37
  - Permitted uses 25-5-32
  - Purpose, applicability 25-5-30
  - Regulations, additional 25-5-38
  - Yards 25-5-36
- RS, single family residential districts
  - Building site
    - Area, minimum 25-5-5
    - Width, minimum 25-5-6
  - Designation 25-5-2
  - Height limit 25-5-4
  - Permitted uses 25-5-3
  - Purpose, applicability 25-5-1
  - Regulations, additional 25-5-8
  - Yards 25-5-7
- Rules, adoption 25-1-4
- Scenic corridor program 25-6-60 et seq.
- Scope, purpose of provisions 25-1-2
- Short-term vacation rentals
  - Nonconforming use certificate 25-4-16.1
  - Requirements 25-4-16
- Signs. See: SIGN REGULATIONS
- Signs, notification of proposed development
  - Agricultural project district application 25-6-54
  - C.P.D. permit application 25-6-22
  - Change of zone application 25-2-42
  - Project district application 25-6-44
  - Proposed development 25-2-12
  - P.U.D. application 25-6-4
  - Use permit application 25-2-63
- Variance application 25-2-53
- Severability of provisions 25-1-3
- South Hilo district zone map 25-8-32
- South Kona district zone map 25-8-4
- Street frontage 25-4-30
- Street use 25-4-6
- Telecommunication antennas
  - Plan approval 25-2-74
  - Requirements 25-4-12
- Title of provisions 25-1-1
- UNV, university district
  - Building site
    - Area, minimum 25-7-34
    - Width, minimum 25-7-35
  - Designation 25-7-31
  - Height limit 25-7-33
  - Permitted uses 25-7-32
  - Purpose, applicability 25-7-30
  - Regulations, additional 25-7-37
  - Yards 25-7-36
- Upolu Point-Kaaauhuhu homesteads zone map 25-8-8
- Use permits
  - Appeals 25-2-66
  - Application
    - Requirements 25-2-62
    - Signs for public notification 25-2-63
  - Approval, denial 25-2-64
  - Criteria for granting 25-2-65
  - Procedure 25-2-63
  - PUD permit, issued under 25-6-12
  - Purpose 25-2-60
  - Required when 25-2-61
  - Revocation 25-2-67
- Utility substations 25-4-11
- Variances
  - Appeals 25-2-58
  - Application
    - Notices 25-2-53
    - Signs for public notification 25-2-53
  - Approval, denial 25-2-54
  - Grounds 25-2-51
  - Permitted when 25-2-50
  - PUD permit, issued under 25-6-12
- Violations. See herein: Enforcement
- Volcano-Mt. View zone map 25-8-23
- V, resort-hotel districts
  - Building site
    - Area, minimum 25-5-94
    - Width, minimum 25-5-95
  - Designation, density 25-5-91
  - Height limit 25-5-93
  - Landscaping 25-5-97
  - Permitted uses 25-5-92
  - Purpose, applicability 25-5-90
  - Regulations, additional 25-5-98
  - Yards 25-5-96
- Waikoloa Village zone map 25-8-14
- Waiohinu zone map 25-8-31
- Yards, open space
  - Corner building sites 25-4-42
  - Fences, accessory structures 25-4-43
  - Generally 25-4-40

## ZONING ANNEXES

Main buildings, minimum distance  
25-4-47

Projections

Generally 25-4-44

Pools 25-4-46

Porte-cocheres 25-4-45

Triangular, irregular building sites  
25-4-41

Zone changes

Conditions 25-2-44

Nonsignificant 25-2-45

Signs for public notification 25-2-42

## ZONING ANNEXES

Fee schedule for copies of  
public records 2-104

**LEGISLATIVE HISTORY TABLE**

Ordinances are listed by the Code chapter affected.

