

SUPPLEMENT 3 (1-2018)

Insertion Guide

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

(Covering general ordinances effective through 12-31-17 and numbered through 17-81)

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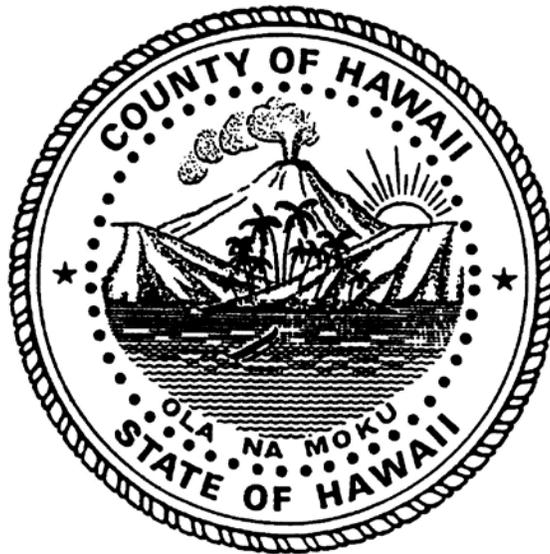
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THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 3 (1-2018)
Contains ordinances effective through: 12-31-2017



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

Office of the County Clerk
County of Hawai‘i
25 Aupuni Street
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Volume One

CHAPTER 5

BUILDING

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- (3) “Wherever in this Code reference is made to the International Mechanical Code, the provisions in the International Mechanical Code shall be deemed only guidelines and not mandatory.”
- (4) “Wherever in this code reference is made to the International Plumbing Code, means the Hawai‘i County Code, Chapter 17, Plumbing.”
- (5) “Wherever in this Code reference is made to the International Property Maintenance Code, the provisions in the International Property Maintenance Code shall be deemed only guidelines and not mandatory.”
- (6) “Wherever in this code reference is made to the International Fire Code, means the Hawai‘i County Code, Chapter 26, Fire Code.”
- (7) “Wherever in this code reference is made to the International Energy Conservation Code, as adopted by the County of Hawai‘i.”
- (8) Other Laws. Any provisions of this code to the contrary notwithstanding, the following shall be at all times in full force and effect, and in situations of conflicting requirements, the stricter shall be complied with:
 - (A) Hawai‘i Revised Statutes;
 - (B) Rules and regulations of the State Department of Land Utilization;
 - (C) Ordinance of the County of Hawai‘i;
 - (D) Rules and regulations of the Planning Department;
 - (E) Subdivision rules and regulations adopted pursuant to the subdivision chapter of the County Code;
 - (F) Rules and regulations of the County Department of Water Supply;
 - (G) Public health regulations, State Department of Health;
 - (H) Rules and regulations of the State Department of Labor and Industrial Relations;
 - (I) Fire Chapter of the County Code;
 - (J) Airport zoning regulations of the State Director of Transportation;
 - (K) All materials specified in this code shall not contain asbestos.

(2012, ord 12-27, sec 2.)

Section 5-13. Adoption of rules.

The administrative authority may adopt rules pursuant to chapter 91, Hawai‘i Revised Statutes, necessary for the purposes of this code.

(2012, ord 12-27, sec 2.)

Section 5-14. Right of entry.

Upon presentation of proper credentials, the administrative authority or such person’s assistants may enter at reasonable times any building or premises in the County to perform any duty imposed by this code, provided that such entry shall be made in such a manner as to cause the least possible inconvenience to the persons in possession. An order of a court authorizing such entry shall be obtained in the event such entry is denied or resisted.

(2012, ord 12-27, sec 2.)

Section 5-15. Deputies.

- (a) In accordance with the prescribed procedures and with the approval of the administrative authority, the building official shall have the authority to appoint technical officers, inspectors, plan examiners and other personnel necessary to support this code enforcement agency. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of this code enforcement agency. Such employees shall have powers as delegated by the building official.
- (b) The building official may deputize volunteers to temporarily carry out functions of the code enforcement agency in the event of a major natural disaster.
- (2012, ord 12-27, sec 2.)

Section 5-16. Limited liability of authorized personnel.

The authorized personnel charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the authorized personnel because of such act or omission performed by the authorized personnel in the enforcement of any provision of this code or other pertinent laws or ordinances implemented through the enforcement of this code shall be defended by the County until final termination of such proceedings, and any judgment resulting there from shall be assumed by the County.

(2012, ord 12-27, sec 2.)

Section 5-17. Reserved.

(2012, ord 12-27, sec 2.)

Section 5-18. Reserved.

(2012, ord 12-27, sec 2.)

Division 2. Permits.**Section 5-19. Permit required.**

- (a) Except as otherwise provided in this chapter, no person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, convert, or demolish any building or structure in the County, or cause the same to be done, without first obtaining a separate building permit for each building or structure from the building official; provided that one permit may be obtained for a dwelling and its accessories, such as fence, retaining wall, pool, storage and garage structures.
- (b) Permits will be further required for, but not limited to, the following:
- (1) All Television/Radio Communication Towers, etc., not regulated by the Public Utility Commission.

- (2) Complete new installations of all solar water heating systems, or the complete replacement of existing system with all new components, or relocating of panels from roof to ground or vice versa, along with plumbing and electrical permits.
 - (3) Construction or renovation of Handicap Accessible routes from parking lot to building or from building to building on a lot.
 - (4) Water tanks or catchments intended for potable/household use, regardless of height or size. For additional requirements where water tank or catchment systems are used as means of fire protection, see Chapter 26 of the Hawai'i County Code.
 - (5) Retaining walls four feet and higher. Stepped or terraced retaining walls 8'-0" of each other are considered to be one wall when determining wall height.
- (2012, ord 12-27, sec 2; am 2017, ord 17-56, sec 2.)

Section 5-19.1. Permit not required.

(a) A permit is not required for:

- (1) Work located primarily in a public way, public utility towers, bridges, and poles, mechanical equipment not specifically regulated in this code, and hydraulic flood control structures.
- (2) Temporary structures used during the construction of a permitted structure, temporary buildings, platforms, and fences used during construction or for props for films, television or live plays and performances.
- (3) Re-roofing work with like material and installation of siding to existing exterior walls which will not affect the structural components of the walls for Groups R-3 and U Occupancies.
- (4) Temporary tents or other coverings used for private family parties or for camping on approved campgrounds.
- (5) Television and radio equipment (i.e. antennas, dishes) accessory to R-1 and R-3 Occupancies. Supports or towers for television and radio equipment 6'-0" or less in height.
- (6) Awnings projecting up to 4 feet and attached to the exterior walls of buildings of Group R-3 or U Occupancy; provided that the awnings do not violate the provisions for "yards" in Chapter 25 (Zoning) of the Hawai'i County Code.
- (7) Standard electroliers not over 35 feet in height above finish grade.
- (8) Installation of wallpaper or wall covering which are exempted under the provisions of Section 801.1, Interior Finishes, Chapter 8, IBC.
- (9) Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over \$4,000 in valuation in any twelve-month period, and do not affect any electrical or mechanical installations.
- (10) Painting and decorating.
- (11) Installation of floor covering.
- (12) Cabinet work for R-3 Occupancy and individual units of R-1 and U Occupancies which are not regulated (under Section 310.3.12 Cooking Unit Clearances of this code). Wall mounted shelving not affecting fire resistance or structural members of wall. This is dealing with clearances to cabinets and range clearance to combustible.

- (13) Work performed under the jurisdiction of Federal Government and/or located in Federal property.
 - (14) Swimming pools for one and two-family dwelling units less than 24" in depth.
 - (15) Department of Transportation, Harbors, - section 266-2, Hawai'i Revised Statutes.
 - (16) Fences 6'-0" or less in height.
 - (17) Detached structures for animal shelters, storage sheds, towers, and similar uses not more than 6'-0" in height.
 - (18) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed a) 120 square feet (11 m²); b) does not exceed 600 square feet for agricultural zoned lands. (Building cannot be located within building setback as required by the Zoning, Chapter 25 of Hawai'i County Code. Verify setback requirements with the Planning Department).
 - (19) Detached decks or platforms less than 30" in height above grade. (Building cannot be located within building setback as required by the Zoning, Chapter 25 of Hawai'i County Code. Verify setback requirements with the Planning Department).
 - (20) Playground equipment, excluding assembly or similar waiting areas.
 - (21) Replacement of solar water heating components (i.e. panels, tanks) in the same location and of the same type, however; plumbing and/or electrical permits required.
 - (22) Wells and Reservoirs – Hawai'i Revised Statutes, chapter 178. Check requirements of other governmental agencies.
 - (23) Work performed under the jurisdiction or control of the State Department of Accounting and General Services (DAGS).
 - (24) Water tanks or catchment systems 5,000 gallons or less in size with a height to width ratio of not more than 2:1, to be used strictly for non-potable/household purposes such as agriculture, irrigation or stock, and that are independent of the potable/household system.
- (b) Any person who is undertaking an action that may be an exception to the requirement for a building permit must obtain a certification from the building official that the proposed action is:
- (1) An exception to the requirement for a building permit; and
 - (2) Complies with chapter 27.
- (2017, ord 17-56, sec 3.)

Section 5-20. Application for permit.

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building division for that purpose. Such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.

Article 17. Regulation of Axis Deer.

Section 14-106.	Transporting live axis deer into the County; unlawful.
Section 14-107.	Transporting live axis deer within the County; unlawful.
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Article 18. Animal Eradication.*

Section 14-111.	Findings and purpose.
Section 14-112.	Aerial eradication of animals; unlawful.

* **Editor's Note:** Application of article 18 preempted with respect to requirements of 1998 Stipulated Order, providing that State will commence aerial shooting of ungulates sighted in critical habitat area for Palila. *Palila v. Haw. Dep't of Land & Natural Res.*, No. 78-00030 JMS (D. Haw. April 8, 2013) (Order Granting Defs. Mot. for Declaratory and Injunctive Relief).

Article 19. Geothermal Drilling.

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Article 20. Plastic Bag Reduction.

