

SUPPLEMENT 7 (1-2020)

Insertion Guide

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

(Covering general ordinances effective through 12-31-19 and numbered through 19-116)

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

Remove Pages

Insert Pages

VOLUME 1

Vol. 1 Cover Page _____ Vol. 1 Cover Page

Chapter 2 Administration

i – ii	_____	i – ii
ix – x	_____	ix – x
2-7 – 2-8.2	_____	2-7 – 2-8.2
2-65 – 2-68	_____	2-65 – 2-68
2-87 – 2-88	_____	2-87 – 2-88.2
2-101	_____	2-101 – 2-105

VOLUME 2

Vol. 2 Cover Page _____ Vol. 2 Cover Page

Chapter 19 Real Property Taxes

iii – iv	_____	iii – iv
19-53 – 19-56	_____	19-53 – 19-56

Chapter 20 Refuse

20-7 – 20-8	20-7 – 20-8
20-19 – 20-22	20-19 – 20-22

Chapter 25 Zoning

25-35 – 25-36	25-35 – 25-36
25-73 – 25-74	25-73 – 25-74
25-77 – 25-80	25-77 – 25-80
25-101 – 25-102	25-101 – 25-102
25-113 – 25-120	25-113 – 25-120

Chapter 25 Zoning Annexes

25A-75 – 25A-76	25A-75 – 25A-76
25A-127 – 25A-128	25A-127 – 25A-128

VOLUME 3

Vol. 3 Cover Page	Vol. 3 Cover Page
-------------------	-------------------

Index

I-19 – I-30	I-19 – I-30
I-41 – I-42	I-41 – I-42
I-77 – I-82	I-77 – I-82

Legislative History

T-1 – T-4	T-1 – T-4
T-23	T-23 – T-25

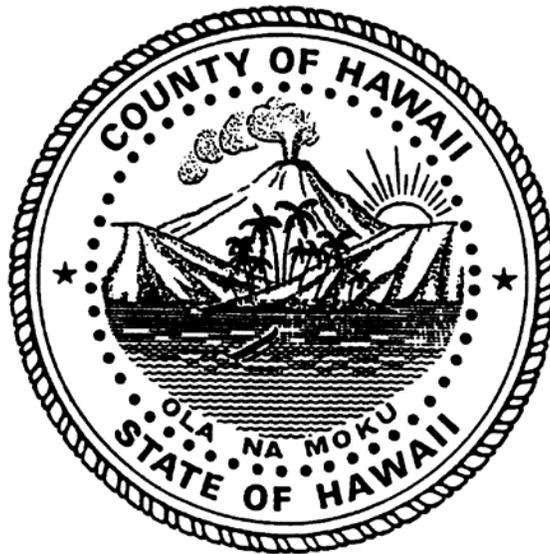
Supplement Insert Guide

--	Supp. 7 Insertion Guide
----	-------------------------

THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 7 (1-2020)
Contains ordinances effective through: 12-31-2019



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

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

Volume One

CHAPTER 2

ADMINISTRATION

Article 1. General Provisions.

- Section 2-1. Purpose of chapter.
- Section 2-2. Bonds of officials required; amount; filing; payment of premiums.
- Section 2-3. Issuance of commissions.
- Section 2-4. Subpoenas.
- Section 2-5. Inspections; charges for overtime.
- Section 2-5.1. Hawaiian language; spelling.

Article 2. Executive Branch.

- Section 2-6. Office of the mayor.
- Section 2-7. Organization of executive branch.
- Section 2-8. Order of succession to office of mayor.

Article 3. Office of the Corporation Counsel.

- Section 2-9. Settlement of claims.
- Section 2-10. Settlement of land acquisitions.

Article 3A. Office of the Prosecuting Attorney.

- Section 2-10A. Appointment of personnel.

Article 4. Department of Finance.

- Section 2-11. Issuance of warrants.
- Section 2-12. Refund of permit fees.
- Section 2-12.1. Encumbrances.
- Section 2-12.2. Lien parity.
- Section 2-12.3. Change orders and contract supplements; notification to the council.
- Section 2-12.4. Fund balance.
- Section 2-12.5. Temporary positions; notification to the council.
- Section 2-12.6. Annual revenue report.

Article 5. Fire Department.

- Section 2-13. Fire chief; appointment; qualifications.
- Section 2-14. Powers, duties and functions.
- Section 2-15. Fire commission.
- Section 2-15.1. Powers, duties and functions.

Article 6. Volunteer Fire Department.

- Section 2-16. Volunteer fire department created.
- Section 2-16.1. Volunteer fire stations.
- Section 2-17. Head of volunteer fire department.
- Section 2-18. Appointment of other personnel.
- Section 2-19. Volunteer personnel.
- Section 2-20. Mileage reimbursements for volunteer fire personnel.
- Section 2-21. Coordination of volunteer and regular fire departments.
- Section 2-22. Use of County fire-fighting equipment.
- Section 2-23. Benefits.
- Section 2-24. Extent of coverage.
- Section 2-25. Computation of wages.
- Section 2-26. Volunteers not members of volunteer fire department.

Article 7. Planning Department.

- Section 2-27. Windward and leeward planning commissions.
- Section 2-28. Quorum; meetings.
- Section 2-28.1. Community development plan.
- Section 2-29. Records of findings required; location of office.
- Section 2-30. Publication of notice.
- Section 2-31. General plan; contents; location.
- Section 2-32. Subdivision regulations.
- Section 2-33. Zoning regulations; amendments.
- Section 2-34. Application for changes or new provisions.
- Section 2-35. Repealed.
- Section 2-35.1. Urban renewal.

Article 8. Department of Research and Development.*

- Section 2-36. Purpose.
- Section 2-37. Sustainability Action Committee.
- Section 2-37.1. Duties of the committee.
- Section 2-37.2. Guidelines for committee recommendations.

Article 9. Department of Public Works.

Division 1. Organization.

- Section 2-38. Director of public works as department head.
- Section 2-39. Duties of director of public works.
- Section 2-40. Duties and functions of department.
- Section 2-41. Divisions within department.

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

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

Article 39. Workforce Innovation and Opportunity Act Program.

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

Article 40. Department of Environmental Management.

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

Article 41. Disaster and Emergency Fund.

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

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

Section 2-214. Repealed.
Section 2-214.1. Public access, open space, and natural resources preservation fund.
Section 2-214.2. Public access, open space, and natural resources preservation maintenance fund.
Section 2-215. Public access, open space, and natural resources preservation commission.

- Section 2-216. Oath of affirmation.
- Section 2-217. Duties and responsibilities of the commission.
- Section 2-218. Prioritized list of qualifying lands worthy of preservation.

Article 43. Budget Stabilization Fund.

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

Article 44. Hawai'i County Cultural Resources Commission.

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

Article 45. General Excise and Use Tax Surcharge.

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

Article 46. Commercial Sponsorship of County Assets.

- Section 2-237. Findings and purpose.
- Section 2-238. Definitions.
- Section 2-239. Commercial sponsorships.
- Section 2-240. Exclusions.
- Section 2-241. Sponsorship agreement.
- Section 2-242. Sponsorship recognition.
- Section 2-243. General requirements.
- Section 2-244. Funds received from sponsorship agreements.
- Section 2-245. Adoption of rules.

- (b) In the event of delinquencies, parity liens may be foreclosed together or in separate foreclosures and the amounts realized by foreclosure, together or separately, as applicable, shall be applied in the manner provided above for payments billed and collected together or separately.
 - (c) Notwithstanding any provision of this code to the contrary, foreclosure of any parity lien or liens shall not extinguish or otherwise affect any parity lien or liens for amounts that are not satisfied by such foreclosure.
- (2008, ord 08-157, sec 2.)

**Section 2-12.3. Change orders and contract supplements;
notification to the council.**

The director of finance shall notify the council of all change orders and contract supplements executed by the County no later than thirty days after authorization of the change order or contract supplement. Notification shall be provided by submitting a report to be placed on the council committee agenda designated to handle matters of finance. The report shall include the following: job number; contract number; project title; contract type; contracting agency, office, or department of the County; project manager; contractor or contractors; original contract amount; date the contract was awarded; number of change orders or contract supplements; total amount of the change order or contract supplement; percentage of increase or decrease; and the status of the project.

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

Section 2-12.4. Fund balance.

- (a) Definitions.

“Unassigned fund balance” means the residual classification for the general fund and includes all amounts not contained in the other classifications, such as non-spendable, restricted, committed, and assigned fund balances. Unassigned amounts are technically available for any purpose.

- (b) If a governmental fund has a fund balance deficit, then it shall be reported as a negative amount in the unassigned classification in that fund. Positive unassigned amounts will be reported only in the general fund.
- (c) The director of finance shall provide the budgetary fund balance and the fund balance designated for a future year, as separate line items, in a written report to the council no later than October 15 for the preceding fiscal year. This report shall be presented to the committee designated to review financial matters as soon as practicable after its receipt. In the absence of council committees, the report shall be sent to the council in the same time frame.
- (d) The director of finance shall provide the Comprehensive Annual Financial Report (CAFR) containing the audited, unassigned fund balance to the council no later than December 31 for the preceding fiscal year. This report shall be presented to the committee designated to hear financial matters, or in the absence of council committees, the report shall be sent to the council as soon as practicable after its receipt.

- (e) If a report may be late, the director of finance shall submit a written communication to the council with an explanation of the reason for being late before the deadlines in (c) and (d) above. The communication shall be placed on the agenda in the committee charged with financial issues or in the absence of council committees, the communication shall be sent to the council as soon as practicable. (2011, ord 11-37, sec 2.)

Section 2-12.5. Temporary positions; notification to the council.

- (a) The director of human resources shall notify the council about any person employed under a contract for less than ninety days if:
 - (1) The salary is \$2,500 or more per month; and
 - (2) The temporary position is unrelated to a state of emergency declaration.
- (b) A quarterly report shall be submitted and placed on the council committee agenda designated to handle matters of finance. The report shall contain the contractor's name, the duration of the contract, the cost of the contract, and the service to be performed. (2017, ord 17-42, sec 1.)

Section 2-12.6. Annual revenue report.

- (a) The director of finance shall submit to the council a revenue report on or before January 31 of each year. The revenue report shall cover the period of July 1 through June 30 of the previous fiscal year. The revenue report shall include information from every County agency or department that collects revenue in the form of fees, rates, or charges established by:
 - (1) Administrative rule;
 - (2) Ordinance; or
 - (3) A County board or commission.
- (b) The revenue report shall include for each entry: account number; agency or department that administers the fee, rate, or charge; type of fee, rate, or charge; date and amount of the most recent adjustment to the fee, rate, or charge; brief description of the revenue; if the fee, rate, or charge is applied on an annual, monthly, or per use basis; and the total amount of revenue collected during the applicable fiscal year. (2019, ord 19-105, sec 1.)

Article 5. Fire Department.**Section 2-13. Fire chief; appointment; qualifications.**

The fire chief shall be appointed by the fire commission and may be removed by the fire commission at its sole discretion. Any motion for removal of the fire chief must contain a statement of reasons, and the fire chief must be allowed to respond to the statement of reasons before being removed. The fire chief shall have a minimum of five years of training and experience in fire control, including at least three years of experience in a responsible administrative capacity.

(1983 CC, c 2, art 5, sec 2-13; am 2001, ord 01-109, sec 1.)

Section 2-14. [Former] Repealed.

(1983 CC, c 2, art 5, sec 2-14.)

Section 2-14. Powers, duties and functions.

The fire chief shall:

- (1) Perform firefighting and emergency services in order to save lives and property from fires and from emergencies arising on land, or the sea and hazardous terrain;
- (2) Train, equip, maintain and supervise a force of firefighting and emergency services personnel;
- (3) Monitor the construction and occupancy standards of buildings for the purposes of fire prevention and life safety;
- (4) Provide educational programs related to fire prevention and life safety;
- (5) Appoint the deputy fire chief and the private secretaries to the fire chief and the deputy fire chief;
- (6) Appoint members of the department under established personnel rules and regulations, and statutes; and
- (7) Have such other powers, duties and functions as may be required by ordinance.

(2001, ord 01-109, sec 1.)

HAWAII COUNTY CODE

This page intentionally left blank.

- (5) Allow the director, the committees of the council and their staffs, and the legislative auditor access to facilities, personnel, records, reports, files, and other related documents in order that the program, management, and fiscal practices of the nonprofit organization may be monitored and evaluated to assure the proper and effective expenditure of public funds; and
- (6) Each nonprofit organization shall submit a disclosure form along with its grant application which lists any board member, officer, director or administrator that may have a conflict of interest or potential conflict of interest, including any familial relationship with any of the following:
 - (A) A member or members of the council;
 - (B) Staff appointed by a member of the council;
 - (C) The mayor;
 - (D) The managing director;
 - (E) The director of finance; or
 - (F) The corporation counsel, the assistant corporation counsel, or a deputy corporation counsel.

The disclosure form shall specify any and all mitigation measures to avoid, in fact or appearance, any conflict of interest.

(1983 CC, c 2, art 25, sec 2-138; am 1986, ord 86-52, sec 2; am 2012, ord 12-136, sec 1.)

Section 2-139. Procedure for awarding grants.

- (a) All grant awards made to a nonprofit organization by the County shall be made in accordance with one of the following procedures:
 - (1) Grants-in-aid awarded annually in the operating budget:
 - (A) Annually, before November 30, the director shall, for the purpose of soliciting applications, establish a sum of at least \$2,500,000 to be available in the ensuing fiscal year for funding requests by nonprofit organizations. The director shall publish a notice soliciting applications in two newspapers of general circulation within the County by November 30.
 - (B) All applications for grants shall be submitted to the director on or before January 31 preceding the County's fiscal year, which begins on July 1. Applications shall be prepared on forms provided by the director. Applications not in conformance with the requirements of this Code may be rejected. All application forms shall include detailed information on specific, measurable outcomes and public benefits to be derived from the expenditure of County funds.
 - (C) The director shall submit to the council all qualifying applications as provided in sections 2-137 and 2-138 for its review and appropriation of funds. Site visitations of nonprofit organizations submitting complete applications may be conducted by the council and its designated staff, as deemed necessary by the chair of the appropriate committee, after

January 31 but prior to final action on the operating budget by the council. Any site visitations shall be publicly noticed and conducted in a manner that allows flexible councilmember participation and designated staff support.

- (D) Upon favorable action by the council to appropriate funds for the grant, a written contract shall be prepared with the nonprofit organization which shall meet all legal requirements of the County and shall include program, fiscal, and audit reporting requirements sufficient to allow the director, the legislative auditor, or council to effectively monitor and evaluate the use of the grant funds. Agencies shall be notified by the director of their funding or lack thereof by August 31.
- (2) Grants from district contingency relief funds:
- (A) Appropriations from the district contingency relief account shall be transferred to an accepting County department/agency via resolution identifying the nonprofit organization and the specific program, project, event, activity, service, equipment, materials, or supplies for which the grant shall be used.
 - (B) Any equipment purchased by a nonprofit organization shall be domiciled with that nonprofit organization, which shall assume any and all liability for such equipment.
 - (C) A contract shall be prepared with the nonprofit organization which shall meet all legal requirements of the County and shall include program, fiscal, and audit reporting requirements sufficient to allow the legislative auditor or council to effectively monitor and evaluate the use of the grant funds.
- (3) Other grants:
- (A) Grant awards in excess of \$25,000 to nonprofit organizations shall specifically identify the organization receiving the grant funds and the purpose for which the grant funds shall be used in an ordinance or resolution.
 - (B) Grant awards in excess of \$25,000 to organizations that do not qualify as nonprofit organizations shall specifically identify the purpose for which the funds shall be used in an ordinance or resolution and be subject to competition in compliance with chapter 103D of the Hawai'i Revised Statutes.
 - (C) Grant awards of \$25,000 or less may be authorized by the finance director for public purpose projects or programs upon written request of a funding agency or department. Such grant awards shall not be limited to nonprofit organizations but shall specifically identify the organization and program, project or event for which the grant funds shall be used and comply with the rules and regulations of the director of finance.

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

(1983 CC, c 2, art 25, sec 2-139; am 1986, ord 86-52, sec 2; am 1992, ord 92-151, sec 2; am 1995, ord 95-138, sec 2; am 1997, ord 97-103, sec 3; am 1999, ord 99-56, sec 1; ord 99-103, sec 2; am 2001, ord 01-16, sec 2; am 2007, ord 07-52, sec 2; am 2012, ord 12-136, sec 1; am 2014, ord 14-43, sec 2; am 2019, ord 19-75, sec 1.)

Section 2-140. Repealed.

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

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

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

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

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

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

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

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

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

Section 2-142.1. Rules.

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

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

Section 2-142.2. Repealed.

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

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

Section 2-143. Definitions.

- (a) "Deputies" means deputies in the office of the corporation counsel and the office of the prosecuting attorney.
 - (b) "Appointing authority" means the corporation counsel or the prosecuting attorney.
- (1983 CC, c 2, art 26, sec 2-143.)

Section 2-204. Enforcement.

