**SUPPLEMENT 4  (7-2018)**

**Insertion Guide**

**Volumes 1 - 3**

(Covering general ordinances effective through 06-30-18 and numbered through 18-74)

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Supp. 4 Insertion
Guide
THE HAWAI‘I COUNTY CODE

Update to include: Supplement 4 (7-2018)
Contains ordinances effective through: 06-30-2018

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

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

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Section 2-233. Establishment of surcharge.
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(c) The sustainability action committee shall consider the recommendations provided in the general plan, community development plan ordinances, community visioning processes and other agencies’ planning documents. Additionally, the committee shall seek innovative solutions, programs and initiatives based upon sustainable precepts of native Hawaiian culture and other local, national and international resources to advance the purpose of this article and seek the necessary technical and other support required for implementation by the department, other agencies and the community. The committee shall encourage and participate in the internal and external network opportunities at the local, state, national and international levels.

(2007, ord 07-161, sec 1.)

*Editor's Note: Article 8 was repealed in its entirety and replaced by Ordinance 07-161.

**Article 9. Department of Public Works.**

**Division 1. Organization.**

**Section 2-38. Director of public works as department head.**

There shall be a department of public works headed by a director of public works.

(1983 CC, c 2, art 9, sec 2-38; am 2001, ord 01-108, sec 1.)

**Section 2-39. Duties of director of public works.**

The director of public works shall be charged with the supervision, direction, and control of:

1. The construction, repair, maintenance, and operation of all County buildings, structures, and grounds, not otherwise delegated to any other department of the County;

2. The administration and enforcement of the building code, electrical code, housing code, plumbing code, and all ordinances and statutes related to the responsibilities assigned to the department of public works; and

3. The administration, control, and operation of all divisions and bureaus of the department of public works and the appointment, transfer, promotion, demotion, or dismissal of all necessary personnel.

(1983 CC, c 2, art 9, sec 2-39; am 2001, ord 01-108, sec 1.)

**Section 2-40. Duties and functions of department.**

The department shall be responsible for:

1. The performance of all matters relating to engineering;
2. Public and private building construction and inspection;
3. Public improvements;
4. Construction, inspection, and maintenance of public highways, bridges, streets, and sidewalks;
5. Acquisition of public and private property for public purposes;
(6) Design and maintenance of a system of traffic control and devices;
(7) Floodplain management; and
(8) Construction and inspection of all other County projects, except for matters
relating to the department of water supply.
(1983 CC, c 2, art 9, sec 2-40; am 2002, ord 02-56, sec 3; am 2018, ord 18-25, sec 2.)

Section 2-41. Divisions within department.
The department of public works shall be divided under the director into the
following divisions:
(1) Engineering Division. The engineering division is responsible for coordinating
the planning, engineering, and implementation of the highway and drainage
capital improvement projects, coordinating all land surveying, conducting
necessary land rights acquisition, and providing construction inspectional
services.
(2) Traffic Division. The traffic division determines the location, installs,
maintains, and repairs all traffic control facilities and devices and street
lighting systems; is responsible for all traffic engineering in the County;
maintains a traffic education program; and is responsible for the installation,
maintenance, and repair of on- and off-street parking meters.
(3) Building Division. The building division is responsible for public building
construction and inspection; plans, specifications and applications for private
building and construction; plumbing, electrical and building permits; and the
enforcement of all County ordinances related to building, construction and
inspection.
(4) Highway Maintenance Division. The highway maintenance division shall be
responsible for the construction and maintenance of all roads, streets,
highways, footpaths, storm drains, bridges, flood channels, and certain
cemeteries.
(5) Automotive Division. The automotive division shall:
(A) Be responsible for the repair and maintenance of all garage, shop, and
automotive equipment of the County, except such equipment as may be
more practically maintained by the department having control thereof as
determined by the director of public works;
(B) Furnish parts, accessories, gasoline, lubricants, and tires necessary for
the repair for automobiles, trucks, shovels, cranes, graders, sweepers, compressor, and other such machinery or equipment; and
(C) Be authorized to bill any department, agency, or special fund for
supplies, services, and use of equipment.
(1983 CC, c 2, art 9, sec 2-41; am 1983, ord 83-26, sec 1; am 1985, ord 85-54, sec 2; am
1986, ord 86-119, sec 2; am 1988, ord 88-7, sec 2; am 2001, ord 01-108, sec 1; ord 01-110,
sec 1.)

Division 2. Repealed.
(1983 CC, c 2, art 9, div 2; rep 1983, ord 83-26, sec 2.)
(2) Membership shall include representatives of government agencies, education, labor, and business and satisfy the Act’s requirements.
(3) Chairperson must be elected from among the business representatives.
(b) The board shall have all powers, duties, and functions required to implement within the Island of Hawai‘i, in partnership with the mayor, the Workforce Innovation and Opportunity Act of 2014.

Section 2-193. Creation of fund.
Pursuant to section 10-12, Hawai‘i County Charter, a special fund to be known as the Workforce Innovation and Opportunity Act program fund is established.

Section 2-194. Funding.
The Workforce Innovation and Opportunity Act program shall be funded by Federal grants, County funds, State funds, or a combination thereof.

Section 2-195. Expenditures from fund.
The proceeds from the fund shall be used for the necessary expenditures of administering and carrying out the Workforce Innovation and Opportunity Act of 2014. Every expenditure shall comply with the requirements of that law.
The administrator of the office of housing and community development is authorized to promulgate rules and regulations, if necessary, for the implementation of the Workforce Innovation and Opportunity Act program.

Section 2-196. Impairment of Federal funds.
If any part of the Charter, this Code, or this article is found to be in conflict with federal requirements that are a prescribed condition for the allocation of federal funds to the County, under the Workforce Innovation and Opportunity Act of 2014, the conflicting part of the Charter, this Code, or this article is inoperative to the extent of the conflict and with respect to the agencies directly affected. This finding shall not affect the operation of the remainder of these laws in their application to the agencies concerned.

Section 2-197. Termination of fund.
Upon either the termination of the Workforce Innovation and Opportunity Act of 2014, or the withdrawal of the County from participation in the program, the Workforce Innovation and Opportunity Act program fund shall be terminated. Prior to termination, any remaining proceeds in the fund shall be disposed of in accordance with federal requirements.
Article 40. Department of Environmental Management.

Section 2-198. Definitions.
(a) “Director” means the director of the department of environmental management.
(b) “Department” means the department of environmental management.
(c) “Commission” means the environmental management commission.
(2005, ord 05-22, sec 1.)

Section 2-199. Composition of department.
There shall be a department of environmental management consisting of a director, the necessary staff and an environmental management commission.
(2001, ord 01-110, sec 2; am 2005, ord 05-22, sec 1.)

Section 2-200. Statement of policy.
The department of environmental management is established to protect, preserve, and enhance our environment by promoting the wise management of our waste.
(2001, ord 01-110, sec 2; am 2005, ord 05-22, sec 1.)

Section 2-201. Appointment and qualifications of department head.
The director of environmental management shall be appointed by the mayor, confirmed by the council, and may be removed by the mayor. The director shall have had a minimum of five years' administrative experience in a related field.
(2001, ord 01-110, sec 2; am 2005, ord 05-22, sec 1.)

Section 2-202. Powers, duties and functions.
The department of environmental management shall manage solid waste, wastewater, and recycling programs of the County, and exercise other functions prescribed by ordinance.

The department shall administer this article as well as chapters 20 and 21 through the director. The director may delegate to any person such power and authority vested in the director as the director deems reasonable and proper for the effective administration of these chapters, except the power to make rules. The director may adopt, amend and repeal rules relating to solid waste, wastewater and recycling.
(2001, ord 01-110, sec 2; am 2005, ord 05-22, sec 1.)

Section 2-203. Divisions within department.
(a) The department of environmental management shall be divided under the director into the following divisions:
   (1) Wastewater Division. The wastewater division shall be responsible for the construction, maintenance, and operation of all sewage programs and facilities operated by and for the County.
   (2) Solid Waste Division. The solid waste division shall be responsible for the construction, maintenance, and operation of all solid waste programs and facilities operated by and for the County.
(2001, ord 01-110, sec 2; am 2005, ord 05-22, sec 1.)
(2) Review and recommend amendments to current policies and laws on the enforcement of existing codes relating to historic sites;

(3) Continually reevaluate building code requirements and enact amendments that are more sympathetic to preservation or provide exemptions for historic properties;

(4) Encourage the County, State, and Federal governments, and the private sector, to implement appropriate management strategies, curatorships and meaningful interpretive programs at significant historical and archaeological structures, sites, and districts; and

(5) Assist in programs of historic preservation including presentations, films, exhibits, conferences, publications and other educational means which increase public awareness and participation in preserving the past.