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Section 14-135.	Declaratory and injunctive relief.
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* **Editor's Note:** Article 22 was invalidated by *Haw. Papaya Indus. Ass'n. v. County of Haw.*, No. 14-17538 (9th Cir. 2016) (mem.).

Article 23. Distribution of Tobacco Products.

Section 14-137.	Definitions.
Section 14-138.	Prohibition; verification of age; penalties.
Section 14-139.	Posted signs required.
Section 14-140.	Enforcement.

CHAPTER 14**GENERAL WELFARE****Article 1. Alcoholic Beverages.****Section 14-1. Intoxicating liquors prohibited in certain public places.**

- (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:
- (1) Public highways and public rights-of-way, public sidewalks, public breakwaters and public seawalls, except seawalls in parks where drinking is not prohibited;
 - (2) Public parking lots, which for the purposes of this section shall mean the entire area within any County-owned or operated off-street parking lot or facility, including but not limited to parking and loading stalls, designated parking areas within County parks, landscaping strips, stairwells and pedestrian passageways, internal roadways, and roadways for ingress to and egress from such parking lot or facility;
 - (3) Public school grounds and buildings;
 - (4) Public areas or buildings contiguous to all public school grounds and buildings, except as provided herein;
 - (5) Public parks, except parks enumerated in section 14-2, on which children's playground equipment, such as slides, jungle gyms, seesaws and swings are located;
 - (6) That certain portion of parcel 24 consisting of some twenty-seven thousand ninety-nine square feet, more or less, being a portion of the property designated upon the tax maps of the Third Taxation Division as Tax Map Key No. (3)1-5-2-24, and located in Pāhoa, District of Puna, County and State of Hawai'i;
 - (7) South Hilo:
 - (A) Ainaola Park;
 - (B) Clem Akina Park;
 - (C) Ahualani Park;
 - (D) All public areas, except Coconut Island, located on the Waiākea Peninsula, makai of Kamehameha Avenue-Kalaniana'ole Avenue from the Wailoa River estuary to the site of the former Reeds Bay Restaurant (TMK Nos. 2-1-06:11, 12, 19, and 20);
 - (E) Drag Strip, Hilo;
 - (F) Kalākaua Park;
 - (G) Kaūmana Caves;
 - (H) Keikiland;
 - (I) Lanakila Center;
 - (J) Lincoln Park;

- (K) Lōkahi Park;
- (L) Mo'ōheau Park;
- (M) Pana'ewa Park;
- (N) Honoli'i Beach Park;
- (O) Richardson Park and Center;
- (P) Skeet and Trap Range;
- (Q) Waiākea Recreation Center;
- (R) Waiākea-Waena Playground;
- (S) Waiolama Canal Archery/Jogging Area;
- (T) Zoo, Pana'ewa Rainforest;
- (U) All cemeteries;
- (V) All swimming pools;
- (W) All tennis courts (except Edith Kanakaole);
- (X) Bakers Beach;
- (Y) Hualani Park;
- (Z) Mohouli Park;
- (AA) Wai'olena and Wai'uli Beach Parks, portion located between the pavilions and the west end of the seawall beginning at a point four-tenths of a mile west of Leleiwi Street and extending three hundred twelve feet in the westerly direction;
- (AB) James Kealoha Beach Park.
- (8) North/South Kona:
 - (A) Kailua Playground;
 - (B) Ku'emanu Heiau;
 - (C) Kailua Park, except as provided in section 14-2(a)(2)(F);
 - (D) All swimming pools;
 - (E) All tennis courts;
 - (F) Higashihara Park;
 - (G) Hillcrest Park;
 - (H) Kona Scenic Park;
 - (I) La'aloa Bay Beach Park.
- (9) Ka'ū:
 - (A) Pāhala School Ground;
 - (B) All swimming pools;
 - (C) All tennis courts.
- (10) Puna:
 - (A) Glenwood Park;
 - (B) Kalapana Playground;
 - (C) All swimming pools;
 - (D) All tennis courts;
 - (E) Kahakai Park.
- (11) North Hilo/Hāmākua:
 - (A) Laupāhoehoe Playground;
 - (B) All swimming pools;
 - (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.

(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.)

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.

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

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

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

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

(1987, ord 87-70, sec 1; am 1990, ord 90-104, sec 2; am 1990, ord 90-122, sec 3; am 1996, ord 96-54, sec 2; am 2008, ord 08-7, sec 4; am 2009, ord 09-144, sec 1; am 2010, ord 10-6, sec 1; am 2017, ord 17-55, sec 2.)

Section 14-3. Permit application.

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

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

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

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

Section 14-104. Statutory and constitutional interpretation.

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

Section 14-105. Severability.

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

Article 17. Regulation of Axis Deer.

Section 14-106. Transporting live axis deer into the County; unlawful.

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

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

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

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

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

Section 14-108. Harboring axis deer; unlawful.

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

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

Section 14-109. Exemptions.

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

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

Section 14-110. Penalty.

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

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

Article 18. Animal Eradication.*

* **Editor's Note:** Application of article 18 preempted with respect to requirements of 1998 Stipulated Order, providing that State will commence aerial shooting of ungulates sighted in critical habitat area for Palila. *Palila v. Haw. Dep't of Land & Natural Res.*, No. 78-00030 JMS (D. Haw. April 8, 2013) (Order Granting Defs. Mot. for Declaratory and Injunctive Relief).

Section 14-111. Findings and purpose.

- (a) The County of Hawai'i is charged with the ultimate responsibility to protect, preserve, and enhance the health, safety, and welfare of the people of Hawai'i Island. With regard to the bond between the people and the land, the County of Hawai'i hereby finds:
 - (1) Animal eradication by aerial shooting is in conflict with the cultural and traditional values of the people of Hawai'i County;
 - (2) Aerial hunting eradication creates unnecessary risk to human life, while also disturbing endangered flora and fauna; and
 - (3) Animal population control measures can be performed in a manner that is harmonious with the culture, values, and principles of the people.
- (b) The purpose of this article is to declare:
 - (1) Animal eradication by aerial shooting on Hawai'i Island shall no longer be practiced;

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

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

Section 14-126. Penal enforcement.

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

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

Section 14-127. Injunctive relief.

Proceedings for injunctive relief in a court of competent jurisdiction may be heard for potential violations of this article.
(2013, ord 13-115, sec 2.)

Article 22. Restriction of Genetically Engineered Crops and Plants.*

* **Editor's Note:** Article 22 was invalidated by *Haw. Papaya Indus. Ass'n. v. County of Haw.*, No. 14-17538 (9th Cir. 2016) (mem.).

Section 14-128. Purpose.

The purpose of this article is to protect Hawaii Island's non-genetically modified agricultural crops and plants from genetically modified organism cross pollination and to preserve Hawaii Island's unique and vulnerable ecosystem while promoting the cultural heritage of indigenous agricultural practices. The prohibition of open air cultivation, propagation, development, or testing of genetically engineered crops and plants is intended to prevent the transfer and uncontrolled spread of genetically engineered organisms on to private property, public lands, and waterways.
(2013, ord 13-121, sec 3.)

Article 7. Veterans Advisory Committee.

- Section 15-61. Organization.
- Section 15-62. Membership and tenure.
- Section 15-63. Meetings of the committee.
- Section 15-64. Powers and duties of the committee.

Article 8. Naming of Facilities.

- Section 15-65. Purpose.
- Section 15-66. Definitions.
- Section 15-67. Naming of recreational facilities.
- Section 15-68. Procedure for naming parks and recreational facilities.
- Section 15-68.1. Parks and recreational facility schedule.

Article 9. Farmers Markets.

- Section 15-69. Intent.
- Section 15-70. Director to establish time limits.
- Section 15-71. Site map.
- Section 15-72. Farmers market facility schedule.
- Section 15-73. Permit; fee.

Article 10. Municipal Golf Course Funds.

- Section 15-74. Creation.
- Section 15-75. Purpose.
- Section 15-76. Administration.

Article 11. Dog Parks.

- Section 15-77. Purpose.
- Section 15-78. Definitions.
- Section 15-79. Applicability
- Section 15-80. Designation and regulation of dog parks.
- Section 15-81. Liability; responsibility of handler.
- Section 15-82. No alcohol, drug use, or food shall be allowed in dog parks.
- Section 15-83. Noise-producing devices prohibited.
- Section 15-84. Current dog vaccinations required.
- Section 15-85. Handler's responsibilities; control of dogs.
- Section 15-86. Dog behavior.
- Section 15-87. Dog park entry requirements; fees.
- Section 15-88. Violation of regulations; penalties.
- Section 15-89. Dog park facility schedule.
- Section 15-90. Severability.

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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. At the request of the mayor or the council, the committee shall discuss and make recommendations on other 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.)

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

PARKS (continued)

Hilo/Hāmākua (continued)	
Pepe'ekeo Community Center Princess Abigail Wahiika'ahu'ula Kawananakoa Center Reeds Bay Beach Park Richardson Ocean Park University Heights Park Waiākea Recreation Center Waiākea-Uka Park (1) Stanley Costales Waiākea-Uka Gym	Waiākea Waena Park Waikaumalo Park Wainaku Gym Wainaku Playground Wai'olena Beach Park Waipi'o Community Park Waipi'o Look Out Wai'uli Beach Park Walter C.K. Victor Baseball Complex
Ka'ū	
Kahuku Park Laurence J. Capellas Ballfield Nā'ālehu Park Pāhala Community Center Pāhala Swimming Pool	Pāhala Tennis and Basketball Courts Punalu'u Black Sand Beach Park Representative Robert N. Herkes Gymnasium and Shelter Wai'ōhinu Park Whittington Beach Park
Kohala	
Kamehameha Park (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	
Arthur C. Greenwell Park Clarence Lum Won Park Hale Hālāwai Harold H. Higashihara Park Hōnaunau Boat Ramp Hōnaunau Rodeo Arena Ho’okena Beach Park Kahalu’u Beach Park Kailua Park Kailua Playground Kekuaokalani Gymnasium Kohanaiki Beach Park Kona Hillcrest Park	Kona Imin Center Kona Waena Swimming Pool Ku‘emanu Heiau La’aloa Bay Beach Park Magic Sands Beach Park Miloli’i Beach Park Nākamalei Playground Old Kona Airport Park Pāhoehoe Beach Park Sgt. Rodney J. T. Yano Memorial Hall Wai’aha Beach Park William Charles Lunalilo Playground

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

CEMETERIES

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

Ka‘ū	
Nā‘ālehu Cemetery	

North/South Kohala	
Kahei Cemetery Waimea Cemetery	

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

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

Article 9. Farmers Markets.