- (a) If the director determines that any person has violated or is violating any provision of this article or chapters 20 or 21 or any rule adopted pursuant to these chapters, the director may do any one or more of the following:
 - (1) Issue an order assessing an administrative penalty for any past or current violation;
 - (2) Require compliance immediately or within a specified time; and
 - (3) Commence a civil action in the circuit court for appropriate relief, including a temporary, preliminary, or permanent injunction, the imposition and collection of civil penalties, or other relief.
- (b) Any order issued pursuant to this section shall state with reasonable specificity the nature of the violation. Any administrative penalties assessed in the order shall be in accordance with section 2-206.
- (c) Any order issued under this chapter shall become final, unless not later than twenty days after the notice of order is served, the person or persons named therein request in writing a hearing before the director. Any penalty imposed under this chapter shall become due and payable twenty days after the notice of penalty is served unless the person or persons named therein request in writing a hearing before the director. Whenever a hearing is requested on any penalty imposed under this chapter, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part. Upon request for a hearing, the director shall require that the alleged violator or violators appear before the commission for a hearing at a time and place specified in the notice and answer the charges complained of.
- (d) Any hearing conducted under this section shall be conducted as a contested case under chapter 91. If after a hearing held pursuant to this section, the commission finds that a violation or violations have occurred, the commission shall affirm or modify any penalties imposed or shall modify or affirm the order previously issued or issue an appropriate order or orders for the prevention, abatement, or control of the violation or disposals involved, or for the taking of such other corrective action as may be appropriate. If, after a hearing on an order or penalty contained in a notice, the commission finds that no violation has occurred or is occurring, the commission shall rescind the order or penalty. Any order issued after hearing may prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating, or controlling the violation or disposals.
- (e) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the director may institute a civil action in the name of the County to collect the administrative penalty which shall be a government realization. In any proceeding to collect the administrative penalty imposed, the director need only show that:
 - (1) Notice was given;

- (2) A hearing was held or the time granted for requesting a hearing expired without a request for a hearing;
- (3) The administrative penalty was imposed; and
- (4) The penalty remains unpaid.

(2005, ord 05-22, sec 1.)

Section 2-205. Penalties.

Any person who violates this chapter or chapters 20 or 21, any rule adopted pursuant to these chapters, or any condition of a permit or variance issued pursuant to this chapter shall be fined not more than \$1,000 for each separate offense. Each day of each violation shall constitute a separate offense. Any action taken in court to impose or collect the penalty provided for in this subsection shall be considered a civil action.

(2005, ord 05-22, sec 1.)

Section 2-206. Administrative penalties.

In addition to any other administrative or judicial remedy, the director is authorized to impose by order the penalties specified in section 2-205. If any party is aggrieved by the decision of the commission, the party may appeal in the manner provided in chapter 91 to the circuit court; provided that the operation of a cease and desist order will not be stayed on appeal unless specifically ordered by a court of competent jurisdiction.

(2005, ord 05-22, sec 1.)

Section 2-207. Environmental management commission.

- (a) There shall be an environmental management commission consisting of nine members who shall be appointed by the mayor and confirmed by the council. One member shall be a resident of each council district. The terms of the members shall be as prescribed in section 13-4 of the Hawai'i County Charter.
- (b) The environmental management commission shall advise the department on solid waste and wastewater programs, waste reduction strategies, recycling, litter control, community involvement, and other issues, including any pilot project or program, related to the functions of the department, and shall exercise any other powers related to the functions of the department that may be delegated to it by ordinance. The commission shall also provide its comments and recommendations on these matters to the council. The commission shall hear and determine appeals from decisions of the director, including orders and denials of variances.
- (c) The council shall refer any bill for an ordinance to amend chapter 20 or chapter 21 of this Code to the director and the commission, with each to provide independent comments and recommendations. Additionally, the council may refer any bill for an ordinance relating to the functions and duties of the department to the director and commission, with each to provide independent comments and recommendations. In all such cases, the director and commission shall each submit to the council their independent comments and recommendations within forty-five days of receipt.

- (d) The council may continue its deliberations on any bill for an ordinance referred to the director and commission during the forty-five-day review period; provided, that if the council substantively amends any such bill for an ordinance, the amended bill for an ordinance shall be referred by the council to the director and commission for their independent comments and recommendations, both to be submitted to the council within forty-five days of receipt of the amended bill for an ordinance.
- (e) The council shall not take final action on any bill for an ordinance referred to the director and the commission, as amended or otherwise, until it receives the comments and recommendations of the director and the commission, unless either or both fail to meet the forty-five-day period for comment and review. If either the director or commission fails, or both fail, to provide comments and recommendations within the allotted forty-five-day review period, the council may proceed and the inaction of either the director or commission shall not be viewed as either a favorable or unfavorable recommendation.

(2001, ord 01-110, sec 2; am 2005, ord 05-22, sec 1; am 2012, ord 12-114, sec 1; am 2019, ord 19-112, sec 1.)

HAWAII COUNTY CODE

This page intentionally left blank.

Section 2-235. Use of funds.

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

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

Section 2-236. Termination of surcharge.

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

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

Article 46. Commercial Sponsorship of County Assets.**Section 2-237. Findings and purpose.**

The County needs additional revenue streams to increase its capacity to finance public programs and maintain County assets. Additional financial resources will facilitate the County's efforts to provide levels of service and maintenance beyond the basic levels funded by the County's operating and capital budgets. As a result, the Council finds that it is in the best interest of the County to create and enhance relationships with the private sector, including individuals, corporations and other organizations, to generate additional financial resources through commercial sponsorships of County programs, real property, facilities, equipment, or other assets.

In appreciation of such support, it is the policy of the County to provide sponsors with suitable acknowledgment of their contribution. Such recognition, which will be defined in sponsorship agreements, should be consistent with the purpose and aesthetic character of County programs and assets. Appropriate recognition should neither detract from the public's experience or expectation, nor impair the visual qualities of a County asset, in the opinion of the County. The public recognition of commercial sponsorship envisioned in this arrangement is not intended to create a public forum for communication and debate.

The purpose of this article is to establish the criteria and parameters for the granting of sponsorship opportunities in relation to County programs and assets. In doing so, it is solely the Council's intention to establish a means to enhance the delivery of public services and maintenance of County assets.

(2018, ord 18-32, sec 2.)

Section 2-238. Definitions.

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

“Administrative head” means a director of a department, administrator of an agency, or an official holding an equivalent position, including, but not limited to, managing director, chief of police, fire chief, prosecuting attorney, or manager-chief engineer of the department of water supply.

“Cash sponsorship” means a type of sponsorship where a sponsor provides cash.

“Contribution” means cash, goods, or services, paid or provided to the County at such time or times as set forth in the sponsorship agreement.

“County asset” means a County facility, park, program, equipment, or tangible property.

“Equipment” means any vehicle, construction equipment, machine, device, gear, apparatus, or tool valued in an amount no less than \$20,000 used in the operation of the County but does not include buses operated by the County.

“Facility” means any building, including any stadium, arena or station, owned, managed or operated by the County.

“In-kind sponsorship” means a type of sponsorship where a sponsor provides a good or service.

“Person” means the same as defined in section 1-4 of this Code.

“Program” means any program, festival, contest, event, fair, athletic activity, gala, or similar event provided by a County department in connection with the operations of a department.

“Sponsor” means a person that enters into a sponsorship agreement with the County.

“Sponsorship” means a mutually beneficial arrangement between the County and a person, wherein the person provides a financial contribution to the County in return for sponsor recognition on or in connection with one or more County assets, for a specified period of time.

“Sponsorship agreement” means a written agreement executed between the County and sponsor governing a sponsorship, on terms and conditions acceptable to the County and the sponsor. A sponsorship agreement may include provisions that allow for the recognition of the sponsor.

“Sponsorship recognition” means a tangible acknowledgment and expression of gratitude issued as part of the sponsorship agreement.
(2018, ord 18-32, sec 2.)

Section 2-239. Commercial sponsorships.

- (a) In accordance with the provisions of this article, executive agencies of the County may accept contributions valued in an amount no less than \$20,000, from sponsors in exchange for sponsor recognition. This article and sponsorship agreements entered into pursuant to this article, shall be implemented and executed in accordance with all applicable laws, including chapter 89, Hawai‘i Revised Statutes.
- (b) The following sponsorships shall not be allowed:
 - (1) Sponsorships with persons that practice or promote discrimination based on race, color, creed, religion, gender, including gender identity and expression, sexual orientation, age, marital status, ancestry, national origin, or disability;
 - (2) Sponsorships with persons that have a pending open application with the County for a discretionary approval; or
 - (3) Sponsorships with persons opposing the County in a pending or ongoing legal proceeding.

(2018, ord 18-32, sec 2.)

Section 2-240. Exclusions.

This article does not apply to:

- (1) Gifts, grants, or donations accepted pursuant to article 30 of this chapter, where no sponsorship agreement exists or is required;
- (2) Naming of facilities pursuant to chapter 15, article 8; and
- (3) Events sponsored or co-sponsored by the County pursuant to other ordinances or rules.

(2018, ord 18-32, sec 2.)

Section 2-241. Sponsorship agreement.

- (a) The County possesses sole and final decision-making authority for determining the appropriateness of a sponsorship and reserves the right to refuse to enter into any proposed sponsorship agreement.
- (b) The administrative head of a County department, office, or agency, with the concurrence of the director of finance, shall have the authority to negotiate a sponsorship agreement, for a contribution valued in an amount no less than \$20,000.
- (c) Each sponsorship agreement must specify whether the sponsorship for a particular asset will be exclusive or non-exclusive. All sponsorship agreements must be authorized by the council by resolution and signed by the mayor.

- (d) Sponsorships may be terminated in writing at any time during the term of the sponsorship agreement when, in the sole determination of the County, the sponsorship is no longer in the best interest of the County.

(2018, ord 18-32, sec 2.)

Section 2-242. Sponsorship recognition.

- (a) No sponsorship message may be placed on a County asset except as authorized in an approved sponsorship agreement.
- (b) Sponsorship recognition may include the following, or any combination thereof, during the term of the agreement:
 - (1) Recognition of the sponsor for a specific County program;
 - (2) Appropriate mention in media releases and promotional materials of a sponsor for the County program;
 - (3) Appropriate sponsorship recognition or display at the County program location;
 - (4) Appropriate recognition on the program website as a sponsor for the program;
 - or
 - (5) Other possible benefits as negotiated.
- (c) No materials, communications, or advertisements including, but not limited to, print, video, internet, broadcast, or display items developed to promote or communicate information about the sponsorship, may use the County seal except pursuant to a sponsorship agreement that has been authorized by the council.
- (d) Sponsorship materials that advocate, contain price information or an indication of associated savings or value, request a response, or contain comparative or qualitative descriptions of products, services, or organizations are prohibited.
- (e) Sponsorship recognition shall not constitute a public forum for communication and debate.
- (f) Sponsorship recognition, branding, publicity, and advertising in conjunction with the sponsorship agreement must not contain the following:
 - (1) Obscenity;
 - (2) Pornography;
 - (3) Incitement to imminent lawless action;
 - (4) Speech presenting a grave and imminent threat;
 - (5) Fighting words;
 - (6) Fraudulent material;
 - (7) True threats;
 - (8) Defamatory, libelous, or slanderous material;
 - (9) Solicitations to commit, or speech integral to, criminal conduct;
 - (10) The promotion of drugs, alcohol, tobacco, gambling, or adult entertainment;
 - (11) Political campaign speech, or speech that supports or opposes or appears to support or oppose a ballot measure or initiative, or refers to any person in or campaigning for public office; or
 - (12) Religious speech that advocates or opposes a religion or religious belief.

- (g) Sponsorship recognition, publications, and publicity must conform to all applicable laws and rules, including but not limited to chapter 445, part IV, Hawai'i Revised Statutes, pertaining to outdoor advertising, including billboards, and chapter 3 of this Code, pertaining to sign regulations.
 - (h) The County retains its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of sponsorship recognitions, affiliations, and messages.
- (2018, ord 18-32, sec 2.)

Section 2-243. General requirements.

- (a) The County shall not relinquish any aspect of the County's right to direct, manage, and control a County asset.
- (b) Except as required by law or expressly established by an affirmative action by the council, sponsorship shall not convey upon any person the right to access or use a County asset for any purpose other than the intended and authorized governmental purpose or service.
- (c) Sponsorships shall not be deemed to constitute an endorsement of the sponsor or its services and products, or create any proprietary interest of the sponsor in the County or the County assets.
- (d) The sponsorship must not confer a personal benefit, directly or indirectly, to any particular County officer or employee.
- (e) The sponsorship must not discriminate against any person on the basis of race, color, creed, religion, sex, including gender identity and expression, sexual orientation, age, marital status, ancestry, national origin, or disability.
- (f) Sponsors shall defend, indemnify, and hold harmless the County, its officers, agents, and employees against all liability, loss, damage, cost, and expense, including attorneys' fees, arising out of or resulting from the acts or omissions of the sponsor, its directors, employees, officers, agents, or contractors, in connection with the sponsorship and the sponsorship agreement.

(2018, ord 18-32, sec 2.)

Section 2-244. Funds received from sponsorship agreements.

All funds received pursuant to sponsorship agreements will be deposited into the appropriate fund as determined by the director of finance, provided that such funds are expended for their designated purpose.

(2018, ord 18-32, sec 2.)

Section 2-245. Adoption of rules.

The director of finance or other director as designated by the mayor shall adopt rules, pursuant to chapter 91, Hawai'i Revised Statutes, for the purposes of this article.

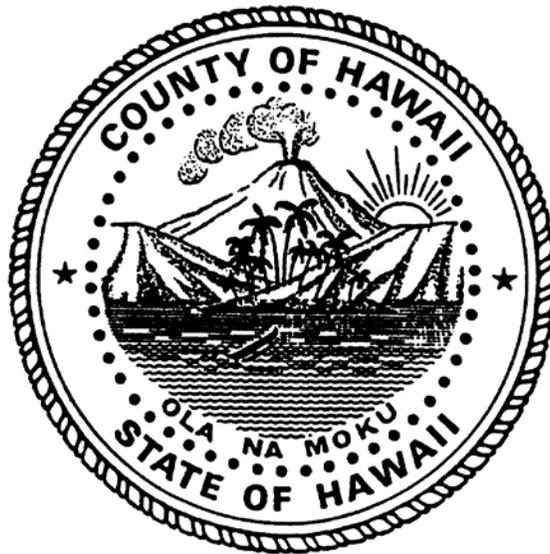
(2018, ord 18-32, sec 2.)

This page intentionally left blank.

THE HAWAII COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 7 (1-2020)
Contains ordinances effective through: 12-31-19



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

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

Volume Two

- Section 19-58.1. Certain lands dedicated to nonspeculative residential use. Only renewal petitions will be accepted.
- Section 19-58.2. Nonspeculative residential use assessment.
- Section 19-58.3. Repealed.
- Section 19-58.4. Repealed.

Article 8. Dedications.

- Section 19-59. Native forest dedications.
- Section 19-60. Commercial agricultural use dedication.
- Section 19-61. Repealed.
- Section 19-62. Repealed.
- Section 19-63. Repealed.
- Section 19-64. Repealed.
- Section 19-65. Repealed.
- Section 19-66. Repealed.

Article 9. Nontaxable Property; Assessment.

- Section 19-67. Nontaxable property.

Article 10. Exemptions.

- Section 19-68. Claims for certain exemptions.
- Section 19-69. Repealed.
- Section 19-70. Assignment of partial exemptions.
- Section 19-71. Homes.
- Section 19-72. Home, lease, lessees defined.
- Section 19-73. Homes of disabled or unemployable veterans.
- Section 19-74. Persons affected with Hansen's disease.
- Section 19-75. Exemption, persons who are blind, deaf, and/or totally disabled.
- Section 19-76. Nonprofit medical, hospital indemnity associations; tax exemption.
- Section 19-77. Charitable, etc., purposes.
- Section 19-78. Property used in manufacture of pulp and paper.
- Section 19-79. Crop shelters.
- Section 19-80. Exemption, dedicated lands in urban districts.
- Section 19-81. Water tanks.
- Section 19-82. Alternate energy improvements, exemption.
- Section 19-83. Repealed.
- Section 19-84. Public property, etc.
- Section 19-85. Lessees of exempt real property.
- Section 19-86. Property of the United States leased under the National Housing Act.
- Section 19-87. Exemption for low and moderate-income housing.

- Section 19-88. Claim for exemption.
- Section 19-89. Exemptions for certain Hawaiian Homes property, and other agencies.
- Section 19-89.1. Historic residential real property dedicated for preservation; exemption.
- Section 19-89.2. Credit union exemption.
- Section 19-89.3. Exemptions for enterprise zones.
- Section 19-89.4. Hawai'i Island housing trust exemption.
- Section 19-89.5. Kuleana land exemption.*

Article 11. Determination of Rates.

- Section 19-90. Real property tax; determination of rates.

Article 12. Appeals.