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

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

(a) Any person or organization including the commission may submit nominations to the Hawai‘i or National register by submitting a completed nomination form to the State historic preservation officer.

(b) The commission shall hold a public hearing after receiving notification from the State historic preservation officer of nominated historic properties within the County. At least ten days prior to the hearing, notice of the date, time, place and purpose of such hearing shall be published in a newspaper of general circulation in the County. Oral or written testimony concerning the significance of the proposed nomination shall be taken at the public hearing from any person.

(c) The commission shall forward its report to the mayor within forty-five days after receiving notice from the State historic preservation officer. The report shall include findings on whether the property meets the criteria for nomination and a recommendation that the State historic preservation officer either nominate or reject the proposed nomination.

(d) The mayor shall have fifteen days after receiving the report of the commission to send this report and a recommendation to the State historic preservation officer. The mayor’s recommendation may, but need not, concur with the recommendation contained in the commission’s report.

(e) A determination by the commission and mayor that the application for nomination does not meet nomination criteria is not a final administrative decision. Appeals must be filed with the State historic preservation officer in writing, within thirty days after the nomination has been denied.

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

Section 2-231. Guidelines.

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

(1) “Hawai‘i County General Plan” and any adopted community development plans for the island.
§ 2-231

(2) “State historic preservation plan” prepared by the State of Hawai‘i department of land and natural resources.
(3) “Historic Preservation Program Guidelines” prepared by the National Park Service.
(5) Other reports, plans, studies, issue papers and memos as may be adopted by the commission.

(2008, ord 08-42, sec 1.) 2-231

Section 2-232. Administration.
The director shall appoint a professional from the disciplines of planning, archaeology, architecture, architectural history, Hawaiian culture, history or historic preservation, to serve as the liaison with the State historic preservation office pertaining to matters which deal with the purpose and intent of this article. The liaison may be an employee of the planning department or a member of the commission. The director shall provide technical, clerical, administrative functions, and any other duties delegated by the commission.

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

Article 45. Transportation Surcharge.

Section 2-233. Establishment of surcharge.
Pursuant to Act 11, Session Laws of Hawai‘i 2018, codified as section 46-16.8, Hawai‘i Revised Statutes, as amended, it is hereby established a 0.25 per cent general excise and use tax surcharge to be used for purposes of funding the operating or capital costs of public transportation within the County of Hawai‘i. The excise and use tax surcharge shall be levied beginning January 1, 2019.

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

Section 2-234. General excise tax fund.
Pursuant to article X, section 10-12, Hawai‘i County Charter 2016, the director of finance is authorized to create a special fund to be known as the “general excise tax fund.” All moneys received from the State derived from the imposition of the surcharge established under this article shall be deposited into the general excise tax fund.

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

Section 2-235. Use of funds.
(a) Pursuant to sections 46-16.8 and 248-2.6, Hawai‘i Revised Statutes, moneys received from the State derived from the imposition of the surcharge established under this article will be a general fund realization. Moneys received from the surcharge shall be expended for:

(1) Operating or capital costs of public transportation within the County for public systems, including public roadways or highways, public buses, trains, ferries, pedestrian paths or sidewalks or bicycle paths, and
(2) Expenses in complying with the Americans with Disabilities Act of 1990 with respect to paragraph (1).

(b) “Capital costs” in this section means nonrecurring costs required to construct a transit facility or system, including debt service, costs of land acquisition and development, acquiring rights-of-way, planning, design and construction, and including equipping and furnishing the facility or system.

(c) Any balance remaining in the general excise tax fund at the end of any fiscal year shall not lapse, but shall remain in the fund accumulating from year to year. The moneys in this fund shall not be used for any purpose except those listed in this section, or as allowed by any amendments to sections 46-16.8 and 248-2.6, Hawai‘i Revised Statutes.

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

Section 2-236. Termination of surcharge.

Unless otherwise extended by ordinance, this article will be repealed on December 31, 2020; provided that this general excise and use tax surcharge shall not extend beyond December 31, 2030, pursuant to Act 11, Session Laws of Hawai‘i, codified as section 46-16.8, Hawai‘i Revised Statutes, as amended.

(2018, ord 18-74, sec 2.)
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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-Kalani‘ena‘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) Kalākaupua Park;

(G) Kaūmana Caves;

(H) Keikiland;

(I) Lanakila Center;

(J) Lincoln Park;
(K) Lōkahi Park;
(L) Mo'oeheau Park;
(M) Pana'ewa Park;
(N) Honolii 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) Waiʻolena and Waiʻuli 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;
(AC) Lehia Beach Park.

(8) North/South Kona:
(A) Kailua Playground;
(B) Kuʻemanu 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) Laʻaloa Bay Beach Park.

(9) Kaʻū:
(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; am 2018, ord 18-61, sec 3.)

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

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

(1) South Hilo:  
(A) Bayfront Beach;  
(B) Coconut Island;  
(C) Hilo Armory;  
(D) Ho'olulu Complex;  
(E) Pōmaika'i Senior Center;  
(F) Wainaku Gym;  
(G) Equestrian Center, Pana'ewa;  
(H) Hakalau Park;  
(I) Honomū Park;  
(J) Carvalho Park;  
(K) Pepe'ekeo Community Center;  
(L) University Heights Park.

(2) North/South Kona:  
(A) Hale Hālāwai;  
(B) Hōnaunau Arena;  
(C) Imin Center;  
(D) Yano Hall;  
(E) Greenwell Park;  
(F) That area in the terminal at Kailua Park specifically designated by the director of parks and recreation;  
(G) Old Kona Airport Park picnic pavilions and Events Pavilion excluding the runway and areas surrounding the runway, Pawai Bay, and the park area at the end of the runway;  
(H) Kahalu'u Beach Park;  
(I) Magic Sands Beach Park, otherwise known as Disappearing Sands Beach Park or White Sands Beach Park;  
(J) Pāhoehoe Beach Park.
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(3) Kaʻū:
   (A) Nāʻālehu 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 Kepoʻokalani Hale Beach Park.

(5) North Hilo/Hāmākua:
   (A) Honokaʻa Rodeo Arena;
   (B) Haina Park;
   (C) Honokaʻa 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) Kulaʻimano Park;
   (F) Malama Park;
   (G) Pāpaʻikou Park;
   (H) Waiākea-Uka Park;
   (I) Wainaku Playground.

(2) North/South Kona:
   (A) Reserved.

(3) Kaʻū:
   (A) Waiʻōhinu Park.
Section 15-68.1. Parks and recreational facility schedule.