Section 15-69. Intent.

It is the intent of this article to allow for the establishment of farmers markets at various County parks and facilities. Farmers markets will offer the general public the opportunity to buy and sell homegrown and homemade products and wares.
(1993, ord 93-97, sec 1.)

Section 15-70. Director to establish time limits.

The director may establish reasonable limitations on the duration and frequency of any farmers market activities that may be allowed.
(1993, ord 93-97, sec 1.)

Section 15-71. Site map.

The department may apportion and/or delineate the area within the County park as the facility where the farmers market activity is allowed. The department shall provide a map of the farmers market site clearly delineating all farmers market spaces reserved for the exclusive use of any person granted a permit.
(1993, ord 93-97, sec 1.)

Section 15-72. Farmers market facility schedule.

Farmers markets at County parks and facilities shall be designated by ordinance and included within the following schedule:

FARMERS MARKETS

Hilo/Hāmākua	
Hakalau Veterans Park	
Ka‘ū	
Kohala	

Kona	

Puna	
Volcano Park	

(1993, ord 93-97, sec 1; am 2017, ord 17-54, sec 1.)

Section 15-73. Permit; fee.

- (a) All responsible persons, eighteen years of age or older, shall be allowed to secure a permit on their own to sell their products and wares grown, produced or made on the island of Hawai'i in any of the designated farmers market sites subject to policies, rules and regulations established by the director. Permits shall be issued on a first-come, first-served basis and shall be based upon a fee of \$5 per day. Each permit shall identify the permittee, the specific market space and site and the date(s) of said permit.
- (b) No permit shall be issued for more than five consecutive days, nor shall any person be granted a permit for more than fifteen days in any given calendar month. The holder of a farmers market permit shall, upon request, show the permit to any law enforcement officer, park caretaker, or any personnel of the department or any administrator or manager contracted by the department therefor.
- (c) Permit fees may be used by the department to enter into an agreement with a nonprofit organization to administer and manage a farmers market program and/or site.

(1993, ord 93-97, sec 1; am 2017, ord 17-54, sec 2.)

PARKS AND RECREATION

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Article 10. Municipal Golf Course Funds.**Section 15-74. Creation.**

There is created and established special funds to be known as the “municipal golf course funds.”

(1995, ord 95-53, sec 1.)

Section 15-75. Purpose.

All income generated from each municipal golf course shall be deposited into its respective, individual municipal golf course fund to be expended by the department solely for the operation, maintenance and improvement of that particular municipal golf course.

(1995, ord 95-53, sec 1.)

Section 15-76. Administration.

The director shall be responsible for the administration of all municipal golf course funds in accordance with prescribed laws and procedures applicable to the expenditure of county funds.

(1995, ord 95-53, sec 1.)

Article 11. Dog Parks.**Section 15-77. Purpose.**

The purpose of this article is to create a policy for establishing County park areas to be used exclusively by dogs and their handlers.

(2009, ord 09-113, sec 1.)

Section 15-78. Definitions.

For purposes of this article:

“Adult dog” means a dog over twelve months of age.

“Dangerous dog” means any dog that, without provocation, attacks a person or animal. A dog’s breed shall not be considered in determining whether or not it is dangerous.

“Dog park” means an enclosed area within a County park that has been designated for use as an off-leash dog area or a park for the exclusive use of dogs and their handlers, and listed in the facility schedule in this article.

“Enforcement Officer” means a police officer or animal control officer.

“Handler” means the person who brought the dog to the dog park and is responsible for the dog. The handler shall either be the owner of the dog or a responsible person that has been permitted by the owner to bring the dog to the dog park.

“Mobility device” means a device used by individuals with mobility impairment for the purpose of locomotion. A mobility device may be powered by the individual or some other source.

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

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

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

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

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

KA'Ū. The document identified as "Ka'ū Community Development Plan" is adopted by reference, subject to later amendments by ordinance, and may be cited as the "Ka'ū CDP." The planning area for the Ka'ū CDP encompasses most of Judicial District 9 in the County of Hawai'i. Eastern portions of the district near and including Volcano Village were included in the Puna CDP planning area and were, therefore, not incorporated into the Ka'ū CDP.

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

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

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

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

(2008, ord 08-98, sec 3; am 2008, ord 08-116, sec 2; ord 08-131, sec 2; ord 08-151, sec 2; am 2008, ord 08-159, sec 2; am 2017, ord 17-66, sec 2.)

Section 16-3. Review and amendment.

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

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

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

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

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

Section 16-5. Membership and tenure.

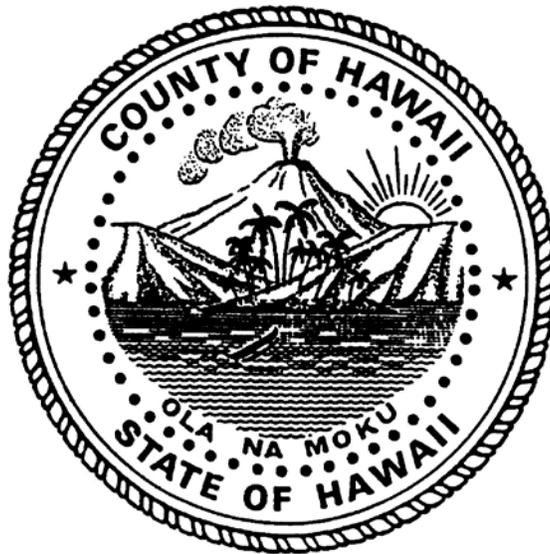
- (a) The CDP action committee shall consist of nine members. All members shall have a primary residence in the area covered by the CDP. The members shall be appointed by the mayor and approved by the County council. Prior service as a member of a CDP steering committee shall not disqualify an individual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

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

THE HAWAII COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 3 (1-2018)
Contains ordinances effective through: 12-31-17



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

CHAPTER 20

REFUSE

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Article 5. Disposal of Materials Collected by the County at Transfer Stations.

Section 20-50. Definitions.

As used in this article:

“Compostables” means recyclable materials typically originating from plant or animal sources, which may be broken down by other living organisms. Compostables include, but are not limited to, green waste, pre-consumer produce, food scraps, biodegradable plastic, and soiled paper. The term does not include non-biodegradable plastics, foamed polystyrene (styrofoam), human waste, biosolids (sewage sludge), and slaughterhouse waste.

“Materials” means those items legally deposited by the public at County transfer stations to be taken to a County landfill for final disposal.

“Recyclables” are discarded materials, other than compostables, that can be reused or remade into other useable material.

“Transport” means to cause the relocation of materials from a County transfer station to a County landfill.

(2012, ord 12-92, sec 1; am 2015, ord 15-144, sec 2.)

Section 20-51. Transportation of materials to landfill.

(a) All materials collected at the following County transfer stations shall be transported to the South Hilo Sanitary Landfill for disposal:

- (1) Honomū Transfer Station.
- (2) Pāpa‘ikou Transfer Station.
- (3) Hilo Transfer Station.
- (4) Kea‘au Transfer Station.
- (5) Glenwood Transfer Station.
- (6) Pāhoa Transfer Station.
- (7) Volcano Transfer Station.
- (8) Kalapana Transfer Station.

(b) All materials collected at the following County transfer stations shall be transported to the Pu‘uanahulu Sanitary Landfill for disposal:

- (1) Laupāhoehoe Transfer Station.
- (2) Pa‘auilo Transfer Station.
- (3) Honoka‘a Transfer Station.
- (4) Waimea Transfer Station.
- (5) Kaauhuhu (Hāwī) Transfer Station.
- (6) Puakō Transfer Station.
- (7) Kailua Transfer Station.
- (8) Keauhou Transfer Station.
- (9) Ke‘ei (Kealekekua) Transfer Station.
- (10) Waiea Transfer Station.

- (11) Miloli'i Transfer Station.
 - (12) Ocean View Transfer Station.
 - (13) Wai'ōhinu Transfer Station.
 - (14) Pāhala Transfer Station.
- (2012, ord 12-92, sec 1.)

Section 20-52. Exemptions.

- (a) During a time of declared emergency the mayor may, by executive order, direct the transportation of materials from a transfer station to a landfill as deemed practicable and necessary.
 - (b) For purposes of island-wide efficiency, the director may direct the transport of refuse, other than compostables and recyclables, from any transfer station to either landfill under, but not limited to, the following conditions:
 - (1) When transport to the alternative landfill would avoid penalty fees;
 - (2) When transport to the alternative landfill would meet designated minimum volumes to qualify for discounted fees; or
 - (3) When repairs or improvements are being made at the designated landfill.
- (2012, ord 12-92, sec 1; am 2015, ord 15-144, sec 3.)

**Article 6. Polystyrene Foam Food Container and
Food Service Ware Reduction.**

Division 1. General Provisions.

Section 20-60. Findings and purpose.

Solid waste that is nondegradable or nonrecyclable poses unique problems for an island in the middle of the Pacific Ocean. Disposal of such waste either takes up valuable air space in existing landfills or ends up as litter, sometimes in our marine environment.

Polystyrene foam, sometimes incorrectly referred to as “Styrofoam,” is neither degradable nor compostable. It is made from non-renewable fossil fuels and synthetic chemicals that can leach out over time into the environment, especially after contact with hot, greasy, or acidic foods. When discarded, polystyrene foam often breaks into tiny pieces, is mistaken for food and ingested by land and marine animals, including birds and fish. This is detrimental not only to wildlife but to other life forms in the food chain.