Abbreviations:

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

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
1	General Provisions							
2	Administration	15-65A, 15-95A, 15-97A, 15-103A		17-42A	18-25A, 18-34A, 18-74A	19-29A		
3	Signs	15-46A						
4	Animals							
5	Building			17-56A				
6	Businesses							
7	Civil Defense							
8	Dedication of Land							
9	Electricity							

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
10	Erosion and Sedimentation Control							
11	Housing							
12	Improvements by Assessments							
13	Minors							
14	General Welfare	15-11A, 15-51A, 15-70A	16-75A, 16-107A, 16-114A	17-55A	18-61A	19-43A		
15	Parks and Recreation	15-52A, 15-60A	16-111A, 16-112A, 16-113A	17-54A, 17-57A, 17-61A	18-2A, 18-20A, 18-21A, 18-22A, 18-44A, 18-56A, 18-61A, 18-83A	19-3A, 19-43A		
16	Planning		16-77A	17-66A	18-78A			
17	Plumbing							
18	Public Transportation		16-95A, 16-108A					
19	Real Property Taxes			17-41A				
20	Refuse	15-114A		17-63A	18-5A, 18-82A			
21	Sewers					19-21A		

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
22	County Streets							
23	Subdivisions	15-19A			18-12A			
24	Vehicles and Traffic							
24	Traffic Schedules	15-3A, 15-4A, 15-5A, 15-6A, 15-7A, 15-8A, 15-14A, 15-20A, 15-21A, 15-22A, 15-28A, 15-89A, 15-90A, 15-91A, 15-92A, 15-107A, 15-108A, 15-112A	16-1A, 16-6A, 16-25A, 16-51A, 16-52A, 16-53A, 16-63A, 16-64A, 16-74A, 16-78A, 16-83A, 16-104A	17-10A, 17-11A, 17-27A, 17-28A, 17-51A, 17-52A, 17-60A	18-4A, 18-19A, 18-37A, 18-38A, 18-39A, 18-45A, 18-92A	19-41A, 19-42A		

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
25	Zoning	15-33A, 15-44A, 15-45A	16-98A	17-31A		18-114A		
25	Zoning Annex	15-1A, 15-2A, 15-34A, 15-35A, 15-37A, 15-41A, 15-50A, 15-72A, 15-96A, 15-104A, 15-105A, 15-106A, 15-116A, 15-117A, 15-118A	16-10A, 16-16A, 16-18A, 16-34A, 16-45A, 16-46A, 16-48A, 16-49A, 16-50A, 16-79A, 16-80A, 16-81A, 16-82A, 16-84A, 16-85A, 16-86A, 16-87A, 16-99A	17-6A, 17-7A, 17-8A, 17-9A, 17-14A, 17-16A, 17-24A, 17-32A, 17-50A, 17-65A, 17-70A, 17-74A	18-1A, 18-31A, 18-75A, 18-95A, 18-96A, 18-97A	19-1A, 19-4A, 19-12A, 19-16A, 19-17A, 19-26A, 19-27A, 19-28A, 19-34A, 19-38A, 19-39A, 19-51A, 19-57A, 19-58A, 19-67A		
26	Fire		16-107A		18-15A			
27	Flood Control			17-56A	18-25A			

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
18-112	11-20-18	Operating budget	--
18-113	11-20-18	Operating budget	--
18-114	04-01-19	Short-Term Vacation Rentals	25-1-5, 25-2-30, 25-4-16, 25-4-16.1 to 25-4-16.3, 25-5-3, 25-5-22, 25-5-32, 25-5-42, 25-5-92, 25-5-102, 25-5-112, 25-5-122
18-115	12-05-18	North Kona Zone Map	ZA
18-116	12-05-18	Capital improvements budget	--
18-117	12-05-18	Capital improvements budget	--
18-118	12-05-18	Operating budget	--
18-119	12-05-18	Operating budget	--

**2019**

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
19-1	01-07-19	City of Hilo Zone Map	ZA
19-2	01-07-19	Operating budget	--
19-3	01-07-19	Veterans Advisory Committee, power and duties.	15-64
19-4	01-25-19	North Kona District Zone Map	ZA
19-5	01-25-19	Operating budget	--
19-6	01-25-19	Operating budget	--
19-7	01-25-19	Capital improvements budget	--
19-8	01-30-19	Operating budget	--
19-9	02-01-19	Capital improvements budget	--
19-10	02-01-19	Capital improvements budget	--
19-11	02-01-19	Operating budget	--
19-12	02-20-19	North Kona District Zone Map	ZA
19-13	02-20-19	Operating budget	--
19-14	02-20-19	Operating budget	--
19-15	02-20-19	Capital improvements budget	--
19-16	02-20-19	City of Hilo Zone Map	ZA
19-17	02-20-19	City of Hilo Zone Map	ZA
19-18	02-20-19	Capital improvements budget	--
19-19	02-20-19	Operating budget	--
19-20	02-20-19	Operating budget	--