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<td>Francis F.C. Wong Stadium</td>
<td>Laupāhoehoe Point Beach Park</td>
</tr>
<tr>
<td>Frank M. Santos Park</td>
<td>Laupāhoehoe Senior Center</td>
</tr>
<tr>
<td>Gilbert Carvalho Park</td>
<td>Laupāhoehoe Swimming Pool</td>
</tr>
<tr>
<td>Haina Park</td>
<td>Lēhia Beach Park</td>
</tr>
<tr>
<td>Hakalau Veterans Park</td>
<td>Leleiwi Beach Park</td>
</tr>
<tr>
<td>Hilo Armory</td>
<td>Liholiho Garden</td>
</tr>
<tr>
<td>Hilo Bayfront Beach</td>
<td>Liliʻuokalani Gardens</td>
</tr>
<tr>
<td>Hilo Bayfront Soccerfields</td>
<td>Lincoln Park</td>
</tr>
<tr>
<td>Hilo Drag Strip</td>
<td>(1) Dr. Ruth E. Oda Playground</td>
</tr>
<tr>
<td>Hilo Municipal Golf Course</td>
<td>Lōkahi Park</td>
</tr>
<tr>
<td>Hilo Pōmaikaʻi Senior Center</td>
<td>Machado Acres Park</td>
</tr>
<tr>
<td>Hilo Skeet Range</td>
<td>Mālama Park</td>
</tr>
<tr>
<td>Honokaʻa Park</td>
<td>Mohouli Park</td>
</tr>
<tr>
<td>ʻ(1) Lala Epenesa, Jr. Ballfield</td>
<td>Mokuola Island</td>
</tr>
<tr>
<td>Honokaʻa Rodeo Arena</td>
<td>Moʻoheau Park</td>
</tr>
<tr>
<td>ʻ(1) Rose Andrade Correia Stadium</td>
<td>NAS Swimming Pool</td>
</tr>
<tr>
<td>Honokaʻa Swimming Pool</td>
<td>Onkahakaha Beach Park</td>
</tr>
<tr>
<td>Honolii Beach Park</td>
<td>(1) Uncle David K. Calles, Sr. Horseshoe Courts</td>
</tr>
<tr>
<td>Honomū Park</td>
<td>‘Ōʻōkala Park</td>
</tr>
<tr>
<td>Hoʻolulū Complex</td>
<td>Paʻauilo Park</td>
</tr>
<tr>
<td>Hualani Park</td>
<td>Panaʻewa Equestrian Center</td>
</tr>
<tr>
<td>ʻ(1) Ronald Futoshi “Harpo” Saiki Officials’ Stand</td>
<td>Panaʻewa Park</td>
</tr>
<tr>
<td>James Kealoha Beach Park</td>
<td>Panaʻewa Rainforest Zoo and Gardens</td>
</tr>
<tr>
<td></td>
<td>Pāpaʻaloa Park</td>
</tr>
</tbody>
</table>
### PARKS (continued)

#### Hilo/Hāmākua (continued)

<table>
<thead>
<tr>
<th>Location</th>
<th>Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pepeʻekeo Community Center</td>
<td>Waiākea Waena Park</td>
</tr>
<tr>
<td>Princess Abigail Wahīka'ahu'ula Kawananakoa Center</td>
<td>Waikaumalo Park</td>
</tr>
<tr>
<td>Reeds Bay Beach Park</td>
<td>Wainaku Gym</td>
</tr>
<tr>
<td>Richardson Ocean Park</td>
<td>Wainaku Playground</td>
</tr>
<tr>
<td>University Heights Park</td>
<td>Wāʻolena Beach Park</td>
</tr>
<tr>
<td>Waiākea Recreation Center</td>
<td>Waipiʻo Community Park</td>
</tr>
<tr>
<td>Waiākea-Uka Park</td>
<td>Waipiʻo Look Out</td>
</tr>
<tr>
<td>(1) Stanley Costales Waiākea-Uka Gym</td>
<td>Waiʻuli Beach Park</td>
</tr>
<tr>
<td></td>
<td>Walter C.K. Victor Baseball Complex</td>
</tr>
</tbody>
</table>

#### Kaʻū

<table>
<thead>
<tr>
<th>Location</th>
<th>Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kahuku Park</td>
<td>Pāhala Tennis and Basketball Courts</td>
</tr>
<tr>
<td>Laurence J. Capellas Ballfield</td>
<td>Punaluʻu Black Sand Beach Park</td>
</tr>
<tr>
<td>Nāʻalehu Park</td>
<td>Representative Robert N. Herkes Gymnasium and Shelter</td>
</tr>
<tr>
<td>Pāhala Community Center</td>
<td>Waiʻōhinu Park</td>
</tr>
<tr>
<td>Pāhala Swimming Pool</td>
<td>Whittington Beach Park</td>
</tr>
</tbody>
</table>

#### Kohala

<table>
<thead>
<tr>
<th>Location</th>
<th>Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kamehameha Park</td>
<td>Spencer Park at ʻŌhaiʻula Beach</td>
</tr>
<tr>
<td>(1) Shiro Takata Field</td>
<td>(1) Samuel Mahuka Spencer Pavilion</td>
</tr>
<tr>
<td>Kapaʻa Beach Park</td>
<td>Waikoloa Community Park</td>
</tr>
<tr>
<td>Keʻōkea Beach Park</td>
<td>Waikoloa Neighborhood Park</td>
</tr>
<tr>
<td>Lily Yoshimatsu Senior Center</td>
<td>Waimea Church Row Park</td>
</tr>
<tr>
<td>Mahukona Beach Park</td>
<td>Waimea Park</td>
</tr>
<tr>
<td>Mahukona Wharf</td>
<td>North Kohala Senior Center</td>
</tr>
<tr>
<td>North Kohala Veteras Field</td>
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</tr>
</tbody>
</table>
## PARKS (continued)

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

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


## CEMETERIES

<table>
<thead>
<tr>
<th>Hilo/Hāmākuá</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ʻAlae Cemetery</td>
<td>Paʻalaea Cemetery (Honokaʻa)</td>
</tr>
<tr>
<td>Kainehe Cemetery (Kūkaʻiau)</td>
<td>Veterans Cemetery No. 1</td>
</tr>
<tr>
<td>Kihalani Cemetery (Laupāhoehoe)</td>
<td>Veterans Cemetery No. 2</td>
</tr>
<tr>
<td>Kukuihaele Cemetery</td>
<td>Waiākea Uka Cemetery</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Kaʻū</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nāʻālehu Cemetery</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>North/South Kohala</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Kahei Cemetery</td>
<td></td>
</tr>
<tr>
<td>Waimea Cemetery</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Kona</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Hawaiʻi Veterans Cemetery-Puʻu Hoʻomaha O Na Poʻe Koa O Hawaiʻi Komohana</td>
</tr>
<tr>
<td>Hienaloli Cemetery (Keōpū)</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Farmers Markets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hilo/Hāmākua</td>
</tr>
<tr>
<td>Hakalau Veterans Park</td>
</tr>
<tr>
<td>Moʻoheau Park</td>
</tr>
<tr>
<td>Kaʻū</td>
</tr>
<tr>
<td>Kohala</td>
</tr>
</tbody>
</table>
§ 15-72  HAWAI'I COUNTY CODE

Kona

Puna

<table>
<thead>
<tr>
<th>Pāhoa District Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volcano Park</td>
</tr>
</tbody>
</table>

(1993, ord 93-97, sec 1; am 2017, ord 17-54, sec 1; am 2018, ord 18-22, sec 3; ord 18-56, 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.)
Section 23-114. Restrictions, requirements and standards for farm subdivision.

The planning director may approve farm subdivisions under the following conditions:

(a) The minimum leasable area within a farm subdivision shall be five (5) acres, irrespective of the minimum lot size of the applicable zoning ordinance.

(b) Any structures for temporary, seasonal or permanent residential occupancy or habitation shall be prohibited.

(c) Farm subdivision provisions shall be applicable only to leasehold lands located within an agricultural zoned district and shall be a lease term of no less than ten (10) years and a maximum of thirty (30) years. The terms of the lease shall be clearly defined in the lease agreement.

(d) The owner of the parcel and lessees shall submit a soil conservation plan approved by the United States department of natural resources conservation service upon filing for a farm subdivision.

(e) The owner of the parcel shall file a map, drawn to scale, of the parcel indicating the land area under consideration for the farm subdivision and the number of leasable areas and acres.

(f) The leases within a farm subdivision shall be recorded by the bureau of conveyances and a copy of the recorded document shall be filed with the planning director upon its receipt from the bureau of conveyances. Each lease shall:

1. Restrict uses to agriculture as defined in chapter 25, section 25-160(a),* Hawai'i County Code, except that farm dwellings or structures suitable for residential occupancy or habitation shall be prohibited.

2. Provide a roadway maintenance agreement for all roadways within the farm subdivision.

3. Assure implementation of the soil conservation plan required in subsection (d) of this Article and compliance with the provisions of such plan, including maintenance of conservation improvements specified therein.

(g) Notwithstanding the provisions of Chapter 23, the following infrastructure standards shall apply:

1. Water. A water system for a farm subdivision shall not be required.

2. Roadway improvements. Roadway improvements within a farm subdivision which are less than those required under the County of Hawai'i Subdivision Code may be approved.

   (A) Adequate access from a government road shall be provided to a farm subdivision meeting the requirements of the department of public works for the purpose of access to a farm subdivision.

   (B) Roads within a farm subdivision shall be the property and the responsibility of the subdivider, lot owner and/or lessees pursuant to an executed roadway maintenance agreement.

(1995, ord 95-136, sec 2.)