- Section 19-91. Appeals.
- Section 19-92. Appeals by persons under contractual obligations.
- Section 19-93. Grounds of appeal, real property taxes.
- Section 19-94. Second appeal.
- Section 19-95. Small claims.
- Section 19-96. Appointment, removal, compensation.
- Section 19-97. Board of review; duties, powers, procedure before.
- Section 19-98. Tax appeal court.
- Section 19-99. Appeal to board of review.
- Section 19-100. Cost; deposit for an appeal.
- Section 19-101. Cost; taxation.
- Section 19-102. Taxes paid pending appeal.
- Section 19-103. Amendment of assessment list to conform to decision.

Article 13. Tax Credits.

- Section 19-104. Solar water heater tax credit established.
- Section 19-105. Administration.

- (iv) Completed and signed copy of the owner's Hawai'i County voter registration application, with only the last four digits of the owner's social security number visible.
- (v) U.S. Internal Revenue Service tax return with only the last four digits of the social security number visible.

The director of finance may require documentation of the above or additional evidence of residence in the County from a property owner applying for an exemption or from an owner as evidence of continued qualification for an exemption. Failure to respond fully to the director's request, or in the event the director receives satisfactory evidence that a claimant occupies a permanent home outside the County or there is documented evidence the claimant resides outside of the County for more than one hundred sixty-five calendar days, shall be deemed grounds for denying a claim for exemption or disallowing an existing exemption.

- (f) Real property qualifying under subsection (a) shall be entitled to an additional exemption of twenty percent of the assessed value of the property not to exceed an additional \$80,000.

(1983 CC, c 19, art 10, sec 19-71; am 1990, ord 90-138, sec 5; am 1997, ord 97-84, sec 1; am 2004, ord 04-123, sec 3; am 2006, ord 06-147, sec 3; am 2014, ord 14-135, sec 2.)

Section 19-72. Home, lease, lessees defined.

For the purpose of section 19-71 the word "home" includes:

- (1) The entire homestead when it is occupied by the taxpayer as such;
- (2) A residential building on land held by the lessee or the lessee's successor in interest under a lease for a term of ten years or more for residential purposes and owned and used as a residence by the lessee or the lessee's successor in interest, where the lease and any extension, renewal, assignment, or agreement to assign the lease, have been duly entered into and recorded by the respective date set forth in subsection 19-68(a)(3), and whereby the lessee agrees to pay all taxes during the term of the lease;
- (3) An apartment which is a living unit (held under a proprietary lease by the tenant thereof) in a multi-unit residential building on land held by a cooperative apartment corporation (of which the proprietary lessee of such living unit is a stockholder) under a lease for a term of ten years or more for residential purposes and which apartment is used as a residence by the lessee-stockholder, where the lease and any extension or renewal have been duly entered into and recorded by the respective date set forth in subsection 19-68(a)(3), and whereby the lessee-stockholder agrees to pay all taxes during the term of the lease;
- (4) An apartment in a multi-unit apartment building which is occupied by the owner of the entire apartment building as the owner's residence;

- (5) That portion of a residential duplex and that portion of land appurtenant to the duplex which are occupied by the owner of the duplex and land as the owner's residence;
- (6) An apartment which is a living unit (held under a lease by the tenant thereof) in a multi-unit residential building used for retirement purposes under a lease for a term to last during the lifetime of the lessee and the lessee's surviving spouse and which apartment is used as a residence by the lessee and the lessee's surviving spouse, and where the apartment unit reverts back to the lessor upon the death of the lessee and the lessee's surviving spouse, and where the lease has been duly entered into and recorded by the respective date set forth in subsection 19-68(a)(3), and whereby the lessee agrees to pay all taxes during the term of the lease.

As used in section 19-71, in the first paragraph of section 19-48 and in section 19-68, the word "lease" shall be deemed to include a sublease, and the word "lessee" shall be deemed to include a sublessee.

(1983 CC, c 19, art 10, sec 19-72; am 1997, ord 97-84, sec 1; am 2004, ord 04-123, sec 4.)

Section 19-73. Homes of disabled or unemployable veterans.

- (a) Real Property owned and occupied as a home by any person who is 100 percent disabled or 100 percent unemployable, or both, due to injuries received while on duty with the armed forces of the United States, or owned by any such person together with such person's spouse and occupied by either or both spouses as a home, or owned or occupied by a widow or widower of such veteran who shall remain unmarried and who shall continue to own and occupy the premises as a home, is hereby exempted except for fifty percent of the minimum tax from property taxes, other than special assessments, provided:
 - (1) That such disability or unemployable status is the result of injuries incurred while on duty as a member of the armed forces of the United States, and that the department of finance may require proof of disability or unemployable status;
 - (2) That the home exemption shall be granted only as long as the veteran claiming exemption remains 100 percent disabled or 100 percent unemployable, or both; and
 - (3) That a person living on premises, a portion of which is used for commercial purposes, shall not be entitled to an exemption with respect to such portion, but shall be entitled to an exemption with respect to the portion used exclusively as a home; provided, that this exemption shall not apply to any structure, including the land thereunder, which is used for commercial purposes.

- (b) For the purpose of this section, the word “home” includes the entire homestead when it is occupied as a home by a qualified veteran who is 100 percent disabled or 100 percent unemployable, or both; houses where the qualified veteran owner sublets not more than one room to a tenant; and premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to January 1 preceding the tax year for which exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises.
- (c) For disabled and unemployable veterans, the proof of disability or unemployable status from the Veterans Administration may be substituted for the required certification.

(1983 CC, c 19, art 10, sec 19-73; am 1997, ord 97-84, sec 1; am 2018, ord 18-88, sec 1.)

Intentionally left blank.

HAWAII COUNTY CODE

This page intentionally left blank.

Section 19-74. Persons affected with Hansen's disease.

Any person who has been declared by authority of law to be a person affected with Hansen's disease in the communicable stage and is admitted to a hospital for isolation treatment, shall, so long as that person is so hospitalized, and thereafter for so long as such person has been so declared to be therefrom temporarily released, shall, so long as that person remains or continues under temporary release, be exempted except for the minimum tax from real property taxes on all real property owned by the person on the date when the person was declared to be a person so affected with Hansen's disease, up to, but not exceeding, a taxable value of \$50,000.

(1983 CC, c 19, art 10, sec 19-74; am 1997, ord 97-84, sec 1.)

Section 19-75. Exemption, persons who are blind, deaf, and/or totally disabled.

(a) Definitions as used in this chapter:

- (1) "Blind" means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees, as certified under this section.
- (2) "Deaf" means a person whose average loss in the speech frequencies (five hundred to two thousand Hertz) in the better ear is ninety-two decibels, or such other level as may be updated by American National Standards Institute (A.N.S.I.), or worse, as certified under this section.
- (3) "Totally disabled" means a person who is totally disabled, either physically or mentally, and who, except for such total disability, would be able to engage in substantial gainful business or occupation, as certified under this section.

(b) Any person who is qualified for the homeowner exemption under section 19-71 and who is certified as blind, deaf, and/or totally disabled as defined in this section shall be exempt from real property taxes on real property owned and occupied as the principal home by the person up to, but not exceeding a taxable value of \$50,000. Except that no exemption shall apply to any minimum tax payable under section 19-90(e) of this chapter.

(c) The disability shall be certified by: (1) a physician licensed under chapter 453, Hawai'i Revised Statutes, (2) a qualified out-of-state physician who is currently licensed to practice in the state in which the physician resides, or (3) a commissioned medical officer in the United States military or public health service, engaged in the discharge of one's official duty. Certification for a person who is blind or deaf may also be made by a licensed optometrist or licensed audiologist as the case may be. Certification shall be on forms prescribed by the department of finance. For disabled and unemployable veterans, the proof of disability or unemployable status submitted pursuant to section 19-73(1) from the Veterans Administration, may be substituted for the required certification. Official documentation from the Social Security Administration may also be substituted for the required certification.

- (d) Any person who is certified as being temporarily blind, deaf, and/or totally disabled shall submit an annual certification or recertification, as required by this section. No exemption shall be allowed unless the required certification or recertification is submitted.
- (e) Any person who qualifies for an exemption under this section shall be allowed to apply for only one of the exemptions established in this section.
- (f) In the case of a lease of Hawaiian homestead land, where either a husband or wife is of non-Hawaiian descent, either spouse shall be entitled to the blind, deaf, or totally disabled exemption in the same manner as if either spouse was considered the owner thereof, provided proof of marriage is submitted to the director of finance.

(1983 CC, c 19, art 10, sec 19-75; am 1989, ord 89-150, sec 2; am 1990, ord 90-152, sec 2; am 1997, ord 97-84, sec 1; am 2001, ord 01-73, sec 1; am 2009, ord 09-27, sec 3; am 2014, ord 14-127, sec 1; am 2018, ord 18-88, sec 2.)

Section 19-76. Nonprofit medical, hospital indemnity associations; tax exemption.

Every association or society organized and operating under chapter 433, Hawai'i Revised Statutes,* solely as a nonprofit medical indemnity or hospital service association or society or both shall be, from the time of such organization, exempt except for the minimum tax from real property taxes on all real property owned by it.

(1983 CC, c 19, art 10, sec 19-76; am 1997, ord 97-84, sec 1.)

* **Editor's Note:** Chapter 433, Hawai'i Revised Statutes, was repealed and its provisions incorporated into chapter 432.

Section 19-77. Charitable, etc., purposes.

- (a) There shall be exempt except for the minimum tax from real property taxes real property designated in subsection (b) or (c) and meeting the requirements stated therein, actually and (except as otherwise specifically provided) exclusively used for nonprofit purposes. If an exemption is claimed under one of these subsections (b) and (c), an exemption for the same property may not also be claimed under the other of these subsections. Claimants shall submit to the director of finance documentation from the Internal Revenue Service verifying their exemption status.
- (b) This subsection applies to property owned in fee simple, leased, or rented for a period of one year or more, by the person using the property for the exempt purposes, hereinafter referred to as the person claiming the exemption. If the property for which exemption is claimed is leased or rented, the lease or rental agreement shall be in force and recorded in the bureau of conveyances.

Exemption is allowed by this subsection to the following property:

- (1) Property used for school purposes including:
 - (A) Kindergartens, grade schools, junior high schools, and high schools, which carry on a program of instruction meeting the requirements of the compulsory school attendance law, section 302A-1132, Hawai'i Revised Statutes, or which are for preschool children who have attained or will

“Public highway” means all roads, highways, alleys, streets, ways, lanes, bikeways, and bridges open to the use of the public for purposes of vehicular travel that is acquired or built by the government.

“Public property” means all real property owned by the County or State of Hawai‘i, or the Federal government.

“Refuse” means any discarded or disposable matter, including garbage, rubbish and swill.

“Rubbish” means solid waste or rejected material including paper and cardboard cartons, straw, excelsior, rags, clothes, shoes, bottles, tin cans, china, glass, metalware, leaves, grass, tree branches, and any other material of similar character but not including material such as tree stumps, lumber or iron pipes exceeding five feet in length, concrete blocks and tiles, cement, acids, iceboxes, refrigerators, ranges, radios, television sets, phonographs, bedsteads, bed springs, tables, sofas, chairs, and other furniture, water heaters, water tanks, sinks, and other similar material or equipment of a weighty or bulky nature.

“Swill” means any food waste which is fit for animal consumption.

“Transfer station” means a facility designed to collect household rubbish from the surrounding community and to transport this refuse to a suitable disposal facility. (1983 CC, c 20, art 3, sec 20-31; am 1988, ord 88-160, sec 1; am 1994, ord 94-87, sec 2; am 2001, ord 01-108, sec 1; am 2002, ord 02-66, secs 1, 2 and 3; am 2012, ord 12-155, secs 1 and 2; am 2018, ord 18-82, sec 1; am 2019, ord 19-95, sec 2.)

Section 20-32. Removal required; disposal; drainage of liquids.

- (a) Every owner or occupant of any residence or business building or premises within the County shall remove or cause to be removed to the County dumping grounds any refuse from any residence or business building or premises.
- (b) This section shall not prevent any owner or occupant from disposing of refuse within the owner’s premises by burning, burying, or destroying the refuse in compliance with any applicable statute, ordinance, and rule and regulations.
- (c) Any garbage or swill, prior to its removal to the County dumping grounds, shall be drained of all liquid.

(1983 CC, c 20, art 3, sec 20-32.)

Section 20-33. Receptacle specifications.

Any garbage or swill shall be contained in a leak-proof metal or plastic receptacle and shall be securely covered at all times so as to exclude insects and animals. Any rubbish, except hedge cuttings, stumps, branches, banana leaves, palm and coconut leaves or other similar material, shall be contained in a metal or wood receptacle, or in a paper or a cardboard carton of sufficient strength to adequately contain the contents therein.

(1983 CC, c 20, art 3, sec 20-33.)

Section 20-34. Location of receptacles; placement for collection.

- (a) Any refuse and receptacle shall be kept on private premises and shall not be placed upon any sidewalk or government right-of-way for collection purposes, except any refuse receptacle that may be placed and affixed on any sidewalk or government right-of-way for public use.

- (b) For the purpose of collection, any refuse and receptacle may be placed in that area of the private premises adjacent to the sidewalk or the government right-of-way. The refuse and the receptacle placed adjacent to the sidewalk or the government right-of-way shall be situated so as not to create a hazard to any pedestrian or traffic.

(1983 CC, c 20, art 3, sec 20-34.)

Section 20-35. [Former] Repealed.

(1983 CC, c 20, art 3, sec 20-35; am 1988, ord 88-160, sec 2; rep 1994, ord 94-87, sec 3.)

Section 20-35. Permit required for refuse disposal.

- (a) No business, Federal or State agency, religious entity or nonprofit organization shall dispose of refuse at any County solid waste facility without first obtaining a disposal permit issued by the director and making payment of the permit fee as required herein.
- (b) No person shall dispose of refuse at any county landfill without first obtaining a disposal permit issued by the director. Persons not representing any business, Federal or State agency, religious entity or nonprofit organization need not obtain a permit to dispose of refuse at a County transfer station.
- (c) An application for a disposal permit shall be submitted to the director on a form furnished by the department.
- (1) For businesses, Federal or State agencies, religious entities and nonprofit organizations, the following information is required:
- (A) Name, address and telephone number of the business, Federal or State agency, religious entity or nonprofit organization.
- (B) Make, model, tare weight, carrying capacity in cubic yards and license number of the vehicle(s) which would be used to dispose refuse.
- (C) Approximate volume and frequency of refuse to be disposed.
- (D) Other information as deemed necessary by the director.
- (2) Persons not acting as or on behalf of any business, public agency, religious entity or nonprofit organization shall provide their name, residence and mailing address, residence and employer telephone numbers, drivers license number and any other information deemed necessary by the director for billing and collection purposes.
- (d) The disposal permit shall be effective for a period of one year from the date of issuance.
- (e) The director may suspend or revoke a disposal permit for the following reasons:
- (1) Failure to pay any disposal charges or special handling fees when due.
- (2) Failure to comply with the provisions of this chapter.
- (3) Failure to comply with disposal procedures and/or conditions established by the department.

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 begin to maximize diversion of compostables, including compostable foodware, from the waste stream to be available as compost to farmers, landscapers, and residents once the County's full-scale compost program is in place.

Through these measures, it is the County'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; am 2019, ord 19-85, 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 paper and 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 paper and bio-plastics (plastic-like) products that are clearly labeled so that any compost collector and processor can easily distinguish the ASTM-standard compostable material from non-ASTM standard compostable material.

"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, cups, bowls, plates, or clamshell containers that are provided by a food vendor for takeout foods and beverages and/or leftovers from partially consumed meals.

For the purpose of this article, “disposable food service ware” excludes straws, cup lids, utensils, food-related bags and wrappers, packaging for unprepared food, and pre-packaged or pre-sealed items such as bread, cookies, milk, juice, snacks, candy, nuts, fruits, vegetables, or other items typically sold in a grocery store or a food manufacturer’s retail location.

“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: eggs; butchered meats; fish; and/or poultry unless provided for consumption without further food preparation or heating. For example, sashimi and poke shall be considered to be prepared food. This also does not include pre-packaged or pre-sealed items such as breads, cookies, milk, juice, snacks, candy, nuts, fruits, vegetables, or other items typically sold in a grocery store or a food manufacturer’s retail location.

“Recyclables” means material that has reached the end of its current use and may be processed into material utilized in the production of new products.

“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; am 2019, ord 19-85, sec 2.)

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; poultry; seafood; 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; am 2019, ord 19-85, sec 3.)

Section 25-2-56. Repealed.

(1996, ord 96-160, sec 2; ratified April 6, 1999; rep 1999, ord 99-112, sec 7.)

Section 25-2-57. Repealed.

(1996, ord 96-160, sec 2; ratified April 6, 1999; rep 1999, ord 99-112, sec 8.)

Section 25-2-58. Appeals.

- (a) If the director denies a variance application, such decision is final except, that, within thirty days after the date of the written decision, the applicant may appeal such action to the board of appeals, pursuant to the rules of practice and procedure of the board of appeals.
 - (b) Any person aggrieved by the decision of the director in the issuance of a variance decision may appeal the director's action to the board of appeals, in accordance with this chapter, within thirty days after the date of the director's written decision.
- (1999, ord 99-112, sec 6.)