In view of the detrimental impacts of this substance in Hawai'i County, it is the purpose of this article to: reduce the use of polystyrene foam food containers and food service ware by supermarkets and other vendors; eliminate the use of polystyrene foam for packaging prepared and unprepared food; and thereby promote the use of environmentally preferable alternatives.

Although foods packaged outside of the limits of Hawai'i County are excluded from the provisions of this article, the purveyors of foods prepackaged outside of the limits of Hawai'i County are encouraged to follow these provisions and thereby support the County's policy goal to eliminate the use of polystyrene foam disposable food service ware.

Implementation of this ban will maximize diversion of compostables, including compostable foodware, from the waste stream to be available as compost to farmers, landscapers, and residents. Accordingly, this ordinance is being implemented in tandem with the County's full-scale compost program.

Through these measures, it is the Council's intent to improve environmental quality on the island and in the neighboring marine environment. Reduction of the amount of nondegradable and nonrecyclable waste that enters the waste stream is consistent with and furthers the goals and policies expressed in this County's general plan, integrated resource and solid waste management plan, and its adopted zero waste policy as well as promotes the health, safety, and welfare of the County and its residents.

(2017, ord 17-63, sec 1.)

Section 20-61. Administration.

The director of the department of environmental management shall administer this article.

(2017, ord 17-63, sec 1.)

Section 20-62. Definitions.

As used in this article, unless otherwise specified:

"ASTM standard" means the standards of the American Society for Testing and Materials International Standards D6400 or D6868 for biodegradable and compostable plastics.

"Biodegradable" means the entire product or package will completely break down and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal. It is the ability of organic matter to break down from a complex to a more simple form.

"Compostable" means all materials in the product or package will break down, or otherwise become part of usable compost (e.g., soil-conditioning material, mulch) in an appropriate composting program or facility. Compostable disposable food service ware includes ASTM-standard bio-plastics (plastic-like) products that are clearly labeled so that any compost collector and processor can easily distinguish the ASTM-standard compostable plastic from non-ASTM standard compostable plastic.

"County facility" means any building, structure, or vehicle owned and operated by the County, its agents, agencies, and departments and includes County buildings, structures, parks, recreation facilities, or property.

“County facility users” means all persons, societies, associations, organizations, or special event promoters who require a permit to reserve or rent a County facility or a permit or contract to use a sidewalk or roadway. County facility users also include concession contracts with the County, County managed concessions, County sponsored events and food services provided at County expense.

“Customer” means a person obtaining prepared food from a food provider.

“Director” means the director of the department of environmental management or the director’s authorized representative.

“Disposable food service ware” means disposable food containers that are commonly disposed of after a single use, that are used, or are intended to be used, to serve or transport prepared, ready-to-consume food or beverages. This includes, but is not limited to:

- (1) Service ware for takeout foods and/or leftovers from partially consumed meals prepared by a food vendor; and
- (2) Containers that are intended for single use, such as cups; bowls; plates; trays; cartons; or containers that are hinged, lidded, or clamshell.

For the purpose of this article, “disposable food service ware” excludes straws, cup lids, utensils, and packaging for unprepared food.

“Food packaging” means all food-related wrappings, bags, boxes, containers, bowls, plates, trays, cartons, cups, lids, or drinking utensils, in which food or beverage is placed or packaged on the retail food establishment’s premises, and which are not intended for reuse. Food packaging does not include forks, spoons, knives, straws, stirrers, or single-service condiment packages.

“Food provider” means any vendor, business, organization, entity, group, or individual operating in the County which provides prepared food for public consumption on or off its premises and includes without limitation any store, shop, sales outlet, restaurant, grocery store, supermarket, delicatessen, caterer, catering truck or vehicle; and any organization, group or individual which provides food in conjunction with services.

“Food service ware” includes plates, bowls, cups, lids, straws, stirrers, forks, spoons, knives, napkins, trays, and other items primarily designed for use in consuming food.

“Food vendor” means any retail food establishment.

“Polystyrene foam” means a thermoplastic petrochemical material utilizing the styrene monomer, which may be marked with resin symbol #6, processed by any number of techniques including, but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene), sometimes referred to as “Styrofoam,” a Dow Chemical Company trademarked form of polystyrene foam insulation. In food service, polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons intended for a single use. “Polystyrene foam” does not include solid hard polystyrene.

“Prepared food” means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared for consumption by a retail consumer on the premises of a retail food establishment, including, but not limited to, beverages, ready to eat, and takeout food. “Prepared food” does not include raw, butchered meats, fish and/or poultry unless provided for consumption without further food preparation. For example, sashimi and poke shall be considered to be prepared food.

“Recyclables” means material that has reached the end of its current use and is processed into material utilized in the production of new products. For the purpose of this article, recyclable materials will include only those types of plastic being accepted in the Hawai'i County Recycling program.

“Retail food establishment” means any sales outlet, store, shop, vehicle, or other place of business which sells or conveys foods or beverages to consumers, which foods or beverages are contained, wrapped, or held in or on food packaging. “Retail food establishment” shall include, but not be limited to, any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured, and sold or offered for sale, including, but not limited to a: restaurant; drive-in; coffee shop; cafeteria; short-order café; delicatessen; luncheonette; grill; sandwich shop; soda fountain; bed and breakfast; inn; tavern; bar; cocktail lounge; nightclub; roadside stand; take-out prepared food place; industrial feeding establishment; catering kitchen; mobile food preparation unit; commissary; grocery store; public food market; produce stand; food stand; or any other place in which food and drink is prepared for sale or for service on the premises or elsewhere; and any other establishment or operation where food is processed, prepared, served, or provided to or for consumers for charge.

(2017, ord 17-63, sec 1.)

Section 20-63. Construction and preemption.

Any provision of this article shall be null and void upon the adoption of any state or federal law or regulation imposing the same, or essentially the same, limits on the use of prohibited products as set forth in this article. This article is intended to be a proper exercise of the County's police power, to operate only upon its own officers, agents, employees and facilities and other persons acting within its boundaries, and not to regulate inter-county or inter-state commerce. It shall be construed with that intent.

(2017, ord 17-63, sec 1.)

Division 2. Prohibitions and Requirements.

Section 20-64. Prohibitions.

Food vendors are prohibited, as of July 1, 2019, from providing food to a customer in disposable food service ware that is made from polystyrene foam.

(2017, ord 17-63, sec 1.)

Section 20-65. Required use of recyclable or compostable food service ware.

- (a) As of July 1, 2019, all food vendors using any disposable food service ware shall use a suitable recyclable or compostable product.
 - (b) As of July 1, 2019, all County facility users shall use a suitable recyclable or compostable product for disposable food service ware.
- (2017, ord 17-63, sec 1.)

Section 20-66. Exemptions.

- (a) The following are exempt from the provisions of this article:
 - (1) Foods packaged outside the limits of the County of Hawai'i;
 - (2) Coolers and ice chests that are intended for reuse; and
 - (3) Packaging for raw meat, fish, and eggs that have not been further processed.
- (b) County facility users and food vendors.
 - (1) The director may exempt a food vendor or County facility user from the provisions of this article, in a situation where compliance with the terms of this article would result in undue hardship. The exemption shall be in place for a period of time not to exceed one hundred eighty days.
 - (2) Undue hardship includes, but is not limited to, situations unique to the food vendor or County facility user that generally do not apply to other persons in similar circumstances.
 - (3) Food vendors and County facility users seeking an exemption from the requirements of this article shall provide all required information on an application for exemption, including but not limited to, documentation supporting the applicant's claim that compliance with this article will result in undue hardship.
 - (4) The director may approve or deny an exemption request in whole or in part. Applicants may appeal the director's decision to the environmental management commission.
 - (5) All exemptions shall be promptly posted on the County website for the department of environmental management as a notice of temporary exemption.
- (c) Emergency supplies or services procurement.

The mayor may exempt County facility users and food vendors from the provisions of this article, in a situation deemed by the mayor to be an emergency that necessitates such exemption in order to preserve the public peace, health, and safety. The exemption shall be in place until the mayor determines that the emergency situation has ceased and the exemption is no longer needed to preserve the public peace, health, and safety.

(2017, ord 17-63, sec 1.)

Division 3. Enforcement.**Section 20-67. Enforcement process.**

If the director determines that a violation of this article has occurred, the director shall take appropriate enforcement action. Enforcement actions, including the holding of contested case hearings, shall be conducted pursuant to section 2-204 of this Code and chapter 91 of the Hawai'i Revised Statutes.

(2017, ord 17-63, sec 1.)

Section 20-68. Penalties.

- (a) A fine may be imposed upon findings made by the director that any food vendor or County facility user has used polystyrene-based disposable food service ware in violation of this article. Each day on which any food vendor or County facility user has sold or transferred disposable food service ware made from polystyrene foam shall constitute a separate violation of this article.
- (b) Food vendors shall be subject to an administrative fine for each separate violation as follows:
 - (1) A fine of \$10 for a first violation;
 - (2) A fine of \$50 for a second violation; and
 - (3) A fine not exceeding \$200 for a third and any subsequent violation.
- (c) Food vendors and County facility users who violate this article in connection with commercial or non-commercial special events shall be assessed fines for each special event as follows:
 - (1) A fine of \$10 for a first violation;
 - (2) A fine of \$50 for a second violation; and
 - (3) For a third and any subsequent violation:
 - (A) A fine not to exceed \$100 for an event of one to 200 persons;
 - (B) A fine not to exceed \$200 for an event of 201 to 400 persons;
 - (C) A fine not to exceed \$400 for an event of 401 to 600 persons; and
 - (D) A fine not to exceed \$600 for an event of 600 or more persons.
- (d) Failure to pay fine.

Fines not paid within thirty days from the date appearing on the notice of the fine or of the notice of determination of the director after the hearing, shall be collected in compliance with section 2-204(e) of this Code.

(2017, ord 17-63, sec 1.)

Section 20-69. Other relief.