* Editor's Note: Section 25-160 (a), no longer exists. See section 25-5-82.
§ 23-115  HAWAI'I COUNTY CODE

Section 23-115. Nullification.  
In the event that conditions relative to the area in which a farm subdivision is located change to such extent that a farm subdivision is no longer feasible or desirable, the lessor-owner may apply to the planning director to nullify the farm subdivision, provided that the consent of all lessees within the subdivision is secured. Upon the approval of the nullification of the farm subdivision by the planning director the parcel shall revert to its original status.  
(1995, ord 95-136, sec 2.)

Except as provided in this Article, the subdivision process for a farm subdivision shall be complied with pursuant to this chapter.  
(1995, ord 95-136, sec 2.)

Article 11. Pre-Existing Lots.

Section 23-117. Purpose.  
The purpose of this article is to specify the criteria by which a pre-existing lot may be recognized and to state how certain uses will be accounted for during a consolidation/resubdivision action.  
(2002, ord 02-110, sec 3.)

Section 23-118. Criteria to determine a pre-existing lot.  
The director shall certify that a lot is pre-existing if the lot meets one of the following criteria:  
(a) The lot was created and recorded prior to November 22, 1944 or the lot was created through court order (e.g. partition) prior to July 1, 1973, and the lot had never been legally consolidated, provided that no pre-existing lot shall be recognized based upon a lease except for a lease which complied with all other applicable laws when made, including Territorial statutes regulating the sale or lease of property by lot number or block number, and on September 25, 2002, the proposed lot contains a legal dwelling, or has been continuously leased since January 8, 1948, as a separate unit.  
(b) The lot was created prior to December 21, 1966, as an agricultural lot in excess of twenty acres pursuant to County ordinance.  
(c) The lot was created through evidence of a properly prepared deed and/or subdivision plat for fee simple ownership of such lot to a grantee other than the grantor or a grantor’s trust which deed was recorded at the State of Hawai‘i Bureau of Conveyances or with the Registrar of the Land Court prior to May 1, 1999, and was subsequently depicted on a County of Hawai‘i Tax Map, was issued a tax map parcel number therefor, and was individually assessed for real property taxation purposes.  
(2002, ord 02-110, sec 3; am 2018, ord 18-12, sec 1.)
Section 23-119. Proof.

The owner of property seeking certification as a pre-existing lot shall provide reasonable evidence to meet the criteria set forth therein, provided that recognition of a lot based on a lease shall be supported by evidence that a valid lease was in existence on January 8, 1948, which specifies the boundaries of the claimed lot with reasonable certainty.

(2002, ord 02-110, sec 3.)
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(d) **Kaʻū**
- South Point Road.

(e) **Kohala**
- Māmalahoa Highway (Highway 190), from Lindsey Road to the end of the County-maintained portion eighty-one feet south of Lalamilo Farm Road.
- Mānā Road, from Māmalahoa Highway for a distance of two thousand two hundred feet.
- Paniolo Avenue from Paniolo Place to its terminus.
- Puakō Beach Road, from the Queen Kaʻahumanu Highway to a point five hundred feet makai of the Rubbish Dump Road.
- Waikoloa Road, beginning at ʻAuwaiakeakua Gulch Bridge and extending 1.1 miles in the mauka direction.

(f) **Kona**
- Aliʻi Drive, from Kamehameha III Road to Māmalahoa Bypass Highway.
- Hīna-Lani Street, Māmalahoa Highway (Route 190) to ʻAnini Street.
- Hiona Street.
- Kaʻiminani Drive, from Ane Keohokālole Highway to Highway 190.
- Kaʻiminani Drive, from Highway 19 to Lauʻi Street.
- Kaʻiminani Drive, Queen Kaʻahumanu Highway to Lauʻi Street.
- Kaloko Drive, from the Hawaiʻi Belt Road (Route 190) to a point .5 mile in the easterly direction.
- Kamehameha III Road, from Kuakini Highway to Aliʻi Drive.
- Kuakini Highway, from a point four hundred feet south of Hualalai 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.
- Palani Road, from FASC Route 180 (Hōlualoa Road) to Queen Kaʻahumanu Highway.

(g) **Puna**
- Ainaloa Boulevard, from Highway 130 to Stardust Drive.
- Hāpuʻu Road, from Maui Road to its northern terminus.
- Kahakai Boulevard, from a point fifty eight feet northeast of ‘Aʻama Street to its northeastern terminus.
- Kalapana-Kapoho Beach Road, from its northern terminus to Kapoho Kai Drive.
- Kēhau Road, from Maui Road to its northern terminus.
- 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; am 2018, ord 18-38, secs 1 and 2.)

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
(c) **South Hilo**

- Ponahawai Street, from a point 0.2 mile mauka of Kapi‘olani Street to Komohana Street.
- Puainako Street, westbound lane, from a point 3.30 miles west of Komohana Street to a point four hundred fifty feet west of Kaūmana Drive and eastbound lane from its western terminus to a point 0.46 mile east of Wilder Road.

(d) **Ka‘ū**

- Kamā‘oa Road, from a point three miles west of Route 11 to South Point Road.

(e) **Kohala**

(f) **Kona**

- Kaloko Drive, from a point .5 mile east of Hawai‘i Belt Road (Route 190) to its eastern terminus.

(g) **Puna**


Section 24-260. Schedule 8. 45 mile per hour limit.

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

(a) **Hāmākua**

(b) **North Hilo**

(c) **South Hilo**

- Komohana Street, from Puainako Street to Ponahawai Street.
- Mohouli Street, Komohana Street to Uluwai Street.
- Puainako Street, eastbound lane, from a point 3.44 miles east of Wilder Road to a point seven hundred feet in the easterly direction.

(d) **Ka‘ū**

(e) **Kohala**

- Māmalahoa Highway in Waimea, from Mud Lane to a point five thousand five hundred feet Honoka‘a (Fukushima Store) of the Waimea to Hāwī Road.
(e) Kohala (Continued)

- Saddle Road, from the 18.8 mile point to the Māmalahoa Highway in South Kohala.

- Waikoloa Road, from a point 1.1 miles mauka of ‘Auwaiakeakua Gulch Bridge and extending 1.7 miles in the mauka direction.

- Waikoloa Road, Queen Ka‘ahumanu Highway to ‘Auwaiakeakua Gulch Bridge.

(f) Kona

- Hina-Lani Street, Anini Street to Kamanu Street.

- Ka‘iminani Drive, from Ane Keohokālole Highway to Lau‘i Street.

- Kuakini Highway, from the property line between the parcels identified as Tax Map Key Numbers (3) 7-5-017:005 and (3) 7-5-017:002 to Highway 11.

- Māmalahoa Bypass Highway.

(g) Puna

- Kahukai Boulevard, Highway 130 to the property line between parcels 1-5-9:09 and 1-5-9:59.

- Kalapana-Kapoho Beach Road, from Kapoho Kai Drive and extending six thousand three hundred sixty-one feet in the southerly direction.

- Māmalahoa Highway in Kea‘au, from Milo Street to the lower Kea‘au Connection.

(1996, ord 96-163, sec 2; am 1998, ord 98-42, sec 2; ord 98-88, sec 1; ord 98-130, sec 1; am 1999, ord 99-84, sec 2; am 2000, ord 00-96, sec 3; am 2003, ord 03-8, sec 3; am 2009, ord 09-11, sec 1; am 2010, ord 10-78, sec 3; ord 10-86, sec 3; am 2012, ord 12-62, sec 2; ord 12-115, sec 2; am 2013, ord 13-53, sec 2; am 2016, ord 16-52, sec 2; am 2017, ord 17-11, sec 2; am 2018, ord 18-39, sec 1.)

Section 24-261. Schedule 9. Reserved.*

* Editor’s Note: Since this schedule duplicated schedule 8, the streets listed under this schedule were moved to schedule 8.