Division 6. Use Permits.**Section 25-2-60. Purpose.**

Use permits are permits for certain permitted uses in zoning districts which require special attention to insure that the uses will neither unduly burden public agencies to provide public services nor cause substantial adverse impacts upon the surrounding community.

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

Section 25-2-61. Applicability; use permit required.

- (a) The following uses shall be permitted within designated County zoning districts only if a use permit is obtained for the use from the commission:
 - (1) Bed and breakfast establishments in RS, RA, FA, and A districts, provided that the property is within the state land use urban district.
 - (2) Crematoriums, funeral homes, funeral services and mortuaries in RS, RD, RM, RCX, RA, FA, A and V districts.
 - (3) Churches, temples and synagogues, including meeting facilities for churches, temples, synagogues and other such institutions, in RS, RD, RM, RA, FA and A districts; provided that a minimum building site area of ten thousand square feet is required within the RS, RD, RM, and RA districts.
 - (4) Day care centers in RS, RD, RM, RA, FA and A districts, provided that a minimum building site area of ten thousand square feet shall be required within the RS, RD, RM, and RA districts.

- (5) Golf courses and related golf course uses including golf driving ranges, golf maintenance buildings, and golf club houses in the RS, RD, RM, RCX, RA, FA, A, V, CG, CV, and O districts, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
 - (6) Group living facilities that exceed the criteria in subsection 25-1-5(b), paragraph (b) of the definition of “group living facility” in the RS, RD, RM, RCX, RA, FA, A, CN, CG, CV, and V districts.
 - (7) Hospitals, sanitariums, old age, convalescent, nursing and rest homes, and other similar uses devoted to the care or treatment of the aged, the sick, or the infirm in the RS, RD, RM, RCX, RA, FA, A, and V districts, provided that a minimum building site area of ten thousand square feet shall be required within the RS, RD, RM, RCX and RA districts.
 - (8) Major outdoor amusement and recreation facilities in RCX, RA, A, CN, CG, CV, MCX, ML, MG and O districts.
 - (9) Schools in RS, RD, RM, RA, FA, A, V, MCX, ML, and MG districts, provided that a minimum building site area of ten thousand square feet shall be required within the RS, RD, RM, and RA districts.
 - (10) Telecommunication antennas and towers in RS, RD, RM, RCX, RA, FA, A, IA and O districts.
 - (11) Yacht harbors and boating facilities in the RS, RD, RM, RCX, RA, V, CG, CV, MCX, ML, MG and O districts.
 - (12) Wind energy facilities in the O district; provided that the property is within the state land use agricultural district.
 - (13) Other unusual and reasonable uses which are not specifically permitted in any zoning district with the approval of the director and the concurrence of the council by resolution.
- (b) Any use which received an approval as a conditionally permitted use prior to September 25, 1984, or which received prior approval through the use permit process, is considered a legal use of the affected parcel and may be expanded or enlarged without obtaining another use permit, provided such expansion, enlargement or addition is in full compliance with this chapter and the applicable district regulations.
- (c) A use permit shall not be required for any use described in subsection (a) above, if a special permit is obtained for that use, pursuant to section 205-6, Hawaii Revised Statutes.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2007, ord 07-55, sec 2; am 2008, ord 08-2, sec 2; am 2010, ord 10-17, sec 2; am 2011, ord 11-25, sec 1; ord 11-26, sec 1; am 2012, ord 12-91, sec 2; ord 12-124, sec 2; am 2014, ord 14-86, sec 2; am 2019, ord 19-100, sec 2.)

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

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

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

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

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

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

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

Section 25-4-70. Disclosure.

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

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

Section 25-4-71. Appeals.

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

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

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

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

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

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

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

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

Section 25-5-3. Permitted uses.

- (a) The following uses shall be permitted in the RS district:
- (1) Adult day care homes.
 - (2) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (3) Community buildings, as permitted under section 25-4-11.
 - (4) Crop production.
 - (5) Dwellings, single-family.
 - (6) Family child care homes.
 - (7) Group living facilities.
 - (8) Home occupations, as permitted under section 25-4-13.
 - (9) Meeting facilities.
 - (10) Model homes, as permitted under section 25-4-8.
 - (11) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
 - (12) Public uses and structures, as permitted under section 25-4-11.
 - (13) Short-term vacation rentals situated in the general plan resort and resort node areas.
 - (14) Temporary real estate offices, as permitted under section 25-4-8.
 - (15) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RS district, provided that a use permit is issued for each use:
- (1) Bed and breakfast establishments as permitted under section 25-4-7.
 - (2) Care homes.
 - (3) Churches, temples and synagogues.
 - (4) Crematoriums, funeral homes, funeral services, and mortuaries.
 - (5) Day care centers.
 - (6) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
 - (7) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (8) Schools.
 - (9) Telecommunication antennas and towers.
 - (10) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the RS district.
(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 3; am 2014, ord 14-86, sec 3; am 2018, ord 18-114, sec 5; am 2019, ord 19-100, sec 3.)

Section 25-5-4. Height limit.

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

- (5) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
 - (6) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (7) Schools.
 - (8) Telecommunication antennas and towers.
 - (9) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the uses permitted under this section shall also be permitted in the RD district.
(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 4; am 2014, ord 14-86, sec 4; am 2018, ord 18-114, sec 6; am 2019, ord 19-100, sec 4.)

Section 25-5-23. Height limit.

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

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

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

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

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

Section 25-5-26. Minimum yards.

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

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

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

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

(B) Side yards, fifteen feet.

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

Section 25-5-27. Other regulations.

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

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

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

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

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

Division 3. RM, Multiple-Family Residential Districts.

Section 25-5-30. Purpose and applicability.

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

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

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

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

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

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

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

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

Section 25-5-32. Permitted uses.

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

- (5) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
 - (6) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (7) Schools.
 - (8) Telecommunication antennas and towers.
 - (9) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the RM district.
(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 5; am 2014, ord 14-86, sec 5; am 2018, ord 18-114, sec 7; am 2019, ord 19-100, sec 5.)

Section 25-5-33. Height limit.

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

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

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

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

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

Section 25-5-36. Minimum yards.

Minimum yards in the RM district shall be as follows:

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

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

Section 25-5-37. Landscaping.

Landscaping shall be provided on a minimum of twenty percent of the total land area of any building site in the RM district, except for lots containing only one single-family dwelling and accessory buildings. Parking areas shall not be included within the area required for landscaping on any building site.
(1996, ord 96-160, sec 2; ratified April 6, 1999, am 2005, ord 05-155, sec 4.)

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

Division 10. CN, Neighborhood Commercial Districts.

Section 25-5-100. Purpose and applicability.

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

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

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

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

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

Section 25-5-102. Permitted uses.

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

- (14) Dwellings, multiple-family, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
 - (15) Dwellings, single-family.
 - (16) Family child care homes.
 - (17) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
 - (18) Financial institutions.
 - (19) Group living facilities.
 - (20) Home occupations, as permitted under section 25-4-13.
 - (21) Medical clinics.
 - (22) Meeting facilities.
 - (23) Model homes, as permitted under section 25-4-8.
 - (24) Museums.
 - (25) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
 - (26) Offices.
 - (27) Personal services.
 - (28) Photography studios.
 - (29) Public uses and structures, as permitted under section 25-4-11.
 - (30) Repair establishments, minor.
 - (31) Restaurants.
 - (32) Retail establishments.
 - (33) Schools.
 - (34) Short-term vacation rentals situated in the general plan resort and resort node areas.
 - (35) Telecommunication antennas, as permitted under section 25-4-12.
 - (36) Theaters.
 - (37) Utility substations as permitted under section 25-4-11.
 - (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the CN district, provided that a use permit is issued for each use:
 - (1) Major outdoor amusement and recreation facilities.
 - (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the CN district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 12; am 2018, ord 18-114, sec 10; am 2019, ord 19-100, sec 6; am 2019, ord 19-100, secs 6 and 7.)

Section 25-5-103. Height limit.

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

- (55) Warehousing.
- (56) Wholesaling and distribution operations.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the MCX district, provided that a use permit is issued for each use:
 - (1) Major outdoor amusement and recreation facilities.
 - (2) Schools.
 - (3) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the MCX district.
(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2003, ord 03-113, sec 1; am 2011, ord 11-26, sec 3; am 2012, ord 12-28, sec 15.)

Section 25-5-133. Height limit.

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

Section 25-5-134. Minimum building site area.

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

Section 25-5-135. Minimum building site average width.

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

Section 25-5-136. Minimum yards.

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

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

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

Section 25-5-137. Landscaping of yards.

- (a) All front yards in the MCX district shall be landscaped, except for necessary access drives and walkways.
- (b) Any required side or rear yard in the MCX district adjoining a building site in an RS, RD, RM or RCX district, shall be landscaped with a screening hedge not less than forty-two inches in height, within five feet of the property line, except for necessary drives and walkways.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-138. Other regulations.

- (a) Plan approval shall be required for all new structures and additions to existing structures in the MCX district.
 - (b) Exceptions to the regulations for the MCX district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 4.)

Division 14. ML, Limited Industrial Districts.**Section 25-5-140. Purpose and applicability.**

The ML (limited industrial) district applies to areas for business and industrial uses which are generally in support of but not necessarily compatible with those permissible activities and uses in other commercial districts.

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

Section 25-5-141. Designation of ML districts.

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

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

Section 25-5-142. Permitted uses.

- (a) The following uses shall be permitted in the ML district:
 - (1) Agricultural products processing, minor.
 - (2) Airfields, heliports and private landing strips.
 - (3) Amusement and recreation facilities, indoor.
 - (4) Animal hospitals.
 - (5) Animal quarantine stations.
 - (6) Aquaculture activities.
 - (7) Automobile and truck storage facilities.
 - (8) Automobile and truck sales and rentals.
 - (9) Automobile service stations.
 - (10) Bakeries.
 - (11) Bars.
 - (12) Broadcasting stations.
 - (13) Car washing.
 - (14) Carpentry, hardwood products and furniture manufacturing and storage establishments.
 - (15) Catering establishments.
 - (16) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (17) Churches, temples and synagogues.
 - (18) Cleaning and dyeing plants.

- (19) Commercial parking lots and garages.
- (20) Community buildings, as permitted under section 25-4-11.
- (21) Contractors' yards for equipment, material, and vehicle storage, repair, or maintenance.
- (22) Crematoriums, funeral homes, funeral services, and mortuaries.
- (23) Day care centers.
- (24) Financial institutions.
- (25) Food manufacturing and processing facilities.
- (26) Greenhouses, plant nurseries.
- (27) Heavy equipment sales, service and rental.
- (28) Home improvement centers.
- (29) Junkyards, provided that the building site is not less than one acre in area.
- (30) Laboratories, medical and research.
- (31) Laundries.
- (32) Lumberyards and building material yards, but not including concrete or asphalt mixing and the fabrication by riveting or welding of steel building frames.
- (33) Manufacturing, processing and packaging establishments, light.
- (34) Motion picture and television production studios.
- (35) Photographic processing.
- (36) Plumbing, electrical, air conditioning and heating establishments.
- (37) Public uses and structures, as permitted under section 25-4-11.
- (38) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops.
- (39) Recycling centers, which do not involve the processing of recyclable materials.
- (40) Repair establishments, minor.
- (41) Restaurants.
- (42) Self storage facilities.
- (43) Storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
- (44) Telecommunication antennas, as permitted under section 25-4-12.
- (45) Temporary real estate offices, as permitted under section 25-4-8.
- (46) Transportation and tour terminals.
- (47) Truck, freight and draying terminals.
- (48) Utility facilities, public and private, including offices or yards for equipment, material, vehicle storage, repair or maintenance.
- (49) Utility substations, as permitted under section 25-4-11.
- (50) Veterinary establishments.
- (51) Vocational schools.
- (52) Warehousing, which does not include retail sales or discount houses or establishments open to the general public or defined members.
- (53) Wholesaling and distribution, including the storage of incidental materials and equipment, except for highly flammable or explosive products.

- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the ML district, provided that a use permit is issued for each use:
 - (1) Major outdoor amusement and recreation facilities.
 - (2) Schools.
 - (3) Yacht harbors and boating facilities.
- (c) The following uses may be permitted in the ML district as incidental and subordinate to any permitted use:
 - (1) Living quarters for watchmen or custodians in connection with the operation of any permitted use.
 - (2) Retail sales.
 - (3) Services for persons working in an ML district which are conducted within an integral part of a main structure with entrances from the interior of the building and which have no display or advertising visible from the street.
- (d) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the ML district.
(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2011, ord 11-26, sec 4; am 2012, ord 12-28, sec 16; am 2019, ord 19-100, sec 8.)

Section 25-5-143. Height limit.

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

Section 25-5-144. Minimum building site area.

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

Section 25-5-145. Minimum building site average width.

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

Section 25-5-146. Minimum yards.

Minimum yards in the ML district shall be as follows:

- (1) Front yard, fifteen feet; and
- (2) Side and rear yards, none, except where the adjoining building site is in an RS, RD, RM or RCX district. Where the side or rear property line adjoins the side or rear yard of a building site in an RS, RD, RM or RCX district, there shall be a side or rear yard which conforms to the side or rear yard requirements for dwelling use of the adjoining district.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-147. Other regulations.

- (a) All front yards in the ML district shall be landscaped, except for drives and walkways.
- (b) Where any required side or rear yard in the ML district adjoins a building site in an RS, RD, RM or RCX district, the side or rear yard shall be landscaped with a screening hedge not less than forty-two inches in height, along the side or rear property lines so adjoining, except for necessary drives and walkways.
- (c) Plan approval shall be required for all new structures and additions to existing structures in the ML district.
- (d) Exceptions to the regulations for the ML district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

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

Division 15. MG, General Industrial Districts.**Section 25-5-150. Purpose and applicability.**

The MG (general industrial) district applies to areas for uses that are generally considered to be offensive or have some element of danger.

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

Section 25-5-151. Designation of MG districts.

Each MG (general industrial) district shall be designated by the symbol "MG" followed by a number which indicates the minimum land area, in number of thousands of square feet, required for each building site, or if the number is followed by the symbol "a," by the minimum number of acres required for each building site.

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

Section 25-5-152. Permitted uses.

- (a) The following uses shall be permitted in the MG district:
 - (1) Agricultural products processing, major and minor.
 - (2) Airfields, heliports and private landing strips.
 - (3) Amusement and recreation facilities, indoor.
 - (4) Animal hospitals.
 - (5) Animal quarantine stations.
 - (6) Animal sales, stock, and feed yards.
 - (7) Aquaculture activities and facilities.
 - (8) Automobile and truck storage facilities.
 - (9) Automobile body and fender establishments.
 - (10) Automobile service stations.
 - (11) Bakeries.
 - (12) Bars.
 - (13) Breweries, distilleries, and alcohol manufacturing facilities.
 - (14) Broadcasting stations.

- (15) Bulk storage of flammable products and bulk storage of explosive products.
- (16) Car washing.
- (17) Catering establishments.
- (18) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- (19) Churches, temples and synagogues.
- (20) Cleaning and dyeing plants.
- (21) Commercial parking lots and garages.
- (22) Community buildings, as permitted under section 25-4-11.
- (23) Concrete or asphalt batching and mixing plants and yards.
- (24) Contractors' yards for equipment, material, and vehicle storage, repair, or maintenance.
- (25) Crematoriums, funeral homes, funeral services, and mortuaries.
- (26) Day care centers.
- (27) Dumping, disposal, incineration, or reduction of refuse or waste matter.
- (28) Expansion of an existing commercial excavation operation, provided that plan approval is secured from the director.
- (29) Fabricating establishments.
- (30) Fertilizer manufacturing plants.
- (31) Financial institutions.
- (32) Food manufacturing and processing facilities.
- (33) Freight movers.
- (34) Greenhouses, plant nurseries.
- (35) Heavy equipment sales, service and rental.
- (36) Home improvement centers.
- (37) Junkyards.
- (38) Kennels.
- (39) Laboratories, medical and research.
- (40) Laundries.
- (41) Lava rock or stone cutting or shaping facilities.
- (42) Lumberyards and building material yards.
- (43) Machine, welding, sheet metal, and metal plating and treating establishments.
- (44) Manufacturing, processing and packaging establishments, light and general.
- (45) Marine railways, drydocks, and ship or boat yards.
- (46) Motion picture and television production studios.
- (47) Photographic processing.
- (48) Public dumps.
- (49) Public uses and structures, as permitted under section 25-4-11.
- (50) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops.
- (51) Recycling centers.
- (52) Reduction, refining, smelting, or alloying of metals, petroleum products or ores.