- (a) The County corporation counsel may seek legal, injunctive, or other equitable relief to enforce this article.
- (b) The remedies provided herein are cumulative and not exclusive.
- (c) All fines and other enforcement actions may be appealed as provided in sections 2-204 and 2-207 of this Code.

(2017, ord 17-63, sec 1.)

Section 20-70. Education.

On or before January 1, 2019, the director shall establish an education program for businesses, nonprofit organizations, and the general public regarding compostable alternatives to polystyrene foam disposable food service ware.

(2017, ord 17-63, sec 1.)

(g) Puna (Continued)
• 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.

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

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

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

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

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

(d) Ka‘ū
<ul style="list-style-type: none"> • South Point Road.
(e) Kohala
<ul style="list-style-type: none"> • Māmalahoa Highway (Highway 190), from Lindsey Road to the end of the County-maintained portion eighty-one feet south of Lalamilo Farm Road.
<ul style="list-style-type: none"> • Mānā Road, from Māmalahoa Highway for a distance of two thousand two hundred feet.
<ul style="list-style-type: none"> • Paniolo Avenue from Paniolo Place to its terminus.
<ul style="list-style-type: none"> • Puakō Beach Road, from the Queen Ka‘ahumanu Highway to a point five hundred feet makai of the Rubbish Dump Road.
<ul style="list-style-type: none"> • Waikoloa Road, beginning at ‘Auwaiakeakua Gulch Bridge and extending 1.1 miles in the mauka direction.
(f) Kona
<ul style="list-style-type: none"> • Ali‘i Drive, from Kamehameha III Road to Māmalahoa Bypass Highway.
<ul style="list-style-type: none"> • Hina-Lani Street, Māmalahoa Highway (Route 190) to ‘Anini Street.
<ul style="list-style-type: none"> • Hiona Street.
<ul style="list-style-type: none"> • Ka‘iminani Drive, .75 mile east of Lau‘i Street to Route 190.
<ul style="list-style-type: none"> • Ka‘iminani Drive, Queen Ka‘ahumanu Highway to Lau‘i Street.
<ul style="list-style-type: none"> • Kaloko Drive, from the Hawai‘i Belt Road (Route 190) to a point .5 mile in the easterly direction.
<ul style="list-style-type: none"> • Kamehameha III Road, from Kuakini Highway to Ali‘i Drive.
<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • Palani Road, from FASC Route 180 (Hōlualoa Road) to Queen Ka‘ahumanu Highway.
(g) Puna
<ul style="list-style-type: none"> • Ainaloa Boulevard, from Highway 130 to Stardust Drive.
<ul style="list-style-type: none"> • Hāpu‘u Road, from Maui Road to its northern terminus.
<ul style="list-style-type: none"> • Kahakai Boulevard, from a point fifty eight feet northeast of ‘A‘ama Street to its northeastern terminus.
<ul style="list-style-type: none"> • Kalapana-Kapoho Beach Road, from its northern terminus to Kapoho Kai Drive.
<ul style="list-style-type: none"> • Kēhau Road, from Maui Road to its northern terminus.
<ul style="list-style-type: none"> • Leilani Estates Avenue.

(g) Puna (Continued)
• 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.)

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:

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

(b) North Hilo
<ul style="list-style-type: none"> • On Puualaoa Subdivision Road from the Belt Highway for a distance of approximately two hundred twenty feet.
(c) South Hilo
<ul style="list-style-type: none"> • Ainako Avenue, Hāmākua side, between Kaūmana Drive and the Ernest B. de Silva School entrance.
<ul style="list-style-type: none"> • Alenaio Drive, makai side.
<ul style="list-style-type: none"> • Anderton Camp Roadway, Hilo side, for its entire length.
<ul style="list-style-type: none"> • ‘Ānela Street, mauka side, between Kawailani Street and Puainako Street.
<ul style="list-style-type: none"> • Aupuni Street, northeast side, from a point one thousand five hundred sixty-two feet northwest of Kīlauea Avenue to Pauahi Street.
<ul style="list-style-type: none"> • Aupuni Street, northwest side, from a point one thousand one hundred sixty-three feet southeast of Pauahi Street to Kīlauea Avenue.
<ul style="list-style-type: none"> • Aupuni Street, southwest side, from a point seven hundred fifty-one feet southeast of Pauahi Street and extending three hundred seventy-six feet in the southeasterly direction.
<ul style="list-style-type: none"> • Aupuni Street, southwest side, from a point three hundred forty-one feet southeast of Pauahi Street and extending two hundred eighteen feet in the southeasterly direction.
<ul style="list-style-type: none"> • Aupuni Street, southwest side, from Pauahi Street and extending two hundred thirty-five feet in the southeasterly direction.
<ul style="list-style-type: none"> • Banyan Drive, east (makai) side, from a point six hundred thirty-five feet north of Kamehameha Avenue and extending two hundred fifty feet north of Banyan Way.
<ul style="list-style-type: none"> • Banyan Drive, east (makai) side, from Kamehameha Avenue and extending four hundred eighty-nine feet in the northerly direction.
<ul style="list-style-type: none"> • Banyan Drive, northwest (golf course) side, from a point two hundred twenty-two feet northeast of Banyan Way and extending fifty-five feet southwest of Banyan Way.
<ul style="list-style-type: none"> • Banyan Drive, northwest (makai) side, from a point seven hundred twenty-three feet southwest of the northern intersection of Lihiwai Street and extending six hundred forty-nine feet in the southwesterly direction.
<ul style="list-style-type: none"> • Banyan Drive, northwest (makai) side, from a point two hundred twenty feet northeast of the northern intersection of Lihiwai Street and extending one hundred thirty-two feet southwest of the northern intersection of Lihiwai Street.
<ul style="list-style-type: none"> • Banyan Drive, west (golf course) side, from a point three hundred seventy-four feet north of Kamehameha Avenue to Kamehameha Avenue.
<ul style="list-style-type: none"> • Barenaba Street, Puna side, from Derby Lane to Kīlauea Avenue.

(c) South Hilo (Continued)
• East Puainako Street, south side, from Pilipaa Street to Ohuohu Street.
• Furneaux Lane, Hāmākua side, between Keawe Street and Kīlauea Avenue.
• Haihai Street, from ‘Iwalani Street to Kīlauea Avenue.
• Haili Street, Hāmākua side, between Kino‘ole Street and Kapi‘olani Street.
• Haili Street, Hāmākua side, from Kapi‘olani Street for a distance of eighty-five feet in the mauka direction.
• Haili Street, Puna side, from Kapi‘olani Street for a distance of one hundred feet in the mauka direction.
• Haili Street, Puna side, from Kapi‘olani Street for a distance of one hundred ten feet in the makai direction.
• Hālaulani Place, Puna side.
• Hale Street, makai side, for its entire length.
• Hale Street, mauka side, from Kahema Street and extending eighty-five feet towards Waiānuenue Avenue.
• Hawai‘i Belt Road connecting road in Pāpa‘ikou, Puna side, connecting road from Hawai‘i Belt Road to Old Māmalahoa Highway.
• Hilo Bus Terminal at Mo‘oheau Park, mauka side, between the two driveways and along the Puna and makai side of the terminal.
• Hilo Civic Auditorium Complex, along the roadways of the complex, except where parking stalls are provided.
• Hilo High School, Hāmākua side lane within the unloading area off Waiānuenue Avenue.
• Hina Street, both sides, beginning at its dead end and extending eighty-five feet in the northeasterly direction.
• Hōkū Street, Hāmākua side, from Kīlauea Avenue to the first driveway.
• Hōkū Street, Puna side.
• Honu Street.
• Hualālai Street, Hāmākua side, beginning at Kīlauea Avenue and extending two hundred twenty-three feet in the mauka direction.
• Hualālai Street, northwest side, beginning at a point nine hundred twenty feet southwest of Kīlauea Avenue and extending three hundred sixty-seven feet in the southwesterly direction.
• Hualālai Street, Puna side, Pana‘ewa Street to Kīlauea Avenue.
• Hualālai Street, southwest side, beginning at a point three hundred fifty-three feet northeast of Ululani Street and extending three hundred seventy-two feet in the northeasterly direction.

(c) South Hilo (Continued)
• Mauna Kea Street, makai side.
• Mauna Loa Street, makai side.
• Mohala Place, Hāmākua side, for its entire length.
• Mohouli Street, both sides, beginning at a point one hundred eighty-two feet northeast of Kino'ole Street and extending four hundred eighty-five feet in the southwesterly direction.
• Mohouli Street, Hāmākua side, beginning at Kīlauea Avenue and extending one hundred fifty-five feet in the mauka direction.
• Mohouli Street, northwest (Hāmākua) side, from a point four hundred twenty-three feet northeast of Kupuna Place and extending seven hundred sixty feet in the southwesterly direction.
• Mohouli Street, northwest (Hāmākua) side, from a point one hundred eighty-eight feet northeast of Kumukoa Street to a point ninety-five feet southwest of Kumukoa Street.
• Mohouli Street, southeast (Puna) side, from a point one hundred feet southwest of Kumuko'a Street to a point two hundred feet northeast of Kumuko'a Street.
• Nawahi Lane, Puna side.
• 'Ōhai Street, Hāmākua side, from Pu'u'eo Street to Wainaku Avenue.
• Ohuohu Street, Puainako Street to Maka'ala Street.
• Pana'ewa Street, makai side.
• Pauahi Street, Hāmākua side, from Kamehameha Avenue for a distance of two hundred fifty feet in the mauka direction, and from a point two hundred thirty feet makai of Aupuni Street to Kīlauea Avenue.
• Pauahi Street, Puna side, from Kamehameha Avenue for a distance of two hundred fifty feet in the mauka direction.
• Pi'ihonua Road, both sides, beginning from the northern terminus of Bridge 25-1, extending .5 mile in the northwesterly direction.
• Ponahawai Street, from Kino'ole Street to a point seventy-five feet mauka of Ululani Street.
• Ponahawai Street, on the Hāmākua side, beginning at Kapi'olani Street and extending one hundred fifty-two feet in the mauka direction.
• Ponahawai Street, Puna side, beginning at a point three hundred feet makai of Kino'ole Street and extending five hundred thirteen feet in the makai direction.
• Punahale Street, southeast side, from Komohana Street to Hāla'i Street.
• Punahoa Street, makai side, beginning from a point sixty-nine feet Hāmākua of Mamo Street and extending seventy-eight feet in the Hāmākua direction.
• Punahoa Street, makai side, beginning from point two hundred sixty-seven feet Hāmākua of Mamo Street to Furneaux Lane.
• Punahoa Street, makai side, Ponahawai Street to Mamo Street.