Section 24-262. Schedule 10. 50 mile per hour limit.
A speed limit of fifty miles per hour is established as set forth in this schedule upon the streets or portions of streets as follows:

(a) Hāmākua

(b) North Hilo
Section 24-267. Schedule 15. One way streets.
When properly posted, traffic shall move only in the direction indicated upon the following streets or portions of streets:

<table>
<thead>
<tr>
<th>(a) Hāmākua</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Māmalahoa Highway in Pa'auilo. All vehicular traffic shall move only from the Honoka'a to the Hilo direction between the Cutoff Road on the Hilo side of the Catholic Church and the Hawai'i Belt Road (Proj. DF-019-2(5)).</td>
</tr>
<tr>
<td>• 'Ōhi'a Street in Honoka'a. All vehicular traffic shall move only in the northerly direction on the 'Ōhi'a Street extension between Māmane Street and 'Ōhi'a Street.</td>
</tr>
<tr>
<td>• Pa'auilo School Park Road. All vehicular traffic shall move only from the Honoka'a to Hilo direction between the Pa'auilo Homestead Road and the Pa'auilo School Road during the hours of 7:00 a.m. to 8:15 a.m. and 1:00 p.m. to 2:30 p.m. on school days.</td>
</tr>
<tr>
<td>• Pa'auilo School Road. All vehicular traffic shall move only from the mauka to makai direction between the Pa'auilo School Park Road and Māmalahoa Highway during the hours of 7:00 a.m. to 8:15 a.m. and 1:00 p.m. to 2:30 p.m. on school days.</td>
</tr>
<tr>
<td>• Pakalana Street in Honoka'a. All vehicular traffic shall move only in the southerly (mauka) direction from Māmane Street to Kamanī Street between the hours of 7:00 a.m. and 3:00 p.m. on school days only.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(b) North Hilo</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Māmalahoa Highway in Nīnole. All vehicular traffic shall move only from the Hilo to the Hāmākua direction.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(c) South Hilo</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Bayfront Parking Lot Driveway located two hundred forty feet Hāmākua of Mamo Street in the mauka direction.</td>
</tr>
<tr>
<td>• A portion of Derby Street and Barenaba Street extension. All vehicular traffic shall move only out (mauka to makai) into Kīlauea Avenue between Barenaba Street and Kīlauea Avenue.</td>
</tr>
<tr>
<td>• Furneaux Lane. All vehicular traffic shall move in the mauka direction, Kamehameha Avenue parking lot to Kīlauea Avenue.</td>
</tr>
<tr>
<td>• Holomalia Street. All vehicular traffic shall move only from makai to mauka between Ipuka Street and Popolo Street.</td>
</tr>
<tr>
<td>• Kalākaua Street. All vehicular traffic shall move in the mauka direction from Kamehameha Avenue to Kino'ole Street.</td>
</tr>
<tr>
<td>• Kapi'olani Street. All vehicular traffic shall move in the Puna direction between Waiānuenue Avenue and Haili Street, between the hours of 5:00 a.m. and 1:00 p.m. on Sundays.</td>
</tr>
</tbody>
</table>
### (c) South Hilo (Continued)

- Kapi'olani Street. All vehicular traffic shall move in the Puna direction from Waiānuenue Avenue to Haili Street between the hours of 7:15 a.m. and 8:00 a.m. on school days.

- Keawe Street. All vehicular traffic shall move in the Hāmākua direction from Kīlauea Avenue to Wailuku Drive.

- Keaukaha Road, from Kalaniana'ole Street to Kamokuna Street.

- Kekaulike Street. All vehicular traffic shall move in the Hāmākua direction from Waiānuenue Avenue to Wailuku Drive.

- Kīlauea Avenue. All vehicular traffic shall move in the Puna direction from Haili Street to Mamo Street.

- Kīlauea Avenue. All vehicular traffic shall move in the Hāmākua direction from Ponahawai Street to Mamo Street.

- Kino'ole Street. All vehicular traffic shall move in the Puna direction from Wailuku Drive to Ponahawai Street.

- Kūkūau Street. All vehicular traffic shall move only from makai to mauka between Kīlauea Avenue and Kino'ole Street.

- Lele Street. All vehicular traffic shall move in the Hāmākua direction, Punahele Street to Kaūmana Drive.

- Lihiwai Street. All vehicular traffic shall move in the westerly direction from Keliipio Place to the roadway leading to the pier and lighthouse.

- Māmalahoa Highway. All vehicular traffic shall move only from Hāmākua to Puna between the Old Volcano Road leading to the Tuberculosis Rehabilitation Center and FAP F 2(3) (Kanoelehua Street Extension).

- Mo'oheau Bus Terminal, the southernmost driveway, in the makai direction and the area fronting the bus terminal in the Hāmākua direction.

- Nawahi Lane. All vehicular traffic shall move only from makai to mauka between Kamehameha Avenue and Punahoa Street.

- Shipman Street. All vehicular traffic shall move in the makai direction from Kekaulike Street to Kamehameha Avenue.

- Ululani Street. All vehicular traffic shall move in the Hāmākua direction from Wailoa Street to Hualālai Street and from Waiānuenue Avenue to Wailuku Drive.

- Waiānuenue Avenue. All vehicular traffic shall move in the makai direction from Komohana Street to Kamehameha Avenue between the hours of 7:15 a.m. and 8:00 a.m. on school days.

- Wailuku Drive. All vehicular traffic shall move in the mauka direction from Kamehameha Avenue to Kino'ole Street.

### (d) Kaʻū
(e) Kohala

(f) Kona

- Hōnaunau Beach Road. All vehicular traffic shall move in the northerly direction from the City of Refuge Access Road to Route 160.

- Likana Lane in Kailua-Kona. All vehicular traffic shall move only in a northerly direction between Ali'i Drive and the driveway of the Kona Seaside Hotel.

- Sarona Road in Kailua-Kona. All vehicular traffic shall move in the easterly direction from Ali'i Drive to a point approximately two hundred feet west of Kuakini Highway.

(g) Puna

(1996, ord 96-163, sec 2; am 1998, ord 98-85, sec 1; am 1999, ord 99-98, sec 1; am 2001, ord 01-96, sec 6; ord 01-119, sec 2; am 2003, ord 03-147, sec 1; am 2005, ord 05-90, sec 1; am 2008, ord 08-64, sec 1; am 2010, ord 10-87, sec 1; am 2012, ord 12-103, sec 2; am 2018, ord 18-4, sec 1.)

Section 24-268. Schedule 16. Turn right anytime with caution.

When signs are erected giving notice, the provisions of section 24-171 shall apply to the following locations:

(a) Hāmākua

- At the northeast corner of Māmalahoa Highway and the plantation road near the Pā'auhau Sugar Company manager's home.

(b) North Hilo

(c) South Hilo

- Noe Street at its intersection with Kalili Street, for vehicles headed in the Puna direction.

- Pohakulani Street at its intersection with Ainaola Drive for vehicles traveling in the Puna direction.

(d) Kaʻū

(e) Kohala

(f) Kona
(g) Puna

- Kahakai Boulevard at its intersection with Pūnāwai Street for vehicles traveling in the mauka direction.
- Kea'au Loop at its intersection with Ha'a Street/Kea'au Loop, for vehicles headed in the Puna direction.

(1996, ord 96-163, sec 2; am 1998, ord 98-84, secs 1 and 2.)

Section 24-269. Schedule 17. Right turns only.
The following are designated as areas restricted to right turns only:

(a) Hāmākua

(b) North Hilo

(c) South Hilo

- Hāla'i Street at Waiānuenue Avenue, northwest bound 7:15 a.m. to 8:00 a.m. on school days only.
- Punahahele Street, mauka bound at Kaūmana Drive.
- Punahahele Street at Komohana Street, makai bound vehicle, 7:15 a.m. to 8:00 a.m. school days only.

(d) Ka'ū

(e) Kohala

(f) Kona

- Sarona Road, east bound, at Kuakini Highway.

(g) Puna

(1996, ord 96-163, sec 2; am 2000, ord 00-140, sec 1; am 2005, ord 05-90, sec 2.)

Section 24-270. Schedule 18. Left turns only.
The following areas are restricted to left turns only:

(a) Hāmākua

(b) North Hilo
(f) **Kona (Continued)**

- Halei'i Street, at mid-block crosswalk, two hundred seventy feet east of Mamao Street.
- Henry Street/Lanihau Shopping Center.
- Henry Street/Walmart
- Kamehameha III Road/Ali'i Highway.
- Kamehameha III Road at Hill Haven Subdivision.
- Kuakini Highway/Hanama Street.
- Kuakini Highway/Henry Street.
- Kuakini Highway/Hualālai Road.
- Kuakini Highway/Kalanī Street.
- Kuakini Highway/Palani Road.
- Makala Boulevard, at the Kona Commons Driveway, one thousand five hundred twenty-five feet southwest of Queen Ka'ahumanu Highway.
- Makala Boulevard, at the Kona Commons Driveway, one thousand one hundred fifteen feet southwest of Queen Ka'ahumanu Highway.
- Makala Boulevard/Luhia Street.
- Palani Road/Henry Street.
- Palani Road/Lanihau Shopping Center.
- Route 11/Halei'i Street.
- Route 11/Konawaena Elementary School Road.
- Route 11/Konawaena School Road.