- (53) Repair establishments, major and minor.
 - (54) Restaurants.
 - (55) Saw mills.
 - (56) Self storage facilities.
 - (57) Slaughterhouses.
 - (58) Storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
 - (59) Storage, curing, or tanning of raw, green, or salted hides or skins.
 - (60) Telecommunication antennas, as permitted under section 25-4-12.
 - (61) Temporary real estate offices, as permitted under section 25-4-8.
 - (62) Transportation and tour terminals.
 - (63) Truck, freight and draying terminals.
 - (64) Utility facilities, public and private, including power plants, offices or yards for equipment, material, vehicle storage, repair or maintenance.
 - (65) Utility substations, as permitted under section 25-4-11.
 - (66) Veterinary establishments.
 - (67) Warehousing.
 - (68) Wholesaling and distribution, including the storage of incidental materials and equipment.
 - (69) Yacht harbors and boating facilities.
 - (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the MG district, provided that a use permit is issued for each use:
 - (1) Commercial excavation.
 - (2) Major outdoor amusement and recreation facilities.
 - (3) Schools.
 - (c) Any other use not otherwise permitted in subsection (a) that relates to the manufacturing, transportation, processing, assembling, distributing, repairing, and storage of goods, products, or materials, shall be permitted in the MG district.
 - (d) The following uses shall be permitted in the MG district as incidental and subordinate to any permitted use:
 - (1) Living quarters for watchmen or custodians in connection with the operation of any permitted use.
 - (2) Retail sales.
 - (3) Services for persons working in an MG district which are conducted within an integral part of a main structure with entrances from the interior of the building and which have no display or advertising visible from the street.
 - (e) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the MG district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-68, sec 2; am 2011, ord 11-26, sec 5; am 2012, ord 12-28, sec 17; am 2019, ord 19-100, sec 9.)

Section 25-5-153. Height limit.

The height limit in the MG district shall be fifty feet. An industrial structure may be built to a height of one hundred feet, provided the extra height is determined by the director to be functionally necessary.

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

Section 25-5-154. Minimum building site area.

The minimum lot area in the MG district shall be twenty thousand square feet.

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

Section 25-5-155. Minimum building site average width.

Each building site in the MG district shall have a minimum building site average width of one hundred feet.

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

Section 25-5-156. Minimum yards.

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

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

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

Section 25-5-157. Other regulations.

- (a) All front yards in the MG district shall be landscaped, except for drives and walkways.
- (b) Where any required side or rear yard in the MG district adjoins a building site in an RS, RD, RM or RCX district, a solid wall six feet in height shall be erected and maintained along the side and rear property lines so adjoining.
- (c) Plan approval shall be required for all new structures and additions to existing structures in the MG district.
- (d) Exceptions to the regulations for the MG district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

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

ZONING MAP No. 7.15--(North Hilo District)

§ 25-8-19

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	377	3-15-1971	Kihalani, North Hilo	3-5-05:03	A-20a	RS-10	7.15(a)
(2)	28	4-29-1974	Kihalani Homesteads, North Hilo	3-5-04:25	A-20a	RS-10	7.15(b)
(3)	166	10-31-1975	Papaaloa, North Hilo	3-5-03:Pors. 27 and 72, 3-04:Pors. 7 and 5	A-20a	RS-10	7.15(c)
(4)	393	11-13-1978	Waikaumalu-Maulua, North Hilo	3-2-02:Por. 41	A-20a	A-1a	7.15(d)
(5)	85-13	2-25-1985	Kihalani Homesteads, North Hilo	32-5-04:25	RS-10	RA-1a	
(6)	85-33	4-22-1985	Kapena, North Hilo	3-2:Por. 41	A-20a	A-1a, A-5a	
(7)	91-132	12-27-1991	North Hilo	32-9-01:3, 3-9-02:9	A-5a, A-20a A-40a	A-20,000a	
(8)	99-48	5-4-1999	Papaaloa, North Hilo	3-5-3:Pors. of 27 and 75 and 3-5-4:Por. of 8	RS-10	A-10a A-20a	
(9)	03-26	2-20-2003	Manowai'opae, Homesteads, North Hilo	3-5-4:77	A-20a	RA-1a	
(10)	14-04	1-27-2014	Waipunalei, North Hilo	3-6-005:003	A-20a	A-5a	
(11)	18-95	10-01-2018	Papa'aloa, North Hilo	3-5-004:023	A-20a	A-5a	
(12)	19-88	08-08-2019	Kihalani, North Hilo	3-5-004:030	A-20a	A-5a	

ZONING MAP No. 7.16--(‘O‘okala)

§ 25-8-20

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	538	11-14-1972	Ookala, North Hilo	3-9-01:Por. 6	RS-10	MG-1a	7.16(a)
(2)	807	7-23-1982	Ookala, North Hilo	3-9-01:Pors. 6 and 26	RS-10	MG-1a	7.16(b)

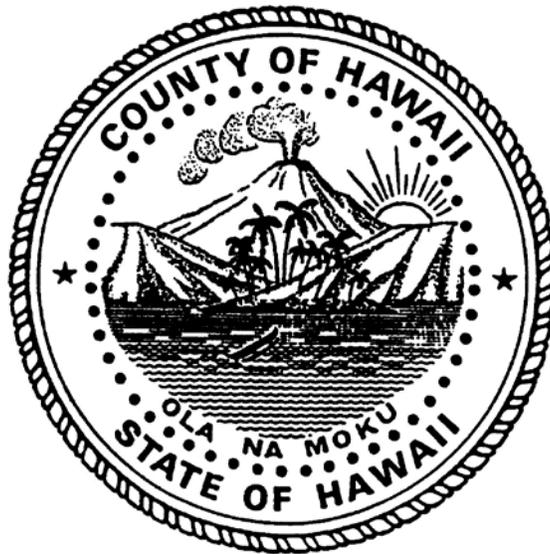
Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(424)	19-17	02-20-19	Waiākea, South Hilo	2-4-057:029; Por. 030 & Por. 031 (Formerly 2-4-057:001)	(Amends Ord. 07-26) (Effective Date 3-20-07)		
(425)	19-26	03-25-19	Waiākea, South Hilo	2-2-023:012	(Amends Ord. 97-13) (Effective Date 2-20-97)		
(426)	19-27	03-25-19	Waiākea Homesteads 1st Series, Waiākea South Hilo	2-4-021:059	RS-15	RS-10	
(427)	19-28	03-25-19	Waiākea House Lots, Waiākea South Hilo	2-2-034:086	RS-10	CN-20	
(428)	19-34	04-08-19	Waiākea House Lots 2nd Series, Waiākea South Hilo	2-2-024:003	RS-10	CG-20	
(429)	19-39	04-25-19	Waiākea, South Hilo	2-2-034:012	(Amends Ord. 06-107) (Effective Date 7-17-06)		
(430)	19-58	05-21-19	Ponahawai, South Hilo	2-3-037:001, 2-3-044:019, and 2-3-049:053	(Amends Ord. 10-64) (Effective Date 6-18-10)		
(431)	19-90	08-21-19	Waiākea, South Hilo	2-2-39:31, 57, 68, and 69	(Amends Ord. 07-105) (Effective Date 8-14-07)		
(432)	19-92	09-18-19	Waiākea, South Hilo	2-4-080:013	A-3a	RS-10	
(433)	19-113	12-17-19	Waiākea Houselots, Waiākea South Hilo	2-2-050:043	(Amends Ord. 09-90A) (Effective Date 9-2-09)		

This page intentionally left blank.

THE HAWAII COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 7 (1-2020)
Contains ordinances effective through: 12-31-19



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

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

Volume Three

**CONFLAGRATIONS,
HOLOCAUSTS, FIRES, ETC.**

**CONFLAGRATIONS, HOLOCAUSTS,
FIRES, ETC.**

Remission of taxes in certain disasters 19-36

CONFLICT OF INTEREST

Nonprofit organizations, appropriations to 2-136 et seq.

See: FINANCES

**CONFLICTING INTERESTS OF
PERSONNEL**

Code of ethics 2-79 et seq.

See: CODE OF ETHICS

Financial disclosures and disclosures of interest 2-91.1 et seq.

CONSERVATION

Alternate energy improvements tax exemptions 19-82

See: REAL PROPERTY TAXES

CONSTITUTION

Severability of unconstitutional parts of code 1-9

CONSTRUCTION

Building regulations. See: BUILDINGS
Department of Public Works Divisions 2-41
See: DEPARTMENT OF PUBLIC
WORKS

Parking stalls 24-221 et seq.
See: TRAFFIC

Plumbing and plumbing code 17-1 et seq.
See: PLUMBING CODE (Generally)

CONTAMINATION

Parks and recreational area restrictions 15-30

Sewer regulations 21-1 et seq.
See: WATER AND SEWERS

CONTRACTORS

Building codes 5-1 et seq.
See: BUILDINGS

Electrical installations 9-1 et seq.
See: ELECTRICITY

CONTRACTS AND AGREEMENTS

Contract certified as to availability of funds
Encumbrances construed re 2-12.1

Contractual authority of the various boards, commissions, departments, etc. See specific departments, boards, etc., as indexed
County housing agency contracts, signing 2-73

Financial disclosures, disclosures of interest 2-91.1

Sale or lease by sealed bids

Property disposition by county 2-113

Special assessments for improvements 12-1 et seq.

See: PUBLIC WORKS AND
IMPROVEMENTS

CONTROLLER

Official bonds 2-2

CONVEYANCES

Real property taxes 19-1 et seq.

See: REAL PROPERTY TAXES

CO-PARTNERSHIPS

Real property tax returns 19-15

See: REAL PROPERTY TAXES

CORAL, ROCKS, ETC.

Removal of sand, etc. from park and recreational areas 15-6

CORNER LOTS

Zoning regulations. See: ZONING

CORNERS

Vehicles cutting corners 24-172

CORPORATION COUNSEL

Advancement within grade 2-148

Claims, settlement 2-9

Deputies, salaries 2-143 et seq.

Land acquisition, settlement 2-10

Official bonds 2-2

Organization of executive branch

Departments, officers, etc., under supervision of mayor 2-7

CORPORATIONS

Person defined re 1-4

Proprietor defined re 1-4

Real property tax returns 19-15

See: REAL PROPERTY TAXES

COUNCIL

COUNCIL

See: COUNTY COUNCIL
Defined 1-4

COUNSEL

Corporation counsel 2-9 et seq.
See: CORPORATION COUNSEL
Officers in general. See: OFFICERS AND EMPLOYEES

COUNTY

Defined 1-4

COUNTY AGENCIES

See: DEPARTMENTS AND OTHER AGENCIES OF COUNTY
Central coordinating agency duties 2-62

COUNTY ASSETS

Commercial sponsorship 2-237 et seq.

COUNTY BAND

Executive branch; departments, etc., under direct supervision of managing director 2-7(a)(2)

COUNTY BEACH PARK

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

COUNTY BUILDING STRUCTURES AND GROUNDS

Director of public works, duties 2-39
Parking regulations 24-229 et seq.
See: TRAFFIC

COUNTY BUSES

Bus terminals 18-21 et seq.
See: PUBLIC TRANSPORTATION (Common Carriers)

COUNTY CLERK

Defined 1-4
Official bonds 2-2
Public records fee schedule, administration 2-103
See: PUBLIC RECORDS

COUNTY CODE

See: HAWAII COUNTY CODE

COUNTY COUNCIL

Compensation for use of private automobiles 2-101
Meeting agendas posting 14-71
Official bonds 2-2
Subpoenas, issuance 2-4

COUNTY DEPARTMENTS

See: DEPARTMENTS AND OTHER AGENCIES OF COUNTY

COUNTY DUMPING GROUNDS

Burning on 20-44
Garbage disposal, etc. See: GARBAGE AND TRASH

COUNTY EQUIPMENT

Disposal 2-131 et seq.
See: FINANCES

COUNTY FINANCES

See: FINANCES

COUNTY FIRE FIGHTING EQUIPMENT

Use of 2-22
Fire fighting in general. See: FIRE DEPARTMENT

COUNTY HIGHWAYS

See: STREETS AND SIDEWALKS

COUNTY HOUSING AGENCY

See: HOUSING

COUNTY PERSONNEL

See: OFFICERS AND EMPLOYEES

COUNTY POLICE

See: POLICE DEPARTMENT

COUNTY REVENUE

See: FINANCES

COUNTY SEAL

Description of 2-154
Unauthorized use 2-155

COUNTY STREETS

See: STREETS AND SIDEWALKS

**COUNTY TRANSPORTATION
COMMISSION**

Generally 18-3 et seq.
See: PUBLIC TRANSPORTATION
(Common Carriers)

COUNTY TREASURER

See: TREASURER

COUNTY VEHICLES

See: AUTOMOTIVE DIVISION

COURTS

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

CREDIT

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

CREDIT UNIONS

Tax exemptions 19-89.2
See: REAL PROPERTY TAXES

CREMATORIES

Real property tax 19-77
Subdivision requirements 23-27

CRIME VICTIMS

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

CRIME WATCH SIGNS

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

CROP SHELTERS

Real property tax exemptions 19-79
See: REAL PROPERTY TAXES

CROSSWALKS

Parking restrictions 24-189
Pedestrians in general 24-246 et seq.
See: TRAFFIC

CROWDS

Public assemblies. See: ASSEMBLIES

CULTIVATED GROUNDS

Property offenses 14-39

CULTURAL INSTITUTIONS

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

CURBS

Street defined re 1-4
Public ways in general. See: STREETS AND
SIDEWALKS

CURFEW

Minors 13-1 to 13-6

CURSING, SWEARING, ETC.

Disorderly conduct in park areas 15-9
Minors 13-1 et seq.
See: MINORS

CURVES AND GRADES

Subdivision street design 23-50
Vehicle warning devices, placement 24-123

-- D --

DAMAGES

Nonliability of the County or its employees
9-7, 17-3
Nonresponsibility of county re golf course
accidents 24-180
Park and recreational area restrictions, etc.
15-8 et seq.
See: PARKS AND RECREATION
Property damages 14-40.1
Road damages, creating 24-157
See: TRAFFIC

DANCE HALLS

Inspections 6-19
Licenses
Applications 6-10
Fees 6-14, 6-16
Required 6-9
Conditions 6-17
Non transferable 6-15
Display 6-20
Liquor prohibited 6-21
Minors prohibited 6-22

DANCE HALLS

- Penalties 6-23
- Requirements
 - License required 6-9
 - Location 6-11
 - Consent of adjoining owners 6-12
 - Permit 6-13
 - Bond 6-18

DEAD ANIMALS

- Disposal 20-37
 - Refuse disposal in general. See:
GARBAGE AND TRASH

DEAF PERSONS

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

DEATH

- See: INJURY OR DEATH

DEBITS

- County finances. See: FINANCES

DECORATIONS

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

DECREES

- See: JUDGMENTS OR DECREES

DEEDS--DEDICATION OF LAND

- Donations, gifts, dedications to county 2-161 et seq.
- Parks
 - See: PARK DEDICATION CODE
- Urban districts, in
 - Real property tax exemption 19-80

DEFECATION

- Dogs, cats, etc., defecating on public ways 4-19
- Animals in general. See: ANIMALS AND FOWL
- Park areas, etc. 15-30(g)

DEFINITIONS

- General definitions for interpreting code 1-4
- Abandoned vehicle 20-31
- Acceptable level of service 25-2-46
- Accessible to a sewer 21-2
- Accessory building 25-1-5
- Accessory use 25-1-5, 27-12

- Address 14-80
- Adjusted assessment base 33-2
- Adjustment rate 33-2
- Administrative action 2-91.3
- Administrative agency 2-91.3
- Administrative authority 5-4
- Administrative head 2-238
- Adult day care home 25-1-5
- Adult dog 15-78
- Aerial device 26-2-2
- Aerial sign 3-3
- Aesthetic areas 15-66
- Affordable housing 11-3
- Affordable housing developer 2-110
- Affordable housing income guidelines 11-3
- Affordable rental housing 19-2
- Affordable rental rate 19-2, 19-53
- Affordable unit or affordable housing unit 11-3
- Agency 1-4, 2-82, 11-3, 14-7
- Aggressive manner 14-74
- Agricultural activities 25-1-5
- Agricultural/open district 3-3
- Agricultural products processing, major 25-1-5
- Agricultural products processing, minor 25-1-5
- Agricultural tourism 25-1-5
- Agriculture 23-113
- Agriculture use value 19-2
- Alley 23-3, 24-3, 25-1-5
- Amusement and recreation facility, indoor 25-1-5
- Amusement and recreation facility, major outdoor 25-1-5
- And/or 1-4
- Animal control officer 4-1
- Animals 4-1
- Another 22-1.2
- Any, anyone, anybody 22-1.2
- Apartment 23-122
- Apartment house 25-1-5
- Appeal 27-12
- Applicant 2-5
- Appointing authority 2-143
- Apprentice 9-5
- Approval 8-2, 34-3
- Approved development 25-2-46
- Aquaculture 25-1-5
- Area mitigation 25-2-46
- Area of shallow flooding 27-12