(c) South Hilo (Continued)
<ul style="list-style-type: none"> • Punahoa Street, mauka side, Ponahawai Street to Furneaux Lane.
<ul style="list-style-type: none"> • Pu'ū'eo Street, makai side, beginning at a point one hundred twenty feet Puna of 'Ōhai Street and extending in the Hāmākua direction for a distance of one hundred fifty feet Hāmākua of 'Ōhai Street.
<ul style="list-style-type: none"> • Pu'ū'eo Street, makai side, from 'Iliahi Street to Kauila Street.
<ul style="list-style-type: none"> • Railroad Avenue, west side, beginning at a point one hundred seventy-five feet north of Kūkila Street and extending four hundred seventy-four feet in the southerly direction.
<ul style="list-style-type: none"> • Shipman Street, beginning at a point two hundred ten feet east of Keawe Street and extending forty feet in the easterly direction towards Kamehameha Avenue.
<ul style="list-style-type: none"> • South 'Iwa'iwa Street.
<ul style="list-style-type: none"> • Uhu Street.
<ul style="list-style-type: none"> • Ululani Street, makai side, beginning at a point five hundred two feet Hāmākua of Kūkūau Street and extending two hundred eighty-five feet in the Hāmākua direction.
<ul style="list-style-type: none"> • Ululani Street, mauka side, between Waiānuenu Avenue and Wailoa Street.
<ul style="list-style-type: none"> • Waiānuenu Avenue, both sides, from the mauka access to Rainbow Drive to Waiiau Street.
<ul style="list-style-type: none"> • Waiānuenu Avenue, from Kaūmana Drive to Hāla'i Street.
<ul style="list-style-type: none"> • Waiānuenu Avenue, from Keawe Street to a point one hundred feet mauka of Ululani Street.
<ul style="list-style-type: none"> • Waiānuenu Avenue, Hāmākua side, beginning at a point one hundred three feet mauka of Ululani Street, and extending in the mauka direction for a distance of three hundred ninety-three feet.
<ul style="list-style-type: none"> • Waiānuenu Avenue, Hāmākua side, beginning at a point one thousand three hundred twenty feet west of Ka'iulani Street and extending seven hundred fifty six feet in the westerly direction.
<ul style="list-style-type: none"> • Waiānuenu Avenue, north (Hāmākua side), from Kaūmana Drive to Rainbow Drive.
<ul style="list-style-type: none"> • Waiānuenu Avenue, Puna side, from Kapi'olani Street for a distance of one hundred feet in the makai direction.
<ul style="list-style-type: none"> • Wailuku Drive, Hāmākua side, from Keawe Street to Ka'iulani Street.
<ul style="list-style-type: none"> • Wailuku Drive, Puna side, Kamehameha Avenue to Keawe Street.
<ul style="list-style-type: none"> • Wainaku Avenue, mauka side, beginning at Pukihae Bridge No. 1 and extending two hundred forty-five feet in the Puna direction.
<ul style="list-style-type: none"> • Wainaku Street, Kaiwiki Road to Ha'aheo Road.
<ul style="list-style-type: none"> • Wainaku Street, makai side, beginning at a point two hundred eighty-two feet north of Lehua Street and extending one hundred eighty feet in the northerly direction.
<ul style="list-style-type: none"> • W. Kawili Street, from W. Puainako Street to Kapiolani Street.
<ul style="list-style-type: none"> • Wilson Street, Puna side.

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

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

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

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

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

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

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	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(41)	16-48	5-23-2016	Kea'au, Puna	1-6-152:020	A-20a	ML-20	
(42)	17-65	9-29-2017	Kea'au, Puna	1-6-141:002	A-20a	MG-20	

ZONING MAP No. 7.19--(Volcano-Mt. View)

§ 25-8-23

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	347	10-26-1970	Olaa Summer Lots, Olaa, Puna	1-9-13:2, 3 and Por. 7	O	RS-20	7.19(a)
(2)	591	6-27-1973	Olaa Summer Lots, Olaa, Puna	1-9-04:Por. 10 and 12	CV-10	RS-20	7.19(b)
(3)	40	6-18-1974	Olaa Summer Lots, Olaa, Puna	1-9-04:Por. 10 and 12	RS-20	CV-10	7.19(c)
(4)	292	7-11-1977	Mt. View, Puna	1-8-02:48	CV-10	RS-10	7.19(d)
(5)	95-101	8-23-1995	Olaa, Puna	1-9-04:Por. 6	RS-20	CV-10	
(6)	95-124	10-25-1995	Olaa, Puna	1-9-04:Por. 14	RS-20	CV-20	
(7)	03-06	2-4-2003	Ōla'a, Puna	1-9-4:Por. of 14	RS-20	CV-20	
(8)	12-128	9-27-2012	Ōla'a, Puna	1-8-002:064	RS-10	CV-10	

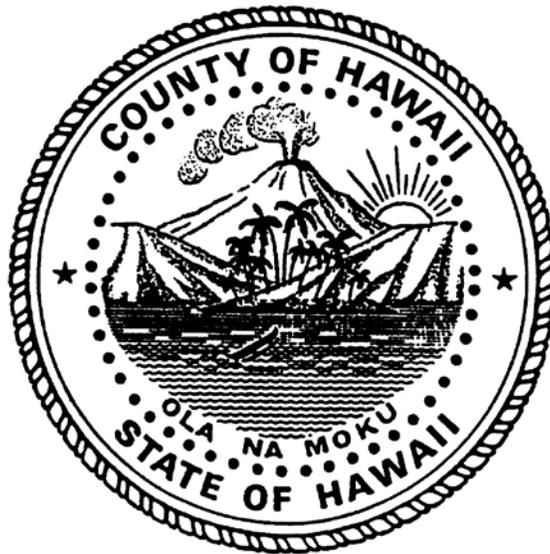
Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(397)	15-50	6-12-15	Kūkūau 1st, South Hilo	2-4-082:001-56, 58-61	(Amends Ord. No. 08-115) (Effective date 9-10-08)		
(398)	15-96	11-10-15	Waiākea, South Hilo	2-2-048:093, portion of 13	(Amends 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)		

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

Office of the County Clerk
County of Hawai‘i
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Volume Three

CHAPTER 27**FLOODPLAIN MANAGEMENT****Article 1. Authorization.****Section 27-1. Statutory authority.**

This chapter is enacted pursuant to the U.S. National Flood Insurance Act of 1968 (Public Laws 90-418 and 91-152), as amended, and the U.S. Flood Disaster Protection Act of 1973 (Public Law 93-234), as amended. In addition, the Legislature of the State of Hawai'i has in Hawai'i Revised Statutes 46-1.5(5), 46-1.5(14), 46-11, 46-11.5, and 46-12 conferred upon the various counties the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry (1993, ord 93-78, sec 3; am 2007, ord 07-169, sec 3.)

Section 27-2. Findings of fact.

- (a) The flood hazard areas of the County of Hawai'i are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, cause damage to uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

(1993, ord 93-78, sec 3.)

Section 27-3. Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

- (g) To assist in notifying potential buyers that property is in an area of special flood hazard; and
 - (h) To ensure that those who occupy areas of special flood hazard assume responsibility for their actions.
- (1993, ord 93-78, sec 3.)

Section 27-4. Scope and methods.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
 - (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - (d) Controlling fill, grading, dredging, and other development which may increase flood damage; and
 - (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- (1993, ord 93-78, sec 3.)

Article 2. General Provisions.

Section 27-5. Applicability.

This chapter shall apply to all areas of special flood hazards identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study," dated April 2, 2004, with accompanying Flood Insurance Rate Maps and all future changes, revisions and amendments to these documents, and shall apply to all areas bordering identified special flood hazard areas, and all other areas outside the identified special flood hazard areas encompassing and adjacent to a river, stream, stormwater channel, outfall area, or other inland water or drainage facility determined by the director of public works to be subject to flood hazards. The special flood hazard areas are as follows:

- (1) Floodway fringe - Zones AE, AH, and AO.
- (2) Floodway.
- (3) Coastal high hazard (tsunami) - Zones V and VE.
- (4) General floodplain - Zone A.
- (5) Land adjacent to drainage facilities, and Zone A99.

(1993, ord 93-78, sec 3; am 2001, ord 01-108, sec 1; am 2007, ord 07-169, sec 4; am 2017, ord 17-56, sec 4.)

Section 27-6. Basis.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study dated April 2, 2004, along with all subsequent revisions and amendments, and the Flood Insurance Rate Maps, dated April 2, 2004, May 16, 1994, July 16, 1990, and September 16, 1988, and all future changes, revisions, and amendments to these documents, are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and Flood Insurance Rate Maps, and all future changes, revisions, and amendments to these documents, are on file at the Aupuni Center, Department of Public Works, 101 Pauahi Street, Suite 7, Hilo, Hawai'i 96720. (1993, ord 93-78, sec 3; am 1994, ord 94-74, sec 3; am 1995, ord 95-86, sec 3; am 2007, ord 07-169, sec 5.)

Section 27-7. Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. The terms of this chapter shall be enforced by the standards set forth in article 6. (1993, ord 93-78, sec 3.)

Section 27-8. Other laws and regulations.