(g) **Puna**

(1996, ord 96-163, sec 2; am 1997, ord 97-112, sec 1; am 2000, ord 00-86, secs 1 and 3; ord 00-123, sec 1; am 2002, ord 02-83, sec 1; am 2003, ord 03-164, sec 1; am 2009, ord 09-28, sec 1; ord 09-29, sec 1; ord 09-67, sec 1; ord 09-68, sec 1; ord 09-110, sec 2; ord 09-111, sec 2; ord 09-112, sec 2; am 2013, ord 13-56, sec 2.)

**Division 3. Bus Stops and Public Road Taxi Stands.**

**Section 24-275. Schedule 23. Bus stop locations.**

When signs or markings are provided, bus stops in the County shall be located at the following locations, and no person shall stop, stand, or park a vehicle therein:

(a) **Hāmākua**

- Pakalana Street, west side, from a point four hundred sixty feet south of Highway 240 and extending eighty-five feet in the southerly direction, between the hours of 12:00 p.m. and 3:00 p.m. on school days only.
### (b) North Hilo

- Aupuni Street, southwest side, from a point seven hundred seventy-three feet southeast of Pauahi Street and extending forty feet in the southeasterly direction.

- Banyan Drive, northwest (makai) side, from a point nine hundred thirteen feet northeast of the northern intersection of Lihiwai Street and extending eighty-seven feet in the northeasterly direction, between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday.

- Banyan Drive, southeast (golf course) side from a point seven hundred nineteen feet northeast of the northern intersection of Lihiwai Street and extending ninety-one feet in the northeasterly direction, between the hours of 6:00 a.m. and 6:00 p.m., Monday through Sunday.

- East Kāwili Street, north side, beginning from a point one hundred eighteen feet west of the intersection of Hinano Street and East Kāwili Street and extending in the western direction for a distance of one hundred twenty feet, from 6:00 a.m. to 6:00 p.m., Monday through Saturday.

- East Kāwili Street, south side, beginning from a point ninety-three feet east of the intersection of Manono Street and East Kāwili Street and extending in the eastern direction for a distance of one hundred twenty feet, from 6:00 a.m. to 6:00 p.m., Monday through Saturday.

- Fronting the Hilo Bus Terminal Building at Mo'oheau Park for a distance of eighty feet.

- Hualālai Street, Puna side, beginning at a point thirty feet makai of Kapi'olani Street and extending sixty feet in the makai direction between the hours of 2:30 p.m. and 3:30 p.m. on school days only.

- Kamehameha Avenue, west side, beginning from a point sixty feet south of Kalākaua Street and extending fifty feet in the southerly direction, from 12:30 p.m. to 2:30 p.m., on school days.

- Kapi'olani Street, east side, beginning from a point five feet north of the Church of Holy Apostles driveway and extending in the northern direction for a distance of forty feet.

- Kapi'olani Street, west side, beginning from a point eighty-eight feet southeast of the Hāmākua entrance driveway of the University of Hawai'i and extending in the southeastern direction for a distance of one hundred twenty feet, from 6:00 a.m. to 6:00 p.m. Monday through Saturday.
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#### (c) South Hilo (Continued)

- **Kekūanaō’a Street**, south side, beginning from a point one hundred thirty-seven feet east of the Kīlauea Avenue intersection and extending in the eastern direction for a distance of fifty feet.

- **Kīlauea Avenue**, west side, beginning from a point three hundred eighty-three feet south of Kawai’alani Street and extending one hundred forty-eight feet in the southerly direction.

- **Lanikāula Street**, Puna side, beginning from a point five hundred seventy-one feet makai of Kapi‘olani Street and extending one hundred sixty-one feet in the makai direction, from 7:00 a.m. to 8:00 a.m. and from 3:00 p.m. to 4:00 p.m. on school days.

- **Mohouli Street**, Hāmākua side, beginning at a point three hundred eighty feet mauka of Kīlauea Avenue and extending in the mauka direction for a distance of one hundred feet, from 7:00 a.m. to 8:00 a.m. and from 1:00 p.m. to 2:30 p.m. on school days.

- **Shipman Street**, adjacent to parcels 2-3-004:003 and 2-3-004:004, from 8:00 a.m. to 12:00 p.m., on school days.

- **Waiānuenue Avenue**, east side, beginning from a point sixty feet mauka of the Hālā‘i Street intersection, and extending in the makai direction for a distance of forty feet.

- **Waiānuenue Avenue**, Hāmākua side, at the Hilo High School beginning at its exit and extending for seventy-five feet in the westerly direction, from 1:30 p.m. to 3:00 p.m. on school days only.

- **Waiānuenue Avenue**, Puna side, beginning from a point eight hundred twelve feet makai of Laimana Street and extending two hundred twelve feet in the makai direction from 1:00 p.m. to 2:30 p.m. on school days.

- **Waiānuenue Avenue**, Puna side, beginning from a point sixty feet makai of Kino‘ole Street and extending eighty feet in the makai direction.

- **Waiānuenue Avenue**, Puna side, from the makai driveway of Hilo Intermediate School and extending one hundred eighty feet in the makai direction from 1:00 p.m. to 3:00 p.m. on school days.

- **Waiānuenue Avenue**, Puna side, lane within the unloading area at Hilo High School between the passenger shed fronting the Hilo High School cafeteria and the passenger shed near the exit of the unloading area, from 2:00 p.m. to 3:00 p.m. on school days.

- **Waiānuenue Avenue**, west side, beginning from a point sixty feet makai of the entrance to the Church of God, and extending in the mauka direction for a distance of forty feet.

- **Waiānuenue Avenue**, west side, beginning from the mauka side of the Hawai‘i Public Library exit driveway and extending in the mauka direction for a distance of fifty feet.

24A-39
(d) Ka'ū

(e) Kohala

- Māmalahoa Highway, Route 190, south side, beginning from a point one hundred thirty feet east of the school driveway and extending two hundred fifty feet in the easterly direction from 7:00 a.m. to 8:00 a.m. and from 2:00 p.m. to 3:00 p.m. on school days.

(f) Kona

- Ali'i Drive, makai side, beginning from a point nine feet north of the Hulihe'e Palace yard driveway and extending in the northern direction for a distance of seventy-five feet.

- Palani Road, north side, beginning from a point ninety-five feet mauka of the mauka driveway of the Kailua Shopping Center and extending in the mauka direction for a distance of one hundred fifty feet.

- Palani Road, south side, beginning from a point two hundred fifty-eight feet mauka of the First Hawaiian Bank driveway and extending in the mauka direction for a distance of one hundred forty-five feet.

- Route 11, east side, from a point one-hundred ninety-seven feet north of Kinue Road and extending seventy-five feet in the northerly direction.

(g) Puna

- North Glenwood Road, beginning at a point 2.1 miles northwest of Highway 11 and extending one hundred feet in the northeasterly direction.

(1996, ord 96-163, sec 2; am 1996, ord 96-138, secs 1, 2, and 3; am 1998, ord 98-74, sec 1; ord 98-118, sec 1; am 2001, ord 01-9, sec 1; ord 01-66, sec 1; ord 01-67, sec 2; am 2003, ord 03-138, sec 1; am 2007, ord 07-167, sec 1; am 2008, ord 08-110, sec 1; am 2011, ord 11-119, sec 2; am 2012, ord 12-102, sec 2; ord 12-122, sec 2; am 2013, ord 13-34, sec 2; am 2014, ord 14-48, secs 2 and 3; ord 14-60, sec 2; am 2015, ord 15-4, sec 2; am 2018, ord 18-45, sec 1.)