DEFINITIONS

Arterial 23-3
Arterial street 24-3
Articles pyrotechnic 26-2-2
Assessed value of real property 35-1
Assessment base 33-2
Assessment increment 33-2
Assessment unit 12-1
Assistant 5-4, 9-5, 17-3
ASTM standard 20-62
At large 4-1
Attack 4-1
Auction 6-32
Auctioneer 6-32
Authority having jurisdiction 9-5, 17-3
Authorized association 35-60
Authorized association-installed 35-60
Authorized emergency vehicle 24-3
Authorized person 7-6, 15-3
Authorized personnel 25-1-5
Automated sign 3-3
Automobile service station 25-1-5
B.O.D. (biochemical oxygen demand) 21-2
Backfill 27-12
Banner 3-3
Bar 14-20
Base flood 27-12
Base flood elevation 17-52, 27-12
Basement 27-12
Bed and breakfast establishment 25-1-5
Beginning of construction 25-1-5
Bicycle 24-3
Bicycle lane 24-3
Bicycle path 24-3
Bicycle route 24-3
Bicycle/walk path 24-3
Bikeway 24-3
Biodegradable 20-62
Bizarre council district shape 36-1
Blight 33-2
Blind 19-75
Blue light content 14-51
Board 2-82, 9-5, 26-3-1
Bodily injury 4-1
Bond ordinance 35-1
Bonds 1-4, 32-16, 35-1
Borrow 10-1
Bowling alley 14-20
Breakaway walls 27-12
Building 1-4, 3-3, 5-71, 14-20, 14-80, 22-1.2, 25-1-5
Building height 25-1-5
Building line 23-3, 25-1-5
Building official 5-71, 14-51
Building or house sewer 21-2
Building site 25-1-5
Building site average width 25-1-5
Built-in counter-top range 9-40
Built-in oven 9-40
Bureau of conveyances 23-3
Bus 24-3
Business 1-4, 2-82, 3-3, 14-20, 14-116, 20-31
Business district 24-3
Business establishment 3-3
Business improvement district 22-1.2, 35-1
Business or industrial street 23-3
Business service 25-1-5
Camper 15-3
Camping 15-3
Candidate 2-121
Capital Costs 2-235
Care home 25-1-5
Carport 5-71
Carrier 18-1
Cash sponsorship 2-238
Catering establishment 25-1-5
Certificate of disability 24-242
Certification of rental rate 19-2
Certified hale builder 5-83
Cesspool 21-2
Charter 1-4
Chief of police 14-7, 14-67, 18-31, 22-1.2
City 1-4
City of Hilo 23-3, 25-1-5
Civil Defense siren 25-2-46
Class I lighting 14-51
Class II lighting 14-51
Class III lighting 14-51
Clerk 1-4, 32-16
Coastal high hazard area 27-12
Collector street 23-3
Commercial 3-3
Commercial agricultural activities 19-2
Commercial agricultural use dedication 19-2
Commercial building 14-20
Commercial cooking oil waste 20-31
Commercial excavation 25-1-5
Commercial FOG waste 20-31
Commercial interests 3-3
Commercial/industrial district 3-3
Commercial parking lot and garage 25-1-5
Commission 2-198, 18-1, 18-31, 20-31, 21-2, 25-1-5, 36-1

DEFINITIONS

Commissioner 36-1
Committee 2-121
Common driveway approach 22-1.2
Common element 23-122
Community building 25-1-5
Community facilities district 32-16
Community of common interest 36-1
Community of interest 36-1
Community storm shelter 5-81
Compensation 2-82
Compostables 20-50, 20-62
Condominium 23-122
Condominium property regime 23-122
Condominium unit 12-1
Conflict of interest 2-136
Conforming 23-3, 25-1-5
Connection 21-2
Consolidation 23-3
Consumer fireworks 26-2-2
Continuous and regular basis 19-2
Contribution 2-91.3, 2-238
Controlled access highway 24-3
Controlling interest 2-82
Convenience store 25-1-5
Cooperating department 12-1
Corporation counsel 22-1.2
Cost 2-5, 12-1, 32-16
Costs of supplemental improvements 35-1
Costs of supplemental services and improvements 35-1
Council 1-4, 2-225, 3-3, 18-31, 25-1-5, 31-2, 32-16, 33-2
Council district deviation 36-1
County 1-4, 2-167, 2-225, 19-2, 30-3, 32-16, 33-2, 35-1
County animal control service 4-1
County asset 2-238
County building code 26-2-2
County clerk 35-1
County engineer 24-3
County environmental report 25-1-5
County facility 20-62
County facility users 20-62
County fire code 26-2-2, 26-3-1
County general plan 23-3
Courtesy inspection 17-29
Cracking 36-1
Crematorium 25-1-5
Critical road area 25-2-46
Crop production 25-1-5
Crosswalk 24-3
Cruise or cruising 18-31
Cul-de-sac 23-3
Cultural 26-2-2
Customer 20-62
Cut 10-1
Damage to the road 24-157
Dangerous dog 4-1, 15-78
Data processing facility 25-1-5
Date of classification 19-2
Day care center 25-1-5
DBEDT 31-2
De minimis structure position discrepancy 25-1-5
Dead-end street 23-3
Deaf 19-75
Debt 32-16
Declaration 23-122
Dedicated lands 19-2
Dedication 34-3
Default 21-38
Demolition 9-5
Density 25-1-5
Department 2-198, 2-225, 3-3, 9-5, 14-120, 14-137, 15-3, 20-31, 24-221, 26-2-2
Deputies 2-143
Derelict vehicle 20-31
Design commission 3-3
Designated agency 30-3
Designated bank 21-38
Designated historic and archaeological sites 10-1
Designee 1-4
Developer 23-122
Development 27-12, 34-3
Development agreement 30-3
Devices 14-7
Director 2-136, 2-198, 2-225, 3-3, 6-32, 8-2, 14-80, 14-120, 15-3, 18-31, 19-2, 20-31, 20-62, 21-2, 22-1.2, 23-3, 25-1-5, 32-16, 33-2, 34-3, 35-60
Director of finance 18-1
Director of transportation 23-3
Directory sign 3-3
Disaster 7-6
Display 26-2-2
Display case 3-3
Display fireworks 26-2-2
Disposable food service ware 20-62
Distribute 14-137
District 1-4, 3-3, 8-2, 22-1.2, 32-16, 33-2, 35-1, 35-60
District association 22-1.2, 35-1
District board 35-1

DEFINITIONS

District engineer 23-3, 24-3
District-wide publication
 dispensing rack permit 22-1.2
Divided highway 24-3
Dog park 15-78
Double-family dwelling 19-2, 25-1-5
Drainage facility 27-12
Drilling operation 14-120
Driver 18-56, 24-3
Driveway 22-1.2
Driveway approach 22-1.2
Ductline 9-5
Duplex 19-2, 25-1-5
Dwelling 25-1-5
Dwelling unit 8-2, 19-2, 25-1-5
Easement 23-3, 34-3
Economic benefit 19-77
Electrical contractor 9-5
Electrical specialty contractor 9-5
Electrical specialty work 9-5
Electrical wiring 9-5
Electrical work 9-5
Electronic smoking devices 14-20
Eligible buyer 11-3
Emergency 24-3
Emergency electrical work 9-5
Emergency responders 24-167.1
Employee 1-4, 2-82, 14-7
Enclosed or partially enclosed area(s) 14-20
Enclosure 35-60
Encroachment 27-12
Encumbrance 2-12.1
Energy-saving device 25-1-5
Enforcement officer 4-1, 15-78, 24-242
Engineer 10-1, 22-1.2, 23-3
Engineer's soils report 10-1
Environmental impact statement 25-1-5
Equipment 2-238
Equivalent population 21-2
Erected 25-1-5
Erosion 10-1
Excavation 10-1
Exceptional trees 14-57
Executive agency 1-4
Existing building 5-71
Existing manufactured home park or
 subdivision 27-12
Expenditure 2-91.3
Extension 21-2
Extra inspection 17-29
Facilities 32-16
Facility 2-238
Factory-built housing 5-79
Fair market value 8-2
Family 5-71, 25-1-5
Family child care home 25-1-5
Farm 25-1-5
Farm animals 4-1
Farm dwelling 19-2, 25-1-5
Farm subdivision 23-113
Farmers market 25-1-5
Feed crops and fast rotation forestry 19-2
Fifteen mile radius 11-3
Fill 10-1, 27-12
Fill material 27-12
Finance director 22-1.2
Financial interest 2-82
Financing plan 33-2
Financing supplemental services and
 improvements 35-1
Fire chief 26-2-2, 26-3-1
Fire Code 5-71
Firecrackers 26-2-2
Fireworks 26-2-2
Fireworks code 26-3-1
First user 5-79
Flag lot 25-1-5
Flood elevation determination 27-12
Flood elevation study or flood study 27-12
Flood, flooding, or flood water 27-12
Flood Insurance Rate Map 27-12
Flood Insurance Study 27-12
Flood or flooding 17-52
Flood protection system 27-12
Floodplain administrator 27-12
Floodplain management 27-12
Floodplain management regulations 27-12
Floodplain or flood-prone area 27-12
Floodproofing 27-12
Floodway 27-12
Floodway fringe 27-12
Floor area, gross 25-1-5
Floor area, net 25-1-5
Following 1-4
Food manufacturing and processing facility
 25-1-5
Food packaging 20-62
Food provider 20-62
Food service ware 20-62
Food vendor 20-62
For nonprofit purposes 19-77
Fracturing 36-1
Fraud and victimization 27-12
Freeboard 27-12

DEFINITIONS

Front yard 25-1-5
Frontage 25-1-5
Fully-shaded window 5-84
Fully shielded 14-51
Functionally dependent use 27-12
Fund 33-2
Funeral home 25-1-5
Funeral services 25-1-5
Future width lines 25-1-5
Gang cesspool 21-2
Garbage 20-31, 21-2
Garbage, properly shredded 21-2
General floodplain 27-12
Genetic engineering 14-91
Genetically engineered 14-129
Gerrymander 36-1
Golf cart 24-176
Golf cart crossing 24-176
Golf course maintenance vehicle 24-176
Governmental entity or agency 30-3
Grading 10-1
Grant 2-136
Graphic design 3-3
Grease 21-2
Grease traps 21-2
Gross area of opaque roof surfaces 5-84
Gross negligence 2-167
Ground sign 3-3
Group of structures 5-83
Group living facility 25-1-5
Grubbing 10-1
Guaranteed borrower 21-38
Guest house 25-1-5
Guest ranch 25-1-5
Gun 14-7
Hale 5-83
Half Street 23-3
Handbill 20-1
Handler 15-78
Handicapped 18-1
Hardship 27-12
Highest adjacent grade 27-12
Highway 24-3
Historic preservation 2-225
Historic properties 2-225
Historic structure 27-12
Home improvement center 25-1-5
Home occupation 25-1-5
Homeownership counselor 11-3
Hospital 25-1-5
Hotel 8-2, 14-20, 25-1-5
Household rubbish 20-31
Humane society 4-1
Hurricane-prone regions 5-82
Hydraulic fracturing 14-120
Ideal council district's population 36-1
Illuminated sign 3-3
Immediate family 2-82
Immediate vicinity of a project 25-2-46
Impending disaster 7-6
Import 26-2-2
Improvement area 32-16
Improvement district 12-1
Improvements 32-16
In-kind sponsorship 2-238
Incidental expense 32-16
Incidental expenses of a district 35-1
Incidentals 12-1
Increment 21-38
Indigenous Hawaiian architecture structures 5-83
Indirect lighting 3-3
Individual 14-51
Industrial wastes 21-2
Infiltration 21-2
Inflow 21-2
Insert 35-60
Insignia of approval 5-79
Inspection 2-5
Install 35-60
Installation 5-79
Intensive agriculture 19-2
Intentionally 1-11, 14-74
Interior lot line 25-1-5
Intersection 24-3
Intoxicating liquor 13-8
Inundation level 9-5
Import 26-2-2
Issuing agency 24-242
Journeyman electrician 9-5
Journeyman specialty electrician 9-5
Junkyard 25-1-5
Kailua Industrial Subdivision 3-3
Kailua Village core 3-3
Kennel 25-1-5
Kitchen 25-1-5
Knowingly 14-74
Land 35-1
Land surveyor 10-1
Land use 25-1-5
Landowner 32-16, 35-1
Landscaping 19-80
Lateral 21-2
Lease 2-110
Legislative action 2-91.3

DEFINITIONS

Levee 27-12
Levee system 27-12
Level of service 25-2-46
License 26-2-2
Limited common element 23-122
Litter 20-1
Livestock 25-1-5
Livestock production 25-1-5
Lobbyist 2-91.3
Lobbying 2-91.3
Local mitigation 25-2-46
Location 35-60
Lodge 25-1-5
Lodging unit 8-2
Lot 3-3, 23-3, 25-1-5, 34-3
Lot line 25-1-5
Lot width 25-1-5
Lowest floor 27-12
Machine or device for reproducing sound
14-17
Main 21-2
Main building 25-1-5
Maintenance work 9-5
Majority 35-1
Manager 23-3
Manufacture 5-79
Manufactured home 27-12
Manufactured home park or subdivision
27-12
Manufacturing, processing and packaging,
general 25-1-5
Manufacturing, processing and packaging,
light 25-1-5
Marginal access street 23-3
Market value 19-2, 27-12
Marquee sign 3-3
Materials 20-50
May 1-4
Mayor 1-4, 2-225
Mean sea level 27-12
Medical clinic 25-1-5
Meeting facility 25-1-5
Minimum building site area 23-122
Minimum necessary 27-12
Minor 13-8
Minor street 23-3
Minority population 36-1
Mitigation 25-2-46
Mobile dwelling 25-1-5
Mobile electronic device 24-167.1
Mobile home 6-25
Mobile home park 6-25
Mobility device 15-78
Monetary gain 19-77
Month 1-4
Moped 24-3
Mortuary 25-1-5
Motor vehicle 24-3
Motorcycle 24-3
Moterscooter 24-3
Mountain 34-3
Movie 26-2-2
Multifamily dwelling 14-20
Multiple loading 18-31
Multiple-family development 34-3
Multiple-family dwelling 25-1-5
Must 1-4
Natural outlet 21-2
Negligently 4-1
Neighborhood watch 14-67
Neighborhood watch sign 14-67
Nepotism 2-136
Net free vent area 5-84
Net taxable buildings 19-90
Net taxable lands 19-90
Net taxable real property 19-90
New construction 27-12
New manufactured home park or subdivision
27-12
Newspaper 20-1
Nightclub 14-20
Nonconforming building or parcel 25-1-5
Nonconforming use 25-1-5
Nondedicated agricultural use assessment
19-2
Nonprofit organization 2-110, 2-136
Oath 1-4
Obnoxious substance 14-7
Obstruction 27-12
Occupancy 25-2-46
Occupant 1-4
Occupation 24-221
Off-leash area 15-78
Office of Housing and Community
Development (OHCD) 11-3
Officer 1-4, 2-82
Official act 24-3
Official act or official action 2-82

DEFINITIONS

- Official authority 2-82
Official County street name 22-1.2
Official traffic-control device 24-3
Ohana dwelling 19-2, 25-1-5
On-leash area 15-78
One-hundred-year flood 27-12
One-hundred-year floodplain 27-12
One mile 14-113
One person, one vote 36-1
Open areas 15-66
Open air 14-129
Open spaces 19-80
Open to the public 14-20
Operate 1-4
Operator 24-3
Operate a motor vehicle 24-167.1
Orchards 19-2
Ordinance of annexation 35-1
Ordinance of consideration 35-1
Ordinance terminating the district 35-1
Ordinances 1-4
Others 22-1.2
Outdoor lighting fixture 14-51
Overburden 10-1
Owner 1-4, 4-1, 12-1, 19-80, 21-38, 24-3
Owner-builder 5-4
Owner of land 32-16, 35-1
Packing 36-1
Painted window signs 3-3
Paratransit service 18-94
Parcel of land 35-1
Park area 15-3
Park or parking 24-3
Parking permit 24-242
Parks and playgrounds 8-2
Parkway 23-3
Partially shielded 14-51
Passenger car 24-3
Passenger for hire 18-31
Pasture and slow rotation forestry 19-2
Pedestrian 24-3
Pedestrian way 3-3, 23-3, 25-1-5
Pedicab 24-186.2
Permanent 26-2-2
Permanent electrical service 9-5
Permanent fireworks storage building or structure 26-2-2
Permanent resident 36-1
Permit 26-2-2, 35-60
Permit period 35-60
Permittee 10-1, 35-60
Perquisite 2-136
Person 1-4, 2-91.3, 2-167, 2-238, 3-3, 4-1, 6-25, 9-5, 14-45, 14-91, 14-129, 14-137, 22-1.2, 23-3, 30-3
Person with a disability 24-242
Personal services establishment 25-1-5
pH 21-2
Picnicker 15-3
Picnicking 15-3
Piggery 25-1-5
Placard 24-242
Plan 36-1
Plan approval 25-1-5
Plan lines for future streets 25-1-5
Planning commission 28-5, 34-3
Planning director 22-1.2
Plant pestilence 14-129
Plastic checkout bag 14-116
Plasticity 10-1
Plat 23-3
Plumbing code 17-1
Pole trailer 24-3
Police officer 24-3
Political party 2-121
Polystyrene foam 20-62
Portable appliances 9-5
Portable electric sign 9-40
Portable sign 3-3
Poultry 4-1
Practicable 36-1
Preceding 1-4
Pre-existing lot 23-3
Premium 12-1
Prepared food 20-62
Primary frontal dune 27-12
Principal 30-3
Principal structure 27-12
Private driveway or private road 24-3
Private entity 24-242
Private premises 20-1
Private road 20-31
Private street 14-80, 23-3
Professional 2-225
Program 2-238
Prohibited materials 20-31
Project 23-122
Project area 25-2-46
Project costs 33-2
Projecting sign 3-3
Proof of age 14-137
Property 19-2, 33-2
Property for hire 18-31
Proprietor 1-4
Protective eyewear 24-3