All construction and improvements subject to this chapter shall comply with other applicable laws and regulations including, but not limited to, the zoning, building, electricity, plumbing, subdivision, erosion and sedimentation control chapters of the Hawai'i County Code, and the storm drainage standards, October 1970 edition, or later revisions, of the County of Hawai'i. This chapter, designed to reduce flood losses, shall take precedence over any less restrictive, conflicting laws, ordinances, and regulations. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

In the event of a conflict between this chapter and the National Flood Insurance Program and Related Regulations (NFIP), as amended, the more restrictive provision will govern.

(1993, ord 93-78, sec 3; am 2007, ord 07-169, sec 6.)

Section 27-9. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
 - (b) Liberally construed in favor of the County of Hawai'i; and
 - (c) Deemed neither to limit nor repeal any other powers granted to the County of Hawai'i under State of Hawai'i statutes.
- (1993, ord 93-78, sec 3.)

Section 27-10. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards and areas of flood-related erosion hazards, or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the County of Hawai'i, any officer or employee thereof, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(1993, ord 93-78, sec 3.)

Section 27-11. Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(1993, ord 93-78, sec 3.)

Section 27-12. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter or denial of a request for a variance.

“Area of shallow flooding” means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Backfill” means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving floodwater conveyance or to restore the land to the natural contours existing prior to excavation.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also called the “one-hundred-year flood”).

“Base flood elevation” means the water surface elevation of the base flood.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Breakaway walls” are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a licensed structural engineer or architect and shall meet the following conditions:

- (1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
- (2) The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

“Coastal high hazard area” - See “Zone V” and “Zone VE.”

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Drainage facility” - See “Watercourse.”

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 5, 1982.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Fill” is the placement of fill material at a specified location to bring the ground surface up to a desired elevation.

“Fill material” can be natural sand, dirt, soil or rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick, or similar material as approved on a case-by-case basis.

“Flood elevation determination” means a determination by the Federal Emergency Management Agency of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

“Flood elevation study” or “flood study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of flood-related erosion hazards.

“Flood, flooding, or floodwater” means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (A) The overflow of inland or tidal waters;
 - (B) The unusual and rapid accumulation or runoff of surface waters from any source; or
 - (C) Mudslides (i.e., mudflows) which are approximately caused by flooding as defined in paragraph (1)(B) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(A) of this definition.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

“Flood protection system” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed to conform with sound engineering standards.

“Floodplain administrator” is the individual appointed to administer and enforce the floodplain management regulations. This person shall be the director of public works of the County of Hawai'i or the director's duly authorized representative who shall be a currently licensed professional engineer in the State of Hawai'i.

“Zone VE” is the special flood hazard area that corresponds to the one hundred-year coastal floodplains extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. Whole-foot base flood elevations derived from the detailed hydraulic analyses have been determined at selected intervals within this zone.

“Zone X (shaded)” are areas of moderate flood hazard corresponding to areas of the five-hundred-year floodplain, areas of one-hundred-year flooding where average depths are less than one foot, areas of one-hundred-year flooding where the contributing drainage area is less than one square mile, and areas protected from the one-hundred-year flood by levees.

“Zone X (unshaded)” are areas of minimal flood hazard corresponding to areas outside of the five-hundred-year floodplain. Base flood elevations or depths have not been determined for Zone X.

(1993, ord 93-78, sec 3; am 1997, ord 97-116, sec 1; am 2001, ord 01-108, secs 1 and 9; am 2007, ord 07-169, sec 7; am 2010, ord 10-115, secs 2 and 3; am 2017, 17-56, sec 5 and 6.)

Section 27-13. Nonconforming structures.

Any nonconforming structure existing on May 5, 1982 or made nonconforming by a change in the special flood hazard area may continue, subject to the following conditions:

- (a) Any repair, reconstruction, improvement, or addition to a nonconforming structure, if it is considered to be substantial improvement, shall comply with the applicable standards of this chapter.
- (b) All relocated structures shall comply with the applicable standards of this chapter.
- (c) Substantial improvement of a damaged, destroyed, or demolished structure located in a floodway shall not be allowed unless a variance from the flood requirements is obtained.

(1993, ord 93-78, sec 3; am 1997, ord 97-116, sec 2.)

Article 3. Administration.

Section 27-14. Director of public works approval.

No building permit, certificate of occupancy, or grading permit shall be issued, no structure shall be occupied, no exception to chapter 5, the building code, shall be certified, and no development or subdivision shall be approved in an area of special flood hazard as determined by the director, pursuant to section 27-16, without the approval of the director with respect to compliance with the provisions of this chapter.

(1993, ord 93-78, sec 3; am 2001, ord 01-108, sec 1; am 2007, ord 07-169, sec 8; am 2017, ord 17-56, sec 7.)

Section 27-15. Designation of the floodplain administrator.

The director of public works of the County of Hawai'i is hereby appointed to administer, implement, and enforce this chapter in accord with the provisions of this chapter.

(1993, ord 93-78, sec 3; am 2001, ord 01-108, sec 1.)

Section 27-16. Duties and responsibilities of the floodplain administrator.

The floodplain administrator, with the cooperation and assistance of other County departments, shall administer this chapter. The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

- (1) Permit review.
 - (A) All building permits, certificates of occupancy, grading permits, and development or subdivision proposals shall be reviewed to determine whether the requirements of this chapter have been satisfied;
 - (B) All other development permits referred by other governmental departments and agencies shall be reviewed for consistency with the requirements of this chapter;
 - (C) All permits and proposals shall be reviewed to determine that the proposed building site is reasonably safe from flooding;
 - (D) For proposed building sites in flood-prone areas where special flood hazard areas have not been defined, water surface elevations have not been provided, and there is insufficient data to identify the floodway or coastal high hazard areas but the flood plain administrator has determined that there are verifiable physical indications that such hazards are present, all new construction, improvements to repetitive loss structures and substantial improvements (including the placement of manufactured homes) shall be:
 - (i) Designed and adequately anchored to prevent flotation, collapse, or lateral movement;
 - (ii) Constructed of flood-resistant materials;
 - (iii) Constructed by methods and practices that minimize flood damage; and
 - (iv) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (v) Be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
 - (vi) New and replacement utilities shall comply with the requirements of section 27-19; and
 - (E) All permits shall be reviewed to determine that the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood at any point.
- (2) Information to be maintained.
 - (A) The Flood Insurance Study and Flood Insurance Rate Maps for the County of Hawaii;
 - (B) The certification of lowest floor elevation;
 - (C) The certification of floodproofing for spaces below the base flood elevation;

- (D) The certification of final pad elevation where a site is filled above the base flood elevation;
 - (E) The certification that an encroachment in the floodway will not result in any increase in flood levels during base flood discharge; and
 - (F) The certification of elevation and structural support for structures in the coastal high hazard area.
- (3) Interpretation of maps.
The director of public works shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in article 5.
- (4) Change in base flood elevations.
Whenever base flood elevations increase or decrease or result in a mappable alteration of the boundaries of any special flood hazard area, as a result of physical changes affecting flooding conditions, as soon as practical, but no later than six months after the date such information becomes available, the floodplain administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data through the Letter of Map Revision process. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- (5) Use of other base flood data.
When base flood elevation data has not been provided in accordance with section 27-6, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer article 4. Any such information shall be submitted to the County of Hawai'i for approval.
- (6) Whenever a watercourse is to be altered or relocated:
- (A) Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained;
 - (B) For riverine situations, notify the State of Hawai'i department of land and natural resources (commission on water resource management) and all adjacent property owners, prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

- (C) Whenever a proposed alteration or relocation occurs that would significantly change the base flood elevation or result in a mappable alteration of the boundaries of any special flood hazard area, technical and scientific data through the Conditional Letter of Map Revision (CLOMR) shall be submitted to and approved by the Federal Emergency Management Agency. Such a submission is necessary so that upon completion of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data. Work to be performed under an approved Conditional Letter of Map Revision (CLOMR) shall be subject to the following:
- (i) Work shall not begin on any on-site development affecting or impacting the floodplain until an approved Conditional Letter of Map Revision is received from the Federal Emergency Management Agency;
 - (ii) Within sixty days of receiving final approval from the director for the completion of the alteration or relocation of a watercourse, the request for a Letter of Map Revision (LOMR), and all other information required by the Letter of Map Revision (LOMR) process shall be submitted to the flood plain administrator.
- (7) Take action to remedy violations of this chapter as specified in article 6. (1993, ord 93-78, sec 3; am 2001, ord 01-108, sec 1; am 2007, ord 07-169, sec 9; am 2017, ord 17-56, sec 8.)

Article 4. Standards.

Section 27-17. Certification standards.

- (a) Pre-construction and post-construction certification of elevation and floodproofing of new construction, improvements to repetitive loss structures, development, and substantial improvements within areas of special flood hazards shall be submitted to the director of public works and shall be maintained as a matter of public record.
- (b) Pre-construction certification.
Requirements for approval of the building permit shall include the following items, as applicable, and any additional items as required by the director of public works to promote public welfare and safety:
 - (1) Certification of building plans.
Each set of building plans shall be certified by a structural engineer or architect, currently licensed in the State of Hawai'i, to be in compliance with the requirements of this chapter.
 - (2) Elevation certification on building plans.
The elevation of the lowest floor shall be certified on each set of the building plans by an architect, civil engineer, or land surveyor currently licensed in the State of Hawai'i.
 - (3) Special flood hazards area certification.
The County of Hawai'i "Special Flood Hazard Area Certification" form, as amended, shall be completed and certified by a structural engineer or architect currently licensed in the State of Hawai'i. The completed "Special Flood Hazard Certification" shall be submitted for approval with the building plans.