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
19-21	04-01-19	Wastewater service charge rates	21-36.1
19-22	03-05-19	Operating budget	--
19-23	03-05-19	General Obligation Bond (\$1,500,000 – Lanihau wastewater pump station force main replacement)	--
19-24	03-05-19	Capital improvements budget	--
19-25	03-05-19	Operating budget	--
19-26	03-25-19	City of Hilo Zone Map	ZA
19-27	03-25-19	City of Hilo Zone Map	ZA
19-28	03-25-19	City of Hilo Zone Map	ZA
19-29	03-25-19	Increases the County general excise and use tax surcharge rate	2-233 to 2-236
19-30	03-25-19	Operating budget	--
19-31	03-25-19	Operating budget	--
19-32	03-25-19	Operating budget	--
19-33	03-25-19	Operating budget	--
19-34	04-08-19	City of Hilo Zone Map	ZA
19-35	04-08-19	Operating budget	--
19-36	04-08-19	Operating budget	--
19-37	04-08-19	Operating budget	--
19-38	04-25-19	North Kona Zone Map	ZA
19-39	04-25-19	City of Hilo Zone Map	ZA
19-40	04-25-19	Capital improvements budget	--
19-41	04-25-19	Traffic Schedules	24-257
19-42	04-25-19	Traffic Schedules	24-256
19-43	04-25-19	Names park at Waikoloa, South Kohala, “Kamakoia Nui Park” and prohibits intoxicating liquors at this park	14-1, 15-68.1
19-44	04-25-19	Operating budget	--
19-45	04-25-19	Capital improvements budget	--
19-46	04-25-19	General Obligation Bond (Amends Ord 17-48 bond amount to \$24,000,000 - South Hilo Sanitary Landfill final closure project)	--
19-47	04-25-19	Capital improvements budget	--
19-48	04-25-19	Operating budget	--
19-49	04-25-19	Capital improvements budget	--
19-50	04-30-19	Operating budget	--
19-51	05-07-19	North Kona Zone Map	ZA
19-52	05-07-19	Operating budget	--
19-53	05-07-19	Capital improvements budget	--

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
19-54	05-07-19	General Obligation Bond (Amends Ord 16-29 bond amount to \$10,000,000 - Kealakehe Scrap Metal Yard Remediation)	--
19-55	05-07-19	Capital improvements budget	--
19-56	05-07-19	Operating budget	--
19-57	05-21-19	North Kona Zone Map	ZA
19-58	05-21-19	City of Hilo Zone Map	ZA
19-59	05-21-19	Operating budget	--
19-60	05-21-19	Operating budget	--
19-61	05-21-19	Operating budget	--
19-62	05-21-19	Operating budget	--
19-63	05-21-19	Operating budget	--
19-64	05-21-19	Operating budget	--
19-65	05-22-19	Operating budget	--
19-66	05-22-19	Capital improvements budget	--
19-67	06-04-19	Lālānilo-Pu'ukapu Zone Map	ZA
19-68	07-01-19	Salary Ordinance of 2019	--
19-69	06-04-19	Operating budget	--
19-70	06-04-19	Operating budget	--
19-71	06-04-19	Operating budget	--
19-72	06-04-19	Operating budget	--
19-73	07-01-19	Operating budget FY 2019-2020	--
19-74	07-01-19	Capital improvements budget FY 2019-2020	--
19-75	07-01-19	Procedure for awarding grants to nonprofit organizations	2-139
19-76	06-17-19	Operating budget	--
19-77	06-17-19	Capital improvements budget	--
19-78	06-17-19	Operating budget	--
19-79	06-26-19	Operating budget	--
19-80	06-26-19	Operating budget	--
19-81	06-26-19	Operating budget	--
19-82	06-28-19	Operating budget	--
19-83	07-03-19	Amends Ord. No. 17-19. State Water Pollution Control Revolving Fund Loan & General Obligation Bond (\$16,122,000 – Wastewater public improvement projects)	--
19-84	06-30-19	Operating budget	--