- Provide land in perpetuity 8-2
 Provisional tax increment district 33-2
 Provocation 4-1
 Public access 34-3
 Public dance house or hall 6-8
 Public highway(s) 18-1, 20-31, 34-3
 Public holiday 24-3
 Public improvements 33-2
 Public mountain area 34-3
 Public place 1-4, 13-8, 14-74, 20-1
 Public property 20-31
 Public recreation 19-80
 Public sewer 21-2
 Public shoreline area 34-3
 Public street 34-3
 Public thoroughfare 24-176
 Public use, public building and public structure 25-1-5
 Public works 33-2
 Publication 35-60
 Publication dispenser permits 22-3.1
 Publication dispensing device 35-60
 Publication dispensing rack enclosure 35-60
 Publication dispensing rack insert 35-60
 Publication dispensing rack space 35-60
 Publication dispensing rack space permits 22-1.2
 Publisher 35-60
 Puppy 15-78
 Pyrotechnic composition or pyrotechnic contents 26-2-2
 Qualified business 31-2
 Qualified households 11-3
 Radioactive material or substance 14-45
 Range 9-40
 Reachable 25-1-5
 Real property 2-110, 19-2
 Reallocation 35-60
 Rear lot line 25-1-5
 Rear yard 25-1-5
 Reasonable assumptions 25-2-46
 Recombinant DNA 14-91
 Reconstructed vehicle 24-3
 Recoverable expenses 2-167
 Recreational activity 34-3
 Recreational area 15-3
 Recreational facilities 15-66
 Recreational vehicle 27-12
 Recyclables 20-62
 Recycling 20-50
 Recycling center 25-1-5
 Red flag warning 26-2-2
 Redistribution 26-2-2
 Redistricting 36-1
 Redistricting cycle 36-1
 Refuse 20-20, 20-31
 Region 36-1
 Register 14-129
 Registration 14-129
 Regulatory floodway 27-12
 Release 14-91
 Remnant 2-110
 Removable windshield placard 24-242
 Rentable unit 25-1-5
 Repair establishment, major 25-1-5
 Repair establishment, minor 25-1-5
 Repetitive loss structure 27-12
 Rescue operation 2-167
 Reserve strip 23-3
 Residence 14-113
 Resident population 8-2
 Residential 19-53
 Residential district 3-3, 24-3
 Responsible department 12-1
 Responsible director or manager 12-1
 Resort area 25-1-5
 Resort subdivision 23-3
 Restaurant 14-20, 25-1-5
 Retail establishment 25-1-5
 Retail food establishment 20-62
 Retail tobacco store 14-20
 Reusable bag 14-116
 Reversed corner lot 23-3
 Reversed frontage lot 23-3
 Rider 18-94
 Right-of-way 23-3, 24-3
 Riverine 27-12
 Road taxi stand 18-31
 Road tractor 24-3
 Roadway 22-1.2, 23-3, 24-3
 Roof area 5-84
 Roof sign 3-3
 Rubbish 20-31
 Safety glass 18-1
 Safety zone 24-3
 Sand dunes 27-12
 Sanitary engineer 23-3
 Sanitary sewer 21-2
 School 25-1-5
 School bus 18-56, 24-3
 School bus operator 18-56
 Sedimentation 10-1
 Self-directed revocable living trust 21-38
 Self-storage facility 25-1-5
 Semi-trailer 24-3
 Senior citizen 18-1

DEFINITIONS

Separation 5-83
Serious injury 4-1
Service bureau 2-121
Service business or calling 31-2
Service road 23-3
Setback 5-83
Sewage 21-2
Sewage treatment plant 21-2
Sewage works, sewer system, or sewer 21-2
Sewer system improvement district 12-1
Shall 1-4
Shared-use or multi-use park 15-78
Shared-ride taxi 18-31
Sheet flow area 27-12
Shell, cartridge, or bomb 14-7
Shipper 26-2-2
Shoreline 34-3
Short-term vacation rental 25-1-5
Side yard 25-1-5
Sidewalk 1-4, 22-1.2, 23-3, 24-3, 35-60
Sidewalk use permits 22-3.1
Sign 3-3
Single-family dwelling 19-2, 25-1-5
Siren 24-3
Site 5-79
Smoke or smoking 14-20
Socioeconomic group 36-1
Soil and water conservation districts 10-1
Solar water heater 19-2
Soliciting 14-74
Solid tire 24-3
Space 35-60
Special duty 2-171
Special flood hazard area 17-52, 27-12
Special hazard vehicle 24-3
Special improvement, improvement, the making of a special improvement, make any special improvement 12-1
Special improvements 32-16
Special interest areas 15-66
Special license plates 24-242
Special mobile equipment 24-3
Specially constructed vehicle 24-3
Speed hump 22-1.2
Speed limit 24-3
Sponsor 2-238
Sponsorship 2-238
Sponsorship agreement 2-238
Sponsorship recognition 2-238
Stand or standing 24-3
Standard of fairness principles 36-1
Start of construction 27-12
State 1-4, 2-225, 27-12
State Fire Code 26-2-2
Statutes 1-4
Sterilized dog 4-1
Stockpiling 10-1
Stop 24-3
Stop or stopping 24-3
Store 26-2-2
Stray 4-1
Street 1-4, 3-3, 14-80, 22-1.2, 23-3, 24-3, 25-1-5
Street frontage 25-1-5
Street plug 23-3
Structural observation 5-71
Structure 25-1-5, 27-12
Structures 15-66
Student 18-1
Subdivided land 23-3
Subdivider 8-2, 23-3
Subdivision 8-2, 21-2, 34-3
Substantial damage 27-12
Substantial improvement 27-12
Supervising electrician 9-5
Supervising specialty electrician 9-5
Supplemental improvements 35-1
Supplemental services and improvement area 35-1
Supplemental services and improvements 35-1
Surveyor 23-3, 25-1-5
Suspended solids 21-2
Swill 20-31
Targeted area 33-2
Tax increment 33-2
Tax increment bonds 33-2
Tax increment district 33-2
Tax increment financing plan 33-2
Tax increment fund 33-2
Taxi or taxicab 18-1
Taxicab 18-31, 24-3
Taxicab company 18-31
Taxicab driver 18-31
Telecommunications antenna 25-1-5
Television production 26-2-2
Temporary fireworks storage building or structure 26-2-2
Temporary painted window sign 3-3
Temporary removable windshield placard 24-242
Temporary sign 3-3
Tenant 1-4

Rescue expense recovery
 Definitions 2-167
 Gross negligence incurs liability 2-168
 Recovery procedures 2-169
 Revenue report 2-12.6
 Revolving fund
 County housing program 2-74
 Self-insurance fund
 Administration of the fund 2-160
 Appropriations 2-157
 Creation 2-156
 Dissolution of the fund 2-159
 Expenditures from 2-158
 Funding of 2-157
 Special assessments for improvements 12-1
 et seq.
 See: PUBLIC WORKS AND
 IMPROVEMENTS
 Sponsorship, commercial
 County assets 2-237 et seq.
 Staff expenses of various boards,
 departments, etc.
 See specific boards, departments, other
 agencies as indexed
 Transit operations coordinator as chief
 administrator
 County transportation commission, as to
 18-4
 See: PUBLIC TRANSPORTATION
 (Common Carriers)
 Travel and other expenses
 Adjustments and exceptions 2-98
 Contracts
 Conflicts with employee contracts 2-
 102
 Entitlement 2-92
 Funds for travel expenses 2-99
 Other allowable expenses 2-97
 Overnight travel expenses 2-95
 Planning department expenses 2-27
 Private automobiles, compensation for
 use 2-101
 Reports 2-100
 Travel authorization 2-94
 Travel status 2-93
 Volunteer fire personnel 2-20
 See: FIRE DEPARTMENT
 Treasurer
 Official bonds 2-2
 Uncollectible accounts
 Definitions 2-108
 Procedure; records 2-109
 Warrants, issuance 2-11

FINANCIAL RESPONSIBILITY

Golf carts 24-182

FINES, FORFEITURES AND PENALTIES

County streets 22-8.1 et seq.
 General Penalty, for violation of code 1-10
 Minors, intoxicating liquor, penalty 13-10
 Toy rifles forfeited to county, when 13-15
 Toy rifles provision, penalty 13-16
 Violation of Charter 1-11

FIRE ALARMS

Inspection tag 26-1-31
 Out of service 26-1-8

FIRE BOARD OF APPEALS

Appeals 26-3-4
 Board established 26-3-2
 Decisions 26-3-7
 Powers, duties, functions 26-3-3

FIRE CODE

Adopted 26-1-1
 Agricultural fires 26-1-19
 Alternative water supply 26-1-42
 Assemblies, places of 26-1-12, 26-1-16,
 26-1-43, 26-1-44, 26-1-47
 Changes to buildings 26-1-3
 Construction 26-1-33
 Cooking 26-1-19, 26-1-24, 26-1-45, 26-1-46,
 26-1-48, 26-1-49, 26-1-55
 False alarms 26-1-30
 Fire alarms 26-1-8, 26-1-31
 Fire department access roads 26-1-35 to
 26-1-41
 Fire detection system or equipment 26-1-17,
 26-1-18
 Fire education 26-1-11
 Fire hazard abatement 26-1-19
 Fire hydrants
 Fire department access roads, grade
 26-1-41
 Obstructions, encroachments, etc.,
 26-1-25, 26-1-26
 Use and restriction 26-1-34
 Fire suppression system or equipment
 26-1-17, 26-1-18
 Fires for dangerous material disposal
 26-1-19
 Fires for firefighting training 26-1-19

FIRE CODE

Fires for the prevention or control of disease or pests 26-1-19
Fires for residential bathing 26-19
Fires for the prevention or control of disease or pests 26-1-19
Fires for residential bathing 26-19
Fireworks
Permit required, types, fees 26-1-12, 26-1-13
Hawai'i State Fire Code 26-1-1
Heating, ventilation, air-conditioning 26-1-24
Inspections and tests
Authority 26-1-23
Inspection tags 26-1-17
Sprinkler 26-1-29
Standpipe 26-1-27
Investigations 26-1-4
Liquified petroleum gases 26-1-12, 26-1-51 to 26-1-56
Obstructions, access to Fire dept. connections 26-1-25, 26-1-26
Occupant load increase 26-1-32
Open fires, incinerators, and commercial fireplaces 26-1-19
Permits and fees
Fees 26-1-13
Required 26-1-12
Site plan required 26-1-22
Plans and specifications, when required 26-1-5, 26-1-14
Portable fire extinguishers 26-1-17, 26-1-19, 26-1-55
Premises identification 26-1-20
Recreational, decorative, or ceremonial fires 26-1-19
Smoking provisions
See: SMOKING
Standby and fire watch 26-1-6 to 26-1-10
Tents and air supported structures
Authority to inspect 26-1-23
Cooking operations affiliated with 26-1-45
Permits required 26-1-12
Violations and penalties 26-1-15

FIRE DEPARTMENT

Duties in general 2-15
Executive branch; departments, etc., under direct supervision of managing director 2-6
Fire chief
Appointment, qualifications 2-13
Powers, duties and functions 2-14
Fire commission

General 2-15
Powers, duties and functions 2-15.1
Fires, firemen to direct traffic, at 24-13
Mileage reimbursements
Volunteer Fire Personnel 2-20
Traffic laws re 24-6
See: TRAFFIC
Volunteer fire department
Appointment of other personnel 2-18
Benefits 2-23
Extent of coverage 2-24
Compensation and benefits 2-23 et seq.
Coordination with regular fire departments 2-21
County fire-fighting equipment, use 2-22
Created 2-16
Extent of coverage 2-24
Head of 2-17
Travel allowance 2-20
Volunteer fire stations 2-16.1
Volunteer personnel 2-19
Coordination of volunteer and regular fire departments 2-21
Travel allowance 2-20
Mileage reimbursement 2-20
Volunteers not members of volunteer fire department 2-26
Wages, computation 2-25

FIRE EXTINGUISHING SYSTEMS

Applicable building code amendments
See: BUILDINGS

FIRE HAZARDS

Fire chief, duties 2-14

FIRE HYDRANTS, FIRE ESCAPES, ETC.

Camping within certain distance 15-42(d)
Fire code 26-1-25, 26-1-26, 26-1-34, 26-1-41
Parking within certain distance 24-190
Special assessments for improvements 12-1 et seq.
See: PUBLIC WORKS AND IMPROVEMENTS

FIRE PREVENTION

Fire chief, duties 2-14, 26-1-11

FIREARMS, WEAPONS AND EXPLOSIVES

Agency
Defined 14-7(a)(1)
Investigation 14-11
Permit required for agency 14-10

RADIOACTIVE WASTES

Prohibited garbage collection materials
20-40

See: GARBAGE AND TRASH

Sewer wastes prohibited 21-9

Other sewer regulations. See: WATER
AND SEWERS

RADIOS

Noise control provisions 14-17 et seq.

See: NOISE CONTROL

Park and recreational area restrictions, etc.
15-8 et seq.

See: PARKS AND RECREATION

Use of audio devices in parks 15-19

RADIUM

Nuclear energy 14-44 et seq.

See: NUCLEAR ENERGY

RAGS, FEATHERS, TAR

Sewer wastes prohibited 21-9

Other sewer regulations. See: WATER
AND SEWERS

RAILROADS

Common carrier regulations 18-1 et seq.

See: PUBLIC TRANSPORTATION
(Common Carriers)

REAL ESTATE OFFICES

Certain zoning provisions re 25-4-8

REAL PROPERTY

Acquisition and disposition 2-110 et seq.

See: PROPERTY

County property in general. See: PROPERTY

See: DEVELOPMENT AGREEMENTS

REAL PROPERTY TAXES

Abstract of registered conveyances 19-11

Actions

District court judges, jurisdiction 19-8

Adjustments 19-22

Alternate energy improvements exemptions

19-82

Amendments

Assessment list to conform to decision on
appeals 19-103

Appeals

Assessment list

Amendments to conform to decisions
19-103

Board of review

Appeals to 19-99

Created, appointment, removal,
compensation 19-96

Powers, procedures before, duties
19-97

Cost; etc.

Cost; taxation 19-101

Deposit for an appeal 19-100

Grounds 19-93

Persons under contractual obligation
19-92

Second appeal 19-94

Small claims 19-95

Tax appeal court 19-98

Taxes paid pending appeal 19-102

Taxpayers appeals 19-91

Assessment lists

Amendment to conform to decision on
appeal 19-103

See herein: Appeals

Changes, etc. 19-21

Assessments

Appeals 19-91 et seq.

See herein: Appeals

Assessment lists, preparation 19-28

Director, duties 19-3(1)

Mistakes and names on notices, etc.

Assessments not invalidated 19-29

Nontaxable property 19-67

Non-dedicated agricultural use 19-57

Notice

Addresses of persons entitled to 19-27

Rates; levy 19-46 et seq.

See herein: Rates; Levy

Reassessments 19-34

Tax rolls. See herein: Tax Bills, Payments
and Penalties

Bills. See herein: Tax Bills, Payments and
Penalties

Blind persons

Tax exemptions. See herein: Exemptions

Board of review

Appointment, removal, etc. 19-96 et seq.

See herein: Appeals

REAL PROPERTY TAXES

Claims

Exemptions 19-68 et seq.
See herein: Exemptions

Closing agreements

Director, responsibilities 19-3(15)

Collections. See also herein:

Payments Director
Powers and duties 19-3(2), 19-7
District court judges, as to 19-8
Responsibility of director 19-9
Tax collection, general duties 19-7

Compromises

Director, approval 19-3(12)

Contractual obligations

Appeals by persons under 19-92
See herein: Appeals

Conveyances

Abstracts of registered conveyances, etc.
19-11

Co-partnerships

Assessments of property 19-50

Corporation

Assessments of property 19-50

Corporation counsel

Legal representation 19-10

Corporations and co-partnerships

Returns of 19-15

Correction of error

Adjustment and refund 19-22

Court appeals. See herein: Appeals

Credit Union exemption 19-89.2

Credits

Solar water heater tax credit 19-104

Dedicated lands 19-58 et seq.