- (4) Floodproofing certification.
For all new nonresidential construction and substantial improvement with enclosed areas below the base flood elevation, the Federal Emergency Management Agency “Floodproofing Certificate” form, as amended, shall be completed and certified by a civil engineer or architect, currently licensed in the State of Hawai‘i and shall be submitted for approval with the building plans. The director of public works may require additional information regarding the floodproofing design from the permit applicant and the applicant shall provide it. The information required may include the design data and calculations used in the floodproofing design, a detailed flood elevation study, a drainage report, and other information as determined necessary by the director of public works to establish compliance with the provisions of this chapter and to promote public welfare and safety.
- (c) Post-construction certification.
Requirements for approval of the certificate of occupancy shall include the following items, as applicable, and any additional items as required by the director of public works to promote public welfare and safety:
- (1) Elevation certification. The Federal Emergency Management Agency “Elevation Certificate,” as amended, shall be completed and certified by a land surveyor, civil engineer, or architect currently licensed in the State of Hawai‘i and submitted for approval with the application for the certificate of occupancy. The information certified within the “Elevation Certificate” shall be based on actual construction.
 - (2) Compliance with other requirements of this chapter.
- (1993, ord 93-78, sec 3; am 2001, ord 01-108, sec 1; am 2007, ord 07-169, sec 10; am 2010, ord 10-115, sec 4; am 2017, ord 17-56, sec 9.)

Section 27-18. Standards for construction.

Standards for construction within areas of special flood hazards are established as follows:

- (a) Anchoring.
 - (1) New construction, improvements to repetitive loss structures, and substantial improvements shall be adequately anchored to resist flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) All manufactured homes, including mobile homes, shall meet all standards for structures.
- (b) Construction materials and methods.
 - (1) New construction, improvements to repetitive loss structures, and substantial improvement shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction, improvements to repetitive loss structures, and substantial improvement shall be constructed using methods and practices that minimize flood damage.

- (3) New construction, improvements to repetitive loss structures, and substantial improvement shall be designed and constructed with electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities including, but not limited to, furnaces, heat pumps, water heaters, washers, dryers, elevator lift equipment, electrical junction boxes, circuit breaker boxes, and food freezers located above the base flood elevation plus any required freeboard.
 - (4) Within Zones V and VE, new construction, improvements to repetitive loss structures, and substantial improvements shall comply with the standards of section 27-23.
 - (5) Recreational vehicles placed on sites within Zones AH and AE on the FIRM shall be elevated and anchored or be on the site for less than one hundred eighty consecutive days or be fully licensed and highway ready.
- (c) Encroachments.
- (1) Within a floodway, encroachments (including fill), new construction, improvements to repetitive loss structures, substantial improvements, and other developments, shall be prohibited unless certified by a professional civil engineer licensed in the State of Hawai'i, with supporting data, that the encroachment will not cause any increase in base flood elevations during the occurrence of the base flood discharge.
 - (2) Require, until a regulatory floodway is designated, that no new construction, improvements to repetitive loss structures, substantial improvements, or other development (including fill), shall be permitted within Zones AE on the FIRM, unless demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point.
 - (3) Within all zones of special flood hazards, but not including floodways, filling which would result in the blockage or impediment of flow and/or induce or aggravate flooding shall be prohibited unless certified by a professional civil engineer licensed in the State of Hawai'i, with supporting data, that the encroachment will not cause any increase in base flood elevations during the occurrence of the base flood discharge.
 - (4) Within floodway fringe areas, filling to elevate the lowest floor of a nonresidential structure may only be permitted where the structure:
 - (A) Is floodproofed so that below the base flood elevation plus any required freeboard the structure is watertight with walls substantially impermeable to the passage of water, and
 - (B) Has structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - (5) In Zones V and VE, use of fill for structural support of buildings shall be prohibited.

- (c) The following uses, not involving fill, shall be evaluated on a case-by-case basis to establish that the use does not cause any increase in base flood elevations:
- (1) Public and private outdoor nonstructural recreational facilities, lawn, garden, and play areas;
 - (2) Agricultural uses, including farm, grazing, pasture, and outdoor plant nurseries; and
 - (3) Drainage improvements, such as channels and stream crossings.
- (1993, ord 93-78, sec 3; am 2007, ord 07-169, sec 13.)

Section 27-23. Standards for coastal high hazard areas.

Coastal high hazard areas are identified as Zone V or Zone VE on the Flood Insurance Rate Maps. Within coastal high hazard areas, the following standards shall apply:

- (1) All new construction, improvements to repetitive loss structures, and substantial improvements in a coastal high hazard area shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices that minimize flood damage.
- (2) New construction, improvements to repetitive loss structures, and substantial improvement shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor, excluding the pilings and columns, is elevated to or above the base flood level. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. The wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year.
- (3) New construction, improvements to repetitive loss structures, and other development shall be located on the landward side of the reach of mean high tide.
- (4) New construction, improvements to repetitive loss structures, and substantial improvement shall have the enclosed space, if any, below the lowest floor free of obstructions and constructed with breakaway walls as defined in section 27-12. Such enclosed space shall not be used for human habitation and will be useable solely for parking of vehicles, building access, or storage. Machinery and equipment which service the building, such as furnaces, air conditioners, heat pumps, hot water heaters, washers, dryers, elevator lift equipment, electrical junction and circuit boxes, and food freezers are not permitted in such enclosed spaces. The enclosed space must only be achieved with breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than ten and no more than twenty pounds per

square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty pounds per square foot may be permitted only if a licensed professional structural engineer certifies that the design proposed meets the following conditions:

- (A) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - (B) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (one-hundred-year mean recurrence interval).
- (5) Fill shall not be used for structural support of buildings.
 - (6) Man-made alteration of sand dunes and mangroves which would increase potential flood damage is prohibited.
 - (7) All new construction, improvements to repetitive loss structures, development, and substantial improvement within coastal high hazard areas shall be certified as required by section 27-17.
 - (8) Recreational vehicles placed on sites within Zones V and VE on the FIRM shall be elevated and anchored or be on the site for less than one hundred eighty consecutive days or be fully licensed and highway ready.

(1993, ord 93-78, sec 3; am 2007, ord 07-169, sec 14; am 2010, ord 10-115, sec 6; am 2017, ord 17-56, sec 10.)

Section 27-24. Standards for general floodplain.

The general floodplain, identified as Zone A on the Flood Insurance Rate Maps, are areas of special flood hazards for which detailed engineering studies are not performed by the Federal Emergency Management Agency to determine the base flood elevations and to identify the floodways.

- (a) To determine base flood elevations and the locations of floodways within the general floodplain, the director of public works may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including information requested of a permit applicant.
- (b) Development or subdivision proposals shall conform with the requirements of section 27-20.
- (c) The following information shall be provided by a permit applicant to the director of public works to evaluate the proposed construction or improvement site within a general floodplain area:
 - (1) Project location and site plan showing dimensions.
 - (2) Relationship to floodway and floodway fringes as determined by flood elevation study.

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Ordinances are listed by the Code chapter affected.

Abbreviations:

A = Amended or repealed section(s) of the chapter, or added new section(s)

R = Repealed and replaced chapter in its entirety

C = Created new chapter

X = Repealed the chapter

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2	Administration	15-65A, 15-95A, 15-97A, 15-103A		17-42A				
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14	General Welfare	15-11A, 15-51A, 15-70A	16-75A, 16-107A, 16-114A	17-55A				
15	Parks and Recreation	15-52A, 15-60A	16-111A, 16-112A, 16-113A	17-54A, 17-57A, 17-61A				
16	Planning		16-77A	17-66A				
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23	Subdivisions	15-19A						
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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				

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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				
26	Fire		16-107A					
27	Flood Control			17-56A				

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17-11	01-20-17	Traffic Schedules	24-260
17-12	01-20-17	Operating budget	--
17-13	02-07-17	Operating budget	--
17-14	02-17-17	City of Hilo Zone Map	ZA
17-15	02-17-17	Kukuihaele, Waikoekoe, Hāmākua	SLUB
17-16	02-17-17	Hāmākua District Zone Map	ZA
17-17	03-06-17	Capital improvements budget	--
17-18	03-06-17	Capital improvements budget	--
17-19	03-06-17	Amends Ord. No. 12-129. State Water Pollution Control Revolving Fund Loan & General Obligation Bond (\$11,322,000 – Wastewater public improvement projects)	--
17-20	04-04-17	Operating budget	--
17-21	04-04-17	Operating budget	--
17-22	04-04-17	Operating budget	--
17-23	04-04-17	Capital improvements budget	--
17-24	04-20-17	City of Hilo Zone Map	ZA
17-25	04-20-17	Operating budget	--
17-26	04-20-17	Operating budget	--
17-27	05-01-17	Traffic Schedules	24-280
17-28	05-01-17	Traffic Schedules	24-281
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17-30	05-01-17	General Obligation Bond (\$4,105,000 – Pāpa‘ikou transite and G.I. pipeline replacement)	--
17-31	05-15-17	Establishes number of required parking spaces for dwelling or lodging units occupied for less than 180 days	25-4-51
17-32	05-15-17	Puakō-‘Anaeho‘omalū Zone Map	ZA
17-33	05-15-17	Operating budget	--
17-34	05-15-17	Operating budget	--
17-35	05-15-17	Operating budget	--
17-36	07-01-17	Salary Ordinance of 2017	--
17-37	05-31-17	Operating budget	--
17-38	05-31-17	Operating budget	--
17-39	07-01-17	Operating budget FY 2017-2018	--
17-40	07-01-17	Capital improvements budget FY 2017-2018	--

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17-44	06-21-17	Capital improvements budget	--
17-45	06-30-17	Operating budget	--
17-46	06-30-17	Operating budget	--
17-47	06-30-17	Operating budget	--
17-48	07-05-17	General Obligation Bond (\$20,000,000 – South Hilo Sanitary Landfill final closure project)	--
17-49	07-05-17	Operating budget	--
17-50	07-18-17	Lālāmilo-Pu‘ukapu Zone Map	ZA
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17-54	08-14-17	Farmers markets	15-72, 15-73
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17-60	09-22-17	Traffic Schedules	24-255, 24-257
17-61	09-22-17	Names baseball diamond and football field at Kamehameha Park “Shiro Takata Field”	15-68.1
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17-63	09-29-17	Polystyrene foam “Styrofoam” food containers and food service ware reduction	20-60 to 20-70
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17-73	11-21-17	General Obligation Bond (\$2,437,000 – Lono Kona subdivision public sewer system)	--
17-74	11-29-17	City of Hilo Zone Map	ZA
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