When signs or markings are provided, public road taxi stands in the County shall be located at the following locations, and no person shall stop, stand, or park a vehicle therein:

(a) Hāmākua

(b) North Hilo
### VEHICLES AND TRAFFIC

#### § 24-278

<table>
<thead>
<tr>
<th>(c) South Hilo</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Waiānuenue Avenue in South Hilo, from Kapiʻolani Street to Hālaʻi Street, during the school hours of 7:00 a.m. to 8:00 a.m. and 2:00 p.m. to 3:00 p.m., except at marked crosswalks.</td>
</tr>
</tbody>
</table>

| (d) Kaʻū |
| (e) Kohala |
| (f) Kona |
| (g) Puna |

(1996, ord 96-163, sec 2; am 2010, ord 10-82, sec 1; am 2013, ord 13-52, sec 2.)

### Division 5. Parking.

#### Section 24-279. Schedule 27. Parking on pavement prohibited at all times.
When signs are erected giving notice thereof, no person shall at any time park a vehicle upon any of the following described streets or portions of streets:

| (a) Hāmākua |
| • Loke Street, both sides, between Ohia Street and Miulana Place. |

| (b) North Hilo |

| (c) South Hilo |
| • Desha Avenue, both sides, between Andrews Avenue and Baker Avenue. |
| • Government Road (TMK 2-7-029), North Hāmākua side, from a point five hundred fifty-seven feet West of Old Māmalahoa Highway to Western terminus. |
| • Government Road (TMK 2-7-029), South Hilo side. |
| • Hualilili Street, both sides, beginning at Kaūmana Drive and extending one hundred sixty-eight feet in the southeasterly direction. |
| • Kaʻieʻie Homestead Road, for its entire length. |
| • Kilauea Avenue, both sides, between Kawaihali Street and Ohea Street. |
| • The old Māmalahoa Highway, mauka side, beginning at the Plantation Road and ending at the unnamed roadway leading into Onomea Park Subdivision. |
| • Pukihae Street, for its entire length. |
Section 24-279. Schedule 28. No parking at anytime.

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

(a) Hāmākua

- Kika Street, Waipi'o side, in Honoka'a.
- Ko'a Street, makai side, in Honoka'a.
- Koniaka Place, for its entire length.
- Kukui Street, beginning at Pakalana Street and extending five hundred ninety feet in the easterly direction.
- Lehua Street, Hilo side from Māmane Street to the Catholic Church.
- Lehua Street, Waipio side, beginning from Māmane Street and ending one hundred seventy feet in the mauka direction.
- Māmalahoa Highway, mauka side, from the Pa'auilo School Road to the Hawai'i Belt Road (Project DF-019-2(5)) in Pa'auilo.
- Pakalana Street, Waipio side, from Māmane Street to a distance of one hundred feet mauka of Kukui Street.
- Plumeria Street, Waipio side, in Honoka'a.
<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Ord. No.</th>
<th>Effective Date</th>
<th>General Location</th>
<th>TMK of Parcel Affected</th>
<th>Original Zoning</th>
<th>Final Zoning</th>
<th>1975 C.C.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(39)</td>
<td>97-09</td>
<td>1-20-1997</td>
<td>Waimea, South Kohala</td>
<td>6-5-08:32</td>
<td>A-1a</td>
<td>RS-15</td>
<td></td>
</tr>
<tr>
<td>(40)</td>
<td>97-24</td>
<td>2-27-1997</td>
<td>Waimea, South Kohala</td>
<td>6-5-07:25</td>
<td>A-1a</td>
<td>RS-10</td>
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<td>(41)</td>
<td>97-95</td>
<td>7-3-1997</td>
<td>Puukapu Homesteads, First Series, Puukapu, South Kohala</td>
<td>6-4-01:35</td>
<td>A-40a</td>
<td>FA-3a</td>
<td></td>
</tr>
<tr>
<td>(42)</td>
<td>98-23</td>
<td>3-16-1998</td>
<td>Puukapu, Waimea, South Kohala</td>
<td>6-4-01:92</td>
<td>A-5a</td>
<td>CN-7.5</td>
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<tr>
<td>(43)</td>
<td>98-67</td>
<td>7-2-1998</td>
<td>Puukapu, Waimea, South Kohala</td>
<td>6-4-2:148</td>
<td>A-3a</td>
<td>FA-1a</td>
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<td>(44)</td>
<td>99-22</td>
<td>2-28-1999</td>
<td>Puukapu, Waimea, South Kohala</td>
<td>6-4-2:3</td>
<td>A-40a</td>
<td>A-5a</td>
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<td>(45)</td>
<td>99-24</td>
<td>2-28-1999</td>
<td>Puukapu, Waimea, South Kohala</td>
<td>6-4-01:Por. of 42</td>
<td>A-5a</td>
<td>RS-10, CV-7.5</td>
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<td>(46)</td>
<td>99-114</td>
<td>10-8-1999</td>
<td>Puukapu, Waimea, South Kohala</td>
<td>6-4-01:124 and Por. Of 140</td>
<td>A-5a, RS-15</td>
<td>RA-5a</td>
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<td>99-148</td>
<td>12-10-1999</td>
<td>Puukapu, Waimea, South Kohala</td>
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<td>A-5a</td>
<td>CN-10, RS-10, RS-20</td>
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<td>99-152</td>
<td>12-10-1999</td>
<td>Puukapu, Waimea, South Kohala</td>
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<td>CV-7.5, FA-3a</td>
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<td>(49)</td>
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<td>9-18-2000</td>
<td>Lanikepu, Waimea, South Kohala</td>
<td>6-2-1:91</td>
<td>A-40a</td>
<td>A-5a</td>
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<td>01-115</td>
<td>11-30-2001</td>
<td>Puukapu, South Kohala</td>
<td>6-4-30:15</td>
<td>A-40a</td>
<td>A-5a</td>
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<td>(51)</td>
<td>02-25</td>
<td>2-28-2002</td>
<td>Ouli, Lanikepu, Lalamilo, Waikoloa and Puukapu, Waimea, South Kohala</td>
<td>6-2-01:9; 6-07-01: Por. of 25; 6-7-02: 9, 48, and Por. of 17; and 6-8-01:Por. of 1 and 8</td>
<td>(Amends Ord. 96-117)</td>
<td>(Effective date 9-26-96)</td>
<td></td>
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<tr>
<td>Paragraph</td>
<td>Ord. No.</td>
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<td>General Location</td>
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<td>(52)</td>
<td>02-98</td>
<td>8-28-2002</td>
<td>Puukapu, Waimea, South Kohala</td>
<td>6-4-24:22</td>
<td>(Amends Ord. 94-56)</td>
<td>(Effective date 5-18-94)</td>
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<td>(53)</td>
<td>02-99</td>
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THE HAWAI‘I COUNTY CODE

Update to include: Supplement 4 (7-2018)
Contains ordinances effective through: 06-30-18

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

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

Volume Three
Division 4. Permits.

Section 26-2-41. Permits.
Section 26-2-42. Firecrackers.
Section 26-2-43. Consumer fireworks for cultural purposes.
Section 26-2-44. Aerial devices, display fireworks, and articles pyrotechnic.
Section 26-2-45. General permit provisions.
Section 26-2-46. Permit application process.
Section 26-2-47. Compliance and revocation.

Division 5. Importation and Exportation.

Section 26-2-51. Licensee’s duty of notification.
Section 26-2-52. Inspection of fireworks.
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Division 6. Enforcement and penalties.

Section 26-2-61. Penalties.

Article 3. Fire board of appeals.

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Section 26-3-2. Fire board of appeals established; appointment; qualifications.
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Article 3. Fire board of appeals.

Section 26-3-1. Definitions.
Whenever used in this article, unless the context otherwise requires:
“Board” means the fire board of appeals.
“County fire code” means chapter 26, article 1, of this Code.
“Fire chief” means the chief of the Hawai‘i fire department or the chief’s designated representative.
“Fireworks code” means chapter 26, article 2, of this Code.

Section 26-3-2. Fire board of appeals established; appointment; qualifications.
(a) There shall be a fire board of appeals consisting of five members who shall be appointed by the mayor and confirmed by the council in the manner prescribed by section 13-4 of the Charter. Three voting members of the board shall constitute a quorum.
(b) Upon the initial appointment of members pursuant to this division, one shall be appointed for a term of one year, two for terms of two years, and two for terms of three years. Thereafter, board members shall serve three year terms pursuant to this section.
(c) Members shall be residents of the County of Hawai‘i who possess education, experience, and knowledge in one or more of the following fields or professions:
(1) Engineering or architectural design;
(2) General contracting;
(3) Fire protection contracting;
(4) Fire department operations or fire code enforcement;
(5) Building code enforcement; or
(6) Legal.
(d) Members shall not be employees, agents, or officers of the County.