Tax maps; valuations. See herein that
subject

Delinquent penalties and interest

Remission, duties of director 19-3(14)

Delinquent taxes

Director, responsibility 19-9
Tax bills, payments and penalties 19-30
et seq.
See herein: Tax Bills, Payments and
Penalties

Department of finance

Neglect of duty by officer, etc. 19-25

Determination of rates

Generally, definitions, purposes, etc. 19-
90

Director

Copies of corporation exhibits, etc.,
furnished to 19-11

Corporation counsel as legal
representative, etc. 19-10

Duties and responsibilities 19-3

Hearings and subpoenas 19-5

Neglect of duty, etc. 19-25

Oath or affirmation, administration 19-4

Responsible for collection and
administration of delinquent taxes 19-9

Specific duties. See elsewhere herein
specific subjects

Disabled persons

Exemptions 19-73 et seq.
See herein: Exemptions

Disabled veterans

Exemptions 19-78

District court judges

Jurisdiction 19-8

Due date

Falling on Saturday, Sunday or holiday
19-20

Remittance or document due date 19-20

Enforcement

Penalties, enforcement 19-3(4)

Errors

Adjustments and refunds 19-22

Evidence

Tax records as 19-19

Examination, inspection of property

Director, duties 19-3(8)

Exemptions

Agriculture

Crop shelters 19-79

Alternate energy improvements 19-82

Blind persons 19-75

Charitable, etc., purposes 19-77

Claims for certain exemptions 19-68

Credit Unions 19-89.2

Crop shelters 19-79

Deaf persons 19-75

Dedicated lands

Commercial agricultural use dedication
19-2, 19-60

Native forest dedication 19-59

Urban districts, in 19-80

Definitions 19-72

Disabled or handicapped persons 19-75

Enterprise Zone 19-89.3

Hansen's disease, victims of 19-74

- Hawai'i Island housing trust 19-89.4
- Hawaiian home lands 19-89
 - Exemptions. See herein: Exemptions
- Hearing impaired persons 19-75
- Historic residential real property
 - dedicated for preservation 19-89.1
- Home, lease, leases, etc., defined 19-72
- Homes 19-71
 - Totally disabled persons 19-75
- Hospitals
 - Nonprofit medical, etc., associations 19-76
- Housing
 - Low and moderate-income housing 19-87
- Leprosy victims 19-74
- Lessees of exempt real property 19-85
- Low and moderate-income housing 19-87
- Manufacturing
 - Pulp and paper manufacturer 19-78
- National Housing Act
 - U.S. property lease under 19-86
- Nonprofit medical, hospital indemnity associations 19-76
- Nonprofit organizations
 - Charitable purposes 19-77
- Partial exemptions, assignment of 19-70
- Persons with impaired sight or hearing, etc. 19-75
- Public property, etc. 19-84
- Pulp and paper manufacturer 19-78
- United States property
 - Leased under National Housing Act 19-86
- Urban districts
 - Dedicated lands in 19-80
- Veterans
 - Home of 100 percent disabled or 100 percent unemployable veterans 19-73
- Federal or other tax officials
 - Inspection of returns, reciprocal provisions 19-17
- Fiduciaries
 - Liability for taxes, etc. 19-51
- Foreclosures. See herein: Liens, Foreclosure
- Forest dedication 19-59
- Forms, prescribing 19-3(5)
- Handicapped persons
 - Tax exemptions. See herein: Exemptions
- Hansen's disease
 - Exemptions for persons with 19-74
- Hawaiian home lands
 - Exemptions. See herein: Exemptions
- Hearing impaired persons
 - Tax exemptions. See herein: Exemptions
- Hearings and subpoenas 19-5
- Historic residential real property, etc., exemptions 19-89.1
- Homes, exemptions 19-71
 - See herein: Exemptions
- Jurisdiction
 - District court judges 19-8
- Leased property exemptions. See herein: Exemptions
- Legal representative 19-10
- Legislation, recommendations
 - Director, duties 19-3(9)
- Levy, See also herein: Rates; Levy
 - Determination of rates 19-90
- Liability
 - Fiduciaries, liability of 19-51
- Liens, foreclosure
 - Co-owners' rights 19-37
 - Costs 19-43
 - Foreclosing, limitations 19-37
 - Notice of sale 19-40
 - Postponement of sale 19-41
 - Registered land 19-39
 - Surplus money, disposition 19-45
 - Tax deeds
 - Evidence, as 19-44
 - Redemption 19-42
 - Tax liens 19-37
- Mail, notice
 - Timely mailing treated as timely filing and paying 19-6
- Maps
 - Providing 19-3(6)
 - Records open to public 19-18
 - Tax maps; valuations et seq. See herein: Tax Maps; Valuations
 - Tax records as evidence 19-19
- Mayor
 - Director to report to 19-3(10)
- Mentally handicapped persons
 - Tax exemptions. See herein: Exemptions
- Misdemeanor
 - Abetting, etc. 19-24
 - District court judges, jurisdiction 19-8

REAL PROPERTY TAXES

- Neglect of duty, etc. 19-25
- Penalty 19-26
- Multi-state tax commission
 - Inspection of returns, reciprocal provisions 19-17
- Native forest dedication 19-59
- Nontaxable property; assessment
 - Nontaxable property, generally 19-67
- Notices
 - How given 19-16
 - Mistakes and names on notices do not invalidate assessments 19-29
 - Notice of assessment. See herein:
 - Assessments
- Oath, affirmation, etc.
 - Director may administer 19-4
- Officer or employee
 - Neglect of duty, etc. 19-25
 - Partial exemptions. See herein:
 - Exemptions
- Payments. See also herein: Collections
 - Partial payment of taxes 19-23
 - Tax bills, payments and penalties 19-30 et seq.
 - See herein: Tax Bills, Payments and Penalties
- Penalties
 - Enforcement 19-3(4)
 - Tax bills, payments and penalties 19-30 et seq.
 - See herein: Tax Bills, Payments and Penalties
- Physically handicapped persons
 - Tax exemptions. See herein: Exemptions
- Prosecuting attorney
 - Legal representation 19-10
- Purpose of provisions 19-1
- Rates; levy
 - Assessment of property
 - To whom in general 19-48
 - Corporations or co-partnerships 19-50
 - Determination of rates 19-90
 - Fiduciaries, liability 19-51
 - Imposition of real property taxes on reclassification 19-49
 - Tax base and rate 19-46
 - Tax year 19-47
 - Time as of which levy and assessment made 19-47
 - Unknown owners 19-52
- Reassessments 19-34
 - See also herein: Assessments
- Records
 - Adjustment 19-22
 - Evidence, tax records as 19-19
 - Open to public 19-18
- Refunds 19-22
- Registered conveyances. See herein:
 - Conveyances
- Remissions
 - Acquisition by government
 - Remission of taxes on 19-35
 - Cases of certain disasters
 - Remission of taxes in 19-36
- Remittance
 - Due date 19-20
- Returns
 - Corporations and co-partnerships 19-15
 - Federal or other tax officials permitted to inspect 19-17
 - Fiduciaries, by 19-14
 - Generally 19-12
 - Inspections, reciprocal provisions 19-17
 - Signing 19-13
- Revenue laws, construction of 19-3(3)
- Rules and regulations
 - Director to promulgate 19-3(11)
 - Retroactivity of rulings 19-3(13)
- Saturday, Sunday or holiday
 - Due date on 19-20
- Small claims
 - Protesting taxpayers appeals 19-95
 - See herein: Appeals
- Solar water heater
 - Tax credit 19-104
- Subpoenas. See herein: Hearings and Subpoenas
- Surplus money, disposition
- Tax lien foreclosures, from 19-45
- Tax appeal court 19-98
 - See herein: Appeals
- Tax bills, payments and penalties
 - Assessment of unreturned or omitted property Review, penalty 19-33
 - Billing and delinquent date 19-31
 - Installment payments 19-31
 - Penalty for delinquency 19-32
 - Reassessments 19-34

Taxes due, when 19-31
Tax rolls, tax bills 19-30
Tax collection. See herein: Collection
Tax liens. See herein: Liens, Foreclosure
Tax maps; valuations
 Certain lands dedicated for residential use 19-58
 Certain lands dedicated to nonspeculative residential use. Only renewal petitions will be accepted. 19-58.1
 Dedicated lands 19-58 et seq.
 Nonspeculative residential use assessment 19-58.2
 Rates; levy
 Valuation
 Consideration in fixing 19-53
 Dedicated lands 19-58 et seq.
 Golf course assessments 19-56
 Public utilities 19-53.1
 Residential use
 Certain lands dedicated for 19-58
 Water tanks 19-81
Tax records. See herein: Records
Tax year 19-47
Taxes paid pending appeals 19-102
 See herein: Appeals
Timely mailing treated as timely filing and paying 19-6
Unknown owners
 Assessment of property of 19-52
Unreturned or omitted property
 Assessment of 19-33
Valuations
 Tax maps; valuations 19-53 et seq.
 See herein: Tax Maps; Valuations
Veterans exemptions 19-73
 See herein: Exemptions
Violations
 Enforcement of penalties 19-3(4)

RECORDS

See: PUBLIC RECORDS

RECREATION

See: PARKS AND RECREATION

RECREATIONAL VEHICLES

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

RED LANTERNS

Placement of warning devices near vehicles with explosives, etc. 24-127

REDISTRICTING

Alternate Plan Consideration 36-8
Commissioner training 36-2
Criteria Additional 36-4
Deviation Council District, Maximum 36-6
Established 36-3
Final plan challenges to 36-11
Public, proposed by 36-7
Total 36-5
Written report 36-10

REFRIGERATORS

Removal of lock required 20-39

REFUNDING BONDS

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

REFUSE

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

REGISTRATION

Dog licenses 4-20
 See: ANIMALS AND FOWL
Lobbyist registration 2-91.3
 See: CODE OF ETHICS
Vehicle registration fees 24-19
 Other fees. See: TRAFFIC
Voter registration in general 2-121 et seq.
 See: ELECTIONS

RELOCATION

Geothermal relocation program 2-177 et seq.
See: GEOTHERMAL RELOCATION PROGRAM

REMNANTS

REMNANTS

Real property disposition 2-118

RENTAL CARS

Travel and other allowable expenses for personnel 2-97

See: FINANCES

REPEAL OF ORDINANCES

Effect of repeal of resolution or ordinance on rights accrued 1-7

RESCUE EXPENSES

Recovery, generally 2-167 et seq.

See: FINANCES

RESEARCH AND DEVELOPMENT

Department 2-36 et seq.

See: DEPARTMENT OF RESEARCH AND DEVELOPMENT

RESIDENCES

Park and recreational area restrictions, etc. 15-8 et seq.

See: PARKS AND RECREATION

RESIDENTIAL USE

Certain lands dedicated for

Valuation for taxation 19-58

See: REAL PROPERTY TAXES

RESOLUTIONS

Effect of repeal of resolutions or ordinance as to revival, etc. 1-6

Repeal, effect on rights accrued 1-7

RESTAURANTS

Animal prohibitions, places prohibited 4-18

Animals in general. See: ANIMALS AND FOWL

Minors curfew, etc. 13-1, 13-5

RETAIL STORES

Animal prohibitions, places prohibited 4-18

REVENUE BONDS

Special assessments for improvements 12-1 et seq.

See: PUBLIC WORKS AND IMPROVEMENTS

REVENUE OF COUNTY

See: FINANCES

REVENUE LAWS

Real property taxes, as to 19-3(3)

See: REAL PROPERTY TAXES

REVISED STATUTES

See: STATUTES

REVIVAL

Effect of repeal of resolution, ordinances, etc. 1-6

RICKSHAW-TYPE VEHICLES

Pedicabs 24-186.2 et seq.

See: TRAFFIC

RIFLES

Toy rifles used by minors 13-11 to 13-16

See: MINORS

Weapons regulations 14-7 et seq.

See: FIREARMS, WEAPONS AND EXPLOSIVES

RIGHTS-OF-WAY

Impeding, obstructing or endangering the public, etc. 22-2.4

Real property acquisition and disposition 2-110 et seq.

See: PROPERTY

Subdivision regulations 23-1 et seq.

See: SUBDIVISIONS

RIOT GUNS

Weapons regulations 14-7 et seq.

See: FIREARMS, WEAPONS AND EXPLOSIVES

ROADS, ROADWAYS, ETC.

Outdoor lighting 14-50 et seq.

See: OUTDOOR LIGHTING

ROCKS, LAVA ROCK, ETC.

Removal of beach composition from certain parks 15-6

LEGISLATIVE HISTORY TABLE

Ordinances are listed by the Code chapter affected.

Abbreviations:

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

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
1	General Provisions							
2	Administration	15-65A, 15-95A, 15-97A, 15-103A		17-42A	18-25A, 18-32A, 18-34A, 18-74A	19-29A, 19-75A, 19-105A, 19-112A		
3	Signs	15-46A						
4	Animals							
5	Building			17-56A				
6	Businesses							
7	Civil Defense							
8	Dedication of Land							
9	Electricity							

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
10	Erosion and Sedimentation Control							
11	Housing							
12	Improvements by Assessments							
13	Minors							
14	General Welfare	15-11A, 15-51A, 15-70A	16-75A, 16-107A, 16-114A	17-55A	18-61A	19-43A		
15	Parks and Recreation	15-52A, 15-60A	16-111A, 16-112A, 16-113A	17-54A, 17-57A, 17-61A	18-2A, 18-20A, 18-21A, 18-22A, 18-44A, 18-56A, 18-61A, 18-83A	19-3A, 19-43A		
16	Planning		16-77A	17-66A	18-78A			
17	Plumbing							
18	Public Transportation		16-95A, 16-108A					
19	Real Property Taxes			17-41A	18-88A			
20	Refuse	15-114A		17-63A	18-5A, 18-82A	19-85A, 19-95A		
21	Sewers					19-21A		

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

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
25	Zoning	15-33A, 15-44A, 15-45A	16-98A	17-31A	18-114A,	19-100A		
25	Zoning Annex	15-1A, 15-2A, 15-34A, 15-35A, 15-37A, 15-41A, 15-50A, 15-72A, 15-96A, 15-104A, 15-105A, 15-106A, 15-116A, 15-117A, 15-118A	16-10A, 16-16A, 16-18A, 16-34A, 16-45A, 16-46A, 16-48A, 16-49A, 16-50A, 16-79A, 16-80A, 16-81A, 16-82A, 16-84A, 16-85A, 16-86A, 16-87A, 16-99A	17-6A, 17-7A, 17-8A, 17-9A, 17-14A, 17-16A, 17-24A, 17-32A, 17-50A, 17-65A, 17-70A, 17-74A	18-1A, 18-31A, 18-75A, 18-95A, 18-96A, 18-97A	19-1A, 19-4A, 19-12A, 19-16A, 19-17A, 19-26A, 19-27A, 19-28A, 19-34A, 19-38A, 19-39A, 19-51A, 19-57A, 19-58A, 19-67A, 19-88A, 19-90A, 19-92A, 19-113A		
26	Fire		16-107A		18-15A			
27	Flood Control			17-56A	18-25A			

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

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
19-85	07-19-19	Polystyrene foam food container and food service ware reduction	20-60, 20-62, 20-66
19-86	07-19-19	General Obligation Bond (\$10,000,000 – Nā‘ālehu Wastewater Treatment and Disposal System and Drainage Modifications, Nā‘ālehu Wastewater Collection System, Nā‘ālehu Sewage Pump Station and Force Main)	--
19-87	07-19-19	General Obligation Bond (\$37,000,000 – Pāhala Wastewater Collection System and Pāhala Large Capacity Cesspool Conversion)	--
19-88	08-08-19	North Hilo District Zone Map	ZA
19-89	08-08-19	Capital improvements budget	--
19-90	08-21-19	City of Hilo Zone Map	ZA
19-91	09-18-19	Kona Community Development Plan	--
19-92	09-18-19	City of Hilo Zone Map	ZA
19-93	09-18-19	Operating budget	--
19-94	09-18-19	Operating budget	--
19-95	10-16-19	Amend definition of “Public Property”	20-31
19-96	10-16-19	Capital improvements budget	--
19-97	10-16-19	Operating budget	--
19-98	10-16-19	Operating budget	--
19-99	10-16-19	Amends Ord. No. 19-22 (2018 Lava Disaster Relief Account)	--
19-100	10-30-19	General administration and zoning district regulations for indoor and major outdoor amusement and recreation facilities	25-2-61, 25-5-3, 25-5-22, 25-5-32, 25-5-102, 25-5-142, 25-5-152
19-101	10-30-19	Capital improvements budget	--
19-102	10-30-19	Operating budget	--
19-103	10-30-19	Operating budget	--
19-104	10-30-19	Operating budget	--
19-105	11-21-19	Annual revenue report	2-12.6
19-106	11-21-19	Operating budget	--
19-107	12-04-19	Capital improvements budget	--
19-108	12-04-19	Capital improvements budget	--
19-109	12-04-19	Capital improvements budget	--
19-110	12-04-19	Operating budget	--
19-111	12-04-19	Operating budget	--
19-112	12-17-19	Environmental management commission	2-207

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
19-113	12-17-19	City of Hilo Zone Map	ZA
19-114	12-17-19	Operating budget	--
19-115	12-17-19	Operating budget	--
19-116	12-17-19	Operating budget	--