Section 26-3-3. Powers; duties; functions.
(a) The fire board of appeals shall hear and issue rulings on appeals from final decisions of the fire chief relating to article 1, the County fire code and article 2, the fireworks code.
(b) Rulings of the board shall interpret and be consistent with the County fire code and the fireworks code. In the event that any provision of the code is found to be ambiguous, the board shall interpret the intent of the code in a manner that affords due consideration for the safety of the public and firefighters.
(c) The board may grant alternatives or modifications to the provisions or requirements of the County fire code and the fireworks code, provided the following requirements are met:

(1) Equivalencies.
Systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by the County fire code and the fireworks code, may be allowed, provided technical documentation is submitted to the fire chief that demonstrates equivalency and that the system, method, or device is approved for the intended purpose.

(2) Alternatives.
The requirements of the County fire code and fireworks code may be altered by the fire chief to allow alternative methods that secure equivalent fire safety. In no case shall the alternative afford less fire safety than, in the judgement of the fire chief, would be provided by compliance with the provisions contained in the County fire code and fireworks code.

(3) Modifications.
The requirements of the County fire code and fireworks code may be modified by the fire chief upon application in writing by the owner, a lessee, or a duly authorized representative where there are practical difficulties in carrying out the provisions of the County fire code or fireworks code, provided that the intent of the Code is complied with, public safety secured, and substantial justice done.

(d) The board may not waive the requirements of the County fire code or the fireworks code.

(e) Board decisions shall not be precedent setting.

(f) The board may adopt rules for the conduct of its business that are consistent with the County fire code and the fireworks code.

(2018, ord 18-15, sec 2.)

Section 26-3-4. Appeals.

(a) Any person directly affected by a decision of the fire chief relating to the administration of the County fire code or the fireworks code shall have standing to file an appeal of such decision with the fire board of appeals when it is asserted that one or more of the following conditions exists:

(1) The true intent of the County fire code or fireworks code has been incorrectly interpreted;

(2) The provisions of the County fire code or fireworks code do not fully apply; or

(3) A decision was unreasonable or arbitrary when applied to alternatives or new materials.

(b) An appeal shall be submitted to the fire chief in writing within thirty calendar days of the notification of violation. The appeal shall outline all of the following:

(1) The County fire code or fireworks code provision or provisions from which relief is sought;

(2) A statement indicating which provisions of subsection (a) apply;
(3) Justification indicating why the provision of subsection (a) applies;
(4) A requested remedy; and
(5) Justification stating specifically how the requested remedy complies with the County fire code or fireworks code, secures public safety, and secures fire fighter safety.

(c) Documentation supporting an appeal shall be submitted to the fire chief at least seven calendar days prior to the fire board of appeals hearing on the matter.

(2018, ord 18-15, sec 2.)

Section 26-3-5. Meetings.
(a) The board shall select one of its members to serve as chairperson and one member to serve as vice chairperson.
(b) Meetings of the board shall be held at the call of the chairperson, at other times the board determines necessary, and within thirty calendar days of the filing of a notice of appeal.
(c) All hearings before the board shall be conducted pursuant to chapter 92, Hawai`i Revised Statutes, relating to public agency meetings and records.

(2018, ord 18-15, sec 2.)

Section 26-3-6. Records.
(a) The board shall keep minutes of its proceedings. These minutes shall include every decision of the board and the vote of each member. A member’s absence or failure to vote on a question shall also be recorded in the minutes.
(b) The board shall keep records of its examinations and other official actions.
(c) Minutes and records of the board shall be public records, pursuant to chapter 92, Hawai`i Revised Statutes.

(2018, ord 18-15, sec 2.)

Section 26-3-7. Decisions.
(a) To vary the application of any provision of the County fire code or fireworks code, or modify an order of the fire chief made pursuant to these codes, at least three affirmative votes shall be required.
(b) Decisions of the board to modify an order of the fire chief shall:
   (1) Be in writing; and
   (2) Specify the manner in which such modification is made, the conditions upon which it is made, the reasons therefore, and justification for the modification linked to specific code sections.
(c) Every decision of the board shall be timely filed in the fire chief’s office and be open to public inspection, pursuant to chapter 92, Hawai`i Revised Statutes.
(d) A certified copy of a decision of the board shall be sent by mail or delivered in person to the appellant and a copy shall be publicly posted in the office of the fire chief for two weeks after filing.
(e) A decision of the fire board of appeals shall be final. A party may obtain judicial review of the fire board of appeals final decision in the manner set forth in section 91-14, Hawai'i Revised Statutes.

(f) If a decision of the board reverses or modifies a refusal, order, or disallowance of the fire chief, or varies the application of any provision of the County fire code or fireworks code, the fire chief shall take action promptly in accordance with such decision.

(g) No member of the board shall sit in judgment on any case in which the member holds a direct or indirect property or financial interest in the case.

(2018, ord 18-15, sec 2.)
“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.


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.

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.

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.
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 floodplain 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 using methods and practices that minimize flood damage;
      (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) 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; and
      (vi) With respect to new and replacement utilities, compliant 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 maintenance.
   The floodplain administrator shall maintain the following:
   (A) The Flood Insurance Study and Flood Insurance Rate Maps for the County of Hawai‘i;
(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) Notification of actions that may alter the boundaries of flood hazard areas on Federal Emergency Management Agency Flood Insurance Rate Maps.
(A) The floodplain administrator shall notify the council of the following actions when they relate to areas located within Hawai‘i County:
   (i) A Federal Emergency Management Agency initiated map study or restudy of flood hazard areas;
   (ii) A floodplain administrator initiated map revision process, pursuant to part 65 of the National Flood Insurance Program Regulations; and
   (iii) A floodplain administrator initiated map revision process, pursuant to a Federal Emergency Management Agency Cooperative Technical Partners Initiative.
(B) Notification shall consist of a written message from the floodplain administrator to the County council and shall be submitted to the County council as soon as practical, but no later than sixty days after the date the department of the floodplain administrator initiates any of the actions described in paragraph (3)(A) of this section. Notification shall include, but not be limited to:
   (i) Identification of the stream or general area being studied or revised;
   and
   (ii) The name of the entity undertaking the flood mapping study, restudy, or revision process.

(4) Interpretation of maps.
The floodplain administrator 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.

(5) Initiating changes 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.

(6) Using 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 floodplain administrator for consideration.

(7) 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; and
   (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 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 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; and
      (ii) Within sixty days of receiving final approval from the floodplain administrator for the completion of the alteration or relocation of a watercourse, the request for a Letter of Map Revision, and all other information required by the Letter of Map Revision process shall be submitted to the Federal Emergency Management Agency.

(8) Violations.
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; am 2018, ord 18-25, sec 3.)
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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.
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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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**2018**

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<td>26-3-1 to 26-3-7 (new article)</td>
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<td>Names a building at the Ho'olulu Complex “Aunty Dottie Thompson Hale”</td>
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<td>Names lower ballfield at Honoka'a Park “Lala Epenesa, Jr. Ballfield”</td>
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<td>Names Pāhoa District Park and adds it to the farmers market facility schedule</td>
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<td>Charter amendment – compensation; salary commission</td>
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<td>Commercial sponsorship of County assets</td>
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<td>Creates additional funding sources for the County Workforce Innovation and Opportunity Act Program</td>
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<td>Names the County park within Ali'i Kai subdivision, the “Ali'i Kai Park”</td>
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<td>General Obligation Bond ($10,200,000 – Six-year CIP FY 2017-18 per Ord. No. 17-40)</td>
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<td>Salary Ordinance of 2018</td>
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<td>Adds Mo’oheau Park to the farmers market facility schedule</td>
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<td>General Obligation Bond ($30,500,000 – Six-year CIP FY 2017-18 per Ord. No. 17-40)</td>
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<td>Names former site of Pu’u Maile Hospital &quot;Lehia Beach Park&quot; and prohibits intoxicating liquors at the park</td>
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<td>06-29-18</td>
<td>Establishes .25% general excise and use tax surcharge and creates General Excise Tax Fund</td>
<td>2-233 to 2-236 (new article)</td>
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